



**PLANNING COMMISSION AGENDA**  
**MEETING OF JUNE 17, 2021**  
**Council Chambers, City Hall South, 1501 Truxtun Ave**  
**Regular Meeting 5:30 P.M.**

[www.bakersfieldcity.us](http://www.bakersfieldcity.us)

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**1. ROLL CALL**

**LARRY KOMAN, CHAIR**  
**BARBARA LOMAS, VICE-CHAIR**  
**ZACHARY BASHIRTASH**  
**CASSIE BITTLE**  
**MICHAEL BOWERS**  
**DANIEL CATER**  
**PATRICK WADE**

**SPECIAL NOTICE**

**Public Participation and Accessibility**  
**June 17, 2021 Bakersfield Planning Commission**

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 COVID-19, THE PLANNING COMMISSION MEETING OF JUNE 17, 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 <https://www.bakersfieldcity.us/543/Meeting-Broadcasts-Videos> 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.
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- 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 June 3, 2021.  
Staff recommends approval.

## 5. CONSENT PUBLIC HEARINGS

Ward 1

- a. **Vesting Tentative Parcel Map 12377:** Cornerstone Engineering Inc. is proposing to subdivide 40.1 acres into 20 buildable parcels and three sump lots for industrial use located at the northeast corner of East Brundage Lane and Washington Street. Mitigated Negative Declaration is on file.  
Staff recommends approval.

Ward 5

- b. **Vesting Tentative Tract Map 7381 (Phased):** McIntosh and Associates is proposing to subdivide 16.89 acres into 57 multiple-family residential lots, 2 Public Landscape Lots, and 1 Drainage Sump lot located north of Panama Lane and on the east side of Old River Road. Negative Declaration on file.  
Staff recommends approval.

Ward 5

- c. **Vesting Tentative Tract Map 7390:** Palmetto Engineering and Land Surveying is proposing to subdivide 2.21 acres into 8 lots for single family residential purposes located at the western end of Vista Fuego Drive. Addendum to a Mitigated Negative Declaration on file.  
Staff recommends approval.

Ward 3

- d. **Conditional Use Permit No. 21-0164:** Cornerstone Engineering, Inc. is proposing a conditional use permit to allow on-site alcohol sales at an existing restaurant (17.22.040.A) in the C-1 (Neighborhood Commercial Zone) district located at 5836 Comanche Drive. Notice of Exemption on file.  
Staff recommends approval.

## 6. NON-CONSENT PUBLIC HEARINGS

Ward 1

- a. **Zoning Modification No. 21-0103:** Jean Claude Castets is proposing a zoning modification to allow a wall height of 6 feet and 8 feet within the front yard setback where a maximum 4 feet is allowed (17.08.180.A) in the R-1 (One Family Dwelling Zone) district located at 7806 Rose Bay Court. Notice of Exemption on file.  
Staff recommends approval.

Ward 3

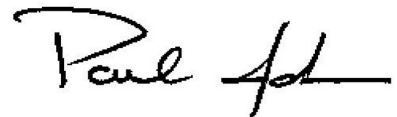
- b. **General Plan Amendment/Zone Change No. 20-0172:** LAV/Pinnacle Engineering is requesting: (1) an amendment of the Land Use Element designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) or a more restrictive designation; and (2) a change in zone classification from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) or a more restrictive district, on 15.45 acres located at the Northwest corner of Fairfax Road and College Avenue. Mitigated Negative Declaration on file. *Continued from June 3, 2021.*

Staff recommends the Planning Commission render a decision.

## 7. COMMUNICATIONS

## 8. COMMISSION COMMENTS

## 9. ADJOURNMENT



Paul Johnson  
Planning Director



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** June 17, 2021

**ITEM NUMBER:** 1.()

**TO:**

**FROM:**

**PLANNER:**

**DATE:**

**WARD:**

**SUBJECT:**

**LARRY KOMAN, CHAIR**

**BARBARA LOMAS, VICE-CHAIR**

**ZACHARY BASHIRTASH**

**CASSIE BITTLE**

**MICHAEL BOWERS**

**DANIEL CATER**

**PATRICK WADE**

### **SPECIAL NOTICE**

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#### **June 17, 2021 Bakersfield Planning Commission**

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**APPLICANT:**

**OWNER:**

**LOCATION:**

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**STAFF RECOMMENDATION:**



# COVER SHEET

## PLANNING DEPARTMENT STAFF REPORT

**MEETING DATE:** June 17, 2021

**ITEM NUMBER:** 4.(a.)

**TO:**

**FROM:**

**PLANNER:**

**DATE:**

**WARD:**

**SUBJECT:** Approval of minutes for the Regular Planning Commission meeting of June 3, 2021.

**APPLICANT:**

**OWNER:**

**LOCATION:**

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**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Minutes of June 3, 2021	Backup Material



## PLANNING COMMISSION MINUTES

Regular Meeting of June 3, 2021 – 5:30 p.m.  
Council Chambers, City Hall, 1501 Truxtun Avenue

### ACTION TAKEN

#### 1. ROLL CALL

Present: Chair Koman, Lomas, Bashirtash, Bittle, Bowers, Cater

Absent: Commissioner Wade

Staff Present: Viridiana Gallardo-King, Deputy City Attorney; Paul Johnson, DS Planning Director; Oscar Fuentes, Building Dept. Civil Engineer III; Susanna Kormendi, PWD Civil Engineer III; Manpreet Behl, Civil Engineer IV; Marisa Iturralde, Secretary.

#### 2. PLEDGE OF ALLEGIANCE

#### 3. PUBLIC STATEMENTS

None

#### 4. CONSENT ITEMS

**a. Capital Improvement Program for Fiscal Year 2021-2022:** Resolution finding the Capital Improvement Program (CIP) is consistent with the *Metropolitan Bakersfield General Plan (MBGP)*. The CIP identifies project that will be constructed to maintain the City's existing streets, sewers, parks, etc., and new public facilities such as highway improvements, parks fires stations, etc., (Per CEQA Section 15378, CIP is not defined as a project; no environmental determination required.)

**b.** Approval of minutes for the Regular Planning Commission meeting of May 20, 2021.

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

**RES NO 19-21**

**APPROVED**

**WADE ABSENT**

5.

**CONSENT PUBLIC HEARINGS**

**ACTION TAKEN**

- a. **Vesting Tentative Parcel Map 12377:** Cornerstone Engineering Inc., is requesting to subdivide 40.1 acres into 20 industrial parcels and 3 sumps lots, located at the northeast corner of East Brundage Lane and Washington Street. Mitigated Negative Declaration on file.
- b. **Text Amendments to the Bakersfield Municipal Code:** by adding Sections 17.04.653 and 17.04.656; amending Sections 17.24.020 and 17.58.110 relating to wineries. Notice of Exemption on file.
- c. **General Plan Amendment/Zone Change No. 20-0109:** Frank A. Slinkard is requesting (1) an amendment of the Land Use Element designation from OC (Office Commercial) to HR (High Density Residential) or a more restrictive designation; and (2) a change in zone classification from C-O (Commercial and Professional Office) to R-3 (Multiple Family Dwelling Zone) or a more restrictive district, on 0.68 acres located at 4021 Mt. Vernon Avenue. Mitigated Negative Declaration on file.
- d. **General Plan Amendment/Zone Change No. 20-0339:** Justin Batey is requesting: (1): an amendment of the Land Use Element designation from LR (Low Density Residential) to LI (Light Industrial) or a more restrictive designation; and (2) a change in zone classification from R-1 (One Family Dwelling) to M-1 (Light Manufacturing) or a more restrictive district, on 3.5 acres located on Santa Fe Way approximately 0.25 miles south of Renfro Road. Mitigated Negative Declaration on file.
- e. **General Plan Amendment/Zone Change No. 20-0397:** Paul Dhanens Architect is requesting: (1) an amendment of the Land Use Element designation from GC (General Commercial) to HR (High Density Residential) or a more restrictive designation; and (2) a change in zone classification from R-2 (Limited Multiple Family Dwelling) and R-3 (Multiple Family Dwelling) to R-4 (High Density Multiple Family Dwelling) or a more restrictive district, on 0.64 acres located at 2323 Chester Lane. Mitigated Negative Declaration on file.
- f. **General Plan Amendment/Zone Change No. 21-0008:** Landmark Surveying and Engineering is requesting: (1) an amendment of the Land Use Element designation from OC (Office Commercial) to GC (General Commercial) or a more restrictive designation; and (2) a change in zone classification from C-O (Professional and Administrative Office) to C-1 (Neighborhood Commercial) or a more restrictive district, on 0.15 acres located at 1108 H Street. Mitigated Negative Declaration on file.

**CON'T to JUNE 17,  
2021**

**RES NO 20-21**

**REFERRED BACK  
TO STAFF**

**RES NO 21-21  
RES NO 22-21  
RES NO 23-21**

**RES NO 24-21  
RES NO 25-21  
RES NO 26-21**

**RES NO 27-21  
RES NO 28-21  
RES NO 29-21**

**ACTION TAKEN**

Public hearing opened and closed.

Motion by Commissioner Bowers, seconded by Commission Cater to approve Consent Public Hearing 5.b., 5.d., 5.e and 5.f. with all memorandum and staff recommendations; Item 5.a., is continued to June 17, 2021. Item 5.c., is referred back to staff. Motion approved.

**APPROVED**

**WADE ABSENT**

**6. NON-CONSENT PUBLIC HEARINGS**

**a. General Plan Amendment/Zone Change No. 20-0172:**  
LAV/Pinnacle Engineering is requesting: (1) an amendment of the Land Use Element designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) or a more restrictive designation; and (2) a change in zone classification from R-1 (One Family Dwelling) to R-2 (Limited Multiple Family Residential) and C-2 (Regional Commercial) or a more restrictive district, on 15.45 acres located at the Northwest corner of Fairfax Road and College Avenue. Mitigated Negative Declaration on file.

**Staff report given. Public hearing open. Four people spoke in favor. Ten people spoke in opposition. Both sides were given a five-minute rebuttal period. Public hearing closed. The Commission deliberated.**

**Motion by Commissioner Lomas, seconded by Commissioner Bowers to approve a continuance to June 17, 2021. Motion approved.**

**APPROVED**

**CON'T to  
JUNE 17, 2021**

**WADE ABSENT**

**7. COMMUNICATIONS**

Planning Director Paul Johnson stated there would be a Planning Commission meeting on June 17, 2021.

**8. COMMISSION COMMENTS**

None

**ACTION TAKEN**

**9. ADJOURNMENT**

There being no further business, Chair Koman adjourned the meeting at 7:50 p.m.

Marissa Iturralde  
Recording Secretary

Paul Johnson  
Planning Director



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** June 17, 2021

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

**TO:** Chair Koman and Members of the Planning Commission

**FROM:** Paul Johnson, Planning Director

**PLANNER:** Jennie Eng, Principal Planner

**DATE:**

**WARD:** Ward 1

**SUBJECT:**

**Vesting Tentative Parcel Map 12377:** Cornerstone Engineering Inc. is proposing to subdivide 40.1 acres into 20 buildable parcels and three sump lots for industrial use located at the northeast corner of East Brundage Lane and Washington Street. Mitigated Negative Declaration is on file.

**APPLICANT:** Cornerstone Engineering Inc.

**OWNER:** Big Washington

**LOCATION:** Northeast corner of East Brundage Lane and Washington St. in east Bakersfield.

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#### STAFF RECOMMENDATION:

Staff recommends approval.

#### ATTACHMENTS:

Description	Type
☐ Staff Report	Staff Report
☐ Map Set	Backup Material
☐ VTPM 12377	Backup Material
☐ Correspondence	Backup Material
☐ Mitigated Negative Declaration/Initial Study	Backup Material
☐ Mineral Production Report	Backup Material
☐ Resolution with Exhibits	Resolution



## FCITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 17, 2021

**AGENDA:** 5.a

**FILE:** Vesting Tentative Parcel Map 12377

**WARD:** 1

**STAFF PLANNER:** Jennie Eng, Principal Planner

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**REQUEST:** A proposed vesting tentative parcel map for industrial purposes containing 20 parcels, and 3 sump lots on 40.1 acres, zoned M-2 (General Manufacturing), including a request to waive mineral rights signatures pursuant to Bakersfield Municipal Code Section 16.20.060 A.4.

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**APPLICANT:** Cornerstone Engineering  
5509 Young Street  
Bakersfield, CA 93311

**OWNER:** Big Washington  
1332 Antioch St. #144  
Pacific Palisades, CA 90272

**PROJECT LOCATION:** Northeast corner of East Brundage Lane and Washington Street in east Bakersfield.

**APN:** 140-340-01 & -02

**PROJECT SIZE:** 40.1acres

**CEQA:** Section 15074 (Adoption of ND)

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**EXISTING GENERAL PLAN DESIGNATION:** SI (Service Industrial)

**EXISTING ZONE CLASSIFICATION:** M-2 (General Manufacturing),

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**STAFF RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Vesting Tentative Parcel Map 12377 with conditions.

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**SITE CHARACTERISTICS:** The project site is developed with large warehouse structures that was formerly used for cotton storage by Calcot. The surrounding area is primarily developed as: *north* – industrial; *south* – US Post Office and light industrial; *east* – *scrap and recycling yard*; *west* – vacant and light industrial buildings.

## **BACKGROUND AND TIMELINE:**

- April 15, 2021 – The application for Vesting Tentative Parcel Map 12377 was deemed complete.
- June 3, 2021 – This project was scheduled for consideration by your Commission. However, to provide adequate public notice of the proposal, the applicant shall post the site with signs 20 - 60 days before the Planning Commission hearing date. Onsite signs were not installed as required. Therefore, the request was continued to today, to allow time for the applicant to place onsite signs reflecting a hearing date of June 17, 2021.

## **PROJECT ANALYSIS:**

The proposed vesting tentative parcel map subdivision consists of 20 parcels and 3 sump lots on 40.1 acres for purposes of warehouse development. The parcels range in size from 1.27 acres to 2.46 acres, and the typical parcel size is approximately 2 acres. The proposed subdivision is consistent with the SI (Service Industrial) designation of the project site.

The project proposes to redevelop the former Calcot cotton warehouse properties by renovating the existing steel-framed warehouses for warehouse/light industrial rental units. The project is required to obtain approval through the Site Plan Review process to ensure all zoning and development standards are met.

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

**Circulation.** Access to this subdivision would be from East Brundage Lane (arterial) along the southern boundary and Washington Street (collector) on the west and Industrial Street (local) along the east boundary.

**Mineral Rights.** The applicant is requesting the Planning Commission approve waiver of mineral rights signatures on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.4 submitting a report (dated February 22, 2021) determining that mineral extraction from the project site is improbable. The report was prepared by Ken Frost, Certified Petroleum Geologist #5868. Staff recommends the Planning Commission accept the report and approve waiver of these signatures on the final map.

The project site is beyond the administrative boundaries of any California Department of Conservation's Division of Geologic Energy Management (CalGEM) oil or gas fields. There are no known wells on the property and no known active operators of record. If a well is uncovered, the subdivider must consult with CalGEM regarding proper abandonment of the well, in accordance with the municipal code.

Except as may otherwise be described in this staff report, the proposed project, subject to the conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

## **ENVIRONMENTAL REVIEW AND DETERMINATION:**

Based on an Initial Study, adoption of a Mitigated Negative Declaration ("MND") is proposed for Vesting Tentative Parcel Map 12377 by the Commission in accordance with the California Environmental Quality Act ("CEQA"). Mitigation measures related to Air Quality, Biological Resources, Cultural Resources and Traffic have been included to reduce impacts to less than significant and are attached to the resolution.

## **PUBLIC NOTIFICATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law. Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

**Comments Received.** CalTrans submitted a letter requesting additional information related to: (a) intersection analysis of East Brundage Lane at Dr. Martin Luther King Jr. Boulevard and Mt. Vernon Avenue; (b) data files; (c) expanded information regarding improvements to the SR 58 WB ramp at Brundage Lane as part of the Centennial Corridor project; and (d) provided recommendations to apply smart growth” principles for parking, alternative transportation, and reduction of greenhouse gas emissions. The applicant’s traffic engineering consultant updated the traffic study addressing Caltrans’ comments. Staff notes that mitigation measures are recommended requiring local traffic mitigation to make improvements or pay the project’s proportionate share to improving the intersections of East Brundage Lane with Dr. Martin Luther King Jr. Boulevard and Mt. Vernon Avenue. As of this writing, no other written public comments have been received.

## **CONCLUSIONS:**

**Consistency with General Plan and Zoning Ordinance.** The applicant has requested approval of Vesting Tentative Parcel Map 12377 to subdivide 40.1 acres into 20 buildable parcel and 3 sump lots on property designated SI in an M-2 zone. The purpose of this request is to facilitate development a warehouse facility on site by re-use/redevelopment of the former Calcot cotton warehouse structures. The proposal is consistent with land use goals and policies as contained in the General Plan, which encourages continuity of existing development and reutilization of older of developments. Additionally, any future development onsite will also be required to comply with all applicable regulations and design standards for consistency with the Zoning Ordinance.

**Recommendation.** Staff finds that the applicable provisions of CEQA have been complied with, and the proposal is compatible with the existing land use designation and land uses in the surrounding area. Staff finds the proposed subdivision is reasonable and the request to waive mineral rights is consistent with Bakersfield Municipal Code Section 16.20.060 A.4. Based on information in the record, Staff recommends your Commission adopt the Resolution and findings **APPROVING** Vesting Tentative Parcel Map 12377 as outlined in this staff report subject to the recommended conditions.

## **ATTACHMENTS:**

### Map Set

- Aerial
- Zone Classification
- General Plan Designation

Vesting Tentative Parcel Map 12377

Correspondence

Mitigated Negative Declaration/Initial Study

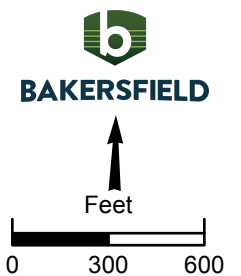
Planning Commission Draft Resolution

VTTM 7381

CITY OF BAKERSFIELD



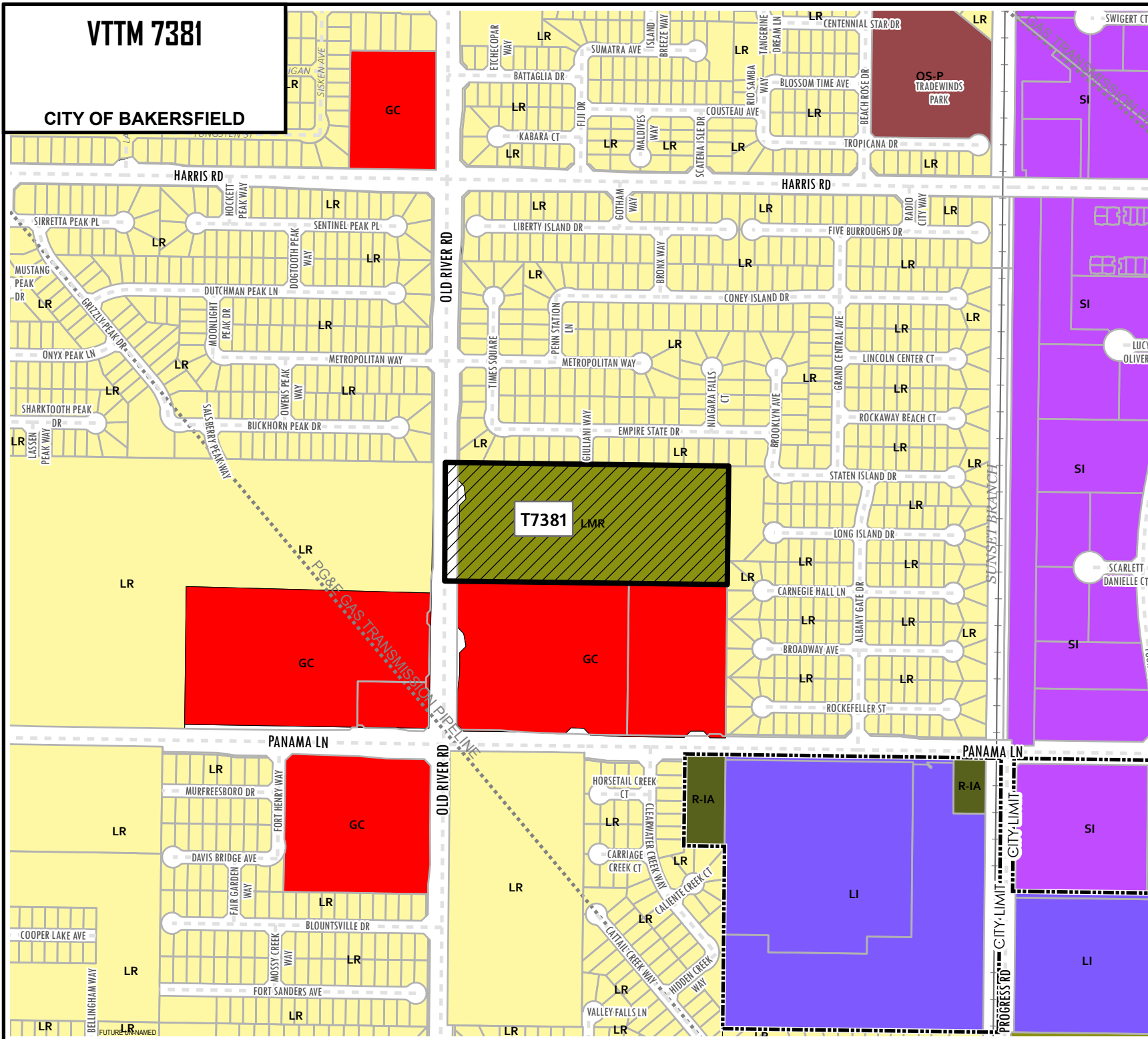
AERIAL



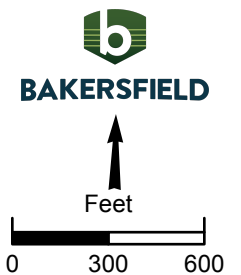
Document Name: 2021\_03\_06

VTTM 7381

CITY OF BAKERSFIELD

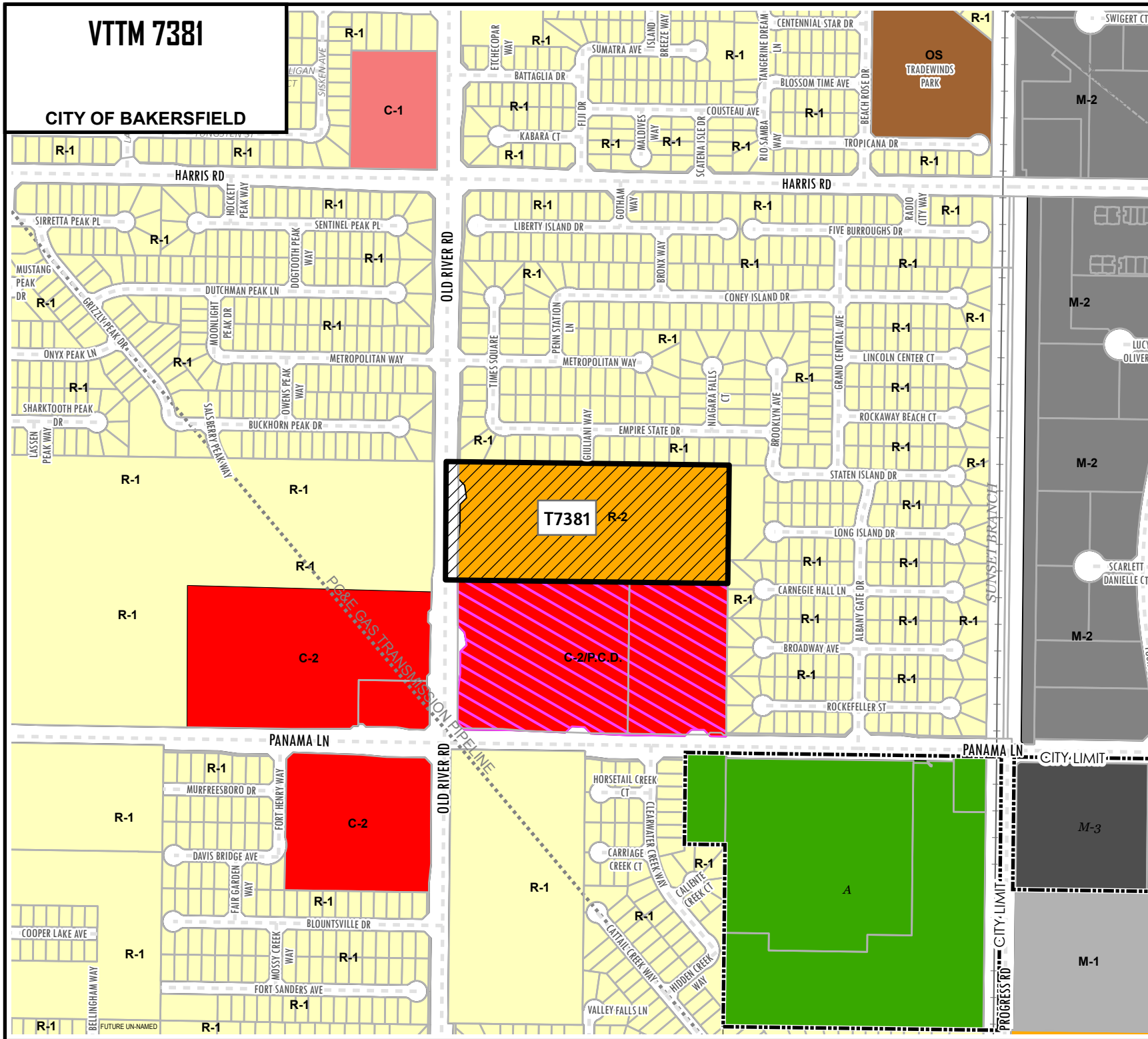


- Land Use
- RESIDENTIAL**
- LMR - Low Medium Density Residential:  $> 4$  units but  $\leq 10$  dwelling units/net acre
  - LR - Low Density Residential:  $\leq 7.26$  dwelling units/net acre
- COMMERCIAL**
- GC - General Commercial
- INDUSTRIAL**
- LI - Light Industrial
  - SI - Service Industrial
- OPEN SPACE**
- OS-P - Parks and Recreation
- RESOURCE**
- R-IA - Resource - Intensive Agriculture: 20 acre minimum parcel size



VTTM 7381

CITY OF BAKERSFIELD



Zoning

Commercial Zone Designations

- C-1 Limited Commercial
- C-2 Commercial
- C-2/P.C.D. Combining

Industrial Zone Designations

- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial

Resource Zone Designations

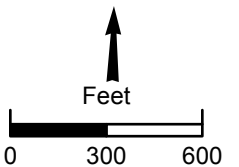
- A Agricultural
- OS Open Space

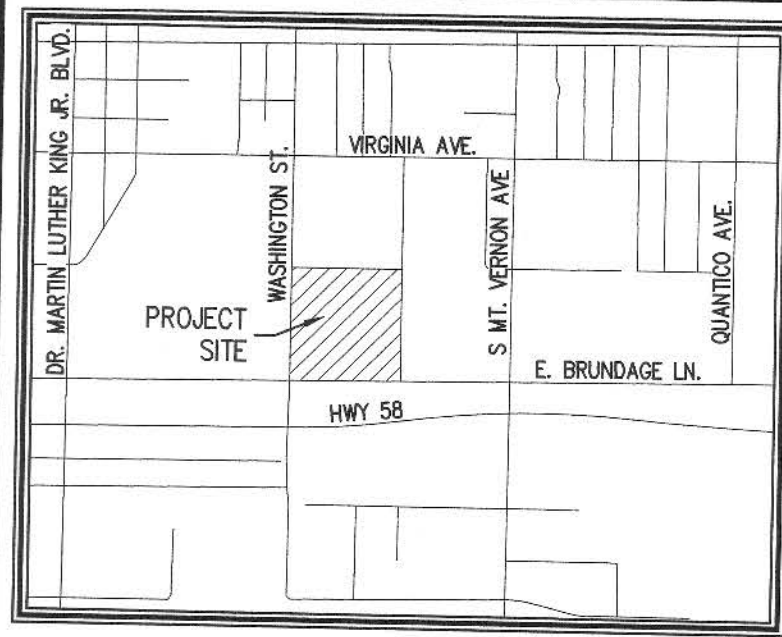
Residential Zone Designations

- R-1 One Family Dwelling
- R-1-CH One Family Dwelling - Church Overlay
- R-2 Limited Multiple Family Dwelling Zone - 1 unit/2,500 sq. ft.



BAKERSFIELD





VICINITY MAP

NTS

GENERAL INFORMATION

1. ADDRESS : 120 & 99 WASHINGTON ST., BAKERSFIELD, CA 93307
2. ACREAGE : 40.1 ACRES GROSS, 36.6 ACRES NET
3. PROPOSED TOTAL NUMBER OF PARCELS: 23
4. BUILDABLE LOTS: 20
5. CURRENT LAND USE : GENERAL MANUFACTURING
6. PROPOSED LAND USE : INDUSTRIAL
7. GENERAL PLAN DESIGNATION: SERVICE INDUSTRIAL
8. EXISTING AND PROPOSED ZONING : M-2 (GENERAL MANUFACTURING)
9. WATER: CAL WATER
10. SEWER: CITY OF BAKERSFIELD
11. THIS MAP WILL BE PHASED
12. APN : 140-340-01 & 140-340-02
13. TYPE 'A' IMPROVEMENTS REQUIRED
14. THERE ARE NO WATER OR GAS WELLS WITHIN THE BOUNDARY.
15. ALL EXISTING BUILDINGS TO REMAIN WILL BE USED HALF FOR OFFICE SPACE AND HALF FOR INDUSTRIAL WAREHOUSE SPACE.

LEGEND

- EX. BUILDING
- EX. UTILITY POLE
- EX. HYDRANT
- EX. SEWER, STORM DRAIN, AND ELECT MANHOLES
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE
- EX. EDGE OF PAVEMENT
- EX. 6" CHAINLINK FENCE
- EX. OVERHEAD UTILITIES
- EX. STORMDRAIN LINE
- EX. SEWER LINE
- RIGHT OF WAY
- EASEMENTS
- MONUMENT FOUND AND NOTED HEREON
- PROPOSED PARCEL LINES

PUBLIC UTILITY INFORMATION

- WATER: CAL WATER
- SEWER: CITY OF BAKERSFIELD
- ELECTRIC: PG&E
- GAS: PG&E
- PHONE: AT&T
- CABLE TV: BRIGHTRHOUSE NETWORK

LAND SURVEYOR

DERRILL G. WHITTEN JR.  
L.S. 7816  
CORNERSTONE ENGINEERING INC.  
208 OAK ST.  
BAKERSFIELD, CA 93304  
661.325.9474

PROPERTY OWNER/SUBDIVIDER

BIG WASHINGTON, LLC  
ADDRESS: 15332 ANTIOCH ST. NO. 144  
PACIFIC PALISADES, CA 90272  
PHONE: (424)229-4248

TENTATIVE PARCEL MAP NO. 12377

BEING A DIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 29 SOUTH, RANGE 28 EAST, M.D.B.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

BEING A DIVISION OF ±40.14 GROSS ACRES INTO TWENTY-THREE (23) LOTS  
(APN: 140-340-01 & 140-340-02)

LICENSED LAND SURVEYOR'S STATEMENT

I, DERRILL G. WHITTEN JR., HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP CONSISTING OF ONE (1) SHEET CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION IN JULY 2020 IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AND THAT THE SURVEY IS TRUE AND COMPLETE AND THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AND ARE OF A CHARACTER AND DO OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED.

*Derrill G. Whitten Jr.*  
DERRILL G. WHITTEN JR. P.L.S. 7816

08/20/2020  
DATE



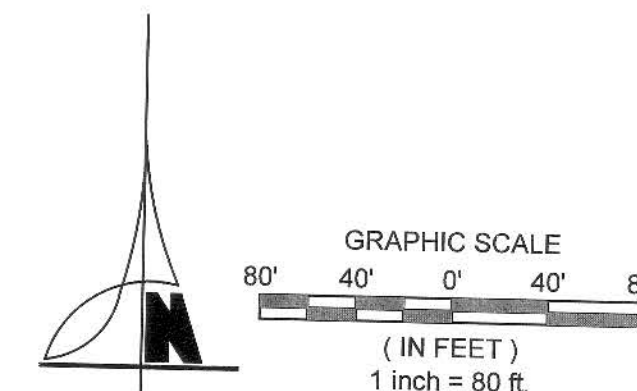
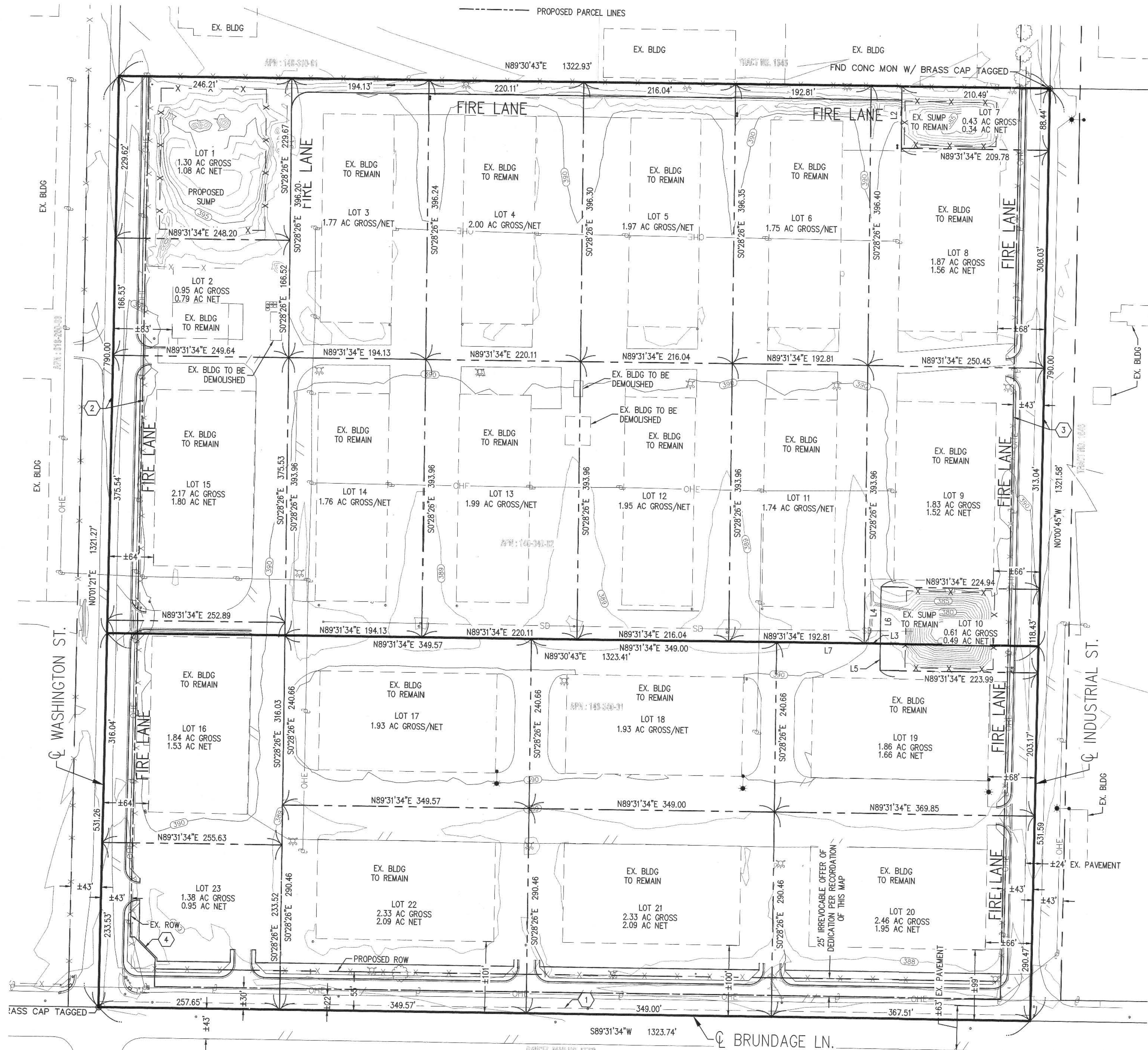
SURVEYOR'S NOTES

1. THE DISTINCTIVE BOUNDARY (---) INDICATES THE BOUNDARY OF LAND SUBDIVIDED BY THIS MAP.
2. THIS WILL BE A PHASED SUBDIVISION.

EASEMENTS OF RECORD:

1. IN FAVOR OF: CITY OF BAKERSFIELD  
DESCRIPTION: SEWER SYSTEM; TO LAY, CONSTRUCT, RECONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW, CHANGE THE SIZE OF AND REMOVE SEWER PIPELINES.  
RECORDED: BOOK 199, PAGE 78 OF KERN COUNTY OFFICIAL RECORDS  
DATE: MARCH 4, 1908  
AS PLOTTED HEREON.
2. IN FAVOR OF: COUNTY OF KERN  
DESCRIPTION: PUBLIC HIGHWAY  
RECORDED: BOOK 1978, PAGE 286 OF KERN COUNTY OFFICIAL RECORDS  
DATE: JULY 2, 1952  
AS PLOTTED HEREON.
3. IN FAVOR OF: COUNTY OF KERN  
DESCRIPTION: PUBLIC HIGHWAY  
RECORDED: BOOK 2493, PAGE 179 OF KERN COUNTY OFFICIAL RECORDS  
DATE: SEPTEMBER 23, 1955  
AS PLOTTED HEREON.
4. IN FAVOR OF: CITY OF BAKERSFIELD  
DESCRIPTION: PUBLIC STREET  
RECORDED: 0202214816 OF OFFICIAL RECORDS  
DATE: DECEMBER 19, 2002  
AS PLOTTED HEREON.

LINE TABLE		
LINE #	BEARING	DISTANCE
L2	S0°28'26"E	88.39'
L3	N89°31'34"E	22.98'
L4	S0°28'26"E	80.93'
L5	S0°28'26"E	37.50'
L6	S0°28'26"E	118.43'
L7	N89°31'34"E	147.50'



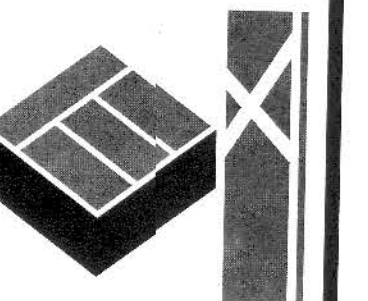
BASIS OF BEARINGS

BEING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 29 SOUTH, RANGE 28 EAST M.D.B.M. HAVING A BEARING OF N89°29'40"E PER TRACT MAP 1646 AS RECORDED IN BOOK 8 AT PAGE 59 OF MAPS IN THE KERN COUNTY RECORDER'S OFFICE.

BENCHMARK

TOP OF BRASS CAP MONUMENT AT THE CENTERLINE INTERSECTION OF BRUNDAGE AND OSWELL. ELEVATION = 392.85' PER CITY OF BAKERSFIELD BM BOOK AT FRONT COUNTER, 1ST FLOOR PW DEPARTMENT.

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



**BIG WASHINGTON, LLC**  
15332 ANTIOCH ST. NO. 144  
PACIFIC PALISADES, CA 90272

TENTATIVE PARCEL  
MAP # 12379  
BAKERSFIELD, CALIFORNIA  
APN: 140-340-01 & 140-340-02

DESIGNER: EPM  
CHECKED BY: DGW  
DATE: 08-20-2020  
DRAFTER: EPM  
SCALE: AS SHOWN  
COMP. NO: 7830100\_TPM.DWG  
JOB NO.: 783-01-00  
SHEET 1

## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7066 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



May 19, 2021

06-KER-58-56.062  
VTPM No. 12377

### **SENT VIA EMAIL**

Mr. Tony Jaquez, Associate Planner  
City Planning Department  
1715 Chester Avenue  
Bakersfield, CA 93301

Dear Mr. Jaquez:

Thank you for the opportunity to review the Traffic Impact Study (TIS) for the redevelopment of the Calcot Warehouse and retail facilities consisting of 19 buildings with a total of 590,000 square-foot floor space for industrial use, a 6,000 square-foot building for retail use, and a total of 1323 parking spaces. The project site is located on a 40 -acre parcel on the northside of Brundage Lane between Martin Luther King Jr. Blvd and Mt Vernon Ave in Bakersfield, CA. This project was previously reviewed and provided comments on December 2, 2020. Previous comments still apply.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Due to the close proximity and potential traffic influence to ramp intersections, Caltrans requests the queuing analysis for the intersections of Brundage Lane at Martin Luther King Jr. Boulevard and Mt. Vernon Avenue.
2. Please provide traffic analysis input and output files for all studied intersections.

3. Table 3a & 3b, Intersection 2 (SR 58 WB ramp at Brundage Ln): The footnote states that "Signal and intersection improvements will be constructed as part of the Centennial Corridor project". Please provide details of the project and scope, and official documents showing such information.
4. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:
  - a. Pedestrian walkways should link this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
  - b. The Project might also consider coordinating connections to local and regional bicycle pathways to further encourage the use of bicycles for commuter and recreational purposes.
  - c. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.
5. Caltrans recommends the Project implement "smart growth" principles regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
6. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing Vehicle Miles Traveled (VMT) and Green House Gas (GHG) emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.
7. Based on Caltrans VMT-Focused Transportation Impact Study Guide, dated May 20, 2020 and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita Vehicle Miles Traveled (VMT), increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the County of Kern to further implement improvements to reduce vehicles miles traveled and offer a variety of transportation modes for its employees.
8. Caltrans recommends the project provide charging stations for electric vehicles as part of the statewide efforts to reduce greenhouse gas emissions.

Mr. Tony Jaquez  
May 19, 2021  
Page 3

If you have any other questions, please call Lupita Mendoza, Transportation Planner at (559) 981-7066.

Sincerely,

A handwritten signature in cursive script that reads "Lorena Mendibles".

LORENA MENDIBLES, Chief  
Transportation Planning – South



# NEGATIVE DECLARATION

The City of Bakersfield Development Services Department has completed an initial study (attached) of the possible environmental effects of the following-described project and has determined that a Negative Declaration is appropriate. It has been found that the proposed project, as described and proposed to be mitigated (if required), will not have a significant effect on the environment. This determination has been made according to the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield's CEQA Implementation Procedures.

**PROJECT NO. (or Title):** Vesting Tentative Parcel Map 12377 (Phased)

**COMMENT PERIOD BEGINS:** May 4, 2021

**COMMENT PERIOD ENDS:** June 3, 2021

**MITIGATION MEASURES** *(included in the proposed project to avoid potentially significant effects, if required):*

**Air Quality Impact Mitigation Measures:**

1. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.
2. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

**Biological Resources Impact Mitigation Measures:**

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

The current MBHCP expires on February 28, 2022. 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 USFWS and the CDFW.

**Cultural Resources Impact Mitigation Measures:**

4. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the

Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

5. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

**Traffic Impact Mitigation Measures:**

6. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.
7. Intersection improvements which were identified in the analysis as necessary to maintain or improve the operational level of service of the street system in the vicinity of the project are shown in the Table below. This table lists the total improvements required by the year 2040. These improvements are paid for and constructed as part the City's regional and local transportation fee programs. The Table also identifies which of the total 2040 improvements are not included in the RTIF program, but are instead covered by the Local Mitigation Fee Program. The improvements listed in the Table are comprised of lane additions, installation of proposed modifications of the intersection to improve operation to an acceptable level. Lane additions are shown as the number of lanes required and the direction of travel, for example, 1EBT indicates one additional eastbound through lane. The incremental improvements identified in the Table will reduce the impacts to less-than-significant levels. It is recommended that the project pay the proportionate share for the local mitigation improvements identified in the Table and participate in the RTIF program per the applicable rates for the light industrial and retail use.

**Future Intersection Improvements and Local Mitigation**

#	Intersection	Total Improvements Required by 2040	Local Mitigation (Improvements not covered by RTIF)	Project % Share for Local Mitigation
10	Dr. Martin Luther King Jr. Blvd & Brundage Ln	NBR Permitted Overlap	NBR Permitted Overlap	19.74%
12	Washington St & Brundage Ln	Change SBLTR to SBT Add NBL, SBL, SBR	Change SBLTR to SBT Add NBL, SBL, SBR	49.16%

Notes:

NB = Northbound  
 SB = Southbound L = Left-Turn Lane  
 WB = Westbound T = Through Lane  
 EB = Eastbound R = Right-Turn Lane

8. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

# INITIAL STUDY ENVIRONMENTAL ANALYSIS

**Project Title:** Vesting Tentative Parcel Map 12377 (Phased)

**Lead Agency** *(name and address):* City of Bakersfield  
Development Services Department  
1715 Chester Avenue  
Bakersfield, California 93301

**Contact Person and Phone Number:** Tony Jaquez, Associate Planner  
(661) 326-3733

**Project Location:** 99 Washington Street and 120 Washington Street, Bakersfield, CA, also described as located at the northeast corner of East Brundage Lane and Washington Street

**Project Sponsor's Name and Address:** Cornerstone Engineering, Inc.  
208 Oak Street  
Bakersfield, CA 93304

**General Plan Designation:** SI (Service Industrial)

**Zoning:** M-2 (General Manufacturing)

**Description of Project** *(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):*

Cornerstone Engineering, Inc., representing Big Washington (property owner), is proposing to subdivide 40.1 acres into 20 buildable parcels and three sump lots in an M-2 (General Manufacturing) zone for industrial use located at the northeast corner of Brundage Lane and Washington Street in east Bakersfield.

**Surrounding Land Uses and Setting** *(Briefly describe the project's surroundings.):*

The project site consists of two parcels with existing Calcot warehousing facilities and three sumps. The industrial warehouses on site are for industrial use and is surrounded by other industrial use properties. Access to the site is along Washington Street, collector street, to the west, East Brundage Lane, arterial street, to the south, and Industrial Street, local street, to the east. Along the north boundary is a logistic company and a manufacturing business. The City/County boundary is along the north and east boundary of the property site.

**Other public agencies whose approval is anticipated to be required** *(e.g., permits, financing approval, or participation agreement):*

- City of Bakersfield—Mitigated Negative Declaration consideration and adoption
- City of Bakersfield—Metropolitan Bakersfield Habitat Conservation Plan compliance
- City of Bakersfield—Regional Transportation Impact Fee Program compliance
- San Joaquin Valley Air Pollution Control District—Indirect Source Rule compliance
- State Water Resources Control Board—National Pollutant Discharge Elimination System General Permit

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

As indicated by the checklist on the following pages, the project would result in potentially significant impacts with respect to the environmental factors checked below (*Impacts reduced to a less than significant level through the incorporation of mitigation are not considered potentially significant.*):

- |                                                    |                                                         |                                                             |
|----------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources             | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions       | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                 | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                       | <input type="checkbox"/> Mandatory Findings of Significance |

## **ENVIRONMENTAL DETERMINATION:**

On the basis of this initial evaluation:

- ☐ I find that the proposed project **could** not have a significant effect on the environment, and a **negative declaration** will be prepared.
- ☒ I find that although the proposed project **could** have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **mitigated negative declaration** will be prepared.
- ☐ I find that the proposed project **may** have a significant effect on the environment, and an **environmental impact report** is required.
- ☐ I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been (1) adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **environmental impact report** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project **could** have a significant effect on the environment, because all potentially significant effects have been (1) analyzed adequately in an earlier **environmental impact report or negative declaration** pursuant to applicable legal standards, and (2) avoided or mitigated pursuant to that earlier **environmental impact report or negative declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jennie Eng for

Signature

4/30/2021

Date

Tony Jaquez, Associate Planner

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

## Environmental Issue

### I. AESTHETICS: Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### II. AGRICULTURE RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### III. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. CULTURAL RESOURCES:</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VI. ENERGY:</b> Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VII. GEOLOGY AND SOILS:</b> Would the project;				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Issue

- |                                                                                                                                                                                      | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|------------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                                                                              | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>     | <input type="checkbox"/>            |

### **VIII. GREENHOUSE GAS EMISSIONS:** Would the project:

- |                                                                                                                                  |                          |                          |                                     |                          |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### **IX. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

- |                                                                                                                                                                                                                                                                                     |                          |                          |                                     |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### **X. HYDROLOGY AND WATER QUALITY:** Would the project:

- |                                                                                                                                                                                                                        |                          |                          |                                     |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: |                          |                          |                                     |                                     |
| i. Result in a substantial erosion or siltation on- or off-site?                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Impede or redirect flood flows?                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### **XI. LAND USE AND PLANNING:** Would the project:

- |                                                |                          |                          |                          |                                     |
|------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

## Environmental Issue

- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XII. MINERAL RESOURCES:** Would the project:

- a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XIII. NOISE:** Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Generation of excessive groundborne vibration or groundborne noise levels?
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XIV. POPULATION AND HOUSING:** Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XV. PUBLIC SERVICES:**

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
- Fire protection?
  - Police protection?
  - Schools?
  - Parks?
  - Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XVI. RECREATION:**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XVII. TRANSPORTATION:** Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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## Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **XVIII. TRIBAL CULTURAL RESOURCES:**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XVIV. UTILITIES AND SERVICE SYSTEMS:** Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XX. WILDFIRES:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XXI. MANDATORY FINDINGS OF SIGNIFICANCE:**

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	-------------------------------------	--------------------------	--------------------------

## Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## EVALUATION OF ENVIRONMENTAL EFFECTS

### I. AESTHETICS

- a. **No impact.** The project does not conflict with any applicable vista protection standards, scenic resource protection requirements or design criteria of Federal, State or Local Agencies, and is consistent with the City of Bakersfield Zoning and Metropolitan Bakersfield General Plan designations for the project area. The project site is located within an area having slopes from 0 – 5 %. The area is substantially developed and is not regarded or designated within the General Plan as visually important or "scenic". Therefore, the project would not have a substantial adverse effect on a scenic vista.
- b. **No impact.** Based on a field visit, it was determined that there are no trees, rock outcrops, or buildings (historic or otherwise) located at the project site. Additionally, the project is not located adjacent to or near any officially designated or potentially eligible scenic highways to be listed on the California Department of Transportation (Caltrans) State Scenic Highway System (Caltrans 2021). The closest section of highway eligible for state scenic highway designation is State Route (SR) 14 (Caltrans 2021) located in Kern County over 60 miles to the east. Therefore, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway.
- c. **No impact.** Surrounding land uses include logistic company and a manufacturing business to the north, Washington Street to the west and warehouses to further west, Brundage Lane, post office, concrete plant, and truck rental company to the south, and recycling center to the east. The project site is built out with warehouses for industrial use, therefore the site would not alter the existing landscape and is considered compatible with the surrounding uses. The two parcels will be further subdivided with existing buildings; this project is typical of the area, therefore no impact.
- d. **Less-than-significant impact.** This project would have to comply with City development standards, including Title 17 (zoning ordinance), Title 15 (buildings and construction), as well as California Code of Regulations Title 24 (building code). Together, these local and state requirements oblige project compliance with current lighting standards that minimize unwanted light or glare to spill over into neighboring properties. Therefore, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

## II. AGRICULTURE RESOURCES

- a. **Less-than-significant impact.** The proposal involves approximately 40.1 acres. The project does not convert 100 acres or more of the farmlands designated prime, unique or of statewide significance to nonagricultural uses. See Rural Land Mapping Edition, Kern County Important Farmland 2018. Large parcel size is, in general, an important indicator of potential agricultural suitability and productivity. As of December 31, 2011, there were approximately 1.70 million acres under Williamson Act and Farmland Security Zone contracts in Kern County (The California Land Conservation Act, 2012, Status Report). The loss of less than 100 acres is not considered a significant change to this resource as it represents only 0.006% of the total amount of land under Williamson Act and Farmland Security Zone contracts in Kern County. State CEQA Guidelines, Section 15206 does not regard the cancellation of less than 100 acres of land from the Williamson Act to be of statewide, regional or area wide significance. No impact.
- b. **No impact.** The project site is not under a Williamson Act contract; and there is no agricultural land near the project site. The subject project has a land use designation of SI (Service Industrial) by the Metropolitan Bakersfield General Plan and zoned M-2 (General Manufacturing) by the City of Bakersfield Zoning Ordinance. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract.
- c. **No impact.** As discussed above, the project site is currently zoned M-2 (General Manufacturing). No forestlands exist on the project site. Accordingly, the proposed project would not conflict with existing zoning for or cause the rezoning of forestland, timberland, or timberland zoned Timberland Production. Therefore, no impacts on forestland would occur.
- d. **No impact.** The project sites and surrounding properties do not contain any forest land. No impacts resulting in the loss of forest land or conversion of forest land to non-forest use are expected to occur. No impact.
- e. **No impact.** The proposed project involves the operation of industrial uses on the 40.1 acre project site. The project itself is typical of the development found in Metropolitan Bakersfield. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

## III. AIR QUALITY

- a. **Less than significant with mitigation incorporated.** The project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD) jurisdiction, in the San Joaquin Valley Air Basin (SJVAB). The SJVAB is classified by the state as being in severe nonattainment for the state 1-hour ozone standard as well as in nonattainment for the state particulate matter less than 10 microns (PM10) and particulate matter less than 2.5 microns (PM2.5). The SJVAB is also classified as in extreme nonattainment for the federal 8-hour ozone standard, nonattainment for the federal PM2.5 standard, and attainment/maintenance for the federal carbon monoxide (CO) and PM10 standards.

Emission sources because of the project would include ground disturbance and other construction-related work as well as operational emissions typical of a residential and

commercial development (e.g., predominantly emissions from vehicles traveling to and from the development).

The SJVAPCD encourages local jurisdictions to design all developments in ways that reduce air pollution from vehicles, which is the largest single category of air pollution in the San Joaquin Valley. The *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) (SJVAPCD 2015) lists various land uses and design strategies that reduce air quality impacts of new development. Local ordinance and general plan requirements related to landscaping, sidewalks, street improvements, level of traffic service, energy efficient heating and cooling building code requirements, and location of commercial development in proximity to residential development are consistent with these listed strategies. Regulation and policy that will result in the compliance with air quality strategies for new residential and commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2005 building energy efficiency standards, Assembly Bill (AB) 1493 motor vehicle standards, and compliance with the Metropolitan Bakersfield General Plan Air Quality Conservation Element as well as the SJVAPCD air quality guidelines and rules.

- b. **Less than significant with mitigation incorporated.** The SJVAPCD has established thresholds of significance for three (3) specific criteria pollutants in regards to the operation of specific projects, as shown below:

**SJVAPCD Significance Thresholds for Criteria Pollutants**

<b>Air Pollutant</b>	<b>Tons/Year</b>
Reactive Organic Gas (ROG)	10
Nitrogen Oxides (NOX)	10
Particulates (PM10)	15
Particulates (PM2.5)	15

The proposed project would be in compliance with the significance thresholds for ROG (10 tons/year), NOx (10 tons/year), and PM10 (15 tons/year). Additionally, the project applicant intends to comply with the air emissions control measures described in the SJVAPCD *Guide for Assessing and Mitigating Air Quality Impacts* document to control dust and other emissions during construction. Under SJVAPCD CEQA rules, the implementation of these control measures would help reduce impacts from criteria air pollutants to a less than significant level. The project is also not within the distance triggers noted in table 6, Project screening trigger levels for potential odor sources (*Guide for Assessing and Mitigating Air Quality Impacts*). Dust suppression measures listed as Regulation VIII is required for all construction in the City of Bakersfield and are regarded by SJVAPCD as sufficient mitigation to reduce PM<sub>10</sub> impacts to less than significant.

- c. **Less-than-significant impact.** Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved that expose sensitive receptors to sustained exposure to any pollutants present. Examples of the types of land use that are sensitive receptors include residences, retirement facilities, hospitals, and schools. The most sensitive portions of the population are children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases.

The closest schools are Bakersfield Adult School at 0.40 miles to the southeast, Mount Vernon Elementary School at 0.41 miles to the northeast. The closest hospital is Mercy

Hospital at 2.97 miles northwest, and the closest daycare facility is Richardson Child Development Center at 1.13 miles to the southeast of the project. There are no other known schools, hospitals, or nursing homes within a one-mile radius of the project. Based on the predicted operational emissions and activity types, the proposed Project is not expected to affect any on-site or off-site. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations.

- d. **Less-than-significant impact.** As discussed above, service industrial development can be known to be a source of nuisance odors depending on the type of facility and operations. The SPAL Assessment concludes the project is not anticipated to conduct any of the operations listed in Table 6 of the GAMAQI ("Screening Levels for Potential Odor Sources"). Therefore, the project is not anticipated to have substantial odor impacts affecting a substantial number of people.

#### IV. **BIOLOGICAL RESOURCES**

- a. **Less than significant with mitigation incorporated.** The project is subject to the terms of the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) and associated Section 10 (a) (1) (b) and Section 2081 permits issued to the City of Bakersfield by the United States Fish and Wildlife Service and California Department of Fish and Wildlife, respectively. The project is also subject to ITP No. 2081-2013-058-04 (ITP) and associated Mitigation Monitoring and Reporting Program (MMRP). These documents are hereby incorporated by reference. Terms of these permits require applicants for all development projects within the plan area to pay habitat mitigation fees and notify agencies prior to grading in areas covered under the permit.

The current MBHCP expires on February 28, 2022. 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 USFWS and the CDFW through Mitigation Measure 3.

- b. **No impact.** There are no riparian habitats or characteristic ephemeral washes located within the project site. The project is also not located within, or adjacent to, the Kern River riparian habitat area. Therefore, the project would have no impact on any riparian habitat or other sensitive natural community.
- c. **No impact.** Based on the results of the field survey and a review of the USFWS National Wetlands Inventory, there are no wetlands, as defined by Section 404 of the federal Clean Water Act (CWA), located within the project site. Therefore, the project would have no impact on federally-protected wetlands.
- d. **No impact.** The project site is not within the Kern River floodplain (noted as a wildlife corridor in the MBHCP) and is not along a canal that has been identified by the USFWS as a corridor or nursery for native resident wildlife species. Therefore, its concluded that the project would have no impact with wildlife movement.
- e. **No impact.** It was concluded that the project site does not contain any biological resources that are protected by local policies. The project is located within the boundary of the MBHCP, which addresses biological impacts within the *Metropolitan Bakersfield General Plan* area. The MBHCP has been adopted as policy and is implemented by ordinance. The development entitled by this proposal would be required to comply with

the MBHCP. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources.

- f. **No impact.** Please refer to responses IV.a, IV.d, and IV.e. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## V. CULTURAL RESOURCES

- a. **No impact.** There are no structures on the site, therefore, no resources are listed in or have been deemed eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Public Resources Code SS5024.1, Title 14 CCR Section 4850 et. Seq.). There are no resources on or near the project site that are listed in a local register of historical resources as defined in Section 5020.1 (k) of the Public Resources Code. There are no significant historical resources meeting the requirements of Section 5024.1 (g) of the Public Resources Code.
- b. **Less than significant with mitigation incorporated.** Please refer to response V.a. The project would not cause a substantial adverse change in the significance of an archaeological resource. Mitigation Measure 4 requires ceasing work and investigating any discovery in the event that previously unknown archaeological resources are unearthed during construction. With the implementation of mitigation, the project would not cause a substantial adverse change in the significance of an archaeological resource.
- c. **Less than significant with mitigation incorporated.** There are no known human remains at the project site. The project could inadvertently uncover or damage previously unknown human remains. Mitigation Measure 5 requires that if any human remains are found at the site during construction, work would cease and the remains would be handled pursuant to applicable law. With implementation of Mitigation Measure 5, the project would not significantly disturb any human remains.

## VI. ENERGY

- a. **Less-than-significant impact.** The applicant proposes to utilize the existing buildings/warehouses. Project construction would require temporary energy demands typical of other light industrial construction projects that occur throughout the state and this development's construction would not result in inefficient or unnecessary consumption of energy resources beyond typical commercial and residential construction. All new construction within the City of Bakersfield must adhere to modern building standards, including California Code of Regulations Title 24, which outlines energy efficiency standards for new residential and nonresidential buildings to ensure that new buildings do not wastefully, inefficiently, or unnecessarily consume energy. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- b. **Less-than-significant impact.** There is no adopted plan by the City of Bakersfield for renewable energy or energy efficiency. As discussed in VI.a., all new development projects within the City are required to adhere to modern building standards related to energy efficiency. Additionally, the City encourages applicants and developers to go beyond the required standards and make their developments even more efficient

through programs such as LEED, or Leadership in Energy and Environmental Design, which is a green building rating system that provides a framework to create healthy, highly efficient, and cost-saving green buildings. Other encouraged programs available applicants and developers are Title 20 appliance energy efficiency standards and 2005 building energy efficiency standards. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## **VII. GEOLOGY AND SOILS**

- a. The following discusses the potential for the project to expose people or structures to substantial adverse effects because of various geologic hazards. The City is within a seismically active area. According to the *Metropolitan Bakersfield General Plan*, major active fault systems border the southern portion of the San Joaquin Valley. Among these major active fault systems include the San Andreas, Breckenridge-Kern County, Garlock, Pond Poso, and White Wolf faults. There are numerous additional smaller faults suspected to occur within the Bakersfield area, which may or may not be active. The active faults have a maximum credible Richter magnitude that ranges from 6.0 (Breckenridge-Kern County) to 8.3 (San Andreas). Potential seismic hazards in the planning area involve strong ground shaking, fault rupture, liquefaction, and landslides.
  - i. **No Impact.** Ground rupture is ground deformation that occurs along the surface trace of a fault during an earthquake. The project site is not included within the boundaries of an "Earthquake Fault Zone" as defined in the Alquist-Priolo Earthquake Fault Zoning Act (DOC 2021). Therefore, the project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault.
  - ii. **Less-than-significant impact.** The City is within a seismically active area. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code (specifically Seismic Zone 4, which has the most stringent seismic construction requirements in the United States), and to adhere to all modern earthquake construction standards. Therefore, the project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking.
  - iii. **Less-than-significant impact.** The most common seismic-related ground failure is liquefaction and lateral spreading. In both cases, during periods of ground motion caused by an event such as an earthquake, loose materials transform from a solid state to near-liquid state because of increased pore water pressure. Such ground failure generally requires a high water table and poorly draining soils in order for such ground failure to occur. The project site's soils are primarily sandstone and conglomerate, Cuyama loam, 9 to 15% slopes, which are generally well draining with high runoff (USDA 2021). Public-supply wells in Kern County are at depths between 600 and 800 feet below land surface (USGS 2016) and therefore, groundwater levels are not close enough to the ground surface to result in sufficiently saturated soils suitable for liquefaction. As a result, the potential for liquefaction at the project site is low. In addition, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not expose people or

structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.

- iv. **No impact.** In Kern County, the common types of landslides induced by earthquake occur on steeper slopes found in the foothills and along the Kern River Canyon; in these areas, landslides are generally associated with bluff and stream bank failure, rockslide, and slope slip on steep slopes. The project site is generally flat, there are no such geologic features located at the project site, and the site is not located near the Kern River Canyon. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides.
- b. **Less-than-significant impact.** The soil types prevalent on the project site are listed in the *Soil Survey of Kern County, California, Northwestern Part* (United States Department of Agriculture, Soil Conservation Service, September 1988). Based on the soil survey, the project site includes three soil types; Cajon sandy loam, overblown with a 0-2 percent slope, Kimberlina fine sandy loam & Malham sandy loam. Due to the characteristics of the on-site soil types and the relatively flat terrain, implementation of the project will not result in significant erosion, displacement of soils or soil expansion problems. The project will be subject to City ordinances and standards relative to soils and geology. Standard compliance requirements include detailed site specific soil analysis prior to issuance of building permits and adherence to applicable building codes in accordance with the Uniform Building Code.

During operation, the soils would be sufficiently compacted to required engineered specifications, revegetated in compliance with City requirements, or paved over with impervious surfaces such that the soils at the site would not be particularly susceptible to soil erosion. Therefore, the project would not result in substantial soil erosion or the loss of topsoil.

- c. **Less-than-significant impact.** As discussed in VII.a.iii. and VII.a.iv., the project site's soils would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction, lateral spreading, or landslides.

Subsidence is part of the baseline condition in the project area due to historic groundwater pumping and the resultant subsidence that occurs with such activities. The project would not substantially contribute to this baseline condition because the projected water use has been conditionally approved by California Water Service (CalWater, 2020). The project site has been considered by CalWater against its most current Urban Water Management Plan (UWMP) and it was concluded that the District has sufficient existing capacity to service the project. Therefore, the project has already been considered in the groundwater analysis in the UWMP and would not exacerbate subsidence in the area beyond the baseline condition.

Collapsible soils consist of loose, dry, low-density materials that collapse and compact under the addition of water or excessive loading. The project site is derived from strongly stratified alluvium primarily from granite rocks, which is generally loose material, there is the potential for collapsible soils. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site

landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore, impacts would be less than significant.

- d. **Less-than-significant impact.** When a soil has 35% or more clay content, it is considered a clayey soil. The project consists of Cajon sandy loam, Kimberlina fine sandy loam and Malham sandy loam. These soils do not exceed 35% clay content and therefore, do not have a high potential to be expansive. Additionally, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on expansive soil creating substantial risks to life or property.
- e. **No impact.** The project would not require the use of septic tanks or alternative wastewater disposal systems because the project would connect to existing City sewer services in the area. Therefore, there would be no impacts related to soils incapable of adequately supporting septic tanks or alternative waste water disposal systems.
- f. **Less than significant with mitigation incorporated.** Paleontological sensitivity is determined by the potential for a geologic unit to produce scientifically significant fossils. Because paleontological resources typically occur in the substratum soil horizon, surface expressions are often not visible during a pedestrian survey. Paleontological sensitivity is derived from known fossil data collected from the entire geologic unit. According to the California Department of Conservation's Geologic Map of California, the project site consists of Quaternary marine and nonmarine sedimentary geologic formations. This geological formation consists of older alluvium deposits that have the potential to contain unknown paleontological resources or unique geologic features.

Similar to archaeological resources, there is the potential to unearth previously unknown paleontological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. With the implementation of Mitigation Measure 4, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## **VIII. GREENHOUSE GAS EMISSIONS**

- a. **Less-than-significant impact.** The project would generate an incremental contribution and, when combined with the cumulative increase of all other sources of greenhouse gases (GHG), could contribute to global climate change impacts. Although the project is expected to emit GHG, the emission of GHG by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically would be relatively very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Therefore, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis.

The project's GHG emissions were estimated (EnviroTech 2021) and are summarized in the following table.

Construction and Operational GHG Emissions	
Source	Metric Tons/Year
	CO2E <sup>1</sup>
Unmitigated Operational Emissions	990
Mitigated Operational Emissions	4,767
<b>BAU – 2021 Operational Emissions</b>	<b>29.3%</b>
<sup>1</sup> CO2E = carbon dioxide equivalent	

Source: EnviroTech 2021.

According to the SJVAPCD, for a project to conform to the goals of AB 32, at least a 29% reduction from the 2002-2004 business-as-usual (BAU) period by 2020 must be demonstrated. As shown in the above table, the project results in a 29.3% reduction in GHG emissions in comparison to BAU, which satisfies the AB 32-mandated 29% reduction. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

- b. **Less-than-significant impact.** CARB is responsible for the coordination and administration of both federal and state air pollution control programs within California. According to California's Climate Change Scoping Plan, there must be statewide reduction GHG emissions to 1990 levels by 2020. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 29% from BAU emission levels projected for 2020. In addition, per SB 375 requirements, CARB has adopted regional reduction targets, which call for a 5% reduction in per-capita emissions by 2020 and 10% reduction in 2035 within the San Joaquin Valley using 2005 as the baseline. These regional reduction targets will be a part of the Kern COG Sustainable Communities Strategy. The SJVAPCD has adopted guidance (*Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*) and a policy (District Policy – Addressing GHG Emission Impacts for Stationary Source Projects under CEQA When Serving as the Lead Agency).

As proposed, the project would not conflict with any statewide policy, regional plan, or local guidance or policy adopted for the purpose of reducing GHG emissions. The project would not interfere with the implementation of AB 32 and SB 375 because it would be consistent with the GHG emission reduction targets identified by CARB and the Scoping Plan. The project achieves BAU GHG emissions reduction equal to or greater than the 29% targeted reduction goal CARB defines BAU as "the emissions that would be expected to occur in the absence of any GHG reduction actions." By implementing mitigation, the project would be consistent with these statewide measures and considered not significant or cumulatively considerable under CEQA. Therefore, the project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG.

## IX. HAZARDS AND HAZARDOUS MATERIALS

- a. **Less-than-significant impact.** The project consists of service industrial and therefore, could involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Construction activities would require the transport, storage, use, and/or disposal of hazardous materials such as fuels and greases for the fueling/servicing of construction equipment and underground fuel tanks, and there is the potential for upset and accident conditions that could release such material into the environment. Such substances would be stored in temporary storage tanks/sheds that would be located at the site. Although these types of materials

are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose construction workers. All transport, storage, use, and disposal of hazardous materials used in the construction of the project would be in strict accordance with federal and state laws and regulations. During construction of the project, Material Safety Data Sheets (MSDS) for all applicable materials present at the site would be made readily available to onsite personnel. During construction, non-hazardous construction debris would be generated and disposed of at approved facilities for handling such waste. Also, during construction, waste disposal would be managed using portable toilets located at reasonably accessible onsite locations.

The project proposes service industrial use buildings. Day-to-day service industrial activities may involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Users would be required to follow any instructions for use and storage provided on product labels to prevent any accidents in the workplace. Users would also be required to read and follow product labels for disposal directions to eliminate the risk of products exploding, igniting, leaking, mixing with other chemicals, or posing other hazards on the way to a disposal facility. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b. **Less-than-significant impact.** Please refer to response VIX.a. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment.
- c. **Less-than-significant impact.** The AQIA concluded that the project would not significantly affect sensitive receptors (EnviroTech 2021). Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.
- d. **No impact.** The EnviroStor (DTSC 2021) and Cortese (CalEPA 2021) lists pursuant to Government Code (GC) Section 65962.5 were reviewed. No portion of the project site is identified on either list, which provides the location of known hazardous waste concerns. Therefore, the project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to GC Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- e. **No impact.** The project site is not located within the Kern County *Airport Land Use Compatibility Plan* area (Kern County 2012). The closest airport to the project site is Bakersfield Municipal Airport, which is over 1.83 miles to the northwest of the site. Therefore, the project would not result in a safety hazard for people residing or working in the project area. The project is not located within a distance an airport land use plan or, where such a plan has not been adopted.
- f. **Less-than-significant impact.** The project would have to develop or improve roads to the site as well as internal roads that are in compliance with the City's Fire Code to allow emergency vehicles adequate access to the site and all portions of the site. Access to the site would be maintained throughout the construction period, and appropriate detours would be provided in the event of potential temporary road closures. The project would not interfere with any local or regional emergency response or evacuation plans because the project would not result in a substantial alteration to the adjacent and area

circulation system. The project is typical of urban development in Bakersfield, and is not inconsistent with the adopted City of Bakersfield Hazardous Materials Area Plan (Bakersfield 1997). This plan identifies responsibilities and provides coordination of emergency response at the local level to hazardous materials incidents. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- g. **Less-than-significant impact.** The project site is not located within a "very high," "high," or "moderate" fire hazard severity zone (CalFire 2008). The site consists of vacant land, and its vicinity is urban and does not possess high fuel loads that have a high potential to cause a wildland fire. The project site would be developed with hardscapes and irrigated landscaping, which would further reduce fire potential at the site. Additionally, the City and County require "defensible space" within areas of the County susceptible to wildland fires as shown on CalFire maps through the Fire Hazard Reduction Program. Defensible space is the buffer created between a building and the grass, trees, shrubs, or any wildland area that surrounds it. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

## **X. HYDROLOGY AND WATER QUALITY**

- a. **Less-than-significant impact.** Construction would include ground-disturbing activities. As discussed in VII.b, the project site's soil types have a low-to-medium susceptibility to sheet and rill erosion by rainfall and a low susceptibility to wind erosion at the ground surface. Disturbance of onsite soils during construction could result in soil erosion and siltation, and subsequent water quality degradation through increased turbidity and sediment deposition during storm events to offsite locations. Additionally, disturbed soils have an increased potential for fugitive dust to be released into the air and carried offsite. As described in VII.b, the project would be required to comply with the General Permit. To conform to the requirements of the General Permit, a SWPPP would need to be prepared that specifies BMPs to prevent construction pollutants from moving offsite. The project is required to comply with the General Permit because project-related construction activities would disturb at least 1 acre of soil.

The City owns and maintains a municipal separate storm sewer system (MS4). The project's operational urban storm water discharges are covered under the Central Valley Water Quality Control Board (CVRWQCB) *National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Discharges from Municipal Separate Storm Sewer Systems* (Order No. R5-2016-0040; NPDES No. CAS0085324) (MS4 Permit) (CVRWQCB 2016). The MS4 Permit mandates the implementation of a storm water management framework to ensure that water quality is maintained within the City because of operational storm water discharges throughout the City, including the project site. By complying with the General Permit and MS4 Permit, the project would not violate any water quality standards or waste discharge requirements. Impacts would be less than significant.

- b. **Less-than-significant impact.** Potable water from the project would be supplied by California Water Service (CalWater 2020). CalWater receives at least a portion of its supplies from groundwater sources. The project's projected water use has been conditionally approved by CalWater (CalWater 2020) and therefore, the project site has been considered by CalWater against its most current UWMP. By state law, current

UWMPs do not need to address the Sustainable Groundwater Management Act (SGMA) or sustainable groundwater management at this time. It was concluded that CalWater had sufficient existing capacity to service the project. As a result, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

- c. The following discusses whether the project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.
- i. **Less-than-significant impact.** The project site does not contain any blue-line streams or other surface water features (EnviroTech 2021) and therefore, the project would not alter the course of a river or stream. The project site would be graded and, as a result, the internal drainage pattern at the site would be altered from the baseline condition. Additionally, the project would result in increased impervious surfaces (i.e., building pads, sidewalks, asphalt parking area, etc.) at the site, which would reduce percolation to ground and result in greater amounts of storm water runoff concentrations at the site. If uncontrolled, differences in drainage patterns and increased impervious surfaces could result in substantial erosion or siltation on- or offsite. However, the project would be required to comply with the General Permit during construction and MS4 permit during operation. In order to comply with the MS4 Permit, the City requires compliance with adopted building codes, including complying with an approved drainage plan, which avoids on- and offsite flooding, erosion, and siltation problems. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite.
  - ii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.
  - iii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
  - iv. **No Impact.** The project site is located outside the 500-year floodplain and is not located within a 100-year flood hazard area (FEMA 2021). Therefore, the project would not impede or redirect flood flows.
- d. **Less-than-significant impact.** As discussed in responses X.g. and IX.h., the project is not located within a floodplain. There are no nearby levees that would be susceptible to failure or flooding of the site. The project site, like most of the City, is located within the Lake Isabella flood inundation area (Kern County 2017), which is the area that would experience flooding in the event that there was a catastrophic failure of the Lake Isabella Dam. There is an approved Lake Isabella Dam Failure Evacuation Plan (Kern County 2009) that establishes a process and procedures for the mass evacuation and

short-term support of populations at risk below the Lake Isabella Dam. The City would utilize the Evacuation Plan to support its Emergency Operations Plans (EOPs). With implementation of the Evacuation Plan, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

- e. **Less-than-significant impact.** Please refer to response X.c.i. There is currently no adopted groundwater management plan for the project site or its vicinity. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

#### **XI. LAND USE AND PLANNING**

- a. **No impact.** The project is a continuation of the existing urban development pattern of the City. The project does not include a long and linear feature, such as a freeway, railroad track, block wall, etc., that would have the potential to divide a community. The project is considered an infill site that does not impede existing or future movement or development of the City. Therefore, the project would not physically divide an established community.
- b. **No impact.** The project is required to be consistent with the *Metropolitan Bakersfield General Plan* and the City of Bakersfield Zoning Ordinance. There are no identified conflicts or inconsistencies with said policies or zoning regulations. No significant impacts are noted.

#### **XII. MINERAL RESOURCES**

- a. **Less-than-significant impact.** The project site is not within the administrative boundaries of an oilfield and there are no oil wells found on the site (DOC 2021). The only other potential mineral resource in the area is aggregate for the making of concrete. Aggregate is mined in alluvial fans and along existing and historical waterways. There are no blue-line water features or existing or planned aggregate mining operations at the site. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Applicant submitted a Geo Technical report dated February 22, 2021 pertaining to improbable mineral extraction or production from the site.
- b. **Less-than-significant impact.** See answer to XII.a.

#### **XIII. NOISE**

- a. **Less-than-significant impact.** The proposed project is compatible with existing land uses in the project area and areas immediately adjoining the project parcel. Development of the project will not expose persons or generate noise in excess of those standards found in the Noise Element of the Metropolitan Bakersfield General Plan. The impact is not regarded as significant.
- b. **Less-than-significant impact.** There is no evidence in the record of any noise impacts associated with ground borne vibration or noise. No significant impacts are noted.
- c. **Less-than-significant impact.** Please refer to response IX.e. Therefore, the project would expose people residing or working in the project area to excessive noise levels for a

project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

**XIV. POPULATION AND HOUSING**

- a. **Less-than-significant impact.** The proposal is an industrial project and therefore, does not induce direct growth. The project would provide additional employment opportunities in Metropolitan Bakersfield, which accommodates the projected increase in Bakersfield's population by providing such opportunities for existing and future residents in Bakersfield. The project would not remove a barrier to growth, such as the development of a new road or other infrastructure that would open up an area previous inaccessible to development. Therefore, the project would not induce substantial population growth in an area, either directly or indirectly. Impacts would be less than significant.
- b. **No impact.** The project site is developed; therefore, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

**XV. PUBLIC SERVICES**

- a. The following discusses whether the project would result in substantial adverse physical impacts to public services. The need for additional public service is generally directly correlated to population growth and the resultant additional population's need for services beyond what is currently available.
  - i. **Less-than-significant impact.** Fire protection services for the Metropolitan Bakersfield area are provided through a joint fire protection agreement between the City and County. The project may necessitate the addition of fire equipment and personnel to maintain current levels of service, and this potential increase in fire protection services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.
  - ii. **Less-than-significant impact.** Police protection for the project would be provided by the Bakersfield Police Department. Potential increase in services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.
  - iii. **No impact.** The project is not growth inducing and therefore, is not a driver for population growth, including the need for additional schools. The need for additional schools can be proportionately paid by increased property tax revenue because of the project. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant

environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.

- iv. **No impact.** The project is not growth inducing and therefore, is a not driver for population growth, including the need for additional recreational opportunities. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.
- v. **Less-than-significant impact.** The project and eventual buildup of this area would result in an increase in maintenance responsibility for the City. Though the project may necessitate increased maintenance for other public facilities, this potential increase can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities.

#### **XVI. RECREATION**

- a. **No impact.** Please refer to response XV.a.iv. Therefore, the project would not increase of the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would not occur or be accelerated.
- b. **No impact.** Please refer to response XV.a.iv. Therefore, the project would not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

#### **XVII. TRANSPORTATION AND TRAFFIC**

- a. **Less than significant impact with mitigation incorporated.** The project would not result in temporary construction-related traffic impacts. A traffic impact study has been prepared for the project (Ruetters & Schuler, January 2013). The traffic impact study found that the project has the potential to significantly impact traffic at several intersections. However, the study also found that if certain mitigation measures are proposed for the project, the impacts would be reduced to a level that is less than significant. The subject intersections and proposed mitigation measures are described in Table 6 of the traffic study. The proposed mitigation measures for the project are as follows:

##### Mitigation Measures:

Intersection improvements which were identified in the analysis as necessary to maintain or improve the operational level of service of the street system in the vicinity of the project are shown in the Table below. This table lists the total improvements required by the year 2040. These improvements are paid for and constructed as part the City's regional and local transportation fee programs. The Table also identifies which of the total 2040 improvements are not included in the RTIF program, but are instead covered by the Local Mitigation Fee Program. The improvements listed in the Table are comprised of lane additions, installation of proposed modifications of the intersection to improve

operation to an acceptable level. Lane additions are shown as the number of lanes required and the direction of travel, for example, 1EBT indicates one additional eastbound through lane. The incremental improvements identified in the Table will reduce the impacts to less-than-significant levels. It is recommended that the project pay the proportionate share for the local mitigation improvements identified in the Table and participate in the RTIF program per the applicable rates for the light industrial and retail use.

#### Future Intersection Improvements and Local Mitigation

#	Intersection	Total Improvements Required by 2040	Local Mitigation (Improvements not covered by RTIF)	Project % Share for Local Mitigation
10	Dr. Martin Luther King Jr. Blvd & Brundage Ln	NBR Permitted Overlap	NBR Permitted Overlap	19.74%
12	Washington St & Brundage Ln	Change SBLTR to SBT Add NBL, SBL, SBR	Change SBLTR to SBT Add NBL, SBL, SBR	49.16%

Notes:

NB = Northbound

SB = Southbound L = Left-Turn Lane

WB = Westbound T = Through Lane

EB = Eastbound R = Right-Turn Lane

Based on the traffic study the project should participate in the Regional Transportation Impact Fee (RTIF) Program (see Mitigation Measure 6). With implementation of mitigation, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

- b. **Less than significant.** While public agencies may immediately apply Section 15064.3 of the updated CCR (or CEQA Guidelines), statewide application was required until July 1, 2020. This CCR Section 15064.3(b) states:

#### Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such

a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The traffic analysis (Ruetters & Schuler, January 2013) concluded that the project's traffic impacts would not be significant. Therefore, the project would not be in conflict or be inconsistent with CCR Section 15064.3(b).

- c. **Less-than-significant impact.** The project would have to comply with all conditions placed on it by the City Traffic Engineering Division in order to comply with accepted traffic engineering standards intended to reduce traffic hazards, including designing the roads so that they do not result in design feature hazards. The project is within the City limits and surrounded by compatible existing and planned land uses and land use designations. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.
- d. **Less than significant with mitigation incorporated.** There is the potential that, during the construction phase, the project would impede emergency access. For projects that require minor impediments of a short duration (e.g., pouring a new driveway entrance), the project would be required to obtain a street permit from City Public Works. If a project requires lane closures and/or the diversion of traffic, then a Traffic Control Plan would be required. During operations, the project would have to comply with all applicable City policies and requirements to ensure adequate emergency access.

Mitigation Measure 8 requires that, if necessary, the applicant/developer obtains a street permit or develop and get approved a Traffic Control Plan, for the construction period. With implementation of mitigation, the project would not result in inadequate emergency access.

#### **XVIII. TRIBAL CULTURAL RESOURCES**

- a. **No impact.** The proposed project site is a subdivision of an existing warehousing facilities. The project does not consist of a GPA and therefore, staff was not required to send letters to tribal contacts for consultation pertaining to Senate Bill (SB) 18.
- b. **No impact.** See answer to XVIII.a.

#### **XIV. UTILITIES AND SERVICE SYSTEMS**

- a. **Less-than-significant impact.** The project would require the construction of new water, storm water drainage, sewer facilities; above and/or belowground electrical facilities, natural gas facilities, and telecommunications (e.g., cable, fiber optics, phone, etc.)

typical of commercial development. Water, storm water, and sewer structures would have to be designed to meet the City's *Current Subdivision & Engineering Design Manual* (Bakersfield 1999). Compliance with the Design Manual would ensure that the such facilities would not result in significant environmental effects. Electrical, natural gas, and telecommunications facilities would be placed by the individual serving utilities; these entities already have in place safety and siting protocols to ensure that placement of new utilities to serve new construction would not have a significant effect on the environment. Therefore, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- b. **Less-than-significant impact.** The project is within the California Water Service area. CalWater has provided a letter stating that water service can be supplied in compliance with their current UWMP that accounts for normal, dry, and multiple dry years (CalWater 2020). Therefore, the project has sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- c. **Less-than-significant impact.** This project requires the construction of a new storm water facility, construction of which is typically an extension of the existing system. This incremental improvement is not considered to be a significant impact.
- d. **Less-than-significant impact.** It is assumed that solid waste generated as a result of the project would be disposed at the Bena Landfill located at 2951 Neumarkel Road, Bakersfield, CA 93307. As of July 2013, the landfill had a remaining permitted capacity of 32,808,260 cubic yards and a maximum permitted throughput of 4,500 tons/day (CalRecycle 2017a). Using a factor of 0.006 pound of solid waste per square foot per day (CalRecycle 2017b), 25,000 SF of industrial buildings would generate about 150 pound of solid waste/day (0.0243 tons/day). The 0.075 tons/day of solid waste generated by the project accounts for 0.000016% of the maximum permitted throughput of the landfill. Therefore, the project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- e. **Less-than-significant impact.** By law, the project would be required to comply with federal, state, and local statutes and regulations, including those relating to waste reduction, litter control, and solid waste disposal.

