



PLANNING COMMISSION AGENDA
MEETING OF JUNE 16, 2022
Council Chambers, City Hall South, 1501 Truxtun Ave
Regular Meeting 5:30 P.M.

www.bakersfieldcity.us

1. ROLL CALL

DANIEL CATER, CHAIR
ZACHARY BASHIRTASH, VICE-CHAIR
CASSIE BITTLE
LARRY KOMAN
BARBARA LOMAS
CANDACE NEAL
PATRICK WADE

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

- a. Agenda Item Public Statements
- b. Non-Agenda Item Public Statements

4. CONSENT CALENDAR ITEMS

- a. Approval of minutes for the Regular Planning Commission meeting of June 2, 2022.
Staff recommends approval.

5. CONSENT PUBLIC HEARINGS

Ward 3

- a. **Extension of Time for Vesting Tentative Tract Map 6571 (Phased):** Future Value Construction Inc. is requesting an extension of time for this tentative tract map consisting of 138 single-family lots on 70.33 acres, located south of Kern Canyon Road, on the east and west sides of Vineland Road. Notice of Exemption on file.
Staff recommends approval.

Ward 1

- b. **Extension of Time for Vesting Tentative Tract Map 6892 (Phased):** McIntosh and Associates is requesting an extension of time for this tentative tract map consisting of 132 single family residential lots on 32.63 acres, located south of Redbank Road, approximately ¼ mile east of South Fairfax Road. Notice of Exemption on file.
Staff recommends approval.

Ward 1

- c. **Extension of Time for Vesting Tentative Tract Map 6939 (Phased):** McIntosh and Associates is requesting an extension of time for this tentative tract map consisting of 172 single family residential on 40.23 acres, located at the southeast corner of Redbank Road and South Fairfax Road. Notice of Exemption on file.
Staff recommends approval

Ward 2

- d. **Conditional Use Permit No. 22-0004:** Olson Design Studio is requesting a conditional use permit to allow an 18-unit senior apartment building (17.28.030.A.16) in a M-1 (Light Manufacturing Zone) district, located at 412 E. 18th Street. Notice of Exemption on file.
Staff recommends approval.

6. NON-CONSENT PUBLIC HEARINGS

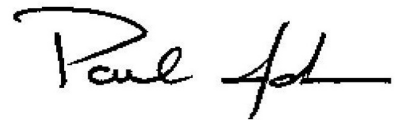
7. WORKSHOPS

- a. **Workshop on Prohousing Designation Program:** Provides incentives to cities and counties in the form of additional points or other preference in the scoring of competitive housing, community development, and infrastructure programs.
Receive and file.

8. COMMUNICATIONS

9. COMMISSION COMMENTS

10. ADJOURNMENT

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

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: 1.()

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:

DANIEL CATER, CHAIR

ZACHARY BASHIRTASH, VICE-CHAIR

CASSIE BITTLE

LARRY KOMAN

BARBARA LOMAS

CANDACE NEAL

PATRICK WADE

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: 3.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Agenda Item Public Statements

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: 3.(b.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:

Non-Agenda Item Public Statements

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: 4.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Approval of minutes for the Regular Planning Commission meeting of June 2, 2022.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Minutes of June 2, 2022	Cover Memo



PLANNING COMMISSION MINUTES

Regular Meeting of June 2, 2022 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

ACTION TAKEN

1. ROLL CALL

Present: Vice Chair Bashirtash, Koman, Lomas, Neal
Commissioner Bittle arrived 5:35 pm.

Absent: Chair Cater, Wade

Staff Present: Paul Johnson, DS Planning Director; Viridiana Gallardo-King, Deputy City Attorney; Adrian Castro, PWD Civil Engineer III; Ryan Starbuck, PWD Traffic Engineer; Jennie Eng, DS Principal Planner; Ernie Medina, Fire Dept; Ryder Dilley, DS Associate Planner; Veronica Martinez, DS Technician; Claudia Garcia, Secretary

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

a. Agenda Item Public Statements

Patrick Faran attorney for the applicant requested Consent Public Hearing Item 5.b moved to the Non-Consent Public Hearing.

b. Non-Agenda Item Public Statements

None

4. CONSENT ITEMS

a. Approval of minutes for the Regular Planning Commission Meeting of May 19, 2022.

b. **Capital Improvement Plan Fiscal Year 2022-2023.** The City of Bakersfield Public Works Department is requesting a finding be made that the Capital Improvement Plan (CIP) is consistent with the Metropolitan Bakersfield General Plan. Per CEQA Section 15387, the CIP is not defined as a project; therefore, no environmental determination is required.