## **XX. WILDFIRE**

- a. **Less-than-significant impact.** Please refer to response IX.f. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- b. **Less-than-significant impact.** Please refer to response IX.g. Therefore, the project would not exacerbate wildfires and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.
- c. **Less-than-significant impact.** Please refer to responses IX.a., XX.a., and XX.b. Therefore, the project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that

may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

- d. **Less-than-significant impact.** The project site is not within a floodplain, and is not in a moderate- to high-risk area for wildfires. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

## **XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

- a. **Less than significant with mitigation incorporated.** The project is subject to the terms of the MBHCP and associated Section 10(a)(1)(b) and Section 2801 permits issued to the City of Bakersfield by the U.S. Fish and Wildlife Service and the California State Department of Fish and Wildlife, respectively. Terms of the permit require applicants for all development projects within the plan area to pay habitat mitigation fees, excavate known kit fox dens, and notify agencies prior to grading. There are no important examples of the major periods of California history or prehistory found at the site. Therefore, the project, with the implementation of the identified conditions of approval, best management practices, and mitigation measures, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. **Less-than-significant impact.** Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." This section further states that cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Past, present, and future projects in proximity to the project were considered and evaluated as part of this Initial Study. Also, in addition to project specific impacts, this Initial Study considered the projects potential for incremental effects that are cumulatively considerable. As described in the responses above, there is no substantial evidence that there are cumulative effects associated with this project. In addition, any future development projects not identified above would be required to undergo a separate environmental analysis and mitigate any project- or site-specific potential impacts, as necessary. Therefore, impacts are less than significant.

- c. **Less than significant.** As described in the responses above, the project, with mitigation, would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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# CORNERSTONE ENGINEERING

CONSULTANTS • ENGINEERS • LAND SURVEYORS

February 22, 2021

File: 783-01-00

City of Bakersfield  
Attn: Planning Division  
1715 Chester Avenue  
Bakersfield, Ca 93301

## Engineering:

Civil

Electrical

Mechanical

Process

Structural

## Surveying

## Project

Management  
/ Regulatory  
Specialists

## Staff

Augmentation

## Drone

Services

### Subject: Tentative Parcel 12377 Report of Improbable Mineral Production

Tentative Parcel Map 12377 (Site) is proposed for the subdivision of two parcels of land located at 120 and 99 Washington St., Bakersfield, CA 93307, the Site, (APN's: 140-340-01 and 140-340-02); (Map 1). Future mineral (oil and gas) production from the Site is improbable. The Site is currently industrialized and, historically, the mineral production has been nil in the vicinity on site.

According to CalGEM records, there have been seven wells drilled within 1.5 miles of the project site that did not encounter commercial quantities of hydrocarbons and were plugged and abandoned. This means that, despite seven drilling attempts, there has been no development of mineral resources within 1.5 miles of the site. CalGEM records show that the nearest oil and gas production is 1.8 miles to the southwest of the site, near the Kern County Fairgrounds in the Union Avenue Field (Map 2).

Enclosed you will find the justification and technical evidence to show that production of mineral beneath the subdivision is improbable. If any additional information is needed, please contact me at (661) 345-5993 or by email at [krf8181@gmail.com](mailto:krf8181@gmail.com), or Kelsey Padilla at (661) 703-0065 or by email at [kap@cornerstoneeng.com](mailto:kap@cornerstoneeng.com).

Sincerely,

Ken Frost  
Senior Geologist/ Certified Petroleum Geologist #5868

Enclosed: Report of Improbable Mineral Production

C: Derrill G. Whitten, PE, PLS, Chief Civil Engineer and Land Surveyor,  
Cornerstone Engineering  
Kelsey Padilla, Project Specialist/ Regulatory Geologist,  
Cornerstone Engineering

#### Historic Drilling and Extraction

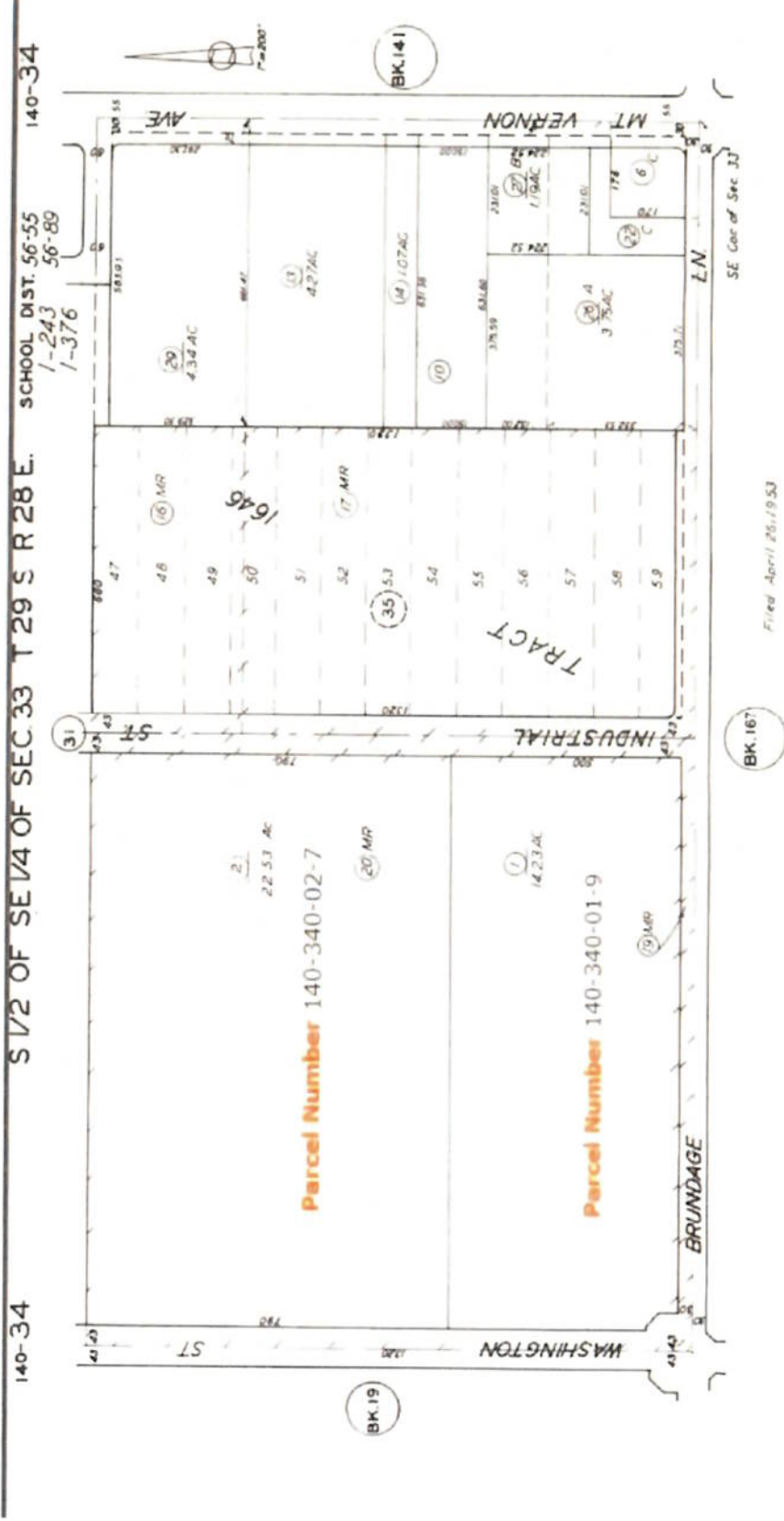
Tentative Parcel 12377 (Site) is located on two parcels of land located at 120 and 99 Washington St., Bakersfield, CA 93307. The parcel of land is situated between the Union Avenue Field to the west and the Portals-Fairfax Area of the Edison Field to the east (Map 3). Historically, mineral production within the vicinity of the Site has been absent. Surrounding the Site are several (dry exploratory) wells that did not encounter commercial volumes of hydrocarbons and were plugged and abandoned shortly after drilling. These wells are Williams 1 (API: 029-30988), Stevenson Estate 1 (API: 029-32020), Tyner 1 (API: 029-32225), Scott 1 (API: 029-32002), Bankam 56X-4 (029-32229), Hughes Community 1 (API: 029-32224), Madison Avenue 1 (API: 029-53364) (Map 3). The abandoned wells were drilled between 1928 and 1976 with no producing wells resulting from this exploration.

The producing zones in the Portals-Fairfax Area of the Edison Field are the Wicker and NOZU sands. The producing zones in the Union Avenue Field are the Chanac and Santa Margarita. All of these zones were tested by the seven wells drilled surrounding the Site.

#### Recommendation

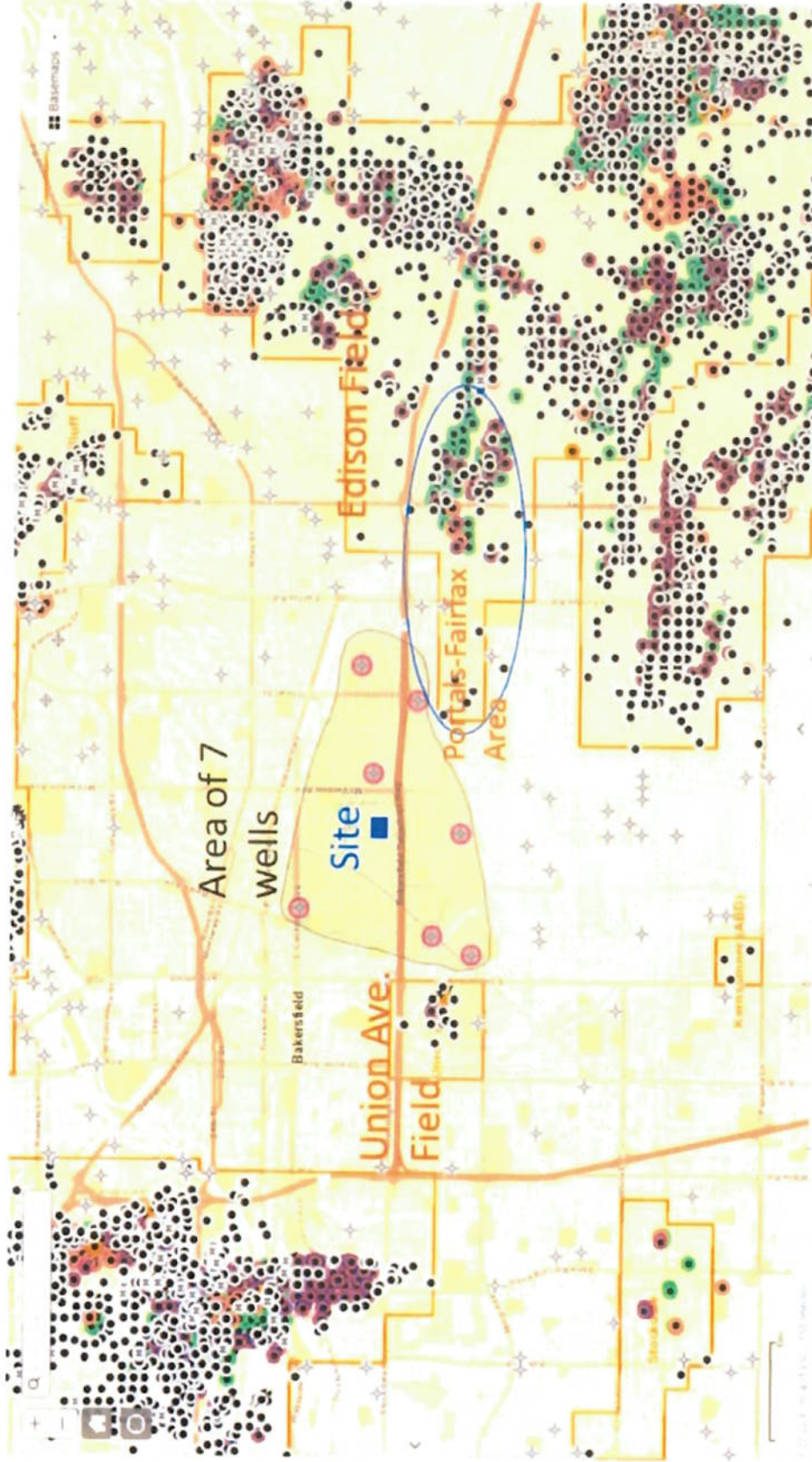
The mineral potential of the area of the Site has been thoroughly evaluated by seven wells that tested zones that are productive in nearby fields. However, the geologic conditions necessary to trap commercial quantities of minerals do not appear to exist in the area of the Site. It is concluded that there is no potential for mineral production on or near the 2 parcels, APN's: 140-340-01 and 140-340-02.

# Map 1



ASSESSORS MAP NO. 140-34  
COUNTY OF KERN

## Map 2







# CORNERSTONE

## ENGINEERING

CONSULTANTS • ENGINEERS • LAND SURVEYORS

**Ken Frost**  
**Senior Geologist**

### PROFESSIONAL SUMMARY:

Accomplished leader and petroleum geologist with 40 years of production, exploration, management, mergers and acquisitions, and regulatory compliance experience working for independent petroleum companies and two major oil and gas companies.

### PROFESSIONAL HISTORY:

#### **Cornerstone Engineering, Inc, Bakersfield CA**

**6/2020 – Present** – As a subject matter expert in the fields of geology and oil & gas regulations, Mr. Frost consults with Cornerstone's energy clients on their compliance efforts. He assisted a mid-size oil company understand the extent of exempted formations that overlap their operations in two California oil fields. He assists in reactivating a project approval letter for an operator whose injection has sat idle for more than a decade.

#### **Sentinel Peak Resources, Bakersfield CA**

**2014 – 2020** – Chief Geologic Engineer for the company who assisted in the evaluation of producing properties that resulted in the purchase of Freeport-McMoRan Inc's California assets by the company. Also established geologic standards for the company's properties to ensure compliance of all geologic models. Provide technical assistance and mentorship for geologic and reservoir engineering staff. Lead resource evaluations for internal and 3<sup>rd</sup> party reserve reporting. Lead the company's Aquifer Exemption and UIC process, assisted operators coordinating with state regulators on Aquifer Exemption packages and championed comments during final concurrence discussions. Applied for several new/amended UICs, and supported asset teams in UIC compliance. Coordinated technical training of Sentinel Peak Resources personnel. Contracted with leading technical consultants to assist with short term projects.

### EDUCATION:

Syracuse University, BS in  
Geology 1977  
Kent State University, MS in  
Geology 1979

### PROFESSIONAL MEMBERSHIPS:

Certified Petroleum Geologist #5868  
American Assoc of Petroleum  
Geologists  
San Joaquin Geologic Society  
Rocky Mountain Area Geologist  
Society of Petroleum Engineers  
American Petroleum Institute

## **Ken Frost (cont'd)**

### **LINN Energy, Bakersfield CA**

**2013 – 2014** – Regional Geologist for LINN Energy's California operations. Supervised and performed evaluations for potential acquisition of producing assets, identified and prepared development plans for bolt-on projects to legacy properties (added several CVX leases), evaluated problematic thermal projects for improvement, lead production teams in thermal producing pattern reviews for efficiencies, and mentored reservoir engineers and geologists on project development and geo-model construction. Also, lead regulatory compliance projects for all aquifer exemption work with the California Department of Conservation's DOGGR, SWRC Board, and the US EPA. In addition, prime technical contact for all California UIC projects that include all enhanced oil recovery projects and water and gas disposal projects.

### **Berry Petroleum, Bakersfield CA**

**2002 – 2013** – Senior Evaluation and Regional Geologist with primary responsibility over the mergers & acquisition team. That team was responsible for leading and executing the growth strategy for Berry Petroleum Company, a regionally based independent oil and gas company, resulting in the expansion of the company into several basins in the Rockies, Texas, Mid-Continent, and San Joaquin basin. Performed geological and reservoir evaluation of producing properties in major producing basins that have included conventional and unconventional reservoir types for potential acquisition. Properties acquired have EUR's that range from 35 MMBOE to 125 MMBOE. Also prepared, presented, negotiated, and assisted in closing divestiture packages for producing properties and mid-stream assets. Evaluated geology and reservoir potential of marginally producing properties for thermal recovery potential, initiated thermal pilot programs, all resulting in successful cyclic and steam flood pilots with proved reserves of 70 MMBO.

### **Texaco/Chevron, Bakersfield CA**

**1994 – 2002** – As Asset Manager, supervised the reservoir evaluation of Elk Hills field for company bid for the privatization of the Naval Petroleum Reserve. Initiated the horizontal development of the Monterey Shale in the San Joaquin Basin and supervised the full field development including drilling, completion, production facility construction, and pipeline installation. Peak production was 4,100 BO and 2 MMCFG per day and field EUR is 40 MMBOE. Managed the development and production of conventional and unconventional (shallow low permeable reservoirs, Diatomite) thermal heavy oil properties that included conventional steam generators and co-generation facilities. Supervised 3D seismic acquisition for various exploration plays in California.

### **Texaco, Denver CO**

**1990 – 1994** – As Reservoir Geologist, lead reservoir geologist on an enhanced oil recovery team directing water flood development at fields in Oklahoma and Williston basin and thermal recovery projects in the San Joaquin basin, California.

### **Texaco, Tulsa OK and Denver CO**

**1980 – 1990** – As Exploration/Development Geologist, was a member of Mid-Continent and Rocky Mountain exploration and development team developing prospects and infill drilling programs in the Anadarko, Arkoma, DJ, Michigan, Illinois, Appalachian, and Williston basins. Supervised joint venture exploration activity with working interest partners in Appalachian.

**ATTACHMENT A**

**DRAFT**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION  
TO ADOPT A MITIGATED NEGATIVE DECLARATION AND  
APPROVE VESTING TENTATIVE PARCEL MAP 12377 (PHASED)  
LOCATED AT THE NORTHEAST CORNER OF EAST BRUNDAGE  
LANE AND WASHINGTON STREET.**

**WHEREAS**, Cornerstone Engineering representing Big Washington, filed an application with the City of Bakersfield Planning Department requesting a Vesting Tentative Parcel Map 12377 (the "Project"), consisting of 20 buildable parcels and three sump lots on 40.1 acres for warehouse development, as shown on attached Exhibit "B", located at the northeast corner of East Brundage Lane and Washington Street as shown on attached Exhibit "C"; and

**WHEREAS**, the application was deemed complete on April 15, 2021; and

**WHEREAS**, an initial study was conducted that determined the Project would not have a significant effect on the environment, and a Mitigated Negative Declaration was prepared in accordance with California Environmental Quality Act (CEQA); and

**WHEREAS**, the Secretary of the Planning Commission, did set, Thursday, June 3, 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 proposed Mitigated Negative Declaration and the Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

**WHEREAS**, the Planning Commission continued the public hearing to the regularly scheduled Planning Commission meeting of June 17, 2021 in order for the applicant to post the required on-site signs at least 20 days prior to the hearing date; 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 20 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the application is a project under CEQA and an initial study and a Mitigated Negative Declaration were prepared and duly noticed for public review.
3. A Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany its approval. In accordance with the State CEQA Guidelines, staff prepared an initial study and indicated that because mitigation measures relating to air quality, biological and cultural resources, and traffic have been incorporated into the Project, the Project will not significantly impact the physical environment.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the SI (Service Industrial) land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.4. The subdivider has presented competent technical evidence that the production of minerals beneath the subdivision is improbable and has provided notice of such as required in BMC Section 16.20.060 A.4., to each mineral owner and lessee of record.
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 Mitigated Negative Declaration is hereby approved.
3. Vesting Tentative Parcel Map 12377, 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 June 17, 2020, on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, by the following vote.

AYES:  
NOES:  
ABSENT:

APPROVED

LARRY KOMAN, CHAIR  
City of Bakersfield Planning Commission

**Exhibits (attached):**

Exhibit A: Conditions of Approval  
Exhibit B: Location Map  
Exhibit C: Vesting Tentative Parcel Map 12377

By j.eng / S:\TRACTS\12377\IPC Docs\6-17-21\12377 PC Res.docx

EXHIBIT "A"  
TENTATIVE PARCEL MAP 12377  
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

There was no letter submitted requesting deviations from standards.

1. 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.
2. Prior to grading plan review submit the following for review and approval:
  - 2.1.1. A drainage study for the entire subdivision shall be submitted for review and approval by the City Engineer.
  - 2.1.2. Each parcel created shall be served by an adequate sewer system. A sewerage study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions.
  - 2.1.3. Storm water generated by this parcel map shall be retained on site in a privately maintained sump. The sumps located in Lot 1, Phase 1, Lot 1 Phase 6, and Lot 2, Phase 7 shall be privately maintained.
  - 2.1.4. If the parcel map 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 incorporate the use of both source control BMP's and structural treatment control BMP's.
3. The following conditions must be reflected in the design of the improvement plans:
  - 3.1. Final plan check fees shall be submitted with the first plan check submission.
  - 3.2. 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 subdivision 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 subdivision will be required.
  - 3.3. Install traffic signal interconnect conduit and pull rope for the frontage in all arterials and collectors.
  - 3.4. 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

- 3.5. developed to provide necessary transitions and deceleration lanes to meet the current CalTrans standards for the design speed of the roadway in question.
  - 3.6. 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.
4. Improvement plans will be required to comply with the following:
    - 4.1. The minimum distance for a drive approach along a collector street from an arterial intersection curb return is 150 feet. Drive approaches constructed along collector streets within 300 feet of the curb return at an arterial intersection shall be limited to right turn in and right turn out movements.
    - 4.2. Right turn deceleration lanes are required on arterials at local streets.
  5. The phasing map as submitted may be unbalanced with respect to the required improvements along the Parcel Map frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of a final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.
  6. The subdivider shall either construct the equivalent full width landscaped median island in East Brundage Lane for the length of the site's frontage or pay his proportionate share of the cost for the future construction of the median.

Median islands shall be designed by the first tract to be approved on a side. The medians may be constructed by the first tract on a side, or the median island fees shall be paid. NOTE: MEDIAN CONSTRUCTION AND LANDSCAPING COSTS MAY BE BASED ON ESTIMATES APPROVED BY THE CITY ENGINEER per City standard, unless costs (median fees) have been previously identified in previous conditions for the same property. The median estimate shall include line items for curb, stamped concrete, landscaping, irrigation piping and controllers. If the median island is not constructed, the second tract across the street shall construct and landscape the median island. Construction or payment shall be for the full width street frontage of the land being subdivided. The total cost may be apportioned between the phases and paid prior to recordation of each phase if he elects to pay his share of the costs for the future construction.

7. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of a final map, the City Engineer shall determine the extent of improvements to be constructed with that particular phase.
  - 7.1. The following shall occur with Phase 1:
    - 8.1.1. Construct East Brundage Lane for the full extent of the street lying along the Parcel Map's frontage if not already completed.
    - 8.1.2. Construct Washington Street for the full extent of the street lying within the Parcel Map's boundary if not already completed.
    - 8.1.3. Construct Industrial Street for the full extent of the street lying within the Parcel Map's boundary if not already completed.
  - 7.2. The subdivider is responsible for verifying that existing streets within the boundary of the tract are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
  - 7.3. Where streets do not have curb and gutter, construct a minimum section of 36 feet wide consisting of 2-12' lanes, 2-4' paved shoulders and 2 additional feet per side of either AC or other dust proof surface.
  - 7.4. The project shall construct all street improvements along project frontage on East Brundage Lane, Washington Street, and Industrial Street per City Standards including curb & gutter, street paving, drainage improvements, sidewalk, and street lights. The project shall construct the intersection of East Brundage Lane and Washington Street to its ultimate expanded intersection layout along project frontage. (Revise design with a bay taper to match standard T-4. The driveway cannot be within the taper, start the taper east of the driveway.) The project shall construct the intersection of East Brundage Lane and Industrial Street to its ultimate expanded intersection layout along project frontage.
  - 7.5. Turning movements along arterials streets shall be restricted to right turn in and right turn out only. A minimum storage of 150' plus 90' taper along East Brundage Lane and Washington Street shall be required per the City of Bakersfield standards.
  - 7.6. Street Name Signs (SNS):
    - a. Metro Size SNS shall be installed at the intersection of local streets with Arterial and collector streets.
    - b. Standard SNS shall be installed at all other locations.

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

8. Prior to recordation of each Final Map, the subdivider shall:
  - 8.1. 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.
  - 8.3. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
  - 8.4. Submit for the City's Review and approval C.C. & R.'s and Property Owner's Association By-Laws for the use and maintenance of all non-dedicated, shared facilities. Among those non-dedicated, shared facilities will be the on-site sewer main lines and laterals and storm water retention basin(s), shared access, and associated storm drain lines and appurtenant facilities.
  - 8.5. Submit a street lighting plan for Washington Street, East Brundage Lane, and Industrial Street if not already approved and installed.
9. The following must be reflected in the final map design:
  - 9.1. A waiver of direct access shall be required for all lots abutting any arterials and collectors.

**The subdivider shall:**

- 9.2. Provide easements for required facilities not within the border of the phase being recorded.
- 9.3. Ensure that each cable television company provides notice to the City Engineer of its intention to occupy the utility trench.
- 9.4. Prior to the issuance of building permits, the project applicant shall participate in the RTIF program by paying the adopted fees in place for the land use type at time of development.
- 9.5. As per the traffic study "Proposed Warehouse/Light Industrial Development – Washington Street and Brundage Lane" prepared by Ruetters and Schuler dated January 2021, the following local mitigation measure items are also required\*: (see table on next page)

Future Intersection Improvements and Local Mitigation (Same table as shown in Condition NO. 31)

#	Intersection	Total Improvements Required by 2040	Local Mitigation (Improvements not covered by RTIF or adjacent development)	Project share
1	Dr Martin Luther King Jr Blvd & Brundage Lane	NBR Permitted Overlap	NBR Permitted Overlap	19.74%
3	Washington Street & Brundage Lane	Change SBLTR to SBT Add NBLT, SBLT, SBRT	Change SBLT to SBT Add NBL, SBL, SBR may be accomplished by striping the required new widened pavement	49.16%

\*Note: The Traffic Study has not been finalized; some of the local mitigation items may change.

NB = Northbound

WB = Westbound T = Through Lane

SB = Southbound L = Left-Turn Lane

EB = Eastbound R = Right-Turn Lane

10. Prior to Notice of Completion:

10.1. the storm drain system, including the sump, shall be inspected and any debris removed.

11. 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, unless the sump is a private facility. If the sump will be privately maintained, the sump shall be constructed to City standards and shall have a wall or slatted chain link fence separating the sump from the public.

12. Drainage basins shall be reviewed and approved by both the Public Works Department and the Water Resources Department.

13. Install blue markers in the street at the fire hydrants per the Fire Department requirements.

14. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 22, 1997, and modification letter dated October 20, 2000.

15. 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. It is recommended that the on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. If the developer chooses to video the on-site sewer system, then the following procedure is recommended: The television

camera shall have the capability of rotating 360°, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.

#### FIRE SAFETY DIVISION

##### 18. Pipeline Easements.

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

*Public health, safety and welfare.*

#### CITY ATTORNEY

19. 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

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

21. The subdivision shall be recorded in no more than 20 phases. Phases shall be identified numerically and not alphabetically.

*Orderly development.*

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

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

23. Mineral Rights: Signatures of mineral interests are waived on final maps.

*Waiver of signatures based on BMC Section 16.20.060 A.4 by submitting technical evidence that mineral production from below the project site is improbable.*

24. 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.*

## **MITIGATION MEASURES**

### **Air Quality Impact Mitigation Measures:**

25. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.
26. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

### **Biological Resources Impact Mitigation Measures:**

27. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (i.e., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus) covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.
28. The current MBHCP expires on February 28, 2022. 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 USFWS and the CDFW.

### Cultural Resources Impact Mitigation Measures:

29. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.
30. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

### Traffic Impact Mitigation Measures:

31. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.
32. Future Intersection Improvements and Local Mitigation (\*Same table as shown in Condition No. 9.5)

#	Intersection	Total Improvements Required by 2040	Local Mitigation (Improvements not covered by RTIF or adjacent development)	Project share
1	Dr Martin Luther King Jr Blvd & Brundage Lane	NBR Permitted Overlap	NBR Permitted Overlap	19.74%
3	Washington Street & Brundage Lane	Change SBLTR to SBT Add NBLT, SBLT, SBRT	Change SBLT to SBT Add NBL, SBL, SBR may be accomplished by striping the required new widened pavement	49.16%

\*Note: The Traffic Study has not been finalized; some of the local mitigation items may change.

NB = Northbound

WB = Westbound T = Through Lane

SB = Southbound L = Left-Turn Lane

EB = Eastbound R = Right-Turn Lane

33. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

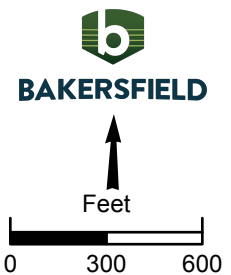
# VTPM 12377 EXHIBIT B

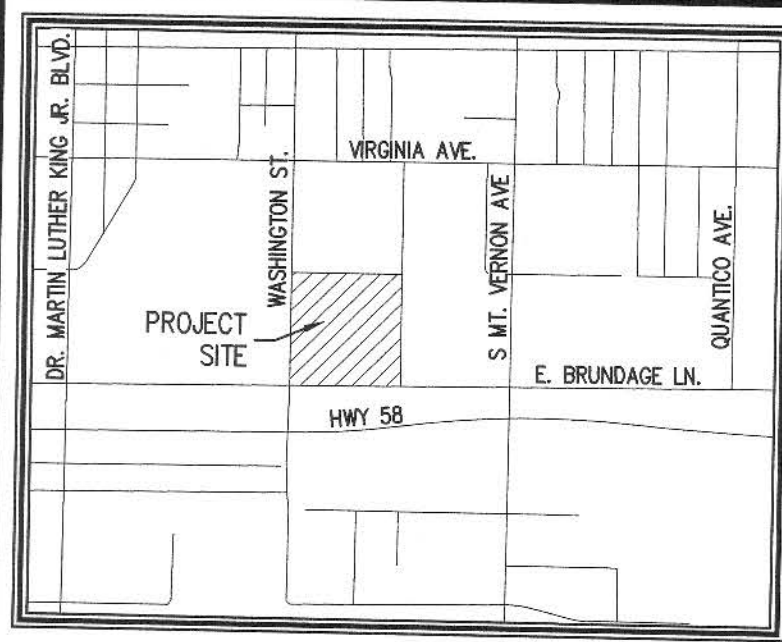
CITY OF BAKERSFIELD



## 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





VICINITY MAP  
NTS

### GENERAL INFORMATION

1. ADDRESS : 120 & 99 WASHINGTON ST., BAKERSFIELD, CA 93307
2. ACREAGE : 40.1 ACRES GROSS, 36.6 ACRES NET
3. PROPOSED TOTAL NUMBER OF PARCELS: 23
4. BUILDABLE LOTS: 20
5. CURRENT LAND USE : GENERAL MANUFACTURING
6. PROPOSED LAND USE : INDUSTRIAL
7. GENERAL PLAN DESIGNATION: SERVICE INDUSTRIAL
8. EXISTING AND PROPOSED ZONING : M-2 (GENERAL MANUFACTURING)
9. WATER: CAL WATER
10. SEWER: CITY OF BAKERSFIELD
11. THIS MAP WILL BE PHASED
12. APN : 140-340-01 & 140-340-02
13. TYPE 'A' IMPROVEMENTS REQUIRED
14. THERE ARE NO WATER OR GAS WELLS WITHIN THE BOUNDARY.
15. ALL EXISTING BUILDINGS TO REMAIN WILL BE USED HALF FOR OFFICE SPACE AND HALF FOR INDUSTRIAL WAREHOUSE SPACE.

### LEGEND

- EX. BUILDING
- EX. UTILITY POLE
- EX. HYDRANT
- EX. SEWER, STORM DRAIN, AND ELECT MANHOLES
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE
- EX. EDGE OF PAVEMENT
- EX. 6" CHAINLINK FENCE
- EX. OVERHEAD UTILITIES
- EX. STORMDRAIN LINE
- EX. SEWER LINE
- RIGHT OF WAY
- EASEMENTS
- MONUMENT FOUND AND NOTED HEREON
- PROPOSED PARCEL LINES

### EXHIBIT C

### PUBLIC UTILITY INFORMATION

- WATER: CAL WATER
- SEWER: CITY OF BAKERSFIELD
- ELECTRIC: PG&E
- GAS: PG&E
- PHONE: AT&T
- CABLE TV: BRIGHTRHOUSE NETWORK

### LAND SURVEYOR

DERRILL G. WHITTEN JR.  
L.S. 7816  
CORNERSTONE ENGINEERING INC.  
208 OAK ST.  
BAKERSFIELD, CA 93304  
661.325.9474

### PROPERTY OWNER/SUBDIVIDER

BIG WASHINGTON, LLC  
ADDRESS: 15332 ANTIOCH ST. NO. 144  
PACIFIC PALISADES, CA 90272  
PHONE: (424)229-4248

# TENTATIVE PARCEL MAP NO. 12377

BEING A DIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 29 SOUTH, RANGE 28 EAST, M.D.B.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

BEING A DIVISION OF ±40.14 GROSS ACRES INTO TWENTY-THREE (23) LOTS  
(APN: 140-340-01 & 140-340-02)

### LICENSED LAND SURVEYOR'S STATEMENT

I, DERRILL G. WHITTEN JR., HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP CONSISTING OF ONE (1) SHEET CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION IN JULY 2020 IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AND THAT THE SURVEY IS TRUE AND COMPLETE AND THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AND ARE OF A CHARACTER AND DO OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED.

*Derrill G. Whitten Jr.*  
DERRILL G. WHITTEN JR. P.L.S. 7816

08/20/2020  
DATE



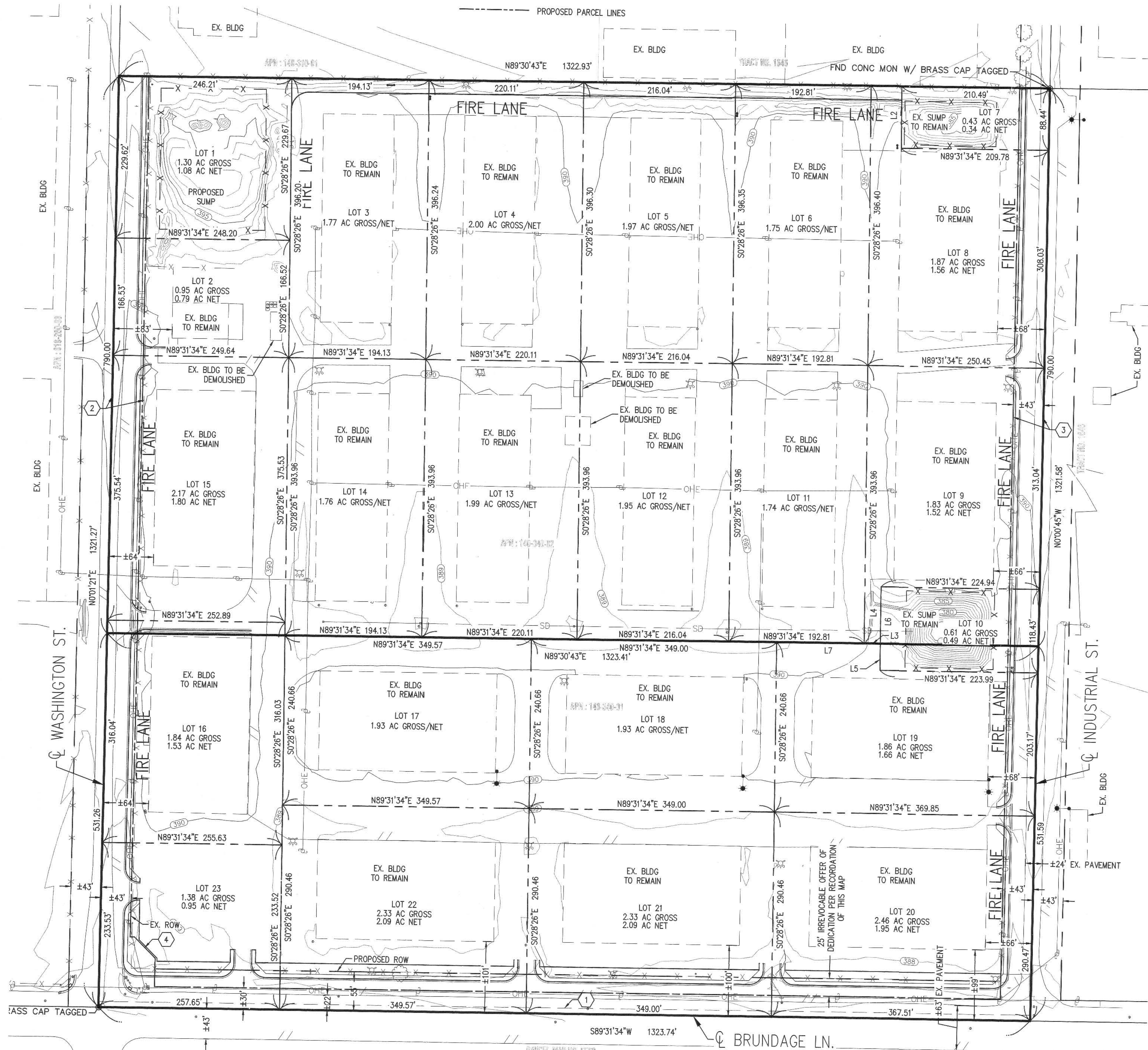
### SURVEYOR'S NOTES

1. THE DISTINCTIVE BOUNDARY (---) INDICATES THE BOUNDARY OF LAND SUBDIVIDED BY THIS MAP.
2. THIS WILL BE A PHASED SUBDIVISION.

### EASEMENTS OF RECORD:

1. IN FAVOR OF: CITY OF BAKERSFIELD  
DESCRIPTION: SEWER SYSTEM; TO LAY, CONSTRUCT, RECONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW, CHANGE THE SIZE OF AND REMOVE SEWER PIPELINES.  
RECORDED: BOOK 199, PAGE 78 OF KERN COUNTY OFFICIAL RECORDS  
DATE: MARCH 4, 1908  
AS PLOTTED HEREON.
2. IN FAVOR OF: COUNTY OF KERN  
DESCRIPTION: PUBLIC HIGHWAY  
RECORDED: BOOK 1978, PAGE 286 OF KERN COUNTY OFFICIAL RECORDS  
DATE: JULY 2, 1952  
AS PLOTTED HEREON.
3. IN FAVOR OF: COUNTY OF KERN  
DESCRIPTION: PUBLIC HIGHWAY  
RECORDED: BOOK 2493, PAGE 179 OF KERN COUNTY OFFICIAL RECORDS  
DATE: SEPTEMBER 23, 1955  
AS PLOTTED HEREON.
4. IN FAVOR OF: CITY OF BAKERSFIELD  
DESCRIPTION: PUBLIC STREET  
RECORDED: 0202214816 OF OFFICIAL RECORDS  
DATE: DECEMBER 19, 2002  
AS PLOTTED HEREON.

LINE TABLE		
LINE #	BEARING	DISTANCE
L2	S0°28'26"E	88.39'
L3	N89°31'34"E	22.98'
L4	S0°28'26"E	80.93'
L5	S0°28'26"E	37.50'
L6	S0°28'26"E	118.43'
L7	N89°31'34"E	147.50'



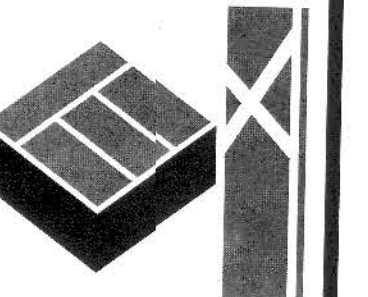
### BASIS OF BEARINGS

BEING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 29 SOUTH, RANGE 28 EAST M.D.B.M. HAVING A BEARING OF N89°29'40"E PER TRACT MAP 1646 AS RECORDED IN BOOK 8 AT PAGE 59 OF MAPS IN THE KERN COUNTY RECORDER'S OFFICE.

### BENCHMARK

TOP OF BRASS CAP MONUMENT AT THE CENTERLINE INTERSECTION OF BRUNDAGE AND OSWELL. ELEVATION = 392.85' PER CITY OF BAKERSFIELD BM BOOK AT FRONT COUNTER, 1ST FLOOR PW DEPARTMENT.

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



**BIG WASHINGTON, LLC**  
15332 ANTIOCH ST. NO. 144  
PACIFIC PALISADES, CA 90272

TENTATIVE PARCEL  
MAP # 12379  
BAKERSFIELD, CALIFORNIA  
APN: 140-340-01 &  
140-340-02

DESIGNER: EPM  
CHECKED BY: DGW  
DATE: 08-20-2020  
DRAFTER: EPM  
SCALE: AS SHOWN  
COMP. NO: 7830100\_TPM.DWG  
JOB NO: 783-01-00  
SHEET 1



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** June 17, 2021

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

**TO:** Chair Koman and Members of the Planning Commission

**FROM:** Paul Johnson, Planning Director

**PLANNER:** Jennie Eng, Principal Planner

**DATE:**

**WARD:** Ward 5

**SUBJECT:**

**Vesting Tentative Tract Map 7381 (Phased):** McIntosh and Associates is proposing to subdivide 16.89 acres into 57 multiple-family residential lots, 2 Public Landscape Lots, and 1 Drainage Sump lot located north of Panama Lane and on the east side of Old River Road. Negative Declaration on file.

**APPLICANT:** McIntosh & Associates

**OWNER:** Daryl C. Nicholson, et. al.

**LOCATION:** Located north of Panama Lane and on the east side of Old River Road in southwest Bakersfield.

---

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
▣ Staff Report	Staff Report
▣ Map Set	Backup Material
▣ VTTM 7381	Backup Material
▣ GPA 19-0184 Resolution No. 120-2020	Backup Material
▣ Resolution with Exhibits	Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 17, 2021

**AGENDA:** 5.b

**FILE:** Vesting Tentative Tract Map 7381 (Phased)

**WARD:** 5

**STAFF PLANNER:** Tony Jaquez, Associate Planner

---

**REQUEST:** A proposed vesting tentative tract map for multiple family residential purposes containing 57 lots, two public landscape lots, and one drainage sump lot on 16.89 acres, zoned R-2 (Limited Multiple Family Dwelling), including a request for alternate lot and street design, and to waive mineral rights signatures pursuant to Bakersfield Municipal Code Section 16.20.060.A.1.

---

**APPLICANT:** McIntosh and Associates  
2001 Wheelan Court  
Bakersfield, CA 93309

**OWNER:** Daryl C. Nicholson, et. al.  
2101 San Gabriel Avenue  
Clovis, CA 93611

**PROJECT LOCATION:** Located north of Panama Lane and along the east side of Old River Road in southwest Bakersfield

**APN:** Portion of 497-010-94

**PROJECT SIZE:** 16.89 acres

**CEQA:** Section 15162 (Previous MND)

---

**EXISTING GENERAL PLAN DESIGNATION:** LMR (Low Medium Density Residential)

**EXISTING ZONE CLASSIFICATION:** R-2 (Limited Multiple Family Dwelling)

---

**STAFF RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Vesting Tentative Tract Map 7381 (Phased) with conditions.

---

**SITE CHARACTERISTICS:** The project site is currently vacant land. Surrounding properties are primarily developed as: *north* – single family residential; *east* – single family residential; *south* – self-storage facility and vacant land with an approved Planned Commercial Development Review (PDR 20-0281) for a commercial shopping center; and *west* – undeveloped.

## BACKGROUND AND TIMELINE:

- May 26, 1993 - City Council approved a zone change to adopt the zoning of R-1 (One Family Dwelling) on the subject property (Ordinance No. 3534).
- March 5, 2020 - Planning Commission denied General Plan Amendment and Zone Change (GPA/ZC No. 19-0184) to change the land use designation from LR (Low Density Residential) to LMR (Low Medium Density Residential), and change the zoning from R-1 to R-2 (Limited Multiple Family Dwelling) on 16.89 gross acres (Resolution No. 14-20 and 15-20). The applicant appealed the decision to City Council.
- August 12, 2020 - City Council upheld the appeal and approved GPA/ZC No. 19-0184 (Resolution No. 120-2020; Ordinance No. 5019). At that time, the City Council also adopted a mitigated negative declaration (Resolution No. 119-2020).
- May 20, 2021 – This project was scheduled for consideration by your Commission. However, subsequent to release of the staff report, the applicant submitted an updated tentative map which adjusted the lot lines of several lots on the northeast portion of the map. Consequently, in order for staff to review the changes, the project was referred back to staff to for re-advertisement of a new public hearing date. Upon review, staff is recommending approval of the adjusted lots since they adhere to City’s standards with regard to lot size and configuration.
- May, 26, 2021 - The application for Vesting Tentative Tract Map (“VTTM”) 7381 was deemed complete in response to the applicant’s changes after the May 20, 2021 staff report was released.

## PROJECT ANALYSIS:

The proposed vesting tentative tract subdivision consists of 57 lots on 16.89 acres for purposes of multi-family development. Typical lot size is approximately 60 feet wide by 120 feet deep (7,200 square feet). The density is 11.92 units per net acre, which is consistent with the LMR designation of the project site of less than or equal to 10 dwelling units per net acre.

The applicant submitted for development of duplexes on the 57 lots to construct 116 dwelling units. The plans are under review by the Site Plan Review Committee and will need to comply with current development standards, and Condition 9 of GPA/ZC 19-0184 which states:

*“As part of the site plan or Tract Map approval, the property owner shall provide single - story building elevations similar to the conceptual design included as Attachment B for the dwellings located along the existing homes abutting Empire State Drive. Any changes are subject to approval by the Public Works Director and Planning Director, or other discretionary decision-making body.”*

**Consistency/Deviation from Design Standards.** The applicant has requested one (1) deviation from City standards as listed below in Table A.

Table A. Deviation Requests		
REQUEST	APPLICANT’S REASON/JUSTIFICATION	STAFF COMMENT/ RECOMMENDATION
Double frontage lots along Old River Road (arterial street) for Phase 1, Lots 25-29	Meets ordinance (BMC Section 16.28.170. H) criteria.	Controlling factors such as traffic, safety, appearance, and setback. Wall and landscaping maintained by HOA - (Conditions 5.1 and 27) APPROVE

**Landscaping.** The applicant proposed two “public” landscape lots; however, per policy the City’s Consolidated Maintenance District does not maintain landscaping adjacent to multi-family residential. Therefore, the Homeowners Association is required to maintain the landscaping on Old River Road and Contoria Lane adjacent to commercial center and existing self-storage (Condition No. 4.4.1.3). Regarding landscaping on the south side of Contoria Lane next to the self-storage facility, there shall be a 4.5-foot wide sidewalk abutting the existing block wall of the self-storage facility, with 5-foot wide landscape area adjacent between the curb and sidewalk.

Additional landscape requirements are identified with Condition 10 of GPA/ZC 19-0184 (Res. No. 120-2020) which states:

*“Prior to approval of a site plan, or prior to or concurrently with recordation of any phase of a Map, the subdivider shall record covenant(s) requiring all property landscaping be maintained by the owner, not renter to include but not limited to street trees, sidewalks and any landscaped area within a right of way which is adjacent to and contiguous with the owner’s duplex unit. Covenant(s) shall be reviewed approved by the City Attorney and Planning Director prior to recording (Example included as Attachment C).”*

**Circulation.** Access to this subdivision would be from Old River Road (arterial) on the subdivision’s west boundary and from Giuliani Way, an existing local street located at the north boundary of the map. A single access point to the commercial zoned property to the south is proposed along the south boundary via Contoria Lane, local street. The interior street design also complies with Condition 8 of GPA/ZC 19-0184 which states: *“As part of the site plan or Tract Map approval, the property owner shall provide a street layout similar to the conceptual design included as Attachment A. Any changes are subject to approval by the Public Works Director and Planning Director, or other discretionary decision-making body.”*

**Park Land In-Lieu Fees/Dedication.** The City of Bakersfield Recreation and Parks Department provides park and recreational services to the project site. There are three City parks in the vicinity of the project site; Tradewinds Park located 0.32 miles to the northeast, Bridle Creek Park located 0.45 miles to the south, and Greystone Park located 0.53 to the northwest. Staff recommends payment of in-lieu fees to satisfy the park land requirement of Bakersfield Municipal Code (“BMC”) Chapter 15.80 (Condition No. 22).

**Mineral Rights.** The applicant is requesting the Planning Commission approve waiver of mineral rights signatures on the final map pursuant to BMC 16.20.060 A.1 as the party’s right of surface entry has been waived by recorded document prior to recordation of any final map. Evidence of waiver of right of surface entry is indicated in an agreement entitled, “Agreement for Surface Entry Waiver and for Drill Sites” recorded as Instrument No. 026090 in Book 6159, Page 154 on September 1, 1988 in Kern County. Staff recommends the Planning Commission approve waiver of these signatures on the final map.

California Department of Conservation’s Division of Geologic Energy Management (“CalGEM”) website indicates there are no known wells on the property and no known active operators of record. If a well is uncovered, the subdivider must consult with CalGEM regarding proper abandonment of the well, in accordance with the municipal code (Condition 26).

Except as may otherwise be described in this staff report, the proposed project, subject to the conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

## ENVIRONMENTAL REVIEW AND DETERMINATION:

A Mitigated Negative Declaration (“MND”) was adopted for GPA/ZC No. 19-0184 by the City of Bakersfield Planning Commission on August 12, 2020 in accordance with the California Environmental Quality Act (“CEQA”), and a Notice of Determination (NOD) was filed with the Kern County Clerk. No new significant impacts, nor substantial increase in severity of impacts will result with proposed VTTM 7381 from those previously identified in the MND for GPA/ZC 19-0184. Therefore, pursuant to CEQA Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken and no new environmental impacts have been identified. Mitigation measures from the previously adopted MND have been included and are attached to the resolution.

## PUBLIC NOTIFICATION:

VTTM 7381 was re-advertised and an updated notice sent for a June 17, 2021 hearing before the Planning Commission. The public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law. Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

**Comments Received.** As of this writing, no written public comments have been received.

## CONCLUSIONS:

**Consistency with General Plan and Zoning Ordinance.** The applicant has requested approval of VTTM 7381 to subdivide 16.89 acres into 57 multi-family residential lots, ranging in size from 6,646 to 18,761 square feet, two public landscape lots, and one drainage sump lot on property designated as LMR in an R-2 zone. The purpose of this request is to facilitate future residential development. The proposal is consistent with land use goals and policies as contained in the General Plan, which encourages continuity of existing development and allows incremental expansion of infrastructure. Additionally, the proposed project is consistent with the Zoning Ordinance and any future development onsite will also be required to comply with all applicable regulations and design standards as identified in the Zoning Ordinance.

**Recommendation.** Staff finds that the applicable provisions of CEQA have been complied with, and the proposal is compatible with the existing land use designation and land uses in the surrounding area. Staff finds the proposed subdivision is reasonable and the request to waive mineral rights is consistent with BMC Section 16.20.060 A.1. Based on information in the record, Staff recommends your Commission to adopt Resolution and suggested findings **APPROVING** Vesting Tentative Tract Map 7381 as outlined in the project description with recommended conditions.

## ATTACHMENTS:

### Map Set

- Aerial
- Zone Classification
- General Plan Designation

VTTM 7381

GPA/ZC 19-0184 Res. No. 120-2020

Draft PC Resolution with Exhibits

Conditions of Approval

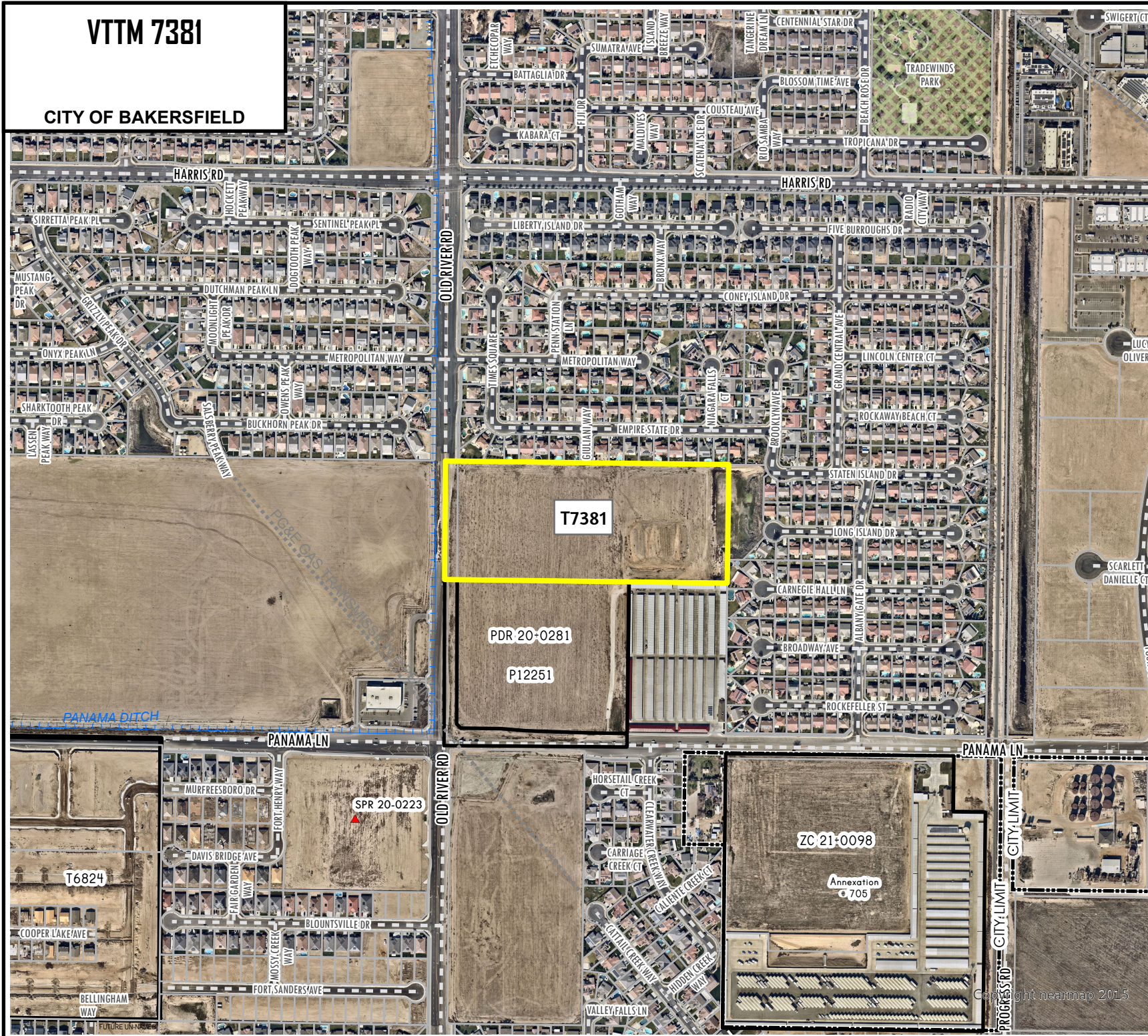
Location Map

VTTM 7381

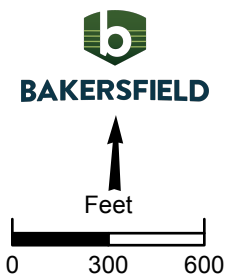
Landscape cross-section adjacent self-storage

VTTM 7381

CITY OF BAKERSFIELD



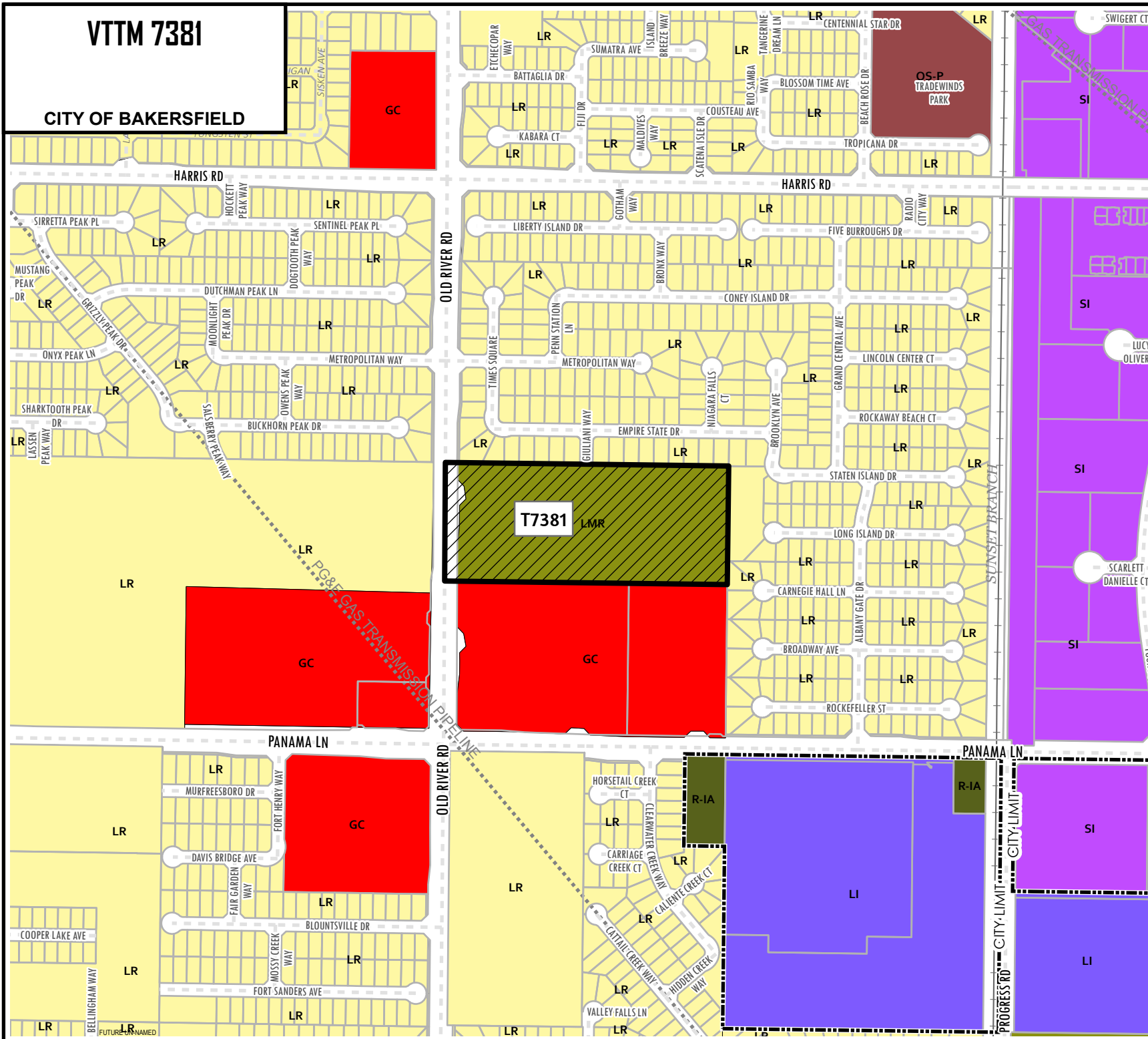
AERIAL



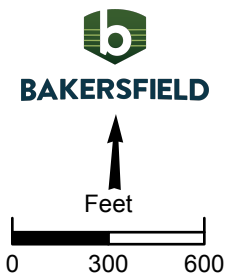
Document Name: 2021\_03\_06

VTTM 7381

CITY OF BAKERSFIELD

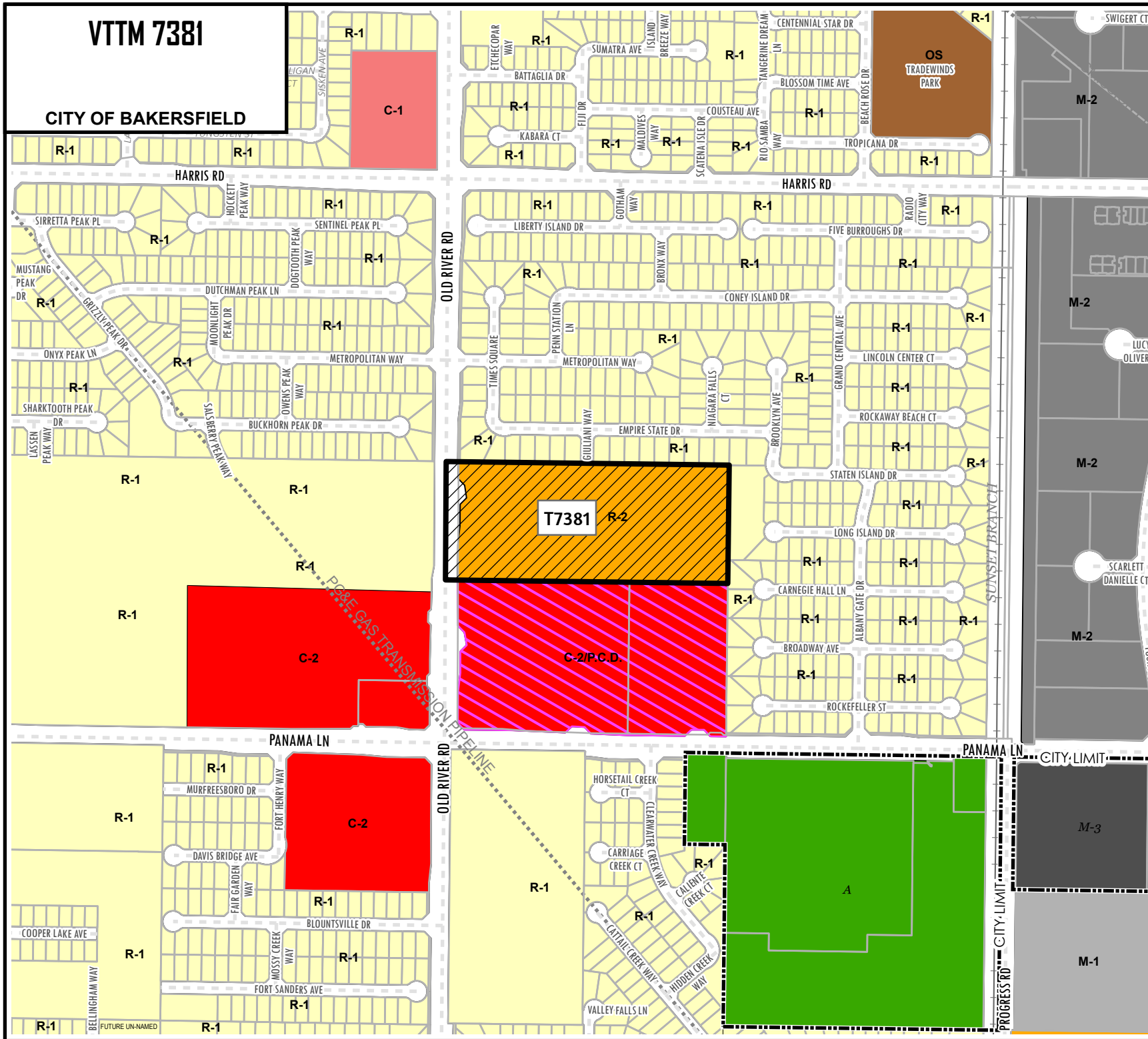


- Land Use
- RESIDENTIAL**
- LMR - Low Medium Density Residential: > 4 units but ≤ 10 dwelling units/net acre
  - LR - Low Density Residential: ≤ 7.26 dwelling units/net acre
- COMMERCIAL**
- GC - General Commercial
- INDUSTRIAL**
- LI - LIGHT INDUSTRIAL
  - SI - Service Industrial
- OPEN SPACE**
- OS-P - Parks and Recreation
- RESOURCE**
- R-IA - Resource - Intensive Agriculture: 20 acre minimum parcel size



VTTM 7381

CITY OF BAKERSFIELD



Zoning

Commercial Zone Designations

- C-1 Limited Commercial
- C-2 Commercial
- C-2/P.C.D. Combining

Industrial Zone Designations

- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial

Resource Zone Designations

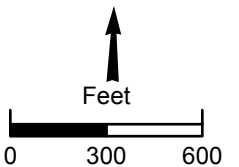
- A Agricultural
- OS Open Space

Residential Zone Designations

- R-1 One Family Dwelling
- R-1-CH One Family Dwelling - Church Overlay
- R-2 Limited Multiple Family Dwelling Zone - 1 unit/2,500 sq. ft.



BAKERSFIELD



## BASIS OF BEARINGS:

THE BEARING OF N 02°11'19" E SHOWN FOR THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 20, T. 30 S., R. 27 E. ON TRACT No. 6169 UNIT 7, FILED IN BOOK 52 OF MAPS AT PAGE 122 WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

## BENCHMARK:

TOP OF CONCRETE MONUMENT IN LAMPHOLE AT THE INTERSECTION OF OLD RIVER ROAD AND BAKERSFIELD ROAD.

ELEVATION = 346.42' (USGS DATUM)

## FLOOD ZONE:

THIS SITE IS IN A FEMA FLOOD ZONE "X" AS SHOWN ON FIRM MAP No. 06029C2300E, DATED SEPTEMBER 26, 2008. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

## ZONING LEGEND:

C-2 = REGIONAL COMMERCIAL ZONE  
P.C.D. = PLANNED COMMERCIAL DEVELOPMENT ZONE  
R-1 = ONE FAMILY DWELLING ZONE  
R-2 = LIMITED MULTIPLE FAMILY DWELLING ZONE

## LAND USE LEGEND:

GC = GENERAL COMMERCIAL  
LR = LOW DENSITY RESIDENTIAL  
LMR = LOW MEDIUM DENSITY RESIDENTIAL

## MONUMENT LEGEND:

▲ FOUND MONUMENT AS DESCRIBED  
● FOUND CONC. MON. W/B.C. MKD. L.S. 5332 IN L.H. PER TRACT No. 6169 - UNITS 1, 2, 3, 5 or 7 (SEE ADJACENT TRACT FOR RECORDING INFO.)

## VESTING TENTATIVE TRACT No. 7381

BEING A SUBDIVISION OF THE REMAINDER PORTION OF PARCEL B OF LOT LINE ADJUSTMENT No. 14-0427 AS PER CERTIFICATE OF COMPLIANCE RECORDED JUNE 15, 2015 AS DOCUMENT No. 0215076484 O.R., IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

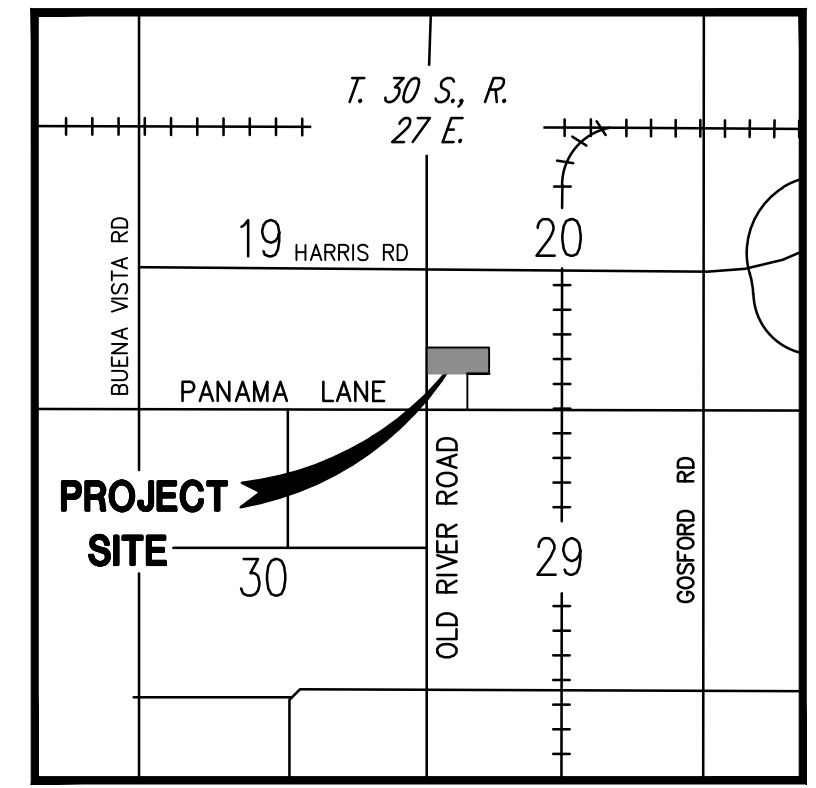
CONTAINING 57 RESIDENTIAL LOTS, 2 PUBLIC LANDSCAPE LOTS & 1 DRAINAGE SUMP LOT - 16.89 ACRES GROSS  
NOVEMBER OF 2020

## OWNER(S)/SUBDIVIDER:

DARYL C. NICHOLSON, TRUSTEE OF THE DARYL C. NICHOLSON AND VICTORIA M. NICHOLSON TRUST AGREEMENT DATED OCTOBER 1, 1990

## ENGINEER

McINTOSH & ASSOCIATES  
2001 WHEELAN COURT  
BAKERSFIELD, CA 93309  
PHONE: 805-333-0611  
CONTACT: DARYL C. NICHOLSON



## VICINITY MAP

NO SCALE

NOTE TO PLANNING DEPARTMENT  
RE: ALTERNATE STREET NAMES

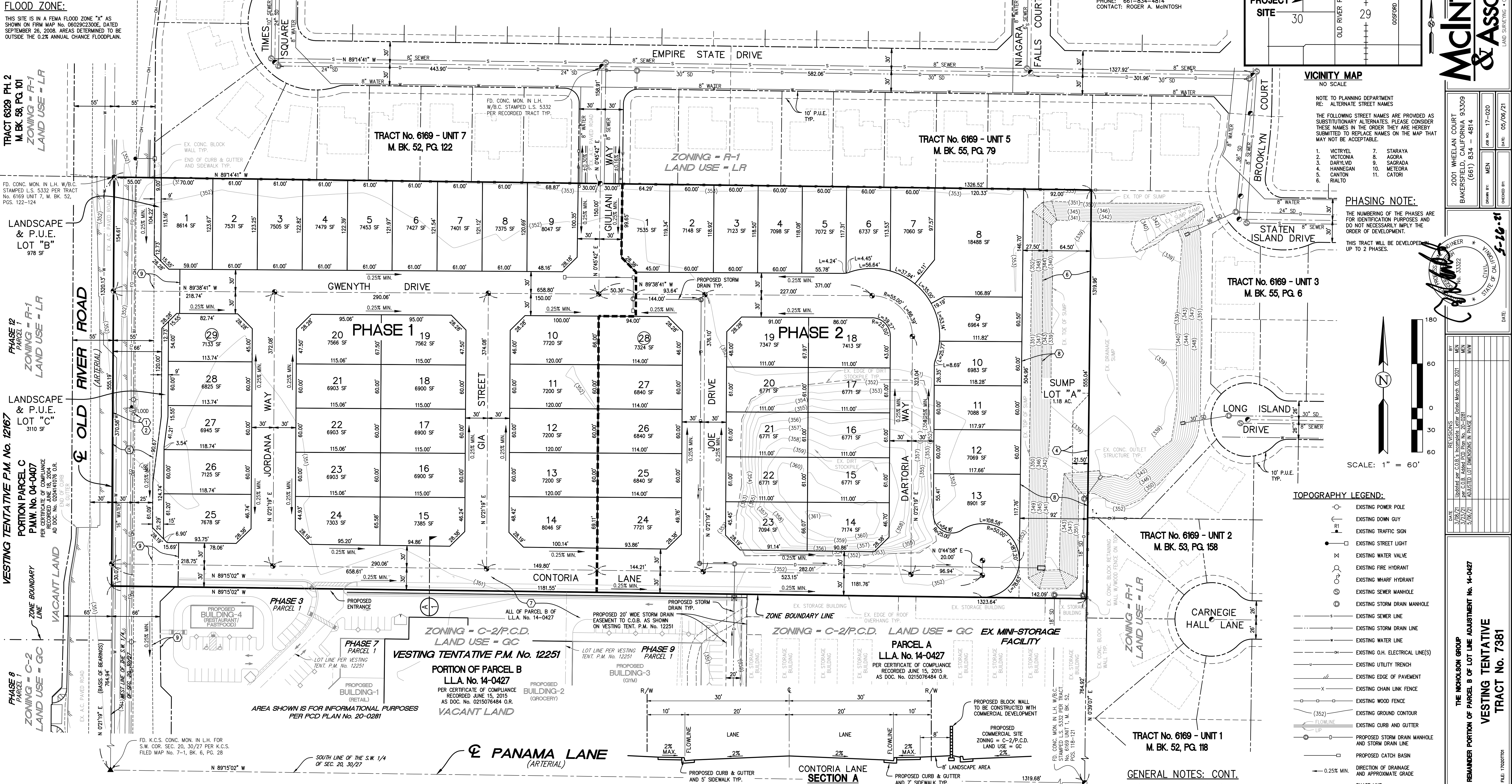
THE FOLLOWING STREET NAMES ARE PROVIDED AS SUBSTITUTIONARY ALTERNATES. PLEASE CONSIDER THESE NAMES IN THE ORDER THEY ARE HEREBY SUBMITTED TO REPLACE NAMES ON THE MAP THAT MAY NOT BE ACCEPTABLE.

1. VICTORY
2. VICTORIA
3. DARYL
4. HANNEGAN
5. CANTON
6. RIALTO
7. STARAYA
8. AGORA
9. SAGRADA
10. METEORA
11. CATORI

## PHASING NOTE:

THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES AND DO NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.

THIS TRACT WILL BE DEVELOPED UP TO 2 PHASES.



## TOPOGRAPHY LEGEND:

- EXISTING POWER POLE
- EXISTING DOWN GUY
- EXISTING TRAFFIC SIGN
- EXISTING STREET LIGHT
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING WHARF HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING WATER LINE
- EXISTING O.H. ELECTRICAL LINE(S)
- EXISTING UTILITY TRENCH
- EXISTING EDGE OF PAVEMENT
- EXISTING CHAIN LINK FENCE
- EXISTING WOOD FENCE
- EXISTING GROUND CONTOUR
- EXISTING CURB AND GUTTER
- PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
- PROPOSED CATCH BASIN
- 0.25% MIN.
- PHASE LINE
- TRACT BOUNDARY

## GENERAL NOTES: CONT.

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

ALL RETURN RADII ARE 20' UNLESS OTHERWISE NOTED.

ALL CUL-DE-SAC RADIUS ARE 50' UNLESS OTHERWISE NOTED.

ALL KNUCKLE RADIUS ARE 92' UNLESS OTHERWISE NOTED.

ALL CUL-DE-SAC & KNUCKLE RETURN RADII ARE 25' UNLESS OTHERWISE NOTED.

THE PROJECT BOUNDARY IS BASED UPON A FIELD SURVEY.

THERE ARE NO EXISTING STRUCTURES WITHIN THE PROJECT SITE.

THERE ARE NO EXISTING OIL WELLS, ACTIVE OR INACTIVE WITHIN THE PROJECT SITE.

## EASEMENT LEGEND:

1. AN EASEMENT IN FAVOR OF THE PUBLIC IN GENERAL FOR PUBLIC ROAD AND HIGHWAY PURPOSES PER SALES MAP OF KERN COUNTY LAND COMPANY FILED MAY 28, 1982.
2. AN EASEMENT IN FAVOR OF THE COUNTY OF KERN FOR PUBLIC ROAD PURPOSES BY ORDER OF THE BOARD OF SUPERVISORS OF KERN COUNTY MADE ON DECEMBER 10, 1982 AND ENTERED IN BOOK 5, PAGE 579 OF THE MINUTE BOOKS.
3. AN EASEMENT IN FAVOR OF KERN COUNTY LAND COMPANY FOR INCIDENTAL PURPOSES RECORDED JANUARY 19, 1912 IN BOOK 225, PAGE 99 OF DEEDS. (THE EXACT LOCATION IS NOT ASCERTAINABLE FROM RECORD)
4. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED SEPTEMBER 16, 2015 AS DOC. No. 0215129232 OF OFFICIAL RECORDS.
5. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR STREET RIGHT-OF-WAY PURPOSES RECORDED MAY 26, 2015 AS DOC. No. 0215065495 OF OFFICIAL RECORDS.
6. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED JUNE 10, 2015 AS DOC. No. 0215074113 OF OFFICIAL RECORDS.
7. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR TEMPORARY FLOWAGE AND DRAINAGE PURPOSES RECORDED FEBRUARY 19, 2019 AS DOC. No. 219078213 OF OFFICIAL RECORDS.
8. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED JUNE 21, 2019 AS DOC. No. 219073022 OF OFFICIAL RECORDS.
9. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR STREET RIGHT-OF-WAY PURPOSES RECORDED SEPTEMBER 23, 2020 AS DOC. No. 220136051 OF OFFICIAL RECORDS.

## STATISTICS:

APN: 497-010-94 Portion  
ACREAGE: 16.89 AC. GR. / 9.73 AC. NET.  
NUMBER OF LOTS: 57 BUILDABLE LOTS  
PHASE 1 = 29 LOTS PHASE 2 = 28 LOTS  
MINIMUM LOT AREA ALLOWED: 6,000 NET SF  
EXISTING USE: VACANT  
PROPOSED USE: RESIDENTIAL  
NET DENSITY: 11.92 D.U./NET AC. - 58 DUPLEXES  
EXISTING/PROPOSED LAND USE: LMR  
EXISTING/PROPOSED ZONING: R-2  
WATER SOURCE: CITY OF BAKERSFIELD

## STATISTICS: CONT.

SEWAGE DISPOSAL: CITY OF BAKERSFIELD  
GAS CO. - PACIFIC GAS & ELECTRIC COMPANY  
ELECTRICAL - PACIFIC GAS & ELECTRIC COMPANY  
CABLE - BRIGHTHOUSE  
PHONE - AT&T  
SCHOOL DISTRICTS: PANAMA BUENA-VISTA UNION DIST. & KERN UNION HIGH SCHOOL DIST.  
SCHOOLS: ELEMENTARY - STOCKDALE ELEMENTARY  
MIDDLE SCHOOL - TEVUS JR. HIGH SCHOOL  
HIGH SCHOOL - INDEPENDENCE HIGH SCHOOL

## GENERAL NOTES:

ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD. TERMINAL SUMP IS LOCATED WITHIN THIS SUBDIVISION AND IS SHOWN AS DRAINAGE RETENTION BASIN LOT "A", PREVIOUSLY DEDICATED TO THE CITY OF BAKERSFIELD PER TRACT No. 6169 UNIT 2, PER DOC. No. 0215129232 O.R. PER DOC. No. 0215074113 O.R. AND PER DOC. No. 219073022 O.R.

IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.16.030(O) OF THE MUNICIPAL CODE.

THIS TRACT SHALL FOLLOW THE "COMPLETE STREET" POLICY PER RESOLUTION 035-13

**McINTOSH & ASSOCIATES**  
LAND SURVEYING • CIVIL ENGINEERING © 2021

2001 WHEELAN COURT  
BAKERSFIELD, CALIFORNIA 93309  
(805) 834 - 4814

DATE: 05/06/21  
DRAWN BY: MEN  
CHECKED BY: WVN

REVISIONS  
DATE: 3/08/21 BY: MEN  
3/23/21 BY: WVN  
5/06/21 BY: WVN

THE NICHOLSON GROUP  
REMAINDER PORTION OF PARCEL B OF LOT LINE ADJUSTMENT No. 14-0427  
VESTING TENTATIVE  
TRACT No. 7381

SHEET 1 OF 1

RESOLUTION NO. **120-2020**

**RESOLUTION OF THE BAKERSFIELD CITY COUNCIL UPHOLDING THE  
APPEAL AND APPROVING AN AMENDMENT TO THE LAND USE MAP  
DESIGNATION OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN,  
LOCATED EAST OF OLD RIVER ROAD BETWEEN PANAMA LANE AND  
EMPIRE STATE DRIVE (GPA/ZC NO. 19-0184).**

**WHEREAS**, McIntosh & Associates for David Combs c/o Nicholson Combs, LLC, filed an application with the City of Bakersfield Development Services Department requesting an amendment to the land use map designation of the Metropolitan Bakersfield General Plan from LR (Low Density Residential) to LMR (Low Medium Density Residential) on 16.89 gross acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-1 (One Family Dwelling) to R-2 (Limited Multiple Family Dwelling) on 16.89 gross acres, located east of Old River Road between Panama Lane and Empire State Drive (the "Project"); and

**WHEREAS**, the Planning Commission held a public hearing on March 5, 2020, and approved Resolution No. 14-20, which denied the Project; and

**WHEREAS**, the Clerk of the City Council set Wednesday, July 15, 2020 at 5:15 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 City Council to consider an appeal to the Planning Commission decision of March 5, 2020, and continued the hearing to August 12, 2020; and

**WHEREAS**, the City Council on August 12, 2020 upheld the appeal; and

**WHEREAS**, the City Council has adopted a Mitigated Negative Declaration with mitigation measures for the Project; and

**WHEREAS**, the City Council considered all facts, testimony, and evidence concerning the Project, including the staff report, Mitigated Negative Declaration and the Planning Commission's deliberation, and action.

**NOW, THEREFORE, BE IT RESOLVED** by the Bakersfield City Council as follows:


1. The above recitals, incorporated herein, are true and correct.
2. The City Council hereby upholds the applicant's appeal and the Planning Commission's findings as contained in its Resolution No. 14-20 are hereby overturned.
3. The Project is subject to mitigation measures found within the adopted Mitigated Negative Declaration for the Project
4. The Project is hereby approved incorporating the conditions of approval described in Exhibit A.

-----oOo-----

I **HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting held on AUG 12 2020, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

COUNCILMEMBER: RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, ~~PARLIER~~  
COUNCILMEMBER: NONE  
COUNCILMEMBER: NONE  
COUNCILMEMBER: PARLIER

  
**JULIE DRIMAKIS, CMC**  
CITY CLERK and Ex Officio Clerk  
of the Council of the City of Bakersfield

APPROVED AUG 12 2020

  
**KAREN GOH**  
MAYOR of the City of Bakersfield

APPROVED as to form:  
**VIRGINIA GENNARO**  
City Attorney


By:   
**VIRIDIANA GALLARDO-KING**  
Deputy City Attorney

Exhibit A: Conditions of Approval  
Exhibit B: General Plan Amendment Map

S:\Advance Planning\07\_GPA's\01\_Active\2020\Q3\19-0184\Res\_Ord\02\_CC\1st Reading\CC GPA Resolution.docx

**Exhibit A**  
**(Conditions of Approval)**



**CONDITIONS OF APPROVAL**  
**GENERAL PLAN AMENDMENT/ZONE CHANGE NO. 19-0035**

PUBLIC WORKS

1. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must submit the following for review and approval by the City Engineer:
  - a. **Fully executed dedication** for Hosking Avenue and Wible Road to arterial standards for the full frontage of the GPA/ZC area. Dedications must include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer.
  - b. **Comprehensive drainage study** of the GPA/ZC area is to be submitted for approval by the City of Bakersfield Public Works Department Subdivision section. The drainage for the GPA/ZC area is to be retained onsite and privately maintained. Provide flowage and drainage easements as needed within the GPA/ZC area for any flows coming from Hosking Avenue and or Wible Road.
  - c. **Sewer study**, which will assure that appropriate sewer service will be provided to the entire GPA/ZC area. The developer will be responsible for the initial extension of the sewer line to serve the GPA/ZC area. This sewer line may be sized to serve a much larger area than the project area as directed by the City Engineer. The developer may also form a planned sewer area to provide a mechanism for the reimbursement of oversizing costs to the developer. The sewer study must provide evidence the existing sewer system will not be impacted by the increased development intensity proposed for the GPA/ZC. If the existing sewer system cannot accommodate the increased development intensity, then sewer main upsizing or additional parallel sewer mains may be required to serve the proposed GPA/ZC. A design study shall be provided to propose sewer mitigation alternatives in case of insufficient capacity of the existing system.

*For orderly development*

2. Prior to the recording of any final map or issuance of any certificates of occupancy for development within the GPA/ZC area, whichever is earlier, the developer must (a) construct all infrastructure, both public and private, within the boundary of the GPA/ZC area, including, but not limited to, any and all boundary streets to the centerline of the street as required by the City Engineer and (b) construct, and acquire any necessary right-of-way to construct, any off-site infrastructure required to support development of the GPA/ZC as determined by the City Engineer. Off-site improvements required are along the frontage of APN 515-040-21. Phasing of the construction of the required infrastructure may be allowed by the City Engineer. Per City Council Resolution 035-13, any development within the GPA/ZC area must comply with the City's "complete streets" policy.

*For orderly development*



3. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must take all actions necessary to add the GPA/ZC area to the Consolidated Maintenance District ("CMD") and pay all fees for inclusion in the CMD or, if the development is already within the CMD, update the maintenance district documents as provided in Bakersfield Municipal Code section 13.04.021 or as otherwise required by the City Engineer.

*For orderly development*

4. Prior to the City's approval of any construction plans associated with any development project or subdivision within the GPA/ZC area, whichever is earlier the developer must (a) pay its proportionate share of the estimated cost to construct the median in Hosking Avenue (currently \$100 per linear foot, or as determined by a City Engineer approved estimate) along the frontage of the GPA/ZC area (b) Prior to the recording of any final map or issuance of any certificates of occupancy for development whichever is earlier construct the median within Wible Road along the frontage of the GPA/ZC area.

*For orderly development*

5. Prior to the recording of any final map or issuance of any certificates of occupancy for development within the GPA/ZC area whichever is earlier the developer must construct full half width street improvements. Per City Council Resolution 035-13, any development within the GPA/ZC area must comply with the City's "complete streets" policy.

*For orderly development*

6. Prior to the City's issuance of any building permits for construction within the GPA/ZC area, or an earlier time established through conditions of a subsequent City-approved subsequent development project, subdivision, or minor land division within the GPA/ZC area, the developer must pay all development fees for the GPA/ZC area including, but not limited to, the adopted regional traffic impact fee, local mitigation fees, any major bridge and thoroughfare district fees, and any planned sewer and drainage area fees.

*For orderly development*

CITY ATTORNEY

7. 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.

CITY OF BAKERSFIELD  
ORIGINAL

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.

*For orderly development*

PLANNING

8. As part of the site plan or Tract Map approval, the property owner shall provide a street layout similar to the conceptual design included as Attachment A. Any changes are subject to approval by the Public Works Director and Planning Director, or other discretionary decision-making body.

*For orderly development*

9. As part of the site plan or Tract Map approval, the property owner shall provide single-story building elevations similar to the conceptual design included as Attachment B for the dwellings located along the existing homes abutting Empire State Drive. Any changes are subject to approval by the Public Works Director and Planning Director, or other discretionary decision-making body.

*For orderly development*

10. Prior to approval of a site plan, or prior to or concurrently with recordation of any phase of a Map, the subdivider shall record covenant(s) requiring all property landscaping be maintained by the owner, not renter to include but not limited to street trees, sidewalks and any landscaped area within a right of way which is adjacent to and contiguous with the owner's duplex unit. Covenant(s) shall be reviewed approved by the City Attorney and Planning Director prior to recording (Example included as Attachment C).

*For orderly development*

Attachment A: Conceptual Site Plan  
Attachment B: Conceptual Elevations  
Attachment C: Example Covenant

**Attachment A  
(Conceptual Site Plan)**

CITY OF BAKERSFIELD  
ORIGINAL

TWO EXITS ONTO OLD RIVER ROAD TO REDUCE THE NEED TO EXIT THROUGH THE SINGLE FAMILY RESIDENTIAL

SOUTHBOUND LEFT TURN LANE

PORTION PARCEL C  
P.M. No. 04-0407

PARCEL MAP 12187  
PHASE 1  
P.M. No. 60, PG. 85

TRACT No. 6169 - UNIT 7  
M. BK. 52, PG. 122

TRACT No. 6169 - UNIT 5  
M. BK. 55, PG. 79

TRACT No. 6169 - UNIT 3  
M. BK. 55, PG. 6

TRACT No. 6169 - UNIT 2  
M. BK. 53, PG. 158

TRACT No. 6169 - UNIT 1  
M. BK. 52, PG. 118

EXISTING  
MINI-STORAGE  
FACILITY

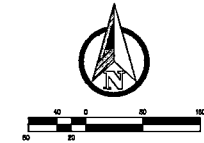
PARCEL A  
LLA No. 14-0427

COMMERCIAL  
CENTER  
(CONCEPTUAL)

PANAMA LANE

TRACT No. 6678  
M. BK. 60, PG. 44

PARCEL 1  
LLA No. 53-09



**McINTOSH & ASSOCIATES**  
LAND SURVEYING & ENGINEERING

2001 MEDICAL CENTER  
BAKERSFIELD, CA 93309  
(805) 834-4914

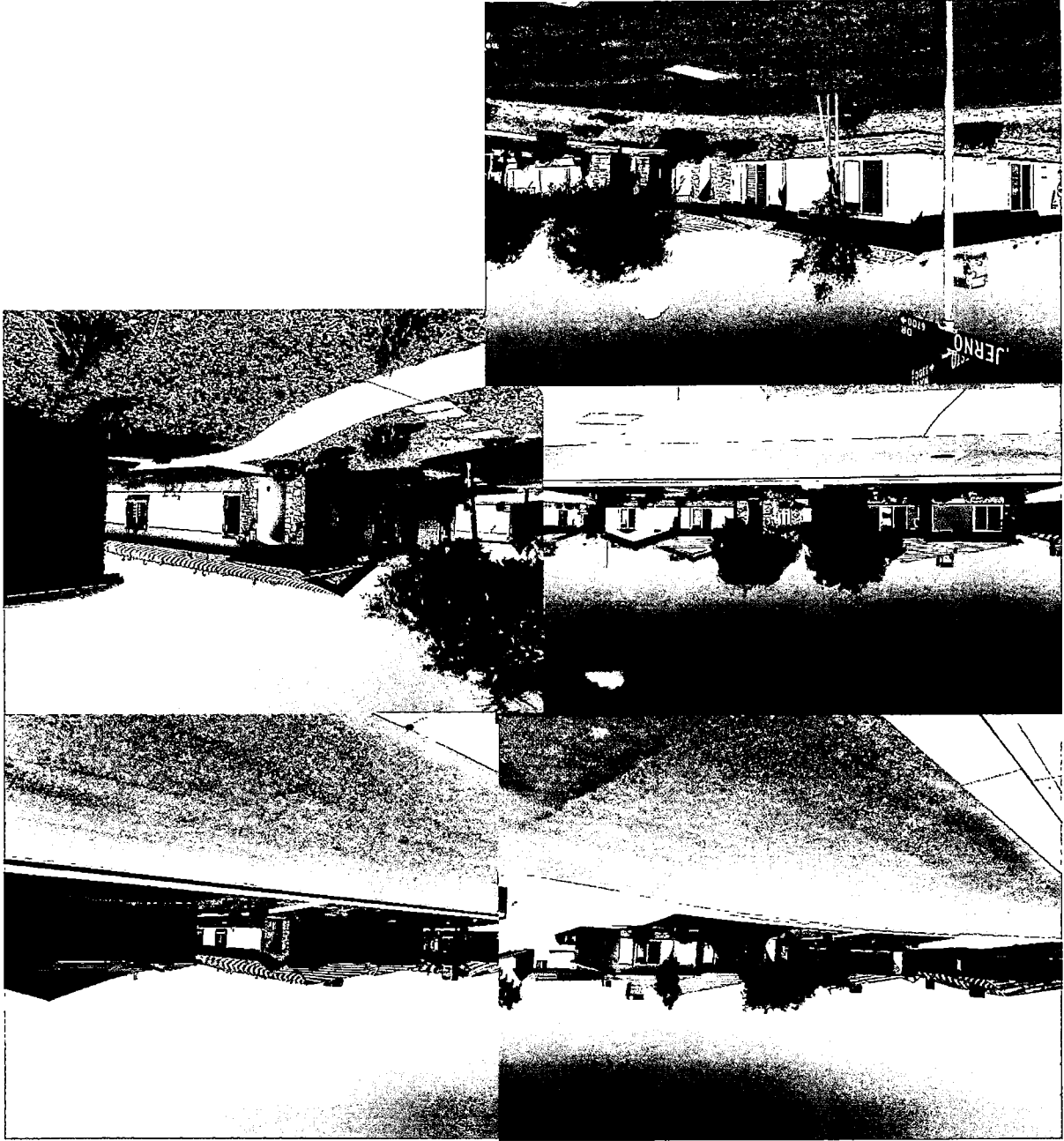
DATE: 8/7/20

**OVERALL CONCEPTUAL LAYOUT**

PARCEL MAP NO. 1221  
MONSIEUR CORRELL, LLC

SHEET 1 OF 1

**Attachment B  
(Conceptual Elevation)**



**Attachment C  
(Example Covenant)**



**From:** Roger McIntosh  
**To:** Virginia "Ginny" Gennaro; Paul Johnson  
**Subject:** Fwd: Nicholson/Combs GPA/ZC Covenant  
**Date:** Wednesday, July 22, 2020 6:38:54 PM

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

The following is the proposed Covenant for the Nicholson/Combs GPA/ZC. I will send the conceptual site plan and pictures of the elevations separately. Thanks.

Sent from my iPad

Begin forwarded message:

**From:** Roger McIntosh <RMcintosh@mcintoshassoc.com>  
**Date:** July 22, 2020 at 6:36:16 PM PDT  
**To:** Roger McIntosh <RMcintosh@mcintoshassoc.com>  
**Subject:** Nicholson/Combs GPA/ZC Covenant

Covenant for Maintenance.

Maintenance by Owner, not renter.

Each owner shall keep their property and all improvements therein or thereon, in good order and repair, including but not limited to, the seeding, watering, and mowing of all lawns, the pruning, and cutting of all trees and shrubbery, replacement of dead, diseased or destroyed landscaping materials with plant material of equal quality, and the painting (or other appropriate external care) of all buildings and other improvements and external appurtenances, all in a manner and with such frequency as is consistent with good property management. Each duplex owner's responsibility for maintaining the landscaping on the duplex unit shall also include maintaining street trees, sidewalks and any landscaped area within a right of way which is adjacent to and contiguous with the owner's duplex unit.

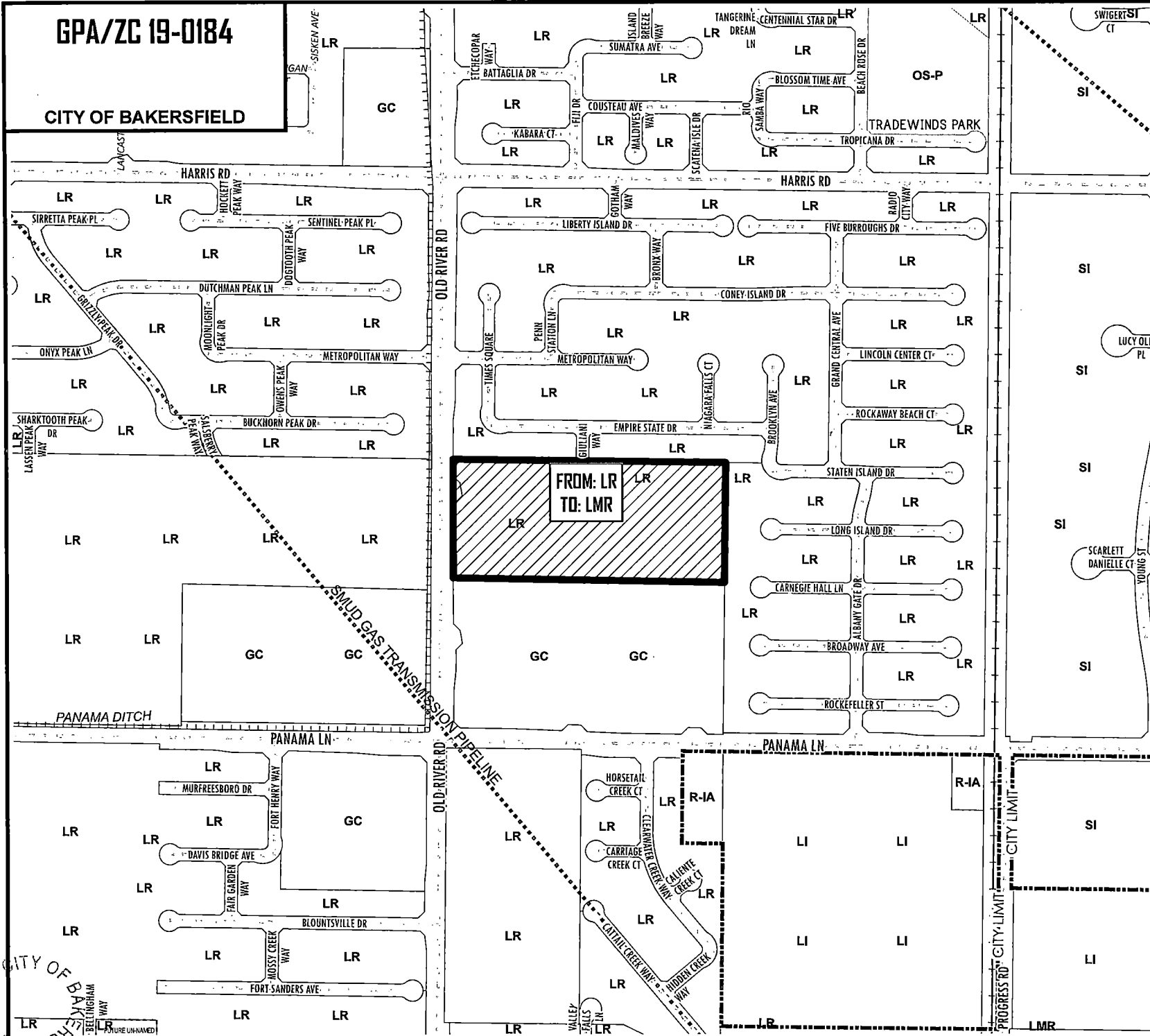
Sent from my iPad



**Exhibit B  
(General Plan Map)**

GPA/ZC 19-0184

CITY OF BAKERSFIELD



# LEGEND (GENERAL PLAN LAND USE)

- RR Rural Residential  
2.5 gross acres/dwelling unit
- ER Estate Residential  
1 dwelling unit/net acre
- SR Suburban Residential  
≤4 dwelling units/net acre
- SR/LR  
County: ≤ 4 dwelling units/net acre  
City: ≤ 7.26 dwelling units/net acre
- LR Low Density Residential  
≤ 7.26 dwelling units/net acre
- LMR Low Medium Density Residential  
> 4 but ≤ 10 dwelling units/net acre
- HMR High Medium Density Residential  
> 7.26 units but  
≤ 17.42 dwelling units/net acre
- HR High Density Residential  
> 17.42 units but  
≤ 72.6 dwelling units/net acre
- HC Highway Commercial
- GC General Commercial
- MC Major Commercial
- OC Office Commercial
- MUC Mixed Use Commercial
- LI Light Industrial
- SI Service Industrial
- HI Heavy Industrial
- P Public Facilities
- PS Public/Private Schools
- PT Public Transportation Corridors
- P-SW Solid Waste Facilities
- OS Open Space
- OS-P Parks and Recreation
- OS-S Slopes exceeding 30%
- R-IA Resource -  
Intensive Agriculture  
20 acre minimum parcel size
- R-EA Resource -  
Extensive Agriculture  
20 acre minimum parcel size  
80 acre min (Williamson Act)
- R-MP Resource -  
Minerals & Petroleum  
5 acre minimum parcel size
- UER Urban Estate Residential  
Western Rosedale Plan  
0.5 acre net minimum parcel size
- WM West Ming Specific Plan



BAKERSFIELD  
THE SOUND OF Smiling Faces



0 300 600  
US Feet

Document Name: 20190906\_GPAs

## ATTACHMENT A

DRAFT

RESOLUTION NO. \_\_\_\_\_

### RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE VESTING TENTATIVE TRACT MAP 7381 (PHASED) LOCATED NORTH OF PANAMA LANE AND ALONG THE EAST SIDE OF OLD RIVER ROAD.

**WHEREAS**, McIntosh and Associates (Applicant, representing Daryl C. Nicholson, et. al. (Property Owner), filed an application with the City of Bakersfield Planning Department requesting a Vesting Tentative Tract Map (VTTM) 7381 (the "Project"), consisting of 57 lots, two public landscape lots, and one drainage sump lot on 16.89 acres to develop multi-family residential, as shown on attached Exhibit "A-3", located north of Panama Lane and along the east side of Old River Road as shown on attached Exhibit "A-2"; and

**WHEREAS**, the application was deemed complete on May 26, 2021; and

**WHEREAS**, an initial study was conducted and it was determined that the Project would not have a significant effect on the environment and a Mitigated Negative Declaration was prepared and approved by the City Council on August 12, 2020, in conjunction with Project No. GPA/ZC 19-0184, in accordance with California Environmental Quality Act (CEQA); and

**WHEREAS**, the Secretary of the Planning Commission, did set, Thursday, May, 20 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 proposed Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

**WHEREAS**, the applicant proposed updates to the design of proposed Vesting Tentative Tract Map 7381, which required the project be referred back to staff for review and re-advertisement of a future public hearing; and

**WHEREAS**, the Secretary of the Planning Commission, did set, Thursday, June 17, 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 proposed Project, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

**WHEREAS**, the 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. Staff determined that the proposed activity is a project and an initial study was prepared for the original project (Project No. GPA/ZC 19-0184) of the subject property and a Mitigated Negative Declaration was adopted on August 12, 2020 by the City Council for the original project, and duly noticed for public review.
3. Said Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15162, no further environmental documentation is necessary because no substantial changes to the original project are proposed, there are no substantial changes in circumstances under which the project will be undertaken, and no new environmental impacts have been identified. The Project will not significantly impact the physical environment because mitigation measures relating to GPA/ZC 19-0184 have been incorporated into the Project.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan. (Subdivision Map Act Section 66473.5) The proposed density and intensity of development are consistent with the with the LMR (Low Medium Density Residential) land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.1. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060 A.1., the party's right of surface entry has been by recorded document prior to recordation of any final map.
7. In accordance with BMC 16.28.170 H, Old River Road functions as a major street as shown on the Project, therefore the abutting double frontage lots are reasonable due to controlling factors as traffic, safety, appearance, and setback, and are approved with construction of a 6-foot high masonry wall separating the residential lot and the major street.

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

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

1. The recitals above are true and correct and incorporated herein by this reference.
2. This map pertains to the Mitigated Negative Declaration previously approved in conjunction with Project No. GPA/ZC 19-0184.
3. Vesting Tentative Tract Map 7381 (Phased), is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A-1".

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on June 17, 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-1: Conditions of Approval  
Exhibit A-2: Location Map with Zoning  
Exhibit A-3: Vesting Tentative Tract Map 7381  
Exhibit A-4: Cross-Section – Contoria Lane adjacent Self-storage Facility

## EXHIBIT "A-1"

### VESTING TENTATIVE TRACT MAP 7381 (PHASED) CONDITIONS OF APPROVAL

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

1. 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.
2. Prior to grading plan review submit the following for review and approval:
  - 2.1. A drainage study for the entire subdivision. In accordance with GPA/ZC 19-0184 the drainage area must be included in the drainage area of the public sump located east of the property. The applicant shall update the drainage study or provide a new drainage study per City standards. The study shall be approved and any required retention shall be provided and necessary easements shall be dedicated to the City.
  - 2.2. A sewer study to include providing service to the entire subdivision and showing what surrounding areas may be served by the main line extensions. Per ZC 19-0184 update the sewer area study for this area. Submit verification to the City Engineer of the existing sewer system's capability to accept the additional flows to be generated through the development under the new land use and zoning.
  - 2.3. If the project is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall include both source control Best Management Practices (BMPs) and structural treatment control BMPs.
3. The following conditions must be reflected in the design of the improvement plans:
  - 3.1. Final plan check fees shall be submitted with the first plan check submission.
  - 3.2. 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.
  - 3.3. The subdivider shall construct the full width landscaped median island in Old River Road for the length of the site's frontage, and match existing median improvements approximately 200 LF to the north. The landscape median shall include items for curb, stamped concrete, landscaping, irrigation piping and controllers.

- 3.4. 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.
  - 3.5. The development shall comply with previous GPA/ZC 19-0184 and SPR 21-0043 conditions.
  - 3.6. 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.
  - 3.7. 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.
4. The subdivider is responsible for implementing the following:
- 4.1. Turning movements at Contoria Lane along Old River Road shall be limited to right turn in and right turn out. Turning movement at Gwentyth Drive along Old River Road shall be limited to right in, right out and left in only. A minimum storage of 120' plus 90' taper at Gwentyth Drive and a minimum storage of 150' plus 90' at Contoria Lane, and shall be constructed per the City of Bakersfield standards and the approved plans.
  - 4.2. Right turn deceleration lanes are required on **arterials at local streets**.
  - 4.3. The phasing map as submitted may be unbalanced with respect to the required improvements along the tract frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of each final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.
  - 4.4. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of each final map, the City Engineer shall determine the extent of improvements to be done with that particular phase.

4.4.1. The following shall occur with Phase 1:

- 4.4.1.1 Construct Old River for the full extent of the street lying within the tract's boundary.
- 4.4.1.2 Construct Contoria Lane, Gwenyth Drive, Jordana Way, Gia Street, Joie Drive, and Dartoria Way to local street standards (60 R/W). Contoria Lane shall have a 7 ft wide sidewalk (6.5 ft sidewalk + 0.5 ft curb) along the south side adjacent to the commercial parcel, and 4.5 ft detached sidewalk adjacent to the self-storage facility.
- 4.4.1.3 All landscaping adjacent to Old River Road, and Contoria Lane along the proposed commercial development to the south and existing mini storage facility shall be maintained by the Homeowners Association, or by property owner.
- 4.4.1.4 Construct a landscaped median in Old River Road along the project's frontage, and match existing median improvements approximately 200 LF to the north. If complete median improvements cannot be installed due to physical restraints, the project applicant shall pay equivalent median fees for the portion of unconstructed median of \$100/ft, or a dollar amount based on an approved Engineers Estimate per City Standard.

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

- 4.5. The subdivider is responsible for verifying that existing streets within the boundary of the tract are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
- 4.6. 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.
- 4.7. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 24, 1997, as modified by the October 20, 2000.
- 4.8. 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.
- 4.9. 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. Public access to public sumps for maintenance shall be provided by public streets unless otherwise approved.
- 4.10. Drainage basins shall be reviewed and approved by both the Public Works Department and the Water Resources Department.

- 4.11. Install blue markers in the street at the fire hydrants per the Fire Department requirements.
5. The following must be reflected in the final map design:
  - 5.1. A waiver of direct access shall be required for all lots abutting any arterials and collectors; Old River Road.
6. Prior to recording the first final map:
  - 6.1. The City Council must have taken final action for inclusion of this tract within the Consolidated Maintenance District.
  - 6.2. The developer is required to construct an improvement which is on the facilities list for the Metropolitan Bakersfield Transportation Impact Fee. The developer shall receive credit against his traffic impact fees for constructing this project. The developer must submit an appraisal, to be approved by the City Engineer, verifying the cost of the right-of-way to be acquired. This credit is not available until the improvement has been constructed by the developer and accepted for maintenance by the City. Any building permit issued prior to this acceptance shall pay the full impact fee.
  - 6.3. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
7. Prior to recording each final map:
  - 7.1. All facilities within the boundaries of this subdivision identified by the approved drainage study shall be constructed in accordance with the plans approved by the City Engineer, and all easements required shall be provided.
  - 7.2. 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.
  - 7.3. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. Said covenant shall also contain information pertaining to the maximum anticipated annual cost per single family dwelling for the maintenance of landscaping associated with this tract. Said covenant shall be provided to each new property owner through escrow proceedings. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents, including a Proposition 218 Ballot and Covenant, which shall be signed and notarized.
8. Prior to acceptance of the public improvements by the City:
  - 8.1 It is required on public tracts that the on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. If the developer chooses to video the on-site sewer system, then the following procedure is recommended: The television camera shall have the capability of rotating 360 degrees, in

order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and Specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.

9. Prior to Notice of Completion:

9.1 The storm drain system, including the sump, shall be inspected and any debris removed.

10. Street Name Signs (SNS):

10.1 Metro Size SNS shall be installed at the intersection of local streets with Arterial and collector streets.

10.2 Standard SNS shall be installed at all other locations.

**Previously approved GPA/ZC19-0184 conditions shall apply to this project.**

11. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA area, the developer must submit the following for review and approval by the City Engineer:

11.1. **Fully executed dedication** for Old River Road to arterial standards for the full frontage of the GPA area, unless otherwise approved by the City Engineer, if not already dedicated. Dedications must include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer.

11.2. **Comprehensive drainage study** of the entire drainage area. The City will allow no more than one sump per 80 acres. The sump should be located so that it may be available to serve adjacent areas as they develop. The developer may establish a planned drainage area or provide some other method for the construction of the ultimate drainage facilities satisfactory to the City Engineer.

11.3. **Sewer study**, which will assure that appropriate sewer service will be provided to the entire GPA area. The developer will be responsible for the initial extension of the sewer line to serve the GPA area. This sewer line may be sized to serve a much larger area than the project area as directed by the City Engineer. The developer may also form a planned sewer area to provide a mechanism for the reimbursement of oversizing costs to the developer. The sewer study must provide evidence the existing sewer system will not be impacted by the increased development intensity proposed for the GPA. If the existing sewer system cannot accommodate the increased

development intensity, then sewer main upsizing or additional parallel sewer mains may be required to serve the proposed GPA. A design study shall be provided to propose sewer mitigation alternatives in case of insufficient capacity of the existing system.

12. Prior to recording of any final map or issuance of any certificates of occupancy for development within the GPA area, whichever is earlier, the developer must (a) construct all infrastructure, both public and private, within the boundary of the GPA area, including, but not limited to, any and all boundary streets to the centerline of the street as required by the City Engineer and (b) construct, and acquire any necessary right-of-way to construct, any off-site infrastructure required to support development of the GPA as determined by the City Engineer. Phasing of the construction of the required infrastructure may be allowed by the City Engineer. Per City Council Resolution 035-13, any development within the GPA area must comply with the City's "complete streets" policy.
13. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA area, the developer must construct, or pay its proportionate share of the estimated cost to construct, the median (currently \$100 per linear foot, or as determined by a City Engineer approved estimate), as determined by the City Engineer, for the arterial frontage of the property within the GPA area. Turning movements along Old River Road shall be restricted to right turn in, and right turn out only however a left turn in will be considered at the north entrance if it meets the City of Bakersfield standards. Right turn storage lanes are required on arterials and shall have a minimum of 90-foot taper with 150 feet storage lane per the City of Bakersfield standards.
14. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA area, the developer must take all actions necessary to add the GPA area to the Consolidated Maintenance District ("CMD") and pay all fees for inclusion in the CMD or, if the development is already within the CMD, update the maintenance district documents as provided in Bakersfield Municipal Code section 13.04.021 or as otherwise required by the City Engineer.
15. Install traffic signal interconnect conduit and pull rope for the frontage in all arterials and collectors.
16. Prior to the City's issuance of any building permits for construction within the GPA area, or an earlier time established through conditions of a subsequent City-approved subsequent development project, subdivision, or minor land division within the GPA area, the developer must pay all development fees for the GPA area including, but not limited to, the adopted regional traffic impact fee, local mitigation fees, any major bridge and thoroughfare district fees, and any planned sewer and drainage area fees.

## WATER RESOURCES

Prior to recordation of a final map or upon written approval from the Water Resources Manager to comply at a later date, subdivision shall:

17. Execute and record a Domestic Water Service Agreement with the Water Department.
18. Pay all applicable fees to the Water Department.
19. Submit a Will Serve Letter from the Water Department to the Development Services Department.
20. The Developer shall form a new Maintenance District for future maintenance of storm drain sump facilities. 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. (Note - If already within a maintenance district, the maintenance district form may need to be updated)

## FIRE SAFETY DIVISION

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

*Public health, safety and welfare.*

## RECREATION AND PARKS

22. 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

23. 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

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

25. The subdivision shall be recorded in no more than 3 phases. Phases shall be identified numerically and not alphabetically. *Orderly development.*
26. 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.*
27. Prior to recordation, subdivider shall construct wall and landscaping to City standards along Old River Road. Wall and landscaping shall be maintained by Homeowners Association. *Orderly Development.*
28. Prior to recordation of a final map that includes Contoria Lane, the subdivider shall provide sidewalk and landscaping on the south side of Contoria Lane as follows:
  - 28.1 Adjacent the (future) commercial shopping center shall have a minimum 8-foot wide landscape width.
  - 28.2 Adjacent the existing self-storage facility shall have 4.5-foot wide sidewalk abutting the existing block wall, and minimum 5-feet wide landscape area adjacent the curb. See Exhibit A-4 for cross-section adjacent self-storage facility.
  - 28.3 Subdivider/property owner shall be responsible for installing and maintaining the landscaping in compliance with Condition No. 10 of GPA/ZC 19-0184.

*Compliance with GPA/ZC 19-0184 Condition #10 and Orderly Development.*

**Mitigation Measures from Mitigated Negative Declaration  
General Plan Amendment / Zone Change 19-0184**

**Air Quality Impact Mitigation Measures:**

29. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.
30. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

**Biological Resources Impact Mitigation Measures:**

31. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (i.e., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus) covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development and comply with the mitigation measures of the permit. Survey protocol shall be that recommended by CDFW.

The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.

32. Prior to ground disturbance, a focused survey for burrowing owl shall be submitted to California Department of Fish and Wildlife (CDFW) and Planning Division by the applicant/developer. The survey shall follow the methodology developed by the California Burrowing Owl Consortium (CBOC 1993).

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 any ground disturbance and 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 directly and/or indirectly 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, CDFW shall be notified and recommended protocols for mitigation shall be followed, and a copy of the mitigation protocols shall be submitted to Planning Division.

If any ground disturbing activities occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the project footprint, avoidance measures shall be implemented. In the event that burrowing owls are found, the applicant/developer shall follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act.

#### **Cultural Resources Impact Mitigation Measures:**

33. Prior to construction and as needed throughout the construction period, a construction worker cultural awareness training program shall be provided to all new construction workers within one week of employment at the project site. The training shall be prepared and conducted by a qualified cultural resources specialist.
34. During construction, if buried cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

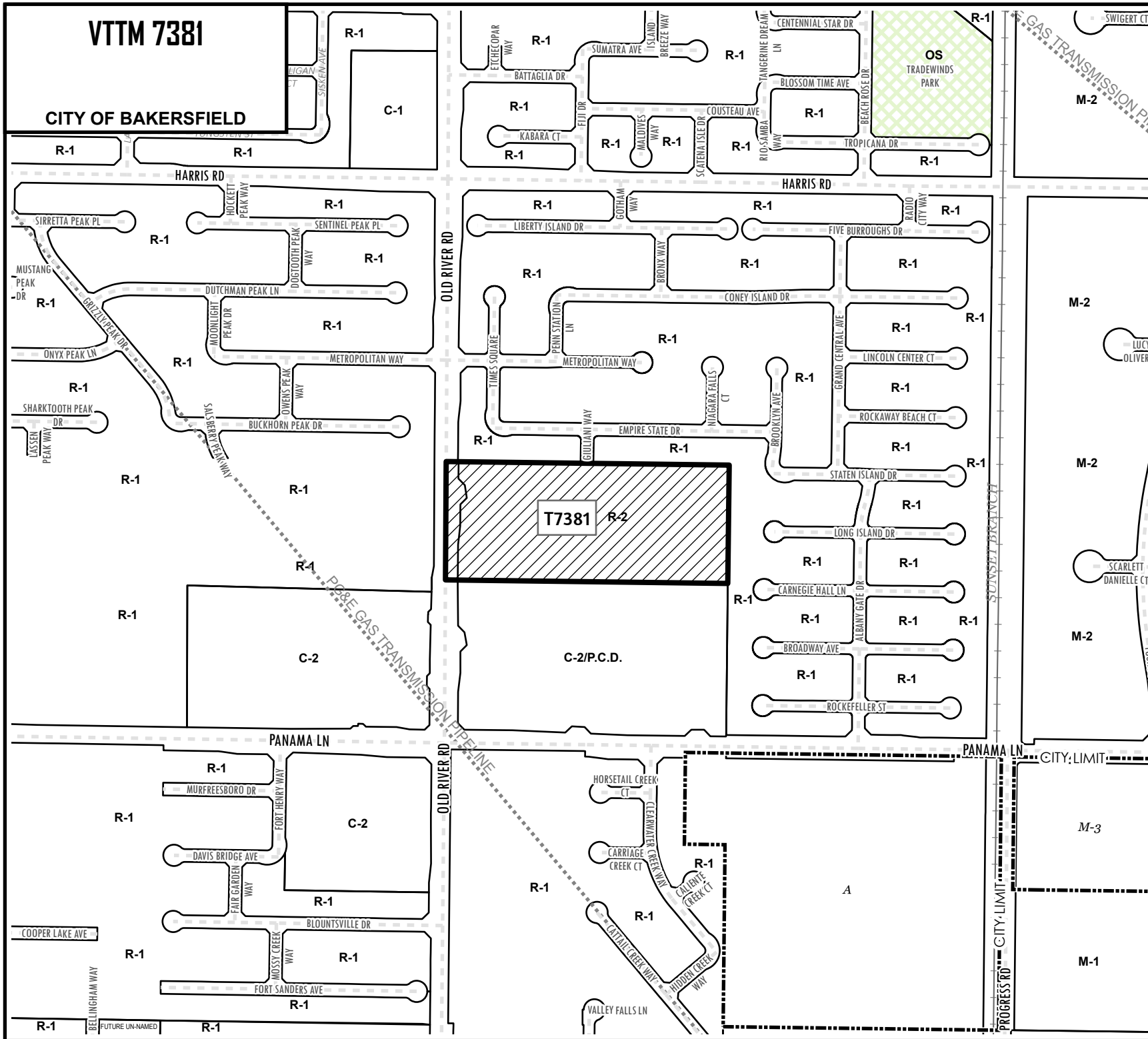
35. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

**Traffic Impact Mitigation Measures:**

36. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.
37. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

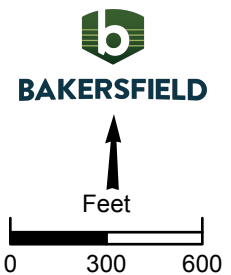
VTTM 7381

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



## BASIS OF BEARINGS:

THE BEARING OF N 02°11'19" E SHOWN FOR THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 20, T. 30 S., R. 27 E. ON TRACT No. 6169 UNIT 7, FILED IN BOOK 52 OF MAPS AT PAGE 122 WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.

## BENCHMARK:

TOP OF CONCRETE MONUMENT IN LAMPHOLE AT THE INTERSECTION OF OLD RIVER ROAD AND BAKERSFIELD ROAD.

ELEVATION = 346.42' (USGS DATUM)

## FLOOD ZONE:

THIS SITE IS IN A FEMA FLOOD ZONE "X" AS SHOWN ON FIRM MAP No. 06029C2300E, DATED SEPTEMBER 26, 2008. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

## ZONING LEGEND:

C-2 = REGIONAL COMMERCIAL ZONE  
P.C.D. = PLANNED COMMERCIAL DEVELOPMENT ZONE  
R-1 = ONE FAMILY DWELLING ZONE  
R-2 = LIMITED MULTIPLE FAMILY DWELLING ZONE

## LAND USE LEGEND:

GC = GENERAL COMMERCIAL  
LR = LOW DENSITY RESIDENTIAL  
LMR = LOW MEDIUM DENSITY RESIDENTIAL

## EXHIBIT A-3

## MONUMENT LEGEND:

▲ FOUND MONUMENT AS DESCRIBED  
● FOUND CONC. MON. W/B.C. MKD. L.S. 5332 IN L.H. PER TRACT No. 6169 - UNITS 1, 2, 3, 5 or 7 (SEE ADJACENT TRACT FOR RECORDING INFO.)

## VESTING TENTATIVE TRACT No. 7381

BEING A SUBDIVISION OF THE REMAINDER PORTION OF PARCEL B OF LOT LINE ADJUSTMENT No. 14-0427 AS PER CERTIFICATE OF COMPLIANCE RECORDED JUNE 15, 2015 AS DOCUMENT No. 0215076484 O.R., IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 30 SOUTH, RANGE 27 EAST, M.D.M., IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

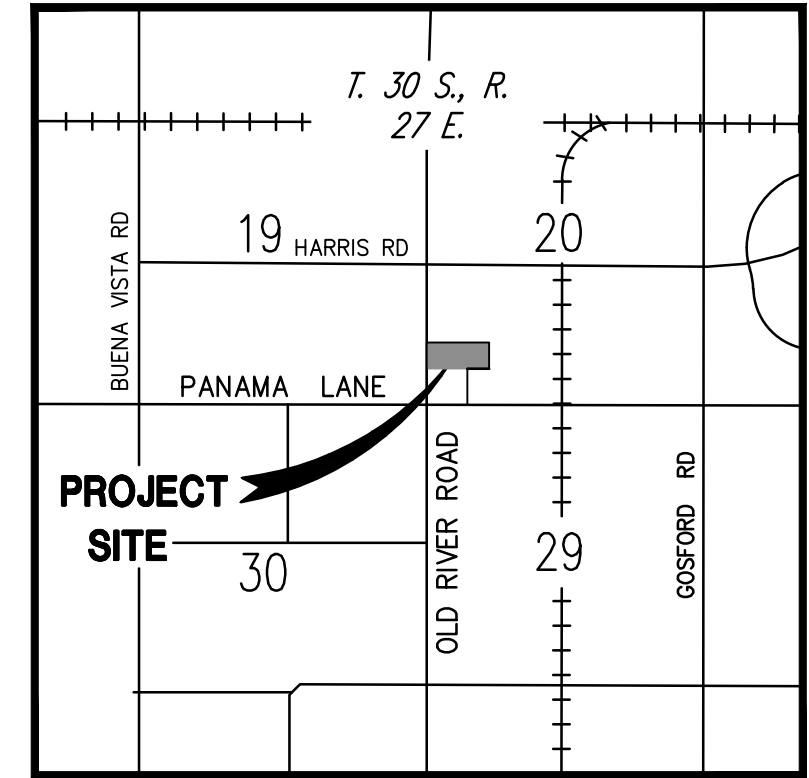
CONTAINING 57 RESIDENTIAL LOTS, 2 PUBLIC LANDSCAPE LOTS & 1 DRAINAGE SUMP LOT - 16.89 ACRES GROSS  
NOVEMBER OF 2020

## OWNER(S)/SUBDIVIDER:

DARYL C. NICHOLSON, TRUSTEE OF THE DARYL C. NICHOLSON AND VICTORIA M. NICHOLSON TRUST AGREEMENT DATED OCTOBER 1, 1990  
THE NICHOLSON GROUP  
26914 AVENUE 140  
PORTERVILLE, CA 93257  
PHONE: 559-333-0611  
CONTACT: DARYL NICHOLSON

## ENGINEER

McINTOSH & ASSOCIATES  
2001 WHEELAN COURT  
BAKERSFIELD, CA 93309  
PHONE: 661-834-4814  
CONTACT: ROGER A. McINTOSH



## VICINITY MAP

NO SCALE

NOTE TO PLANNING DEPARTMENT  
RE: ALTERNATE STREET NAMES

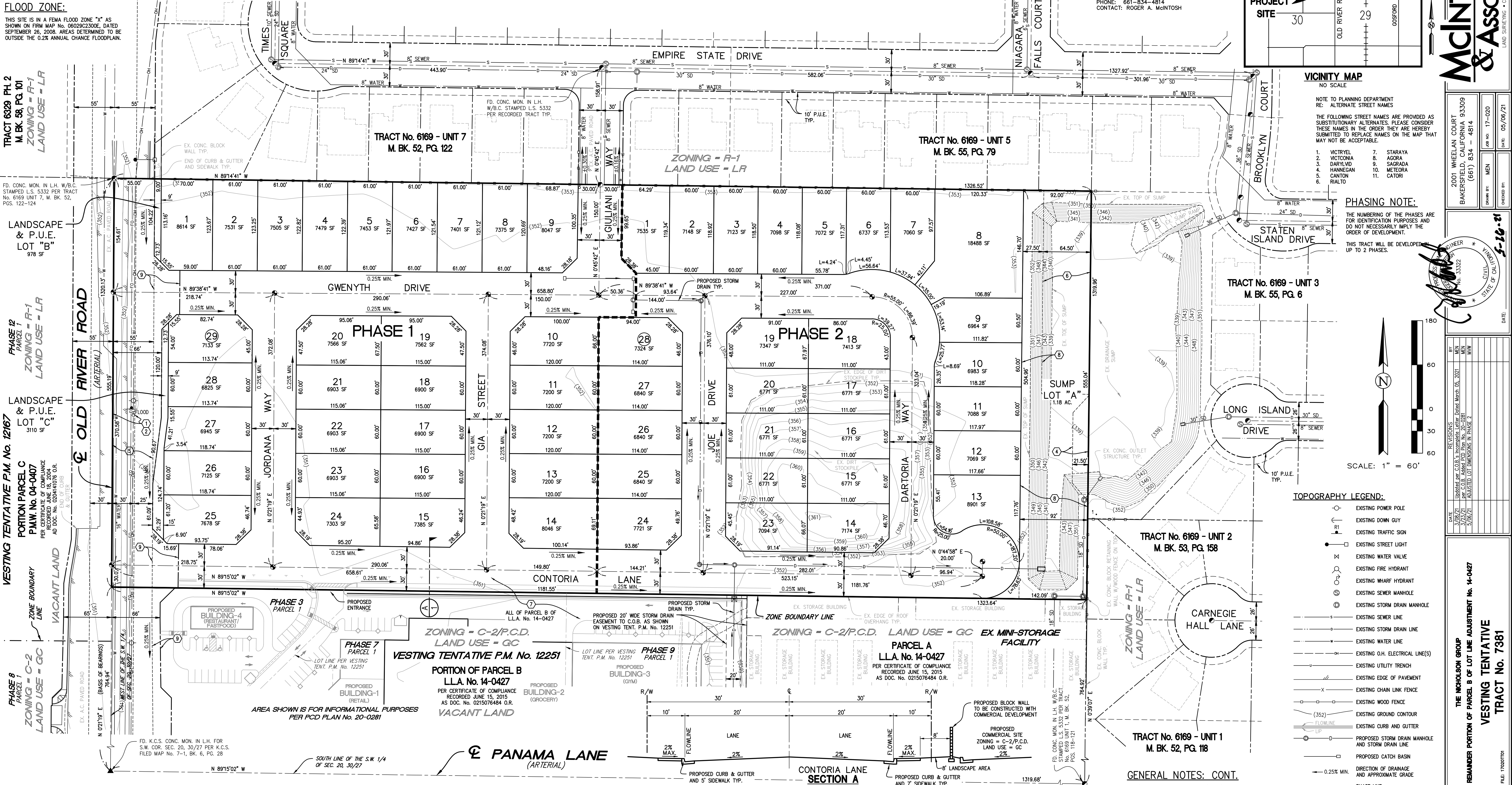
THE FOLLOWING STREET NAMES ARE PROVIDED AS SUBSTITUTIONARY ALTERNATES. PLEASE CONSIDER THESE NAMES IN THE ORDER THEY ARE HEREBY SUBMITTED TO REPLACE NAMES ON THE MAP THAT MAY NOT BE ACCEPTABLE.

1. VICTORY
2. VICTORIA
3. DARYL
4. HANNEGAN
5. CANTON
6. RIALTO
7. STARAYA
8. AGORA
9. SAGRADA
10. METEORA
11. CATORI

## PHASING NOTE:

THE NUMBERING OF THE PHASES ARE FOR IDENTIFICATION PURPOSES AND DO NOT NECESSARILY IMPLY THE ORDER OF DEVELOPMENT.

THIS TRACT WILL BE DEVELOPED UP TO 2 PHASES.



## TOPOGRAPHY LEGEND:

- EXISTING POWER POLE
- EXISTING DOWN GUY
- EXISTING TRAFFIC SIGN
- EXISTING STREET LIGHT
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING WHARF HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING STORM DRAIN MANHOLE
- EXISTING SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING WATER LINE
- EXISTING O.H. ELECTRICAL LINE(S)
- EXISTING UTILITY TRENCH
- EXISTING EDGE OF PAVEMENT
- EXISTING CHAIN LINK FENCE
- EXISTING WOOD FENCE
- EXISTING GROUND CONTOUR
- EXISTING CURB AND GUTTER
- PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
- PROPOSED CATCH BASIN
- 0.25% MIN.
- PHASE LINE
- TRACT BOUNDARY

## GENERAL NOTES: CONT.

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

ALL RETURN RADII ARE 20' UNLESS OTHERWISE NOTED.

ALL CUL-DE-SAC RADIUS ARE 50' UNLESS OTHERWISE NOTED.

ALL KNUCKLE RADIUS ARE 92' UNLESS OTHERWISE NOTED.

ALL CUL-DE-SAC & KNUCKLE RETURN RADII ARE 25' UNLESS OTHERWISE NOTED.

THE PROJECT BOUNDARY IS BASED UPON A FIELD SURVEY.

THERE ARE NO EXISTING STRUCTURES WITHIN THE PROJECT SITE.

THERE ARE NO EXISTING OIL WELLS, ACTIVE OR INACTIVE WITHIN THE PROJECT SITE.

## ABBREVIATIONS

EX. EXISTING	B.C. BRASS CAP
FD. FOUND	P.M. PARCEL MAP
CL. CENTERLINE	L.L.A. LOT LINE ADJUSTMENT
P.U.E. PUBLIC UTILITY EASEMENT	BK. BOOK
MON. MONUMENT	PG. PAGE
K.C.S. KERN COUNTY SURVEYOR	O.R. OFFICIAL RECORDS
No. NUMBER	GR. GROSS
L.H. LAMPHOLE	SF. SQUARE FEET
MKD. MARKED	

## EASEMENT LEGEND:

1. AN EASEMENT IN FAVOR OF THE PUBLIC IN GENERAL FOR PUBLIC ROAD AND HIGHWAY PURPOSES PER SALES MAP OF THE COUNTY OF KERN COUNTY LAND COMPANY FILED MAY 28, 1982.
2. AN EASEMENT IN FAVOR OF THE COUNTY OF KERN FOR PUBLIC ROAD PURPOSES BY ORDER OF THE BOARD OF SUPERVISORS OF KERN COUNTY MADE ON DECEMBER 10, 1892 AND ENTERED IN BOOK 5, PAGE 579 OF THE MINUTE BOOKS.
3. AN EASEMENT IN FAVOR OF KERN COUNTY LAND COMPANY FOR INCIDENTAL PURPOSES RECORDED JANUARY 19, 1912 IN BOOK 225, PAGE 99 OF DEEDS. (THE EXACT LOCATION IS NOT ASCERTAINABLE FROM RECORD)
4. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED SEPTEMBER 16, 2015 AS DOC. No. 0215129232 OF OFFICIAL RECORDS.
5. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR STREET RIGHT-OF-WAY PURPOSES RECORDED MAY 26, 2015 AS DOC. No. 0215065495 OF OFFICIAL RECORDS.
6. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED JUNE 10, 2015 AS DOC. No. 0215074113 OF OFFICIAL RECORDS.
7. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR TEMPORARY FLOWAGE AND DRAINAGE PURPOSES RECORDED FEBRUARY 19, 2019 AS DOC. No. 219018213 OF OFFICIAL RECORDS.
8. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR FLOWAGE AND DRAINAGE PURPOSES RECORDED JUNE 21, 2019 AS DOC. No. 219073022 OF OFFICIAL RECORDS.
9. AN EASEMENT IN FAVOR OF THE CITY OF BAKERSFIELD FOR STREET RIGHT-OF-WAY PURPOSES RECORDED SEPTEMBER 23, 2020 AS DOC. No. 220136051 OF OFFICIAL RECORDS.

## STATISTICS:

APN: 497-010-94 Portion  
ACREAGE: 16.89 AC. GR. / 9.73 AC. NET.  
NUMBER OF LOTS: 57 BUILDABLE LOTS  
PHASE 1 = 29 LOTS PHASE 2 = 28 LOTS  
MINIMUM LOT AREA ALLOWED: 6,000 NET SF  
EXISTING USE: VACANT  
PROPOSED USE: RESIDENTIAL  
NET DENSITY: 11.92 D.U./NET AC. - 58 DUPLEX  
EXISTING/PROPOSED LAND USE: LMR  
EXISTING/PROPOSED ZONING: R-2  
WATER SOURCE: CITY OF BAKERSFIELD

## STATISTICS: CONT.

SEWAGE DISPOSAL: CITY OF BAKERSFIELD  
GAS CO. - PACIFIC GAS & ELECTRIC COMPANY  
ELECTRICAL - PACIFIC GAS & ELECTRIC COMPANY  
CABLE - BRIGHTHOUSE  
PHONE - AT&T  
SCHOOL DISTRICTS: PANAMA BUENA-VISTA UNION DIST. & KERN UNION HIGH SCHOOL DIST.  
SCHOOLS: ELEMENTARY - STOCKDALE ELEMENTARY  
MIDDLE SCHOOL - TEVVIS JR. HIGH SCHOOL  
HIGH SCHOOL - INDEPENDENCE HIGH SCHOOL

## GENERAL NOTES:

ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD. TERMINAL SUMP IS LOCATED WITHIN THIS SUBDIVISION AND IS SHOWN AS DRAINAGE RETENTION BASIN LOT "A", PREVIOUSLY DEDICATED TO THE CITY OF BAKERSFIELD PER TRACT No. 6169 UNIT 2; PER DOC. No. 0215129232 O.R. PER DOC. No. 0215074113 O.R. AND PER DOC. No. 219073022 O.R.

IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.16.030(O) OF THE MUNICIPAL CODE.

THIS TRACT SHALL FOLLOW THE "COMPLETE STREET" POLICY PER RESOLUTION 035-13

McINTOSH & ASSOCIATES

LAND SURVEYING • CIVIL ENGINEERING

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

DRAWN BY: MEN  
CHECKED BY: MEN  
DATE: 05/06/21

REVISIONS

DATE: 3/08/21  
BY: MEN  
REASON: Updated per C.O.B.'s Incomplete Letter Dated March 05, 2021

DATE: 3/23/21  
BY: MEN  
REASON: per C.O.B. Added Plot Plan No. 20-0281

DATE: 5/06/21  
BY: MEN  
REASON: ADJUSTED LOT DIMENSIONS IN PHASE 2

THE NICHOLSON GROUP

REMAINDER PORTION OF PARCEL B OF LOT LINE ADJUSTMENT No. 14-0427

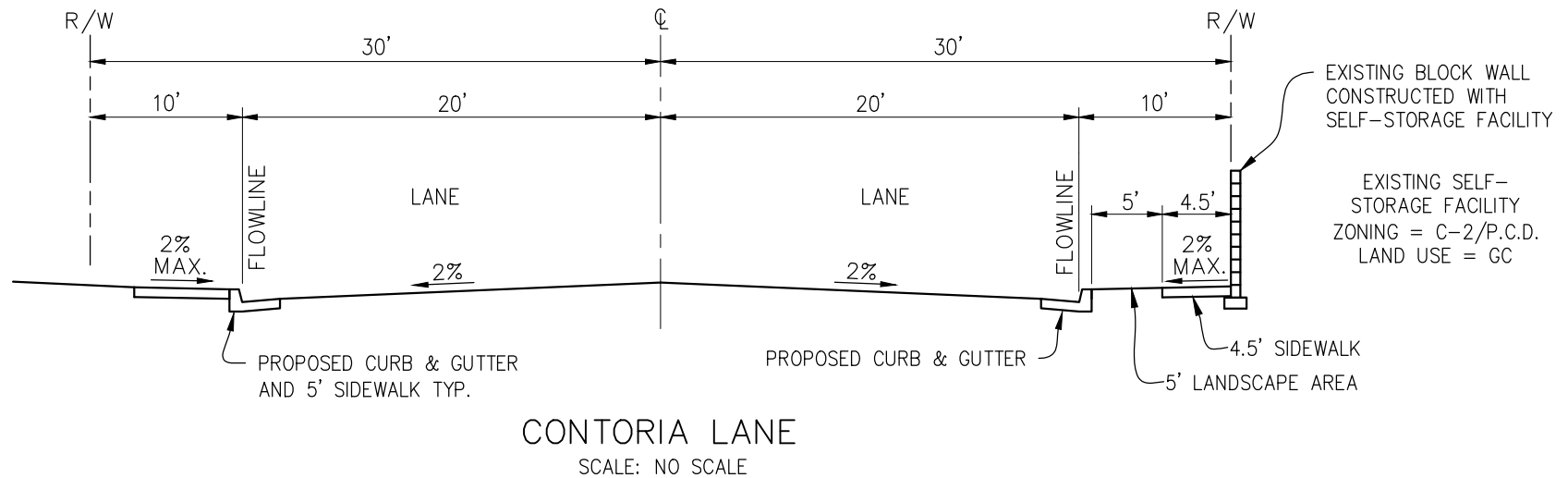
VESTING TENTATIVE

TRACT No. 7381

SHEET 1 OF 1

ANALOG FILE: 17020701

EXHIBIT A-4





# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** June 17, 2021

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

**TO:** Planning Commission

**FROM:** Paul Johnson, Planning Director

**PLANNER:** Erica S. Hong, Associate Planner II

**DATE:**

**WARD:** Ward 5

**SUBJECT:**

**Vesting Tentative Tract Map 7390:** Palmetto Engineering and Land Surveying is proposing to subdivide 2.21 acres into 8 lots for single family residential purposes located at the western end of Vista Fuego Drive. Addendum to a Mitigated Negative Declaration on file.

**APPLICANT:** Palmetto Engineering & Land Surveying

**OWNER:** Land Source Partners, LLC

**LOCATION:** At the western end of Vista Fuego Drive in southwest Bakersfield

---

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
☐ Staff Report	Staff Report
☐ Map Set	Backup Material
☐ VTTM 7390	Backup Material
☐ Tract 6313	Backup Material
☐ Correspondence/Comments	Backup Material
☐ Addendum MND	Backup Material
☐ Evaluation of Hydrocarbon Potential	Backup Material
☐ VTTM 7390 Draft Resolution	Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 17, 2021

**AGENDA:** 5.c

**FILE:** Vesting Tentative Tract Map 7390

**WARD:** 5

**STAFF PLANNER:** Erica S. Hong, Associate Planner II

---

**REQUEST:** A proposed vesting tentative tract map for single family residential purposes containing 8 lots on 2.21 acres, zoned R-1 (One Family Dwelling), including a request to waive mineral rights signatures pursuant to Bakersfield Municipal Code Section 16.20.060 A.4.

---

**APPLICANT:** Palmetto Engineering & Land Surveying  
4300 Ashe Road, Suite 103  
Bakersfield, CA 93313

**OWNER:** Land Source Partners, LLC  
4805 Centennial Plaza Way, Suite 200  
Bakersfield, CA 93312

**PROJECT LOCATION:** Western end of Vista Fuego Drive in southwest Bakersfield

**APN:** 544-311-01

**PROJECT SIZE:** 2.21 acres

**CEQA:** Section 15164 (Addendum to MND)

---

**EXISTING GENERAL PLAN DESIGNATION:** LR (Low Density Residential)

**EXISTING ZONE CLASSIFICATION:** R-1 (One Family Dwelling)

---

**STAFF RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Vesting Tentative Tract Map 7390 with conditions.

---

**SITE CHARACTERISTICS:** The project site is vacant land and currently fenced off. Surrounding properties are primarily developed as: *north* - single family residential, church overlay; *east* – single family residential; *south* - single family residential; and *west* - agriculture

## **BACKGROUND AND TIMELINE:**

- July 1, 2004 - The Bakersfield Planning Commission approved Vesting Tentative Tract Map ("VTTM") 6313 which contained 60 single family residential lots and a 2.21-acre drill site on 20.51 acres (Resolution No. 85-04). Tract 6313 recorded on April 19, 2005.
- March 3, 2021 - The Planning Department received an application for VTTM 7390, which is a request to subdivide the 2.21-acre drill site from Tract 6313.
- April 27, 2021 - The application for VTTM 7390 was deemed complete.

## **PROJECT ANALYSIS:**

The proposed vesting tentative tract subdivision consists of 8 lots on 2.21 acres for purposes of single-family residential development. The residential lots range in size from 8,057 to 13,801 square feet. The density is 3.6 units per acre which is consistent with the LR designation of the project site of less than or equal to 7.26 dwelling units per net acre.

**Consistency/Deviation from Design Standards.** The applicant is not requesting any deviations from adopted design standards.

**Circulation.** The applicant is "waiving" their right to access the lots from Buena Vista Road in favor of accessing the subdivision from Vista Fuego Drive (local) on the subdivision's east boundary. The applicant is proposing to build out Vista Fuego Drive into a cul-de-sac street. Conditions of Approval for this project include a waiver of direct access for all lots abutting Buena Vista Road and street improvement requirements, either through construction or paying a proportionate share of the cost for future construction

**Park Land In-Lieu Fees/Dedication.** The City of Bakersfield Recreation and Parks Department provides park and recreational services to the project site. The nearest existing City park is Greystone Park located approximately 0.5 miles southeast of the project site. Staff recommends payment of in-lieu fees to satisfy the park land requirement of Bakersfield Municipal Code ("BMC") Chapter 15.80 (Condition 15).

**Mineral Rights.** The purpose of this request is to facilitate future residential development on property that is the location of the drill site set aside for Tract 6313, which was approved 17 years prior to receiving the current request for VTTM 7390. The applicant is requesting that the Planning Commission approve a waiver of mineral rights signatures on the final map pursuant to BMC Section 16.20.060 A.4. This section allows the advisory agency to determine to its satisfaction based on competent, technical evidence that if production of minerals from beneath the subdivision is improbable, waiver of the mineral interest signature may be waived on the final map. The subdivider submitted a report entitled "Evaluation and Review of Hydrocarbon Potential," by Jeffrey W. Smith (CRG #3362), dated November 30, 2020. The report concludes that no commercial production of hydrocarbons can be found below the surface of Section 19 due to low structural positions and basic depletion of the Canfield Ranch Oil Field which preclude future commercial hydrocarbons in the Steven Sands stratigraphic formations.

The applicant submitted a letter stating that according to California Department of Conservation's Division of Geologic Energy Management ("CalGEM") records, as of February 23, 2021, Chevron USA, Inc is the Operator of Record for the project site. The applicant has submitted verification that due diligence and formal noticing requirements for the project have been satisfied. Record of due diligence and copies of certified mail receipts are on file with the Planning Division.

Based on the conclusion of the report and satisfaction of noticing requirements, staff recommends the Planning Commission approve a waiver of mineral interest signatures on the final map. There are no known wells on the property and no known active operators of record. If a well is uncovered, the subdivider must consult with CalGEM regarding proper abandonment of the well, in accordance with the municipal code (Condition 20).

Except as may otherwise be described in this staff report, the proposed project, subject to the conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

#### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

A Mitigated Negative Declaration (“MND”) was adopted for Tract 6313 by the City of Bakersfield Planning Commission on July 1, 2004 in accordance with the California Environmental Quality Act (“CEQA”). No new significant impacts, nor substantial increase in severity of impacts will result with proposed VTTM 7390 from those previously identified in the MND for Tract 6313. Therefore, pursuant to CEQA Section 15164, an Addendum to the MND was prepared as the appropriate environmental documentation. Attached is the Addendum to the MND disclosing that the conclusions of the analysis remain consistent with those made in the previously adopted MND. Mitigation measures from the previously adopted MND have been included but have been revised to reflect current standards and are attached to the resolution.

#### **PUBLIC NOTIFICATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law. Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

**Comments Received.** As of this writing, the following comment was received:

- 1) Bernabe DeLaCruz (May 27, 2021): The commenter states they are against the proposed project because it would bring a great deal of new traffic and noise into the neighborhood.

*Response:* Potential traffic impacts stemming from the proposed project were evaluated by the City’s Public Work’s Department, Traffic Engineering Unit. Vista Fuego Drive is a local cul-de-sac street. Currently, 7 homes have driveways onto this street and 8 more houses are proposed through this project. Trip generation of a single-family home is 1 trip during the PM peak hour and 10 trips daily. Therefore, the amount of traffic generated from the proposed 8 single family homes meets City standards. Local streets can accommodate the expected traffic generated by the existing and proposed new homes on Vista Fuego Drive.

#### **CONCLUSIONS:**

**Consistency with General Plan and Zoning Ordinance.** The applicant has requested approval of VTTM 7390 to subdivide 2.21 acres into 8 single family residential lots ranging in size from 8,057 to 13,801 square feet on property designated LR in a R-1 zone. The proposal is consistent with land use goals and policies as contained in the General Plan, which encourages continuity of existing development and allows incremental expansion of infrastructure. Additionally, the proposed project is consistent with the Zoning Ordinance and any future development onsite will also be required to comply with all applicable regulations and design standards as identified in the Zoning Ordinance.

**Recommendation.** Staff finds that the applicable provisions of CEQA have been complied with, and the proposal is compatible with the existing land use designation and land uses in the surrounding area. Staff finds the proposed subdivision is reasonable and the request to waive mineral rights is consistent with BMC Section 16.20.060 A.4. Based on information in the record, Staff recommends your Commission adopt Resolution and suggested findings **APPROVING** Vesting Tentative Tract Map 7390 with conditions.

**ATTACHMENTS:**

Map Set

- Aerial
- Zone Classification
- General Plan Designation

VTTM 7390

Tract 6313

Correspondence/Comments

Addendum MND

Evaluation and Review of Hydrocarbon Potential

Resolution with Exhibits

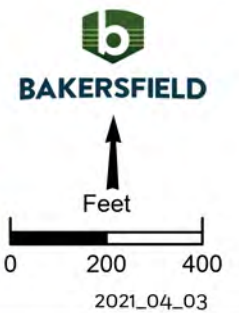
# MAP SET

VTTM 7390

CITY OF BAKERSFIELD

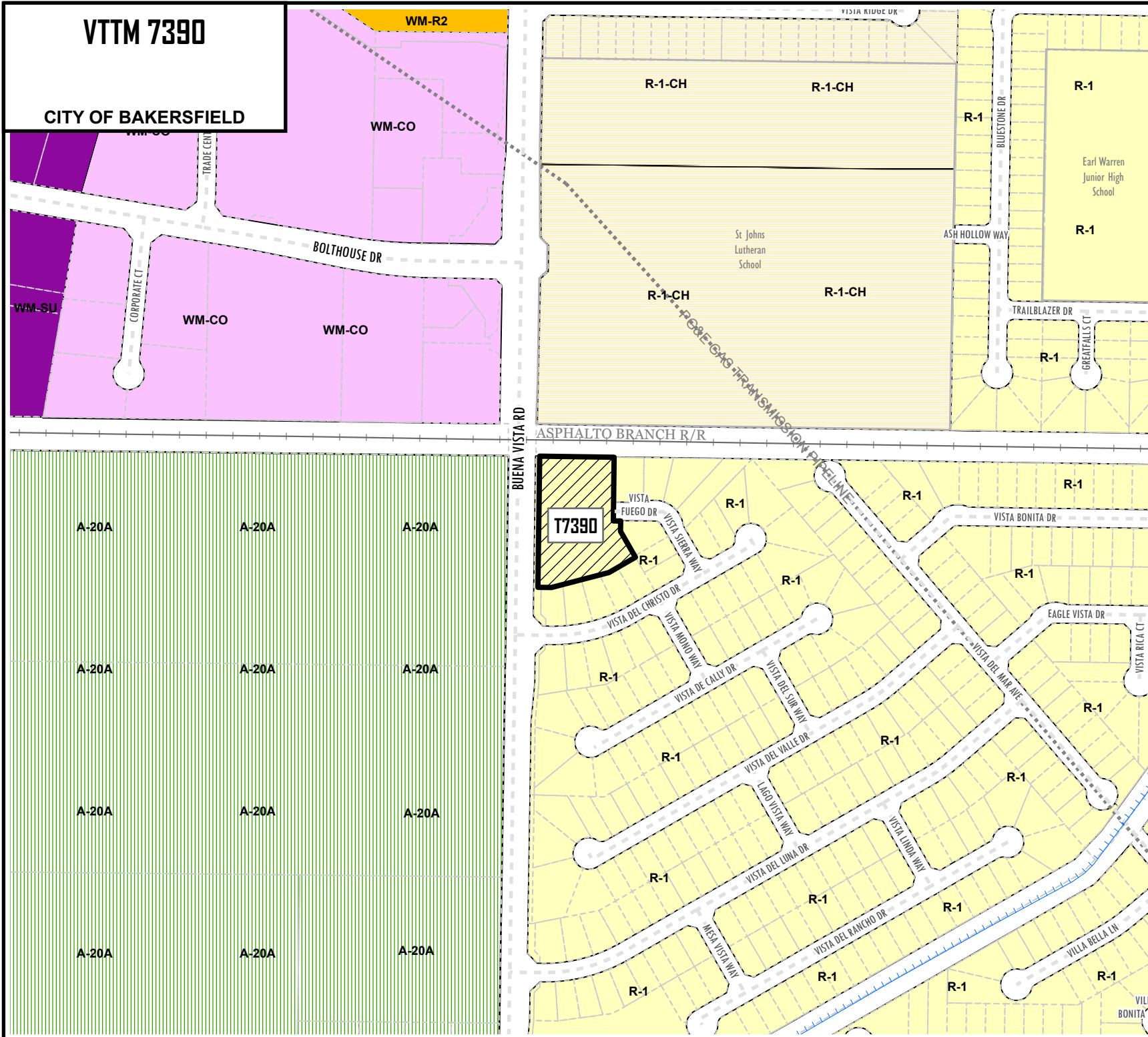


AERIAL



VTTM 7390

CITY OF BAKERSFIELD



Zoning

Resource Zone Designations

A-20A Agricultural - 20 acre minimum

Residential Zone Designations

R-1 One Family Dwelling

R-1-CH One Family Dwelling - Church Overlay

WEST MING SPECIFIC PLAN

WM-R2 Limited Multiple Family Dwelling Zone - Lower to Medium Density

WM-CO Professional and Administrative Office Zone

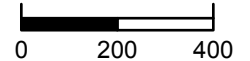
WM-SU Special Use Zone



BAKERSFIELD



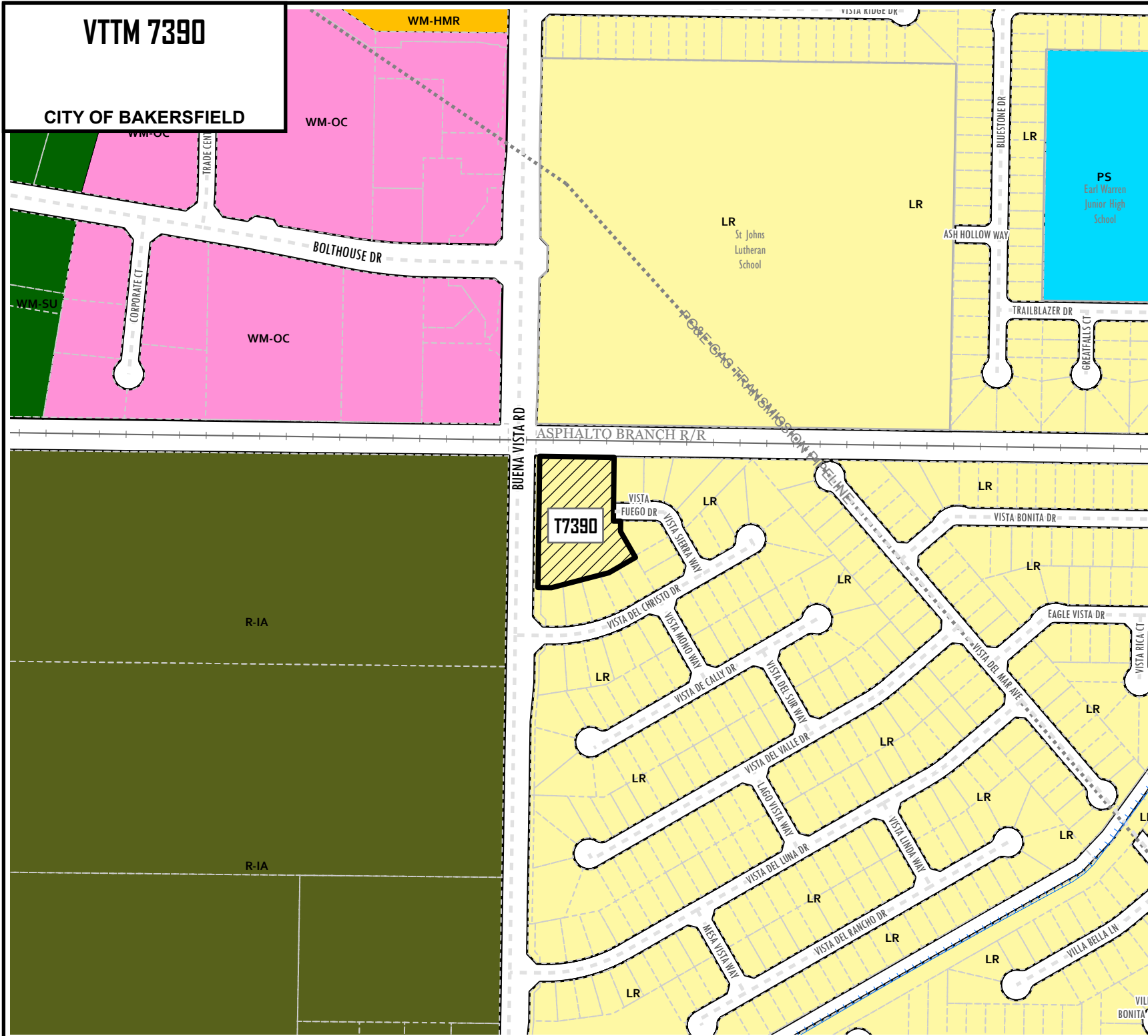
Feet



2021\_04\_03

VTTM 7390

CITY OF BAKERSFIELD



Land Use

RESIDENTIAL

LR - Low Density  
Residential:  $\leq 7.26$   
dwelling units/net acre

PUBLIC FACILITIES

PS - Public/Private Schools

RESOURCE

R-IA - Resource - Intensive  
Agriculture: 20 acre  
minimum parcel size

WEST MING SPECIFIC PLAN

WM-HMR: West Ming High  
Medium Density  
Residential

WM-OC: West Ming Office  
Commercial  $<1.0$  FAR

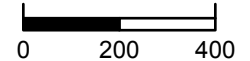
WM-SU: West Ming Special  
Use - combines LI, R-MP, P,  
OS, OS-P, PT, OC



BAKERSFIELD



Feet



2021\_04\_03

VESTING TENTATIVE TRACT MAP  
NO. 7390

IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA

BEING A DIVISION OF LOT 61 OF TRACT MAP 6313, IN THE CITY OF BAKERSFIELD, STATE OF CALIFORNIA, RECORDED ON APRIL 19, 2005 IN BOOK 53 OF MAPS ON PAGES 72 THROUGH 74, IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A DIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

2.21 GROSS ACRES 8 SINGLE-FAMILY LOTS

BASIS OF BEARINGS  
THE BEARING OF NORTH 89°22'52" WEST  
ALONG THE NORTH LINE OF THE  
NORTHWEST QUARTER OF SECTION 19,  
TOWNSHIP 30 SOUTH, RANGE 27 EAST,  
MOUNT DIABLO MERIDIAN, AS SHOWN ON  
TRACT MAP 6313, RECORDED ON APRIL 19,  
2005 IN BOOK 53 OF MAPS ON PAGES 72  
THROUGH 74, IN THE OFFICE OF THE  
KERN COUNTY RECORDER WAS TAKEN AS  
THE BASIS OF BEARINGS SHOWN HEREON.

SURVEYOR:  
GREGORY O. BLACK  
PALMETTO ENGINEERING AND LAND SURVEYING, INC.  
4300 ASHE ROAD, SUITE 103.  
BAKERSFIELD, CA 93313



DATE 3/30/2021  
GREGORY O. BLACK, PLS 8195

OWNER/SUBDIVIDER:  
LAND SOURCE PARTNERS, LLC.  
4805 CENTENNIAL PLAZA WAY, SUITE 200  
BAKERSFIELD, CA 93312

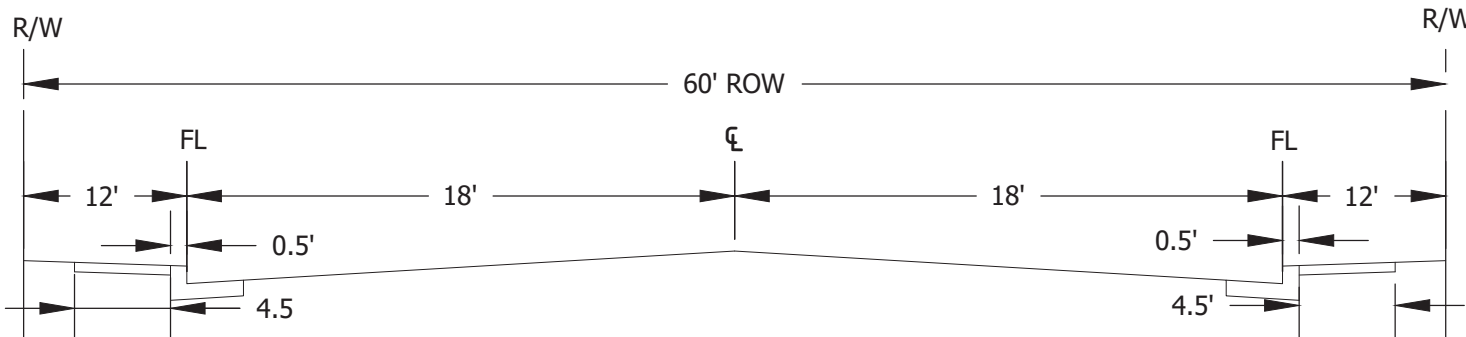
SCHOOLS:  
PANAMA-BUENA VISTA SCHOOL DISTRICT  
KERN HIGH SCHOOL DISTRICT

NOTES:  
ALL DISTANCES AND DIMENSIONS SHOWN  
ARE IN FEET AND DECIMALS THEREOF.  
ALL RETURN RADII ARE 20' UNLESS  
OTHERWISE NOTED.  
ALL IMPROVEMENTS AND DEDICATIONS TO BE  
IN ACCORDANCE WITH THE CITY OF  
BAKERSFIELD, SUBDIVISION & ENGINEERING  
DESIGN MANUAL STANDARDS.  
ALL LOT AREAS SHOWN ARE GROSS AREAS  
UNLESS OTHERWISE NOTED.  
ALL STREETGRADES WILL BE IN ACCORDANCE  
WITH THE CITY OF BAKERSFIELD  
DEVELOPMENT STANDARDS.

GENERAL NOTES:  
ASSESSORS PARCEL NO. 544-311-01  
EXISTING ZONE: R-1  
EXISTING LAND USE: VACANT DRILL SITE  
PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL  
GENERAL PLAN DESIGNATION: LR  
8 LOTS/2.21 ACRES → 3.6 DWELLING UNITS/ACRE  
WATER: CITY OF BAKERSFIELD WATER RESOURCES  
DEPARTMENT  
SEWER: CITY OF BAKERSFIELD  
ELECTRIC: PG & E  
GAS: SOUTHERN CALIFORNIA GAS COMPANY  
TELEPHONE: AT & T  
CABLE: BRIGHTHOUSE NETWORKS  
FLOOD ZONE: X  
FIRM PANEL NUMBER: 06029C 2275E

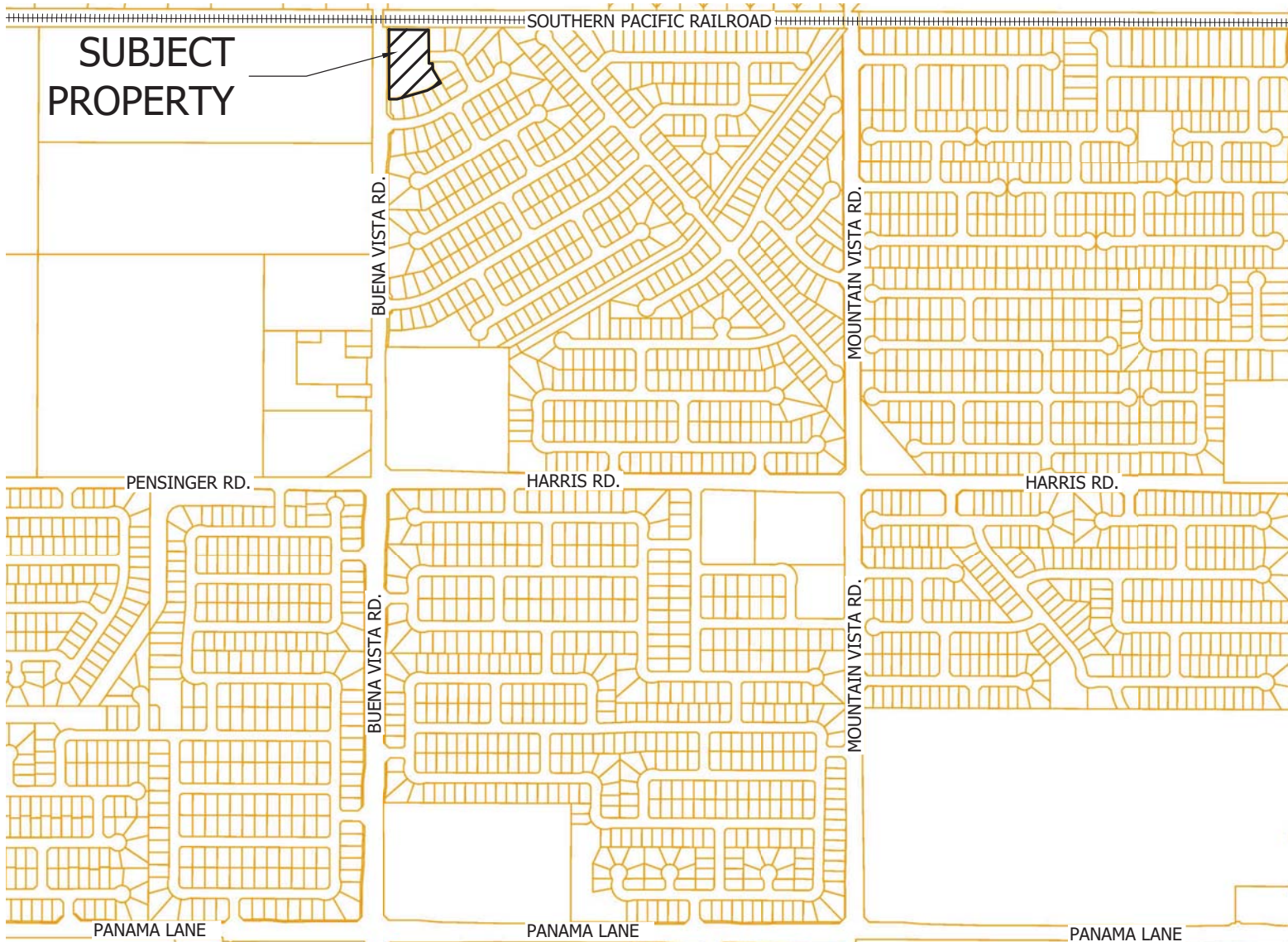
EASEMENT NOTES:  
6 EASEMENT GRANTED TO THE CITY OF BAKERSFIELD FOR  
RIGHT OF WAY TO LAY, CONSTRUCT, OPERATE, MAINTAIN,  
REPAIR, RECONSTRUCT, CHANGE THE SIZE OF REMOVE  
SANITARY SEWER PIPE LINES, APPURTENANT, NECESSARY  
SURFACE, SUBSURFACE OF A SANITARY SEWER PIPELINE,  
APPURTENANT, NECESSARY SURFACE, SUBSURFACE  
STRUCTURES, FITTINGS, OTHER EQUIPMENT AND  
INCIDENTAL PURPOSES, RECORDED FEBRUARY 15, 2001 AS  
INSTRUMENT NOS. 01-20252; 01-20253; 01-20254;  
01-20255; 01-20256; 01-20257; 01-20258; 01-20259;  
01-20260; FEBRUARY 5, 2002 AS INSTRUMENT NOS.  
02-17984 AND 01-17985 IN O.R.  
7 TEMPORARY TURNAROUND EASEMENT TO THE CITY OF  
BAKERSFIELD RECORDED MARCH 24, 2005 AS INSTRUMENT  
NO. 0205072155 IN O.R.  
8 TEMPORARY SEWER EASEMENT TO THE CITY OF  
BAKERSFIELD RECORDED MARCH 24, 2005 AS INSTRUMENT  
NO. 0205072154 IN O.R.  
14 A 10' WIDE EASEMENT ALONG THE NORTHERN PROPERTY  
LINE GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY  
FOR SUSPEND, REPLACE, REMOVE, MAINTAIN AND USE  
SUCH CROSSARMS, WIRES AND CABLES (SUPPORTED BY  
OR SUSPENDED FROM POLES TOWERS, OR OTHER  
STRUCTURES LOCATED ON LANDS ADJACENT TO THE  
HEREINAFTER DESCRIBED LANDS) AS FROM TIME TO TIME  
DEEM TO BE REASONABLY REQUIRED FOR THE  
TRANSMISSION OF ELECTRIC ENERGY, AND  
COMMUNICATION PURPOSES RECORDED MAY 11, 2005 AS  
INSTRUMENT NO. 0205119733 IN O.R.

NOTE: THIS TRACT SHALL FOLLOW THE "COMPLETE STREET"  
POLICY PER CITY OF BAKERSFIELD RESOLUTION 035-13.



SECTION A-A VISTA FUEGO DRIVE

NOT TO SCALE



VICINITY MAP

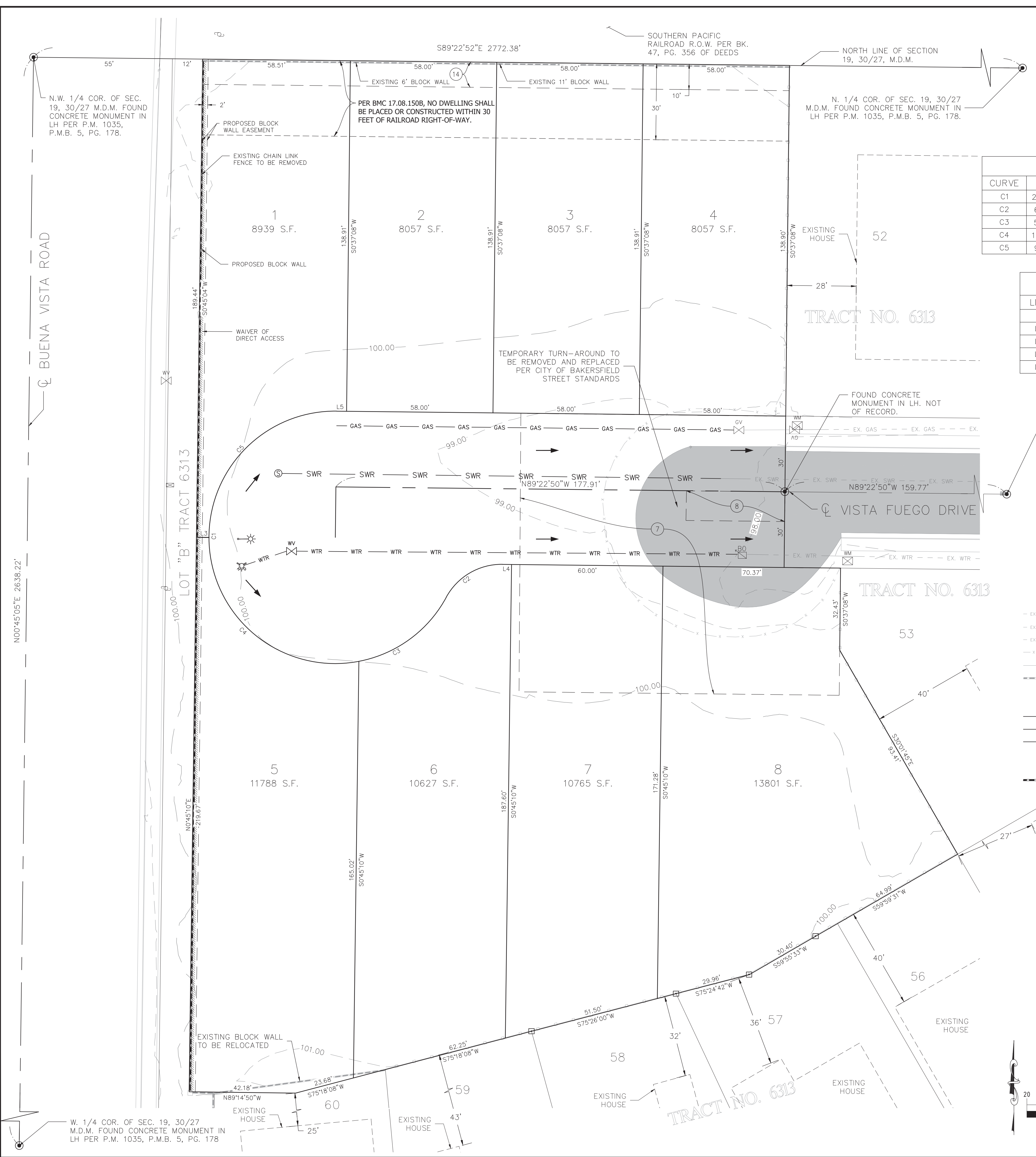
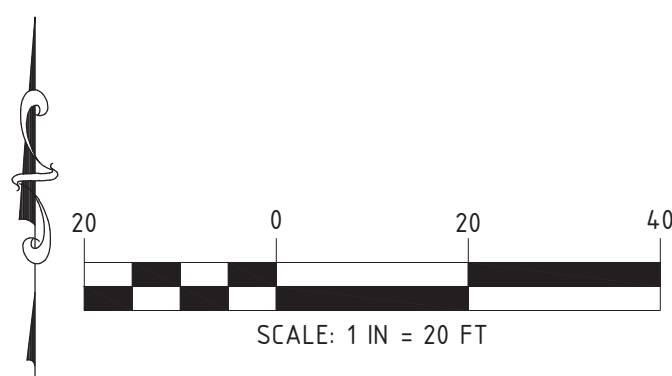
NTS

CURVE TABLE				
CURVE	DELTA	RADIUS	TANGENT	LENGTH
C1	242°10'55"	50.00'	89.92'	211.34'
C2	62°10'55"	25.00'	15.08'	27.13'
C3	50°49'38"	50.00'	23.76'	44.36'
C4	100°44'07"	50.00'	60.37'	87.91'
C5	90°37'10"	50.00'	50.54'	79.08'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S75°25'60"W	7.68'
L2	S75°18'08"W	10.72'
L3	N89°14'50"W	5.05'
L4	N89°22'50"W	3.65'
L5	N89°22'50"W	3.96'

FOUND CONCRETE MONUMENT IN LH PER  
TRACT MAP No. 6313 RECORDED IN  
BOOK 53, PAGE 73 ON APRIL 19, 2005  
IN THE OFFICE OF THE COUNTY  
RECORDER

- LEGEND
- EXISTING MONUMENT AS DESCRIBED
  - FOUND IRON REBAR CAP MARKED LS 4959
  - EXISTING WATER VALVE
  - EXISTING GAS VALVE
  - EXISTING WATER METER
  - EXISTING POWER POLE
  - EXISTING BLOW OFF VALVE
  - EXISTING A.C. PAVING
  - EXISTING SEWER MAIN
  - EXISTING WATER MAIN
  - EXISTING GAS LINE
  - EXISTING CHAIN LINK FENCE
  - EXISTING WOODEN FENCE
  - EXISTING BLOCK WALL
  - PROPOSED SEWER MANHOLE
  - PROPOSED WATER VALVE
  - SWR PROPOSED SEWER MAIN
  - WTR PROPOSED WATER LINE
  - GAS PROPOSED GAS LINE
  - PROPOSED FIRE HYDRANT
  - PROPOSED STREET LIGHT
  - PROPOSED BLOCK WALL
  - DRAINAGE FLOW DIRRECTION



4300 ASHE ROAD, SUITE 103  
BAKERSFIELD, CALIFORNIA 93313  
(661) 664-4806 Land  
(888) 260-7357 Fax

DATE: 3/31/2021  
SCALE: AS-SHOWN  
DRAWN BY: AUL  
CVD BY: GDB  
DATE CVD: 3/31/2021  
JOB NO: 20-039

REVISIONS

DATE	CK'D BY	DATE	CK'D BY

PROJECT TITLE LAND SOURCE PARTNERS, LLC  
VISTA FUEGO DRIVE

CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA

SHEET DESCRIPTION VESTING TENTATIVE TRACT MAP No. 7390

SHEET 1 OF 1 SHTS.