RES NO 53-22

	<u>ACTION TAKEN</u>
Motion by Commissioner Lomas, seconded by Commissioner Koman, to approve Consent Calendar Non-Public Hearing Item 4.a., and 4.b. with staff recommendation. Motion approved.	APPROVED CATER, WADE ABSENT
5. <u>CONSENT PUBLIC HEARINGS</u>	
a. Extension of Time for Vesting Tentative Parcel Map 11698: McIntosh and Associates is requesting an extension of time for this tentative parcel map consisting of 4 parcels on 40 acres for multiple family residential and commercial development, located on both sides of future Rivani Drive, north of Paladino Drive. Notice of Exemption on file.	RES NO 54-22
b. Extension of Time for Vesting Tentative Tract Map 6410: D&A Premier Properties, LLC is requesting an extension of time for this tentative tract map consisting of 140 single family residential lots, one park lot, one sump lot, and one drill site lot on 65.64 acres, located on the north side of Taft Highway (State Route 119), east and west of Akers Road. Notice of Exemption on file.	MOVED TO ITEM 6.a
c. Vesting Tentative Tract Map 7411 (Phased): McIntosh and Associates is proposing to subdivide 26.52 acres into 74 single family residential lots located south of Santa Fe Way and east of Renfro Road. Previously adopted Negative Declaration on file.	RES NO 56-22
d. Zone Change No. 21-0138: Swanson Engineering is requesting a Zone Change on 2.83 acres located on the south side of Planz Road, approximately 1,000 feet west of South H Street from R-S (Residential Suburban) to R-2 CH (Limited Multiple Family Dwelling/Church Combining) classification, or a more restrictive district. Mitigated Negative Declaration on file.	RES NO 57-22 RES NO 59-22
e. Conditional Use Permit No. 22-0093: Collins Ventures Inc., is requesting a conditional use permit to allow a wine bar (17.24.040.A.8) in a M-1 (Light Manufacturing Zone) district, located at 413 E. 19 th Street. Notice of Exemption on file.	RES NO 58-22
Public hearing opened and closed.	
Motion by Commissioner Lomas, seconded by Commissioner Neal, to approve Consent Public Hearing Items 5.a., 5.c., 5.d., and 5.e., with staff recommendation. Agenda Item 5.b was removed to Non-Consent Public Hearing. Motion approved.	APPROVED CATER, WADE ABSENT

ACTION TAKEN

6. NON-CONSENT PUBLIC HEARINGS

- a. **5.b Extension of Time for Vesting Tentative Tract Map 6410:** D&A Premier Properties, LLC is requesting an extension of time for this tentative tract map consisting of 140 single family residential lots, one park lot, one sump lot, and one drill site lot on 65.64 acres, located on the north side of Taft Highway (State Route 119), east and west of Akers Road. Notice of Exemption on file.

RES NO 55-22

Staff report and background given. Public hearing open. Two people spoke in favor. Three people spoke in opposition. A five-minute rebuttal period was given to both sides for the project. Public hearing closed. Commission deliberated. Motion approved.

APPROVED

**CATER, WADE
ABSENT**

7. COMMUNICATIONS

Planning Director Paul Johnson stated there would be a Planning Commission meeting on June 16, 2022 and would include a workshop on Pro-Housing Designation.

8. COMMISSION COMMENTS

Commissioner Neal thanked the public for their participation in their concerns for their neighborhood.

9. ADJOURNMENT

There being no further business, Chair Cater adjourned the meeting at 7:06 p.m.

Claudia Garcia
Recording Secretary

Paul Johnson
Planning Director



COVER SHEET

PLANNING DEPARTMENT

STAFF REPORT

MEETING DATE: June 16, 2022

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

TO: Chair Cater and Members of the Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Jennie Eng, Principal Planner

DATE:

WARD: Ward 3

SUBJECT:

Extension of Time for Vesting Tentative Tract Map 6571 (Phased): Future Value Construction Inc. is requesting an extension of time for this tentative tract map consisting of 138 single-family lots on 70.33 acres, located south of Kern Canyon Road, on the east and west sides of Vineland Road. Notice of Exemption on file.

APPLICANT: Future Value Construction

OWNER: CRT Land Company LLC

LOCATION: Located south of Kern Canyon Road, on the east and west sides of Vineland Road in northeast Bakersfield.