# TRACT NO. 6313

CONTAINS: THREE SHEETS -  
20.57 Ac. - 61 LOTS -  
2 LANDSCAPE LOTS

## BASIS OF BEARINGS

"THE BEARING OF N 89°22'52" W ALONG THE NORTH LINE OF THE NORTH-WEST QUARTER OF SECTION 19, 30/27, M.D.M., AS SHOWN ON PARCEL MAP NO. 1035 RECORDED IN BOOK 5 OF PARCEL MAPS AT PAGE 178 IN THE OFFICE OF THE KERN COUNTY RECORDER WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON."

## NOTES

- "ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF."
- "THE BLUE BORDER INDICATES THE BOUNDARIES OF THE LAND SUB-DIVIDED BY THIS MAP."
- "A 5/8" REBAR W/PLASTIC CAP STAMPED L.S. 5565 TO BE SET AT ALL REAR LOT CORNERS AND A L.S. 5565 TAG TO BE SET ON TOP OF THE CURB AT THE PROLONGATION OF THE PROPERTY LINE IN LIEU OF FRONT LOT CORNERS."
- "ADDITIONAL INFORMATION, DESCRIBING CONDITIONS REGARDING THIS MAP AS OF DATE OF FILING, WHICH DOES NOT AFFECT RECORD TITLE INTEREST IS SHOWN ON SHEET ONE."
- THE CURVE TABLE, LINE TABLE AND ABANDONED OIL WELL LOCATIONS ARE SHOWN ON SHEET 3.

## ABANDONMENT NOTE

UPON RECORDATION OF THIS MAP, THAT PORTION OF THE CONSTRUCTION SEWER EASEMENT PER DOC. #0201020241 THROUGH DOC. #0201020251, O.R. RECORDED 2/15/01 AND THE STREET RIGHT-OF-WAY DEED PER DOC. #0203082007, O.R. RECORDED 4/29/03 AND THE TEMPORARY SEWER EASEMENT PER DOC. #0203173366, O.R. RECORDED 8/19/03 AND THE TEMPORARY SLOPE EASEMENT PER DOC. #0203221317, O.R. RECORDED 10/14/03 WITHIN THIS TRACT BOUNDARY WILL BE ABANDONED PER SECTION 66434(g) OF THE SUBDIVISION MAP ACT.

## LEGEND

- FOUND MONUMENT AS DESCRIBED
- SET CONCRETE MONUMENT STAMPED L.S. 5565 IN LAMPHOLE
- P.U.E. PUBLIC UTILITY EASEMENT
- FOUND 2" IRON PIPE TAGGED L.S. 5565 PER TR. 6156 - UNIT 2, M.B. 50, PG. 176 & 177
- FOUND 2" IRON PIPE TAGGED L.S. 5565 PER TR. 6156 - UNIT 4, M.B. 52, PG. 132 - 134
- FOUND CONCRETE MONUMENT TAGGED L.S. 5565 PER TR. 6156 - UNIT 2, M.B. 50, PG. 176 & 177
- WAIVER OF DIRECT ACCESS
- L.H. LAMPHOLE
- [ ] RECORD AND MEASURED INFORMATION PER TR. 6156 UNIT 2, M.B. 50, PG. 176 & 177
- ( ) RECORD AND MEASURED INFORMATION PER TR. 6156 UNIT 4, M.B. 52, PG. 132 - 134
- ROAD EASEMENT PER KERN COUNTY LAND COMPANY SALES MAP OF SECTION 19, 30/27 AND PER VOLUME 8, PAGE 202 OF MINUTE BOOKS.
- CITY OF BAKERSFIELD 10' WIDE WATER LINE EASEMENT PER BOOK 6636, PAGE 437, O.R.
- CITY OF BAKERSFIELD 25' WIDE SEWER LINE EASEMENT PER DOC. #0201020252 THROUGH 0201020260, O.R. AND PER DOC. #0202017984 AND 0202017985, O.R.
- TEMPORARY TURNAROUND EASEMENT TO THE CITY OF BAKERSFIELD PER DOC. # 0205072155, O.R.
- TEMPORARY SEWER EASEMENT TO THE CITY OF BAKERSFIELD PER DOC. # 0205072154, O.R.
- ABANDONED OIL WELL (SEE SHEET 3 FOR LOCATION DETAIL)



RADIAL	BEARING
R1	N 32°09'10" E
R2	N 12°48'15" E
R3	N 72°51'45" W
R4	N 92°12'40" W
R5	N 15°59'28" W
R6	N 07°44'41" W
R7	N 83°44'52" W
R8	N 48°04'20" E
R9	N 17°18'24" E
R10	N 10°21'17" W

## RECORDER'S CERTIFICATE

ACCEPTED FOR RECORD AND FILED IN BOOK 53 OF MAPS, PAGE 23, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF KERN THIS 19 DAY OF APRIL, 2025, AT 2:00 P.M.  
JAMES W. FITCH - ASSESSOR/RECORDER OF THE COUNTY OF KERN  
BY: *Patti Good* DEPUTY RECORDER

## LOT AREA TABLE

LOT	AREA (s.f.)	LOT	AREA (s.f.)	LOT	AREA (s.f.)	LOT	AREA (s.f.)
1	12,048	17	7,200	33	7,200	49	16,018
2	9,667	18	7,200	34	7,200	50	15,701
3	9,669	19	7,200	35	7,200	51	10,305
4	8,763	20	7,200	36	7,200	52	12,957
5	8,128	21	7,200	37	7,600	53	11,121
6	7,600	22	7,200	38	7,600	54	7,199
7	7,600	23	7,200	39	7,200	55	6,999
8	7,200	24	7,200	40	7,200	56	7,800
9	7,200	25	7,600	41	7,200	57	7,905
10	7,200	26	7,600	42	7,200	58	9,140
11	7,892	27	7,192	43	15,406	59	9,330
12	8,241	28	8,732	44	16,501	60	8,671
13	15,767	29	15,139	45	17,999	61	2.21 AC.
14	15,324	30	11,437	46	13,017	A	5,592
15	17,319	31	12,855	47	8,687	B	7,554
16	9,596	32	8,299	48	7,605		



23

# 205098099

23

## Erica S. Hong

---

**From:** Erica S. Hong  
**Sent:** Wednesday, June 9, 2021 12:29 PM  
**To:** Bernabe DeLaCruz  
**Subject:** RE: Tract 7390

Good afternoon Mr. DeLaCruz,

Thank you for your follow up comments. They have been noted for the record and will be presented to Planning Commission for their consideration at the scheduled hearing on Thursday, June 17, 2021 at 5:30pm. Should you have any additional questions, please do not hesitate to give me a call.

Respectfully,

Erica S. Hong, Associate Planner II  
Development Services | Current Planning  
P | (661) 326-3070

---

**From:** Bernabe DeLaCruz <berneydelacruz@gmail.com>  
**Sent:** Wednesday, June 9, 2021 12:24 PM  
**To:** Erica S. Hong <ehong@bakersfieldcity.us>  
**Subject:** Re: Tract 7390

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

i just read your email response. it had gone into my spam folder.

I am sure I will have additional questions. I don't want the property subdivided or homes to be built there. Period!

thank you,

Bernabe DeLaCruz

On Fri, May 28, 2021 at 9:21 AM Erica S. Hong <[ehong@bakersfieldcity.us](mailto:ehong@bakersfieldcity.us)> wrote:

Good morning Mr. DeLaCruz,

Thank you for contacting this department with your comments. They have been noted for the record and will be presented to Planning Commission for their consideration at the scheduled hearing on Thursday, June 17, 2021 at 5:30pm. Due to COVID-19 restrictions, there is very limited public seating for the meeting.

As with all projects that are being proposed, the City has conducted a thorough review. This project, Vesting Tentative Tract Map 7390, is a request to subdivide the property into 8 single family residential lots in an R-1 (One Family Dwelling) zone. The proposal is to build out the western end of Vista Fuego Drive into a cul-de-sac with the lots

arranged around it. There is no direct access being proposed from Buena Vista Road to Vista Fuego Drive. For reference, a map of the proposed project is attached to this email.

In addition, potential traffic impacts stemming from the proposed project were evaluated by the City's Public Work's Department, Traffic Engineering Unit. Vista Fuego Drive is a local cul-de-sac street. Currently 7 homes have driveways onto this street and 8 more houses are proposed through this project. Trip generation of a single family home is 1 trip during the PM peak hour and 10 trips daily. Therefore, the amount of traffic generated from the proposed 8 single family homes meets City standards. Local streets can accommodate the expected traffic generated by the existing and proposed new homes on Vista Fuego Drive.. Also, should this project be approved, a set of conditions will be imposed that the developer must comply with. Conditions of Approval for this project include a waiver of direct access for all lots abutting Buena Vista Road and street improvement requirements, either through construction or paying a proportionate share of the cost for future construction.

I hope I have been able to address your comments above, but please feel free to give me a call at (661) 326-3070 with any additional questions/comments. Thank you for bringing your comments to my attention.

Respectfully,



**Erica S. Hong | Associate Planner II**

Development Services Department | Planning Division

City of Bakersfield

**email:** [ehong@bakersfieldcity.us](mailto:ehong@bakersfieldcity.us)

**web:** [www.bakersfieldcity.us](http://www.bakersfieldcity.us)

**phone:** 661-326-3070



---

**From:** Bernabe DeLaCruz <[berneydelacruz@gmail.com](mailto:berneydelacruz@gmail.com)>

**Sent:** Thursday, May 27, 2021 12:16 PM

**To:** DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>

**Subject:** Fwd: Delivery Status Notification (Failure)

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

Date: Thu, 27 May 2021 11:07:16 -0700

Subject: re: tract 7390

I live on Vista Del Christo 93311 and the traffic flow from Buena Vista Rd. onto Vista Del Christo and into this proposed new tract of 8 homes on Vista Fuego would be unacceptable.

These 8 new homes would bring a great deal of new traffic and noise through the street I live on and onto Vista Sierra as well.

I am completely opposed to this tract of 8 proposed home being developed.

I am demanding that an environmental impact study be commissioned by the land owner that studies that traffic and noise impact that their proposed 8 new homes on Tract 7390 would bring to the neighborhood homes adjacent to it.

I am completely opposed to this Tract 7390 development.

Please confirm that you received this email and logged my disapproval.

Bernabe DeLaCruz



## **AN ADDENDUM TO THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR VESTING TENTATIVE TRACT MAP 7390**

**May 28, 2021**

CEQA Guidelines Section 15164 applies to Vesting Tentative Tract Map (VTTM) 7390. CEQA Guidelines Section 15164 allows an addendum to a previously certified environmental document to be prepared if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent document have occurred. The City of Bakersfield adopted a Mitigated Negative Declaration (MND) for Tract 6313 by Resolution No. 85-04. The MND for Tract 6313 is hereby amended by this Addendum for VTTM 7390 as described below.

### **LOCATION:**

Western end of Vista Fuego Drive in southwest Bakersfield; being a portion of the northwest quarter of Section 19, T30S, R27E, MDB&M (APN #544-311-01)

### **BACKGROUND:**

The MND for Tract 6313 was adopted by the City of Bakersfield on July 1, 2004 by Resolution No. 85-04. The MND included mitigation for the following categories: noise.

### **CHANGES IN PROJECTS AND IMPACTS:**

The previously approved project (Tract 6313), consisted of a vesting tentative tract subdivision of 60 single family residential lots and a 2± acre drill site on 20.51 acres. The approved project also included deviations from design standards in the form of reverse corner lots. The current proposal (VTTM 7390), is a request to subdivide the drill site for Tract 6313. Specifically, the current proposal is requesting:

- Vesting tentative tract subdivision of 8 single family residential lots on 2.21-acres;
- Waiver of mineral rights signatures pursuant to Bakersfield Municipal Code Section 16.20.060 A.4.

Staff has reviewed the previous environmental analysis and found it to be adequate for the proposed project. It was determined that the proposed project would not result in any new significant environmental impacts. The mitigation measures for Tract 6313 have been revised to reflect current standards. Please see the attached Mitigation Measures and Conditions of Approval for reference. These changes are considered minor technical changes per CEQA Section 15164. There are no substantial changes with respect to the circumstances under which the tract map is undertaken that require major revisions to the previous MND due to the involvement of new environmental effects. Likewise, there is no new information of substantial importance that results in new significant effects.

### **FINDING:**

The previous MND for Tract 6313, as amended by this Addendum, may be used to fill the environmental review requirements for the proposed VTTM 7390. The mitigation measures have been revised to reflect current standards and it has been determined that the request would not result in significant impacts to any environmental subject areas requiring analysis under CEQA. Because the

changes to the project meet the conditions for the application of CEQA Guidelines Section 15164, preparation of a subsequent or supplemental MND is not required.

  
\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
June 3, 2021  
*Date*

\_\_\_\_\_  
Erica S. Hong  
*Printed name*

**Attachments:**  
Mitigation Measures

MITIGATION MEASURES  
TRACT 6313 (RESOLUTION NO. 85-04)  
VTTM 7390

**Noise Impact Mitigation Measures**

1. Prior to filing a final map the subdivider shall construct an 11 foot high masonry wall (as measured from the grade of the railroad right-of-way) along the northern tract boundary, and a 7 foot high masonry wall along the eastern and western lot lines of the residential lots located on the eastern and western tract boundaries. If two-story homes are proposed along the lots adjacent to the railroad right-of-way, an acoustical consultant shall review the plans for upper floors of two-story homes. Two-story home plans submitted to the building department shall be signed by an acoustical consultant. If canal acquisition moves the northerly lot lines outside of the 65 dBA CNEL contour line, no wall and no review of two-story homes is necessary.

*Mitigation Measure recommended in acoustical study prepared by Brown-Buntin Associates, dated December 2002. The 7-foot wall along the eastern lot line can be omitted if redundant or if a continuous 11-foot wall is provided with the adjacent tract.*

**Cultural Resources Impact Mitigation Measures**

2. If during construction activities or ground disturbance, cultural resources are uncovered, the subdivider shall stop work and retain a qualified archeologist for further study. Subdivider shall notify the proper authorities and be subject to any mitigation measures required of the archeologist.

*Mitigation Measure as recommended by Cultural Resources Survey prepared by Three Girls and a Shovel, dated December 2002, and Robert A. Schiffman, dated January 2003.*

**Biological Impact Mitigation Measures**

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

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

*Mitigation Measure.*

4. 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.

- 4.1. 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.
- 4.2. 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.
- 4.3. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the applicant must follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711). If the Project applicant proposes to evict burrowing owls that may be present, the CDFW recommends passive relocation during the non-breeding season.

*Mitigation Measure.*

# MPI CONSULTING CO.

1601 H STREET, SUITE 200  
BAKERSFIELD, CALIFORNIA 93301  
(661) 327-4031 • (661) 327-4359 FAX

November 30, 2020

Mr. Brian Alexander  
Mr. Tony Hogg  
Eagle Land Development, Inc.  
4805 Centennial Plaza Way  
Suite 200  
Bakersfield, CA 93312

HYDROCARBON POTENTIAL  
Portion NW/4 Sec 19, T30S, R27S MD B+M  
CITY OF BAKERSFIELD, KERN COUNTY, CA

Sirs,

I have completed a study of the eastern Canfield Ranch Oil Field to determine the potential for future oil development in the NW corner of Section 19, on the reserved drill site (Tract 6313). Oil and gas production has been prolific until the late 1990's, and has ceased to be significant over the last 10 years. After reviewing production details, abandoned wells, and the geology of productive reservoirs below Tract 6313, it is my belief that:

## IT IS NOT PROBABLE

that this acreage has any future hydrocarbon potential now or in the future!

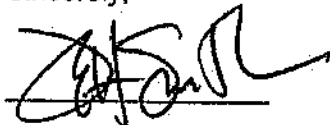
My personal knowledge and leadership in the rejuvenation of this general area of the Canfield Ranch Oil Field between 1987-2001 gives me a unique knowledge of section 19 and it's history.

## NOTICE

This letter was written specifically for Eagle Land Development Inc. MPI Consulting Co and our parent company, MPI, have NO relationship or other information other than knowledge of their intention to develop the area reviewed, and we have no other relationship with the developers in any way. Our conclusions are reasonable, given the oil field, the acreage in question, and the geological conditions.

Please call if there are any questions related to the conclusions.

Sincerely,



Jeff Smith  
CRG# 3362  
AIPG # 4944  
AAPG # 2073



**Evaluation and Review  
of  
Hydrocarbon Potential**

**Tract Map 6313**

**Northwest Corner of Section 19  
T30S, R27E, MDB&M  
Kern County, California  
USA**

**Prepared for:  
Eagle Land Development, Inc.  
4805 Centennial Plaza Way, Suite 200  
Bakersfield, CA 93312**

**Prepared by  
Jeffrey W. Smith,  
California Registered Geologist #3362  
MPI Consulting Company  
1601 H Street, Suite #200  
Bakersfield, CA 93301  
(661) 327-4031**

**Evaluation and Review of Hydrocarbon Potential**  
**Tract 6313**  
**Northwest Corner of Section 19**  
**T30S, R27E, MDB&M**  
**Kern County, California**

**Review Purpose**

The purpose of this study is to evaluate the hydrocarbon potential of Tract 6313 and determine the probability of finding either oil or natural gas near or below the proposed development in the northwest corner of Section 19, T30S, R27E, MDB&M.

**Study**

The proposed lot development, in the northwest corner of Section 19, requires a study and review of the geology and potential to find hydrocarbons near and below the proposed development. This study includes the review and discussion of adjacent area wells, their geological character, oil and gas production, in order to determine the potential to find hydrocarbons below Tract 6313.

Also, the geological review included wells, and area geology, in the East Gosford area of Canfield Ranch Oil Field. This area has been studied and reviewed by many geologists in past years, and while Canfield Ranch Oil Field continues to produce hydrocarbons from Sections 13, 23, and 24, there has been no production in any part of Section 19 for over 30 years.

Below is a summary of the area's stratigraphic formations consistent with other area oil fields:

<u>Name</u>	<u>Depth</u>	<u>Formation</u> <u>Geological Age</u>
Base Fresh Water	2900' – 3200'	
Macoma Shale	5500' – 6000'	Etchegoin, Pliocene
Top Stevens	7600'	Monterey, Upper Miocene
Lower Stevens	9500'	

**Field Data**

The Canfield Ranch Oil Field was discovered in 1938 by Standard Oil Company (Chevron). Prolific Stevens sands (Upper Miocene) produced at rates above 400 BOPD. Later field rejuvenation by Union Oil Company, Superior, and Phillips in the 1950's increased the proven acreage to several thousand. Production was prolific in all three Stevens sands, particularly in the middle Stevens. These sands were of good

permeability and porosity and flowed or pumped at hundred barrels of oil per day for years.

## Wells

### SECTION 19

#### "Chevron" 12-19

Drilled in 1957, the well produced from the middle Stevens at 400+ BOPD, the best well in Section 19. Following several later recompletions, the well produced mostly water, was not commercial, and was abandoned in 1989.

#### "Chevron" 21-19

Drilled in 1958, with little oil sand in the well, was structurally low in the reservoir, was a dry hole, and was abandoned in 1990.

#### "Chevron" 23-19

Drilled in 1957, this well was a very good producer early on flowing 400 BOPD from Stevens sands below 9,400', and later recompleted at 8,500', where production was too wet to be commercial, and was converted to water injection (water disposal) in 1965. The well was abandoned in 1983.

### SECTION 24

#### Stream Energy, Inc. "Hall Edgar" 82-24

Stream Energy rejuvenated the field again in the 1990's, drilling in Section 13, 14, and 24, and with great results based upon old well logs and updated geology. The last well, #82-24, was drilled several hundred feet away from Section 19, just west of Buena Vista Road, in 2004. The well had oil shows and other oil indicators but was structurally low in the reservoir, like the Section 19 wells, and was never economic in its short life. The well was shut-in late during 2018 and will be abandoned.

## Discussion

Canfield Rand Oil Field is one of many prolific Upper Miocene Stevens sand fields along the (structural) Bakersfield Arch. Prolific wells flowing hundreds of barrels of oil day made for great drilling results, and several oil companies enjoyed record production from the field.

Production from Section 19 came from the lowest structural position in the producing reservoir. Three wells were drilled in 1957 and 1958. The three wells were never as

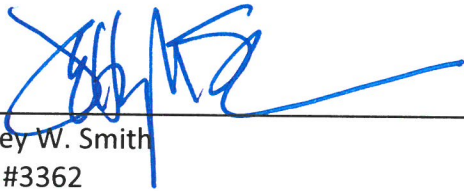
productive as the wells to the west and northwest, and produced fewer years with lower cumulative oil volumes.

The newest well in the area, Hall Edgar #82-24, drilled in 2004, was never commercial, and yet had a superior structural position to Section 19 wells compared to the "Chevron" wells in Section 19.

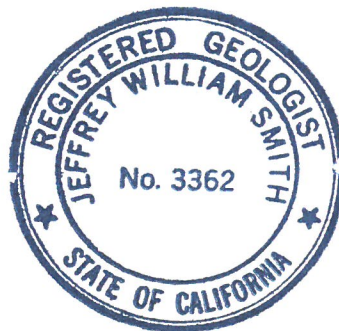
### **Conclusion**

It is my conclusion that **NO** commercial production of hydrocarbons can be found below the surface of Section 19. Low structural positions, and basic depletion of the Canfield Ranch Oil Field itself preclude future commercial hydrocarbons in the Steven Sand anywhere in Section 19. In other words, there is much technical evidence to support my earlier statement submitted to the City of Bakersfield, that:

**"PRODUCTION OF MINERALS (HYDROCARBONS) BENEATH TRACT 6313  
IS IMPROBABLE!"**



Jeffrey W. Smith  
CRG #3362  
AIPG #4944  
AAPG #2073



### **Appendix**

#### **Figure One**

Canfield Ranch Area Map

#### **Figure Two**

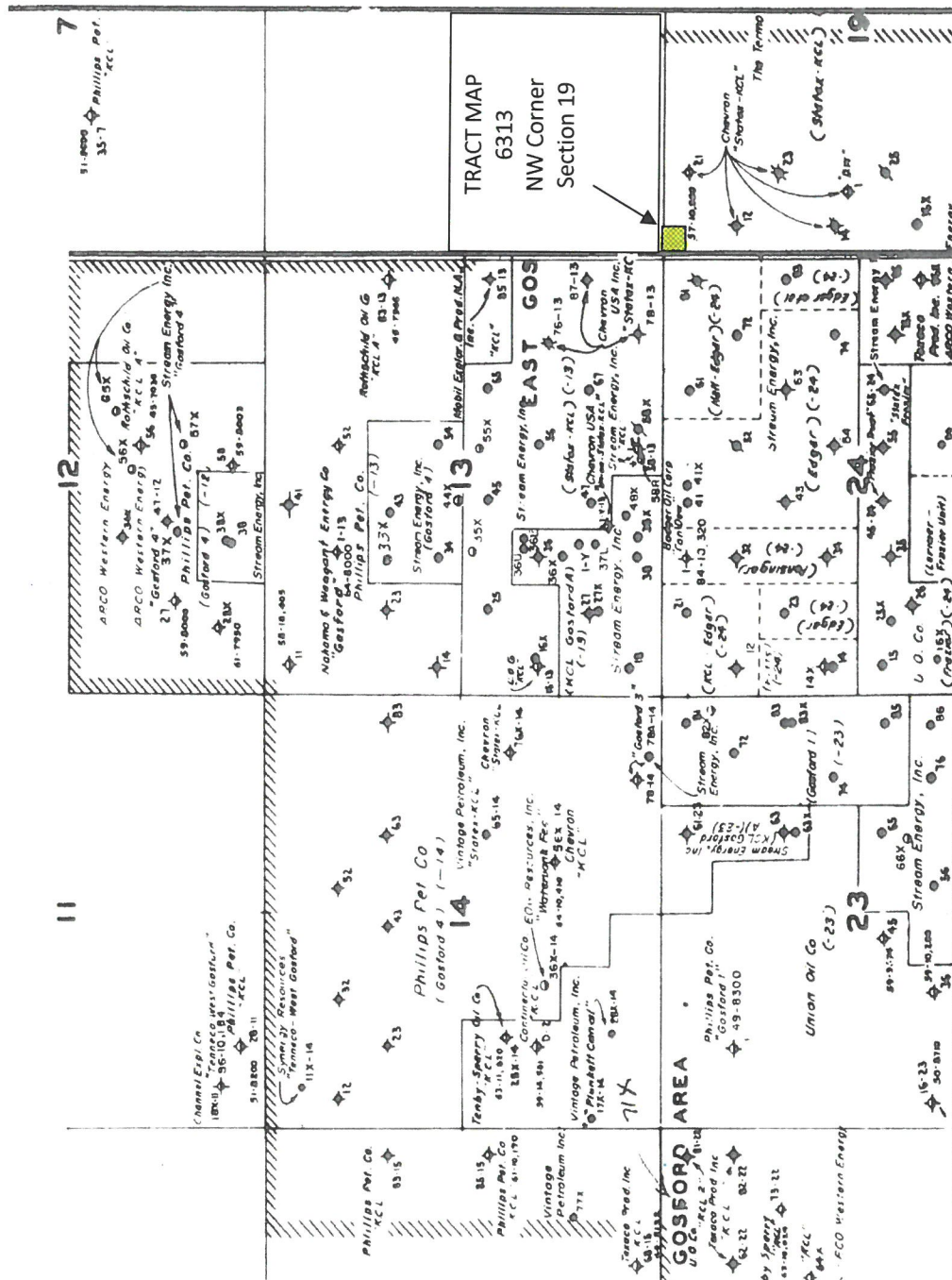
DOG Oil Field Map

#### **Figure Three**

Structural Cross-Sections, DOG Field Map

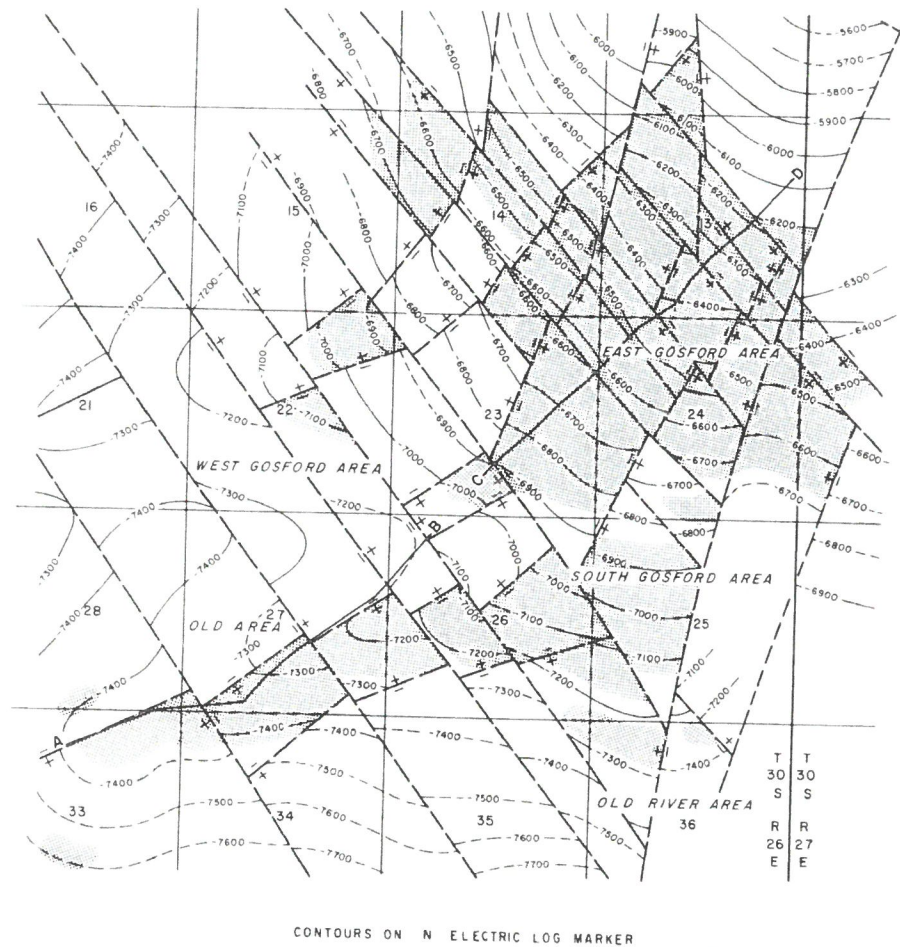
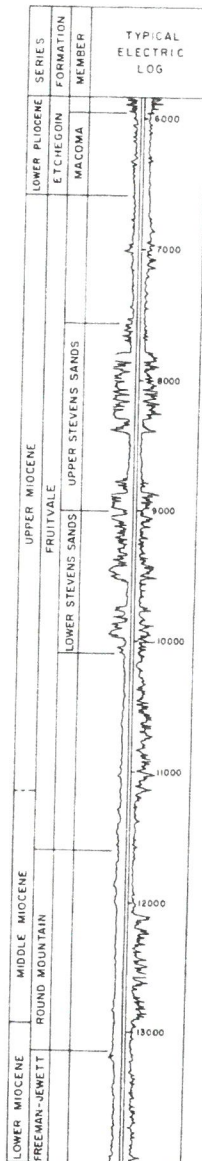
#### **Figure Four**

Tract Map 6313, NW Corner Section 19



**Figure 1**  
East Gosford Area  
Canfield Ranch Oil Field  
Munger Oil Field Map  
  
Hydrocarbon Potential Study  
Northwest Corner  
Section 19, T30S, R27E, MDB&M  
  
Kern County, California

# CANFIELD RANCH OIL FIELD

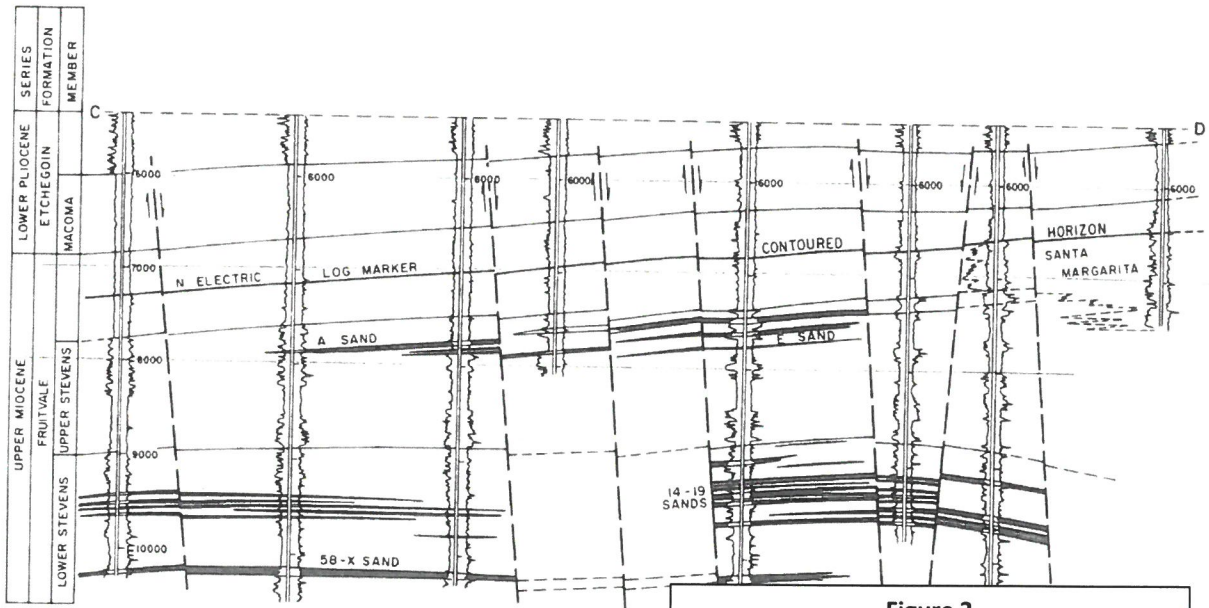
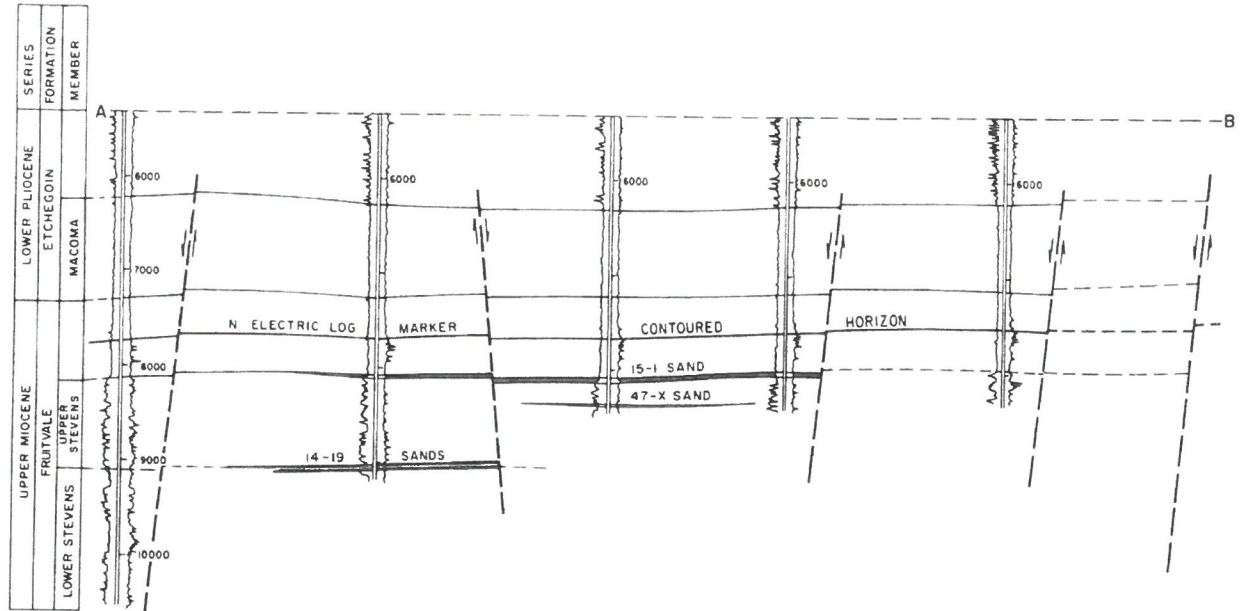


**Figure 2**

Area of Interest  
Oil Field Location with  
Fault Control/Structure Map  
DOG Map

Hydrocarbon Potential Study  
Northwest Section 19, T30S, R27E MDB&M

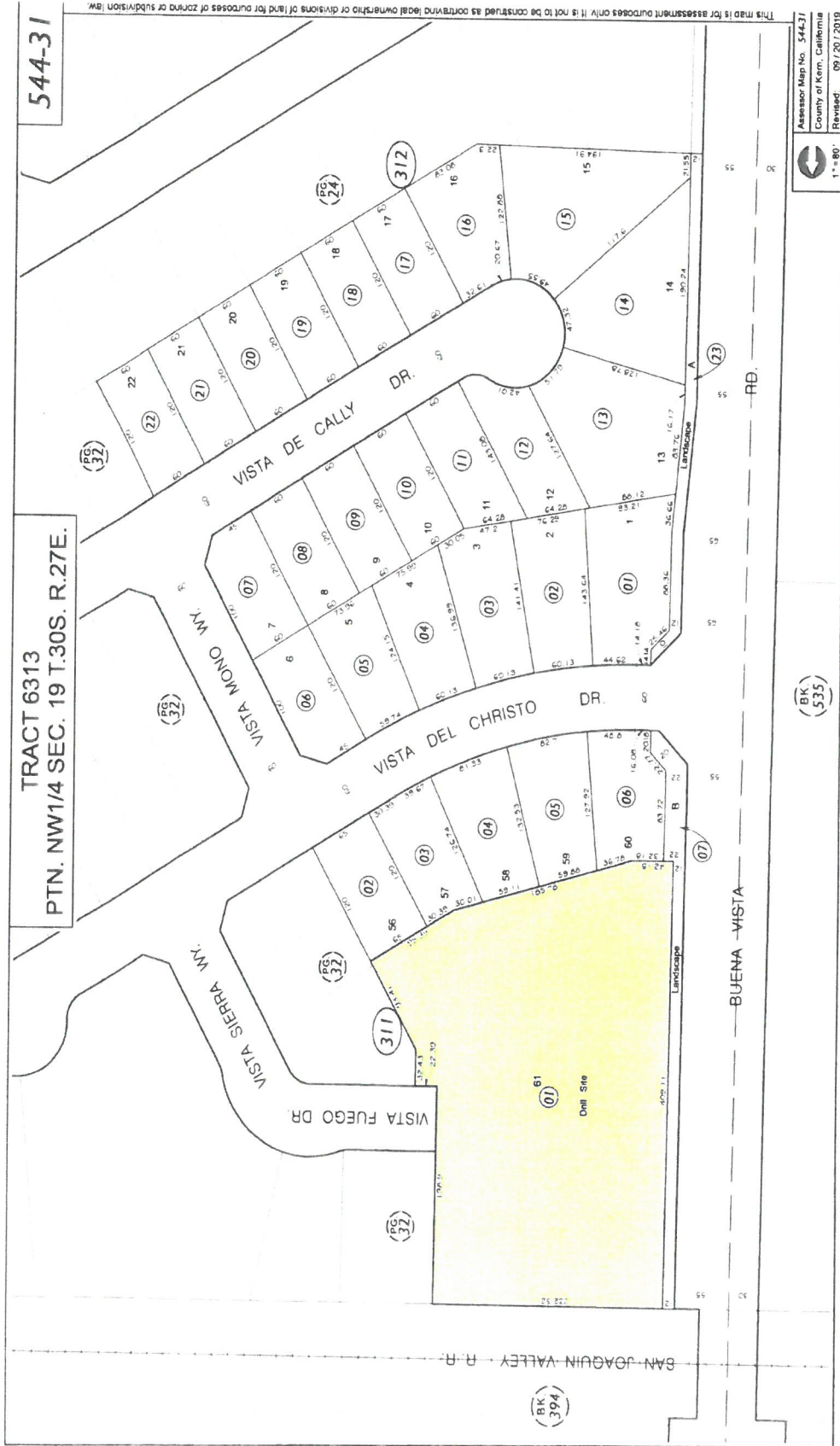
# CANFIELD RANCH OIL FIELD



**Figure 3**

Structural Cross Sections  
Canfield Ranch Oil Field  
DOG Map

Hydrocarbon Potential Study  
Northwest Section 19, T30S, R27E, MDB&M



**Figure 4**  
TRACT MAP 6313  
DRILL SITE DEVELOPMENT  
Northwest Corner  
Section 19, T30S, R27E MDB&M

ATTACHMENT A

DRAFT

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION  
TO ADOPT AN ADDENDUM TO A MITIGATED NEGATIVE  
DECLARATION AND APPROVE VESTING TENTATIVE TRACT  
7390 LOCATED AT THE WESTERN END OF VISTA FUEGO DRIVE  
IN SOUTHWEST BAKERSFIELD.**

**WHEREAS**, Palmetto Engineering and Land Surveying, representing Land Source Partners, LLC (property owner), filed an application with the City of Bakersfield Planning Department requesting a Vesting Tentative Tract Map 7390 (the "Project"), consisting of 8 lots on 2.21 acres for single family residential development, as shown on attached Exhibit "A-3", located at the western end of Vista Fuego Drive as shown on attached Exhibit "A-2"; and

**WHEREAS**, the application was deemed complete on April 27, 2021; and

**WHEREAS**, an initial study was conducted and it was determined that the Project would not have a significant effect on the environment and a Mitigated Negative Declaration (MND) was prepared and approved by the Planning Commission on July 1, 2004 in conjunction with Tract 6313 by Resolution No. 85-04, in accordance with California Environmental Quality Act (CEQA); and

**WHEREAS**, the Secretary of the Planning Commission, did set, Thursday, June 17, 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 *proposed Addendum MND and the Project*, and notice of the public hearing was given in the manner provided in Title 16 of the Bakersfield Municipal Code; and

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

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

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

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

2. Staff determined that the proposed activity is a project and an initial study was prepared for the original project, Tract 6313, of the subject property and an MND was adopted on July 1, 2004 by the Planning Commission for the original project, and duly noticed for public review.
3. Staff prepared an Addendum to said MND for the Project. No changes were determined and said MND with Addendum is the appropriate environmental document to accompany approval of the Project. In accordance with State CEQA Guidelines Section 15164, an Addendum to the MND was prepared. The Project will not significantly impact the physical environment because mitigation measures relating to the Project have been incorporated.
4. Urban services are available for the proposed development. The Project is within an area to be served by all necessary utilities and waste disposal systems. Improvements proposed as part of the Project will deliver utilities to the individual lots or parcels to be created.
5. The application, together with the provisions for its design and improvement, is consistent with the Metropolitan Bakersfield General Plan (Subdivision Map Act Section 66473.5). The proposed density and intensity of development are consistent with the low-density residential land use classification on the property. Proposed road improvements are consistent with the Circulation Element. The overall design of the project, as conditioned, is consistent with the goals and policies of all elements of the General Plan.
6. Mineral right owners' signatures may be waived on the final map pursuant to Bakersfield Municipal Code Section 16.20.060 A.4. The applicant has provided evidence with the Project application that it is appropriate to waive mineral right owners' signatures because in accordance with BMC Section 16.20.060 A.4., the subdivider has presented competent technical evidence that the production of minerals beneath the subdivision is improbable and has provided notice of such as required in BMC Section 16.20.060 A.4., to each mineral owner and lessee of record.
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 Addendum to the Mitigated Negative Declaration previously approved in conjunction with Tract 6313 is approved.
3. Vesting Tentative Tract Map 7390 is hereby approved with conditions of approval and mitigation measures shown on Exhibit "A-1".

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on 17<sup>th</sup> day of June 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-1: Conditions of Approval  
Exhibit A-2: Location Map with Zoning  
Exhibit A-3: Vesting Tentative Tract Map 7390

*By ESH / S:\TRACTS\7390\IPC Docs\Draft PC Docs\[Attachment A] VTTM 7390 Resolution*

## EXHIBIT "A-1"

### VESTING TENTATIVE TRACT MAP 7390 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. 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.
2. Prior to grading plan review submit the following for review and approval:
  - 2.1. A drainage study for the entire subdivision. The applicant shall update the drainage study or provide a new drainage study per City standards. The study shall be approved and any required retention shall be provided and necessary easements shall be dedicated to the City.
  - 2.2. A sewer study for the entire subdivision and showing. The applicant shall update the sewer area study for this area. Submit verification to the City Engineer of the existing sewer system's capability to accept the additional flows to be generated through the development.
  - 2.3. If the project is discharging storm water to a canal, a channel, or the Kern River: In order to meet the requirements of the City of Bakersfield's NPDES permit, and to prevent the introduction of sediments from construction or from storm events to the waters of the US, all storm water systems that ultimately convey drainage to the river or a canal shall include both source control Best Management Practices (BMPs) and structural treatment control BMPs.
3. The following conditions must be reflected in the design of the improvement plans:
  - 3.1. Final plan check fees shall be submitted with the first plan check submission.
  - 3.2. 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.
  - 3.3. The subdivider shall either construct the equivalent full width landscaped median island in Buena Vista Road for the length of the site's frontage or pay his proportionate share of the cost for the future construction of the median. Median islands shall be designed by the first tract to be approved on a side. The medians may be constructed by the first tract on a side, or the median island fees shall be paid. NOTE: MEDIAN CONSTRUCTION AND LANDSCAPING COSTS MAY BE BASED ON ESTIMATES APPROVED BY THE CITY ENGINEER per City standard, unless costs (median fees) have been previously identified in previous conditions for the same property. The median estimate shall include line items for curb, stamped concrete, landscaping, irrigation piping and controllers. If the median island is not constructed, the second tract across the street shall construct and landscape the median island. Construction or payment shall be for the full width street frontage of the land being subdivided. The total cost may be apportioned between the phases and paid prior to recordation of each phase if he elects to pay his share of the costs for the future construction. Left turn median restrictors shall be constructed.
  - 3.4. 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.
  - 3.5. 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.

- 3.6. 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.
4. The subdivider is responsible for implementing the following:
  - 4.1. Right turn deceleration lanes are required on arterials at local streets.
  - 4.2. The phasing map as submitted may be unbalanced with respect to the required improvements along the tract frontages. Therefore, in order to promote orderly development, each phase shall be responsible for an equal dollar amount of frontage improvement. Prior to recordation of each final map for any phase that does not construct its share of the improvements, the difference between the cost of the frontage improvements constructed and the phase share shall be placed into an escrow account. The money deposited in this account would be for the use of the developer of any future phase responsible for more than its share of improvements. The final per lot share will be based upon an approved engineer's estimate. In lieu of the use of an escrow account, the developer may choose to construct with each phase its proportionate share of the frontage improvements, with approval of the City Engineer.
  - 4.3. The following conditions are based upon the premise that filing of Final Maps will occur in the order shown on the map with Phase 1 first, then Phase 2, then Phase 3, etc. If recordation does not occur in that normal progression, then, prior to recordation of each final map, the City Engineer shall determine the extent of improvements to be done with that particular phase.
    - 4.3.1. The following shall occur with Phase 1:
      - 4.3.1.1. Construct Vista Fuego Drive to local street standards (60 R/W) for the full extent of the street lying within the tract's boundary. Vista Fuego Drive is to terminate in a City-standard manner.

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

- 4.4. The subdivider is responsible for verifying that existing streets within the boundary of the tract are constructed to city standards and he will reconstruct streets within the boundary if not to standard.
- 4.5. 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.
- 4.6. The use of interim, non-standard drainage retention areas shall be in accordance with the drainage policy adopted by letter dated January 24, 1997, as modified by the October 20, 2000.
- 4.7. 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.
- 4.8. 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. Public access to public sumps for maintenance shall be provided by public streets unless otherwise approved.

- 4.9. Drainage basins shall be reviewed and approved by both the Public Works Department and the Water Resources Department.
- 4.10. Install blue markers in the street at the fire hydrants per the Fire Department requirements.
5. The following must be reflected in the final map design:
  - 5.1. A waiver of direct access shall be required for all lots abutting any arterials and collectors; Buena Vista Road.
6. Prior to recording the first final map:
  - 6.1. The City Council must have taken final action for inclusion of this tract within the Consolidated Maintenance District.
  - 6.2. The developer is required to construct an improvement which is on the facilities list for the Metropolitan Bakersfield Transportation Impact Fee. The developer shall receive credit against his traffic impact fees for constructing this project. The developer must submit an appraisal, to be approved by the City Engineer, verifying the cost of the right-of-way to be acquired. This credit is not available until the improvement has been constructed by the developer and accepted for maintenance by the City. Any building permit issued prior to this acceptance shall pay the full impact fee.
  - 6.3. If it becomes necessary to obtain any off site right of way and if the subdivider is unable to obtain the required right of way, then he shall pay to the City the up-front costs for eminent domain proceedings and enter into an agreement and post security for the purchase and improvement of said right of way.
7. Prior to recording each final map:
  - 7.1. All facilities within the boundaries of this subdivision identified by the approved drainage study shall be constructed in accordance with the plans approved by the City Engineer, and all easements required shall be provided.
  - 7.2. 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.
  - 7.3. The subdivider shall submit an enforceable, recordable document approved by the City Attorney to be recorded concurrently with the Final Map containing information with respect to the addition of this subdivision to the consolidated maintenance district. Said covenant shall also contain information pertaining to the maximum anticipated annual cost per single family dwelling for the maintenance of landscaping associated with this tract. Said covenant shall be provided to each new property owner through escrow proceedings. If the parcel is already within a consolidated maintenance district, the owner shall update the maintenance district documents, including a Proposition 218 Ballot and Covenant, which shall be signed and notarized.
8. Prior to acceptance of the public improvements by the City:
  - 8.1. It is required on public tracts that the on-site sewer system shall be inspected with video equipment designed for this purpose and as approved by the City Engineer. If the developer chooses to video the on-site sewer system, then the following procedure is recommended: The television camera shall have the capability of rotating 360 degrees, in order to view and record the top and sides of the pipe, as required. The video inspection shall be witnessed by the subdivider's engineer, who will also initial and date the "Chain of Custody" form. Any pipe locations revealed to be not in compliance with the plans and Specifications shall be corrected. A recorded video cassette, completed "Chain of Custody" form, and a written log (which includes the stationing, based on the stationing of the approved plans, of all connected laterals) of the inspection shall be provided for viewing and shall be approved by the subdivider's engineer prior to acceptance. After the subdivider's acceptance of the system, the video cassette, forms, and logs shall be submitted to the City Engineer.

9. Prior to Notice of Completion:
  - 9.1. The storm drain system, including the sump, shall be inspected and any debris removed.
10. Street Name Signs (SNS):
  - 10.1. Metro Size SNS shall be installed at the intersection of local streets with Arterial and collector streets.
  - 10.2. Standard SNS shall be installed at all other locations.
11. Unless otherwise directed by the City Engineer, during the engineering design of construction plans, the flowline-to-flowline width of local streets shall be as follows:
  - 11.1. 36 feet: Vista Fuego Drive.

#### WATER RESOURCES

12. Prior to recordation of the final subdivision map, the Subdivider shall:
  - 12.1. Execute and record a Domestic Water Service Agreement with the Water Department.
  - 12.2. Pay all applicable fees to the Water Department.
  - 12.3. Submit a water Will Serve Letter from the City of Bakersfield Water Resources Department that confirms all water fees have been paid to the Water Resource's satisfaction. (The water Will Serve Letter will not be issued until water availability, inspection, plan check, hydrant, unmetered service, and meter fees have been paid in full).
  - 12.4. Submit water system plans to the Water Department for review and approval. Water system plans shall be prepared in accordance with the Water Department Standards and Specifications and per the Water Department's engineering recommendations.
13. Any drainage basins required for the development need to be included with plans in detail to be reviewed for compliance to City of Bakersfield standards and specifications by Water Resources Staff.

#### FIRE SAFETY DIVISION

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

*Public health, safety and welfare.*

## RECREATION AND PARK

15. 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

16. 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

17. This subdivision shall comply with all provisions of the Bakersfield Municipal Code, and applicable resolutions, policies and standards in effect at the time the application for the subdivision map was deemed complete per Government Code Section 66474.2.
18. This is not a phased subdivision. The subdivision shall be recorded in no more than one phase. Phases shall be identified numerically and not alphabetically.

*Orderly development.*

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

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

20. 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 (CalGEM). The subdivider is responsible for any remedial operations on the well required by CalGEM. Subdivider shall be subject to provisions of BMC Section 15.66.080 (B.)

*Police power based on public health, welfare and safety.*

21. Mineral Rights: Signatures of mineral interest are waived on the final map.

*Per BMC Section 16.20.060 A.4, the subdivider has provided technical evidence that production of minerals from beneath the subdivision is improbable.*

### **Noise Impact Mitigation Measures**

22. Prior to filing a final map the subdivider shall construct an 11 foot high masonry wall (as measured from the grade of the railroad right-of-way) along the northern tract boundary, and a 7 foot high masonry wall along the eastern and western lot lines of the residential lots located on the eastern and western tract boundaries. If two-story homes are proposed along the lots adjacent to the railroad right-of-way, an acoustical consultant shall review the plans for upper floors of two-story homes. Two-story home plans submitted to the building department shall be signed by an acoustical consultant. If canal acquisition moves the northerly lot lines outside of the 65 dBA CNEL contour line, no wall and no review of two-story homes is necessary.

*Mitigation Measure recommended in acoustical study prepared by Brown-Buntin Associates, dated December 2002. The 7-foot wall along the eastern lot line can be omitted if redundant or if a continuous 11-foot wall is provided with the adjacent tract.*

### **Cultural Resources Impact Mitigation Measures**

23. If during construction activities or ground disturbance, cultural resources are uncovered, the subdivider shall stop work and retain a qualified archeologist for further study. Subdivider shall notify the proper authorities and be subject to any mitigation measures required of the archeologist.

*Mitigation Measure as recommended by Cultural Resources Survey prepared by Three Girls and a Shovel, dated December 2002, and Robert A. Schiffman, dated January 2003.*

### **Biological Impact Mitigation Measures**

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

The current MBHCP expires on February 28, 2022. To ensure take of covered species does not occur after the expiration date, fees must be paid no later than August 31, 2021 and all covered activities must be completed by the MBHCP expiration date of February 28, 2022. As determined by the City, only projects ready to be issued an urban development permit, grading plan approval, or building permit will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued

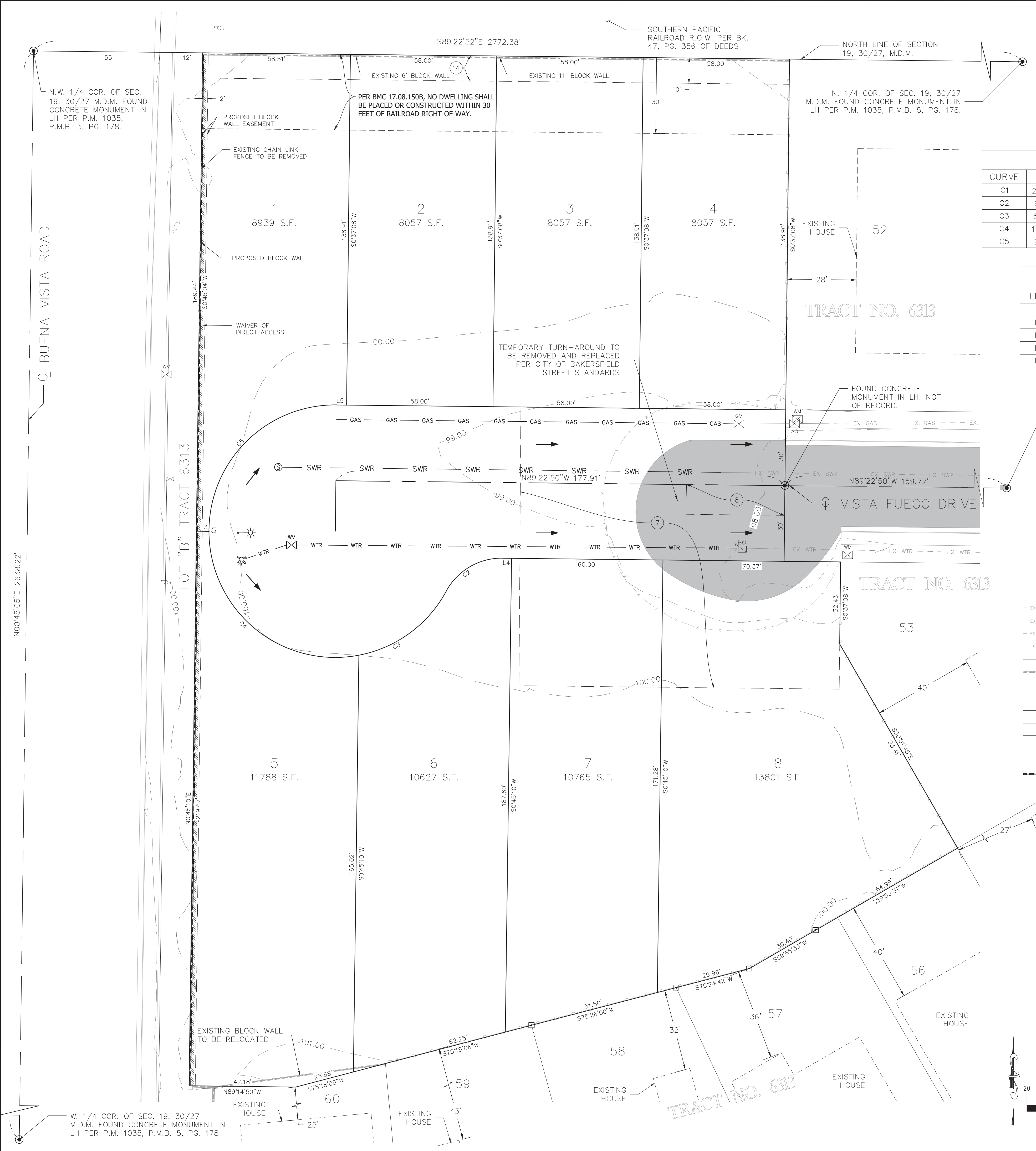
after the 2022 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish & Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW).

*Mitigation Measure.*

25. 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.
  - 25.1. 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.
  - 25.2. 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.
  - 25.3. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the applicant must follow CDFW protocol for mitigation and comply with the provisions of the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711). If the Project applicant proposes to evict burrowing owls that may be present, the CDFW recommends passive relocation during the non-breeding season.

*Mitigation Measure.*





# VESTING TENTATIVE TRACT MAP NO. 7390

IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA

BEING A DIVISION OF LOT 61 OF TRACT MAP 6313, IN THE CITY OF BAKERSFIELD, STATE OF CALIFORNIA, RECORDED ON APRIL 19, 2005 IN BOOK 53 OF MAPS ON PAGES 72 THROUGH 74, IN THE OFFICE OF THE KERN COUNTY RECORDER; ALSO BEING A DIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA.

2.21 GROSS ACRES 8 SINGLE-FAMILY LOTS

**BASIS OF BEARINGS**  
THE BEARING OF NORTH 89°22'52" WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MOUNT DIABLO MERIDIAN, AS SHOWN ON TRACT MAP 6313, RECORDED ON APRIL 19, 2005 IN BOOK 53 OF MAPS ON PAGES 72 THROUGH 74, IN THE OFFICE OF THE KERN COUNTY RECORDER WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON.

**SURVEYOR:**  
GREGORY O. BLACK  
PALMETTO ENGINEERING AND LAND SURVEYING, INC.  
4300 ASHE ROAD, SUITE 103.  
BAKERSFIELD, CA 93313



*Gregory O. Black*  
GREGORY O. BLACK, PLS 8195

3/30/2021  
DATE

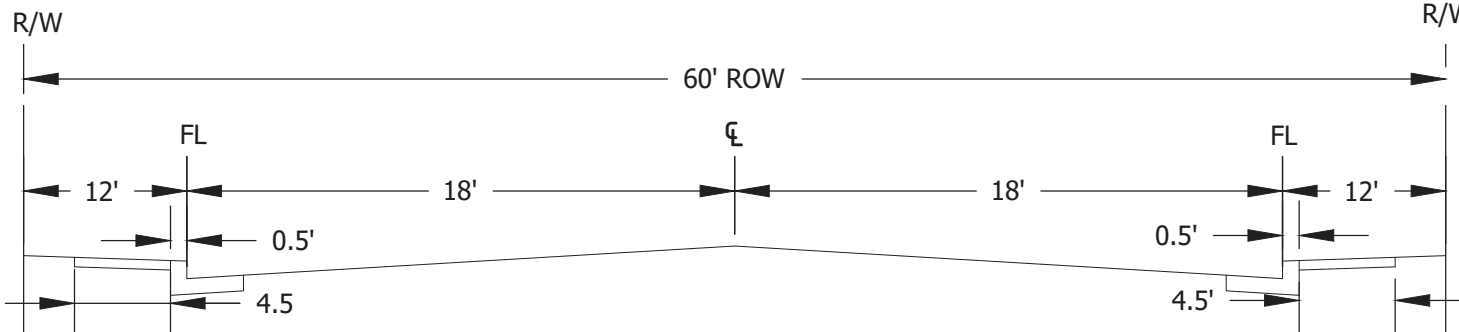
**SCHOOLS:**  
PANAMA-BUENA VISTA SCHOOL DISTRICT  
KERN HIGH SCHOOL DISTRICT

**NOTES:**  
ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF. ALL RETURN RADII ARE 20' UNLESS OTHERWISE NOTED.  
ALL IMPROVEMENTS AND DEDICATIONS TO BE IN ACCORDANCE WITH THE CITY OF BAKERSFIELD, SUBDIVISION & ENGINEERING DESIGN MANUAL STANDARDS.  
ALL LOT AREAS SHOWN ARE GROSS AREAS UNLESS OTHERWISE NOTED.  
ALL STREETGRADES WILL BE IN ACCORDANCE WITH THE CITY OF BAKERSFIELD DEVELOPMENT STANDARDS.

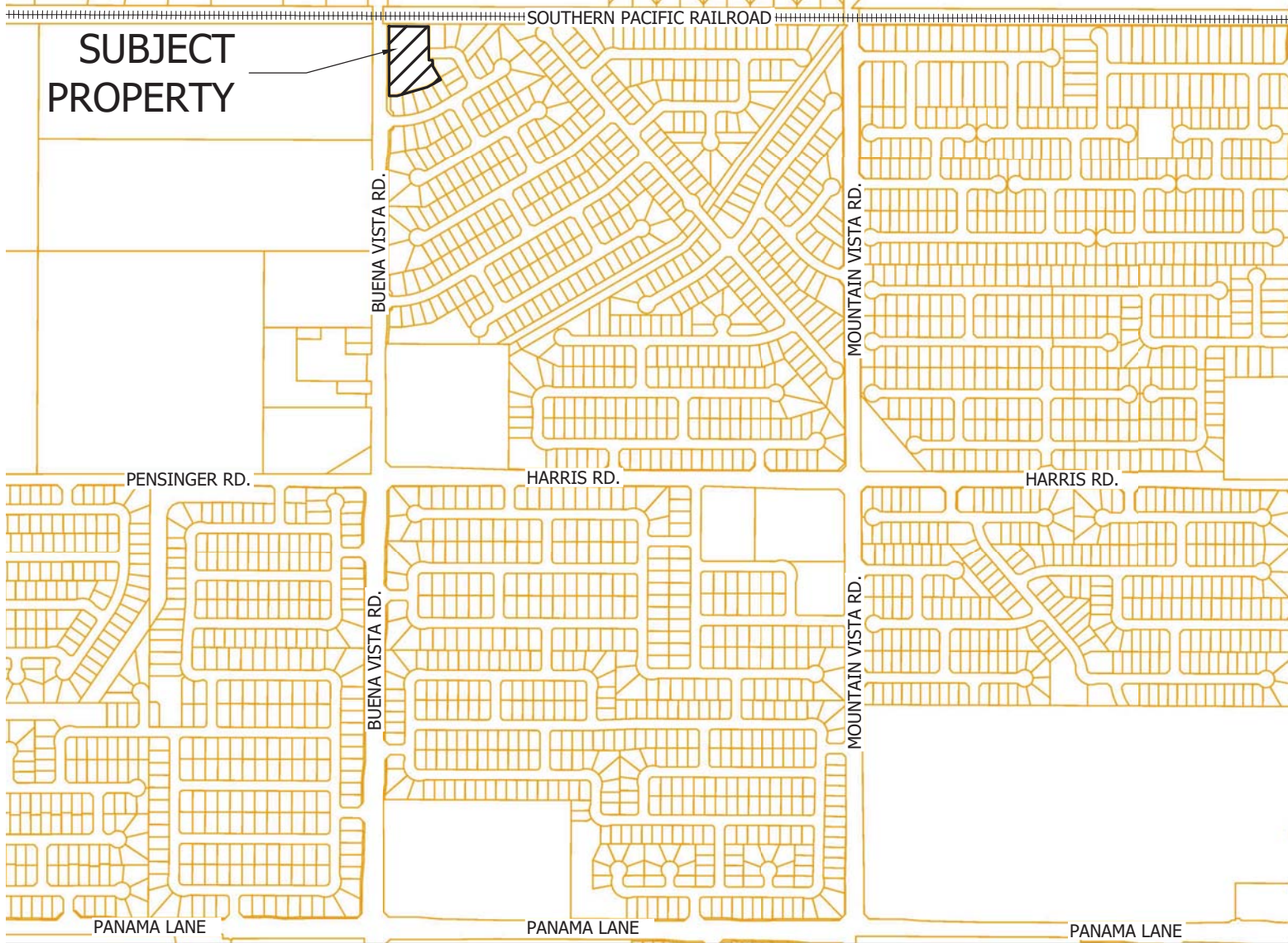
**GENERAL NOTES:**  
ASSESSORS PARCEL NO. 544-311-01  
EXISTING ZONE: R-1  
EXISTING LAND USE: VACANT DRILL SITE  
PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL  
GENERAL PLAN DESIGNATION: LR  
8 LOTS/2.21 ACRES → 3.6 DWELLING UNITS/ACRE  
WATER: CITY OF BAKERSFIELD WATER RESOURCES DEPARTMENT  
SEWER: CITY OF BAKERSFIELD  
ELECTRIC: PG & E  
GAS: SOUTHERN CALIFORNIA GAS COMPANY  
TELEPHONE: AT & T  
CABLE: BRIGHTHOUSE NETWORKS  
FLOOD ZONE: X  
FIRM PANEL NUMBER: 06029C 2275E

- EASEMENT NOTES:**
- 6 EASEMENT GRANTED TO THE CITY OF BAKERSFIELD FOR RIGHT OF WAY TO LAY, CONSTRUCT, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT, CHANGE THE SIZE OF REMOVE SANITARY SEWER PIPE LINES, APPURTENANT, NECESSARY SURFACE, SUBSURFACE OF A SANITARY SEWER PIPELINE, APPURTENANT, NECESSARY SURFACE, SUBSURFACE STRUCTURES, FITTINGS, OTHER EQUIPMENT AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 15, 2001 AS INSTRUMENT NOS. 01-20252; 01-20253; 01-20254; 01-20255; 01-20256; 01-20257; 01-20258; 01-20259; 01-20260; FEBRUARY 5, 2002 AS INSTRUMENT NOS. 02-17984 AND 01-17985 IN O.R.
  - 7 TEMPORARY TURNAROUND EASEMENT TO THE CITY OF BAKERSFIELD RECORDED MARCH 24, 2005 AS INSTRUMENT NO. 0205072155 IN O.R.
  - 8 TEMPORARY SEWER EASEMENT TO THE CITY OF BAKERSFIELD RECORDED MARCH 24, 2005 AS INSTRUMENT NO. 0205072154 IN O.R.
  - 14 A 10' WIDE EASEMENT ALONG THE NORTHERN PROPERTY LINE GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY FOR SUSPEND, REPLACE, REMOVE, MAINTAIN AND USE SUCH CROSSARMS, WIRES AND CABLES (SUPPORTED BY OR SUSPENDED FROM POLES TOWERS, OR OTHER STRUCTURES LOCATED ON LANDS ADJACENT TO THE HEREINAFTER DESCRIBED LANDS) AS FROM TIME TO TIME DEEM TO BE REASONABLY REQUIRED FOR THE TRANSMISSION OF ELECTRIC ENERGY, AND COMMUNICATION PURPOSES RECORDED MAY 11, 2005 AS INSTRUMENT NO. 0205119733 IN O.R.

NOTE: THIS TRACT SHALL FOLLOW THE "COMPLETE STREET" POLICY PER CITY OF BAKERSFIELD RESOLUTION 035-13.



SECTION A-A VISTA FUEGO DRIVE



VICINITY MAP

NTS



4300 ASHE ROAD, SUITE 103  
BAKERSFIELD, CALIFORNIA 93313  
(661) 664-4806 Land  
(888) 260-7357 Fax

3/31/2021  
DATE:  
3/31/2021  
SCALE:  
AS-NOTED  
3/31/2021  
DRAWN BY:  
AUL  
3/31/2021  
C'D BY:  
GOB  
3/31/2021  
DATE CK'D:  
20-039  
JOB NO:

REVISIONS	CK'D BY	DATE	CK'D

PROJECT TITLE LAND SOURCE PARTNERS, LLC  
VISTA FUEGO DRIVE  
CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA  
SHEET DESCRIPTION VESTING TENTATIVE TRACT MAP No. 7390

SHEET



# COVER SHEET

## PLANNING DEPARTMENT STAFF REPORT

**MEETING DATE:** June 17, 2021

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

**TO:** Planning Commission

**FROM:** Paul Johnson, Planning Director

**PLANNER:** Kassandra Gale, Principal Planner

**DATE:**

**WARD:** Ward 3

**SUBJECT:**

**Conditional Use Permit No. 21-0164:** Cornerstone Engineering, Inc. is proposing a conditional use permit to allow on-site alcohol sales at an existing restaurant (17.22.040.A) in the C-1 (Neighborhood Commercial Zone) district located at 5836 Comanche Drive. Notice of Exemption on file.

**APPLICANT:** Cornerstone Engineering, Inc.

**OWNER:** Countryside Corp.

**LOCATION:** 5836 Comanche Drive

---

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
▣ Staff Report CUP No. 21-0164	Staff Report
▣ Map Set	Backup Material
▣ Site Plan	Backup Material
▣ Resolution with Exhibits	Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 17, 2021

**AGENDA:** 5.d

**FILE:** Conditional Use Permit No. 21-0164

**WARD:** 3

**STAFF PLANNER:** Kassandra Gale, Principal Planner

---

**REQUEST:** A conditional use permit for on-site alcohol sales at an existing restaurant.

---

**APPLICANT:** Cornerstone Engineering, Inc.  
5009 Young Street  
Bakersfield, CA 93311

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

**PROJECT LOCATION:** 5836 Comanche Drive

**APN:** 387-880-01

**PROJECT SIZE:** 0.80 acres

**CEQA:** Section 15301 (Class 1; Existing Facilities)

---

**EXISTING GENERAL PLAN DESIGNATION:** GC (General Commercial)

**EXISTING ZONE CLASSIFICATION:** C-1 (Neighborhood)

---

**STAFF RECOMMENDATION:** Staff recommends the Planning Commission adopt the Resolution and suggested findings **APPROVING** Conditional Use Permit No. 20-0054 as depicted in the project description and subject to the listed conditions of approval.

---

**SITE CHARACTERISTICS:** The project site is an existing restaurant within a developing shopping center. Surrounding properties are primarily: *north* – undeveloped land; *east* – undeveloped land; *south* – undeveloped land; and *west* – undeveloped land.

## **BACKGROUND AND TIMELINE:**

- November 6, 2015 – The Site Plan Review Committee approved plans for a 44,287 square foot retail center in the C-1 (Neighborhood Commercial) zone (Site Plan Review No. 15-0316).
- March 8, 2016 – The Board of Zoning Adjustment approved a conditional use permit to allow construction of a 3,187 square foot drive-thru restaurant in the C-1 (Neighborhood Commercial) zone (Conditional Use Permit No. 16-0029; Resolution No. 16-04).
- March 9, 2017 – The Site Plan Review Committee approved plans for a 41,860 square foot retail center revising the original layout, circulation, and uses (Site Plan Review No. 17-0041).
- March 8, 2016 – The Board of Zoning Adjustment approved a conditional use permit to allow an additional restaurant to have drive-thru services in the C-1 (Neighborhood Commercial) zone (Conditional Use Permit No. 17-0320; Resolution No. 17-34).
- October 13, 2020 – The Board of Zoning Adjustment approved a conditional use permit to allow an additional restaurant to have drive-thru services in the C-1 (Neighborhood Commercial) zone (Conditional Use Permit No. 20-0216; Resolution No. 20-16).

## **PROJECT ANALYSIS:**

**Proposed Use.** The existing 1,890 square foot restaurant (Me-n-Ed's Pizza Restaurant) is requesting to include on-site alcohol sales as a component incidental to the food service. The restaurant is the current tenant of 'Pad A' in the developing commercial center. The proposed hours of operation are from 8:00 am to 12:00 am Monday through Sunday, with four employees on the largest shift.

**Permitting.** Restaurants are a permitted use in the C-1 (Neighborhood Commercial Zone) district. However, restaurants with on-site alcohol sales require approval of a Conditional Use Permit ("CUP"). Properties with a C-1 zone classification are typically situated within residential neighborhoods, often abutting or in close proximity to residential development. The shopping center is not adjacent to existing residential development, but there is single-family zoning in the area and existing homes are located further east and west along Highway 178 and north along Alfred Harrell Highway.

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

## **ENVIRONMENTAL REVIEW AND DETERMINATION:**

This project has been found to be exempt from the provisions of the California Environmental Quality Act ("CEQA") and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15301, Existing Facilities. This exemption includes Class 1 projects consisting of the operation, permitting, or leasing of existing public or private structures or facilities involving negligible or no expansion of existing or former use. A Notice of Exemption has been prepared.

## **PUBLIC NOTIFICATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services

Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law. Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

**Comments Received.** As of this writing, no comments have been received:

#### **CONCLUSIONS:**

**Findings.** Bakersfield Municipal Code (“BMC”) Section 17.64.060.D contains specific findings that must be made in order for your Commission to approve the requested CUP. Specifically, the section states that a conditional use permit shall be granted only when it is found that:

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

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

In accordance with these required findings, and as conditioned, Staff finds: (1) the establishment would provide a place for adults to eat, drink, and socialize; (2) the establishment is within a developing shopping center and is consistent with the surrounding uses; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**Recommendation.** Staff finds that the applicable provisions of CEQA have been complied with, and the proposal sufficiently demonstrates compliance with the necessary findings. Therefore, staff recommends your Commission adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 21-0164 with conditions of approval.

#### **ATTACHMENTS:**

Map Set

- Aerial
- Zone Classification
- General Plan Designation

Site Plan

Resolution with Exhibits

Map Set CUP 21-0164

CUP 21-0164

CITY OF BAKERSFIELD



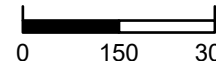
AERIAL



BAKERSFIELD



Feet

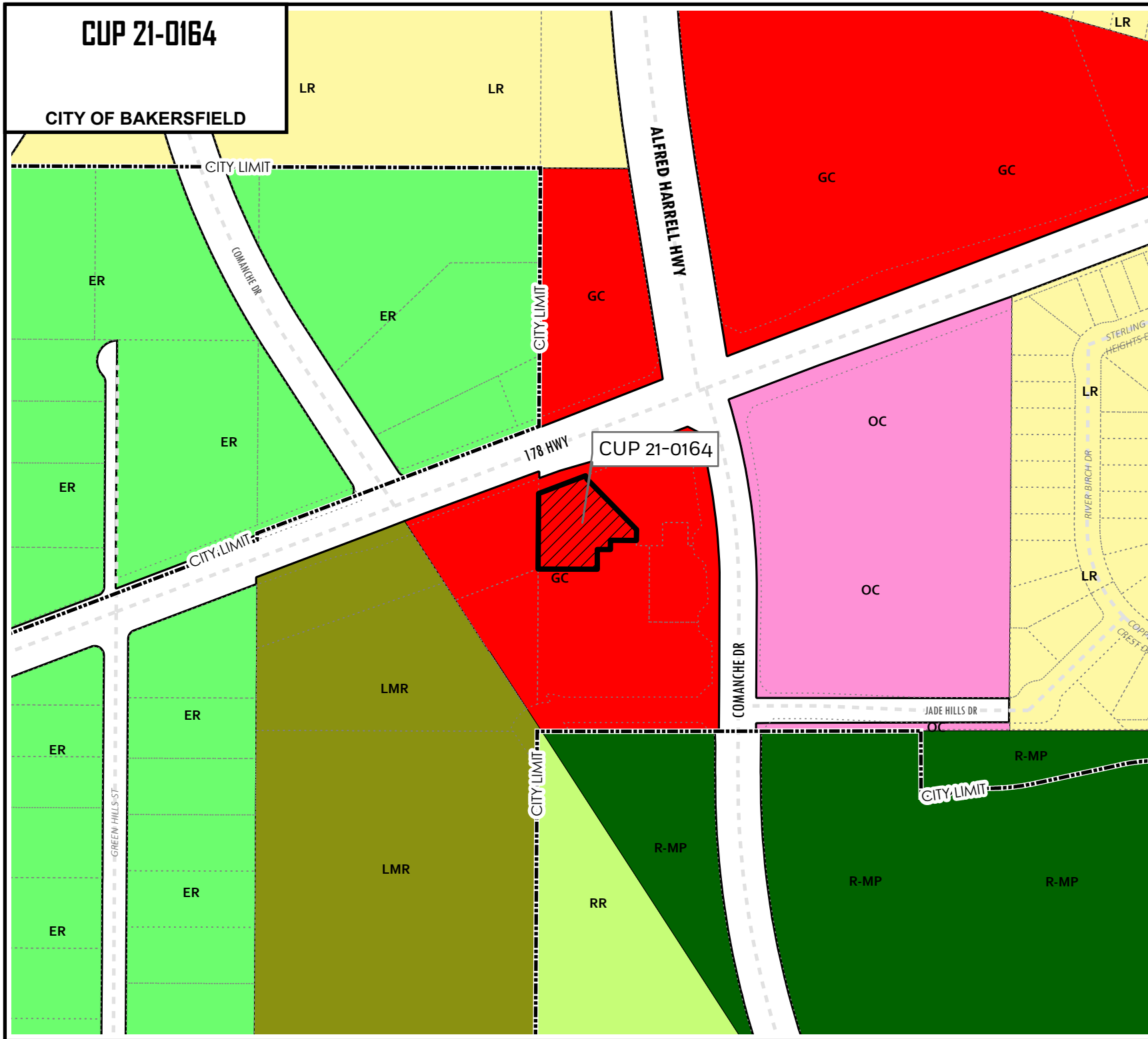


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CUP 21-0164

CITY OF BAKERSFIELD



Land Use

RESIDENTIAL

- ER - Estate Residential: 1 dwelling unit/net acre
- LMR - Low Medium Density Residential: > 4 units but ≤ 10 dwelling units/net acre
- LR - Low Density Residential: ≤ 7.26 dwelling units/net acre
- RR - Rural Residential: 2.5 gross acres/dwelling unit

COMMERCIAL

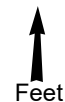
- GC - General Commercial
- OC - Office Commercial

RESOURCE

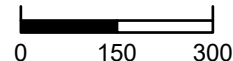
- R-MP - Resource - Minerals & Petroleum: 5 acre minimum parcel size



BAKERSFIELD



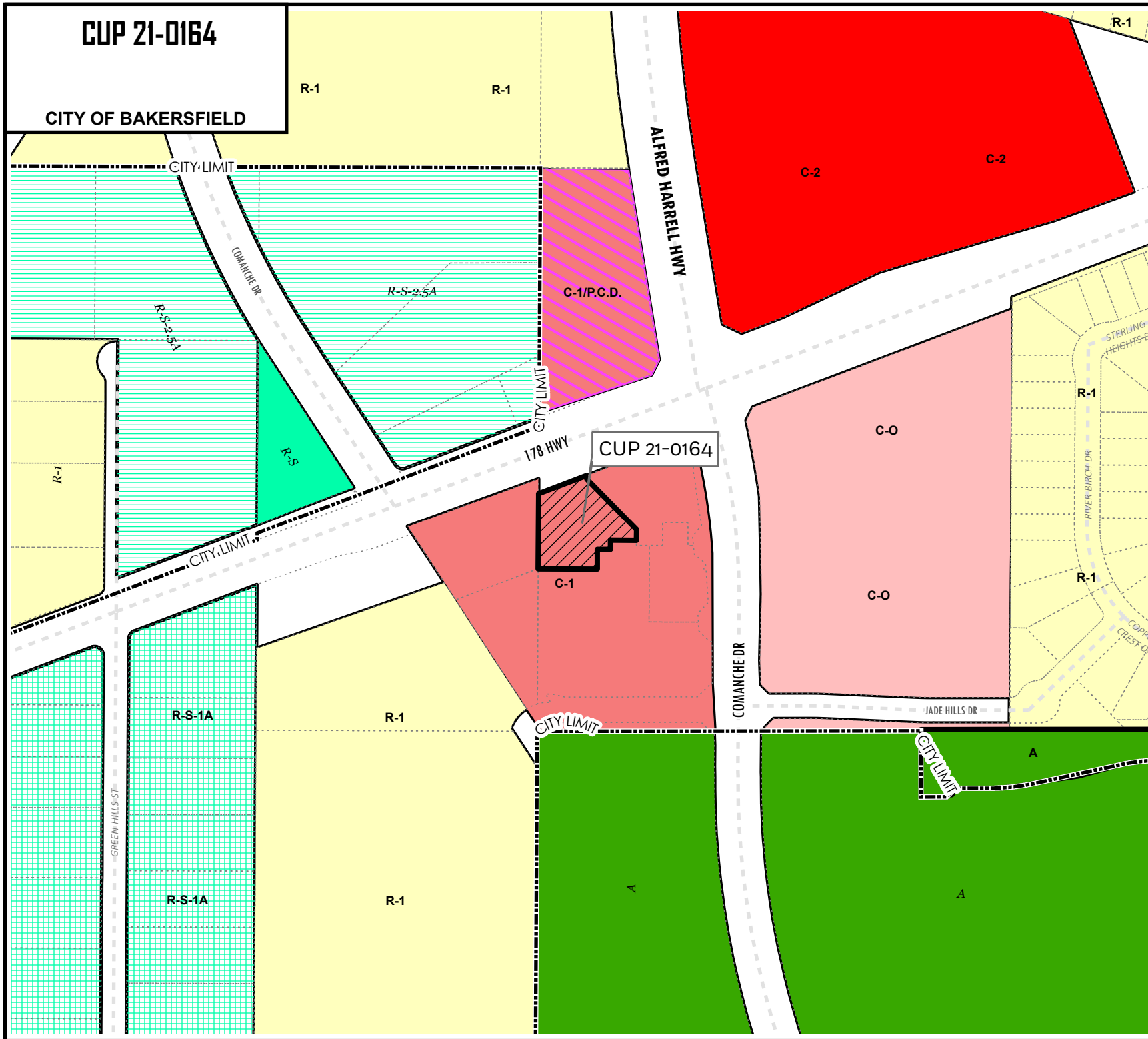
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CUP 21-0164

CITY OF BAKERSFIELD



Zoning

Commercial Zone Designations

- C-O Commercial and Professional Office
- C-1 Limited Commercial
- C-1/P.C.D. Combining
- C-2 Commercial

Resource Zone Designations

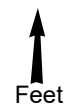
- A Agricultural

Residential Zone Designations

- R-S Residential Suburban
- R-S-1A Residential Suburban - 1 acre minimum
- R-S-2.5A Residential Suburban - 2.5 acre minimum
- R-1 One Family Dwelling



BAKERSFIELD



Feet



2021\_04\_05\_cup

## Site Plan



## Draft Resolution with Exhibits

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING A  
CONDITIONAL USE PERMIT TO ALLOW ON-SITE ALCOHOL SALES AT AN  
EXISTING RESTAURANT (17.22.040.A) IN A C-1 (NEIGHBORHOOD  
COMMERCIAL ZONE) DISTRICT, LOCATED AT 5836 COMANCHE DRIVE.  
(CUP 21-0164)**

**WHEREAS**, Cornerstone Engineering, Inc. filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow on-site alcohol sales at an existing restaurant (17.22.040.A) in a C-1 (Neighborhood Commercial zone) district, located at 5836 Comanche drive (the "Project"); and

**WHEREAS**, the Secretary of the Planning Commission set Thursday, June 17, 2021, at 5:30 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

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

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

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

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 21-0164 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting held on the 17th day of June, 2021, on a motion by Commissioner \_\_\_\_\_, seconded by Commission \_\_\_\_\_ the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

\_\_\_\_\_  
LARRY KOMAN, CHAIR  
City of Bakersfield Planning Commission

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

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL Conditional Use Permit No. 21-0164**

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

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

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

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

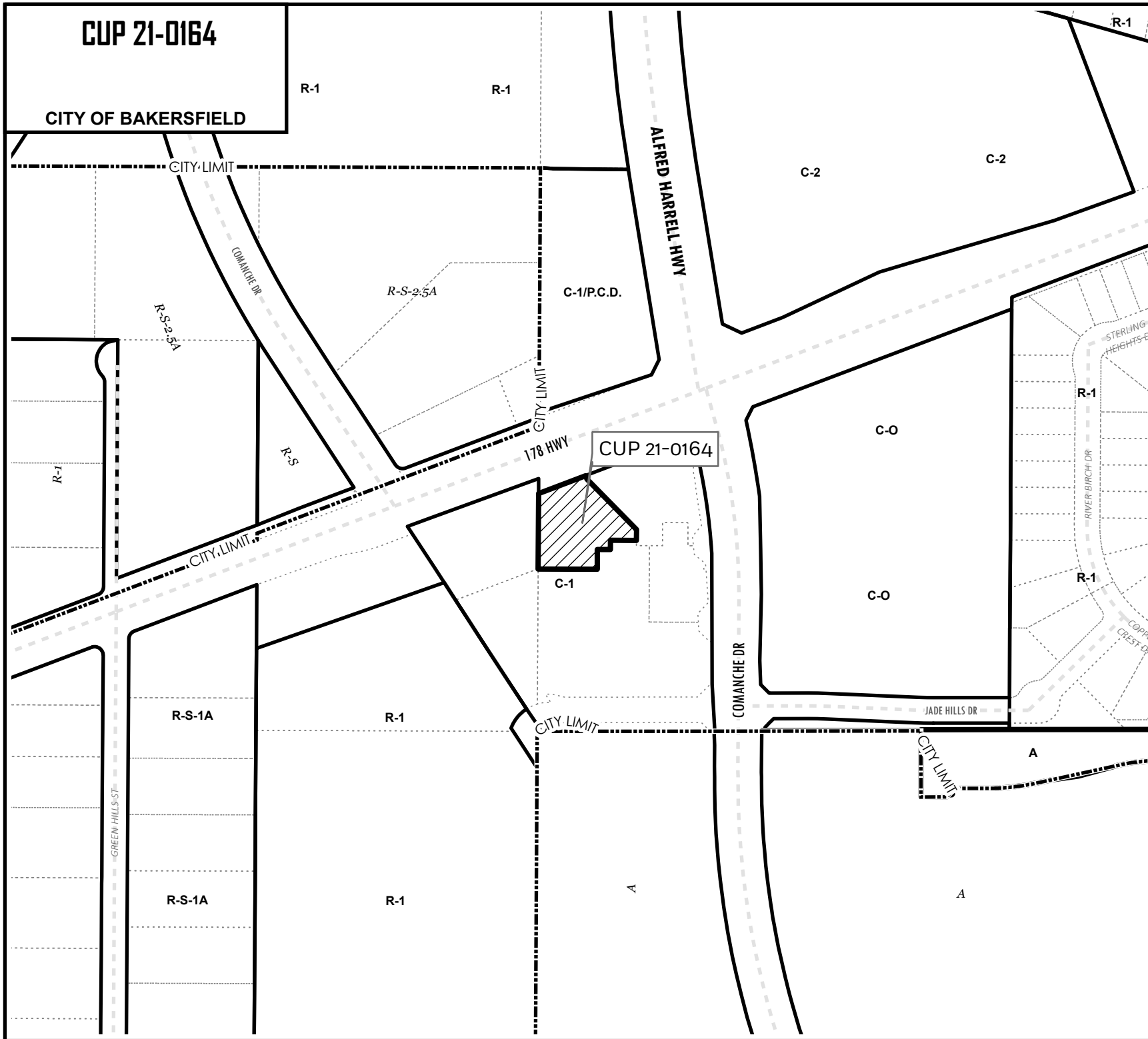
This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

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

2. This conditional use permit allows for a restaurant with on-site alcohol sales in a C-1 (Neighborhood Commercial Zone) district located at 5836 Comanche Drive as depicted on attached Exhibits B and C.
3. Prior to commencement of alcohol sales/service:
  - a. The permit holder shall obtain all required permits and approvals for alcohol sales and on-site consumption; without limitation, permits from the California Department of Alcoholic Beverage Control (ABC).
  - b. If hazardous materials or hazardous waste is handled on the site, the Fire Department/Prevention Services Division may require a hazardous material management and/or risk management plan before operations begin. Contact the Fire Department at 661-326-3979 for further information.
  - c. The square footage of the proposed restaurants shall be indicated on the site plan. The occupancy type for the restaurant shall be indicated on the site plan. The occupant load shall be identified on the site plan. Contact the Fire Department at 661-326-3979 for further information.
  - d. The project shall comply with the current California Fire Code and current City of Bakersfield Municipal Code. Contact the Fire Department at 661-326-3979 for further information.
4. The premises shall continuously adhere to the following general operating conditions:
  - a. The permit holder shall maintain compliance with all operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC). Should a conflict occur between the ABC requirements and the conditions of approval, the more restrictive shall prevail.
  - b. The permit holder shall not allow the number of occupants inside the premise building to exceed the establishment's maximum occupant load, as determined by the Building Director or his designee and/or the Fire Chief or his designee.
  - c. Loitering is prohibited on the premises or area under the control of the permit holder.
  - d. Operations shall comply with the Noise Element of the Metropolitan Bakersfield General Plan.

CUP 21-0164

CITY OF BAKERSFIELD



**LEGEND  
(ZONE DISTRICTS)**

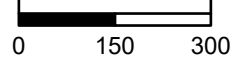
- R-1 One Family Dwelling  
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling  
4,500 sq.ft. min lot size
- E Estate  
10,000 sq.ft. min lot size
- R-S Residential Suburban  
24,000 sq.ft./dwelling unit
- R-S( ) Residential Suburban  
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling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



2021\_04\_05\_cup





# COVER SHEET

## PLANNING DEPARTMENT STAFF REPORT

**MEETING DATE:** June 17, 2021

**ITEM NUMBER:** Non-Consent Public  
Hearings6.(a.)

**TO:** Planning Commission

**FROM:** Paul Johnson, Planning Director

**PLANNER:** Kassandra Gale, Principal Planner

**DATE:**

**WARD:** Ward 1

**SUBJECT:**

**Zoning Modification No. 21-0103:** Jean Claude Castets is proposing a zoning modification to allow a wall height of 6 feet and 8 feet within the front yard setback where a maximum 4 feet is allowed (17.08.180.A) in the R-1 (One Family Dwelling Zone) district located at 7806 Rose Bay Court. Notice of Exemption on file.

**APPLICANT:** Jean Claude Castets

**OWNER:** Jean Claude Castets

**LOCATION:** 7806 Rose Bay Court

---

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
▣ Staff Report MOD No. 21-0103	Staff Report
▣ Map Set	Backup Material
▣ Site Plan and Photos	Backup Material
▣ Fence, Walls, and Hedges Regulations Section 17.08.180	Backup Material
▣ Resolution	Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 17, 2021

**AGENDA:** 6.a

**FILE:** Zoning Modification No. 21-0103

**WARD:** 1

**STAFF PLANNER:** Kassandra Gale, Principal Planner

---

**REQUEST:** A zoning modification to allow a wall height of 6 feet and 8 feet within the front yard setback, where a maximum of 4 feet is allowed in the R-1 (One Family Dwelling) zone district.

---

**APPLICANT:** Jean Claude Castets  
7806 Rose Bay Court  
Bakersfield, CA 93307

**OWNER:** Same

**PROJECT LOCATION:** 7806 Rose Bay Court

**APN:** 518-263-15

**PROJECT SIZE:** 0.16 acres

**CEQA:** Section 15305 (Class 5; Minor  
Alterations in Land Use Limitations)

---

**EXISTING GENERAL PLAN DESIGNATION:** LR (Low Density Residential)

**EXISTING ZONE CLASSIFICATION:** R-1 (One Family Dwelling)

---

**STAFF RECOMMENDATION:** Staff recommends the Planning Commission adopt the Resolution and suggested findings **APPROVING** Zoning Modification No. 21-0103 as depicted in the project description and subject to the listed conditions of approval.

---

**SITE CHARACTERISTICS:** The project site is an existing single-family residence. Surrounding properties are primarily developed as: *north* – single family residential; *east* – single family residential; *south* – single family residential; and *west* – single family residential.

## BACKGROUND AND TIMELINE:

- June 21, 2006 – The City Council approved General Plan Amendment/Zone Change No. 05-1280 to change the land use designation from R-IA (Resource – Intensive Agriculture) to LR (Low Density Residential), and to change the zoning from A (Agriculture) to R-1 (One Family Dwelling) on a larger 25-acre site (Resolution No. 144-06, Ordinance No. 4354).
- August 9, 2006 – The subject property was annexed into the City as part of larger Annexation No. 497 (Resolution No. 247-05).
- May 29, 2018 – Tract 6520, consisting of 153 single family lots, was recorded. The single-family residence at the subject property was constructed in May, 2019.
- March, 2021 – An inspection was conducted at the property after reports of illegal construction within the front setbacks. Subsequently, Code Enforcement and the property owner coordinated with Planning to submit the current zoning modification request.

## ZONING MODIFICATION PROCESS:

The regulations set forth in Bakersfield Municipal Code (“BMC”) Chapter 17.64 provide the processing requirements for zoning modifications. For requests where no public comments in opposition to the request have been received and the Planning Director is able to make the appropriate findings, the Planning Director can issue a Director Review and Approval Permit for the modification of zoning ordinance provisions. For projects with opposition, however, the following process is applicable:

*Referral to Planning Commission. In the case where public comments in opposition to the request have been received, the Planning Director shall either deny or refer the proposed request directly to the Planning Commission for a public hearing and decision.*

As noted above, there were reports of illegal construction and the zoning modification is being requested to resolve a code violation. Given the nature of the request, the project has been referred directly to your Commission for review and decision.

## PROJECT ANALYSIS:

**Zoning Ordinance.** Wall heights in residential zones (R-1, R-2, R-3, and R-4) are addressed in BMC Section 17.08.180:

- A. Side Yard - No fence, wall or hedge located in the rear or side yards shall exceed a height of 6 feet unless a greater height is required by city or state regulations for noise attenuation or sight screening.
- B. Front Yard - No fence, wall or hedge located in the required front yard shall exceed a height of 4 feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of 6 feet:
  1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall; or

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

The intent of limiting fence, wall, and hedge height within the side yard setback to 6 feet, in part is because at 6 feet and below, there is no set of "national" or model building code requirements for fence construction. Additionally, fences are highly visible and often large structures which can have a big impact on a property as well as civic concerns. The intent of limiting front yard setbacks takes its premise from protecting against traffic visibility and pedestrian safety.

**Request.** The applicant is requesting a zoning modification to allow a wall height ranging from 6 feet to 8 feet within the 20-foot front yard setback. More specifically, the request includes a masonry wall along the southern property line at a height of 6-7 feet. This turns north and runs approximately 17 feet at a height of 6 feet, then turns west toward the garage at a height of 8 feet forming an "enclosure." A site plan demonstrating the request is attached to this report, as well as photos of the property.

**Applicant Justification.** The applicant states the wall enclosure was designed and constructed to store refuse containers and garden tools while maintaining the aesthetics of the property. The applicant also states that the enclosure provides security from animals and people damaging and rummaging through the refuse containers.

The applicant further states they maintained a 10-foot distance between the 6-foot wall and sidewalk to avoid visual obstruction. Additionally, the wall was designed in a way to be architecturally compatible with the main structure. Since the home is located on a cul-de-sac, adequate line-of-sight is maintained for drivers traveling on Rose Bay Court for backing in/out of adjacent residences.

#### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

This project has been found to be exempt from the provisions of the California Environmental Quality Act ("CEQA") and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15305, Minor Alterations in Land Use Limitations. This exemption includes Class 5 projects consisting of minor alterations to land use limitations, such as lot line adjustment, variances, and encroachment permits on land with a slope of less than 20% that does not result in changes in land use or density. A Notice of Exemption has been prepared.

#### **PUBLIC NOTIFICATION:**

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

**Comments Received.** As of this writing, no comments have been received:

#### **CONCLUSIONS:**

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

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

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

In accordance with these required findings, and as conditioned, Staff finds that: (1) based on no evidence being presented to demonstrate that adverse impacts are anticipated to result from the requested height increase, the proposal would not result in any detrimental impacts to the public welfare or to properties or improvements in the zone or vicinity in which the project is located; (2) the modification will allow appropriate improvements on the site since the walls have been constructed to be architecturally compatible with the main residence; and (3) the modification would not be inconsistent with the purposes and intent of the Bakersfield Zoning Ordinance, in that no line-of-sight obstructions result from the placement and height of the wall.

**Recommendation.** Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Commission adopt Resolution and suggested findings **APPROVING** Zoning Modification No. 21-0103 with conditions of approval.

#### **ATTACHMENTS:**

##### Map Set

- Aerial
- Zone Classification

##### Site Plan and Photos

Fence, Walls, and Hedges Regulations Section 17.08.180

Planning Commission Draft Resolution

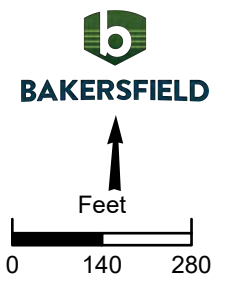
## Map Set

MOD 21-0103

CITY OF BAKERSFIELD



AERIAL

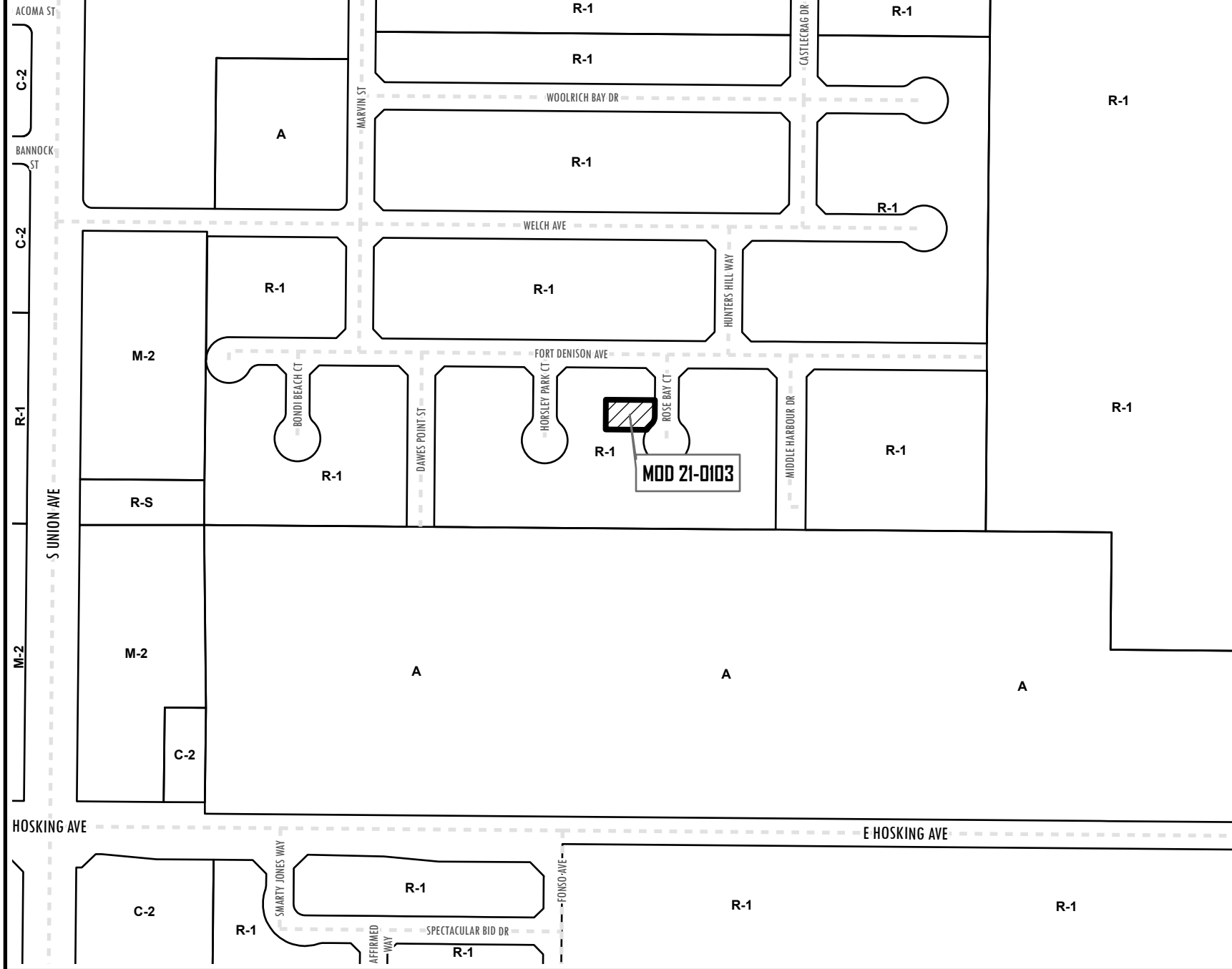


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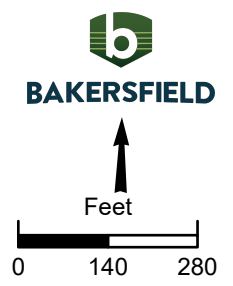
MOD 21-0103

CITY OF BAKERSFIELD



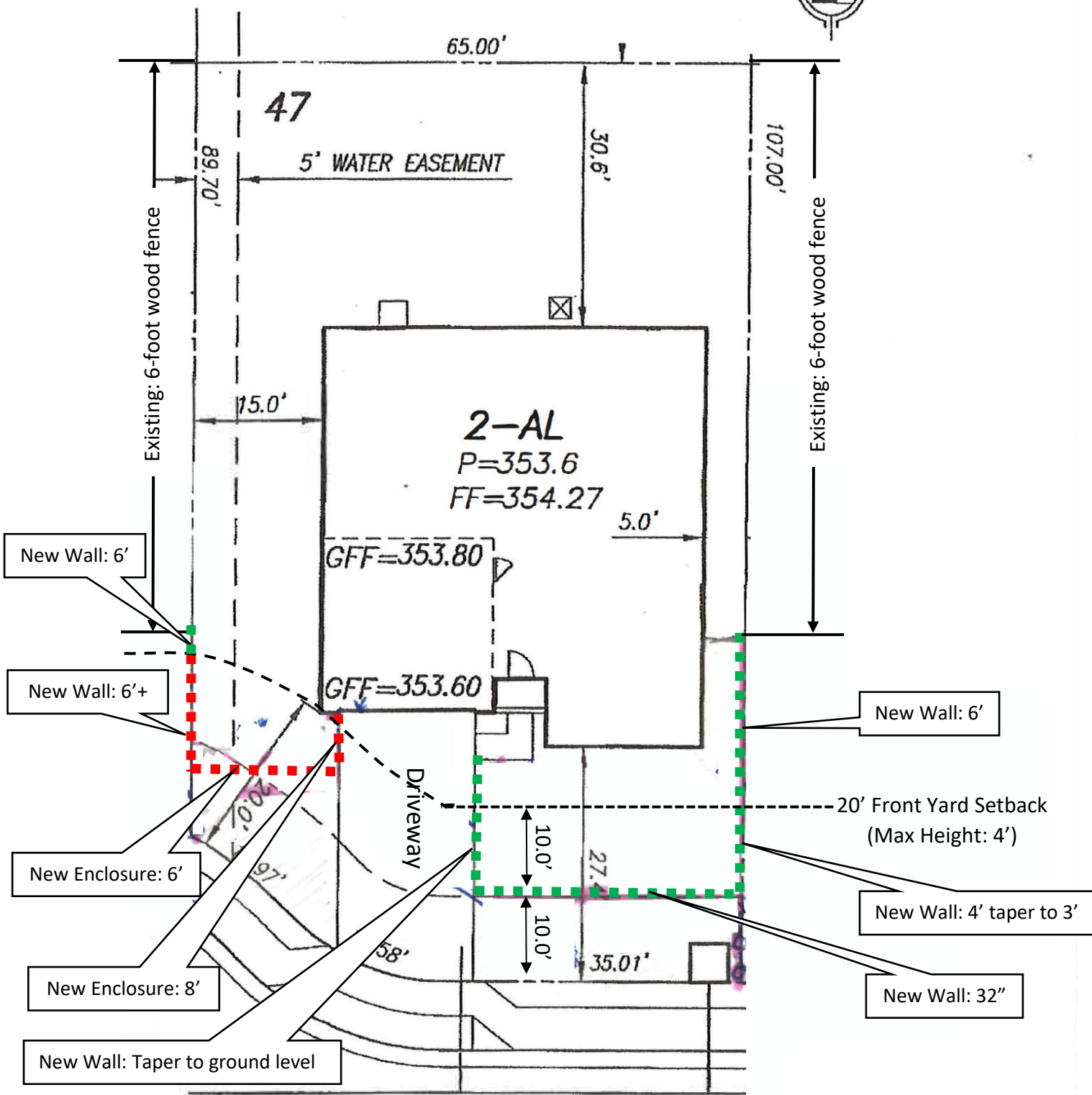
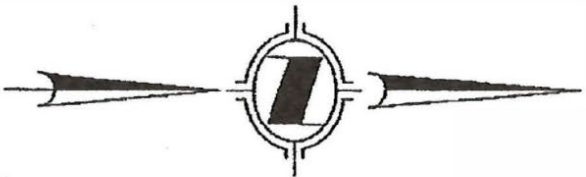
**LEGEND  
(ZONE DISTRICTS)**

- 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
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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



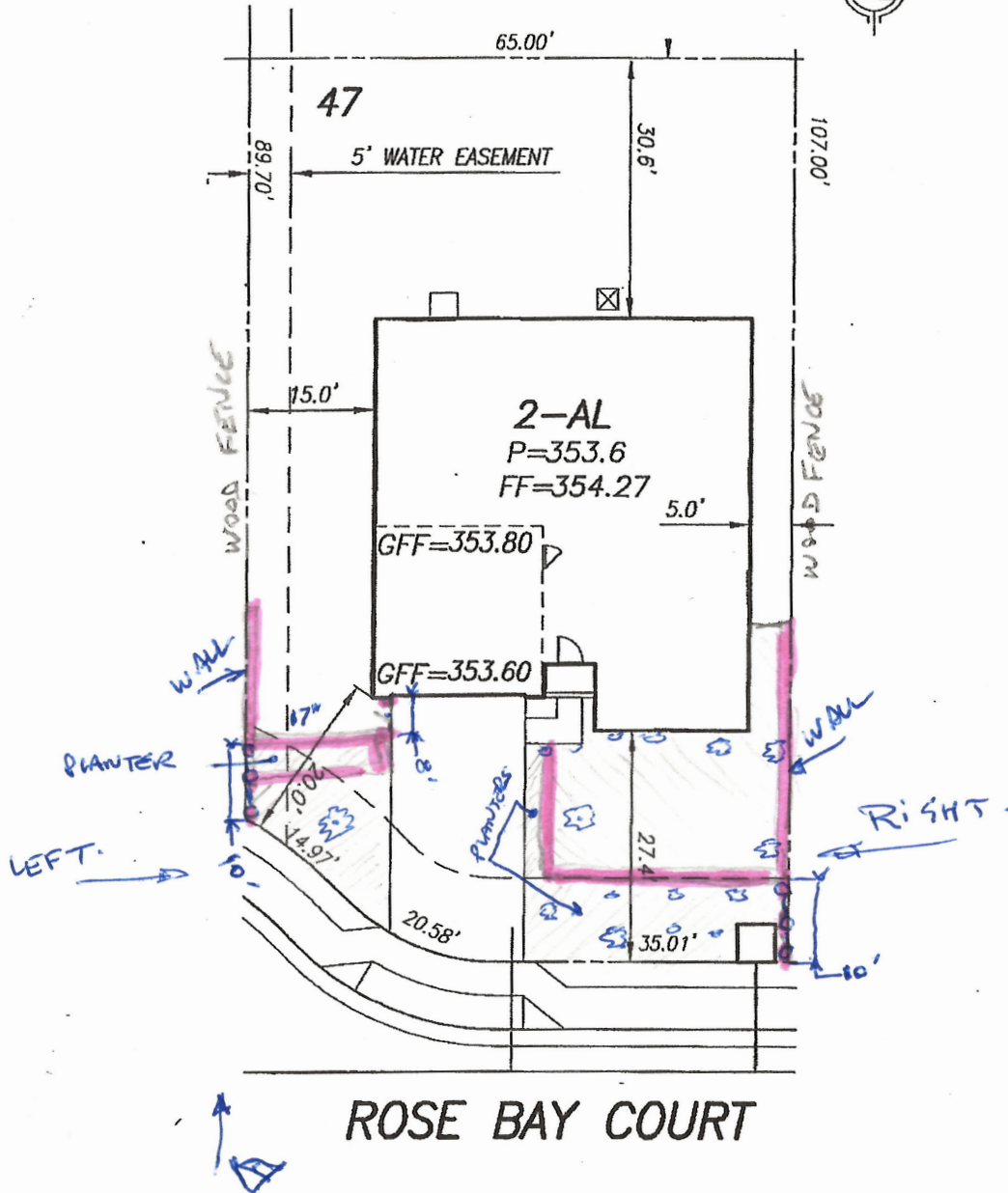
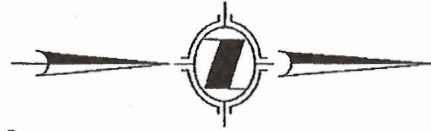
## **Site Plan and Photos**

# 7806 ROSE BAY COURT



ROSE BAY COURT

# 7806 ROSE BAY COURT



PREPARED BY:



**HUNSAKER & ASSOCIATES**  
IRVINE, INC.  
PLANNING ■ ENGINEERING ■ SURVEYING  
Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759

PREPARED FOR:

**K. HOVNANIAN**  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602

20 10 0 20  
GRAPHIC SCALE: 1"=20'

**ASPIRE AT UNION VILLAGE**  
**TRACT NO. 6520-2 PHASE 21**  
**LOT 47**

F:\1017\ENGINEERING\TR\_6520-2\EXH\_GENERAL\EXH\_DRC\LOT 47.DWG









## **Fence, Walls, and Hedges Regulations Section 17.08.180**

## **17.08.180 Fence, walls and hedges—Regulations.**

- A. In the R-1, R-2, R-3 and R-4 zones, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet unless a greater height is required by city or state regulations for noise attenuation or sight screening. On all through lots located in these zones in which the rear lot line abuts a state highway, major highway or secondary highway and is below the grade of the roadway, at the roadway grade, or less than ten feet above the roadway grade, a masonry wall as defined by Section [17.04.462](#) shall be provided.
- B. In the R-1, R-2, R-3 and R-4 zones, no fence, wall or hedge located in the required front yard shall exceed a height of four feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of six feet:
1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.
  2. Where, as determined by the city council, planning commission, or planning director, a higher fence or wall is necessary for purpose of noise attenuation.
- C. Reserved.
- D. In the R-1, R-2, R-3 and R-4 zones no barbed or electrified wire shall be used or maintained in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.
- E. In the C-O, C-C, C-1, C-2, M-1 and M-2 zones no barbed or electrified wire shall be erected, installed, used or maintained or caused to be erected, installed, used or maintained on, in or about any fence, wall or hedge along the front, side or rear lines of any lot, nor shall any barbed wire be erected, installed, used or maintained or caused to be erected, installed, used or maintained, for fencing purposes, or as a barrier across or around any lot, or portion thereof, or around any building or structure upon or along any street, alley or public way, unless the lowest strand of barbed wire is installed not less than six feet three inches above the highest adjoining grade on either side of such fence; where barbed or electrified wire is erected, installed, used or maintained in accordance with this subsection, it shall not extend over or into any abutting property or public right-of-way and shall, in all cases, either extend in toward the owner's side of such fence or directly vertical, subject to approval by the building director.
- F. In the A zone barbed or electrified wire for agricultural fencing purposes shall be permitted to be erected, installed, used or maintained at locations at least one thousand three hundred feet from any residential area as defined in Section [17.32.020](#), and not otherwise, subject to approval by the building director.
- G. Fences constructed prior to September 1, 1983, intended to act as protective enclosures and to make canals inaccessible to small children, are exempted from the restrictions of subsections [D](#), [E](#) and [F](#) of this section. (Ord. 5020 § 18, 2020; Ord. 4781 § 1, 2014; Ord. 3824 § 3, 1998; Ord. 3610 § 2, 1994; Ord. 3021 § 3, 1986; Ord. 2696 § 7, 1982; prior code § 17.52.170)

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**The Bakersfield Municipal Code is current through Ordinance 5020, passed September 23, 2020.**

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

**Note:** This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.bakersfieldcity.us](http://www.bakersfieldcity.us)

City Telephone: (661) 326-3000

[Code Publishing Company](#)

## Draft Resolution

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING A ZONING MODIFICATION TO ALLOW A WALL HEIGHT OF 6 FEET AND 8 FEET WITHIN THE FRONT YARD SETBACK WHERE A MAXIMUM OF 4 FEET IS ALLOWED (17.08.180.A) IN A R-1 (ONE FAMILY DWELLING ZONE) DISTRICT, LOCATED AT 7806 ROSE BAY COURT. (MOD 21-0103)**

**WHEREAS**, Jean Clause Castets filed an application with the City of Bakersfield Development Services Department for a zoning modification to allow a wall height of 6 feet and 8 feet within the front yard setback where a maximum 4 feet is allowed (17.08.180.A) in the R-1 (One Family Dwelling Zone) district, located at 7806 Rose Bay Court (the "Project"); and

**WHEREAS**, the Secretary of the Planning Commission set Thursday, June 17, 2021, at 5:30 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the proposed zoning modification, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

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

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

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

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

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

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

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

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

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Zoning Modification No. 20-0103 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting held on the 17th day of June, 2021, on a motion by Commissioner \_\_\_\_\_, seconded by Commission \_\_\_\_\_ the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

\_\_\_\_\_  
LARRY KOMAN, CHAIR  
City of Bakersfield Planning Commission

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

## EXHIBIT A

### CONDITIONS OF APPROVAL Zoning Modification No. 21-0103

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

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

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

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

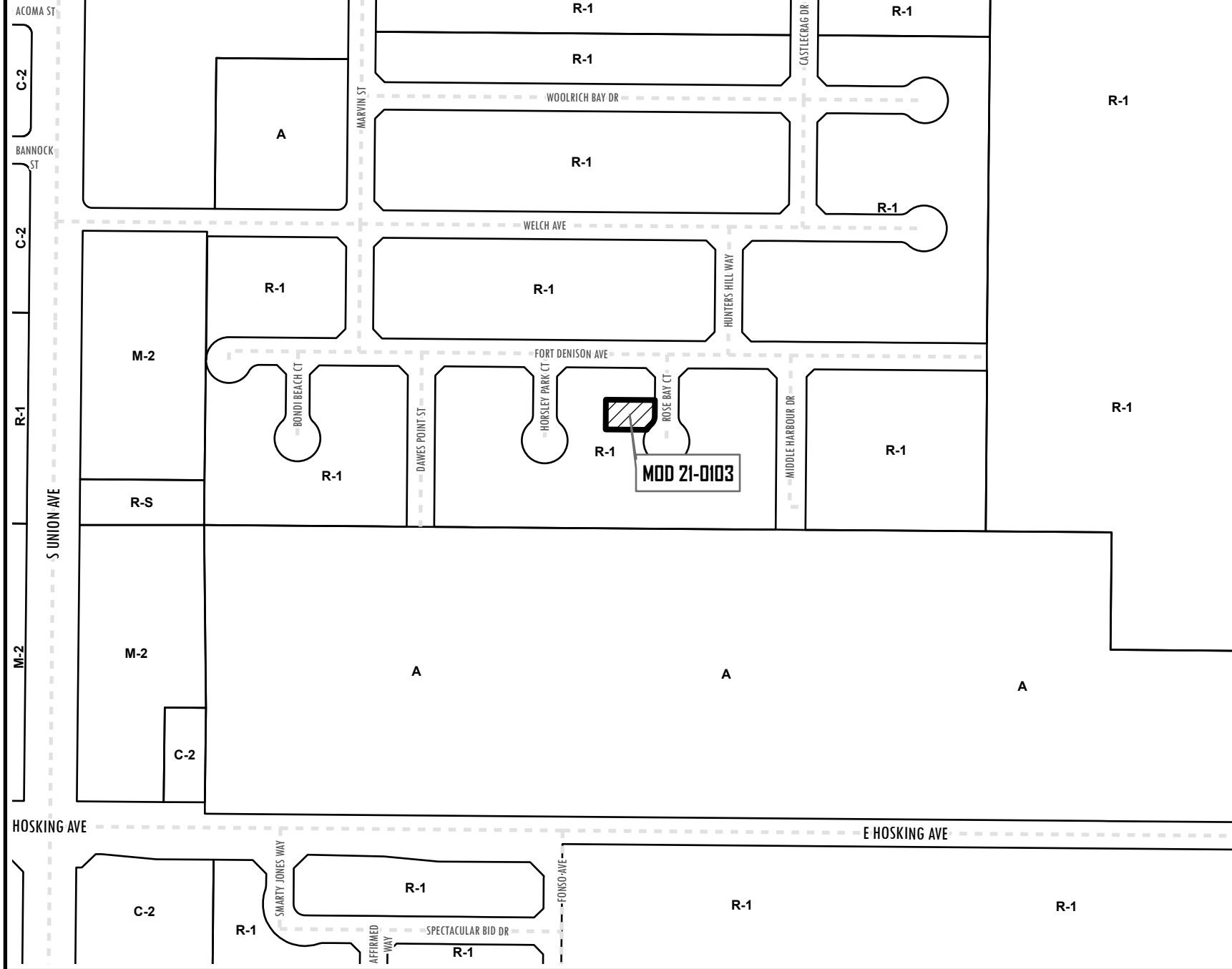
This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

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

2. This zone modification allows for wall at a height of 6 and 8 feet within the front yard setback in the R-1 (One Family Dwelling Zone) district, generally located at 7806 Rose Bay Court as depicted on attached Exhibits B and C.
3. The permit holder shall obtain all required building permits and approvals for the wall construction. Contact the Building Division at 661-326-3720 for further information.

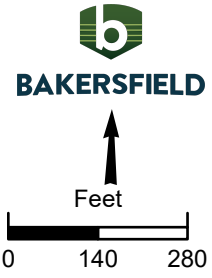
MOD 21-0103

CITY OF BAKERSFIELD

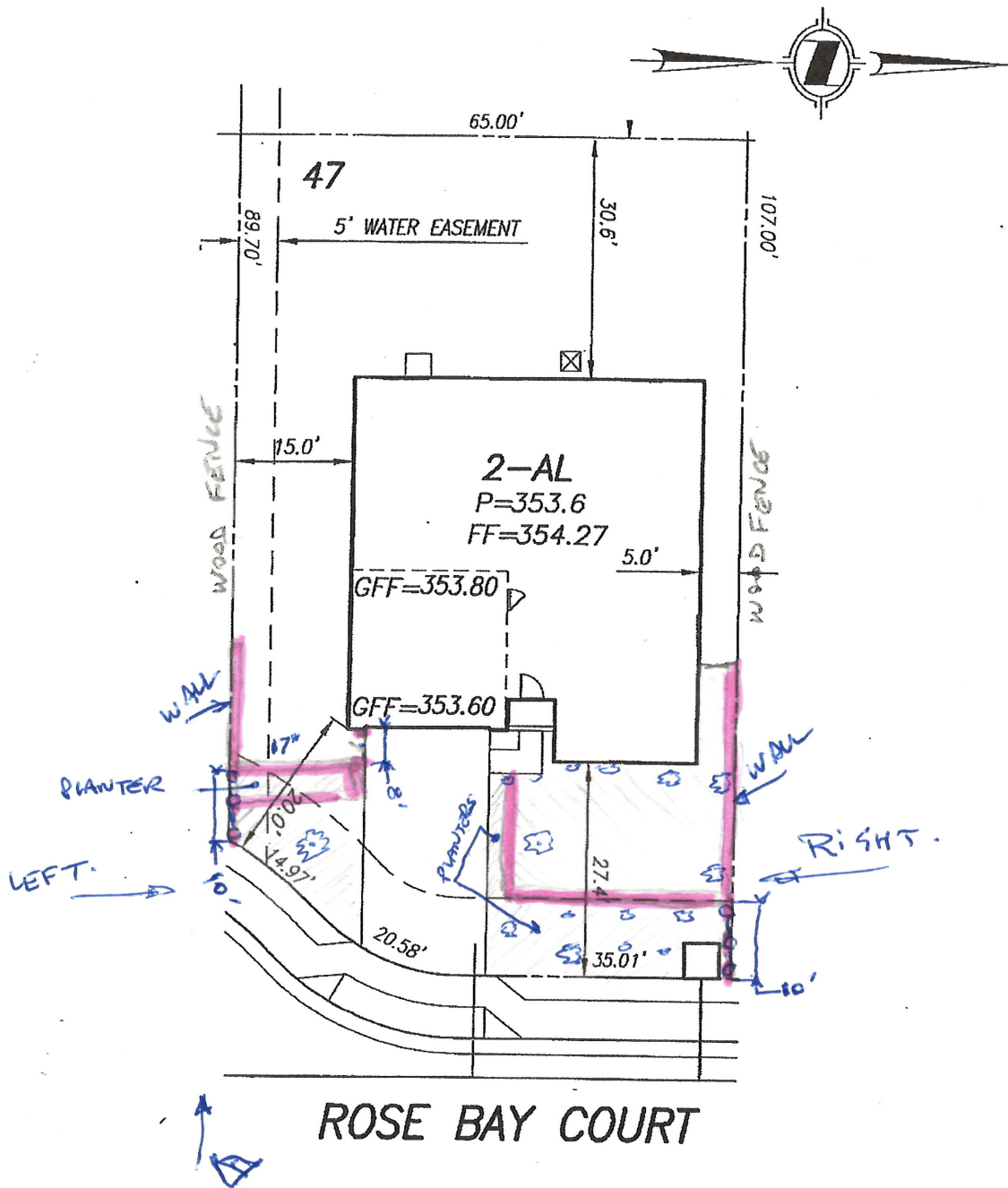


LEGEND  
(ZONE DISTRICTS)

- 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



# 7806 ROSE BAY COURT



PREPARED BY:



**HUNSAKER & ASSOCIATES**  
IRVINE, INC.  
PLANNING • ENGINEERING • SURVEYING  
Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759

PREPARED FOR:

**K. HOVNANIAN**  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602



GRAPHIC SCALE: 1"=20'

**ASPIRE AT UNION VILLAGE**  
**TRACT NO. 6520-2 PHASE 21**  
**LOT 47**

F:\1017\ENGINEERING\TR\_6520-2\EXH\_GENERAL\EXH\_DRC\LOT 47.DWG



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** June 17, 2021

**ITEM NUMBER:** Non-Consent Public Hearings6.(b.)

**TO:** Planning Commission

**FROM:** Paul Johnson, Planning Director

**PLANNER:** Steve Esselman, Principal Planner

**DATE:**

**WARD:** Ward 3

**SUBJECT:**

**General Plan Amendment/Zone Change No. 20-0172:** LAV/Pinnacle Engineering is requesting: (1) an amendment of the Land Use Element designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) or a more restrictive designation; and (2) a change in zone classification from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) or a more restrictive district, on 15.45 acres located at the Northwest corner of Fairfax Road and College Avenue. Mitigated Negative Declaration on file. *Continued from June 3, 2021.*

**APPLICANT:** LAV/Pinnacle Engineering

**OWNER:** Shinda and Paramjeet Upple

**LOCATION:** Northwest corner of Fairfax Road and College Avenue.

---

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission render a decision.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> June 3_PC Staff Report w Comments	Backup Material
<input type="checkbox"/> June 3_PC Memo	Backup Material
<input type="checkbox"/> Additional Public Comments	Correspondence
<input type="checkbox"/> Map Set	Backup Material
<input type="checkbox"/> Grading Plan	Backup Material
<input type="checkbox"/> Site Plan	Backup Material
<input type="checkbox"/> Elevations	Backup Material
<input type="checkbox"/> SPR Conditions_Draft	Backup Material
<input type="checkbox"/> IS-MND_No Graphics	Backup Material
<input type="checkbox"/> Resolution Adopting MND w/ Exhibits	Resolution

- ▣ Resolution Approving GPA w/ Exhibits
- ▣ Resolution Approving ZC w/ Exhibits

Resolution

Resolution



## CITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 17, 2021

**AGENDA:** 6.b

**FILE:** General Plan Amendment/Zone Change 20-0172

**WARD:** 3

**STAFF PLANNER:** Steve Esselman, Principal Planner

---

**REQUEST:** (1) Change in land use designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial); and (2) change in zone classification from R-1 (One-Family Dwelling) to R-2 (Limited Multiple-Family Dwelling) and C-2 (Regional Commercial).

---

**APPLICANT:** LAV/Pinnacle Engineering  
12418 Rosedale Highway, Suite A  
Bakersfield, CA 93312

**OWNER:** Shinda and Paramjeet Upple  
2636 River Boulevard  
Bakersfield, CA 93305

**PROJECT LOCATION:** Northwest corner of Fairfax Road and College Avenue

**APN:** 435-010-33

**PROJECT SIZE:** 9.24 acres

**CEQA:** Section 15074 (Adoption of MND)

---

**EXISTING GENERAL PLAN DESIGNATION:** LR (Low Density Residential)

**EXISTING ZONE CLASSIFICATION:** R-1 (One Family Dwelling)

---

**STAFF RECOMMENDATION:** (1) render a decision regarding adoption of the Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act; (2) render a decision regarding the proposed general plan amendment to change the land use designation from LR to HMR and GC or more restrictive designation; and (3) render a decision regarding the proposed change in zone classification from R-1 to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) or more restrictive classification, and recommend same to City Council.

---

**SITE CHARACTERISTICS:** The project site is undeveloped. Surrounding properties are primarily developed as: *north* – single-family residential; *east* – church, commercial, and undeveloped land; *south* – single-family residential; and *west* – single-family residential.

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This project was considered at the June 3, 2021 Planning Commission meeting, but continued for two weeks. A copy of that staff report is attached and provides for a full analysis. The following is a summary, and any subsequent items that were not available at the time of the June 3, 2021 meeting.

**Proposed Site Development.** The proposed General Plan Amendment/Zone Change (“GPA/ZC”) is intended to facilitate development of 64 multiple-family dwelling units, and an 11,300 square foot commercial center consisting of an auto fuel station with convenience store, fast food restaurant with drive thru, and retail pad. The applicant also proposes eight single-family dwellings, which are allowed by right within an existing area already designated and zoned for single-family residential. With the exception of the single-family development, which is exempt from the Site Plan Review process, the remaining site development has gone through the formal Site Plan Review process to ensure it is consistent adopted City regulations and all other development standards.

**Planning Commission Meeting.** On June 3, 2021, the Planning Commission was provided a presentation on GPA/ZC No. 20-0172 and accepted public testimony from four (4) in support and nine (9) in opposition. Following deliberations, a motion was made to continue the project to June 17, 2021 to allow additional time for the applicant to meet with the community and determine if any revisions to the plan could be made to reach a consensus. The motion passed by a vote of six (6) AYES to zero (0) NOES with one Commissioner absent.

**Public Comments.** As a result of the public notice for the June 3, 2021 meeting, staff received additional correspondence that was submitted after close of the comment period. There is no new information provided that is not already addressed in the staff report and/or Director’s Memorandum dated June 3, 2021. The correspondence is attached for your Commission’s consideration.

**Additional Information.** As of this writing, the applicant has not conducted a meeting with the neighborhood.

**Planning Commission Options.** The Planning Commission has several options regarding this request:

Recommend approval. If the Planning Commission recommends approval of the project as proposed by the applicant, staff would bring forward the recommendation to the City Council. The recommendation would be to amend the Land Use Element of the *Metropolitan Bakersfield General Plan* from LR to GC and HMR, and change the zone classification from R-1 to C-2 and R-2.

Recommend approval with a more restrictive land use designation and/or zone district. If the Planning Commission recommends approval of a more restrictive designation and/or classification, staff would bring forward the more restrictive recommendation to the City Council. The most plausible restrictive zones that can be placed on the project site include the following:

- PUD (Planned Unit Development). The planned unit development zone is intended for residential uses 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:

- The Planning Commission could recommend the exclusive PUD zone (**PUD**). This zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. Changes to site development plans require Planning Commission recommendation and City Council approval.
- The Planning Commission could recommend combining the PUD zone with R-2 base zone (**R-2/PUD**). Similar to the exclusive PUD zone, this combining zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. However, changes to site development plans are approved by the Planning Commission and only considered by City Council on an appeal.
- PCD (Planned Commercial Development). The planned commercial development zone is intended for commercial development to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces 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 commercial 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 commercial development which ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as:
  - The Planning Commission could recommend the exclusive PCD zone (**PCD**). This zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. Changes to site development plans require Planning Commission recommendation and City Council approval.
  - The Planning Commission could recommend combining the PCD zone with C-2 base zone (**C-2/PCD**). Similar to the exclusive PCD zone, this combining zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. However, changes to site development plans are approved by the Planning Commission and only considered by City Council on an appeal.
- The Planning Commission could recommend the more restrictive Neighborhood Commercial (**C-1**) zone or the combining the PCD zone with the C-1 base zone (**C-1/PCD**). The intent is similar to the aforementioned PCD zoning options, except the C-1 zone would require the applicant to obtain a Conditional Use Permit (CUP) for the proposed drive-thru services. With the C-1/PCD option, the Commission could approve the drive-thru as part of the Planned Commercial Development site plan approval and there would be no need for a CUP. It should be noted the C-1 zone is more limiting on the types of “permitted” uses.
- The Planning Commission could recommend the even more restrictive Professional and Administrative Office (**C-O**) zone or the combining the PCD zone with the C-O base zone (**C-O/PCD**). The intent is similar to the aforementioned PCD zoning options, except the C-O and C-O/PCD zones would NOT allow for the proposed auto fuel station and restaurant. Additionally, it would limit utilization of the proposed “retail” building to primarily “office” use. Unless the applicant concurs with an office use, there should be caution on considering the C-O zone vs. the C-1 and C-2 zone because of the limiting ability for development of the site.

Recommend denial. Based on evidence in the record (e.g., staff report, public testimony, deliberations, etc.) the Planning Commission could recommend denial for reasons made known during the hearing. The project would not move forward unless the applicant appealed the decision to City Council for consideration.

Refer back to staff. The Planning Commission may have unanswered questions and/or request additional information unavailable at the time of the hearing that is needed to make an informed decision. Pursuant to Government Code 65358, no mandatory element of a general plan (i.e. Land Use Element) shall be amended more frequently than four times during any calendar year. Therefore, it would be appropriate to refer the project back to staff for re-advertisement at a future regularly scheduled hearing. This would allow time to obtain additional information and provide to the Commission for consideration at the next General Plan Amendment cycle (typically March, June, September, and December).

**Recommendation.** Staff recommends the Planning Commission render a decision based on information in the record.

#### **ATTACHMENTS:**

June 3, 2021 Planning Commission Staff Report w/ Comments

June 3, 2021 Director's Memorandum

Additional Public Comments

Map Set

- Aerial
- Zone Classification
- General Plan Designation

Grading Plan

Site Plan

Elevations

Site Plan Review Conditions

Mitigated Negative Declaration with Attachments

Planning Commission Draft Resolutions

- Adopt MND with Attachments
- Approve GPA with Attachments
- Approve ZC with Attachments



## CITY OF BAKERSFIELD PLANNING COMMISSION

**TO:** Chair Koman and Members of the Planning Commission

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

**DATE:** June 3, 2021

**AGENDA:** 6.a

**FILE:** General Plan Amendment/Zone Change 20-0172

**WARD:** 3

**STAFF PLANNER:** Steve Esselman, Principal Planner

---

**REQUEST:** (1) Change in land use designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial); and (2) change in zone classification from R-1 (One-Family Dwelling) to R-2 (Limited Multiple-Family Dwelling) and C-2 (Regional Commercial).

---

**APPLICANT:** LAV/Pinnacle Engineering  
12418 Rosedale Highway, Suite A  
Bakersfield, CA 93312

**OWNER:** Shinda and Paramjeet Upple  
2636 River Boulevard  
Bakersfield, CA 93305

**PROJECT LOCATION:** Northwest corner of Fairfax Road and College Avenue

**APN:** 435-010-33

**PROJECT SIZE:** 9.24 acres

**CEQA:** Section 15074 (Adoption of MND)

---

**EXISTING GENERAL PLAN DESIGNATION:** LR (Low Density Residential)

**EXISTING ZONE CLASSIFICATION:** R-1 (One Family Dwelling)

---

**STAFF RECOMMENDATION:** (1) adopt Resolution **ADOPTING** Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act; (2) adopt Resolution **APPROVING** the general plan amendment to change the land use designation from LR to HMR and GC or more restrictive designation; and (3) adopt Resolution **APPROVING** the zone change from R-1 to R-2/PUD (Limited Multiple-Family Residential/Planned Unit Development) and C-2/PCD (Regional Commercial/Planned Commercial Development) or more restrictive classification, and recommend same to City Council.

---

**SITE CHARACTERISTICS:** The project site is undeveloped. Surrounding properties are primarily developed as: *north* – single-family residential; *east* – church, commercial, and undeveloped land; *south* – single-family residential; and *west* – single-family residential.

## BACKGROUND AND TIMELINE:

- July 31, 1991 – City Council adopted pre-zoning of A-20A (Agriculture) on the subject property upon annexation of the property into the City.
- May 26, 1993 – City Council approved a change in zone classification from A-20A to R-1 (One-Family Dwelling).

## PROJECT ANALYSIS:

**Proposed Site Development.** The proposed General Plan Amendment/Zone Change (“GPA/ZC”) is intended to facilitate development of 64 multiple-family dwelling units, and an 11,300 square foot commercial center consisting of an auto fuel station with convenience store, fast food restaurant with drive thru, and retail pad. The applicant also proposes 8 single-family dwellings which are allowed by right within an existing area already designated and zoned for single-family residential. With the exception of the single-family development, which is exempt from the Site Plan Review process, the remaining site development has gone through the formal Site Plan Review process to ensure it is consistent adopted City regulations and all other development standards.

**Compatibility with Land Use Element.** Staff has reviewed the proposal for compatibility with the applicable goals and policies contained within the *Metropolitan Bakersfield General Plan* Land Use Element and finds the following:

Goal 1: Accommodate new development which captures the economic demands generated by the marketplace and establishes Bakersfield’s role as the capital of the southern San Joaquin Valley.

The project is consistent with this goal because the property owner determined that the market is driving a need for multi-family residential and commercial with the project area. Additionally, the State has encouraged the densification of residential within cities throughout California.

Goal 2: Accommodate new development which provides a full mix of uses to support its population.

The project is consistent with this goal because the project provides for a multi-family residential and commercial land use to support the local population.

Goal 4: Accommodate new development which channels land uses in a phased, orderly manner and is coordinated with the provision of infrastructure and public improvements.

The project is consistent with this goal because the project is phased and orderly and the necessary infrastructure and public improvements are available to accommodate multiple-family residential and commercial development or, if the project is approved, will be developed through the fair-share payment of impacts fees by the property owner.

Goal 7: Establish a built environment which achieves a compatible functional and visual relationship among individual buildings and sites.

Attached to this report is the site plan and elevations for the commercial and multi-family development. The buildings have been designed to meet current standards for the proposed zone classifications being sought by the applicant and to integrate with each other in a cohesive design. Therefore, the project is consistent with this goal.

Policy 2: Allow for the development of a variety of residential types and densities.

The project provides a multiple-family land use within an area that predominately consists of existing and future single-family residential use, including the project site. Allowing multiple-family residential at the site would allow for the increased development of a variety of residential types and densities beyond the current condition. Therefore, the project is consistent with this policy.

Policy 10: Accommodate high and high-medium density residential adjacent to existing and planned commercial, multi-family, and principal transportation corridors.

The project includes future regional commercial adjacent to high-medium density residential and principal transportation corridors. Therefore, the project is consistent with this policy.

Policy 11: Encourage all new high and high-medium density residential designations be on a contiguous area of at least 5 acres.

The proposed high-medium density residential is 5.92 acres. Therefore, the project is consistent with this policy.

Policy 75: Provide adequate land area for the expansion of existing uses and development of new uses consistent with the policies of the general plan.

The project site is located on undeveloped land near residential land uses. Therefore, adequate land is available for the project and the project expands existing residential land uses and develops new land uses. Based on the analysis provided in this section, it has been determined that the project is consistent with the policies of the general plan. Therefore, the project is consistent with this policy.

Policy 76: Provide a mix of land uses which meets the diverse needs of residents; offers a variety of employment opportunities; capitalizes, enhances, and expands upon existing physical and economic assets; and allows for the capture of regional growth.

The project is consistent with this policy because the project allows for regional commercial and multiple-family residential adjacent to existing and future single-family residential and future commercial uses. Development of multiple-family in the area would provide an increased mix of residential uses in the area as well as satisfy the State recommendation for residential densification. The project expands upon an existing residential area and provides a different residential product within the area that allows for the capture of regional growth.

Policy 18: Require all new commercial designations be assigned to sites where the aggregate of all contiguous parcels designated for commercial use is no less than 5 acres, except for approved specific plans, parcels to be developed for highway-oriented service uses at freeway on- and off-ramps, or where physical conditions are such that commercial is the only logical use of the property

The commercial project area is 3.32 acres. Although not 5 acres, the site is constrained by surrounding urbanized development, and the applicant desires to limit the amount of commercial development to the corner.

Policy 20: The depth of new commercial development shall be at least half the length of the street frontage. Exceptions may be made where existing development or physical constraints provide a more logical shape.

The commercial area of the project is not at least half the length of the street frontage. However, the site is situated at the corner of an arterial-arterial intersection and constrained to the west by an existing water tank facility owned by the East Nile Community Services District. Therefore, this physical constraint drives the shape of the commercial area.

Policy 21: Encourage a separation of at least 0.5 miles between new commercial designations.

There is commercial (C-2/PCD) entitled land approximately 0.10 miles to the east. This site is approved for a self-storage facility, which is vastly different use than the proposed commercial development on the subject property.

#### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

Based upon an initial study, Staff has determined that the proposed project, with mitigation, would not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration ("MND") was prepared for this project in accordance with the California Environmental Quality Act ("CEQA"). The MND was circulated for a 30-day public and agency review period from May 4, 2021 to June 3, 2021.

**Environmental Conclusion.** The State CEQA Guidelines and the City of Bakersfield's CEQA Implementation Procedures have been followed in the evaluation of the environmental effects of this project. Compliance with the mitigation measures in the MND, local ordinances, state laws, and construction to the standards of the Uniform Building Codes would reduce impacts to a less-than-significant level. Agency/public comments received during circulation are attached to the environmental document.

#### **PUBLIC NOTIFICATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding this public hearing in accordance with city ordinance and state law. Signs are required as part of the public notification process and must be posted between 20 to 60 days before the public hearing date. Photographs of the posted signage and the Declaration of Posting Public Hearing Notice signed by the applicant are on file at the Planning Division.

**Comments Received.** As of this writing, the following comments were received:

- (1) Elizabeth Huerta (Adan) (May 17, 2021): The commenter states they are against the project because it would create traffic, trash, thieves, safety concerns, and noise.

*Response:* The MND states that with payment into the Regional Transportation Impact Fee (RTIF) Program and with payment of Local Mitigation fees, the impacts to traffic because of the project would be less than significant. The commercial development would be required to have trash receptacles and to keep their property maintained and free of trash and debris per current City code requirements. Regarding theft and safety concerns, the commercial development would be

required to be well lit while baffled as to not cause light spillover effects to surrounding neighbors and the MND concludes that the increased tax revenue generated by the project would pay for the additional need for police protection services because of the project. The project would have to adhere to construction noise restrictions specified in the City Noise Ordinance. Project operations would generate sound levels typical of residential and regional commercial land uses, which would have to comply with Bakersfield Municipal Code regarding noise. Stationary operational noise levels at all points around the project site would experience noise level impacts that would be less than the daytime and nighttime hourly noise level standards of 55 dBA and 50 dBA, respectively. Project-related operational traffic would have very small noise level increases along roadway segments in the project vicinity. Parking lot noise, including engine sounds, car doors slamming, car alarms, loud music, and people conversing, would also occur at the project site. Mitigation such as design elements to absorb the noise will be determined when site plan review is conducted. Noise levels at all points around the project site should experience noise level impacts that would be less than the City's daytime and nighttime maximum noise level standards of 75 dBA and 70 dBA.

- (2) Lucinda (Cindy) Moyes (May 17, 2021): The commenter states they are opposed to the project because there is no need for another mini market/service station in the area. Additionally, it would increase crime.

*Response:* As the commenter noted, there are other auto service stations, but located approximately one mile to the north. Regarding crime, see response to (1) above.

- (3) Lawrence Jordan, Jr. (May 19, 2021): The commenter states that they are against the project because it would increase crime and traffic and negatively affect property values.

*Response:* See response to (1) above regarding crime and traffic. In response to property values, there are a large number of factors that influence property values value such as:

- Current housing markets;
- Interest rates;
- Employment opportunities; and
- Faith in the current economy.

Additionally, a Harvard study titled *Overcoming Opposition to Multifamily Residential Housing* (Obrinsky and Stein 2007; <https://www.jchs.harvard.edu/research-areas/working-papers/overcoming-opposition-multifamily-rental-housing>) concludes, "communities with multifamily dwellings actually have higher property values than other types of communities." Additionally, the paper concluded, "high multifamily areas had the highest home values, the mixed-stock areas the next highest, and single-family areas had the lowest." In addition, the paper concluded that houses with apartments nearby actually "enjoy a slightly higher appreciation rate than houses that don't have apartments nearby." Additionally, another study titled *Retail Proximity and Residential Values or Do Nearby Stores Really Run Down Property Values?* (Matthews 2007; <https://www.issueab.org/resources/4941/4941.pdf>) determined that stores near residences actually increase property values provided the stores are greater than 200 to 300 feet away from a residence. The proposed commercial component of the project is greater than 300 feet from the closest residence.

- (4) Amy Caya (May 19, 2021): The commenter states they are against the project because it would negatively affect property values and increase crime and traffic.

*Response:* See response to (3) above.

- (5) Bradley Moyes (May 20, 2021): The commenter states they are opposed to the project because it would negatively affect property values and increase crime.

*Response:* See responses to (1) and (3) above.

- (6) Elaine and Howard Kootstra (May 24, 2021): The commenters state they are opposed to the project because it would increase traffic.

*Response:* See response to (1) above.

- (7) Stephen Harmer (May 25, 2021): The commenter states they are opposed to the project because it would increase crime, negatively affect wildlife species, increase traffic, and place gasoline underground storage tanks (“USTs”) in close proximity to existing aboveground water tanks.

*Response:* See response to (1) above regarding crime and traffic. Regarding the project negatively affecting wildlife species, the MND concludes that the site is a highly degraded and disturbed farrow lot. During the reconnaissance survey for the project, no listed special-status plant species were found and no listed special-status wildlife species or their signs were observed. Mitigation in the MND requires the developer to again survey the site prior to ground disturbance and to comply with mitigation measures outlined in the Incidental Take Permit between the City (as co-permittee) and the California Department of Fish and Wildlife in the event that species are observed prior to ground disturbance. Mitigation in the ITP includes measures to avoid (such as establishing buffers) and/or minimize (such as collapsing vacant dens to exclude kit fox from the site) the negative effects to species because of the project to a level of less than significant.

The USTs would have to comply with California Code of Regulation (“CCR”) Sections 2610 through 2728, which regulates USTs in the State of California. These sections outline UST requirements for their design, construction, and monitoring; reporting and abatement; repair and upgrade; closure and site-specific variance allowances; and corrective action procedures. Compliance with these sections of the CCR would ensure that the USTs are properly sited, constructed, maintained, and repaired, and retired so that they would not pose a risk to nearby structures, including the existing aboveground water storage tanks.

- (8) Jean Erassarret III (May 25, 2021): The commenter states they are opposed to the project because it would increase crime, negatively affect wildlife species, increase traffic, and place gasoline USTs in close proximity to existing aboveground water tanks.

*Response:* See responses to (1) and (7) above.

- (9) Ken and Amenda Takemoto, Dr. Jasmin Takemoto (May 25, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See response to (1) above.

- (10) Jennette Martinez (May 25, 2021): The commenter states they are opposed to the project because it would increase crime and traffic.

*Response:* See response to (1) above.

- (11) Mike and Linda Sallee (May 26, 2021): The commenters state they are opposed to the project because it would increase crime and traffic.

*Response:* See response to (1) above.

#### **PLANNING COMMISSION OPTIONS:**

The Planning Commission has several options regarding this request:

Recommend approval. If the Planning Commission recommends approval of the project, staff would bring forward the recommendation to the City Council. The recommendation would be to amend the Land Use Element of the *Metropolitan Bakersfield General Plan* from LR to GC and HMR, and change the zone classification from R-1 to C-2 and R-2.

Recommend approval with a more restrictive land use designation and/or zone district. If the Planning Commission recommends approval of a more restrictive designation and/or classification, staff would bring forward the more restrictive recommendation to the City Council. The most plausible restrictive zones that can be placed on the project site include the following:

- PUD (Planned Unit Development). The planned unit development zone is intended for residential uses 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:
  - The Planning Commission could recommend the exclusive PUD zone (**PUD**). This zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. Changes to site development plans require Planning Commission recommendation and City Council approval.
  - The Planning Commission could recommend combining the PUD zone with R-2 base zone (**R-2/PUD**). Similar to the exclusive PUD zone, this combining zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. However, changes to site development plans are approved by the Planning Commission and only considered by City Council on an appeal.
- PCD (Planned Commercial Development). The planned commercial development zone is intended for commercial development to allow for innovative design and diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces 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 commercial 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 commercial development which

ensures that the uniqueness of the project design being proposed is preserved. Standards shall be observed without unduly inhibiting the advantages of modern site planning techniques and innovative planning of commercial and professional office neighborhoods. Land may be classified as:

- The Planning Commission could recommend the exclusive PCD zone **(PCD)**. This zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. Changes to site development plans require Planning Commission recommendation and City Council approval.
- The Planning Commission could recommend combining the PCD zone with C-2 base zone **(C-2/PUD)**. Similar to the exclusive PCD zone, this combining zone ensures site development is compatible with surrounding development and/or recognizes unique site characteristics. However, changes to site development plans are approved by the Planning Commission and only considered by City Council on an appeal.
- The Planning Commission could recommend the more restrictive Neighborhood Commercial **(C-1)** zone or the combining the PCD zone with the C-1 base zone **(C-1/PCD)**. The intent is similar to the aforementioned PCD zoning options, except the C-1 zone would require the applicant to obtain a Conditional Use Permit (CUP) for the proposed drive-thru services. Additionally, the C-1 zone is more limiting on the types of “permitted” uses. See attachments to staff report for more information.

Recommend denial. Based on evidence in the record (e.g., staff report, public testimony, deliberations, etc.,) the Planning Commission could recommend denial for reasons made known during the hearing. The project would not move forward unless the applicant appealed the decision to City Council for consideration.

Refer back to staff. The Planning Commission may have unanswered questions and/or request additional information unavailable at the time of the hearing that is needed to make an informed decision. Pursuant to Government Code 65358, no mandatory element of a general plan (i.e. Land Use Element) shall be amended more frequently than four times during any calendar year. Therefore, it would be appropriate to refer the project back to staff for re-advertisement at a future regularly scheduled hearing. This would allow time to obtain additional information and provide to the Commission for consideration at the next General Plan Amendment cycle (typically March, June, September, and December).

## **CONCLUSIONS:**

**Consistency with Surrounding Development.** The project would allow for future development of limited multiple-family residential and regional commercial. There is a mix of land uses within the vicinity that include other single-family and multi-family residential, and commercial. Therefore, the project is consistent with surrounding development.

**Consistency with General Plan.** The proposal is consistent with land use goals and policies as contained in the General Plan related to regional commercial and multiple-family residential, as noted above.

**Consistency with Zoning Ordinance.** The proposed development has been reviewed by the Site Plan Review Committee and will comply with all applicable regulations and design standards as identified in the Zoning Ordinance.

**Recommendation.** Staff finds that the applicable provisions of CEQA have been complied with, and the proposal is compatible with the surrounding area, land use designation, and zoning ordinance.

Based on comments received in response to the project, staff is recommending the more restrictive zoning of R-2/PUD and C-2/PCD. Should your Commission concur, the site plans and recommended conditions of approval are attached for consideration and approval of the zone change.

Therefore, staff recommends your Commission: (1) adopt Resolution adopting Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act; (2) adopt Resolution approving the general plan amendment to change the land use designation from LR to HMR and GC; and (3) adopt Resolution approving change in zone classification from R-1 to the more restrictive R-2/PUD and C-2/PCD, and recommend same to City Council.

**ATTACHMENTS:**

Map Set

- Aerial
- Zone Classification
- General Plan Designation

Site Plan

Grading Plan

Elevations

Site Plan Review Conditions

C-1 Zone

C-2 Zone

Mitigated Negative Declaration with Attachments

Planning Commission Draft Resolutions

- Adopt MND with Attachments
- Approve GPA with Attachments
- Approve ZC with Attachments

Comments

## Steven Esselman

---

**From:** Steven Esselman  
**Sent:** Tuesday, May 18, 2021 8:01 AM  
**To:** Steven Esselman  
**Subject:** RE: Against project

**From:** Elizabeth Huerta <[santiago.eh@gmail.com](mailto:santiago.eh@gmail.com)>  
**Sent:** Monday, May 17, 2021 7:03 PM  
**To:** DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>  
**Subject:** Against project

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

Hi, my name is Adan and I live near the project that you guys are planning on doing. I'm totally against it, my neighbor is already congested with too much traffic, trash, thieves, and by adding something into the neighborhood, it's going to make it worse. Unsafer for families, teenagers and way too much noise. We have hard working families that need a little rest at least the weekends, we need to know that our children are safe in their houses. I've seen so many accidents happening on Fairfax and shootings on gas stations. We need wider streets for congested roads and not adding a multi family, no gas stations etc.. and less traffic. Thanks

5/17/2021

Bakersfield Planning Department  
1715 Chester Avenue  
Bakersfield, CA 93301

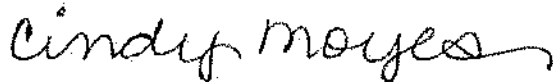
Attn: Paul Johnson, Planning Director

Dear Sir:

Re: GPA/ZC 20-0172

I am writing in opposition to the above referenced proposed zoning change. I live in this area of East Bakersfield and we **DO NOT** need another mini market/service station in the area. This is currently a residential area and I would like to see it remain that way. Approximately one mile north there are three mini markets on the corners of Fairfax and Auburn Streets and to the south about one mile another one. We do not need another in between. It will only be another source of potential crime in a nice residential area. Please **DO NOT** allow this change to happen.

Sincerely,



LUCINDA (Cindy) MOYES  
5201 Kent Drive  
Bakersfield, CA 93306

## Steven Esselman

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**From:** Larry <ljordan002@bak.rr.com>  
**Sent:** Wednesday, May 19, 2021 9:10 AM  
**To:** sesselman@bakersfieldcity.us  
**Subject:** Re: Zoning change 20-0172/4

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

Hello Mr. Esselman,

Thank you for your reply concerning the proposed zoning change for the property at Fairfax R. and College Ave. The proposed change will allow a convenience store/gas station and apartment buildings to be constructed at this intersection. Currently, it is zoned R-1 for single family housing.

I live around the corner from this location on Flintridge Drive. I am very much opposed to this zoning change, as it will greatly impact the housing in this area in a negative way. Property values in our neighborhood will decrease, crime and violence will increase. Traffic will become congested as well. These areas will become a magnet for homeless peoples' base of operation. Fire and police will see an increased response for this area.

We currently have convenience stores/gas stations North and South of this location on Fairfax Rd. at Niles St. and Auburn St. Apartment buildings on Fairfax and College Ave. see increased in burglary and robberies. This type of occupancy will only add to problems in this area.

I have lived my entire life on this side of town. I am not against growth or expansion. However, I believe R-1 zoning is a better fit for this area. I ask that you PLEASE decline this proposed change.

Sincerely, Lawrence H. Jordan, Jr.

## Steven Esselman

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**From:** AMY CAYA <caya4ma@sbcglobal.net>  
**Sent:** Wednesday, May 19, 2021 11:33 AM  
**To:** Steven Esselman  
**Subject:** Zoning change

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

Re: Zoning change 20-0172/4  
Hello Mr. Esselman,

Thank you for your reply concerning the proposed zoning change for the property at Fairfax R. and College Ave. The proposed change will allow a convenience store/gas station and apartment buildings to be constructed at this intersection. Currently, it is zoned R-1 for single family housing.

I live around the corner from this location on Flintridge Drive. I am very much opposed to this zoning change, as it will greatly impact the housing in this area in a negative way. Property values in our neighborhood will decrease, crime and violence will increase. Traffic will become congested as well. These areas will become a magnet for homeless peoples' base of operation. Fire and police will see an increased response for this area.

We currently have convenience stores/gas stations North and South of this location on Fairfax Rd. at Niles St. and Auburn St. Apartment buildings on Fairfax and College Ave. see increased in burglary and robberies. This type of occupancy will only add to problems in this area.

I have lived my entire life on this side of town. I am not against growth or expansion. However, I believe R-1 zoning is a better fit for this area. I ask that you PLEASE decline this proposed change.

Sincerely,  
Amy Caya

Thursday, May 20, 2021

Mr. Paul Johnson, Director  
Bakersfield City Planning Department  
1715 Truxtun Avenue  
Bakersfield, CA 93301

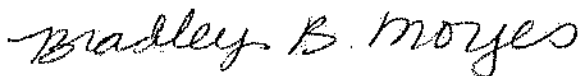
Re: GPA/ZC 20-0172

Gentlemen:

This letter is to comment on the above referenced proposed change. I am not in favor of it. We have too many mini market/gas stations in our area as is. We do not need another that close to existing ones - and in the middle of a residential neighborhood. I hate to think what it will do to my property tax values. Additionally, I come from a background of working in the corrections department and business like that will bring in undesirables into local neighborhoods that will damage our area.

Please do not let this change occur.

Most sincerely,



BRADLEY B. MOYES  
5201 Kent Drive  
Bakersfield, CA 93306

## Steven Esselman

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**From:** Elaine <elainekootstra@gmail.com>  
**Sent:** Monday, May 24, 2021 10:13 PM  
**To:** Steven Esselman; citycouncil@bakersfield.us  
**Subject:** Ken Weir Fairfax/College development

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

This is in to response of the proposed development of the corner Fairfax/College.

My husband and I adamantly are opposed to this development. The thought of 64 apartments on Fairfax and a gas station/mini mart on this corner is a nightmare. Single family homes are one thing but 64 apartments is way way too many people/cars, etc. The traffic/congestion this development would create would be the nonsensical. If my information is correct a strip mall was also being considered next to the gas station. The strip mall at Auburn has empty units and so does the shopping center on Niles.

In short my husband and I vehemently oppose the development proposed on this site.

Thank you for your time and consideration.

Elaine and Howard Kootstra

4400 Country Club Dr

661-809-5435

Sent from my iPad

## Steven Esselman

---

**From:** Stephen Harmer <sharmer@grapeman.com>  
**Sent:** Tuesday, May 25, 2021 12:26 PM  
**To:** Steven Esselman  
**Subject:** Ken Weir Proposed Redistricting of North East Bakersfield Neighborhood

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

To Whom It May Concern,

It has been posted and brought to our attention that the owner of the northwest corner of Fairfax Drive and College avenue is proposing to change the zoning from residential to commercial. We are unable to attend the meeting on June 3 so please except this email voicing our concern and strong opposition of this proposal being approved.

We are most definitely opposed to this change for many reasons. We reside in Bakersfield Country Club. The proposed property for development is surrounded by single family housing on the south, west and north of the property, We have already been a victim to increased burglaries and vandalism. There already exist convenience stores/gas stations at the SW,NW,and NE corners of Auburn and Fairfax. Currently there is constant loitering at these locations as well. The SW and NW corners also have retail pads which have vacancies. There is a convenience store/gas station at the SE corner of Niles and Fairfax with retail pads on the NE,SW,and SE corners, These two intersections are larger than College and Fairfax. Both intersections are predominantly commercial. The intersections of Auburn/Fairfax and Niles and Fairfax are 6 lane roads, College and Fairfax has 4 lanes on Fairfax and 2 on College,

First and foremost, this land is home to several species that can be seen on a daily basis from neighboring back yards: Red Fox, San Joaquin Kit Fox, CA Kangaroo Rat, Possum, and Raccoons. The development of this land would displace these species from their homes and cause harm to their existence and would also effect the birds that prey on these animals like Owls and Hawks that are commonly found flying in the area.

Fairfax south of Highland Knolls brick walls narrows and will not be able to accommodate traffic to slow down to turn into 4 places with such a short span.

Having 64 apartments in addition to a commercial property will further increase traffic and create a hazard of pulling off Fairfax onto and out of the complex.

A commercial property at this intersection will also create additional traffic on an already congested thoroughfare. This adds to the hazardous situation for the residential properties surrounding it. Convenience stores constantly draw people to loiter and panhandle. As is the current situation at the Auburn and Fairfax and Niles streets complexes. This will create extra trash which the wind can blow into our neighborhood as well as an increase in people traveling into our neighborhoods which could and most likely will increase thefts and vandalism.

We are already experiencing an increase in crime. For example, Our block had an arson fire set last night as well as many mailbox thefts and vandalisms in the past month. My parents' home was one of those vandalized. We have lived in this neighborhood for 28 years. Sadly, crime has increased tenfold. It is not uncommon to hear gun shots to the south of us. Our neighbors truck was stolen on our same street just last month which is less than 500 yards from this proposed development. Seems to be little police or sheriff presence. We understand there is not enough funds to cover the needs of the department.

This property also houses the East Niles Water Company water tanks. The idea of a gas station underground tanks so close to the water source creates is a great health concern .

This property should remain zoned residential 1 and single family homes as was intended. The commercial properties on Niles and Fairfax and Auburn and Fairfax is more than adequate to meet the needs of our area. This corner is too small to accommodate another high traffic, convenience store, gas station, fast food restaurant and retail pad.

In addition, there currently are more than 15 fast food restaurants along Mt Vernon and Niles street. Several are vacant. Not to mention the East Hills Mall vacant property. Placing this proposed development there may be a possibility, It is already zoned and in need of development .

The industrial development of this corner will further decline East Bakersfield and is purely a money grab by the owner of the property.

Thank you for your time, your consideration is greatly appreciated.

Stephen Harmer  
Grapeman Farms / Stevco  
[sharmer@grapeman.com](mailto:sharmer@grapeman.com)  
Mobile: (661) 497-7940  
Office: (661) 392-1719

**GRAPEMAN FARMS**

TABLE GRAPE GROWERS

## Steven Esselman

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**From:** JEAN ERASSARRET <jean@carpetcave.com>  
**Sent:** Tuesday, May 25, 2021 6:20 PM  
**To:** Steven Esselman  
**Subject:** Ken Weir Proposed Redistricting of North East Bakersfield Neighborhood

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

To Whom It May Concern,

It has been posted and brought to our attention that the owner of the northwest corner of Fairfax Drive and College avenue is proposing to change the zoning from residential to commercial. We are unable to attend the meeting on June 3 so please except this email voicing our concern and strong opposition of this proposal being approved.

We are most definitely opposed to this change for many reasons. We reside in Bakersfield Country Club. The proposed property for development is surrounded by single family housing on the south, west and north of the property, We have already been a victim to increased burglaries and vandalism. There already exist convenience stores/gas stations at the SW,NW,and NE corners of Auburn and Fairfax. Currently there is constant loitering at these locations as well. The SW and NW corners also have retail pads which have vacancies. There is a convenience store/gas station at the SE corner of Niles and Fairfax with retail pads on the NE,SW,and SE corners, These two intersections are larger than College and Fairfax. Both intersections are predominantly commercial. The intersections of Auburn/Fairfax and Niles and Fairfax are 6 lane roads, College and Fairfax has 4 lanes on Fairfax and 2 on College,

First and foremost, this land is home to several species that can be seen on a daily basis from neighboring back yards: Red Fox, San Joaquin Kit Fox, CA Kangaroo Rat, Possum, and Raccoons. The development of this land would displace these species from their homes and cause harm to their existence and would also effect the birds that prey on these animals like Owls and Hawks that are commonly found flying in the area.

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We are already experiencing an increase in crime. For example, Our block had an arson fire set last night as well as many mailbox thefts and vandalisms in the past month. My parents' home was one of those vandalized. We have lived in this neighborhood for 28 years. Sadly, crime has increased tenfold. It is not uncommon to hear gun shots to the south of us. Our neighbors truck was stolen on our same street just last month which is less than 500 yards from this proposed development. Seems to be little police or sheriff presence. We understand there is not enough funds to cover the needs of the department.

This property also houses the East Niles Water Company water tanks. The idea of a gas station underground tanks so close to the water source

creates is a great health concern .

This property should remain zoned residential 1 and single family homes as was intended. The commercial properties on Niles and Fairfax and Auburn and Fairfax is more than adequate to meet the needs of our area. This corner is too small to accommodate another high traffic, convenience store, gas station, fast food restaurant and retail pad.

In addition, there currently are more than 15 fast food restaurants along Mt Vernon and Niles street. Several are vacant. Not to mention the East Hills Mall vacant property. Placing this proposed development there may be a possibility, it is already zoned and in need of development .

The industrial development of this corner will further decline East Bakersfield and is purely a money grab by the owner of the property.

Thank you for your time, your consideration is greatly appreciated.

Jean Erassarret III  
661-428-4061

## Steven Esselman

---

**From:** jasjun2@aol.com  
**Sent:** Tuesday, May 25, 2021 8:21 PM  
**To:** Steven Esselman; City\_Council  
**Subject:** Proposed zoning change NE corner of Fairfax and College

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

We opposed the zoning change on the corner of Fairfax and College due to increase in traffic and crime. More law enforcement patrol will be required resulting in increase in city and county expenses. This area is strictly zone for residential to enjoy the quiet homely neighborhood. There are enough gas stations and stores in the areas on Nile St. and also on Auburn within two to three miles.  
We strictly oppose the zoning change.

Sincerely,

Ken and Amenda Takemoto  
Dr. Jasmin Takemoto

6108 Ridgetop Terrace  
Bakersfield, CA 93306

## Steven Esselman

---

**From:** Michael A Martinez <4jmartinez@sbcglobal.net>  
**Sent:** Tuesday, May 25, 2021 6:16 PM  
**To:** Steven Esselman  
**Subject:** college at fairfax rezone planning

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

Hi, i read today regarding the rezone planning at college and fairfax. We have lived at 2909 Singing Hills Drive for over 20 years and are *not* interested in having this area rezoned. As it is there are many other stores, storages, and low income apartments around, that have made The Bakersfield Country Club area fight to keep out the unwanted riff raff. I feel that these decisions are made by people whom do not live in the northeast area and do not care what is put in the area. This type of rezoning will cause lots of unwanted traffic, mischief, and homeless to gather. As well as more fights that break out at these after hour stores. Again, my family does not want the area rezoned.

Please contact me if you would like further discussion.

Thank you in advance,

Jeanette Martinez

## Steven Esselman

---

**From:** Michael Sallee <animmike@pacbell.net>  
**Sent:** Wednesday, May 26, 2021 12:01 PM  
**To:** Steven Esselman; City\_Council  
**Subject:** Opposition to Project at Northwest Corner of College and Fairfax Avenues

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

Subject: Opposition to proposed zoning change and construction of commercial and multifamily dwellings at the northwest corner of Fairfax and College Avenues  
Attention Ken Weir and Steve Esselman

As long time residents (1985) just west of this potential project, we are highly apposed to the project at the above mentioned location. Our level of crime, is at an all time high without any resolve in sight. We have had an armed intruder escaping a police chase through our property, numerous thefts, stolen tools, stolen gas and we're in the lower country club! Now you are considering a project that will certainly have a profound affect towards increasing these situations. Just look at any similar locations and they all have higher crime issues. The lack of proper police and KCSD patrols in our area and staffing will only compound our problems. You are considering effecting the safety and property of hundreds of residents. Traffic is horrible as it is with numerous Red Light runners. Please do not choose a quick dollar fix to county city over our, the citizens, concerns. Would you be comfortable living next to this project? We do not see a win win situation within any aspect of this project, only to line the pockets of the developer and/or city county.

Many of us will be watching and hoping you'll be doing the right thing in opposing this zone change and pending project. Keep it Single Family Residential or Engineer something that would be beneficial to the existing neighborhoods near this location.

Regards,  
Mike and Linda  
Bakersfield, CA 93306



## MEMORANDUM

**DATE:** June 3, 2021

**TO:** Chair Koman and Members of the Planning Commission

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

**SUBJECT:** **Agenda Item 6.a (General Plan Amendment/Zone Change No. 20-0172)**  
**Additional Correspondence Received**

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### Response to Comments

Subsequent to posting of the Planning Commission agenda, the attached correspondence was submitted to the Planning Division for the above-referenced project. Below is a summary of the comments received and Staff's response:

- (1) Andrea Watson, Kern County Superintendent of Schools (May 21, 2021): The commenter states Education Code Section 65995 et seq. requires the collection of statutory fees at the time of building permit issuance.

*Response:* Comment noted for the record.

- (2) Addy Rodriguez (May 27, 2021): The commenter asks a series of questions, namely:
- Will the project affect property values;
  - How large is the apartment complex;
  - Will the commercial component be open 24 hours a day; and
  - Is there the potential to contaminate water in the nearby aboveground water tanks by the gas station.

*Response:* As noted in the staff report, there are a large number of factors that influence property values such as:

- Current housing markets;
- Interest rates;
- Employment opportunities; and
- Faith in the current economy.

A Harvard study titled *Overcoming Opposition to Multifamily Residential Housing* (Obrinsky and Stein 2007; <https://www.jchs.harvard.edu/research-areas/working-papers/overcoming-opposition-multifamily-rental-housing>) concludes, “communities with multifamily dwellings actually have higher property values than other types of communities.” Additionally, the paper concluded, “high multifamily areas had the highest home values, the mixed-stock areas the next highest, and single-family areas had the lowest.” In addition, the paper concluded that houses with apartments nearby actually “enjoy a slightly higher appreciation rate than houses that don’t have apartments nearby.” Additionally, another study titled *Retail Proximity and Residential Values or Do Nearby Stores Really Run Down Property Values?* (Matthews 2007; <https://www.issuelab.org/resources/4941/4941.pdf>) determined that stores near residences actually increase property values provided the stores are greater than 200 to 300 feet away from a residence. The proposed commercial component of the project is greater than 300 feet from the closest residence.

The applicant/developer proposes 64 multiple-family dwelling units on 5.92 gross acres. The gas station portion of the project may operate 24 hours per day if the need is determined. Regarding proximity of the gas station to the nearby aboveground water tanks, the gasoline underground storage tanks (USTs) would have to comply with California Code of Regulation (CCR) Sections 2610 through 2728, which regulates USTs in the State of California. These sections outline UST requirements for their design, construction, and monitoring; reporting and abatement; repair and upgrade; closure and site-specific variance allowances; and corrective action procedures. Compliance with these sections of the CCR would ensure that the USTs are properly sited, constructed, maintained, repaired, and retired so that they would not pose a risk to nearby structures, including the existing aboveground water storage tanks.

(3) Guadalupe Flores (May 27, 2021): The commenter states they have concerns regarding:

- Erosion to the existing slope/retaining wall north of the project site;
- Residents of the multi-family residential climbing the existing retaining wall;
- Residents of the multi-family residential bringing extra noise and crime;
- Gas station bringing homelessness; and
- Traffic concern on Fairfax Road because of the project.