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Map Set	Backup Material
<input type="checkbox"/> VTTM 6571	Backup Material
<input type="checkbox"/> Notice of Exemption	Backup Material
<input type="checkbox"/> Resolution with Exhibits	Resolution



CITY OF BAKERSFIELD PLANNING COMMISSION

MEETING DATE: June 16, 2022

AGENDA: 5.a

TO: Chair Cater and Members of the Planning Commission

FROM: Paul Johnson, Planning Director PJ

DATE: June 10, 2022

FILE: Extension of Time Vesting Tentative Tract Map 6571

WARD: 3

STAFF PLANNER: Jennie Eng, Principal Planner

REQUEST: Three-year extension of time for Vesting Tentative Tract Map 6571 that allowed 138 single-family residential lots on 70.33 acres.

APPLICANT:

Future Value Construction Inc.
6200 Lake Ming Rd Unit A-7
Bakersfield, CA 93306

OWNER:

CRT Land Company Inc.
15 Corporate Plaza Drive, Suite 120
Newport Beach, CA 92660

LOCATION: South of Kern Canyon Road, on the east and west sides of Vineland Road in northeast Bakersfield.

APN: 533- 012-15

PROJECT SIZE: 70.33 acres

CEQA: Section 15060(c)(3) (*Review for Exemption*)

EXISTING GENERAL PLAN DESIGNATION: LR (Low Density Residential)

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

STAFF RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** extension of time for Vesting Tentative Tract Map 6571 to expire on May 1, 2025.

SITE CHARACTERISTICS: The project site is vacant land. Surrounding properties are primarily developed as: *north* – vacant land; *east* – vacant land; *south* – vacant land and *west* – vacant land.

BACKGROUND AND TIMELINE:

- **February 23, 1994** - City Council approved to pre-zone the project site to RH (Residential Holding) zone upon annexation from the County of Kern to the City (Ordinance No. 3579).
- **March 30, 1995** - Kern Canyon No. 1 was annexed to the City of Bakersfield. This project site was included as a portion of this annexation area(Annexation 338).
- **May 25, 2005** - City Council approved a change in the zone district from RH (Residential Holding) to R-1 (One Family Dwelling) (Ordinance No. 4258).
- **November 3, 2005** - The Planning Commission approved Vesting Tentative Tract Map ("VTTM") 6571 to expire November 2, 2008. At that time, the Planning Commission also adopted a mitigated negative declaration (Resolution No. 163-05).
- **2008-2015** - In response to the economic downturn and recession, VTTM 6571 received a series of automatic extensions of time as authorized by the California State legislature.
- **October 15, 2015** - The Planning Commission approved a three-year extension of time for VTTM 6571 to expire November 2, 2018 (Resolution No. 44-15).
- **October 2015** - The Governor signed Assembly Bill 1303 allowing for an automatic two-year extension of time. Coupled with the previous three-year extension approved by the Planning Commission, VTTM 6571 is to expire November 2, 2020.
- **September 2021** - The Governor signed Assembly Bill 1561 allowing for an automatic 18-month extension of time. VTTM 6571 is to expire May 2, 2022.
- **April 19, 2022** - The applicant submitted a completed application requesting an extension of time for VTTM 6571.

PROJECT ANALYSIS:

The proposed vesting tentative tract subdivision consists of 133 lots on 70.33 acres for purposes of single-family residential development. The typical residential lot is the lot size is approximately 103 feet wide by 132 feet deep (13,596 square feet), and the net density is 2.84 units per net 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.

Extension of Time. The applicant is requesting a three-year extension to allow additional time to record final maps. No phase of this map has recorded. This request represents the last request for an extension of time for VTTM No. 6571. The applicant requested the extension of time in writing prior to the May 1, 2022, expiration date.

The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Typically, City policy has been to approve extensions of time in two (2), three-year intervals. This current request represents the last request for VTTM 6571. Staff recommends approval of a three-year extension of time to expire May 2, 2025, with no changes to previously approved conditions of approval.

Circulation. Access to this subdivision would be from Vineland (arterial) that traverses north-south through the subdivision and from Jaunt Avenue (collector) on the south boundary.

Compliance with Standards. The proposed project, subject to the original conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

ENVIRONMENTAL REVIEW AND DETERMINATION:

The extension of time request is not subject to the provisions of the California Environmental Quality Act ("CEQA") in accordance with Section 15060(c)(3) because the activity [extension of time] is not a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.

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 written public comments have been received.

CONCLUSIONS:

Recommendation. The applicant provided the application for the Extension of Time in a timely manner and the request adheres to the extensions permitted by Bakersfield Municipal Code 16.16.080. The requested three-year extension will allow the developer additional time to record final map. Based on information in the record, Staff recommends your Commission adopt Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Tract Map 6571 to expire on May 2, 2025.

ATTACHMENTS:

Map Set

- Aerial
- Zone Classification
- General Plan Designation

VTTM 6571 (plat)

Notice of Exemption

Planning Commission Draft Resolution

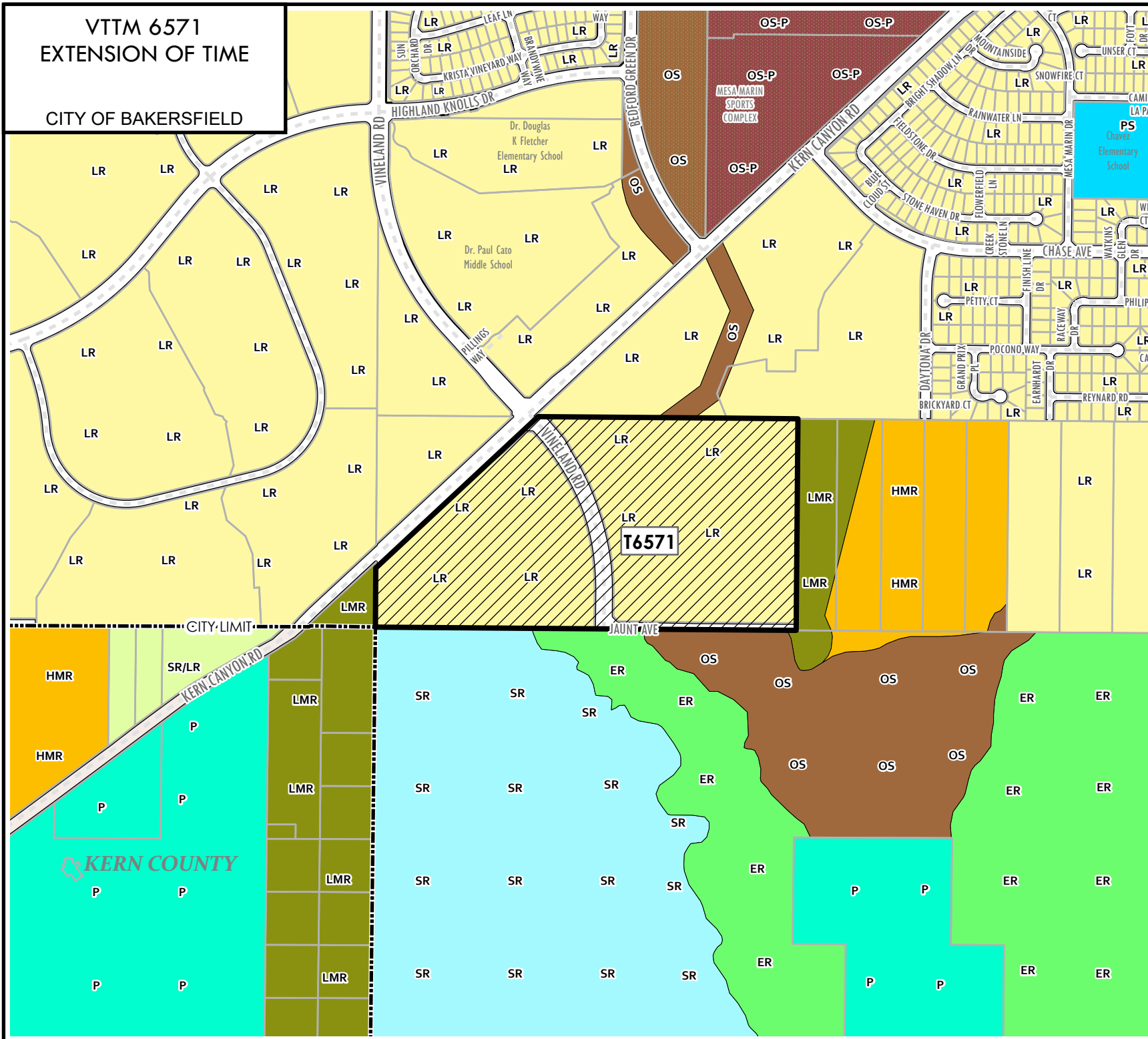
MAP SET

CITY OF BAKERSFIELD



VTTM 6571 EXTENSION OF TIME

CITY OF BAKERSFIELD



Land Use

RESIDENTIAL

- SR - Suburban Residential: ≤ 4 dwelling units/net acre
- ER - Estate Residential: 1 dwelling unit/net acre
- 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
- LR - Low Density Residential: ≤ 7.26 dwelling units/net acre
- SR/LR