*Response:* Prior to development of the site, the project would have to go through planning, building, and engineering review and adhere to local and State standards for grading and construction. Grading and compaction of the site would be engineered to meet these standards and to protect the existing slope/retaining wall to the north. Additional engineering of the soils downslope of the existing slope/retaining wall would actually strengthen the soils below it beyond the existing condition.

The multi-family development is proposed to be a gated community and age restricted (e.g., 50 and older). It is unlikely residents will climb the retaining wall, but should this occur, it is considered trespassing and police protection services can be called out to address the situation.

The project would have to adhere to construction noise restrictions specified in the City Noise Ordinance. Project operations would generate sound levels typical of residential and regional commercial land uses, which would have to comply with Bakersfield Municipal Code regarding noise. The Noise Element of the Metropolitan Bakersfield General Plan establishes maximum desired ambient noise levels by land use category. In general, the standard is a maximum of 65 dB Community Noise Equivalent Level ("CNEL") or less for outdoor areas of residential development and 45 dB CNEL or less within interior spaces. CNEL is the average equivalent sound level during a 24-hour day, obtained after the addition (penalty) of approximately 5 dB to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and 10 dB to sound levels in the night from 10:00 p.m. to 7:00 a.m. For example, music playing at 50 dB during the day, would have a measurement of 55 dB from 7:00 p.m. to 10:00 p.m. to reflect the 5 dB penalty. Noise levels at all points around the project site should experience noise level impacts that would be less than the City's daytime and nighttime maximum noise level standards.

Regarding safety concerns, the commercial development would be required to be lighted while baffled as to not cause light spillover effects to surrounding neighbors and the MND concludes that the increased tax revenue generated by the project would pay for the additional need for police protection services because of the project.

Concerning traffic, the MND states that with payment into the Regional Transportation Impact Fee (RTIF) Program and with payment of Local Mitigation fees, the impacts to traffic because of the project would be less than significant.

- (4) Bob and Lisa Neath (May 27, 2021): The commenter states they are opposed to the project because it would increase traffic, crime, and noise.

*Response:* See response (3) above.

- (5) Jennifer and Terry McNally (May 27, 2021): The commenter states they are opposed to the project because it would increase traffic and reduce the effectiveness of a safety corridor.

*Response:* See response (3) above regarding traffic. Concerning the effectiveness of a safety corridor, the Bakersfield Fire Department has reviewed the site plan (including road improvements) and deemed it adequate to maintain response times for fire protection.

- (6) Shane Brandon, Summit HOA President (May 27, 2021): The commenter requested information about the June 3, 2021 Planning Commission meeting and states they are opposed to the project and have the following concerns:

- Easements between the existing residential to the north;
- Erosion to the existing slope/retaining wall north of the project site;
- Residents of the multi-family residential climbing the existing retaining wall; and
- Traffic concerns.

*Response:* Planning Division provided information to the commenter about the June 3, 2021 Planning Commission hearing via email on March 27, 2021. No easements are proposed for this project. See response (3) above.

- (7) Sonya Clark (May 28, 2021): The commenter states they are opposed to the project because it would decrease property values and increase crime and traffic.

*Response:* See responses (2) and (3) above.

- (8) Amber Ayers (May 31, 2021): The commenter states they are opposed to the project because it would increase traffic.

*Response:* See response (3) above.

- (9) Annette Jackson (May 31, 2021): The commenter states they are opposed to the project because it would result in illegal businesses, increase traffic and crime, and decrease property values.

*Response:* Illegal businesses (i.e., fruit stands, chicken barbeques, and flowers) can be addressed through the City Code Enforcement. Also see responses (2) and (3) above.

- (10) Bruce Iddings (May 31, 2021): The commenter states they are opposed to the project because it would result in inadequate parking, increase traffic and crime, and reduce property values.

*Response:* Parking has been calculated as part of the site plan review and adheres to City standards. Also see responses (2) and (3) above.

- (11) Kurt Wingate (May 31, 2021): The commenter states they are opposed to the project because it would reduce school quality, increase traffic, reduce property values, and increase crime.

*Response:* The commenter makes an assertion regarding “school quality,” but does not provide an analysis or cited literature to validate. Also see responses (2) and (3) above.

- (12) Janelle Rhodes (June 1, 2021): The commenter states they are opposed to the project because it would increase traffic and crime.

*Response:* See response (3) above.

- (13) Bruce Lynn (June 1, 2021): The commenter states they are opposed to the project because it would increase crime and traffic.

*Response:* See response (3) above.

- (14) Ruben and Debra Zamora (June 1, 2021): The commenters ask a series of questions:

- Why were studies completed prior to sending notice and why not notice before May 2021;
- Was notification sent to all residents in all surrounding neighborhoods and how many people within a 5-mile radius were notified;
- Questions the traffic and noise study, and states the project would negatively affect traffic and increase noise; and

- The project may not affect property values, but could make it harder to sell nearby single-family residential.

*Response:* Regarding timing of the studies, the California Environmental Quality Act (CEQA) requires an environmental analysis prior to any discretionary action by a public agency, such as the Planning Commission and City Council, so that the public body or bodies will be informed of the environmental ramifications of a project or action at the time of their decision. Therefore, it is necessary that the studies to support such an environmental analysis be prepared prior to sending notice of public hearing to deliberate the merits of a project or action. The Planning Division set the June 3<sup>rd</sup> date for the public hearing before the Planning Commission because it was the earliest GPA “window” (per State law, GPAs can be considered only four times per year) to bring forward a complete analysis and to allow time for the 30-day public review of the MND per CEQA. Per Government Code Section 65090, public hearing notices “shall be published pursuant to Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing.” The noticing for this project meets this standard and was circulated in a newspaper, sent to residents and public agencies at least 10 days prior to the hearing, and a sign was placed on the site 20 days prior to the hearing per City of Bakersfield policy.

All property owners within 300 feet of the project site were notified by United States Postal Service mail regarding the public hearing for this project in accordance with City ordinance and state law; this included 180 address mailings.

Also see responses (2) and (3) above.

- (15) Kenneth and Dee Rhodes (June 1, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See response (3) above.

- (16) Gail Malouf (June 2, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See response (3) above.

- (17) Norbert Hendricks (June 2, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See response (3) above.

- (18) Gail Malouf (June 2, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See response (3) above.

- (19) Rick Roux (June 2, 2021): The commenters state they are opposed to the project because it would increase crime and reduce property values. The commenter also questions the 300-foot buffer for noticing of nearby property owners.

*Response:* See responses (3) and (14) above.

- (20) Richard Harger (June 2, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See responses (3) above.

- (21) Justin and Courtney Tobias (June 2, 2021): The commenters state they are opposed to the project because it would increase traffic and crime.

*Response:* See responses (3) above.

- (22) Gary and Sandra Carter (June 2, 2021): The commenters state they are opposed to the project.

*Response:* Comment noted for the record.

**Attachments:**

Correspondence Received

May 21, 2021

City of Bakersfield – Planning Department  
Attn: Steve Esselman, Principal Planner  
1715 Chester Ave.  
Bakersfield, CA 93301

**Our File No.:** CI21-0012

**RE: DEVELOPER FEES FOR:** GPA/ZC No. 20-0172; Map. No. 103-24  
(Northwest corner of the Fairfax Rd. and College Ave. intersection)

Dear Mr. Esselman,

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

It is our determination that the above mentioned project proposing an amendment to the Land Use Element of the Metropolitan Bakersfield General Plan land use designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) or a more restrictive designation and a change in zone classification from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) or a more restrictive district for 64 multiple-family dwelling units and 11,300 square feet of commercial/retail use may have significant effects on either of these district's facilities and mitigation of this project's impacts on public school facilities will be limited to the collection of statutory fees authorized under Education Code Section 17620 and Government Code Sections 65995 et seq. at the time that building permits are issued. Currently, these fees are set at \$4.08 per square foot, an amount subject to COLA adjustment every two years.

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

Sincerely,

Mary C. Barlow  
County Superintendent of Schools



Andrea Watson, Specialist  
School District Facility Services

ALW  
cc: District(s)

## Steven Esselman

---

**From:** DEVPln  
**Sent:** Thursday, May 27, 2021 8:54 AM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW: Questions regarding purposed development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** addy rodriguez <addro93@yahoo.com>  
**Sent:** Wednesday, May 26, 2021 7:49 PM  
**To:** DEVPln <DEVPln@bakersfieldcity.us>  
**Subject:** Questions regarding purposed development

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

Hello,

I have some questions regarding a purposed site for future development on the northwest corner of College Ave and Fairfax road.

- \* Are other locations being considered by the potential occupant? e.g. vacant East Hills Mall location.
- \* Will the development of a shops/apartments affect home values in the neighborhood negatively?
- \* How large will the apartment complex be?
- \* Will the business be in operation 24 hours a day?
- \* There are several water tanks located on that property is there a possibility for contamination to the water by gas/waste ?
- \* If the project is approved how long will it take to complete?

## Steven Esselman

---

**From:** DEVPln  
**Sent:** Thursday, May 27, 2021 2:15 PM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW: Zone Change No. 20-0172

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Lupe <gmontalvo4@gmail.com>  
**Sent:** Thursday, May 27, 2021 2:11 PM  
**To:** sesselman@bakersfieldcity.com  
**Subject:** Zone Change No. 20-0172

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

Good afternoon,

My husband and I are current residents of The Summit, which is a gated community right next to Fairfax and College Ave. I am writing this expressing some concerns regarding the proposed new development in that area, which will be right behind our current home.

We have lived in this home for 1 year and 8 months and have so far enjoyed living in this community due to the quietness, calmness and respectful neighbors this community brings. However, with this new development we fear it will raise some concerns, such as:

- 1. Impact on our home located at 6605 Mont Blanc Ct ie causing damage/erosion from new construction**
- 2. Residents from the apartments wanting to climb our wall causing disturbance as well as bringing extra noise to our area or the crime rate going up if disrespectful residents were to reside in the new apartments**
- 3. New gas station bringing in more homeless to the area (we currently have 4 gas stations in between our community within 1mi radius and don't see the need to adding another one on Fairfax & College Ave)**
- 4. Traffic concerns driving to and from work on Fairfax Rd**

Additionally, my husband travels for work at times outside the Kern County area and stays out of town for a period of time leaving me home alone. This is one reason we moved into a gated community so that I can feel more secure while he is away for work. However, with this new development my main concern now is the apartments bringing in extra noise therefore disrupting our sleep and well being.

We also have some apprehension with disrespectful residents moving into those apartments disrupting our peace and privacy. Will there be any guarantee bad people won't move into those apartments? No. Will you repair my property if it gets broken into being so close to the proposed apartments? No.

We moved into a gated, calm community for a reason and now we fear our peace will be taken away.

We hope our concerns will be taken into consideration. Thank you for your time.

Respectfully,

***Guadalupe Flores***  
***The Flores Family***  
**Resident of The Summit**  
**6605 Mont Blanc Ct**

## Steven Esselman

---

**From:** Robert Neath <BOBN@kerncounty.com>  
**Sent:** Thursday, May 27, 2021 1:20 PM  
**To:** Steven Esselman  
**Subject:** File No. GPA/ZC 20-0174

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good afternoon Mr. Esselman,

We are writing to express our opposition to the proposed rezoning of the property at the northwest corner of Fairfax Road and College Avenue from R-1 to R-2 and C-2.

We own property on De Parsia Avenue, about 1,000 straight line feet from the site. A commercial property would be completely out of place at that corner. The traffic, loitering, sale of alcohol, and noise associated with a mini-mart would be disruptive and detrimental to the surrounding neighborhood.

Please convey our opposition to the zoning change to the City of Bakersfield Planning Commission at the public hearing on June 3, 2021.

Thank you for your time.

Bob and Lisa Neath

## Steven Esselman

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**From:** Jennifer McNally <mcnallyj57@yahoo.com>  
**Sent:** Thursday, May 27, 2021 1:18 PM  
**To:** City\_Council  
**Cc:** Steven Esselman  
**Subject:** Councilmember Weir -- Proposed Project Fairfax and College

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

May 27, 2021.

Councilmember Ken Weir and Planning Commission

City of Bakersfield

1600 Truxtun Ave

Bakersfield, CA 93301

RE: Rezoning/Project at Fairfax and College

To Whom It May Concern:

It is our understanding that the City is considering a project at the intersection of College and Fairfax in N.E. Bakersfield that would incorporate a new gas station, fast food restaurant and high density dwellings. This proposed rezoning and associated project are not a good idea for the following reasons:

- **Increased Traffic:** Anyone familiar with Fairfax between College and I-178 know full well that this corridor is one of the busiest and most trafficked locations in the North East. Adding more apartments to this location would only add to the already overburdened road and make for unbearable congestion for commuters and families that travel this area;
- **Increased Danger:** The Fairfax road is notorious for its high speed and danger. It is a location that is frequently used for road racing and other high speed traffic. If more traffic is added to this corridor, you can expect higher incidents of accidents and related problems exacerbating the safety issues for this already

dangerous part of our road system. A new gas station would also require large petroleum and other service vehicles travel this road adding to the danger;

- **Kids at Risk:** A lot of kids, particularly in the early afternoon and evening when traffic is at its worst, walk south on Fairfax after they have completed their school day or after-hours activities at Highland High School. This foot traffic would only increase if more apartments were added at College per this proposal. More foot traffic, more cars and excessive speeds mean it is only a matter of time before a child is seriously injured or worse at this location;
- **Safety Corridor Delays:** There is a County Fire Station at Fairfax and Niles whose firefighters and engines regularly use Fairfax to travel to their emergencies in this area. Increased traffic on Fairfax would delay these emergency vehicles endangering residents and increasing potential damage to homes and businesses in the NE;
- **Unneeded Development:** There are already a large number of gas stations and apartments on Fairfax just north and south of this proposed development. There does not seem to be any need or unaddressed neighborhood requirements that are met by this proposal.

It is remarkable the disparity in the planning between the Northeast and Southwest of Bakersfield. The Southwest has large road corridors, plenty of green space, and lots of walkways for pedestrians. In the Northeast when a vacant location is developed, we get a gas station, fast food restaurant, or strip mall that make bad planning even worse. Please vote NO on this proposed project and ask the Planning Department to invest more thought and consideration into the planning of our NE neighborhoods like that in other areas of Bakersfield.

Thank you for listening to our concerns.

Sincerely,

Jennifer and Terry McNally

4208 Player Court

93306

## Steven Esselman

---

**From:** Shane D. Brandon <SBrandon@prim.com>  
**Sent:** Thursday, May 27, 2021 4:42 PM  
**To:** Steven Esselman  
**Cc:** Paul Johnson; DEVPln; Kassandra Gale  
**Subject:** Re: General Plan Amendment / Zone Change No. 20-0172

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Thank you Steve for the information.

Regards

Shane Brandon  
Project Manager  
ARB, INC  
Bakersfield, CA  
661-303-0054 Cell  
661-396-4322 Office

---

**From:** Steven Esselman <sesselman@bakersfieldcity.us>  
**Sent:** Thursday, May 27, 2021 4:29:57 PM  
**To:** Shane D. Brandon <SBrandon@prim.com>  
**Cc:** Paul Johnson <pjohnson@bakersfieldcity.us>; DEVPln <DEVPln@bakersfieldcity.us>; Kassandra Gale <knearn@bakersfieldcity.us>  
**Subject:** FW: General Plan Amendment / Zone Change No. 20-0172

### EXTERNAL EMAIL

Mr. Brandon,

The attached notice provides all the information for the public hearing on this item. The meeting will be live.

Regarding your comments, we are currently collecting all comment and a memo will be available at the June 3, 2021 meeting that responds to each comment received. Hardcopies of this memo will be available at the June 3<sup>rd</sup> meeting.

Respectfully,

Steve Esselman  
Principal Planner

**From:** DEVPln  
**Sent:** Thursday, May 27, 2021 12:11 PM

**To:** Steven Esselman <sesselman@bakersfieldcity.us>; Paul Johnson <pjohnson@bakersfieldcity.us>

**Subject:** FW: General Plan Amendment / Zone Change No. 20-0172

**Importance:** High

**From:** Shane D. Brandon <[SBrandon@prim.com](mailto:SBrandon@prim.com)>

**Sent:** Thursday, May 27, 2021 11:39 AM

**To:** DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>

**Subject:** General Plan Amendment / Zone Change No. 20-0172

**Importance:** High

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

City Planning,

I am writing this to contest and ask questions regarding Zone change No. 20-0172 on behalf of the residents of the Summit which is right next to this planned development and zone change. I am the HOA president of the Summit and I have a few questions and concerns regarding this project, we have 31 homes located just North of the planned development.

I myself and all residents of the Summit that I have spoke to are not in favor of this zone change or development. I have briefly spoke to Steve Esselman regarding this and it was stated I need to speak with Sandra Gayle, I have left 2 messages for with her and no response as to current time. It states comment period ends June 3, 2021 Will this be a live meeting process to express concerns and opposition? What time? Location? Zoom?

**Concerns:**

- As per the drawings shown in the Negative Declaration I see you will be adding another stackable block wall, What are the easements from the South wall of the Summit? Our South wall is also stackable block, What impact will this new development have on the existing wall that will not erode or cause damage to the existing homes and property due to now changing the cut and fill that supports the existing wall and property?
- What barriers will be placed to keep people from gaining access to the wall so that it can be climbed on, with the stackable block we have in place this is easy to climb.
- Traffic concerns – Fairfax is already like a race track heading toward College. Traffic is flying South bound and now you will be adding 3 additional entry points for traffic that will need to slow down to make turns into the new planned development. Is there going to be any additional stop lights added at entry points?

Regards

HOA President of the Summit

Shane Brandon

Project Manager

ARB, Inc.

3500 Pegasus Drive

Bakersfield, CA 93308

661-396-4322 Direct

661-303-0054 Cell

[www.prim.com](http://www.prim.com)



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Note!: This email originated from outside our organization. Be cautious when opening Links and Attachments that you were not expecting.

## Steven Esselman

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**From:** Sonya Clark <sonyaleeclark@att.net>  
**Sent:** Friday, May 28, 2021 11:46 AM  
**To:** Steven Esselman  
**Subject:** Zoning Change 20-0172/4

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

Dear Mr. Esselman,

In regards to the proposed zoning changes for the property on the Northwest corner of Fairfax Road and College Avenue, I am sending this email as a concerned nearby homeowner. This zoning change would allow for the property to be used for construction of apartment housing and commercial gas stations/convenience stores. Our area is already subject to high crime and homeless encampments, which will increase if the zoning is approved. Currently, the property is zoned R-1 for residential. We need more single family homes, not stores and apartments.

I, as a current resident and property owner, strongly oppose this change! Our property values will decrease, crime and violence will increase. We have already experienced increased burglaries in our homes, vehicles and mailboxes. This type of occupancy will only add to the issue.

We already have convenience stores/gas stations within a few blocks in either direction of this location. There is not a need for more. I ask you to please decline this proposed change and keep the current R-1 residential zoning.

Thank you,  
Sonya Clark  
6302 Broadmoor Court  
Bakersfield, CA 93306

## Steven Esselman

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**From:** Amber Ayers <Amber\_Ayers@kernhigh.org>  
**Sent:** Monday, May 31, 2021 2:25 PM  
**To:** City\_Council; Steven Esselman  
**Cc:** Kyle Ayers  
**Subject:** Ken Weir

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

Good Afternoon,

I am writing to you about a proposed zone change as a concerned resident of the Bakersfield Country Club. We have recently been made aware of the proposed zone change on the NE corner of Fairfax and College and I am greatly upset and distressed by this proposal. I have lived in North East Bakersfield for my entire life. I attended Highland High School and my husband and I chose to buy a house in the Bakersfield Country Club because we love how quiet it is and that it feels like a retreat from the city. We have two young boys that go to Harding Elementary School and I am a high school teacher and my husband works in construction. I tell you this to give you some perspective on the way this will affect our lives.

The proposal as it stands is to build a gas station on the corner of Fairfax and College as well as a fast food restaurant and 64 apartment units. There will be four, FOUR driveways off of Fairfax which is an already busy road and intersection. On any night of the week, driving through the intersection, it is quiet and dark and peaceful. Adding an apartment complex along with a gas station and fast food restaurant will add so much unnecessary light and noise pollution. There are three gas stations on Fairfax and 178 that are 1.5 miles north of the newly proposed gas station. There is also a Fastrip less than a mile south of the newly proposed gas station on Niles and Fairfax (which has recently seen people shot and wounded in front of it). In addition, there are numerous fast food restaurants along Niles, as well as a newly finished strip mall that has never been inhabited and thus is covered in graffiti and overrun by homeless.

We consistently defend the East side of Bakersfield as a quiet place to live and a wonderful place to raise our family despite how the rest of the city sees it. We have seen countless businesses close on our side of town because of lack of business and more recently because of the pandemic, leaving empty shells to be defiled and defaced because there is nobody to defend them. Fill the buildings that are already existing but vacant on our side of town. There are enough gas stations and restaurants and apartments in our area as it is.

Our request is that you leave the zoning as R1 which is for single family homes. Changing the zoning and bringing unwanted businesses and apartments into this area could change whether or not young families such as us are willing to buy and stay on this side of town. Please consider the good of the neighborhood and deny the zone change request.

Respectfully,

A Concerned Citizen,

Amber Ayers

Flintridge Drive, 93306

CONFIDENTIALITY NOTICE: This communication and any documents, files or previous e-mail messages attached to it, constitute an electronic communication within the scope of the Electronic Communication Privacy Act (18 USCA § 2510). This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the designated recipient(s). The unlawful interception, use or disclosure of such information is strictly prohibited under 18 USCA § 2511 and any applicable laws. If you are not the intended recipient, or have received this communication in error, please notify the sender immediately by reply e-mail or by telephone and delete any and all electronic and hard copies of this communication, including attachments, without reading them or saving them to disk.

## Steven Esselman

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**From:** DEVPin  
**Sent:** Monday, May 31, 2021 12:31 PM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW: Zone change at Fairfax Rd. And College Ave.

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

**From:** annette jackson <jacksonannette5@gmail.com>  
**Sent:** Friday, May 28, 2021 6:45 PM  
**To:** DEVPin <DEVPin@bakersfieldcity.us>  
**Subject:** Zone change at Fairfax Rd. And College Ave.

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

My name is Annette Jackson and I live on Mont Blanc Terrace in the Summit housing area off Fairfax road. I'm extremely concerned about the minimart, gas station and apartments in the planing stage on the corner of College Avenue and Fairfax Road. The traffic behind my home on Fairfax Road is already heavy and unsafe. The additional traffic from apartments and a mini mart will be dangerous. We already have an empty shopping center at East Hills Mall and many abandoned businesses. The taxpayers and homeowners are trying to improve east Bakersfield. This is a very nice residential area please do not change the zoning. Mini Mart's and gas stations, I'm sure you know, attract homeless people and beggars. Unlicensed people set up fruit stands, chicken barbecues, and unwanted flower sales. We do not want this in our neighborhood! Within two or three blocks each way of College Ave and Fairfax, there are commercial properties with a total of six gas stations. We don't need another mini mart and gas station to attract homeless, drug addicts and trash diggers. This zone change Will definitely DECREASE the value of our homes. I hope you will read my statement and realize how unfair a zone change will be too many people in our neighborhood Thank you, Annette Jackson

## Steven Esselman

---

**From:** DEVPln  
**Sent:** Monday, May 31, 2021 12:31 PM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW: Proposed Zoning Change # 20-0172  
**Attachments:** CCE05292021.pdf

**From:** Bruce Iddings <bruceiddings6@gmail.com>  
**Sent:** Saturday, May 29, 2021 8:13 AM  
**To:** Steven Esselman <sesselman@bakersfieldcity.us>; DEVPln <DEVPln@bakersfieldcity.us>  
**Subject:** Proposed Zoning Change # 20-0172

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

See attached.

Sent By Email, Hand Delivered, and Mailed

May 28, 2021

Development Services Department  
Bakersfield Planning Department  
1715 Chester Avenue  
Bakersfield, California 93301

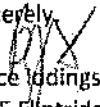
Attention: Steve Esselman ; [ssesselman@bakersfieldcity.us](mailto:ssesselman@bakersfieldcity.us); [devplan@bakersfieldcity.us](mailto:devplan@bakersfieldcity.us)

Subject: Notice of Public Hearing and Distribution of a Mitigated Negative Declaration for General Plan Amendment/Zone Change # 20-0172 located at the northwest of the Fairfax Road and College Avenue intersection (APN: 435-010-33)

Based on a review of the proposed zoning change referenced above, we object based on the following rationale:

- The property is surrounded by single family homes on the south, west and north of the property.
- There is already property zoned R2 to the east of College that has not been developed yet.
- Convenience stores/gas stations already exist at the SW, NW and NE corners of Auburn and Fairfax. The SW and NW corners also have retail pads.
- A convenience store/gas station is also located at the SE corner of Niles and Fairfax with retail pads on the NE, SW and SE corners. These two intersections are larger than College and Fairfax. Both intersections are largely commercial. Further, the intersections of Auburn/Fairfax and Niles/Fairfax are 6 lane roads. College/Fairfax only has 4 lanes on Fairfax and 2 lanes on College. Traffic congestion would be huge with apartments added via the proposed zoning change.
- In a nutshell, Fairfax south of the Highland Knolls Subdivisions will not be able to accommodate traffic to slow down to turn into 4 places within such a short distance and create a safety concern. The four turn-ins are clearly excessive driving south on Fairfax.
- Convenience stores draw people that tend to loiter and panhandle and increase trash thrown around and potentially increase theft in the residential areas that already exist.
- The convenience stores/gas stations/fast food are more than adequate at Auburn/Fairfax and Niles/Fairfax to meet the needs of the surrounding areas.
- The parking at the proposed zoning change will be insufficient to handle potential recreational vehicles, boats and trailers as well as several family cars/trucks at apartments. This means some will be illegally parked on Flintridge Dr up the street that violates our CCRs which are very strict as far as not parking on the street and drive down our property values. Therefore, the Planning Department and/or City should be responsible for litigation fees to mitigate any violations of our CCRs and/or reduction in property values for any reason that relates to this matter if approved.

In summary, we oppose the proposed zoning change based upon the aforementioned reasons.

Sincerely,  
  
Bruce Jodings  
3105 Flintridge Dr.  
Bakersfield, CA 93306

## Steven Esselman

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**From:** DEVPin  
**Sent:** Monday, May 31, 2021 12:30 PM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW: General Plan Admendment/Zone Change No. 20-0172  
**Attachments:** Fairfax Opposition Letter.docx

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

**From:** Kurt Wingate <kurtwingate@gmail.com>  
**Sent:** Sunday, May 30, 2021 1:36 PM  
**To:** DEVPin <DEVPin@bakersfieldcity.us>  
**Subject:** General Plan Admendment/Zone Change No. 20-0172

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

RE: General Plan Amendment/Zone Change No. 20-0172.

Planning Director, Paul Johnson

Thank you in advance for reading my thoughts to the proposed zoning request:

We have had our residence in the Bakersfield Country Club (BCC) area and specifically on Country Club Dr since 1985. We are not anti- development or growth and were very excited and actively involved in the East Hills Mall planning meetings. Now, we have witnessed the deterioration of the Hillcrest Center to the South, the collapse of the East Hills Mall to the West and numerous business failures/empty buildings with their associated blight on Niles Street from Mt Vernon to Fairfax affecting our neighborhoods. We have significant concern for this requested zoning change and the proposed development that would follow including a retail / convenience store and gas pumps as well as apartments. Currently on Fairfax Ave from Niles Street to Auburn Ave there are 2 Faststrip Convenience stores with gas pumps, 1 Circle K Convenience store with gas pumps for a total 4 separate locations offering fueling services. These locations are easily within one half mile of the proposed project location from either North or South. It is our opinion that that these zoning requests are not justified from a neighborhood standpoint and will further damage the existing businesses in this area. Additionally, pedestrian and vehicle traffic congestion will be added to already busy Fairfax Ave which includes an existing bike lane, dividing two areas of residential single-family homes with their children.

It is our opinion the request for this development in the middle of one of Bakersfield's crown jewels, Bakersfield Country Club, will not be a positive addition. This property is correctly zoned R1 as it is a residential neighborhood. We believe history shows that this type of development typically deteriorates property values and school quality over time and adds an element of crime and air / surface pollution that our neighborhood does not need.

Our request is that the current R1 zoning not be changed considering the above information, instead we recommend beautification assistance for this currently R1 zoned property (curb, gutter and sidewalk at a minimum) and for the adjacent water storage facilities to assist development of additional single-family residences which could further bolster the existing neighborhoods and their associated schools as well as meet the need for additional housing.

Thank You for your time,  
Kurt T Wingate  
4231 Country Club Dr, Bakersfield, CA. 93306

## Steven Esselman

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**From:** Jeff Rhodes <jeff@bestflake.com>  
**Sent:** Tuesday, June 1, 2021 9:20 AM  
**To:** Steven Esselman  
**Subject:** File: GPA/ZC 20-0172 College & Fairfax

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

Steve,

I'm in receipt of your information regarding the proposed zoning change at Fairfax and College. I feel this is a terrible idea. I live on Flintridge Drive and the proposed change of the current R-1 to R-2 and C-2 will have a negative impact on the current residents in the surrounding areas. The intersection itself is clearly not big enough for commercial development. Auburn and Fairfax as well as Niles and Fairfax are intersections developed for commercial traffic. College and Fairfax is clearly a smaller residential intersection. The proposed commercial development will only make traffic a lot worse and the panhandlers and homeless will converge upon the area. Litter and trash blowing around will also increase in the immediate area. Building multi-family housing will also add to the congestion of the intersection. The parcel should remain zoned R-1 for Single Family housing.

**Janelle Lynne Rhodes**  
**Worldwide Aquatics, Inc.**  
103 Schipper Ave  
Arvin, CA 93203

661.854.4337 Office  
661.854.1314 Fax  
661.301.2842 Cellular

[Jeff@Bestflake.com](mailto:Jeff@Bestflake.com)

[www.Bestflake.com](http://www.Bestflake.com)

## Steven Esselman

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**From:** Bruce Lynn <blynn@kernins.com>  
**Sent:** Tuesday, June 1, 2021 1:46 PM  
**To:** Steven Esselman  
**Subject:** Change No. 20-0172

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

Mr. Esselman this email is in opposition to the changing of the General Plan to allow apartments and small commercial on this project. I have lived in the area for many years and have noticed the crime in the area has increased at an alarming rate. Building apartments in this area will have an impact on the already high crime rate. It is my feeling that Traffic on Fairfax south tends to speed do to the downhill slope of Fairfax. If you add turn outs to this area you will see rear end accidents at an alarming rate. I am against this project. Thanks, ?



### Bruce Lynn

Principal, Kern Insurance Associates

Phone: ? 661-835-4542 Ext. 251

Fax: ? (661) 835-4500 ?

Email: [blynn@kernins.com](mailto:blynn@kernins.com) ?

Website: ? <http://www.kernins.com> ?

Address: ? 5407 Stockdale Highway, Bakersfield, CA 93309 ?

License no: ? 0415101

**PLEASE NOTE:** E-mail change from [@kia-ins.com](mailto:@kia-ins.com) to [@kernins.com](mailto:@kernins.com)



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## Steven Esselman

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**From:** debbie zamora <debielzmr@yahoo.com>  
**Sent:** Tuesday, June 1, 2021 9:45 PM  
**To:** Steven Esselman; Paul Johnson; DECPin@bakersfieldcity.us; Cassandra Gale; SBrandon@prim.com; ruben.zamora54@gmail.com  
**Subject:** Zone Change No. 20-0172

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

City of Bakersfield Planning Department,

This email is to state our opposition of your intent to rezone the north west corner of Fairfax Road and College Street, 93306.

In addition to Shane Brandon's, (HOA President of The Summit) concerns, which was sent to you on May 27, 2021 and which we agree with; we also have additional questions and concerns.

Why were your studies completed prior to sending the notifications to the residents of the surrounding areas of the proposed zone change? Based on the amendment number, it appears, this project may have began in 2020. Why were we not notified prior to May 2021?

Was the notification sent to all residents in all neighborhoods surrounding the proposed area? It is our understanding that residents on the north end of The Summit did not receive your notification letter. Your intended changes will impact the residents in the Bakersfield Country Club, the Scottish Isle, Eastridge Estates neighborhoods and all other neighborhoods within several miles of the planned project. How many residents within a five mile radius received your notification?

Your study seems to minimize the potential traffic and noise impact.

Traffic on Fairfax Road has increased significantly over the last few years. Adding an apartment complex with 64 units, a gas station with a convenience store, fast food restaurant and a "retail pad", will impact the traffic greatly.

Assuming that the residents of each proposed apartment has at least one vehicle and the potential traffic going in and out of the proposed gas station and/or convenience store, we believe the daily traffic will increase significantly, not "insignificantly" as your study found. Your study appears to focus on the construction period rather than the long term impact.

Your study also seems to focus on the noise that may or may not be caused by the construction and during the construction period rather than the long term impact. Adding 64 apartment units, a gas station and a fast food restaurant within a half a mile of The Summit will have a significant impact on The Summit and surrounding neighborhoods related to the noise levels.

We do not need another gas station or convenience store in this area. There are currently three gas stations and convenience stores on the corner of Fairfax Road and Auburn Street and one on the corner of Fairfax Road and Niles Street. The intersection of Fairfax Road and College Street is congested daily as it is. Factor in residents of the proposed apartment complex and local residents driving in and out of the gas station and convenience store, again, the traffic will be significantly impacted.

Although the apartment complex may not affect the property value of the existing single family homes in the area, it may cause the property to be less desirable to potential buyers if the single family home owners decide to sell their homes. Therefore, making it more difficult to sell the home(s).

In closing, we feel your invitation to oppose this planned zone change is only a formality and now that the impact studies are complete, the COB will most likely approve the project despite the opposition. We are not opposed to growth and understand the need for additional housing in Bakersfield but we also believe the proposed changes will have a negative impact in our neighborhood and the surrounding neighborhoods. We have no objection to the proposed single family homes that may be built in the area but we adamantly oppose the apartment complex and retail stores.

Sincerely,

Ruben and Debra Zamora  
Residents of The Summit

**Steven Esselman**

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**From:** Rhodes & Co. CPA's <Ken@rhodes-cpa.com>  
**Sent:** Tuesday, June 1, 2021 4:19 PM  
**To:** Steven Esselman  
**Subject:** GEN PLAN AMENDMENT/ZONE CHANGE NO. 20-0172  
**Attachments:** [Untitled].pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

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**DEE RHODES**

6232 RIDGETOP TERRACE  
BAKERSFIELD, CALIFORNIA 93306

PHONE: (661) 323-5000

EMAIL: [dee@rhodes-cpa.com](mailto:dee@rhodes-cpa.com)

May 28, 2021

Mr Steve Esselman  
Principal Planner  
Bakersfield Planning Department  
c/o [sesselman@bakersfieldcity.us](mailto:sesselman@bakersfieldcity.us)

Re: General Plan Amendment/Zone Change No. 20-0172

Dear Mr. Esselman:

My husband and I purchased property on Ridgetop Terrace to build our "forever home". Ridgetop Terrace runs directly behind the property that is in question on Fairfax and College. At the time we purchased the property we knew that the property on the NW corner of Fairfax and College Avenue, was zoned for like-kind single family dwellings. We moved into a quiet neighborhood, joined the Bakersfield Country Club and became part of the community. Many of the residents purchased their homes in this area, for much the same reason.

We fervently object to the zone changes in a General Plan Amendment, currently before the Planning Department, from "Low Density Residential" to "High Medium Density Residential" and Commercial use (R-1 to R-2 and C-2). This effort is to facilitate 64 multiple family dwelling units as well as 11,300 square feet of commercial use on the property at the NW corner of Fairfax and College Avenue.

Obviously, there are many issues to consider regarding such a proposal and are all objectionable. One obvious issue deals with the road construction that has lasted for the better part of the last 10-14 months at that intersection. It is now nearly completed and there is absolutely no change in the number of traffic lanes or the way in which traffic moved through that intersection. The lanes on College Avenue going east and west are still one lane in each direction. The ingress and egress to accommodate 64 multiple dwelling units or approximately 200 people, fast food restaurant traffic, gas station and mini-mart, as well as retail will not handle the traffic generated.

The intersections of Fairfax and Auburn and Fairfax and Niles Street, are huge intersections by comparison and the services offered are abundant. The intersection of Fairfax and Auburn offers a selection of gas stations, mini-marts, food and services and is exactly **2 minutes** from the intersection of Fairfax and College. The intersection at Fairfax and Niles Street is exactly **1 minute** from the intersection of Fairfax and College Avenue and has ample goods and services.

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Page 2  
Mr. Steve Esselman  
May 28, 2021

It is unfathomable to think any services such as the ones being considered would be necessary or even beneficial.

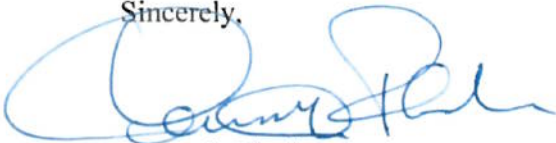
Sixty-four multiple dwelling units backing up to high end homes and a gated community is such a disservice to the current families residing to the west and the north of this proposed development. Why would there even be a consideration of changing the zoning when most residents purchased their property under the guise of something completely different. Single family homes was the original concept, and should remain so.

A visit to either development at the intersections of Fairfax and Auburn or Fairfax and Niles Street (just 2-3 minutes apart) have lights, noise, traffic, undesirable people begging or just loitering, theft, vehicle break-ins, etc. The crime already in existence will now be filtering into the neighborhoods bordering this proposed development. This was not the reason we bought into this development and allowing a zone change such as the one proposed will be catastrophic. Property values will decline as well as property assessments and property taxes, bonds, etc. There is nothing positive about such a development.

If people are looking for apartment living, there is a plethora of multiple family dwellings on Fairfax, Niles Street, Highland Knolls, Auburn, Columbus, and College east of Fairfax. From all of these locations, goods and services are just 1 to 3 minutes away.

We are forwarding a copy of this letter to our Councilman Ken Weir. This proposal of zone changing must stop here.

Sincerely,



Kenneth Rhodes



Dee Rhodes

tbs:bcc

**Steven Esselman**

---

**From:** Gail Malouf <gmalouf@cbbakersfield.com>  
**Sent:** Wednesday, June 2, 2021 10:28 AM  
**To:** Steven Esselman  
**Subject:** General Plan Amendment/Zone Change 20-0172  
**Attachments:** Zone Change.pdf

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

Please see the attached letter of opposition to the proposed zone change at Fairfax and College. I did give you my opposition by phone, and am now sending you this letter.

Thank you.

Gail Malouf, CRP, CRS, GRI  
Broker Associate  
Coldwell Banker Preferred  
9100 Ming Avenue, Suite 100  
Bakersfield, CA 93311  
661-334-2100 direct  
DRE # 00607107

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**\*\*Wire Fraud is on the Rise\*\*** Before wiring any money, call the intended recipient at a number you know is valid and confirm the instructions.

Steve Esselman  
Principal Planner  
[sesselman@bakersfieldcity.us](mailto:sesselman@bakersfieldcity.us)

Re: General Plan Amendment/Zone Change No. 20-0172 MND

I am expressing my opposition to the zone change proposal from R-1 Single Family to C-2 Commercial and R-2 Multiple Family at the NW corner of College and Fairfax. Due to the location and the existing R-1 zoning, I believe it is an excellent location for Single Family homes. There are already homes to the south, west and north, and keeping with the general plan for single family homes would be the best use for this property.

The northwest corner of Fairfax and College is not a good fit with commercial which would include a convenience store, fast food restaurant with a drive through and additional retail pad. College at Fairfax is a two-lane road with a left turn lane onto Fairfax north and a right turn onto Fairfax south. There are four lanes going north and south on Fairfax. This part of Fairfax narrows from the south end of The Summit (the residential subdivision to the north of the proposed zone change) to College. North of this area, Fairfax is wider with dividers in the road and side space for parking. Rezoning this corner would create a traffic hazard for all traffic traveling north and south on Fairfax and east and west on College.

The property is surrounded by single family homes on the south, west and north of the property. There is property already zoned R2 to the east on College that has not been developed. There are convenience stores/gas stations and retail spaces at the SW, NW and NE corners of Auburn and Fairfax. There is a convenience store/gas station at the SE corner of Niles and Fairfax with retail pads on the NE, SW and SE corners. These two intersections are larger than College and Fairfax and can readily handle the heavy traffic. Both intersections are predominately commercial. The intersections of Auburn/Fairfax and Niles/Fairfax are 4-6 lane roads and can handle the traffic.

Having a commercial property at the intersection of Fairfax/College, which is predominately residential, will create additional traffic on a much-traveled road. This will create a hazard to not only the residential properties surrounding the intersection, but all the traffic that travels north and south on Fairfax and east and west on College.

Commercial properties with convenience stores/gas stations and fast food restaurants draw people that tend to loiter, pan handle, and sleep on the sidewalks and next to buildings, go through trash and go into residential areas. There is a large encampment in the hills at the east end of College. We see them coming into the residential areas every day. We have a problem with theft, rummaging through trash and break-ins now. Having the commercial property directly across the street from homes and surrounded by homes, will entice more activity for this ongoing and increasing problem.

Fairfax south of The Summit block wall narrows and will not be able to accommodate traffic to slow down to enter or exit the 4 places within the short span of 1320 feet that is proposed. Fairfax is wider from the block wall north which allows a vehicle to pull to the side to turn into an opening without obstructing traffic.

Rezoning the property to the north of the commercial to multifamily to accommodate 64 apartments, will present a traffic hazard as well. If each apartment has two driving occupants, you are looking at 128 cars trying to enter and exit this property onto Fairfax. The only safe way they could exit would be to go south on Fairfax. With no dividers on Fairfax, people will try to go across the double yellow line and cause accidents.

There are already numerous apartments in the general area with additional R2 zoned property for future building, so changing an existing R1 zoned property is not warranted. Keeping the original general plan for this corner (R1) would keep within the overall character and well-being of the area.

Thank you for your consideration.

Gail Malouf  
Resident Ridgetop Terrace

## **Steven Esselman**

---

**From:** Vancleaveway <vancleaveway@sbcglobal.net>  
**Sent:** Wednesday, June 2, 2021 11:39 AM  
**To:** Steven Esselman  
**Subject:** Notice of Public Hearing

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

Development Services Department  
Bakersfield Planning Department  
1715 Chester Avenue  
Bakersfield, California 93301

Attention: Steve Esselman ; sesselman@bakersfieldcity.us; devpln@bakersfieldcity.us

Subject: Notice of Public Hearing and Distribution of a Mitigated Negative Declaration for General Plan Amendment/Zone Change # 20-0172 located at the northwest of the Fairfax Road and College Avenue intersection (APN: 435-010-33)

This property should remain R1 and single-family homes should be built in this area to stay with the initial concept of the area. The commercial property on the intersections of Auburn/Fairfax and Niles/Fairfax is more than adequate to meet the needs of gas, convenience stores, fast food and other retail related businesses.

Fairfax south of the Highland Knolls Subdivisions will not be able to accommodate traffic to slow down to turn into four places within such a short distance and create a safety concern. The four turn-ins are clearly excessive driving south on Fairfax.

The Bakersfield Country Club area is surrounded by only single-family homes on the south, west and north of the property and should remain as such. In addition, there is already property zoned R2 to the east of College that has not been developed yet.

It is extremely important for our neighborhood to remain as it is without bringing in more likelihood of loitering, panhandling, trash and more theft into our neighborhoods.

In summary, we oppose the proposed zoning change based upon the aforementioned reasons.

Sincerely

Norbert Reid Hendricks  
William M. Curtis  
Bakersfield Country Club Estates  
3109 Flintridge Drive  
Bakersfield, California 93306

## Steven Esselman

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**From:** Rick Roux <rjr2012@att.net>  
**Sent:** Wednesday, June 2, 2021 11:56 AM  
**To:** Steven Esselman  
**Subject:** File: GPA/ZC 20-0172

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

To: Steve Esselman

RE: Notice of public hearing and distribution of a mitigated negative declaration for general plan amendment/zone change number 20-0172 located at the north west of the Fairfax and College Avenue intersection (APN: 435-010-33)

Dear Mr. Esselman,

This project is not the best interest for the Public Good for so many reasons please let me list a few:

1. Strip malls and gas stations. There are probably at least six gas stations within a mile, multiple strip malls currently supporting this community. Adding another one at this location would be a definite overkill. This has always been an R1 designation, making it R2 and C2 commercial center does not make it right.
2. Considering the facts, The two gas stations one at Auburn and Fairfax and the other at Niles and Fairfax have had multiple shootings over the past few years. This is inevitable, and brings unnecessary risk to this community.
3. Historically, strip malls do not improve the value of property nearby. This degrades the value of the homes affected, and lowers taxes for the city. The strip mall next to CVS on Niles was built in 2008 and has never been fully occupied. Can you guarantee that this will not happen with this project?
4. Strip malls tend to attract Vagrants and the homeless, this will inevitably cause problems in the nearby community.
5. Having a 64 unit multi family dwelling units will increase the traffic on Fairfax, there would have to be a median extended from the brick wall to College, at who's expense? Fairfax is not large enough at that intersection to safely handle the additional hundreds of cars that may be attempting to ingress or egress the strip mall and apartments, all day long. Motorist darting across Fairfax to access this commercial enterprise will cause vehicle accidents, if one life is saved by not building this then it is worth not building it.
6. This property should remain R1 and single-family homes should be built in this area to stay with the initial concepts of the community. There is enough property already zoned R2 in close vicinity to cover the need for any multi family living. The commercial properties on the intersections of Auburn/Fairfax and Niles/Fairfax is more than adequate to meet the needs of gasoline, convenience stores, fast food and other retail related businesses. The corner of Fairfax/College is too small to accommodate a high traffic convenience store, gas station, fast food restaurants, and retail pad. Plus the residences and visitors of the 64 multi family units.
7. Additionally, this will affect more than the residences located within 300 feet of which there were only 140 letters sent out. This intersection will cause problems for everyone going through it, not just those who live nearby To be fair, there should've been a broader broadcast of information.

Finally, I do not believe that this is the right place to or the right time to build this project. The city should perhaps purchase it and create a green space for the community, which is sorely lacking in the north east of Bakersfield. I do believe, that the risks and dangers far outweigh the benefits that this project may provide for the immediate community.

Sincerely,

Rick Roux  
661-979-5283  
rjr2012@att.net

## **Steven Esselman**

---

**From:** RICHARD HARGER <captainrichie@sbcglobal.net>  
**Sent:** Wednesday, June 2, 2021 6:28 PM  
**To:** Steven Esselman  
**Cc:** City\_Council  
**Subject:** GPA/ZC 20-0172 Zone change at Fairfax and College

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

I am opposed to changing the zoning from R1 to C2 and R1 to R2.

The intersection is too narrow to accommodate the additional traffic a gas station, convenience store, fast food drive thru restaurant and retail pad will bring. This intersection is surrounded by residential homes. There are homes directly across the two lane street from the proposed commercial space.

There is sufficient R2 to the east end of College for development. There is no need to deviate from the original general plan of R1 zoning. Greed is not a reason to diminish an established tax paying neighborhood.

The intersections at Auburn and Fairfax and Niles and Fairfax have gas stations, convenience stores, retail pads and fast food. Both intersections are much wider than the one at Fairfax and College, and are predominately commercial. Between these two intersections, there are 4 gas stations and convenience stores. There is no need to put another one between Auburn and Niles on Fairfax in a predominately residential area.

Due to the closeness of the residential subdivisions, this proposal will jeopardize the surrounding homes with traffic congestion, loitering, trash and more theft.

Fairfax will not be able to handle the additional traffic that a 64 apartment complex will bring. It is not wide enough, and cannot safely allow a slow down of traffic to enter and exit the complex.

This property should remain R1 and have residential homes built on the entire acreage.

Thank you for your consideration.

Richard Harger  
Ridgetop Terrace

Sent from my iPad

## Steven Esselman

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**From:** courtney tobias <courtneytobias@yahoo.com>  
**Sent:** Wednesday, June 2, 2021 8:06 PM  
**To:** Steven Esselman  
**Subject:** Fairfax/College

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Dear Mr. Esselman,

We are writing this email to express our concern and disapproval of the proposed gas station, convenience store and apartments planned for the intersection of Fairfax and College. That is an already busy intersection with limited space. The traffic the plan would bring is terrible. There are already gas stations, convenient stores and apartments on fairfax/Niles as well as fairfax/Auburn. They are much bigger intersection. This intersection has already been a nightmare for several years with constant construction, sink holes, etc.

We believe this plan could bring much more panhandling, loitering, mail theft and rummaging through trash than we already have in the Bakersfield Country Club neighborhood. We do not see any good that would come of this plan.

Please do not pass this plan. The people in the BCC neighborhood are hard working residents who only want a peaceful and safe neighborhood.

Thank you,

Dr. Justin and Courtney Tobias

4290 Country Club Dr

Bakersfield, Ca 93306

[Sent from Yahoo Mail for iPhone](#)

**Steven Esselman**

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**From:** Sandra Jackson <pizazzsalon@gmail.com>  
**Sent:** Thursday, June 3, 2021 8:16 AM  
**To:** citycouncil@bakersfieldcity.us  
**Cc:** Steven Esselman  
**Subject:** Attention Ken Weir

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

I am writing you to vice my husband's and I very strongly opposition to the request to re zone the corner of Fairfax and College. We have lived in the area for 38 years. Please do not vote to re zone this property!

Thank you,

Gary Carter

Sandra Carter

6228 Ridgetop Terrace

Sent from my iPhone

## Steven Esselman

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**From:** DEVPln  
**Sent:** Thursday, June 3, 2021 2:35 PM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Marcela Joven <jovenclan@outlook.com>  
**Sent:** Thursday, June 3, 2021 1:35 PM  
**To:** DEVPln <DEVPln@bakersfieldcity.us>  
**Cc:** checkmate3209@gmail.com  
**Subject:**

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

OPEN LETTER TO PLANNING BOARD  
CALIFORNIA GOVERNOR EXCEUTIVE ORDER: N-29-20  
LOCATION CORNER OF FAIRFAX ROAD AND COLLEGE AVE  
From: Arthur and Marcela Joven

June 2, 2021

RE: OPPOSITION TO ZONING CHANGES ALLOWING CONVENIENCE STORE WITH GAS STATIONS AND MULTIPLE APARTMENT HOUSING ON PROPOSED SITE (CORNER OF FAIRFAX RD AND COLLEG AVE)

We strongly oppose the proposed plan to build a Convenience store with gas stations, shopping mall and apartments on the corner of Fairfax Road /College Ave.

Our neighborhood currently has Three (3) Convenience stores and shopping mall One (1) mile North of our residence. Additionally, our neighborhood has another Convenience store One (1) mile South of us. The necessity to have another Convenience store with gas stations in our neighborhood is not needed. Another Convenience store would add more crime, traffic, and more pollution.

Additionally, our neighborhood is not a low-income neighborhood. Allowing the proposed structures would reduce the value of all surrounding houses. Furthermore, the property values in the entire neighborhood will decline as it gradually changes from a single-family area into a multifamily area. Our neighborhood will lose our peaceful enjoyment and privacy to the noise, fumes, stress, hassle, and danger.

In addition, harmful vapors, leaks from gasoline storage tanks are a major concern for our neighborhood. Once the uncoated steel tanks start to rust, they are prone to fuel leaks. It should be noted the neighborhood water (East Niles Water District) storage tanks are adjacent to the Convenience store with gas stations proposed location. The possibility of contamination to our water supply is at risk. Certainly, the Convenience store with gas stations will pose a hazard to our environment and health.

Furthermore, the proposal to have a small shopping mall is not needed in our neighborhood. We all know, what type of stores will rent the shopping mall units (Smoke shop, Massage Parlors, 99 cent store, etc....). We do not need such type of businesses in our well-established neighborhood.

As for the multi apartment proposal, our house is in a residential zone, which is restricted to single family uses. The change to zoning will affect our neighborhood. This area will be included in a new "Overlay" where new uses would be allowed. The new uses would include a Convenience store with gas stations, shopping mall or multi rental apartments, intended for lower incomes, built on lots at high density. Statistics have shown apartments and other high density housing types produce higher crime rates and higher call rates to the Police. Our Bakersfield Police Department (BPD) is over worked as it is. Having the apartments built would increase the BPD's workload.

All in all, the aforementioned structures would cause danger to our neighborhood due to increased traffic in a one way in, one way out community. Not to mention the numerous other factors, such as increased crime, decreased home values and changing the face of our neighborhood forever for our children and future generations. We implore the members to do the right thing and keep our families and neighborhood safe.

Sincerely,  
Art & Marcy Joven

Sent from [Mail](#) for Windows 10

## Steven Esselman

---

**From:** DEVPln  
**Sent:** Thursday, June 3, 2021 4:30 PM  
**To:** Steven Esselman; Paul Johnson  
**Subject:** FW: GPA/ZC 20-0174

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Art Joven <checkmate3209@gmail.com>  
**Sent:** Thursday, June 3, 2021 2:45 PM  
**To:** DEVPln <DEVPln@bakersfieldcity.us>  
**Subject:** GPA/ZC 20-0174

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

OPEN LETTER TO PLANNING BOARD  
FILE NUMBER: GPA /ZC 20-0174

LOCATION CORNER OF FAIRFAX ROAD AND COLLEGE AVE  
From: Arthur and Marcela Joven

June 3, 2021

RE: OPPOSITION TO ZONING CHANGES ALLOWING CONVENIENCE STORE WITH GAS STATIONS AND  
MULTIPLE APARTMENT HOUSING ON PROPOSED SITE (CORNER OF FAIRFAX RD AND COLLEG AVE)

We strongly oppose the proposed plan to build a Convenience store with gas stations, shopping mall and apartments on the corner of Fairfax Road / College Ave.

Our neighborhood currently has Three (3) Convenience stores and shopping mall One (1) mile North of our residence. Additionally, our neighborhood has another Convenience store One (1) mile South of us. The necessity to have another Convenience store with gas stations in our neighborhood is not needed. Another Convenience store would add more crime, traffic, and more pollution.

Additionally, our neighborhood is not a low-income neighborhood. Allowing the proposed structures would reduce the value of all surrounding houses. Furthermore, the property values in the entire neighborhood will decline as it gradually changes from a single-family area into a multifamily area. Our neighborhood will lose our peaceful enjoyment and privacy to the noise, fumes, stress, hassle, and danger.

In addition, harmful vapors, leaks from gasoline storage tanks are a major concern for our neighborhood. Once the uncoated steel tanks start to rust, they are prone to fuel leaks. It should be noted the

neighborhood water (East Niles Water District) storage tanks are adjacent to the Convenience store with gas stations proposed location. The possibility of contamination to our water supply is at risk. Certainly, the Convenience store with gas stations will pose a hazard to our environment and health.

Furthermore, the proposal to have a small shopping mall is not needed in our neighborhood. We all know, what type of stores will rent the shopping mall units (Smoke shop, Massage Parlors, 99 cent store, etc....). We do not need such type of businesses in our well-established neighborhood.

As for the multi apartment proposal, our house is in a residential zone, which is restricted to single family uses. The change to zoning will affect our neighborhood. This area will be included in a new "Overlay" where new uses would be allowed. The new uses would include a Convenience store with gas stations, shopping mall or multi rental apartments, intended for lower incomes, built on lots at high density. Statistics have shown apartments and other high density housing types produce higher crime rates and higher call rates to the Police. Our Bakersfield Police Department (BPD) is over worked as it is. Having the apartments built would increase the BPD's workload.

All in all, the aforementioned structures would cause danger to our neighborhood due to increased traffic in a one way in, one way out community. Not to mention the numerous other factors, such as increased crime, decreased home values and changing the face of our neighborhood forever for our children and future generations. We implore the members to do the right thing and keep our families and neighborhood safe.

Sincerely,

Art & Marcy Joven Art Joven  
661-204-9199  
[Checkmate3209@gmail.com](mailto:Checkmate3209@gmail.com)

## Steven Esselman

---

**From:** BRitchey@bak.rr.com  
**Sent:** Thursday, June 3, 2021 1:57 PM  
**To:** DEVPln  
**Cc:** Steven Esselman  
**Subject:** Zone change No. 20-172

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Bill Ritchey  
6208 Juanito Ct.  
Bakersfield, CA 93306

RE: proposed Zone change No. 20-0172

To whom it may concern:

I oppose the proposed amendment based on incompatible land use with the current development around that land and I have safety concerns for any business located on the corner of Fairfax and College Ave.

I support single family dwellings as a compatible land use but not apartments or a convenience store. Currently, most car traveling southbound downhill on Fairfax are traveling in excess of 50mph. The corner of Fairfax and College has many accidents and adding egress and access to a business around that corner would make it worse.

Sincerely,  
Bill Ritchey

## Steven Esselman

---

**From:** Sylvia Granillo <sgranillo1255@gmail.com>  
**Sent:** Thursday, June 3, 2021 4:53 PM  
**To:** Steven Esselman  
**Subject:** Proposed Rezoning Fairfax/College

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

This email is regarding my concerns about the proposed rezoning of the corner of Fairfax and College.

My husband and I walk daily through this road and have seen numerous close calls. The south bound lanes curve into the north bound lanes once the median finished at the end of my subdivision (The Summit). Not too long ago there was a major car ambulance where the occupants had to be pried out. The plans showed three entrances and exits which to me will further make this property even more dangerous. If the project is approved I am requesting the median be extended to College Ave with turn outs.

Also, I am concerned about the homeless people who will potentially make the proposed easement their new home.

Also, there already is 4 gas stations within a 3 miles radius. There is no need for a fourth. Two of the Fastrips have had criminal activity on multiple occasions. So there is no need for a 7-11.

I pray the owners and planning commission reconsider the zoning of this property.

## Steven Esselman

---

**From:** Jeana Brandon <jeanabrandon1@gmail.com>  
**Sent:** Thursday, June 3, 2021 4:29 PM  
**To:** Steven Esselman  
**Subject:** General Plan Amendment/Zone Change #20-0172

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

City Planning,

I am writing this to contest and ask questions regarding Zone change No. 20-0172 as a concerned resident of the Summit which is right next to this planned development and zone change. I am the HOA president of the Summit and I have a few questions and concerns regarding this project, we have 31 homes located just North of the planned development.

I myself and all residents of the Summit that I have spoke to are not in favor of this zone change or development.

**Concerns:**

- As per the drawings shown in the Negative Declaration I see you will be adding another stackable block wall, What are the easements from the South wall of the Summit? Our South wall is also stackable block, What impact will this new development have on the existing wall that will not erode or cause damage to the existing homes and property due to now changing the cut and fill that supports the existing wall and property?
- What barriers will be placed to keep people from gaining access to the wall so that it can be climbed on, with the stackable block we have in place this is easy to climb.
- Traffic concerns – Fairfax is already like a race track heading toward College. Traffic is flying South bound and now you will be adding 3 additional entry points for traffic that will need to slow down to make turns into the new planned development. Is there going to be any additional stop lights added at entry points?
- Will there be a median all the way down Fairfax Road to College? The traffic will be considerably heavier and with the entrances and exits appearing to be on Fairfax Road cars will be crossing double-double yellow lines to head southbound. This is a high speed area as it is and with the additional hundreds of cars added the safety is extremely concerning. There has been a head-on collision right in that mentioned area in the last year to year and a half. Customers and residents will not abide by the double yellow lines if a median is **not** put in place all the way to the next intersection, College and Fairfax.
- How many convenience stores need to be in a 3 mile stretch. This is CRAZY!
- Are these section 8 apartments?

Regards  
Jeana Brandon  
Summit Resident

## Steven Esselman

---

**From:** Steven Esselman  
**Sent:** Monday, June 7, 2021 7:50 AM  
**To:** rlabbott44@gmail.com  
**Cc:** Paul Johnson; DEVPln  
**Subject:** RE: Gpa/znchg

Mr. Abbott,

The environmental document can be found here:

<https://content.civicplus.com/api/assets/27d86d4f-59b9-42df-8324-7d7eefb611fb?scope=all>

And the Planning Commission staff report and backup materials can be found here:

<https://bakersfield.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=9938&MeetingID=657>

Respectfully,

Steve Esselman | Principal Planner  
Development Services Department  
City of Bakersfield  
email: [sesselman@bakersfieldcity.us](mailto:sesselman@bakersfieldcity.us)  
web: [www.bakersfieldcity.us](http://www.bakersfieldcity.us)  
phone: 661-326-3786

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

**From:** DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>  
**Sent:** Monday, June 7, 2021 7:45 AM  
**To:** Steven Esselman <[sesselman@bakersfieldcity.us](mailto:sesselman@bakersfieldcity.us)>; Paul Johnson <[pjohnson@bakersfieldcity.us](mailto:pjohnson@bakersfieldcity.us)>  
**Subject:** FW: Gpa/znchg

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

**From:** Randall Abbott <[rlabbott44@gmail.com](mailto:rlabbott44@gmail.com)>  
**Sent:** Saturday, June 5, 2021 12:17 PM  
**To:** DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>  
**Subject:** Gpa/znchg

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

Looking for info pertaining to proposed GPA/Znchg. Northwest corner Fairfax/College

Sent from my iPhone

## Steven Esselman

---

**From:** Rick Roux <rjr2012@att.net>  
**Sent:** Wednesday, June 2, 2021 9:11 PM  
**To:** City\_Council  
**Subject:** Ref: General plan amendment/zone change no, 20-172

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

To: Ken Weir

RE: Notice of public hearing and distribution of a mitigated negative declaration for general plan amendment/zone change number 20-0172 located at the north west of the Fairfax and College Avenue intersection (APN: 435-010-33)

Dear Mr. Weir,

This project is not the best interest for the Public Good for so many reasons please let me list a few:

1. Strip malls and gas stations. There are probably at least six gas stations within a mile, multiple strip malls currently supporting this community. Adding another one at this location would be a definite overkill. This has always been an R1 designation, making it R2 and C2 commercial center does not make it right.
2. Considering the facts, The two gas stations one at Auburn and Fairfax and the other at Niles and Fairfax have had multiple shootings over the past few years. This is inevitable, and brings unnecessary risk to this community.
3. Historically, strip malls do not improve the value of property nearby. This degrades the value of the homes affected, and lowers taxes for the city. The strip mall next to CVS on Niles was built in 2008 and has never been fully occupied. Can you guarantee that this will not happen with this project?
4. Strip malls tend to attract Vagrants and the homeless, this will inevitably cause problems in the nearby community.
5. Having a 64 unit multi family dwelling units will increase the traffic on Fairfax, there would have to be a median extended from the brick wall to College, at who's expense? Fairfax is not large enough at that intersection to safely handle the additional hundreds of cars that may be attempting to ingress or egress the strip mall and apartments, all day long. Motorist darting across Fairfax to access this commercial enterprise will cause vehicle accidents, if one life is saved by not building this then it is worth not building it.
6. This property should remain R1 and single-family homes should be built in this area to stay with the initial concepts of the community. There is enough property already zoned R2 in close vicinity to cover the need for any multi family living. The commercial properties on the intersections of Auburn/Fairfax and Niles/Fairfax is more than adequate to meet the needs of gasoline, convenience stores, fast food and other retail related businesses. The corner of Fairfax/College is too small to accommodate a high traffic convenience store, gas station, fast food restaurants, and retail pad. Plus the residences and visitors of the 64 multi family units.
7. Additionally, this will affect more than the residences located within 300 feet of which there were only 140 letters sent out. This intersection will cause problems for everyone going through it, not just those who live nearby To be fair, there should've been a broader broadcast of information.

Finally, I do not believe that this is the right place to or the right time to build this project. The city should perhaps purchase it and create a green space for the community, which is sorely lacking in the north east of Bakersfield. I do believe, that the risks and dangers far outweigh the benefits that this project may provide for the immediate community.

Sincerely,

Rick Roux  
661-979-5283  
rjr2012@att.net

## Steven Esselman

---

**From:** RICHARD HARGER <captainrichie@sbcglobal.net>  
**Sent:** Wednesday, June 2, 2021 6:28 PM  
**To:** Steven Esselman  
**Cc:** City\_Council  
**Subject:** GPA/ZC 20-0172 Zone change at Fairfax and College

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

I am opposed to changing the zoning from R1 to C2 and R1 to R2.

The intersection is too narrow to accommodate the additional traffic a gas station, convenience store, fast food drive thru restaurant and retail pad will bring. This intersection is surrounded by residential homes. There are homes directly across the two lane street from the proposed commercial space.

There is sufficient R2 to the east end of College for development. There is no need to deviate from the original general plan of R1 zoning. Greed is not a reason to diminish an established tax paying neighborhood.

The intersections at Auburn and Fairfax and Niles and Fairfax have gas stations, convenience stores, retail pads and fast food. Both intersections are much wider than the one at Fairfax and College, and are predominately commercial. Between these two intersections, there are 4 gas stations and convenience stores. There is no need to put another one between Auburn and Niles on Fairfax in a predominately residential area.

Due to the closeness of the residential subdivisions, this proposal will jeopardize the surrounding homes with traffic congestion, loitering, trash and more theft.

Fairfax will not be able to handle the additional traffic that a 64 apartment complex will bring. It is not wide enough, and cannot safely allow a slow down of traffic to enter and exit the complex.

This property should remain R1 and have residential homes built on the entire acreage.

Thank you for your consideration.

Richard Harger  
Ridgetop Terrace

Sent from my iPad

## Steven Esselman

---

**From:** Paul Johnson  
**Sent:** Tuesday, June 8, 2021 7:21 AM  
**To:** Steven Esselman  
**Subject:** FW: Greetings & No gas station in R1 please....

For the record.

**From:** Anthony Valdez <avaldez@bakersfieldcity.us>  
**Sent:** Monday, June 7, 2021 4:48 PM  
**To:** Paul Johnson <pjohnson@bakersfieldcity.us>  
**Subject:** FW: Greetings & No gas station in R1 please....



**Anthony E. Valdez | Administrative Analyst III**  
City Manager's Office

City of Bakersfield  
**email:** [avaldez@bakersfieldcity.us](mailto:avaldez@bakersfieldcity.us)  
**web:** [www.bakersfieldcity.us](http://www.bakersfieldcity.us)  
**phone:** 661-326-3029 (direct)



**From:** City\_Council  
**Sent:** Friday, June 4, 2021 3:19 PM  
**To:** Anthony Valdez <[avaldez@bakersfieldcity.us](mailto:avaldez@bakersfieldcity.us)>  
**Subject:** FW: Greetings & No gas station in R1 please....

**From:** Chris Cofer <[cofercw@gmail.com](mailto:cofercw@gmail.com)>  
**Sent:** Thursday, June 3, 2021 4:58 PM  
**To:** City\_Council <[City\\_Council@bakersfieldcity.us](mailto:City_Council@bakersfieldcity.us)>  
**Subject:** Greetings & No gas station in R1 please....

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

Greetings Councilman Weir,

I am new to the area and live just to the south of your Council District, near Fairfax and College. I purchased my residence and home at 2600 Poppy Street in April.

I first learned of this from postings that I believe are from your constituents and I request that you give greatest consideration to the preferences of residents who would be impacted by a change in zoning. The R 1 Zoning is fine the way it is - please do not change it to allow a gas station to be built in a residential area. There are already enough



gas stations. If there is a genuine need for an additional one it could be built in an already commercially zoned area. Building a gas station very close to my home will degrade and adversely impact nearby home values.

Having met some of my neighbors, I very much appreciate the existing residential character of the neighborhood. A gas station is not an improvement to the area and it will degrade the existing residential character. As an indicator of how gas stations can impact areas, I suggest observing the social dynamic at the existing gas station at Niles and Fairfax. A change in zoning for a gas station will likely bring that social element to your district and affect your constituents.

I was very well served by a local outstanding real estate professional and he may have insights into making better use of this land and conforming development aligned with the existing zoning for the area.

I look forward to the possibility of meeting you in person at some future time and thank you for your consideration of my concerns. Thank you also for your service to the city and community as an elected public official.

--  
Christopher W. Cofer  
MPPA, Political Science  
626-389-7673

## Steven Esselman

---

**From:** Mendoza, Lupita@DOT <Lupita.Mendoza@dot.ca.gov>  
**Sent:** Monday, June 7, 2021 5:06 PM  
**To:** Steven Esselman  
**Subject:** GPA/ZC 20-0172

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good afternoon Steve,

I have reviewed the above stated project and based on the information submitted, Caltrans believes that the above referenced project will not have a significant impact on the State Highway System.

Thank you,  
*Lupita Mendoza*  
Transportation Planner  
California Department of Transportation  
1352 West Olive Avenue  
Fresno, CA 93778  
(559) 981-7066

## Steven Esselman

---

**From:** Eric Kong <erickong24@gmail.com>  
**Sent:** Monday, June 7, 2021 1:58 PM  
**To:** Steven Esselman  
**Subject:** Corner of College / Fairfax

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Hello,

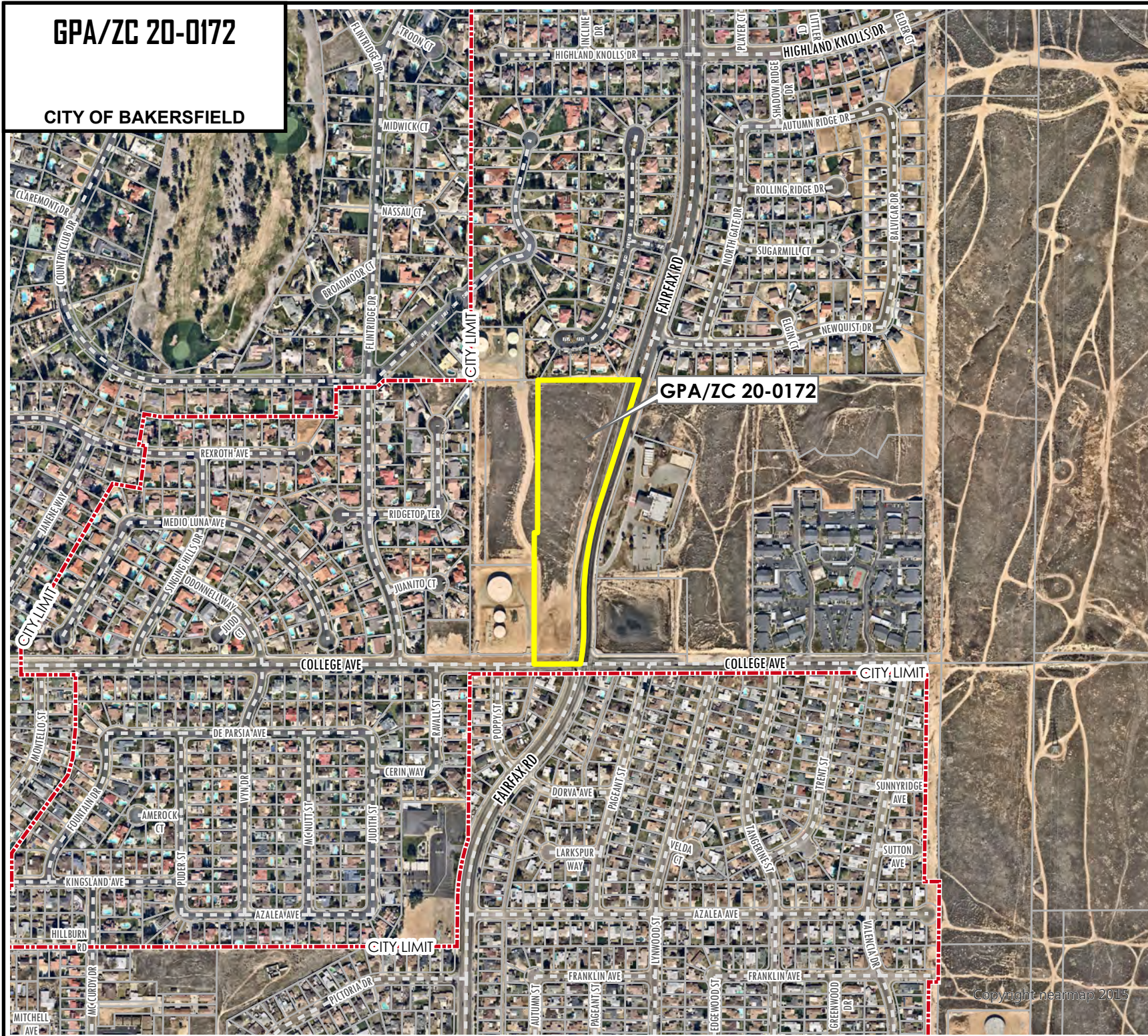
I saw the proposed zoning change from Single Family to Multi Family / Commercial on the corner of Fairfax and College. I don't think that this is an appropriate change for our city. This corner is already busy and it would bring excessive hazardous traffic to our area.

I think that Auburn / Fairfax and Niles / Fairfax being zoned commercially is already more than enough.

Thanks

GPA/ZC 20-0172

CITY OF BAKERSFIELD



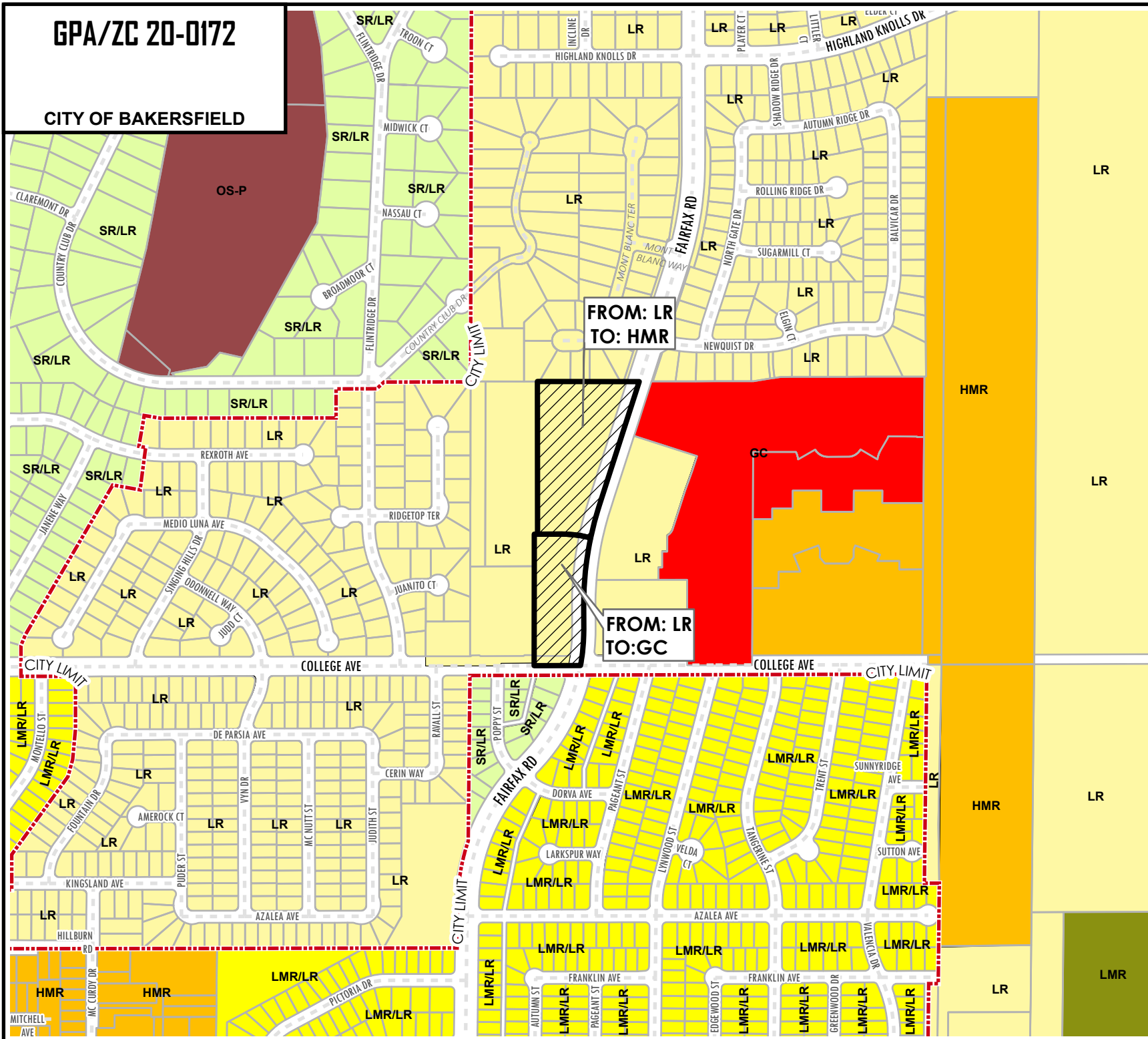
AERIAL



Document Name: 2020\_08\_02

GPA/ZC 20-0172

CITY OF BAKERSFIELD



Land Use

RESIDENTIAL

LMR - Low Medium Density  
Residential: > 4 units but  
≤ 10 dwelling units/net  
acre

HMR - High Medium  
Density Residential: >  
7.26 units but ≤ 17.42  
dwelling units/net acre

LMR/LR - COUNTY: ≤ 10  
D.U./NET ACRE | CITY: > 4  
AND ≤ 7.26 D.U./NET ACRE

LR - Low Density  
Residential: ≤ 7.26  
dwelling units/net acre

SR/LR - CITY: ≤ 7.26  
DWELLING UNITS/NET ACRE  
| COUNTY: ≤ 4 DWELLING  
UNITS/NET ACRE

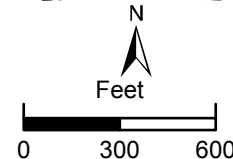
COMMERCIAL

GC - General Commercial

OPEN SPACE

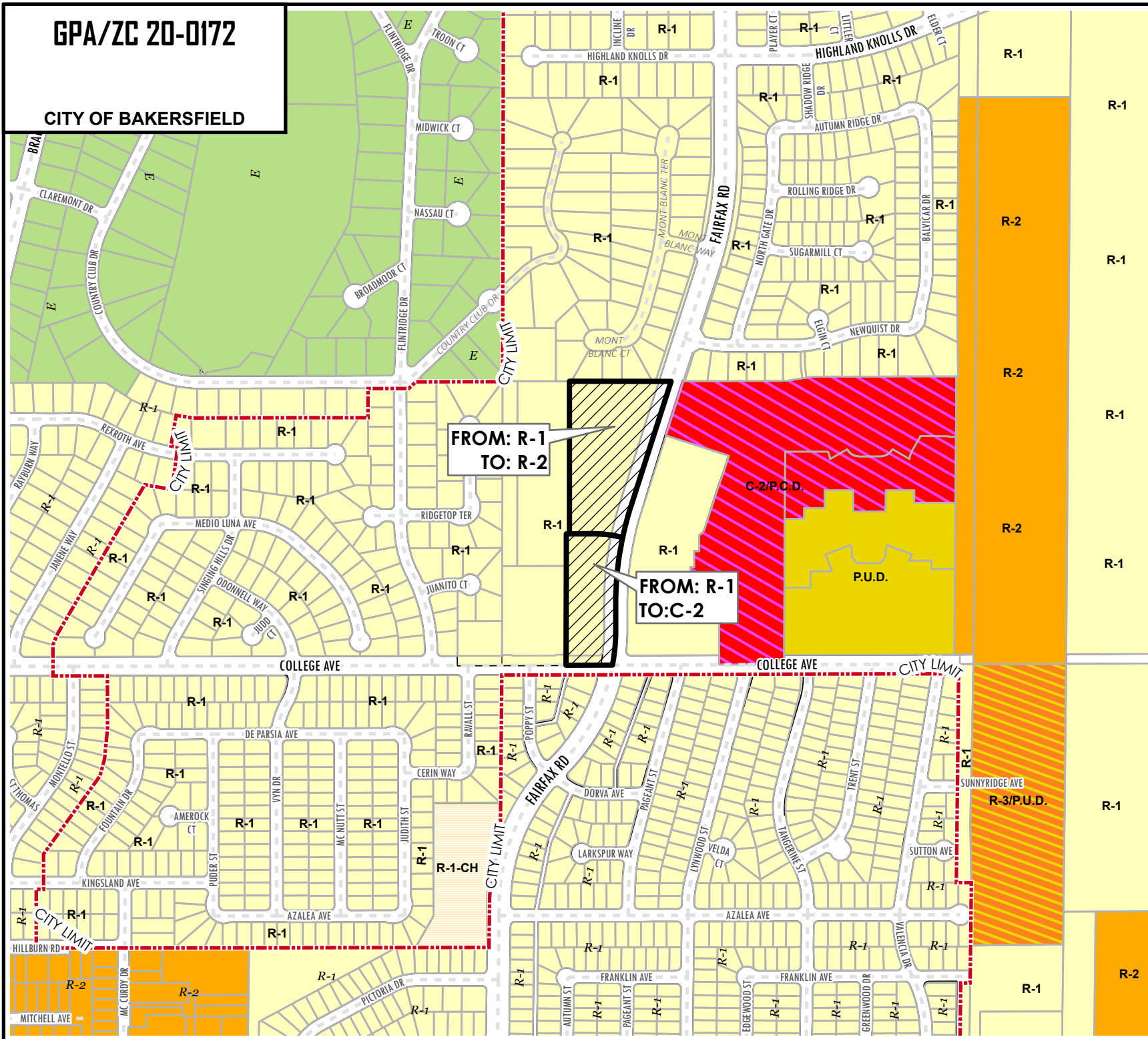
OS-P - Parks and  
Recreation

**BAKERSFIELD**



GPA/ZC 20-0172

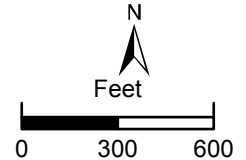
CITY OF BAKERSFIELD



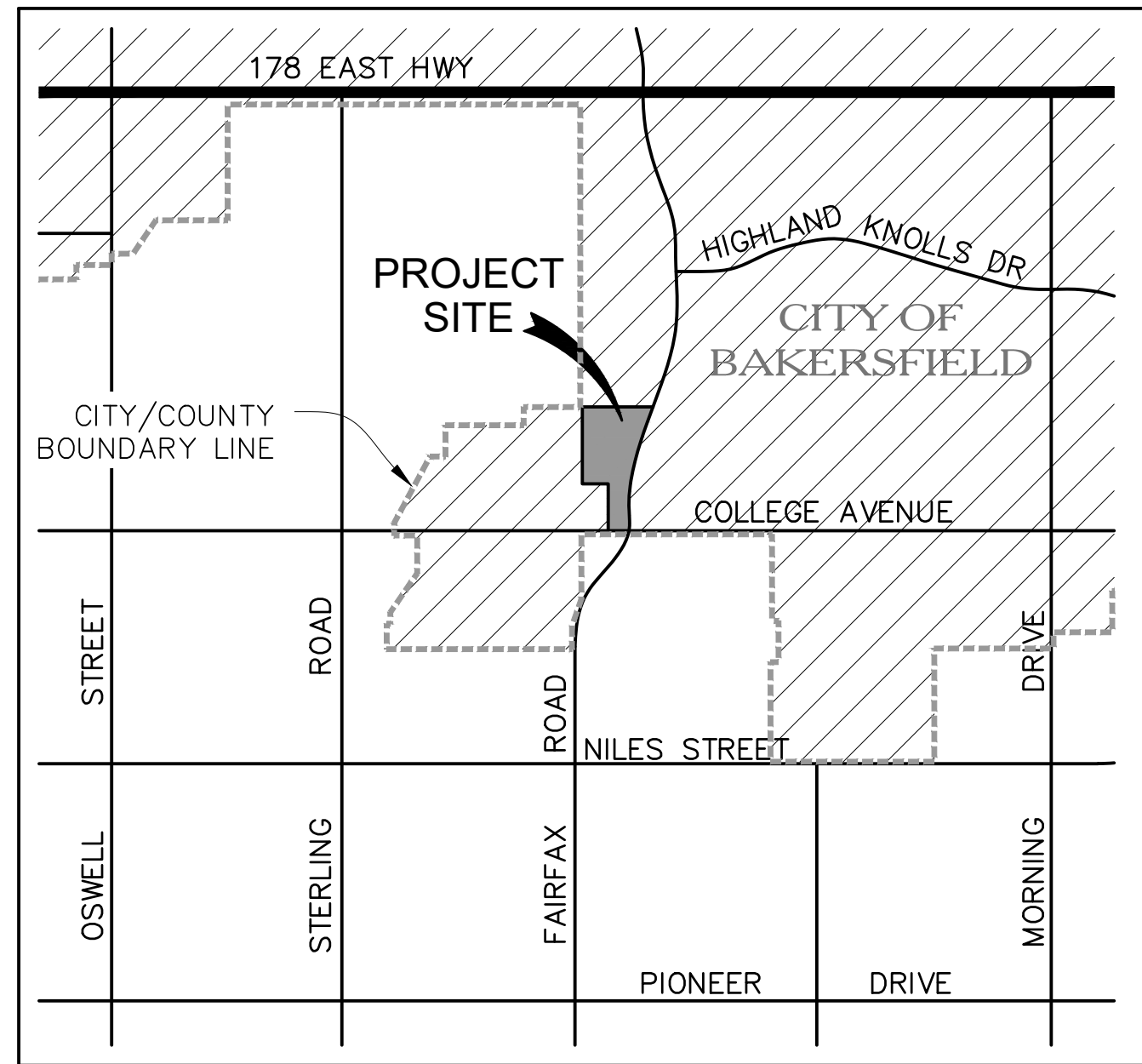
## LEGEND (ZONE DISTRICTS)

- 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**



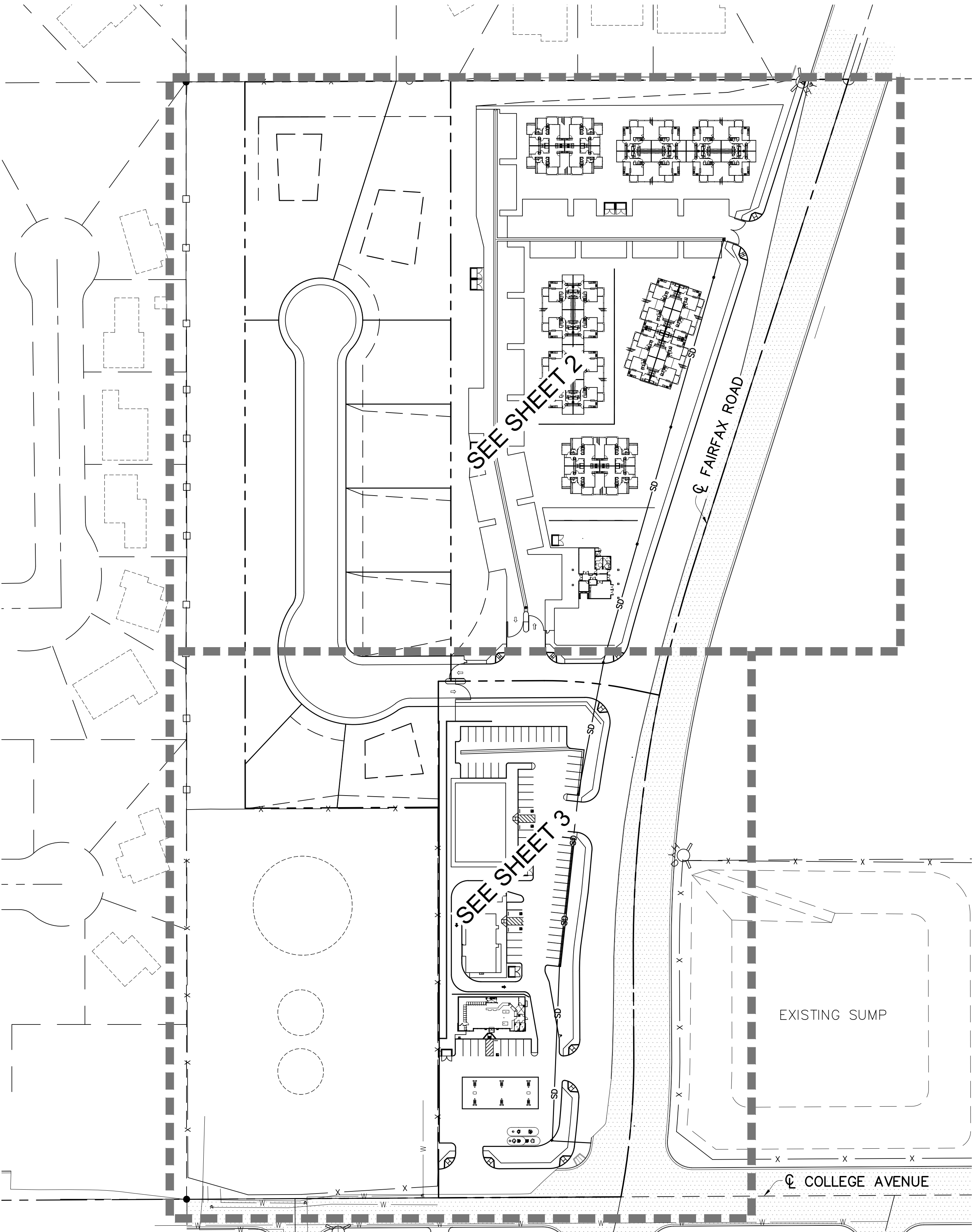
PRELIMINARY GRADING PLAN  
FAIRFAX ROAD AND COLLEGE AVENUE  
BAKERSFIELD, CALIFORNIA



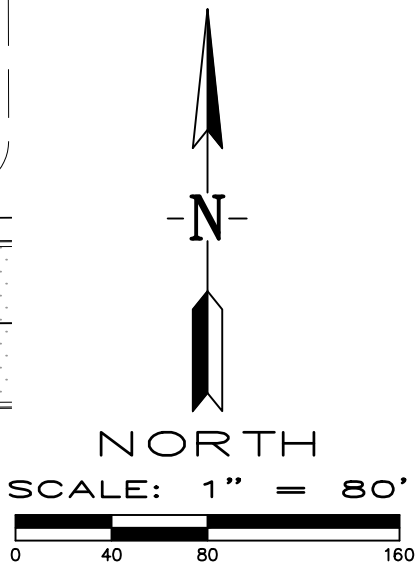
VICINITY MAP  
NO SCALE

SHEET No. INDEX

- ① COVER SHEET & PLAN SHEET INDEX
- ② TO ③ PRELIMINARY GRADING PLAN



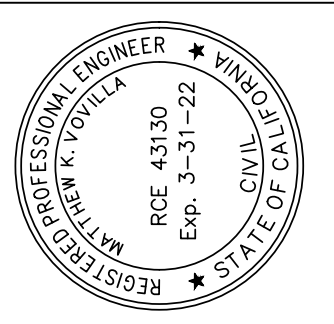
KEY MAP



LAV// Pinnacle Engineering

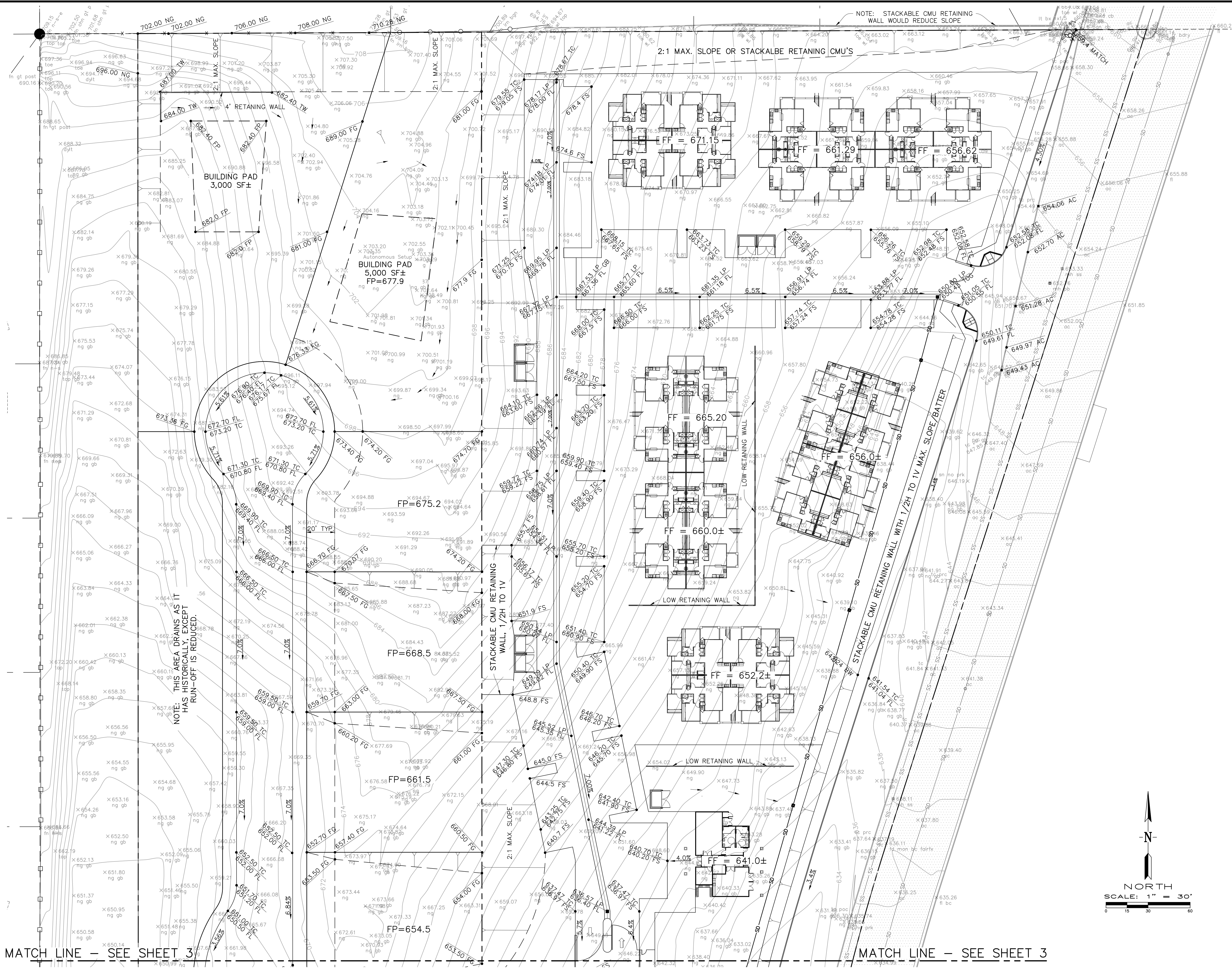
ENGINEERING • PLANNING • SURVEYING  
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312  
Phone: (661) 869-0184 Fax: (661) 885-4155

MATTHEW K. YOVILLA	RCE 43130 EXP. 3/31/22
REVISIONS	DATE



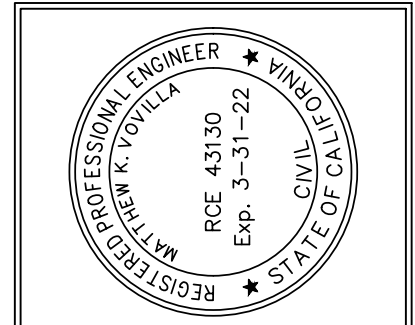
COVER SHEET  
PRELIMINARY GRADING PLAN  
FAIRFAX RD & COLLEGE AVE  
BAKERSFIELD, CALIFORNIA

JOB No.:	18-827
DWG NO.:	GRADING
DATE:	11/5/20
DRAWN BY:	ADA
CHECKED BY:	MKV
SHEET	1
OF 3 SHEETS	



**LAV// Pinnacle Engineering**  
ENGINEERING • PLANNING • SURVEYING  
12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312  
Phone: (661) 869-0184 Fax: (661) 885-4155

REVISIONS	DATE
MATTHEW K. YOVILLA	RCE 43130 EXP. 3/31/22



**PRELIMINARY GRADING PLAN**  
**FAIRFAX RD & COLLEGE AVE**  
**BAKERSFIELD, CALIFORNIA**

JOB NO.:	18-827
DWG NO.:	GRADING
DATE:	11/5/20
DRAWN BY:	ADA
CHECKED BY:	MKV
SHEET	2
OF 3 SHEETS	





The map displays the project site location in Westfield, Massachusetts. The site is marked with a black square and labeled "PROJECT SITE". The map shows the intersection of Westfield Avenue and Westfield Highway, with the project site located on Westfield Avenue. Other streets shown include Westfield Avenue, Westfield Highway, and Westfield Street. A north arrow is located in the bottom right corner.

MICHAEL DHANENS ARCHITECT

661/324-4141  
P.O. BOX 82155  
BAKERSFIELD, CALIFORNIA  
9 3 3 8 0  
C-18790



**3000 Fairfax Road**

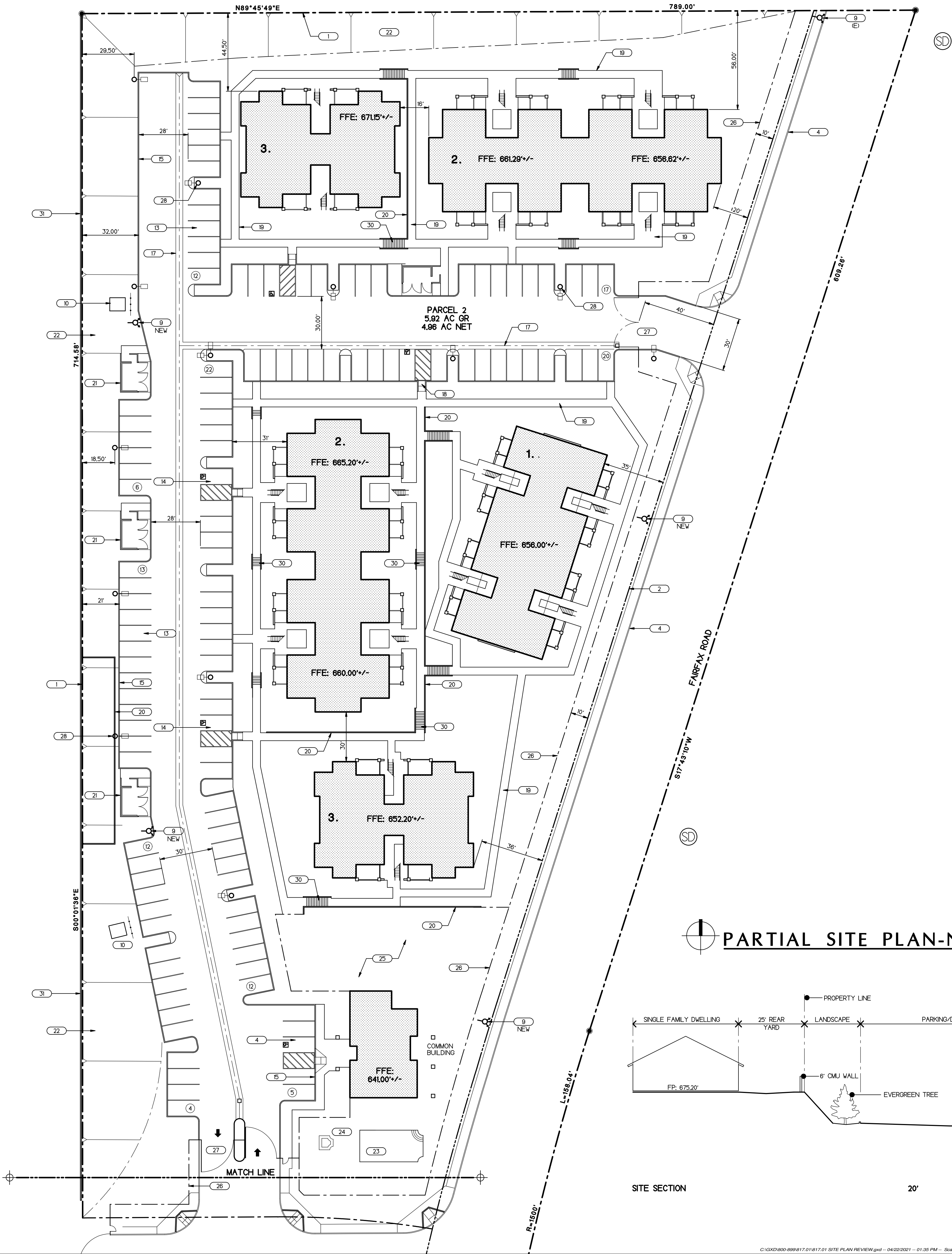
**Parcel 1 of PMW 14-91  
APN 435-010-33  
Bakersfield, California**

**MIXED USE**

## OVERALL SITE PLAN

GPA ZC 20-0172  
PDR 21-0046

NO.	REVISIONS	
1		
2		
3		
4		
5		
NO.	ISSUED FOR	
1		
2		
3		
4	SPR REVISIONS (04/20/21)	
5	SITE PLAN REVIEW (01/27/21)	
DATE	01/27/21	SHEET
DRAWN		A-1.00
PROJECT NUMBER	817.01	
		ARCHITECTURE

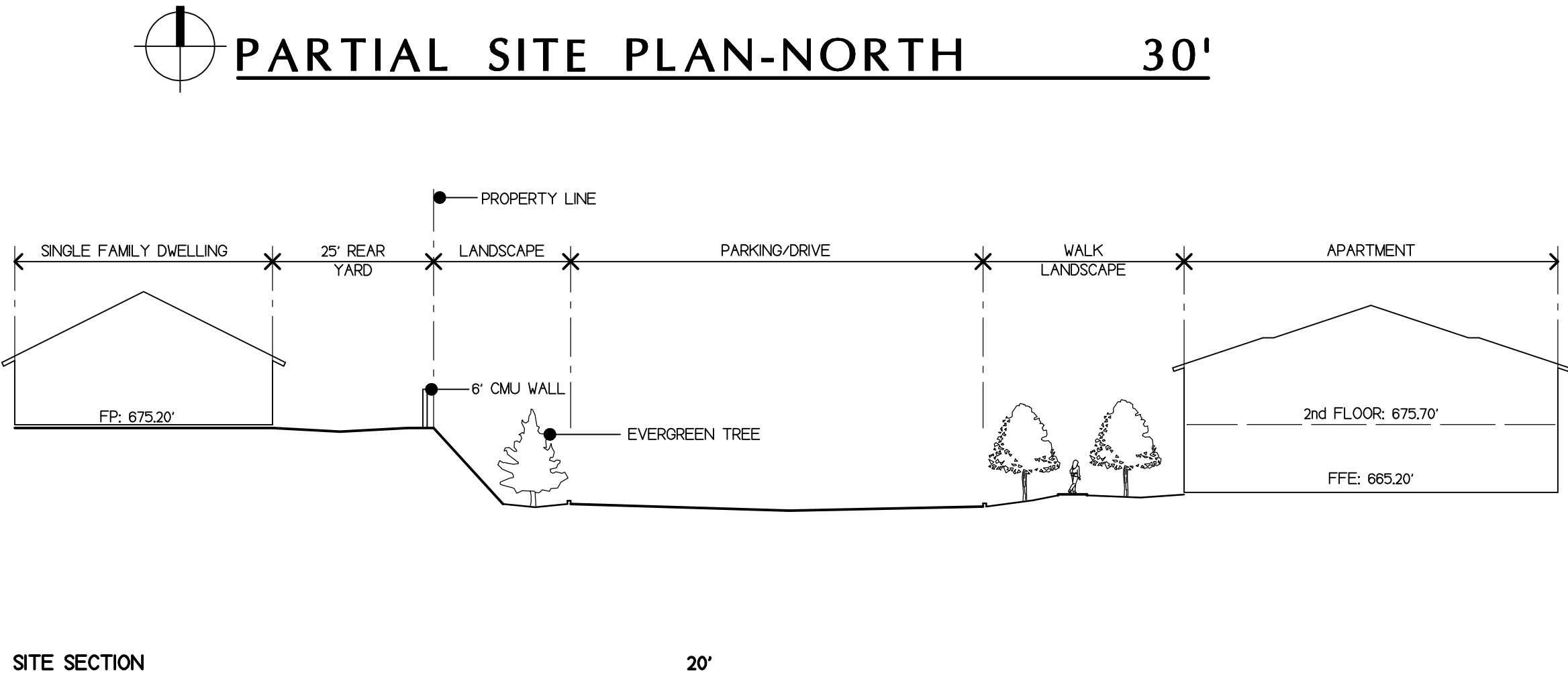


USABLE OPEN SPACE	
CITY OF BAKERSFIELD MUNICIPAL CODE SECTION 17.14.026	
GROSS AREA OF LOT EXCLUDING FRONT YARD SETBACKS	196,195 SF
BUILDINGS	31,854 SF
PARKING/DRIVEWAYS	49,442 SF
SUB-TOTAL	81,396 SF
OPEN SPACE	42x

ZONING CLASSIFICATION		PROPOSED R-2 (LIMITED MULTIFAMILY DWELLING ZONE)	
ZONE MAP		ZONE MAP 103-24	
ASSESSOR PARCEL		APN 435-010-33 (PORTION OF SEC 33; T27S, R28E, MDM)	
LEGAL DESCRIPTION		PARCEL 2; VESTING TENTATIVE PARCEL MAP 12302	
SITE DEVELOPED AREA		5.92 ACRES GROSS; 4.96 ACRES NET (216,057 SF)	
LOT AREA/DU:		216,057 SF/64 DUS = 3,376 SF PER DU	
GROSS FLOOR AREA:		31,954 SF	
	BUILDING 1	5,820 SF	5,820 SF
	BUILDING 2 (x2)	7,472 SF	14,944 SF
	BUILDING 3 (x2)	4,545 SF	9,090 SF
	COMMON BUILDING	2,100 SF	2,100 SF
PARKING REQUIRED		123 SPACES	
	1. ONE BEDROOM	16 UNITS	16 SPACES
	2. TWO BEDROOM	32 UNITS	64 SPACES
	3. THREE BEDROOM	16 UNITS	32 SPACES
	GUEST	112 SPACES x 10%	11 SPACES
PARKING PROVIDED		123 SPACES	
	STANDARD SPACES	118 SPACES	
	ACCESSIBLE SPACES	5 SPACES	

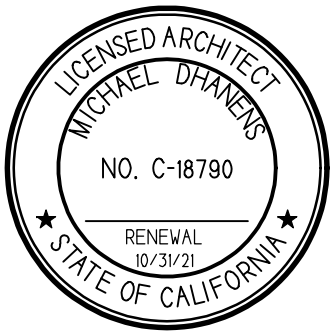
SITE ANALYSIS		1
1.	PROPERTY LINE TYPICAL	
2.	STREET RIGHT-OF-WAY	
3.	60' PUBLIC ROAD EASEMENT	
4.	NEW CURB, GUTTER AND SIDEWALK PER COB STANDARDS	
5.		
6.	NEW STREET RETURN W/ 30' RADIUS RETURNS	
7.	NEW COMMERCIAL DRIVEWAY W/ 20' RADIUS RETURNS	
8.	SEWER LATERAL TO EXISTING PUBLIC SYSTEM	
9.	FIRE HYDRANT; (E) EXISTING/(N) PROPOSED NEW	
10.	CONCRETE PAD FOR UTILITY TRANSFORMER WITH BOLLARDS	
11.	CONCRETE PAD FOR UTILITY TRANSFORMER WITH BOLLARDS	
12.	PAVING: MIN 2" ASPHALT CONCRETE OVER 4" CLASS II AGG BASE	
13.	NEW 9'x18' PARKING SPACE TYPICAL	
14.	ACCESSIBLE PARKING SPACE	
15.	6" HIGH CONCRETE CURB	
16.	6" HIGH CONCRETE CURB AND GUTTER	
17.	CONCRETE VEE GUTTER	
18.	CURB RAMP	
19.	CONCRETE WALK	
20.	MASONRY RETAINING WALL	
21.	REFUSE BIN ENCLOSURE	
22.	2:1 MAX SLOPE WITH SLOPE STABILIZATION	
23.	POOL	
24.	SPA	
25.	TURF AREA/PLAY EQUIPMENT	
26.	6' HIGH WROUGHT IRON FENCE	
27.	6' HIGH WROUGHT IRON GATE	
28.	PARKING LOT LIGHT; LED FIXTURE ON 30' POLE AND CONCRETE BASE	
29.	MONUMENT SIGN	
30.	CONCRETE STAIRWAY; FINAL DESIGN TBD	
31.	6' HIGH CONCRETE MASONRY WALL; TOP OF SLOPE	
LANDSCAPING: (LS)		

PLAN NOTES		4
APN 435-010-33		4



MICHAEL DHANENS ARCHITECT

661/324-4141  
P.O. BOX 82155  
BAKERSFIELD, CALIFORNIA  
9 3 3 8 0  
C-18790



3000 Fairfax Road

Parcel 1 of PMW 14-91  
APN 435-010-33  
Bakersfield, California

RESIDENTIAL

SITE PLAN  
NORTH











GPA ZC 20-0172  
PDR 21-0046

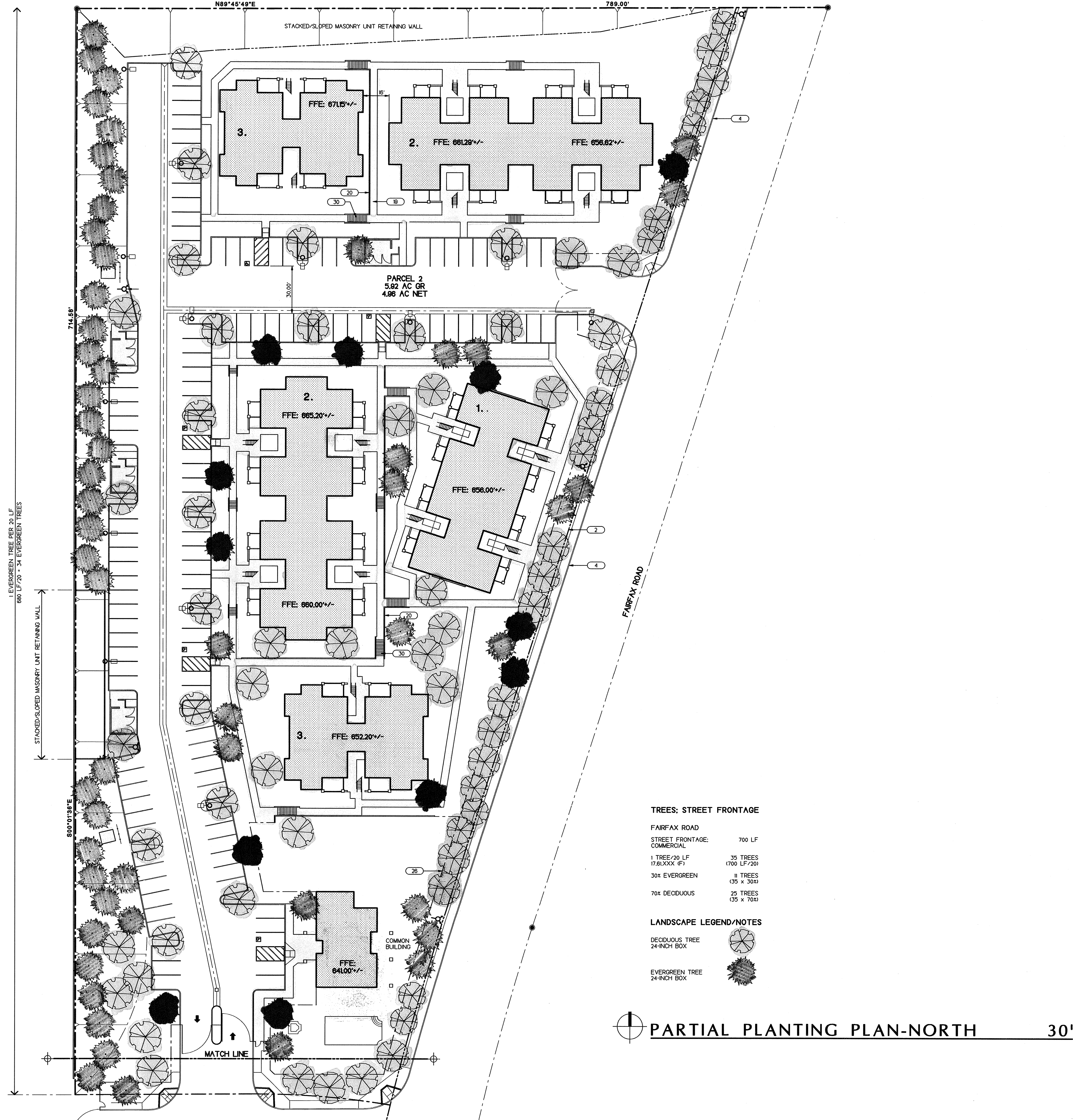
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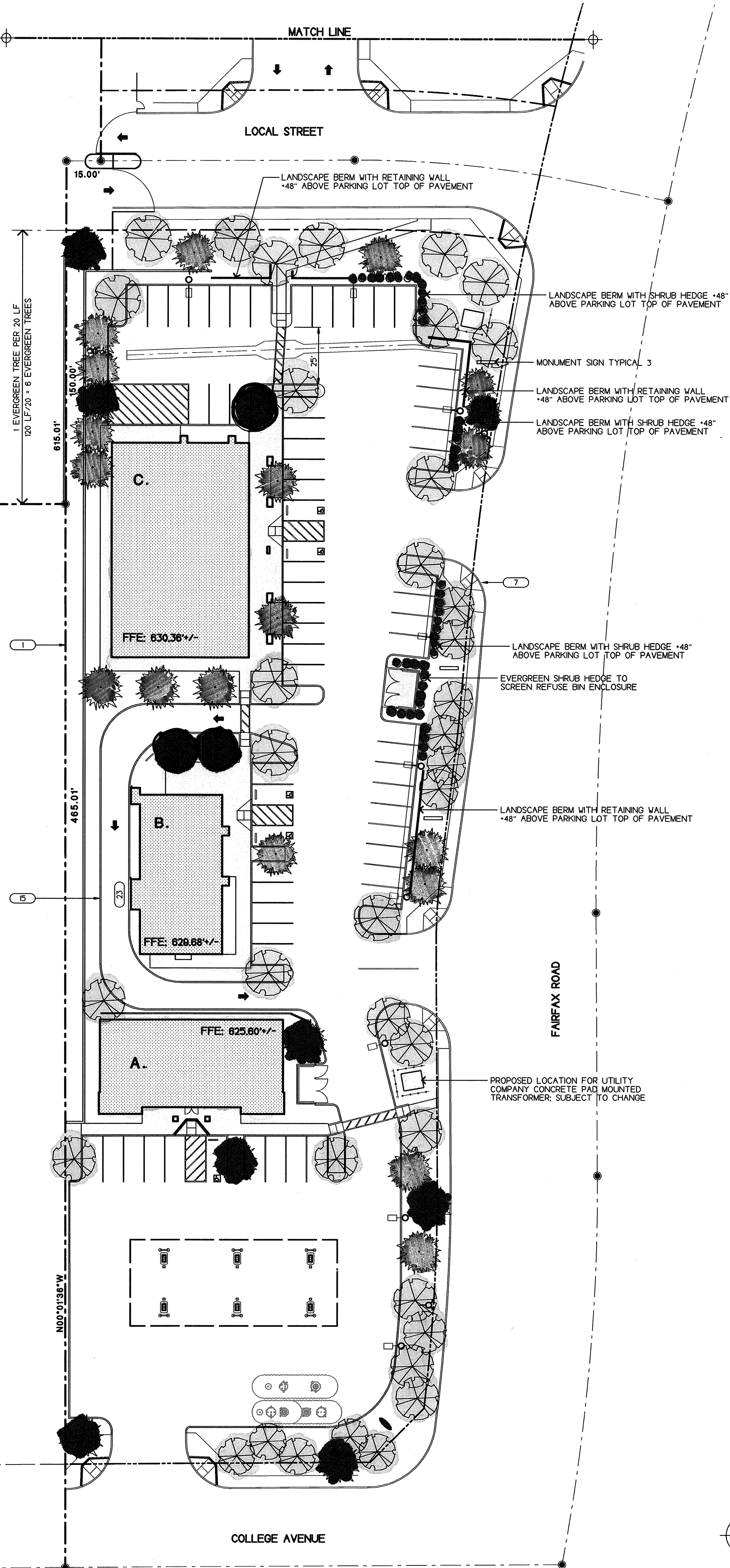


1. PARKING LOT: MINIMUM 2" ASPHALT PAVEMENT OVER 4" COMPACTED CLASS II AGGREGATE BASE. FINAL PAVEMENT SECTION SHALL BE DETERMINED BASED ON PRELIMINARY GEOTECHNICAL REPORT RECOMMENDATIONS; TYPICAL THROUGHOUT PROJECT
2. BEFORE ANY BUILDING OR SITE CAN BE OCCUPIED, THE DEVELOPER MUST RECONSTRUCT OR REPAIR SUBSTANDARD OFF-SITE STREET IMPROVEMENTS THAT FRONT THE SITE TO ADOPTED CITY STANDARDS AS DIRECTED BY THE CITY ENGINEER.
3. A STREET PERMIT FROM THE PUBLIC WORKS DEPARTMENT SHALL BE OBTAINED BEFORE ANY WORK CAN BE DONE WITHIN THE PUBLIC RIGHT-OF-WAY.
4. PRIOR TO BUILDING AND SITE DEVELOPMENT AND BUILDING PERMIT APPLICATION, A PRELIMINARY GEOTECHNICAL REPORT SHALL BE PREPARED FOR BUILDING AND SITE DEVELOPMENT
5. STRUCTURES EXCEEDING 10,000 SF OR AS OTHERWISE REQUIRED BY THE CALIFORNIA BUILDING CODE) SHALL BE EQUIPPED WITH AN APPROVED AUTOMATIC FIRE SPRINKLER OR SUPPRESSION SYSTEM
6. ACCESSIBLE PATH OF TRAVEL FROM PUBLIC WAY TO AN ACCESSIBLE ENTRY AT EACH BUILDING SHALL BE DETERMINED AND DEPICTED FOR EACH BUILDING PERMIT APPLICATION

NO.	REVISIONS	
		
		
		
		
		
NO.	ISSUED FOR	
		
		
		
	SPR REVISIONS (04/20/21)	
	SITE PLAN REVIEW (01/27/21)	
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APN 435-010-22



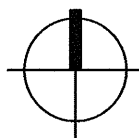
TREES: STREET FRONTAGE

FAIRFAX ROAD	
STREET FRONTAGE:	500 LF
COMMERCIAL	
1 TREE/20 LF	25 TREES
17.6LXXX (F)	(500 LF/20)
30% EVERGREEN	8 TREES
	(25 x 30%)
70% DECIDUOUS	18 TREES
	(25 x 70%)

COLLEGE AVENUE	
STREET FRONTAGE:	140 LF
COMMERCIAL	
1 TREE/20 LF	7 TREES
17.6LXXX (F)	(140 LF/20)
30% EVERGREEN	2 TREES
	(7 x 30%)
70% DECIDUOUS	5 TREES
	(7 x 70%)

LANDSCAPE LEGEND/NOTES

DECIDUOUS TREE	
24-INCH BOX	
EVERGREEN TREE	
24-INCH BOX	

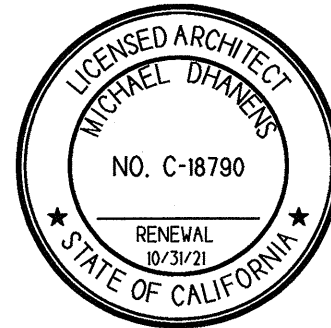


PARTIAL PLANTING PLAN-SOUTH

30'

MICHAEL DHANENS ARCHITECT

661/324-4141  
P.O. BOX 82155  
BAKERSFIELD, CALIFORNIA  
93380  
C-18790



3000 Fairfax Road

Parcel 1 of PMW 14-91  
APN 435-010-33  
Bakersfield, California

COMMERCIAL

SITE PLAN  
SOUTH

GPA ZC 20-0172

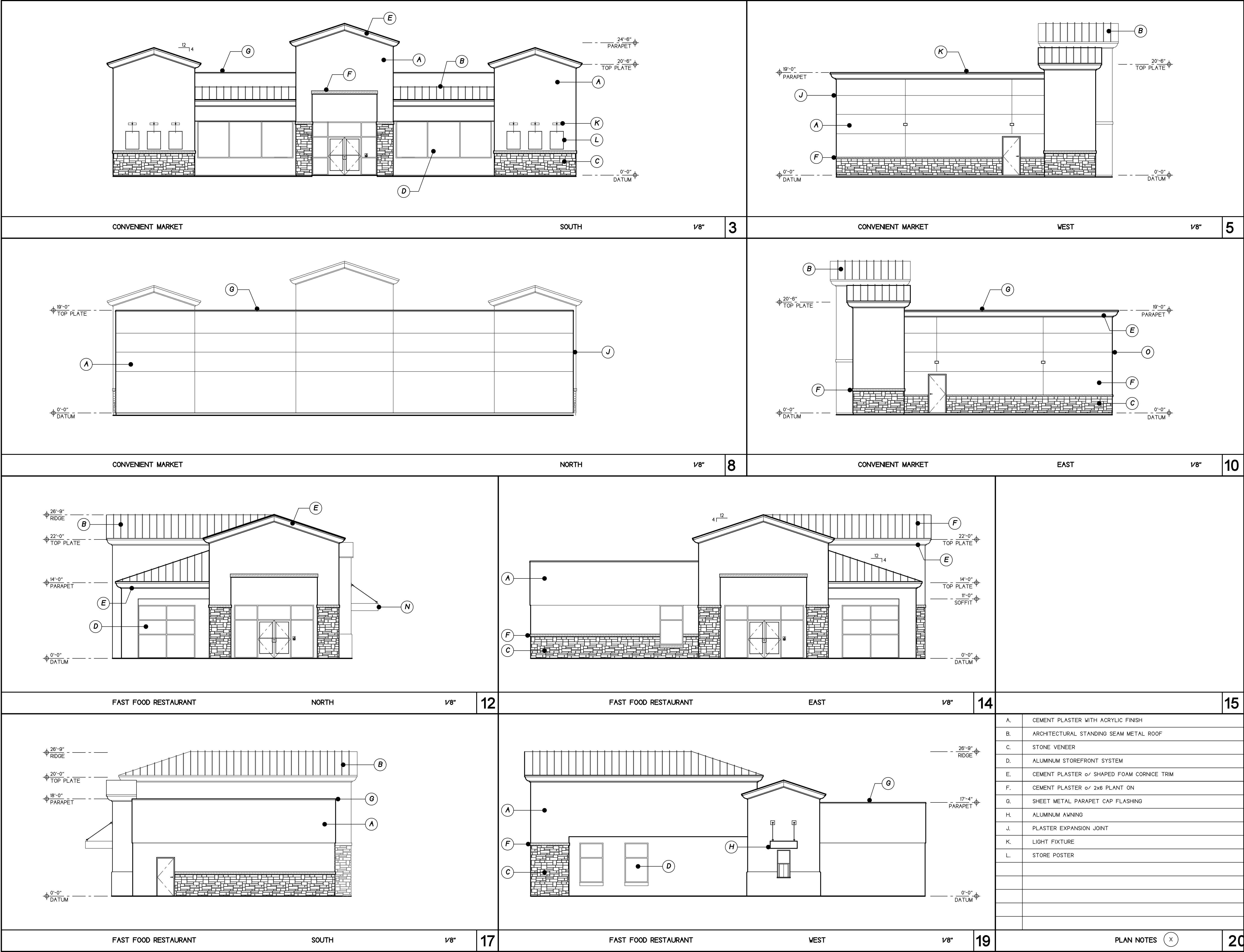
PDR 21-0046

NO.	REVISIONS
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PROJECT NUMBER  
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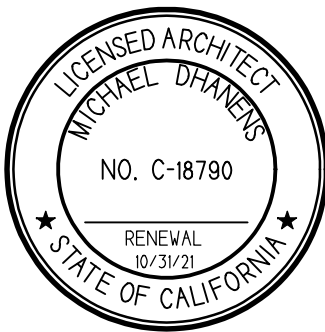
L-1.02

LANDSCAPE



MICHAEL DHANENS ARCHITECT

661/324-4141  
P.O. BOX 82155  
BAKERSFIELD, CALIFORNIA  
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C-18790



NWC Fairfax Rd & College Ave

Parcel 1 of PMW 14-91  
APN 435-010-33  
Bakersfield, California


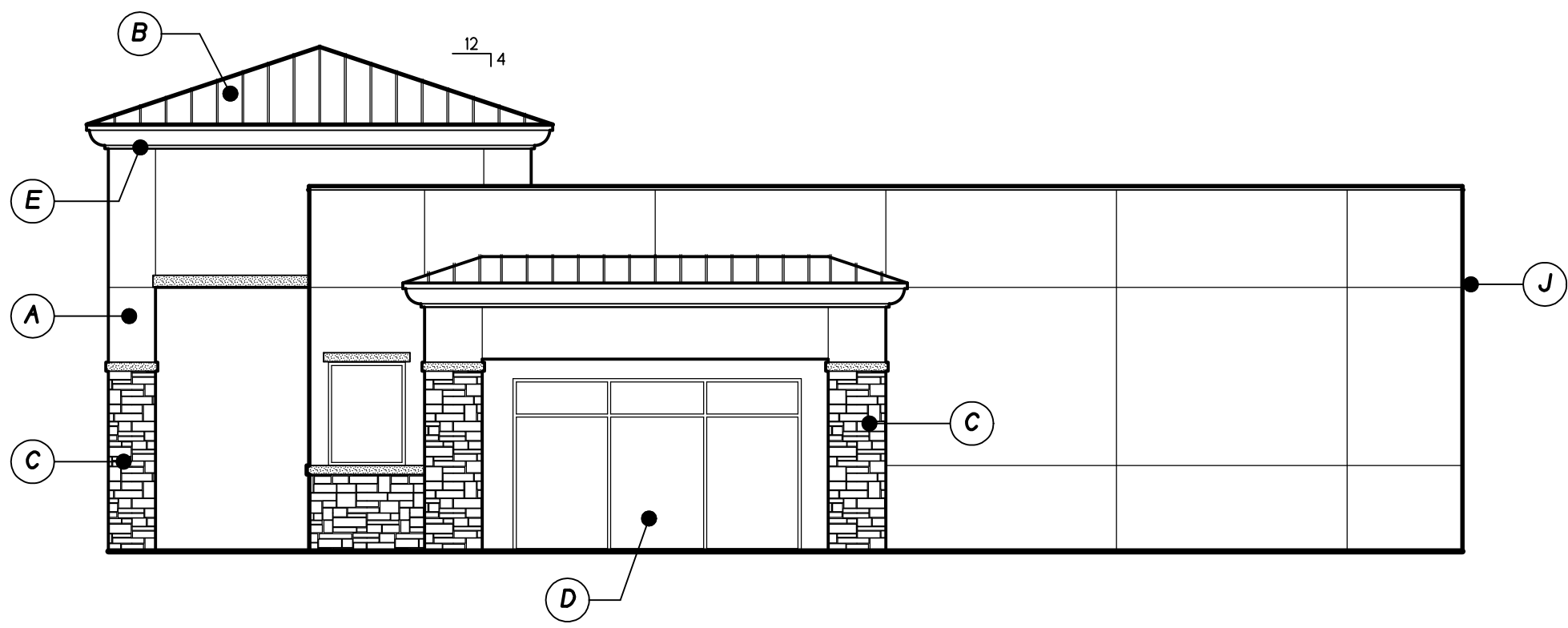
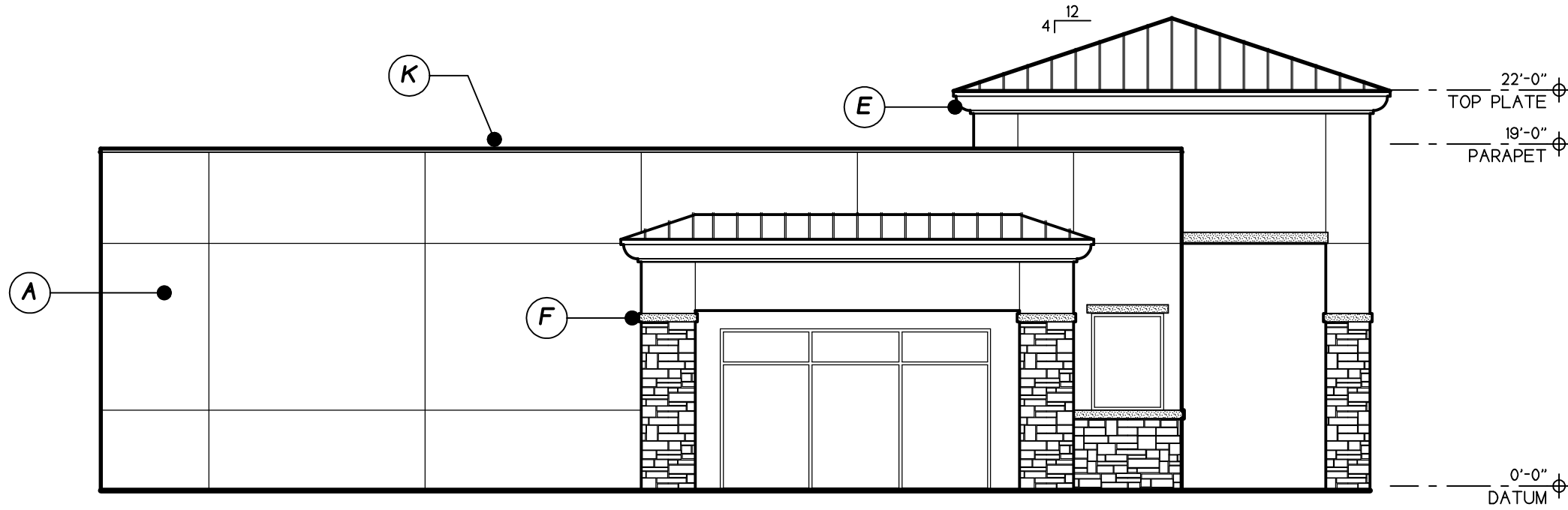
COMMERCIAL

EXTERIOR  
ELEVATIONS

GPA/ZC 20-0172  
SPR 21-


NO.	REVISIONS
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A-4.01  
ARCHITECTURAL

		RETAIL BUILDING		EAST		1/8"	3
		RETAIL BUILDING		NORTH		1/8"	5
		RETAIL BUILDING		SOUTH		1/8"	8
						9	10
11		12		13		14	
						<div><div>A. CEMENT PLASTER WITH ACRYLIC FINISH</div><div>B. ARCHITECTURAL STANDING SEAM METAL ROOF</div><div>C. STONE VENEER</div><div>D. ALUMINUM STOREFRONT SYSTEM</div><div>E. CEMENT PLASTER o/ SHAPED FOAM CORNICE TRIM</div><div>F. CEMENT PLASTER o/ 2x6 PLANT ON</div><div>G. SHEET METAL PARAPET CAP FLASHING</div><div>H. ALUMINUM AWNING</div><div>J. PLASTER EXPANSION JOINT</div><div>K. LIGHT FIXTURE</div><div>L. STORE POSTER</div></div>	
16		17		18		19	
						PLAN NOTES <div>×</div> 20	

MICHAEL DHANENS ARCHITECT

661/324-4141  
P.O. BOX 82155  
BAKERSFIELD, CALIFORNIA  
9 3 3 8 0  
C-18790



PROJECT

NWC Fairfax Rd & College Ave















Parcel 1 of PMW 14-91  
APN 435-010-33  
Bakersfield, California











COMMERCIAL

EXTERIOR ELEVATIONS

GPA/ZC 20-0172

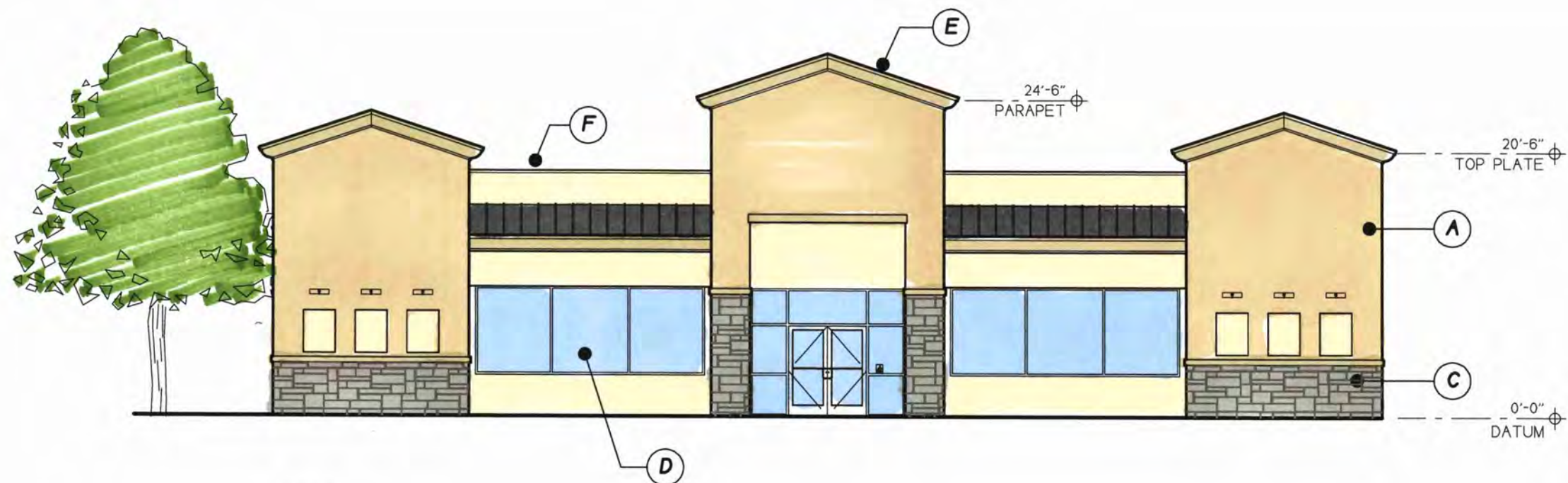
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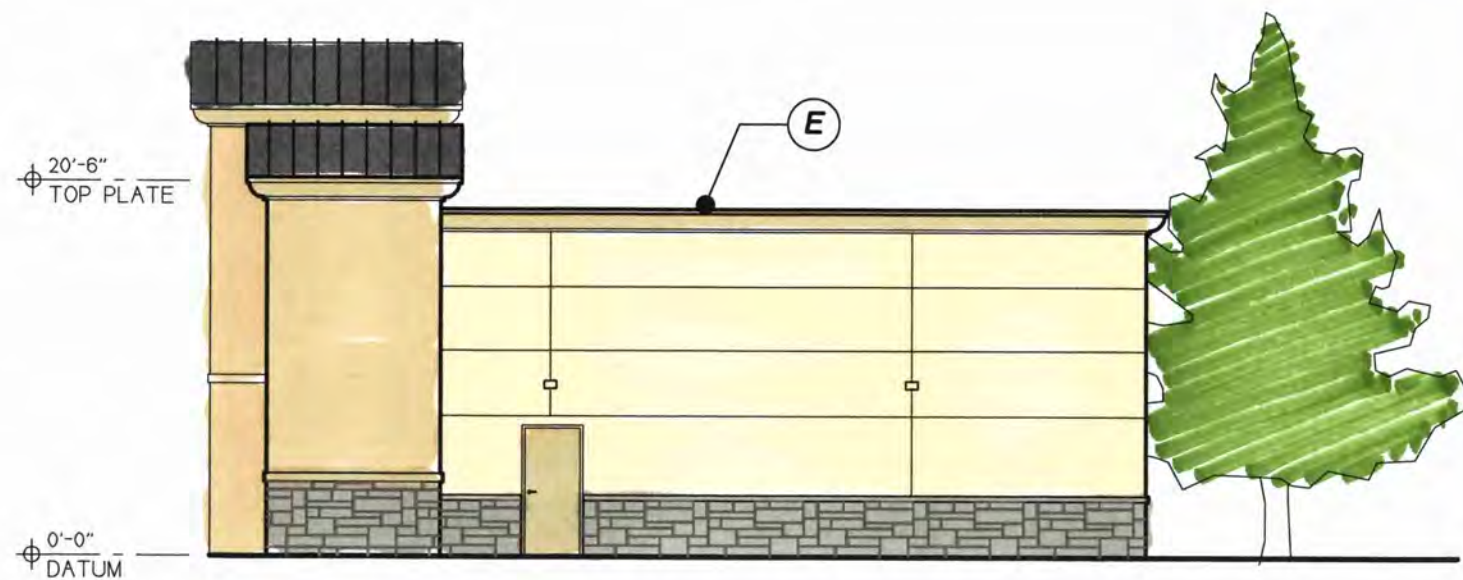
NO.	ISSUED FOR
	
	
	
	
	
	
	
	
	
	

DATE	01/29/21	SHEET
DRAWN		
PROJECT NUMBER	817.01	A-4.02
		ARCHITECTURAL

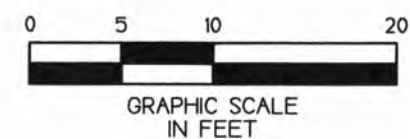




SOUTH



EAST



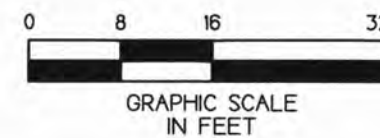
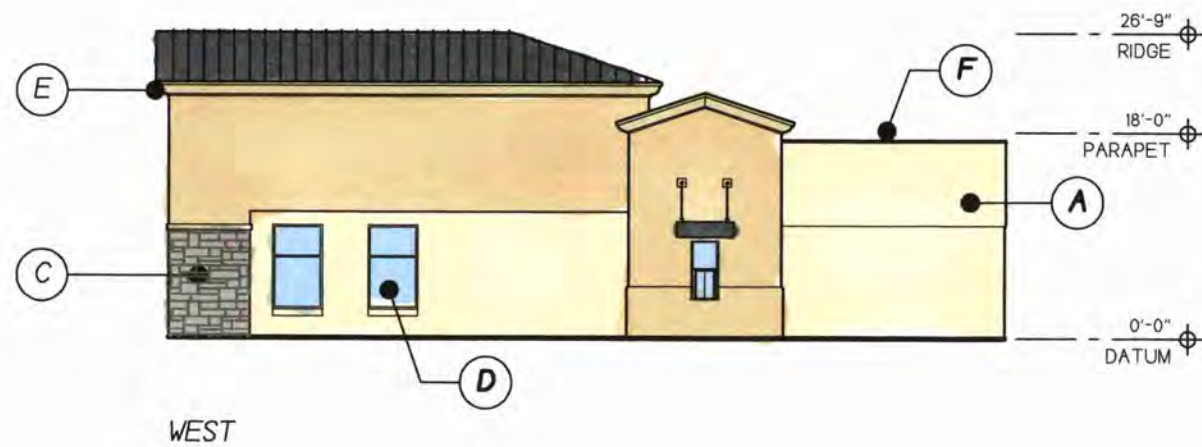
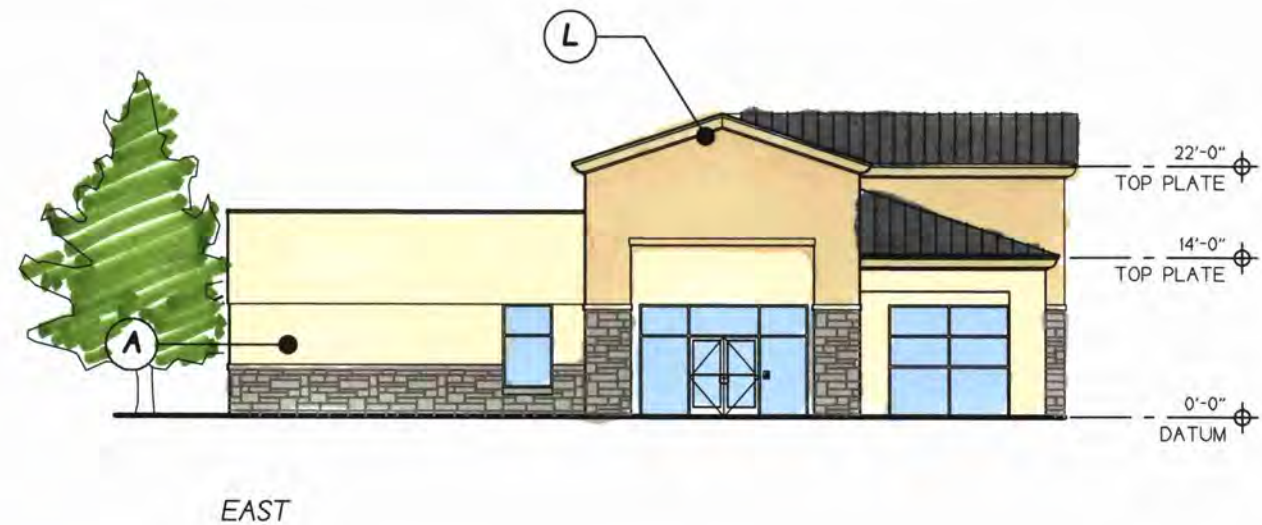
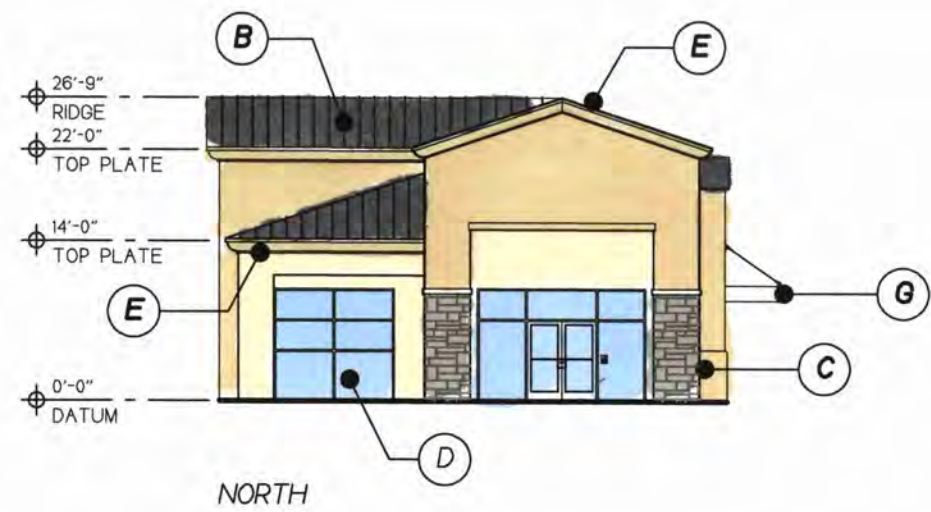
#### PLAN NOTES ☒

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	ARCHITECTURAL STANDING SEAM METAL ROOF
C.	STONE VENEER
D.	ALUMINUM STOREFRONT SYSTEM
E.	CEMENT PLASTER o/ SHAPED FOAM CORNICE TRIM
F.	SHEET METAL PARAPET CAP FLASHING
G.	ALUMINUM CANOPY

#### CONVENIENCE STORE

GPA/ZC 20-0172  
APN 435-010-26

SI/2 SEC 24; T28S, R28E, MDM; COUNTY OF KERN



#### PLAN NOTES (X)

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	ARCHITECTURAL STANDING SEAM METAL ROOF
C.	STONE VENEER
D.	ALUMINUM STOREFRONT SYSTEM
E.	CEMENT PLASTER o/ SHAPED FOAM CORNICE TRIM
F.	SHEET METAL PARAPET CAP FLASHING
G.	ALUMINUM CANOPY

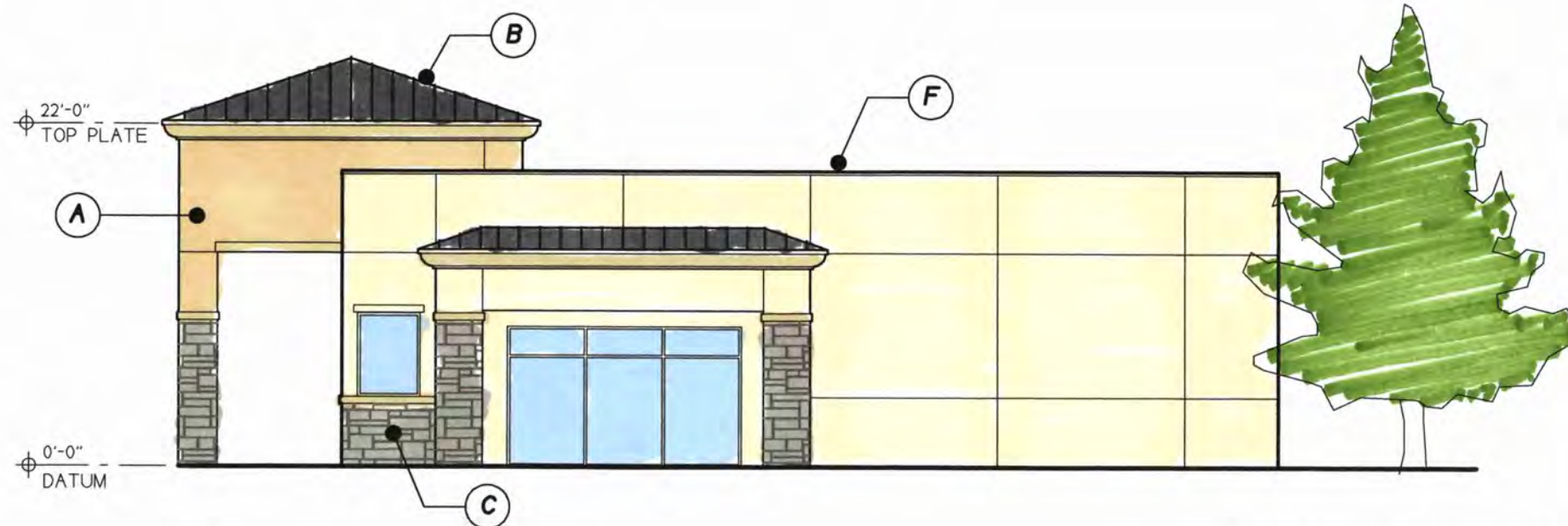
#### FAST FOOD RESTAURANT

GPA/ZC 20-0172  
APN 435-010-26

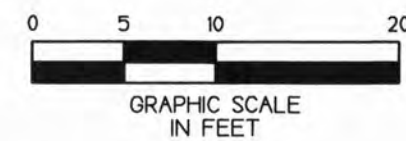
SI/2 SEC 24; T28S, R28E, MDM; COUNTY OF KERN



FRONT



SIDE



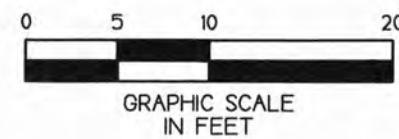
PLAN NOTES ☒

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	ARCHITECTURAL STANDING SEAM METAL ROOF
C.	STONE VENEER
D.	ALUMINUM STOREFRONT SYSTEM
E.	CEMENT PLASTER o/ SHAPED FOAM CORNICE TRIM
F.	SHEET METAL PARAPET CAP FLASHING
G.	

RETAIL BUILDING

GPA/ZC 20-0172  
APN 435-010-26

SI/2 SEC 24; T28S, R28E, MDM; COUNTY OF KERN



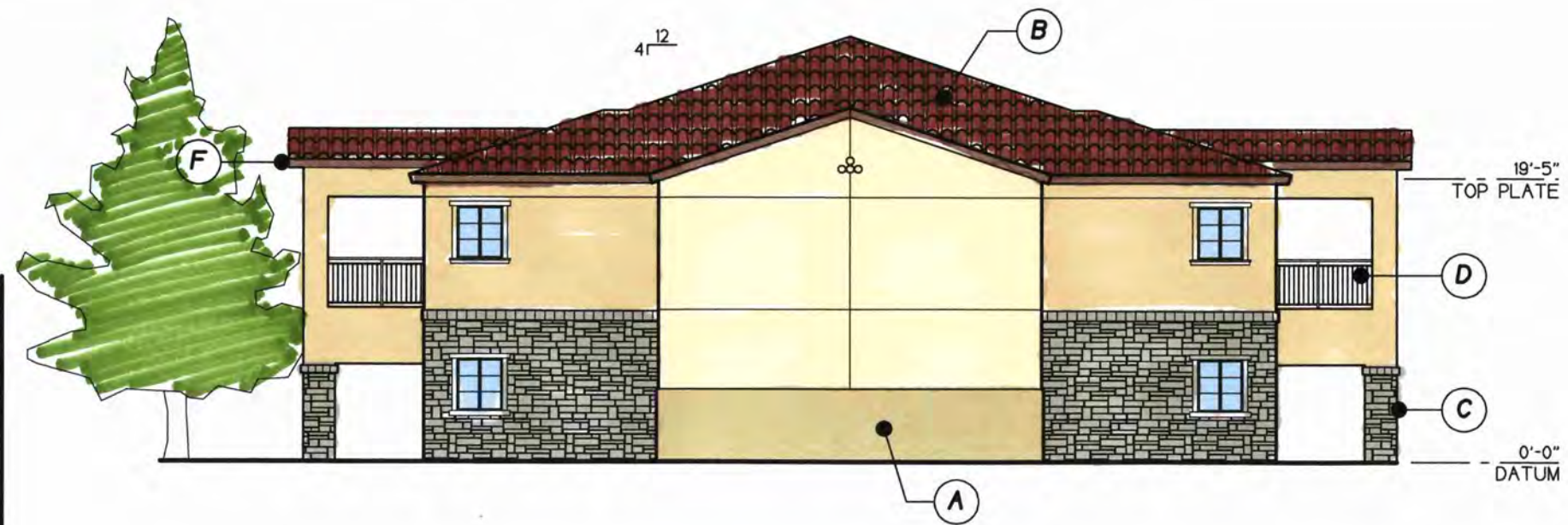
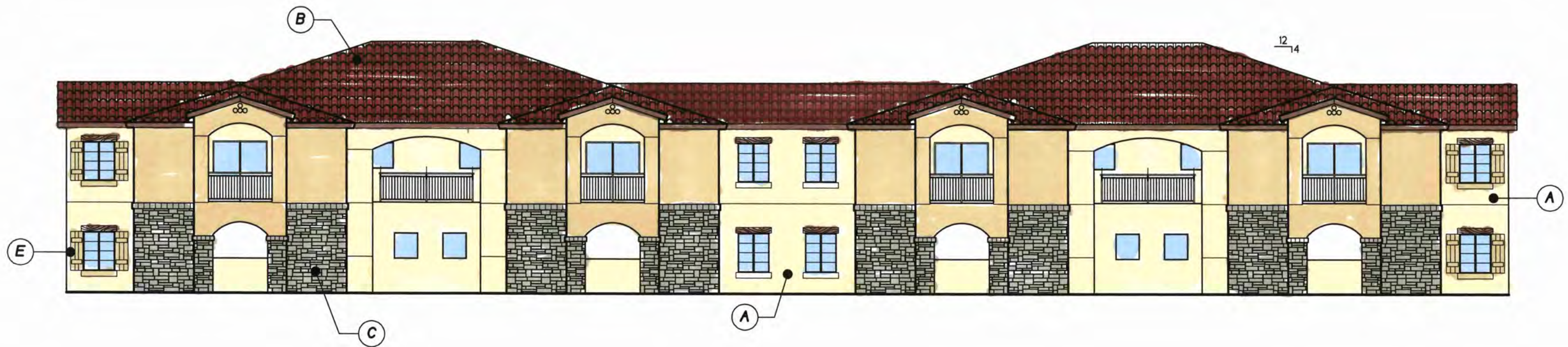
#### PLAN NOTES ☒

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	SPANISH STYLE ROOF TILE
C.	STONE VENEER
D.	WROUGHT IRON RAILING
E.	SHUTTER
F.	2x10 FASCIA BOARD
G.	

**8 UNIT APARTMENT**

**GPA/ZC 20-0172  
APN 435-010-26**

**SI/2 SEC 24; T29S, R28E, MDM; COUNTY OF KERN**



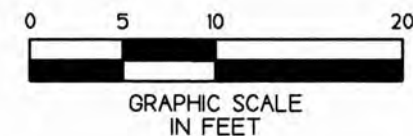
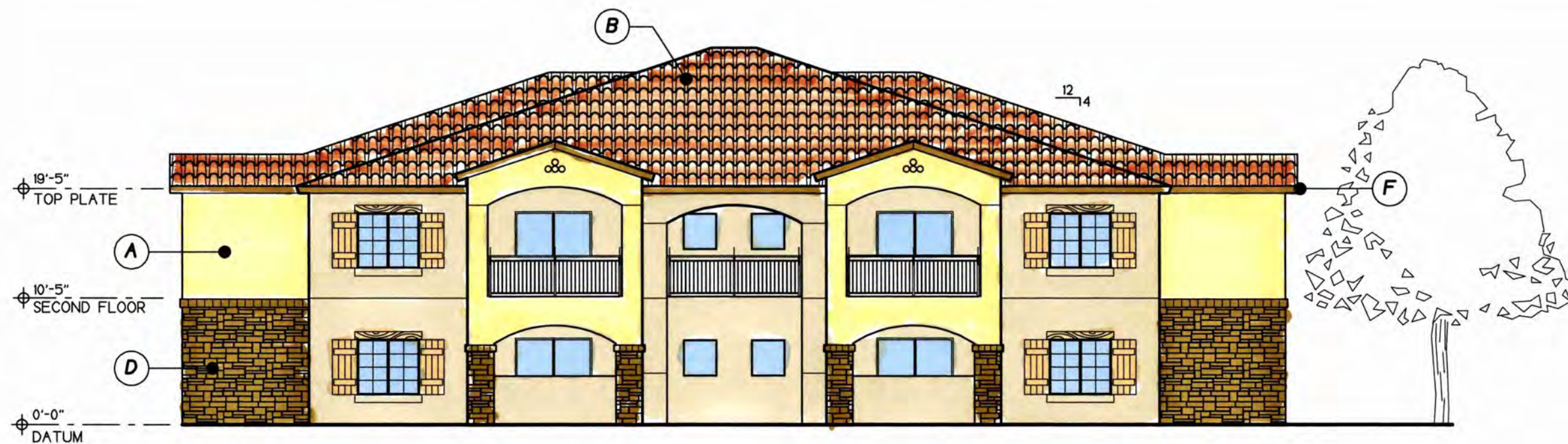
#### PLAN NOTES (X)

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	SPANISH STYLE ROOF TILE
C.	STONE VENEER
D.	WROUGHT IRON RAILING
E.	SHUTTER
F.	2x10 FASCIA BOARD
G.	

**16 UNIT APARTMENT**

**GPA/ZC 20-0172  
APN 435-010-26**

**SI/2 SEC 24; T28S, R28E, MDM; COUNTY OF KERN**



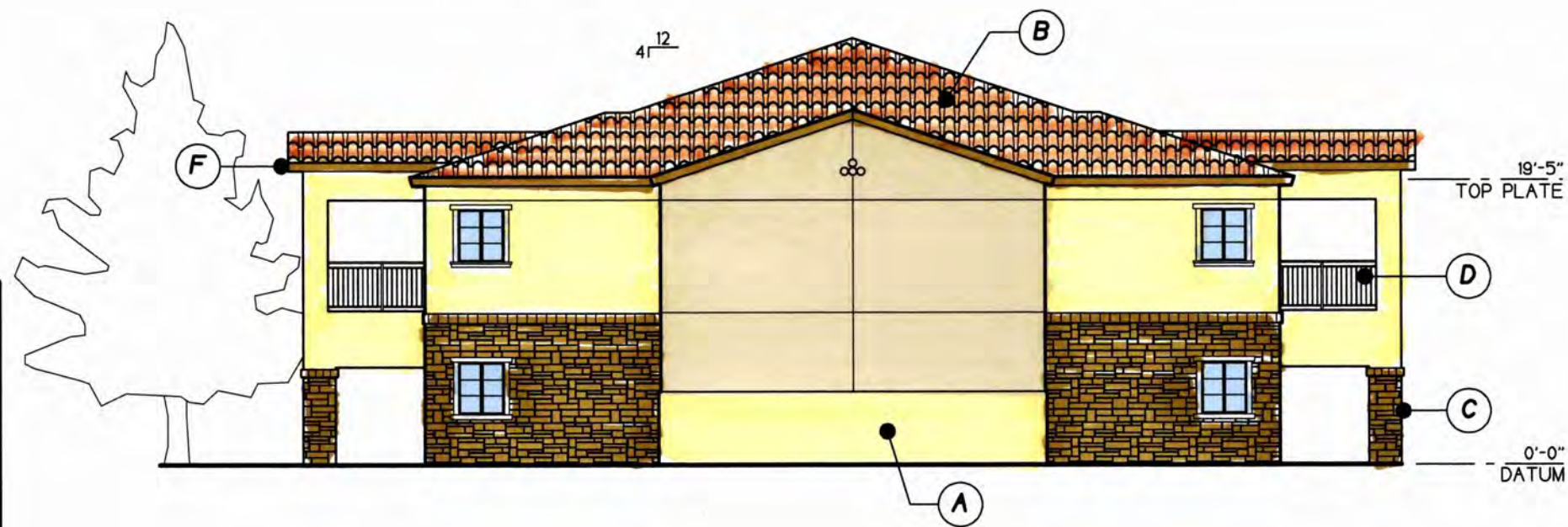
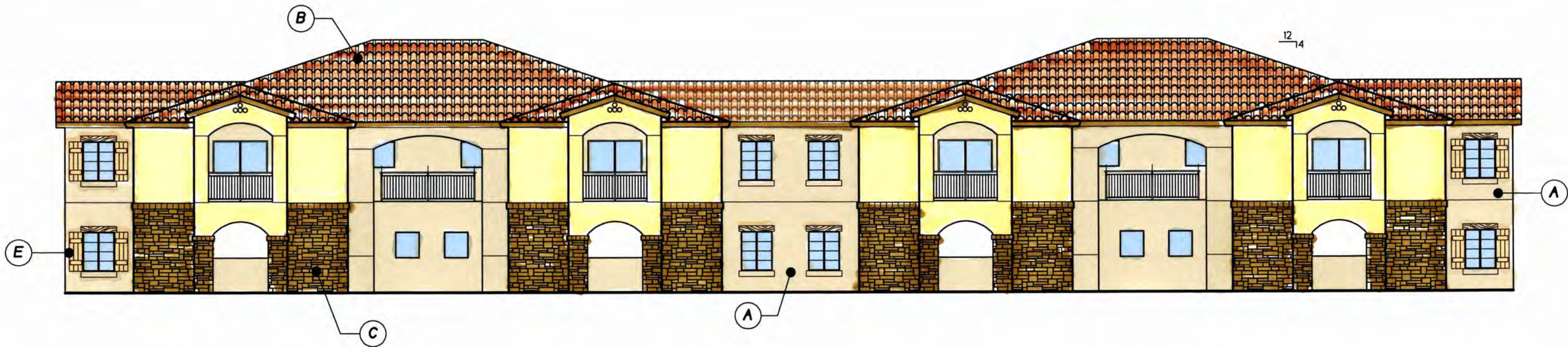
#### PLAN NOTES ☒

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	SPANISH STYLE ROOF TILE
C.	STONE VENEER
D.	WROUGHT IRON RAILING
E.	SHUTTER
F.	2x10 FASCIA BOARD
G.	

#### 8 UNIT APARTMENT

GPA/ZC 20-0172  
APN 435-010-26

SI/2 SEC 24; T29S, R28E, MDM; COUNTY OF KERN



#### PLAN NOTES ☒

A.	CEMENT PLASTER WITH ACRYLIC FINISH
B.	SPANISH STYLE ROOF TILE
C.	STONE VENEER
D.	WROUGHT IRON RAILING
E.	SHUTTER
F.	2x10 FASCIA BOARD
G.	

#### 16 UNIT APARTMENT

GPA/ZC 20-0172  
APN 435-010-26

SI/2 SEC 24; T28S, R28E, MDM; COUNTY OF KERN

## CONDITIONS AND ORDINANCE COMPLIANCE

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

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

**A. DEVELOPMENT SERVICES - BUILDING (1715 Chester Avenue)**

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

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

9. 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: \_\_\_\_\_

10. 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: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

12. 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: \_\_\_\_\_

13. 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: \_\_\_\_\_

14. 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](mailto: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)	16 Units	1 space/unit	16 spaces
Multi-Family (2/3 Bed)	48 Units	2 spaces/unit	96 spaces
		Guest Parking 10%	11 spaces
		Subtotal:	123 spaces
Convenience Store	3,000 sq. ft.	1 space/250 sq. ft.	15 spaces
Drive-Thru Restaurant	2,500 sq. ft.	1 space/75 sq. ft.	33 spaces
Multi-Tenant Retail	5,600 sq. ft.	1 space/200 sq. ft.	28 spaces
		Fuel Pump Credit	(6) spaces
		Drive-Thru Credit	(2) spaces
		Subtotal:	68 spaces
		Required Parking:	191 spaces

(**Note:** 195 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. Because parking and/or access is being shared with adjacent properties, the developer shall file with the Planning Division before any building permits are issued a copy of a recorded map, CC&Rs, or other instrument that ensures that drive aisles, parking, and access is legally shared in common with adjoining properties as depicted on the site plan for the life of the project.

APPLICANT'S RESPONSE: \_\_\_\_\_

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

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

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

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

9. 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: \_\_\_\_\_

10. 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: \_\_\_\_\_

11. 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: \_\_\_\_\_

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

Forms and instructions are available at the Planning Division or on the city's web site at [https://bakersfieldcity.us/gov/depts/community\\_development/habitat.htm](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: \_\_\_\_\_

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

APPLICANT’S RESPONSE: \_\_\_\_\_

14. Rooftop areas of commercial buildings (e.g., office, retail, restaurant, assembly, hotel, hospital, church, school), and industrial buildings adjacent to residentially zoned properties, shall be completely screened by parapets or other finished architectural features constructed to a height of the highest equipment, unfinished structural element or unfinished architectural feature of the building.

APPLICANT'S RESPONSE: \_\_\_\_\_

15. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

(**Note:** Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)

APPLICANT'S RESPONSE: \_\_\_\_\_

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

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

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

APPLICANT'S RESPONSE: \_\_\_\_\_

18. 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: \_\_\_\_\_

19. 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: \_\_\_\_\_

20. 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: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

9. 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: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

11. 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](mailto: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](http://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](http://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 College Avenue and Fairfax 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 2 streetlights along Fairfax 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 northwest corner of College Avenue and Fairfax Road, and all driveways according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

15. The developer shall either construct the equivalent full width landscaped median island in Fairfax 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: \_\_\_\_\_

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

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

**F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)**

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

1. Minimum driveway spacing as per T-17. See notes on A-1.00.

APPLICANT'S RESPONSE: \_\_\_\_\_

2. Street return type approaches, if used, shall have 20-foot minimum radius returns. All dimensions shall be shown on the final building plans.

APPLICANT'S RESPONSE: \_\_\_\_\_

3. Two-way drive aisles shall be a minimum width of 24 feet. If perpendicular (90°) parking spaces are proposed where a vehicle must back into these aisles, the minimum aisle width shall be 25 feet. All drive aisle dimension shall be shown on the final building plans.

APPLICANT'S RESPONSE: \_\_\_\_\_

4. The developer shall dedicate additional road right-of-way to the City of Bakersfield along Fairfax Road to full arterial street width according to adopted city standards with the grading plan submittal.

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

6. 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: \_\_\_\_\_

7. Show stacking distance at gates (Table 6.8.3). Minimum of 40 feet on arterials and minimum of 20 feet on local streets.

APPLICANT'S RESPONSE: \_\_\_\_\_

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

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

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

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

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

(Staff Contact - Richard Gutierrez: 661-326-3114 or [rmgutierrez@bakersfieldcity.us](mailto: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, 18, 3 -cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- |                                                                                                     |                                                                     |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> 6' deep x 8' wide (1 bin)                                                  | <input checked="" type="checkbox"/> 6 - 8' deep x 15' wide (3 bins) |
| <input type="checkbox"/> 8' deep x 10' wide (2 bins)                                                | <input type="checkbox"/> 8' deep x 20' wide (4 bins)                |
| <input type="checkbox"/> 8' deep x 10' wide; on skids for direct stab only (1-6 yard recycling bin) |                                                                     |

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

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

4. Show on the final building plans the compactor roll-off bin location(s), designed according to adopted City standards (Detail # ST-30 and ST-31). Please contact staff for additional information on compactor requirements and placement.

APPLICANT'S RESPONSE: \_\_\_\_\_

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

APPLICANT'S RESPONSE: \_\_\_\_\_

6. Facilities that require grease containment must provide a storage location that is separate from the refuse bin location. This shall be shown on the final building plans. 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: \_\_\_\_\_

7. 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: \_\_\_\_\_

8. 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: \_\_\_\_\_

9. 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: \_\_\_\_\_

10. 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: \_\_\_\_\_

11. 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: \_\_\_\_\_

12. 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: \_\_\_\_\_



[www.bakersfieldcity.us](http://www.bakersfieldcity.us)

# NEGATIVE DECLARATION

The City of Bakersfield Development Services Department has completed an initial study (attached) of the possible environmental effects of the following-described project and has determined that a Negative Declaration is appropriate. It has been found that the proposed project, as described and proposed to be mitigated (if required), will not have a significant effect on the environment. This determination has been made according to the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield's CEQA Implementation Procedures.

**PROJECT NO. (or Title):** General Plan Amendment/Zone Change No. 20-0172

**COMMENT PERIOD BEGINS:** May 4, 2021

**COMMENT PERIOD ENDS:** June 3, 2021

**MITIGATION MEASURES** *(included in the proposed project to avoid potentially significant effects, if required):*

## **Air Quality Impact Mitigation Measures:**

1. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.
2. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

## **Biological Resources Impact Mitigation Measures:**

3. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (e.g., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus). Species to be surveyed shall include ones covered under the *Metropolitan Bakersfield Habitat Conservation Plan* incidental take permit for urban development as well as for any species covered under other applicable laws (such as the Migratory Bird Treaty Act). The applicant/developer shall comply with the mitigation measures of the permit. Survey protocol shall be those recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.

## **Cultural Resources Impact Mitigation Measures:**

4. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the

Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.

5. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

**Traffic Impact Mitigation Measures:**

6. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.
7. Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of payment of Local Mitigation fees.
8. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

# INITIAL STUDY ENVIRONMENTAL ANALYSIS

**Project Title:** General Plan Amendment/Zone Change No. 20-0172

**Lead Agency** *(name and address):* City of Bakersfield  
Development Services Department  
1715 Chester Avenue  
Bakersfield, California 93301

**Contact Person  
and Phone Number:** Steve Esselman, Principal Planner  
(661) 326-3733

**Project Location:** Northwest corner of the Fairfax Road and College Avenue intersection

**Project Sponsor's Name  
and Address:** LAV/Pinnacle Engineering  
Attn: Matt VoVilla  
12418 Rosedale Highway, Suite A  
Bakersfield, CA 93312

**General Plan Designation:** LR (Low Density Residential)

**Zoning:** R-1 (One Family Dwelling)

**Description of Project** *(Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):*

LAV/Pinnacle Engineering, representing Shinda and Paramjeet Upple (property owners), is proposing a General Plan Amendment/Zone Change (GPA/ZC) on 15.45 acres located on the northwest corner of the Fairfax Road and College Avenue intersection. The request includes: (1) an amendment of the Land Use Element of the *Metropolitan Bakersfield General Plan* land use designation from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial), or a more restrictive designation, and (2) a change in zone classification from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial), or a more restrictive district.

The applicant proposes 64 multiple-family dwelling units and 11,300 square feet of commercial, including a gas station with convenience store, fast food restaurant with drive thru, and retail pad. The applicant also proposes eight single-family dwellings allowed by right within an existing area already designated and zoned for single-family residential and therefore, is not part of this analysis.

**Surrounding Land Uses and Setting** *(Briefly describe the project's surroundings.):*

The project site is surrounded by existing single-family residential to the north, south and west, and a church to the east.

**Other public agencies whose approval is anticipated to be required** *(e.g., permits, financing approval, or participation agreement):*

- City of Bakersfield—Mitigated Negative Declaration consideration and adoption
- City of Bakersfield—Vesting Tentative Parcel Map approval
- City of Bakersfield—Building permits
- City of Bakersfield—Site Plan Review
- City of Bakersfield—Metropolitan Bakersfield Habitat Conservation Plan compliance
- City of Bakersfield—Regional Transportation Impact Fee Program compliance
- San Joaquin Valley Air Pollution Control District—Indirect Source Rule compliance
- State Water Resources Control Board—National Pollutant Discharge Elimination System General Permit

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

As indicated by the checklist on the following pages, the project would result in potentially significant impacts with respect to the environmental factors checked below (*Impacts reduced to a less than significant level through the incorporation of mitigation are not considered potentially significant.*):

- |                                                    |                                                         |                                                             |
|----------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture/Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources             | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions       | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                 | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                       | <input type="checkbox"/> Mandatory Findings of Significance |

## **ENVIRONMENTAL DETERMINATION:**

On the basis of this initial evaluation:

- ☐ I find that the proposed project **could** not have a significant effect on the environment, and a **negative declaration** will be prepared.
- ☒ I find that although the proposed project **could** have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **mitigated negative declaration** will be prepared.
- ☐ I find that the proposed project **may** have a significant effect on the environment, and an **environmental impact report** is required.
- ☐ I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been (1) adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **environmental impact report** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project **could** have a significant effect on the environment, because all potentially significant effects have been (1) analyzed adequately in an earlier **environmental impact report or negative declaration** pursuant to applicable legal standards, and (2) avoided or mitigated pursuant to that earlier **environmental impact report or negative declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

5/4/21

Date

Steve Esselman, Principal Planner

Printed name

## **EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

## Environmental Issue

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

### I. AESTHETICS: Except as provided in Public Resources Code Section 21099, would the project:

- |                                                                                                                                                                                                                                                                                                                                                                            |                          |                          |                                     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?                                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### II. AGRICULTURE RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- |                                                                                                                                                                                                                                                                                            |                          |                          |                          |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?                                              | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?                                                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### III. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- |                                                                                                                                                                                                   |                          |                                     |                                     |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?                                                                                 | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. CULTURAL RESOURCES:</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VI. ENERGY:</b> Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VII. GEOLOGY AND SOILS:</b> Would the project;				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Environmental Issue

- |                                                                                                                                                                                      | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------|------------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                                                                              | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>     | <input type="checkbox"/>            |

### **VIII. GREENHOUSE GAS EMISSIONS:** Would the project:

- |                                                                                                                                  |                          |                          |                                     |                          |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### **IX. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

- |                                                                                                                                                                                                                                                                                     |                          |                          |                                     |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### **X. HYDROLOGY AND WATER QUALITY:** Would the project:

- |                                                                                                                                                                                                                        |                          |                          |                                     |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: |                          |                          |                                     |                                     |
| i. Result in a substantial erosion or siltation on- or off-site?                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Impede or redirect flood flows?                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### **XI. LAND USE AND PLANNING:** Would the project:

- |                                                |                          |                          |                                     |                          |
|------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

## Environmental Issue

- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XII. MINERAL RESOURCES:** Would the project:

- a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XIII. NOISE:** Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Generation of excessive groundborne vibration or groundborne noise levels?
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XIV. POPULATION AND HOUSING:** Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XV. PUBLIC SERVICES:**

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
- Fire protection?
  - Police protection?
  - Schools?
  - Parks?
  - Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XVI. RECREATION:**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XVII. TRANSPORTATION:** Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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## Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **XVIII. TRIBAL CULTURAL RESOURCES:**

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **XVIV. UTILITIES AND SERVICE SYSTEMS:** Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XX. WILDFIRES:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **XXI. MANDATORY FINDINGS OF SIGNIFICANCE:**

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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## Environmental Issue

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## EVALUATION OF ENVIRONMENTAL EFFECTS

### I. AESTHETICS

- a. **Less-than-significant impact.** Public Resources Code (PRC) Section 21099 applicable to aesthetics effects states:

(d)(1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.