PUBLIC FACILITIES

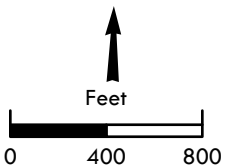
- P - Public Facilities
- PS - Public/Private Schools

OPEN SPACE

- OS-P - Parks and Recreation
- OS - Open Space
- Unincorporated Kern County



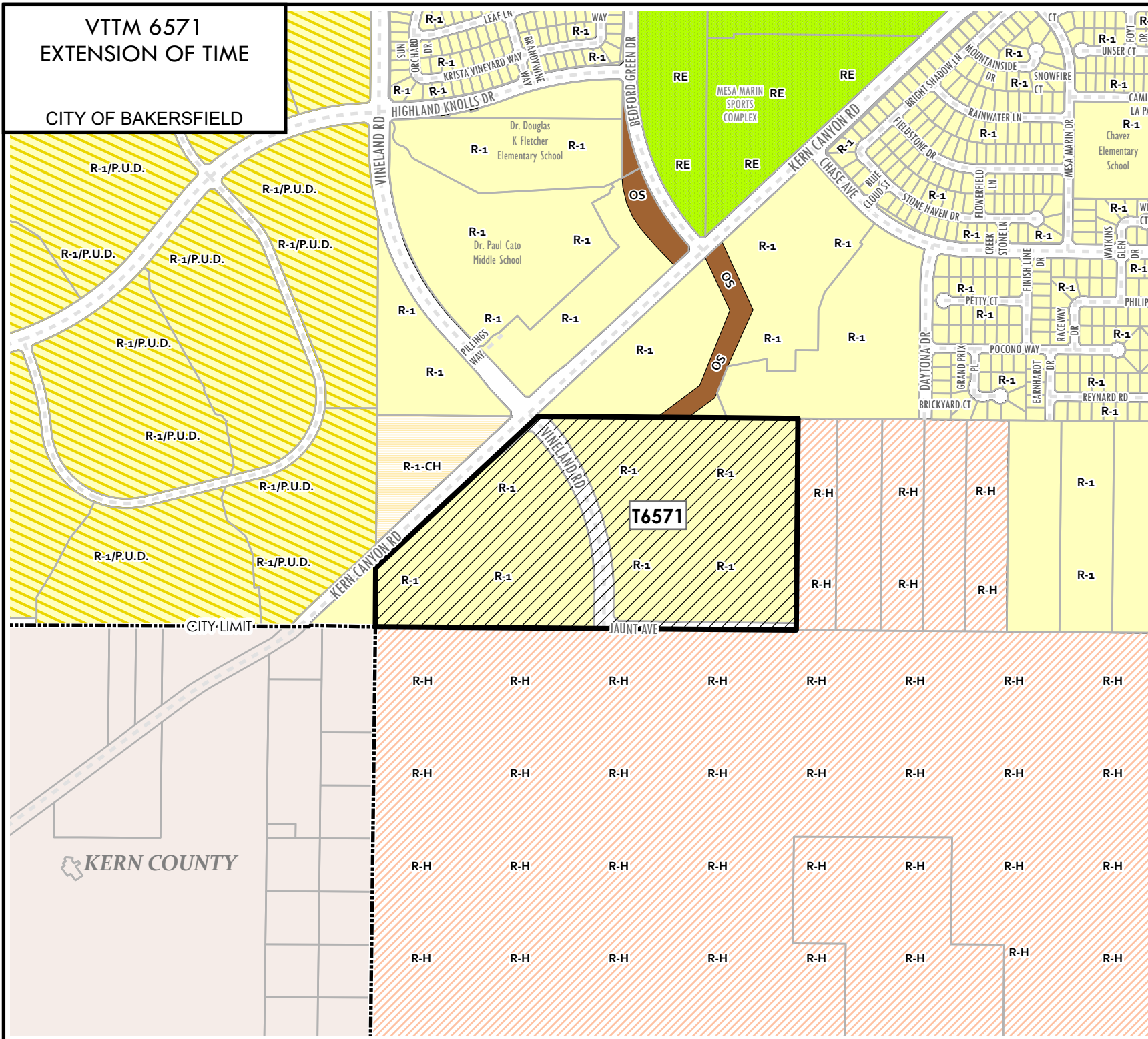
BAKERSFIELD



2022_04_07tracts

VTTM 6571 EXTENSION OF TIME

CITY OF BAKERSFIELD



Zoning

Resource Zone Designations

OS Open Space

Residential Zone Designations

R-S-1A Residential Suburban - 1 acre minimum

R-S-2.5A Residential Suburban - 2.5 acre minimum

R-1 One Family Dwelling

R-1-CH One Family Dwelling - Church Overlay

R-1/P.U.D. Combining

R-H Residential Holding

Other/Public Zone Designations

RE Recreation

Unincorporated Kern County



BAKERSFIELD



Feet



2022_04_07tracts

TO COR. FILED IF UP-TAKEN R.C.E. 17864 FOR 1/4 COR. OF THE S 1/4 OF THE SW 1/4 SEC. 26, 27/28 PER P.M. 10262, P.M. BK. 47, PG. 120

PARCEL I
PARCEL MAP No. 10838 PH. 1
P.M. BK. 52, PG. 84

NOT A PART

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 PROPOSED BOWSTRINGER
 (DISTINGUISHING CONTOUR AS SHOWN)
 PROPOSED MGNMENT
 PROPOSED CROSS-GUTTER

ALL THE INFORMATION REQUIRED TO BE SET OUT
 IN THE CASE OF THE PROPOSED BOWSTRINGER
 ALL THE INFORMATION REQUIRED TO BE SET OUT
 IN THE CASE OF THE PROPOSED MGNMENT
 ALL THE INFORMATION REQUIRED TO BE SET OUT
 IN THE CASE OF THE PROPOSED CROSS-GUTTER

1. MOONOUGH DRIVE
2. GEORGIAN WAY
3. CARRIAGE PLACE
4. PLANTATION DRIVE
5. ATLANTA WAY
6. SOUTHERN PLACE

APPROVED BY
PLANNING COMMISSION WITH
CONDITIONS ON NOV 13 2005



OWNER:
CRT LANO COMPANY, INC
2219 ZEUS COURT
BAKERSFIELD, CA 93308

SURVEYOR 1/4d/A ef.b
RANO 11 G. SIZE 4k/E I.S. 5972 (EXP. 12/31/2006)

PREPARED BY:

 PINNACLE Civil Engineering, Inc.

1712 19th Street, Suite 101, Bakersfield, CA 93301
Phone: (661) 869-0184 Fax: (661) 328-0607