(2)(A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.

(B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.

The project is a request to change land designated and zoned residential into higher density residential and regional commercial. PRC 21099 is applicable to this project because the project is an infill site along an arterial road with access to transit services and is a mixed-use residential project. Therefore, the project's aesthetic impact is not considered significant.

The project proposes eight single-family dwellings, 64 multiple-family dwelling units, and 11,300 square feet of commercial, including a gas station with convenience store and retail pad. The existing visual environment in the area adjacent to the project is predominantly existing single-family residential neighborhoods.

A viewshed is the geographical area that is visible from a location. Scenic vistas often refer to views of natural lands within a viewshed, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. There are no local vista protection standards, scenic resource protection requirements, or design criteria of that are applicable to the project.

Residential urban forms built on the sloping topography of the area dominate the short to mid-range views in the project area. Residential and commercial development on the site is similar and scale as the existing urban forms surrounding the site. The proposed structures would be no more than two stories, which are in line with the surrounding elevations of nearby existing buildings. The existing urban environment in the project area

already obscures long views, and the project would not exacerbate this baseline condition. Therefore, the project would not have a substantial adverse effect on a scenic vista.

- b. **No impact.** Based on a field visit, it was determined that there are no trees, rock outcrops, or buildings (historic or otherwise) located at the project site. Additionally, the project is not located adjacent to or near any officially designated or potentially eligible scenic highways to be listed on the California Department of Transportation (Caltrans) State Scenic Highway System (Caltrans 2021). The closest section of highway eligible for state scenic highway designation is State Route (SR) 14 (Caltrans 2021) located in Kern County over 60 miles to the east. Therefore, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway.
- c. **Less-than-significant impact.** Please see response to I.a. Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.
- d. **Less-than-significant impact.** This project involves incremental urban growth within the City of Bakersfield's jurisdiction. This project would have to comply with City development standards, including Title 17 (zoning ordinance), Title 15 (buildings and construction), as well as California Code of Regulations Title 24 (building code). Together, these local and state requirements oblige project compliance with current lighting standards that minimize unwanted light or glare to spill over into neighboring properties. Therefore, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

## **II. AGRICULTURE RESOURCES**

- a. **No impact.** The Farmland Mapping and Monitoring Program (DOC 2021) designates the project site as Grazing Land. The site is not being farmed or grazed, and the site is bordered by major streets and development. The project does not convert 100 acres or more of the farmlands designated Prime, Unique, or of Statewide Importance to nonagricultural uses. Therefore, the project would not significantly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.
- b. **No impact.** The project site is currently zoned R-1 (One-Family Dwelling), and is not under a Williamson Act contract. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract.
- c. **No impact.** As discussed in II.b, the project site is zoned R-1 for residential uses. There are no forested lands located on the site. Therefore, the project would not conflict with existing zoning for, or cause rezoning of forest land or timberland, or timberland zoned Timberland Production.
- d. **No impact.** Please refer to response II.c. The project would not result in the loss of forestland or conversion of forest land to non-forest.
- e. **No impact.** Please refer to responses II.a through II.d. This project is in an area designated for urban development by the MBGP. The project itself is typical of the development found in metropolitan Bakersfield. The project site is also completely surrounded by

existing residential land uses. Therefore, the project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

### III. **AIR QUALITY**

- a. **Less than significant with mitigation incorporated.** The project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD) jurisdiction, in the San Joaquin Valley Air Basin (SJVAB). The SJVAB is classified by the state as being in severe nonattainment for the state 1-hour ozone standard as well as in nonattainment for the state particulate matter less than 10 microns (PM10) and particulate matter less than 2.5 microns (PM2.5). The SJVAB is also classified as in extreme nonattainment for the federal 8-hour ozone standard, nonattainment for the federal PM2.5 standard, and attainment/maintenance for the federal carbon monoxide (CO) and PM10 standards.

Emission sources because of the project would include ground disturbance and other construction-related work as well as operational emissions typical of a residential and commercial development (e.g., predominantly emissions from vehicles traveling to and from the development).

The SJVAPCD encourages local jurisdictions to design all developments in ways that reduce air pollution from vehicles, which is the largest single category of air pollution in the San Joaquin Valley. The *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) (SJVAPCD 2015) lists various land uses and design strategies that reduce air quality impacts of new development. Local ordinance and general plan requirements related to landscaping, sidewalks, street improvements, level of traffic service, energy efficient heating and cooling building code requirements, and location of commercial development in proximity to residential development are consistent with these listed strategies. Regulation and policy that will result in the compliance with air quality strategies for new residential and commercial developments include, but are not limited to, Title 24 efficiency standards, Title 20 appliance energy efficiency standards, 2005 building energy efficiency standards, Assembly Bill (AB) 1493 motor vehicle standards, and compliance with the Metropolitan Bakersfield General Plan Air Quality Conservation Element as well as the SJVAPCD air quality guidelines and rules.

As shown in the following table, the SJVAPCD has established specific criteria pollutants thresholds of significance for the operation of specific projects.

<b>SJVAPCD Significance Thresholds for Criteria Pollutants</b>	
<b>Air Pollutant</b>	<b>Tons/Year</b>
CO	100
Reactive Organic Gas (ROG)	10
Nitrogen Oxides (NOX)	10
Sulfur Oxides (SOX)	27
PM10	15
PM2.5	15

Source: SJVAPCD 2015.

Construction of the project would result in air pollutant emissions. Emissions from construction would result from fuel combustion and exhaust from equipment as well as vehicle traffic, grading, and the use of toxic materials (e.g., lubricants). The following table provides estimated construction emissions because of the project.

Construction Emissions						
Construction Year	Pollutant (tons/year)					
	ROG	NOX	CO	SOX	PM10	PM2.5
Unmitigated Year 2019 Emissions	0.41	3.75	2.07	0.006	0.51	0.31
Unmitigated Year 2020 Emissions	1.03	1.05	0.96	0.002	0.09	0.06
Mitigated Year 2019 Emissions	0.41	3.75	2.87	0.006	0.38	0.25
Mitigated Year 2020 Emissions	1.03	1.05	0.96	0.002	0.09	0.06
SJVAPCD Threshold	10	10	100	27	15	15
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Insight 2019.

As shown in the above table, mitigated and unmitigated construction emissions are not predicted to exceed SJVAPCD significance thresholds levels.

Project operations would also result in air pollutant emissions. Vehicle trips to and from the development would be the primary source of operational emissions. The following table provides estimated operational emissions because of the project.

Operational Emissions						
Emissions Source	Pollutant (tons/year)					
	ROG	NOX	CO	SOX	PM10	PM2.5
Unmitigated Operational Emissions	2.40	4.42	14.73	0.04	2.53	0.98
Mitigated Operation Emissions	1.98	3.16	8.47	0.01	0.75	0.22
SJVAPCD Threshold	10	10	100	27	15	15
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Insight 2019.

As shown in the above table, mitigated and unmitigated operational emissions are also not predicted to exceed SJVAPCD significance thresholds levels.

With implementation of Mitigation Measure 1, the project would not conflict with, or obstruct implementation of, the applicable air quality plan. Mitigation Measure 2 requires that the project pay necessary fees to the SJVAPCD. With implementation of Mitigation Measures 1 and 2, the project would not conflict with or obstruct implementation of the applicable air quality plan.

- b. **Less than significant with mitigation incorporated.** Under GAMAQI, any project that would have individually significant air quality impacts would also be considered to have significant cumulative air quality impacts. Impacts of local pollutants are cumulatively significant when the combined emissions from the project and other planned projects exceed air quality standards. The following table shows the project's contribution to cumulative emissions calculated for both Kern County and the greater SJVAB.

Cumulative Emissions						
Emissions Inventory	Pollutants (tons/year)					
	ROG	NOX	CO	SOX	PM10	PM2.5

Kern County – 2012 <sup>1</sup>	36,026	26,426	58,108	949	16,097	4,964
SJVAB – 2012 <sup>1</sup>	218,964	119,282	490,998	4,526	117,567	40,150
Project	2.46	5.49	14.50	0.035	2.92	0.81
Project % of Kern	0.007	0.02	0.02	0.004	0.02	0.02
Project % of SJVAB	0.001	0.005	0.003	0.0008	0.002	0.002
<sup>1</sup> Latest inventory available as of May 2018.						

As shown in the above table, the project does not pose a significant increase to estimated cumulative emissions for criteria pollutants in nonattainment within Kern County and the greater SJVAB. The project's regional contribution to cumulative impacts would be negligible (well less than 1% for all pollutants under consideration) and therefore, the project's contribution is not cumulatively considerable.

Additionally, the GAMAQI, citing California Code of Regulations (CCR) Section 15064(h)(3), states on page 66 that “[a] Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program, including, but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located” (SJVAPCD 2015).

Mitigation measures in this MND require compliance with air quality control measures and rules required by the SJVAPCD, which include, but are not limited to, SJVAPCD Rule 2010 (Permits Required), SJVAPCD Rule 2201 (New and Modified Stationary Source Review Rule), SJVAPCD Rule 4102 (Nuisance), and SJVAPCD Rule 9510 (Indirect Source Rule), each of which is discussed below.

SJVAPCD Rule 2010 requires any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate from the SJVAPCD Air Pollution Control Officer (APCO). The project will comply with this rule by obtaining authorization from APCO prior to commencing construction on the project.

SJVAPCD Rule 2201 requires review and offset of stationary sources of air pollution and no net increase in emissions above specified thresholds from new and modified stationary sources of all nonattainment pollutants and their precursors. This is achieved through the use of mechanisms as approved by the SJVAPCD, such as emission trade-offs by which a permit to construct or operate any source pollution is granted. The project will comply with this rule by demonstrating compliance when obtaining authorization from APCO under Rule 2010. For example, compliance with Rule 2201 may include using Best Available Control Technology and providing emission offsets.

SJVAPCD Rule 4102 protects the health and safety of the public by prohibiting discharge from any source whatsoever of air contaminants that cause injury, detriment, nuisance, or other annoyance to any considerable number of people. The project will comply with this rule by not discharging air contaminants or other materials, which cause injury, detriment, nuisance, or other annoyance to any considerable number of people.

SJVAPCD Rule 9510 requires the reduction of emissions of nitrogen oxides (NOX) and particulate matter smaller than ten microns in aerodynamic diameter (PM10) associated with construction and operational activities of development projects occurring within the

San Joaquin Valley. Rule 9510 applies to new development projects that would equal or exceed specific size limits called applicability thresholds (e.g., developing more than 2,000 square feet of commercial space, 25,000 square feet of light industrial space, 10,000 square feet of heavy industrial space, or 50 residential units). The project is subject to SJVAPCD Rule 9510 because it exceeds the applicability threshold of 50 residential or dwelling units. Accordingly, the project must reduce a portion of the emissions occurring during construction and operational phases through on-site measures, or pay off-site mitigation fees. The objective of this rule is to reduce construction NOX and PM10 emissions by 20% and 45%, respectively, as well as to reduce operational NOX and PM10 emissions by 33.3% and 50%, respectively, when compared to unmitigated projects. The SJVAPCD uses CalEEMod (California Emission Estimator Model) to estimate emissions of NOX and PM10 for potential land uses. Examples of measures that may be implemented to reduce emissions pursuant to this rule include, but are not limited to, incorporating energy efficiency beyond Title 24 requirements, providing bicycle lanes throughout a project, using cleaner fleet construction vehicles, providing employee incentives for using alternative transportation, and building in proximity to existing or planned bus stops. When a development project cannot reduce its NOX and PM10 emissions to the level required by Rule 9510, then the difference must be mitigated through the payment of an offsite emissions reduction fee. One hundred percent (100%) of all off-site mitigation fees are used by the SJVAPCD to fund emission reduction projects through its Incentives Programs, achieving emission reductions on behalf of the project.

Due to the fact that 1) the air quality modeling indicates that the project's regional contribution to cumulative impacts would be negligible and 2) the project would comply with the requirements of the SJVAPCD attainment plans and rules, and mitigation measures require the applicant to provide proof of such compliance, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

- c. **Less-than-significant impact.** Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved that expose sensitive receptors to sustained exposure to any pollutants present. Examples of the types of land use that are sensitive receptors include residences, retirement facilities, hospitals, and schools. The most sensitive portions of the population are children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases.

The Air Quality Impact Analysis (AQIA) concluded that the project would not have an adverse effect to any of the surrounding communities (Insight 2019). Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations.

- d. **Less-than-significant impact.** The AQIA concludes that the project would not emit any objectionable odors because the emitted odors would be typical of other residential and commercial development surrounding the project site (Insight 2019). Therefore, the project would not create objectionable odors affecting a substantial number of people.

#### IV. **BIOLOGICAL RESOURCES**

- a. **Less than significant with mitigation incorporated.** A Biological Study was prepared for the proposed project (MESA 2020). The site is a highly degraded and disturbed farrow lot with no listed special-status plant species were found on the site during the

reconnaissance-level survey (MESA 2020). Additionally, no listed special-status wildlife species or their signs were observed at the site (MESA 2020). Special-status wildlife were not observed and no indicators of occupation or use by special-status species (e.g., scat, tracks, nesting materials, prey remains, or any other sign) were identified during the field survey (MESA 2020). Despite any indication of use during the survey, there is potential for use by special-status species in the future.

The current MBHCP expires on February 28, 2022. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2022 expiration date under the current MBHCP. As determined by the City, only projects ready to be issued an urban development permit, grading plan approval, or building permit before the 2022 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 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 USFWS and the CDFW.

Mitigation Measure 3 requires a survey and compliance with mitigation measures outlined in the ITP prior to ground disturbance for any special-status wildlife species that have the potential to occur at the project site. With implementation of Mitigation Measure 3, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

- b. **No impact.** There are no riparian habitats or characteristic ephemeral washes located within the project site (MESA 2020). The project is also not located within, or adjacent to, the Kern River riparian habitat area. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.
- c. **No impact.** Based on the results of the field survey and a review of the USFWS National Wetlands Inventory, there are no wetlands, as defined by Section 404 of the federal Clean Water Act (CWA), located within the project site (MESA 2020). Therefore, the project would not have a substantial adverse effect on federally-protected wetlands.
- d. **Less than significant with mitigation incorporated.** The project site is not within the Kern River floodplain (noted as a wildlife corridor in the MBHCP) and is not along a canal that has been identified by the USFWS as a corridor or nursery for native resident wildlife species. Therefore, it was concluded that the project would not interfere with wildlife movement (MESA 2020).

There is the potential during construction to temporarily affect nursery sites such as dens. Project construction could cause the direct destruction of a nursery site or cause enough of an indirect disturbance to cause special-status wildlife to abandon a nursery site. However, Mitigation Measure 3 require preconstruction surveys and, if necessary, additional mitigation recommended by a qualified biologist and CDFW to reduce potential impacts to nursery sites. With the implementation of Mitigation Measure 3, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- e. **Less-than-significant impact.** It was concluded that the project site does not contain any biological resources that are protected by local policies. The project is located within the boundary of the MBHCP, which addresses biological impacts within the *Metropolitan Bakersfield General Plan* area. The MBHCP has been adopted as policy and is implemented by ordinance. The development entitled by this proposal would be required to comply with the MBHCP. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources.
- f. **No impact.** Please refer to responses IV.a, IV.d, and IV.e. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## **V. CULTURAL RESOURCES**

- a. **No impact.** A Phase I cultural resource survey was performed at the project site (Hudlow 2019). No historical resources were identified. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource.
- b. **Less than significant with mitigation incorporated.** The project would not cause a substantial adverse change in the significance of an archaeological resource (Hudlow 2019). However, there is still the potential to unearth previously unknown archaeological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. Mitigation Measure 4 requires ceasing work and investigating any discovery in the event that previously unknown archaeological resources are unearthed during construction. With the implementation of Mitigation Measure 4, the project would not cause a substantial adverse change in the significance of an archaeological resource.
- c. **Less than significant with mitigation incorporated.** There are no known human remains found at the project site. The project could inadvertently uncover or damage previously unknown human remains. Mitigation Measure 5 requires that if any human remains are found at the site during construction, work would cease and the remains would be handled pursuant to applicable law. With implementation of Mitigation Measure 5, the project would not significantly disturb any human remains.

## **VI. ENERGY**

- a. **Less-than-significant impact.** The applicant proposes eight single-family dwellings, 64 multiple-family dwelling units, and 11,300 square feet of commercial, including a gas station with convenience store and retail pad. Project construction would require temporary energy demands typical of other neighborhood commercial and residential construction projects that occur throughout the state and this development's construction would not result in inefficient or unnecessary consumption of energy resources beyond typical commercial and residential construction. All new construction within the City of Bakersfield must adhere to modern building standards, including California Code of Regulations Title 24, which outlines energy efficiency standards for new residential and nonresidential buildings to ensure that new buildings do not wastefully, inefficiently, or unnecessarily consume energy. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

- b. **Less-than-significant impact.** There is no adopted plan by the City of Bakersfield for renewable energy or energy efficiency. As discussed in VI.a, all new development projects within the City are required to adhere to modern building standards related to energy efficiency. Additionally, the City encourages applicants and developers to go beyond the required standards and make their developments even more efficient through programs such as LEED, or Leadership in Energy and Environmental Design, which is a green building rating system that provides a framework to create healthy, highly efficient, and cost-saving green buildings. Other encouraged programs available applicants and developers are Title 20 appliance energy efficiency standards and 2005 building energy efficiency standards. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## VII. GEOLOGY AND SOILS

- a. The following discusses the potential for the project to expose people or structures to substantial adverse effects because of various geologic hazards. The City is within a seismically active area. According to the *Metropolitan Bakersfield General Plan*, major active fault systems border the southern portion of the San Joaquin Valley. Among these major active fault systems include the San Andreas, Breckenridge-Kern County, Garlock, Pond Poso, and White Wolf faults. There are numerous additional smaller faults suspected to occur within the Bakersfield area, which may or may not be active. The active faults have a maximum credible Richter magnitude that ranges from 6.0 (Breckenridge-Kern County) to 8.3 (San Andreas). Potential seismic hazards in the planning area involve strong ground shaking, fault rupture, liquefaction, and landslides.
  - i. **No Impact.** Ground rupture is ground deformation that occurs along the surface trace of a fault during an earthquake. The project site is not included within the boundaries of an "Earthquake Fault Zone" as defined in the Alquist-Priolo Earthquake Fault Zoning Act (DOC 2021). Therefore, the project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault.
  - ii. **Less-than-significant impact.** The City is within a seismically active area. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code (specifically Seismic Zone 4, which has the most stringent seismic construction requirements in the United States), and to adhere to all modern earthquake construction standards. Therefore, the project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking.
  - iii. **Less-than-significant impact.** The most common seismic-related ground failure is liquefaction and lateral spreading. In both cases, during periods of ground motion caused by an event such as an earthquake, loose materials transform from a solid state to near-liquid state because of increased pore water pressure. Such ground failure generally requires a high water table and poorly draining soils in order for such ground failure to occur. The project site's soils are primarily sandstone and conglomerate, Cuyama loam, 9 to 15% slopes, which are generally well draining with high runoff (USDA 2021). Public-supply wells in Kern County are at depths between 600 and 800 feet below land surface (USGS 2016) and therefore, groundwater levels are not close enough to the ground surface to result in sufficiently saturated soils suitable for liquefaction. As a result, the

potential for liquefaction at the project site is low. In addition, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.

- iv. **Less-than-significant impact.** In Kern County, the common types of landslides induced by earthquake occur on steeper slopes found in the foothills and along the Kern River Canyon; in these areas, landslides are generally associated with bluff and stream bank failure, rockslide, and slope slip on steep slopes. The project site has up to a 7% slope and therefore, is considered a steep slope. The applicant has provided a grading plan for the proposed development to the City for review and approval concurrently within this GPA/ZC request. Based on the review of the grading plan by City's Building Division and Public Works Department, the City has determined that the grading plan reduces the possibility of landslide through proper geotechnical engineering and by adhering to required local standards for grading to a negligible level. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides.
- b. **Less-than-significant impact.** The project site's soils have low-to-medium susceptibility to sheet and rill erosion by rainfall and low susceptibility to wind erosion at the ground surface. The relatively low precipitation in the project area (on average about 6 inches/year) results in surface runoff that is intermittent and temporary in nature. The erosion potential at the site, low average rainfall, and the fact that the soils are well drained does not make the project site susceptible to substantial soil erosion or loss of topsoil.

Construction of the site would temporarily disturb soils, which could loosen soil, and the removal of vegetation could contribute to future soil loss and erosion by wind and storm water runoff. The project would have to request coverage under the National Pollutant Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction Activities* (No. 2012-0006-DWQ) (General Permit) because the project would result in one or more acres of ground disturbance. To conform to the requirements of the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) would need to be prepared that specifies best management practices (BMPs) to prevent construction pollutants, including eroded soils (such as topsoil), from moving offsite. Implementation of the General Permit and BMPs requirements would mitigate erosion of soil during construction activities.

During operation, the soils would be sufficiently compacted to required engineered specifications, revegetated in compliance with City requirements, or paved over with impervious surfaces such that the soils at the site would not be particularly susceptible to soil erosion. Therefore, the project would not result in substantial soil erosion or the loss of topsoil.

- c. **Less-than-significant impact.** As discussed in VII.a.iii and VII.a.iv, the project site's soils would not expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction, lateral spreading, or landslides.

Subsidence is part of the baseline condition in the project area due to historic groundwater pumping and the resultant subsidence that occurs with such activities. The project would not substantially contribute to this baseline condition because the projected water use has been conditionally approved by East Niles Community Services District (ENCSD) (ENCSD 2020). The project site has been considered by ENCSD against its most current Urban Water Management Plan (UWMP) and it was concluded that the District has sufficient existing capacity to service the project. Therefore, the project has already been considered in the groundwater analysis in the UWMP and would not exacerbate subsidence in the area beyond the baseline condition.

Collapsible soils consist of loose, dry, low-density materials that collapse and compact under the addition of water or excessive loading. Because the project site is derived from strongly stratified alluvium primarily from granite rocks, which is generally loose material, there is the potential for collapsible soils. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- d. **Less-than-significant impact.** When a soil has 35% or more clay content, it is considered a clayey soil. Cuyama loam have 5 to 20% clay content and therefore, do not have a high potential to be expansive. Additionally, future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the Uniform Building Code, including those relating to soil characteristics. Therefore, the project would not be located on expansive soil creating substantial risks to life or property.
- e. **No impact.** The project would not require the use of septic tanks or alternative wastewater disposal systems because the project would connect to existing City sewer services in the area. Therefore, there would be no impacts related to soils incapable of adequately supporting septic tanks or alternative waste water disposal systems.
- f. **Less than significant with mitigation incorporated.** Paleontological sensitivity is determined by the potential for a geologic unit to produce scientifically significant fossils. Because paleontological resources typically occur in the substratum soil horizon, surface expressions are often not visible during a pedestrian survey. Paleontological sensitivity is derived from known fossil data collected from the entire geologic unit. According to the California Department of Conservation's Geologic Map of California, the project site consists of Quaternary marine and nonmarine sedimentary geologic formations. This geological formation consists of older alluvium deposits that have the potential to contain unknown paleontological resources or unique geologic features.

Similar to archaeological resources, there is the potential to unearth previously unknown paleontological resources at the site, and grading and other ground-disturbing activities have the potential to damage or destroy such resources. With the implementation of Mitigation Measure 4, the project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

## **VIII. GREENHOUSE GAS EMISSIONS**

- a. **Less-than-significant impact.** The project would generate an incremental contribution and, when combined with the cumulative increase of all other sources of greenhouse gases (GHG), could contribute to global climate change impacts. Although the project is expected to emit GHG, the emission of GHG by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically would be relatively very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Therefore, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis.

The project's GHG emissions were estimated (Insight 2019) and are summarized in the following table.

<b>Construction and Operational GHG Emissions</b>	
<b>Source</b>	<b>Metric Tons/Year</b>
	<b>CO<sub>2</sub>E<sup>1</sup></b>
Unmitigated Operational Emissions	3,002.91
Mitigated Operational Emissions	1,409.48
<b>BAU – 2020 Operational Emissions</b>	<b>53.01%</b>
<sup>1</sup> CO <sub>2</sub> E = carbon dioxide equivalent	

Source: Insight 2019.

According to the SJVAPCD, for a project to conform to the goals of AB 32, at least a 29% reduction from the 2002-2004 business-as-usual (BAU) period by 2020 must be demonstrated. As shown in the above table, the project results in a 53% reduction in GHG emissions in comparison to BAU, which satisfies the AB 32-mandated 29% reduction. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

- b. **Less-than-significant impact.** CARB is responsible for the coordination and administration of both federal and state air pollution control programs within California. According to California's Climate Change Scoping Plan, there must be statewide reduction GHG emissions to 1990 levels by 2020. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 29% from BAU emission levels projected for 2020. In addition, per SB 375 requirements, CARB has adopted regional reduction targets, which call for a 5% reduction in per-capita emissions by 2020 and 10% reduction in 2035 within the San Joaquin Valley using 2005 as the baseline. These regional reduction targets will be a part of the Kern COG Sustainable Communities Strategy. The SJVAPCD has adopted guidance (*Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*) and a policy (District Policy – Addressing GHG Emission Impacts for Stationary Source Projects under CEQA When Serving as the Lead Agency).

As proposed, the project would not conflict with any statewide policy, regional plan, or local guidance or policy adopted for the purpose of reducing GHG emissions. The project would not interfere with the implementation of AB 32 and SB 375 because it would be consistent with the GHG emission reduction targets identified by CARB and the Scoping Plan. The project achieves BAU GHG emissions reduction equal to or greater than the 29% targeted reduction goal CARB defines BAU as "the emissions that would be

expected to occur in the absence of any GHG reduction actions." By implementing mitigation, the project would be consistent with these statewide measures and considered not significant or cumulatively considerable under CEQA. Therefore, the project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHG.

## **IX. HAZARDS AND HAZARDOUS MATERIALS**

- a. **Less-than-significant impact.** The project has a regional commercial component and therefore, could involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Construction activities would require the transport, storage, use, and/or disposal of hazardous materials such as fuels and greases for the fueling/servicing of construction equipment and underground fuel tanks, and there is the potential for upset and accident conditions that could release such material into the environment. Such substances would be stored in temporary storage tanks/sheds that would be located at the site. Although these types of materials are not acutely hazardous, they are classified as hazardous materials and create the potential for accidental spillage, which could expose construction workers. All transport, storage, use, and disposal of hazardous materials used in the construction of the project would be in strict accordance with federal and state laws and regulations. During construction of the project, Material Safety Data Sheets (MSDS) for all applicable materials present at the site would be made readily available to onsite personnel. During construction, non-hazardous construction debris would be generated and disposed of at approved facilities for handling such waste. Also, during construction, waste disposal would be managed using portable toilets located at reasonably accessible onsite locations.

The project proposes eight single-family dwellings, 64 multiple-family dwelling units, and 11,300 square feet of commercial, including a gas station with convenience store and retail pad. Day-to-day regional commercial activities may involve the routine transport, use, or disposal of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Users would be required to follow any instructions for use and storage provided on product labels to prevent any accidents in the workplace. Users would also be required to read and follow product labels for disposal directions to eliminate the risk of products exploding, igniting, leaking, mixing with other chemicals, or posing other hazards on the way to a disposal facility. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- b. **Less-than-significant impact.** Please refer to response VIX.a. Therefore, the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment.
- c. **Less-than-significant impact.** The AQIA concluded that the project would not significantly affect sensitive receptors (Insight 2019). Therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school.
- d. **No impact.** The EnviroStor (DTSC 2021) and Cortese (CalEPA 2021) lists pursuant to Government Code (GC) Section 65962.5 were reviewed. No portion of the project site is identified on either list, which provides the location of known hazardous waste concerns.

Therefore, the project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to GC Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

- e. **No impact.** The project site is not located within the Kern County *Airport Land Use Compatibility Plan* area (Kern County 2012). The closest airport to the project site is Meadows Field, which is over 10.2 miles to the northwest of the site. Therefore, the project would not result in a safety hazard for people residing or working in the project area. The project is not located within a distance an airport land use plan or, where such a plan has not been adopted.
- f. **Less-than-significant impact.** The project would have to develop or improve roads to the site as well as internal roads that are in compliance with the City's Fire Code to allow emergency vehicles adequate access to the site and all portions of the site. Slopes up to 7% do not require additional approval from the Bakersfield Fire Department (Wines 2021). The grading permit provided by the applicant shows that all engineered slopes at the site would be less than 7% and therefore, would not impede emergency vehicle access. Access to the site would be maintained throughout the construction period, and appropriate detours would be provided in the event of potential temporary road closures. The project would not interfere with any local or regional emergency response or evacuation plans because the project would not result in a substantial alteration to the adjacent and area circulation system. The project is typical of urban development in Bakersfield, and is not inconsistent with the adopted City of Bakersfield Hazardous Materials Area Plan (Bakersfield 1997). This plan identifies responsibilities and provides coordination of emergency response at the local level to hazardous materials incidents. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- g. **Less-than-significant impact.** The project site is not located within a "very high," "high," or "moderate" fire hazard severity zone (CalFire 2008). The site consists of vacant land, and its vicinity is urban and does not possess high fuel loads that have a high potential to cause a wildland fire. The project site would be developed with hardscapes and irrigated landscaping, which would further reduce fire potential at the site. Additionally, the City and County require "defensible space" within areas of the County susceptible to wildland fires as shown on CalFire maps through the Fire Hazard Reduction Program. Defensible space is the buffer created between a building and the grass, trees, shrubs, or any wildland area that surrounds it. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

## **X. HYDROLOGY AND WATER QUALITY**

- a. **Less-than-significant impact.** Construction would include ground-disturbing activities. As discussed in VII.b, the project site's soil types have a low-to-medium susceptibility to sheet and rill erosion by rainfall and a low susceptibility to wind erosion at the ground surface. Disturbance of onsite soils during construction could result in soil erosion and siltation, and subsequent water quality degradation through increased turbidity and sediment deposition during storm events to offsite locations. Additionally, disturbed soils have an increased potential for fugitive dust to be released into the air and carried offsite. As described in VII.b, the project would be required to comply with the General Permit. To conform to the requirements of the General Permit, a SWPPP would need to be prepared

that specifies BMPs to prevent construction pollutants from moving offsite. The project is required to comply with the General Permit because project-related construction activities would disturb at least 1 acre of soil.

The City owns and maintains a municipal separate storm sewer system (MS4). The project's operational urban storm water discharges are covered under the Central Valley Water Quality Control Board (CVRWQCB) *National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements General Permit for Discharges from Municipal Separate Storm Sewer Systems* (Order No. R5-2016-0040; NPDES No. CAS0085324) (MS4 Permit) (CVRWQCB 2016). The MS4 Permit mandates the implementation of a storm water management framework to ensure that water quality is maintained within the City because of operational storm water discharges throughout the City, including the project site. By complying with the General Permit and MS4 Permit, the project would not violate any water quality standards or waste discharge requirements.

- b. **Less-than-significant impact.** Potable water from the project would be supplied by ENCSD. ENCSD receives at least a portion of its supplies from groundwater sources. The project's projected water use has been conditionally approved by ENCSD (ENCSD 2020) and therefore, the project site has been considered by ENCSD against its most current UWMP. By state law, current UWMPs do not need to address the Sustainable Groundwater Management Act (SGMA) or sustainable groundwater management at this time. It was concluded that ENCSD had sufficient existing capacity to service the project. As a result, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c. The following discusses whether the project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.
  - i. **Less-than-significant impact.** The project site does not contain any blue-line streams or other surface water features (MESA 2020) and therefore, the project would not alter the course of a river or stream. The project site would be graded and, as a result, the internal drainage pattern at the site would be altered from the baseline condition. Additionally, the project would result in increased impervious surfaces (i.e., building pads, sidewalks, asphalt parking area, etc.) at the site, which would reduce percolation to ground and result in greater amounts of storm water runoff concentrations at the site. If uncontrolled, differences in drainage patterns and increased impervious surfaces could result in substantial erosion or siltation on- or offsite. However, the project would be required to comply with the General Permit during construction and MS4 permit during operation. In order to comply with the MS4 Permit, the City requires compliance with adopted building codes, including complying with an approved drainage plan, which avoids on- and offsite flooding, erosion, and siltation problems. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite.
  - ii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially

increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.

- iii. **Less-than-significant impact.** Please refer to response X.c.i. Therefore, the project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
  - iv. **No Impact.** The project site is located outside the 500-year floodplain and is not located within a 100-year flood hazard area (FEMA 2021). Therefore, the project would not impede or redirect flood flows.
- d. **Less-than-significant impact.** As discussed in responses X.g. and IX.h., the project is not located within a floodplain. There are no nearby levees that would be susceptible to failure or flooding of the site. The project site is located outside of the Lake Isabella flood inundation area (Kern County 2017), which is the area that would experience flooding in the event that there was a catastrophic failure of the Lake Isabella Dam. There is an approved Lake Isabella Dam Failure Evacuation Plan (Kern County 2009) that establishes a process and procedures for the mass evacuation and short-term support of populations at risk below the Lake Isabella Dam. The City would utilize the Evacuation Plan to support its Emergency Operations Plans (EOPs). With implementation of the Evacuation Plan, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding because of the failure of a levee or dam.
- e. **Less-than-significant impact.** Please refer to response X.c.i. There is currently no adopted groundwater management plan for the project site or its vicinity. Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

## **XI. LAND USE AND PLANNING**

- a. **Less-than-significant impact.** The project is a continuation of the existing urban development pattern of the City. The project does not include a long and linear feature, such as a freeway, railroad track, block wall, etc., that would have the potential to divide a community. The project is the development of a finite 15.45-acre infill site that does not impede existing or future movement or development of the City. Therefore, the project would not physically divide an established community.
- b. **No impact.** The project requires a GPA to be consistent with the MBGP, namely a change from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial). The project also requires a ZC to be consistent with the Zoning Ordinance, namely a change from R-1 (One-Family Dwelling) to R-2 (Limited Multiple-Family Dwelling) and C-2 (Regional Commercial). If the GPA/ZC were to be approved by the City, the project would be consistent with both the MBGP and Zoning Ordinance. Therefore, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

## **XII. MINERAL RESOURCES**

- a. **No impact.** The project site is not within the administrative boundaries of an oilfield and there are no oil wells found on the site (CalGEM 2021). The only other potential mineral resource in the area is aggregate for the making of concrete. Aggregate is mined in alluvial fans and along existing and historical waterways. There are no blue-line water features or existing or planned aggregate mining operations at the site. Therefore, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- b. **No impact.** The project site is currently designated LR (Low Density Residential) and, if the GPA is approved, this designation would change to HMR (High Medium Density Residential) and GC (General Commercial). No portion of the site is designated for a potential mineral resource extraction use such as R-MP (Mineral and Petroleum). Therefore, the project would not result in the loss of availability of a locally-important mineral resource recovery site that is delineated in a local general plan, specific plan or other land use plan.

### **XIII. NOISE**

- a. **Less-than-significant impact.** The project would generate both short-term construction noise and operational noise. The first type of short-term construction noise would result from transport of construction equipment and materials to the project site, and construction worker commutes. These transportation activities would incrementally raise noise levels on access roads leading to the site. A one-time trip to move pieces of heavy equipment for grading and construction activities would result in single-event noise at a distance of 50 feet from a sensitive noise receptor that would reach a maximum level of 84 A-weighted decibels (dBA). Because the equipment would be left onsite for the duration of project construction, the one-time trip would not add to the daily traffic noise in the project vicinity. The total daily vehicle trips resulting from construction worker commutes would be minimal when compared to existing traffic volumes on the affected streets, and the long-term noise level change would not be perceptible.

The second type of short-term construction noise is related to noise generated during project construction. The site preparation and grading phase, which includes excavation and grading, tends to generate the highest noise levels because earthmoving equipment is the noisiest construction equipment. Construction noise levels during grading would be less than 70 dBA, which would not exceed the hourly noise level standard at the nearest sensitive uses. Construction noise would cease to occur once project construction is completed. The project will also be required to comply with the construction hours specified in the City Noise Ordinance, which states that construction activities are limited to the hours of 6:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 9:00 p.m. on weekends.

Project operations would generate sound levels typical of residential and regional commercial land uses, which would have to comply with Bakersfield Municipal Code regarding noise. Stationary operational noise levels at all points around the project site would experience noise level impacts that would be less than the daytime and nighttime hourly noise level standards of 55 dBA and 50 dBA, respectively. Project-related operational traffic would have very small noise level increases along roadway segments in the project vicinity. Parking lot noise, including engine sounds, car doors slamming, car alarms, loud music, and people conversing, would also occur at the project site. Mitigation such as design elements to absorb the noise will be determined when site plan review is conducted. Noise levels at all points around the project site should experience

noise level impacts that would be less than the City's daytime and nighttime maximum noise level standards of 75 dBA and 70 dBA.

Therefore, the project could generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

- b. **Less-than-significant impact.** Some ground-borne vibration and noise would originate from earth movement and building activities during the project's construction phase. Ground-borne noise and vibration from construction activity would be mostly low to moderate). The closest structures to the project site are the existing residential uses to the north, west and southwest. The operation of typical construction equipment would generate ground-borne vibrations that would not exceed guidelines that are considered safe for any type of buildings. Operation of the proposed neighborhood commercial use would not generate ground-borne vibration. Therefore, the project would not expose persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c. **No impact.** Please refer to response IX.e. Therefore, the project would not expose people residing or working in the project area to excessive noise levels for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

#### **XIV. POPULATION AND HOUSING**

- a. **Less-than-significant impact.** The project would accommodate population growth in this area through the development of new multi-family residential. The project is in an infill site and near to existing residential development, and is therefore the logical extension of existing urban development. Bakersfield has experienced approximately 12% growth in population (347,483 people in 2010 to 389,211 in 2019) since 2010 (DOF 2019a and DOF 2019b). It is predicted that by 2040, 1,103,033 people will live in Kern County (DOF 2019c). Given that 42.5% of the people in Kern County currently live in Bakersfield (DOF 2019b), and if this trend continues, it is estimated that about 468,789 people would live in Bakersfield in 2040. This means that by 2040, 79,578 additional people would need housing in the Bakersfield area. This project accommodates this projected increase in Bakersfield's population by providing residences for existing and future residents in Bakersfield. Therefore, the project would not induce substantial population growth in an area, either directly or indirectly.
- b. **No impact.** The project site consists of vacant land. Therefore, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

#### **XV. PUBLIC SERVICES**

- a. The following discusses whether the project would result in substantial adverse physical impacts to public services. The need for additional public service is generally directly correlated to population growth and the resultant additional population's need for services beyond what is currently available.
  - i. **Less-than-significant impact.** Fire protection services for the Metropolitan Bakersfield area are provided through a joint fire protection agreement between the City and County. The project may necessitate the addition of fire equipment

and personnel to maintain current levels of service, and this potential increase in fire protection services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.

- ii. **Less-than-significant impact.** Police protection for the project would be provided by the Bakersfield Police Department. Potential increase in services can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.
- iii. **Less-than-significant impact.** The project is growth accommodating and therefore, is a driver for population growth, including the need for additional schools. The need for additional schools can be proportionately paid by increased property tax revenue because of the project. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools.
- iv. **Less-than-significant impact.** The project is growth accommodating and therefore, is a driver for population growth, including the need for additional recreational opportunities. However, residential projects are required to follow the parkland requirements that are calculated based on the General Plan and City Ordinance park standards of 2.5 acres for every 1,000 people. Every residential unit must pay a park land development fee at the time of the issuance of building permits. Compliance with the park acreage dedication ordinance and the park development fee ordinance ensures that parks are dedicated and built in accordance with City standards to accommodate the increased population. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.
- v. **Less-than-significant impact.** The project and eventual buildup of this area would result in an increase in maintenance responsibility for the City. Though the project may necessitate increased maintenance for other public facilities, this potential increase can be paid for by property taxes generated by this development. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain

acceptable service ratios, response times or other performance objectives for other public facilities.

#### **XVI. RECREATION**

- a. **Less-than-significant impact.** Please refer to response XV.a.iv. Therefore, the project would have a slight increase of the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would not occur or be accelerated.
- b. **Less-than-significant impact.** Please refer to response XV.a.iv. Therefore, the project would not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

#### **XVII. TRANSPORTATION AND TRAFFIC**

- a. **Less than significant with mitigation incorporated.** The project would result in temporary construction-related traffic impacts. Construction workers traveling to and from the project site as well as construction material delivery would result in additional vehicle trips to the area's roadway system. Construction material delivery may require a number of trips for oversized vehicles that may travel at slower speeds than existing traffic and, due to their size, may intrude into adjacent travel lanes. These trips may temporarily degrade level of service (LOS) on area roadways and at intersections. Additionally, the total number of vehicle trips associated with all construction-related traffic (including construction worker trips) could temporarily increase daily traffic volumes on local roadways and intersections. The project may require temporary lane closures or the need for flagmen to safely direct traffic on roadways near the project site. Once the project is built, it would result in many permanent traffic-related effects.

Policy 36 of the Metropolitan Bakersfield General Plan Circulation Element states:

Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service standard) or when the existing Level of Service is below "C" prevent where possible further degradation due to new development or expansion of existing development with a three-part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The area-wide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger project, such as freeways, which will be built at a later date.

A traffic analysis (LAV 2020) that analyzed operational traffic impacts was prepared for the project to determine if operations would degrade the performance of the circulation system per the requirements of Policy 36. Policy 36 of the Circulation Element of the MBGP requires the City to prevent streets and intersections from degrading below a level of service C, where possible, through dedication of adjacent right-of-way, access improvements, or an area-wide impact fee. In addition, the Subdivision Ordinance requires all onsite street improvements and a proportional share of boundary street improvements to be built at the time the property is developed.

The traffic analysis concluded that six intersections and one roadway segment were identified to need improvement and that the project should participate in the Regional

Transportation Impact Fee (RTIF) Program Regional Transportation Impact Fee (RTIF) Program and pay any Local Mitigation fees, if applicable (see Mitigation Measures 6 and 7). With implementation of Mitigation Measures 6 and 7, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.

- b. **Less than significant with mitigation incorporated.** While public agencies may immediately apply Section 15064.3 of the updated CCR (or CEQA Guidelines), statewide application was required until July 1, 2020. This CCR Section 15064.3(b) states:

Criteria for Analyzing Transportation Impacts.

(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, such as in a regional transportation plan EIR, a lead agency may tier from that analysis as provided in Section 15152.

(3) Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

(4) Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The traffic analysis (LAV 2020) concluded that the project's traffic impacts would not be significant with the implementation of mitigation. Therefore, the project would not be in conflict or be inconsistent with CCR Section 15064.3(b).

- c. **Less-than-significant impact.** The project would have to comply with all conditions placed on it by the City Traffic Engineering Division in order to comply with accepted traffic engineering standards intended to reduce traffic hazards, including designing the roads so that they do not result in design feature hazards. The project is within the City limits and surrounded by compatible existing and planned land uses and land use designations. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.
- d. **Less than significant with mitigation incorporated.** There is the potential that, during the construction phase, the project would impede emergency access. For projects that require minor impediments of a short duration (e.g., pouring a new driveway entrance), the project would be required to obtain a street permit from City Public Works. If a project requires lane closures and/or the diversion of traffic, then a Traffic Control Plan would be required. During operations, the project would have to comply with all applicable City policies and requirements to ensure adequate emergency access.

Mitigation Measure 8 requires that, if necessary, the applicant/developer obtains a street permit or develop and get approved a Traffic Control Plan, for the construction period. With implementation of mitigation, the project would not result in inadequate emergency access.

#### **XVIII. TRIBAL CULTURAL RESOURCES**

- a. **No impact.** The project requires a GPA and therefore, request for consultation letters were sent to a list of tribal contacts received from the Native American Heritage Commission in compliance with Senate Bill (SB) 18. In the letters, the City stated that the applicable tribes may request consultation with the City regarding the preservation of, and/or mitigation of impacts to, California Native American cultural places in connection with the project. To date, none of the tribes have responded to the request. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed in the California Register of Historical Resources or in a local register of historical resources.
- b. **No impact.** Based on the results of the SB 18 consultation inquiry to applicable tribes, the City has determined that there are no tribal cultural resources found at the site. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant.

#### **XIV. UTILITIES AND SERVICE SYSTEMS**

- a. **Less-than-significant impact.** The project would require the construction of new water, storm water drainage, sewer facilities; above and/or belowground electrical facilities, natural gas facilities, and telecommunications (e.g., cable, fiber optics, phone, etc.) typical of commercial development. Water, storm water, and sewer structures would have to be designed to meet the City's *Current Subdivision & Engineering Design Manual* (Bakersfield 1999). Compliance with the Design Manual would ensure that the such facilities would not result in significant environmental effects. Electrical, natural gas, and telecommunications facilities would be placed by the individual serving utilities; these entities already have in place safety and siting protocols to ensure that placement of new utilities to serve new construction would not have a significant effect on the environment. Therefore, the project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage,

electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- b. **Less-than-significant impact.** The project is within the ENCSD water service area. ENCSD has provided a letter stating that water service can be supplied in compliance with their current UWMP that accounts for normal, dry, and multiple dry years (ENCSD 2020). Therefore, the project has sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- c. **Less-than-significant impact.** It is anticipated that neighborhood commercial uses 4.03 gallons per square foot per month (Morales et al. 2009). Therefore, the proposed 11,300 total square feet (sf) of commercial buildings would require about 1,518 gallons per day (GPD) [0.0015 million gallons per day (MGD)]. It is anticipated that a multi-family dwelling unit requires 164 gallon per day (Kiefer and Krentz 2018) and therefore, 64 units would require 10,496 GPD (0.010 MGD). Wastewater because of the project would be treated at WWTP No. 2, which is owned and operated by the City. WWTP No. 2 has an overall capacity of 32 MGD and a current available capacity of 14.7 MGD (Bakersfield 2019). The project's contribution would account for 0.08% of the available capacity and therefore, WWTP No. 2 has sufficient capacity to serve the project. As a result, it has been determined that the wastewater treatment provider which serves or may serve the project has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- d. **Less-than-significant impact.** It is assumed that solid waste generated as a result of the project would be disposed at the Bena Landfill located at 2951 Neumarkel Road, Bakersfield, CA 93307. As of July 2013, the landfill had a remaining permitted capacity of 32,808,260 cubic yards and a maximum permitted throughput of 4,500 tons/day (CalRecycle 2017a). Using a factor of 0.006 pounds solid waste per square foot per day (CalRecycle 2017b), 11,300 sf of commercial buildings would generate about 67.8 pounds solid waste/day (0.034 tons/day) and 64 multi-family dwelling units would generate about 256 pounds solid waste/day (0.13 tons/day). The 0.16 tons/day of solid waste generated by the project accounts for 0.0004% of the maximum permitted throughput of the landfill. Therefore, the project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- e. **Less-than-significant impact.** By law, the project would be required to comply with federal, state, and local statutes and regulations, including those relating to waste reduction, litter control, and solid waste disposal.

## **XX. WILDFIRE**

- a. **Less-than-significant impact.** Please refer to response IX.f. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- b. **Less-than-significant impact.** Please refer to response IX.g. Additionally, the project site has a relatively steep slope, not near wildlands, the site and its surrounding do not possess high fuel loads (i.e., lots of vegetation and other burnable material) to exacerbate wildfire risks and therefore, fire-related pollutant concentrations. Therefore, the project would not exacerbate wildfires and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

- c. **Less-than-significant impact.** Please refer to responses IX.a., XX.a., and XX.b. Therefore, the project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- d. **Less-than-significant impact.** The project site is relatively steep, is not within a floodplain, and is not in a moderate- to high-risk area for wildfires. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

## **XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

- a. **Less than significant with mitigation incorporated.** The project is subject to the terms of the MBHCP and associated Section 10(a)(1)(b) and Section 2801 permits issued to the City of Bakersfield by the U.S. Fish and Wildlife Service and the California State Department of Fish and Wildlife, respectively. Terms of the permit require applicants for all development projects within the plan area to pay habitat mitigation fees, excavate known kit fox dens, and notify agencies prior to grading. There are no important examples of the major periods of California history or prehistory found at the site. Therefore, the project, with the implementation of the identified conditions of approval, best management practices, and mitigation measures, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- b. **Less-than-significant impact.** In addition to project specific impacts, this Initial Study considered the projects potential for incremental effects that are cumulatively considerable. Because of this evaluation, there were determined to be potentially significant cumulative effects related to air quality. However, mitigation has been included that clearly reduces these cumulative effects to a level below significance. In addition, any future development projects not identified above would be required to undergo a separate environmental analysis and mitigate any project- or site-specific potential impacts, as necessary. There is no substantial evidence that with the implementation of the identified conditions of approval, best management practices, and mitigation measures, there are any cumulative effects associated with this project.
- c. **Less than significant with mitigation incorporated.** As described in the responses above, the project, with mitigation, would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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Mitigation Monitoring Program – GPA/ZC 20-0172				
No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
#1	Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.	<p>Prior to grading plan approval</p> <p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"> <li>1. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>2. The applicant/developer shall provide written evidence of meeting all air quality control measures and rules to City of Bakersfield Planning Division.</li> </ol>	City of Bakersfield Planning Division	
#2	Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).	<p>Prior to grading plan approval</p> <p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"> <li>1. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>2. The applicant/developer shall provide written evidence of compliance with the Indirect Source Rule (Rule 9510) to the City of Bakersfield Planning Division.</li> </ol>	City of Bakersfield Planning Division	
#3	3. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (e.g., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus). Species to be surveyed shall include ones covered under the Metropolitan Bakersfield Habitat Conservation Plan incidental take permit for urban development as well as for any species covered under other applicable laws (such as the Migratory Bird Treaty Act). The applicant/developer shall comply with the mitigation measures of the permit. Survey protocol shall be those	<p>Prior to ground disturbance</p> <p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"> <li>1. Contract a qualified biologist to perform a pre-construction survey within 30 days prior to ground disturbance activities.</li> <li>2. The results of the preconstruction survey and any avoidance measures taken shall be submitted to the City of Bakersfield and California Department of Fish and Wildlife within 30 days</li> </ol>	<p>Qualified Biologist; City of Bakersfield Planning Division; California Department of Fish and Wildlife</p>	

Mitigation Monitoring Program – GPA/ZC 20-0172				
No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
	recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.	of completion of the preconstruction survey compliance with applicable federal and state laws.		
<b>#4</b>	During construction, if buried cultural or paleontological resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.	<p>During construction</p> <p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"> <li>1. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>2. If items of cultural or paleontological significance are discovered, halt all work and contact a qualified archaeologist to assess finds and recommend procedures</li> <li>3. If recommended by the certified archaeologist, a culturally-affiliated Native American shall monitor all ground-disturbance.</li> <li>4. If necessary, implement recommended procedures in consultation with certified archaeologist and Native American monitor.</li> </ol>	<p>Qualified Cultural and/or Paleontological Resource Specialist; City of Bakersfield Planning Division; Native American Monitor (if needed)</p>	
<b>#5</b>	During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of	During construction	City of Bakersfield Planning Division; Kern County Coroner (if needed); Native	

Mitigation Monitoring Program – GPA/ZC 20-0172				
No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
	communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.		American Heritage Commission (if needed)	
		<b>Steps to Compliance:</b> 1. This mitigation measure shall be incorporated as a condition of approval for any site plan review. 2. If human remains are uncovered, halt all work and contact the Kern County Coroner to evaluate the remains and follow the appropriate procedures and protocols. 3. If the County Coroner determines that the remains are Native American, the applicant/developer shall contact the Native American Heritage Commission. 4. If Native American human remains are located, the applicant/developer shall implement and comply with the requirements listed in this mitigation measure.		
#6	Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.	Prior to issuance of building permits  <b>Steps to Compliance:</b> 1. This mitigation measure shall be incorporated as a condition of approval for any site plan review. 2. The applicant/developer shall provide proof of participation in the Regional Transportation Impact Fee Program to the City of Bakersfield Planning Division.	City of Bakersfield Planning Division	
#7	Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of payment of Local Mitigation fees.	Prior to issuance of building permits  <b>Steps to Compliance:</b> 1. This mitigation measure shall be incorporated as a condition of approval for any site plan review.	City of Bakersfield Planning Division	

Mitigation Monitoring Program – GPA/ZC 20-0172				
No.	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
		2. The applicant/developer shall provide proof of payment of Local Mitigation fees.		
#8	Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.	<p>Prior to issuance of building permits and if necessary</p> <p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"> <li>1. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>2. The applicant/developer shall provide proof of obtaining a street permit or approved a Traffic Control Plan to the City of Bakersfield Planning Division.</li> </ol>	City of Bakersfield Planning Division	

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITGATED NEGATIVE DECLARATION FOR AN AMENDMENT TO THE LAND USE MAP AND ZONE CHANGE, LOCATED AT THE NORTHWEST CORNER OF COLLEGE AVENUE AND FAIRFAX ROAD (GPA/ZC NO. 20-0172).**

**WHEREAS**, the City of Bakersfield is requesting an amendment to the land use map designation of the *Metropolitan Bakersfield General Plan* from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) on 15.45 acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) on 15.45 acres located at the northwest corner of College Avenue and Fairfax Road (the "Project"); and

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

**WHEREAS**, the Secretary of the Planning Commission set Thursday, June 3, 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 proposed Mitigated Negative Declaration and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, the Planning Commission continued this Project to a date certain of June 17, 2021; and

**WHEREAS**, the laws and regulations relating to the preparation and adoption of Mitigated Negative Declarations as set forth in CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been duly followed by City staff and the Planning Commission; and

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

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

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 30 days prior to the hearing.

2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project under CEQA. A Notice of Exemption was prepared and properly noticed for public review.
3. A Mitigated Negative Declaration for the Project is the appropriate environmental document to accompany its approval as the Project will not significantly impact the physical environment.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Mitigated Negative Declaration is hereby recommended for adoption by the City Council.
3. The project is subject to mitigation measures found in Exhibit A for the Project located on the map as shown in Exhibit B, both 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 June 17, 2021, on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED

\_\_\_\_\_  
LARRY KOMAN, CHAIR  
City of Bakersfield Planning Commission

**Exhibits (attached):**

Exhibit A: Mitigation Measures

Exhibit B: Location Map

**MITIGATION MEASURES FROM MITIGATED NEGATIVE DECLARATION  
GENERAL PLAN AMENDMENT/ZONE CHANGE NO. 20-0172**

**Air Quality Impact Mitigation Measures:**

1. Prior to grading plan approval, the applicant/developer shall submit documentation to the Planning Division that they will/have met all air quality control measures and rules required by the San Joaquin Valley Air Pollution Control District.
2. Prior to grading plan approval, the applicant/developer shall submit proof to the Planning Division that they have complied with the San Joaquin Valley Air Pollution Control District's Indirect Source Rule (Rule 9510).

**Biological Resources Impact Mitigation Measures:**

3. Prior to ground disturbance, the applicant/developer shall have a California Department of Fish and Wildlife (CDFW) approved wildlife biologist ("qualified biologist") survey the location for species (e.g., Tipton kangaroo rat, San Joaquin kit fox, San Joaquin antelope squirrel, and Bakersfield cactus). Species to be surveyed shall include ones covered under the *Metropolitan Bakersfield Habitat Conservation Plan* incidental take permit for urban development as well as for any species covered under other applicable laws (such as the Migratory Bird Treaty Act). The applicant/developer shall comply with the mitigation measures of the permit. Survey protocol shall be those recommended by CDFW. The applicant/developer shall be subject to additional mitigation measures recommended by the qualified biologist. A copy of the survey shall be provided to the Planning Division and wildlife agencies no more than 30 days prior to ground disturbance.

**Cultural Resources Impact Mitigation Measures:**

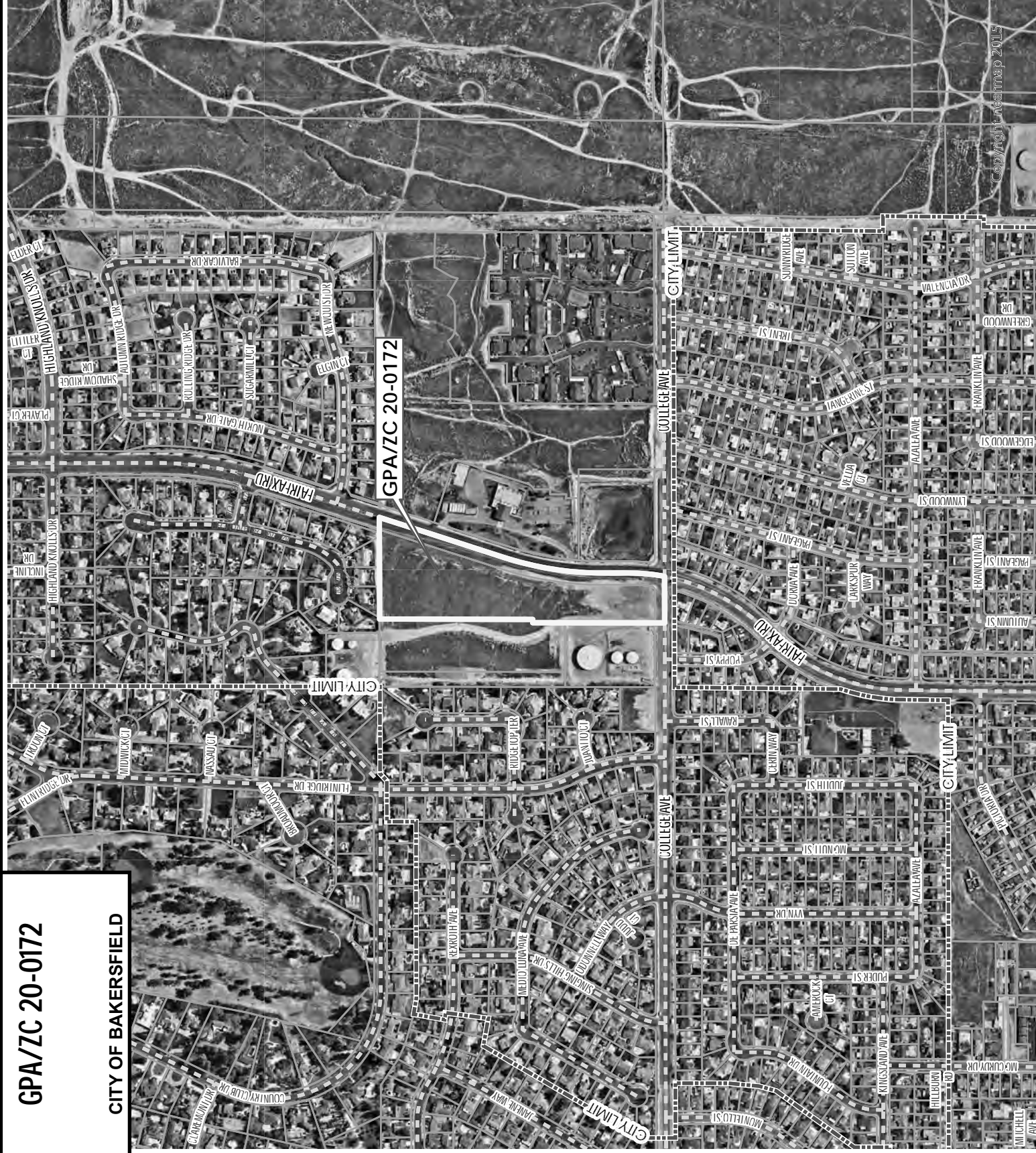
4. During construction, if buried paleontological or cultural resources are encountered during construction or ground disturbance activities, all work within 50 feet of the find shall immediately cease and the area cordoned off until a qualified cultural and/or paleontological resource specialist that meets the Secretary of the Interior's Professional Qualification Standards can evaluate the find and make recommendations. If the specialist determines that the discovery represents a potentially significant resource, additional investigations may be required. These additional studies may include avoidance, testing, and excavation. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's Southern San Joaquin Valley Information Center at California State University Bakersfield.
5. During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5(c) shall guide Native American consultation.

**Traffic Impact Mitigation Measures:**

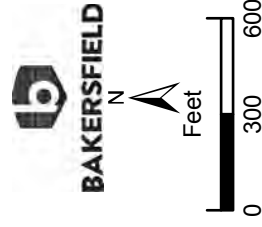
6. Prior to issuance of building permits, the applicant/developer shall provide proof to the Planning Division of the project's participation in the Regional Transportation Impact Fee Program.
7. Prior to the issuance of building permits, the applicant/developer shall provide proof to the Planning Division of payment of Local Mitigation fees.
8. Prior to issuance of building permits and if necessary, the applicant/developer shall obtain a street permit or get approved a Traffic Control Plan from the City Public Works Department.

GPA/ZC 20-0172

CITY OF BAKERSFIELD



AERIAL



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL APPROVE AN  
AMENDMENT TO THE LAND USE MAP DESIGNATION OF THE  
METROPOLITAN BAKERSFIELD GENERAL PLAN, LOCATED AT THE  
NORTHWEST CORNER OF COLLEGE AVENUE AND FAIRFAX  
ROAD (GPA/ZC NO. 20-0172).**

**WHEREAS**, the City of Bakersfield is requesting an amendment to the land use map designation of the *Metropolitan Bakersfield General Plan* from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) on 15.45 acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) on 15.45 acres located at the northwest corner of College Avenue and Fairfax Road (the "Project"); and

**WHEREAS**, adoption of a Mitigated Negative Declaration for the Project has been recommended; and

**WHEREAS**, the Secretary of the Planning Commission set Thursday, June 3, 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 proposed Mitigated Negative Declaration and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, the Planning Commission continued this Project to a date certain of June 17, 2021; 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 proposed 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, 30 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project under CEQA and an initial study was completed.
3. The public necessity, general welfare, and good planning practices justify the Project.
4. The Project is compatible with the land use designations and development of surrounding properties and is internally consistent with the *Metropolitan Bakersfield General Plan*.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Project is hereby recommended for approval by the City Council subject to the conditions of approval in Exhibit A and located on the map as shown in Exhibit B, both 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 June 17, 2021, on a motion by \_\_\_\_\_ and seconded \_\_\_\_\_, 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

**CONDITIONS OF APPROVAL**  
**GENERAL PLAN AMENDMENT/ZONE CHANGE NO. 20-0172**

PUBLIC WORKS

1. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must submit the following for review and approval by the City Engineer:
  - a. **Fully executed dedication** for Fairfax Road to arterial standards and College Avenue to collector standards for the full frontage of the GPA/ZC area, unless otherwise approved by the City Engineer. Dedications must include sufficient widths for expanded intersections and additional areas for landscaping as directed by the City Engineer.
  - b. **Comprehensive drainage study** of the entire drainage area. For a private development, under normal conditions a private development shall provide its own retention basin for its own storm water. Since there is an existing public sump adjacent to this private development, the storm water from the private development will be allowed to be collected in the existing public sump provided: The existing sump is properly sized to collect the volume of additional storm water from the private development, the developer provides a hydrodynamic separator (such as a CDS Stormceptor unit) on the private storm water collection system to remove sediment, debris, and oils prior to the storm water entering the existing publically maintained sump. This CDS unit shall be located in a place approved by the City Engineer and shall be an integral part of the private drainage system. The CDS unit, along with the private storm drain system within this development shall be privately maintained by the private development. A maintenance agreement shall be prepared in order to perpetuate the servicing and maintenance of the CDS unit. The agreement will include seasonal cleaning and maintenance/replacement in accordance with the manufacturer's recommendation. The agreement shall include reporting requirements. The agreement shall be recorded and run with the land, such that subsequent owners will continue such maintenance.
  - c. **Sewer study:** This GPA/ZC area is within the East Niles Community Services District (ENCSD) and any connection and or extension is to be in accordance to ENCSD specifications. Contact ENCSD for design and construction requirements. Any work within existing City of Bakersfield Right of Way will require a City of Bakersfield Street Permit.

*For orderly development*

2. Prior to the recording of any final map or issuance of any certificates of occupancy for development within the GPA/ZC area, whichever is earlier, the developer must (a) construct all infrastructure, both public and private, within the boundary of the GPA/ZC area, including, but not limited to, any and all boundary streets to the centerline of the street as required by the City Engineer and (b) construct, and acquire any necessary right-of-way to construct, any off-site infrastructure required to support development of the

GPA/ZC as determined by the City Engineer. Phasing of the construction of the required infrastructure may be allowed by the City Engineer. Per City Council Resolution 035-13, any development within the GPA/ZC area must comply with the City's "complete streets" policy.

*For orderly development*

3. Prior to the City's approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must take all actions necessary to add the GPA/ZC area to the Consolidated Maintenance District ("CMD") and pay all fees for inclusion in the CMD or, if the development is already within the CMD, update the maintenance district documents as provided in Bakersfield Municipal Code section 13.04.021 or as otherwise required by the City Engineer.

*For orderly development*

4. With the approval of any construction plans associated with any development project, subdivision, or minor land division within the GPA/ZC area, the developer must include the design and developer must construct and landscape the median within Fairfax Road along the arterial frontage of the property within the GPA/ZC area to College Avenue.

*For orderly development*

5. Prior to the City's issuance of any building permits for construction within the GPA/ZC area, or an earlier time established through conditions of a subsequent City-approved subsequent development project, subdivision, or minor land division within the GPA/ZC area, the developer must pay all development fees for the GPA/ZC area including, but not limited to, the adopted regional traffic impact fee, local mitigation fees, any major bridge and thoroughfare district fees, and any planned sewer and drainage area fees.

*For orderly development*

6. The local street within the development from the west end of the returns at Fairfax Road to the end of the cul-de-sac is to be a private street and maintained by a homeowner's association. The City of Bakersfield will not be called upon to provide maintenance for this local street.

*For orderly development*

CITY ATTORNEY

7. 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.

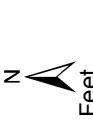
The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and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

LEGEND  
(GENERAL PLAN  
LAND USE)

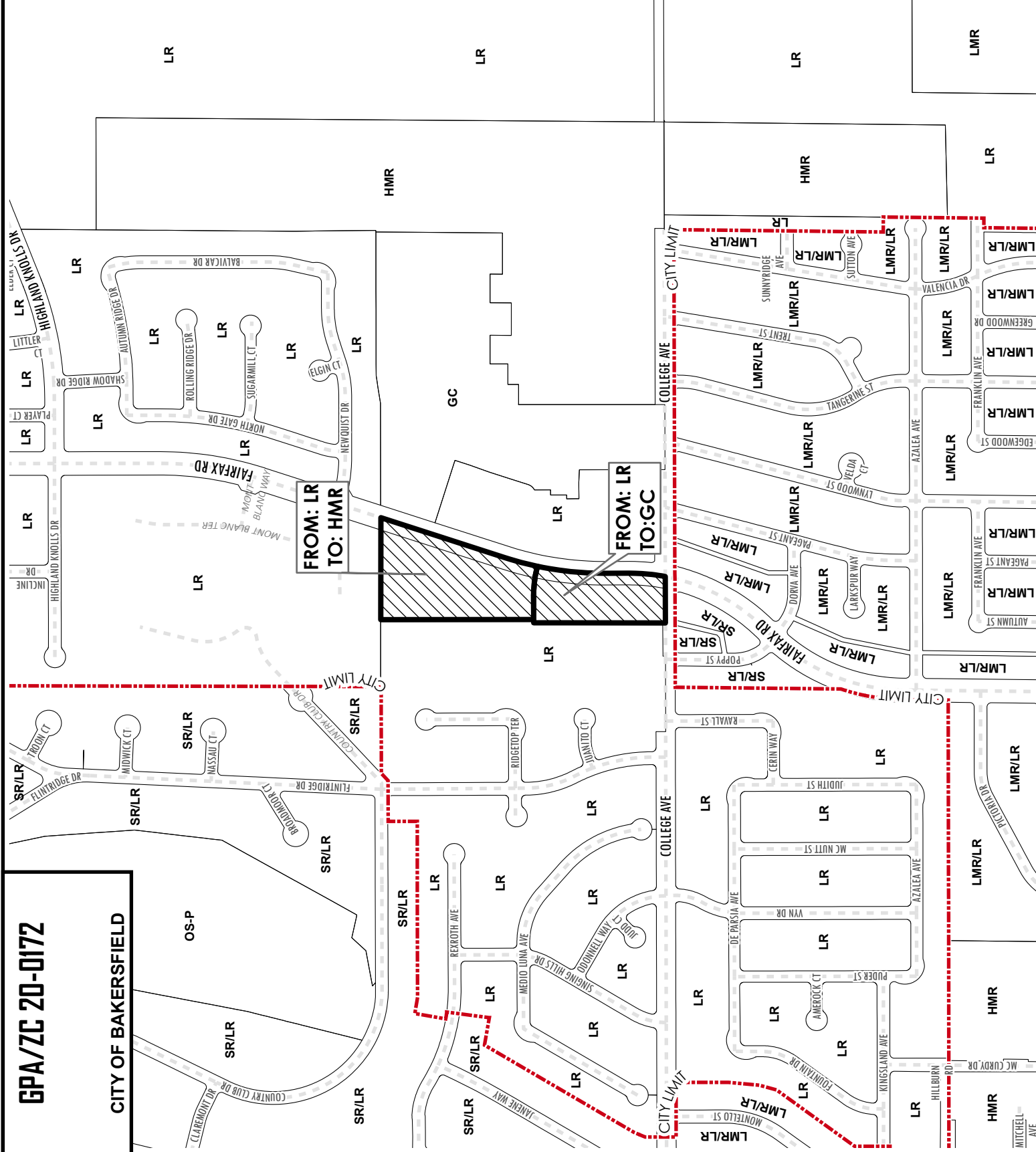
- RR Rural Residential  
2.5 gross acres/dwelling unit  
ER Estate Residential  
1 dwelling unit/net acre  
SR Suburban Residential  
≤ 4 dwelling units/net acre  
SR/LR  
County: ≤ 4 dwelling units/net acre  
City: ≤ 7.26 dwelling units/net acre  
LR Low Density Residential  
≤ 7.26 dwelling units/net acre  
LMR Low Medium Density Residential  
> 4 but ≤ 10 dwelling units/net acre  
HMR High Medium Density Residential  
> 7.26 units but  
≤ 17.42 dwelling units/net acre  
HR High Density Residential  
> 17.42 units but  
≤ 72.6 dwelling units/net acre  
HC Highway Commercial  
GC General Commercial  
MC Major Commercial  
OC Office Commercial  
MUC Mixed Use Commercial  
LI Light Industrial  
SI Service Industrial  
HI Heavy Industrial  
P Public Facilities  
PS Public/Private Schools  
PT Public Transportation Corridors  
P-SW Solid Waste Facilities  
OS Open Space  
OS-P Parks and Recreation  
OS-S Slopes exceeding 30%  
R-IA Resource -  
Intensive Agriculture  
20 acre minimum parcel size  
R-EA Resource -  
Extensive Agriculture  
20 acre minimum parcel size  
80 acre min (Williamson Act)  
R-MP Resource -  
Minerals & Petroleum  
5 acre minimum parcel size  
UER Urban Estate Residential  
Western Residential Plan  
0.5 acre net minimum parcel size  
WM West Wing Specific Plan



BAKERSFIELD



Feet



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION  
RECOMMENDING THAT THE CITY COUNCIL APPROVE AN  
AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL  
CODE TO CHANGE THE ZONE, LOCATED AT THE NORTHWEST  
CORNER OF COLLEGE AVENUE AND FAIRFAX ROAD (GPA/ZC  
NO. 20-0172).**

**WHEREAS**, the City of Bakersfield is requesting an amendment to the land use map designation of the *Metropolitan Bakersfield General Plan* from LR (Low Density Residential) to HMR (High Medium Density Residential) and GC (General Commercial) on 15.45 acres and an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from R-1 (One Family Dwelling) to R-2 (Limited Multiple-Family Residential) and C-2 (Regional Commercial) on 15.45 acres located at the northwest corner of College Avenue and Fairfax Road (the "Project"); and

**WHEREAS**, adoption of a Mitigated Negative Declaration for the Project has been recommended; and

**WHEREAS**, the Secretary of the Planning Commission set Thursday, June 3, 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 proposed Mitigated Negative Declaration and Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, the Planning Commission continued this Project to a date certain of June 17, 2021; 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, 30 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project under CEQA and an initial study was completed.
3. The public necessity, general welfare, and good planning practices justify the Project.
4. The Project is compatible with the zone districts and development of

surrounding properties, and is consistent with the *Metropolitan Bakersfield General Plan*.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Project is hereby recommended for approval by the City Council, 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 A and as specifically described in Exhibit B, all of which are incorporated herein.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on June 17, 2021, on a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_, by the following vote.

AYES:

NOES:

ABSENT:

APPROVED

---

LARRY KOMAN, CHAIR  
City of Bakersfield Planning Commission

**Exhibits (attached):**

Exhibit A: Legal Description  
Exhibit B: Zone Change Map

**LEGAL DESCRIPTION  
ZONE CHANGE & GENERAL PLAN AMENDMENT  
APN No. 435-010-26**

**PROPOSED C-2 ZONE:**

ALL THOSE PORTIONS OF PARCEL 1 OF PARCEL MAP WAIVER 14-91 PER CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 11, 1991 IN BOOK 6567, PAGE 2081 OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER. ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 29 SOUTH, RANGE 28 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24; THENCE, ALONG THE SOUTH LINE OF SAID SECTION, SAID LINE ALSO BEING THE CENTERLINE OF COLLEGE AVENUE, NORTH 89°41'08" EAST 300.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID CENTERLINE NORTH 89°41'08" EAST 217.17 FEET TO THE CENTERLINE INTERSECTION OF COLLEGE AVENUE AND FAIRFAX ROAD, SAID POINT BEING ON A TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 900.00 FEET TO WHICH A RADIAL BEARS SOUTH 79°25'05" EAST;

THENCE NORTHERLY 171.16 FEET ALONG SAID CURVE AND THE CENTERLINE OF SAID FAIRFAX ROAD THROUGH A CENTRAL ANGLE OF 10°53'46";

THENCE NORTH 00°18'51" 115.11 FEET ALONG SAID CENTERLINE TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1500.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE 314.08 FEET THROUGH A CENTRAL ANGLE OF 11°59'50";

THENCE DEPARTING FROM SAID CENTERLINE NORTH 78°19'01" WEST 33.92 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 500.00 FEET;

THENCE WESTERLY ALONG SAID CURVE 104.70 FEET THROUGH A CENTRAL ANGLE OF 11°59'51";

THENCE SOUTH 89°41'08" WEST 125.95 FEET;

THENCE SOUTH 00°01'36" EAST 615.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.32 ACRES, MORE OR LESS

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AARON G. BYRD, LS 7972

Date

**LEGAL DESCRIPTION  
ZONE CHANGE & GENERAL PLAN AMENDMENT  
APN No. 435-010-26**

**PROPOSED R-2 ZONE:**

ALL THOSE PORTIONS OF PARCEL 1 OF PARCEL MAP WAIVER 14-91 PER CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 11, 1991 IN BOOK 6567, PAGE 2081 OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER. ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 29 SOUTH, RANGE 28 EAST, MOUNT DIABLO MERIDIAN, IN THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24, SOUTH 89°45'49" WEST 535.26 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE CENTERLINE OF FAIRFAX ROAD;

THENCE ALONG SAID CENTERLINE SOUTH 17°43'10" WEST 609.26 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1500.00 FEET;

THENCE SOUTHERLY 158.04 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°02'12";

THENCE DEPARTING FROM SAID CENTERLINE NORTH 78°19'01" WEST 33.92 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 500.00 FEET;

THENCE WESTERLY 104.70 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°59'51";

THENCE SOUTH 89°41'08" WEST 110.95 FEET;

THENCE NORTH 00°01'36" WEST 714.58 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 24;

THENCE NORTH 89°45'49" EAST 474.02 ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

CONTAINING 5.92 ACRES, MORE OR LESS

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AARON G. BYRD, LS. 7972

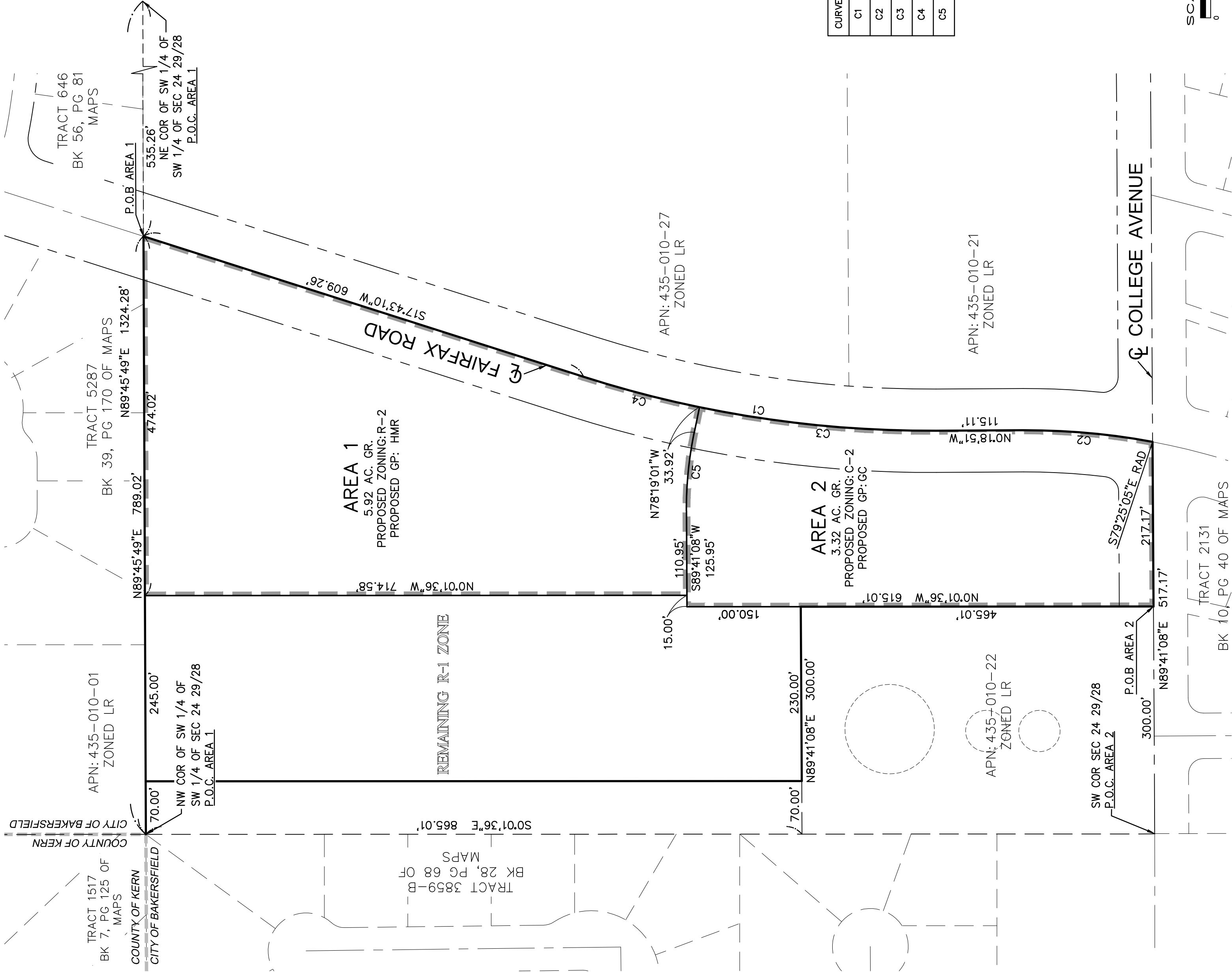
Date

EXHIBIT "B"

ZONE CHANGE

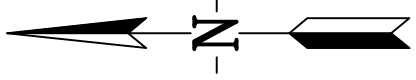
POR. PARCEL 1 PMW 14-91

APN 435-010-33

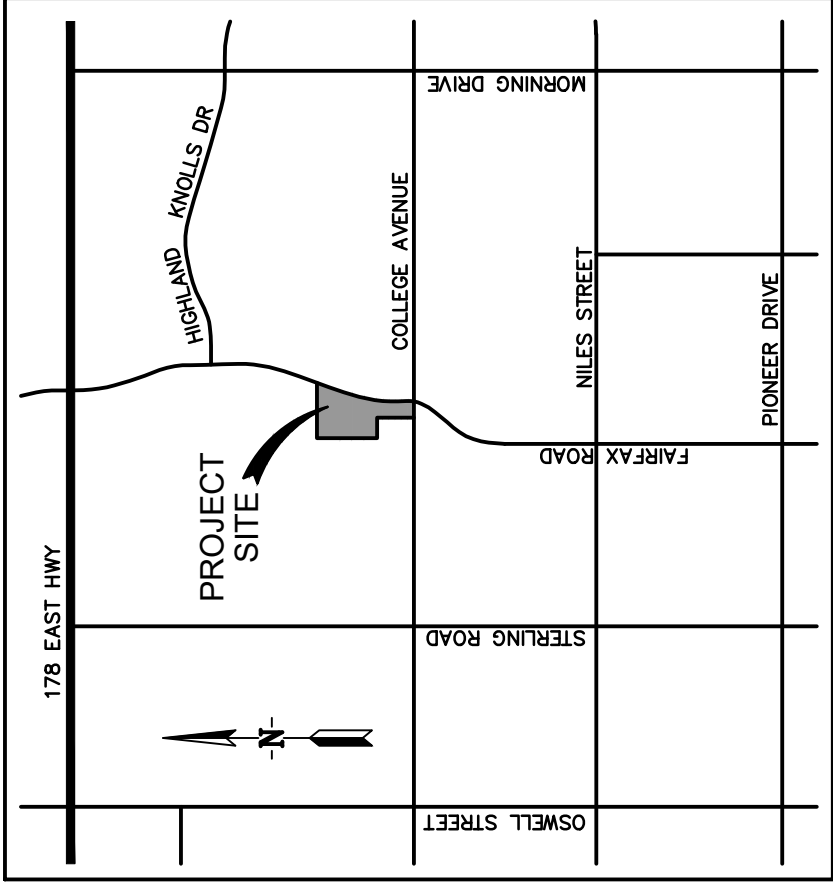


CURVE TABLE

CURVE#	LENGTH	RADIUS	DELTA
C1	472.12	1500.00	18°02'01"
C2	171.16	900.00	10°53'46"
C3	314.08	1500.00	11°59'50"
C4	158.04	1500.00	06°02'12"
C5	104.70	500.00	11°59'51"



NORTH  
SCALE: 1" = 100'  
0 50 100 200



VICINITY MAP  
NO SCALE

LEGEND:

- BOUNDARY PARCEL 1 PMW 14-91 (APN 435-010-26)
- ZONE CHANGE BOUNDARY
- STREET RIGHT OF WAY

LAV// Pinnacle Engineering

ENGINEERING • PLANNING • SURVEYING

12418 Rosedale Hwy., Suite A, Bakersfield, CA 93312  
Phone: (661) 869-0184 Fax: (661) 885-4155

SURVEYOR: AARON G. BYRD, LS 7972

JOB No.: 18-827 | DWG No.: 18-827-GPA\_ZC | DATE: 05/20/2020

SHEET 1 OF 1