LEGAL DESCRIPTION:
 SEND A DEED OF THE HEIRSON TO ROBERT H. OF PRICE VAP
 NO. 108.8 PHASE 1 CONDOM. N 1/4 E 1/4 S 1/4 R 84 ALSO
 80% A Part of of THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION
 1, T. 29 S. N. 29 E. M. 4M, N. THE CITY OF BAKERSFIELD, COUNTY OF KERN
 STATE OF CALIFORNIA

**VESTING
TENTATIVE
TRACT NO.
6571**

OBNo	05--ffS
DATE	07/15/05
OWGNo.	QJL5mQ2
SHEET 10 F 1	

NOTICE OF EXEMPTION

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

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

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

Project Title: Extension of Time for Vesting Tentative Tract Map 6571 (Phased)

Project Location-Specific: Located south of Kern Canyon Road, on the east and west sides of Vineland Road.

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

Description of Project: An extension of time for Vesting Tentative Tract Map 6571 consisting of 138 single-family lots, four open space lots, and three lettered lots for private streets on 70.33 acres, zoned R-1 (One-Family Dwelling).

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project: **Future Value Construction Inc.**

Exempt Status:

- ☐ Ministerial (Sec.21080(b)(1); 15268));
- ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number.
- ☐ Statutory Exemptions. State section number. _____
- ☒ Project is exempt from CEQA pursuant to Section 15060(c)(3)

Reasons why project is exempt: Activity is not a project for purposes of CEQA and will not have an effect on the environment based on the criteria listed in this exemption.

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

If filed by applicant:

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

Signature: _____ **Title:** Principal Planner **Date:** 6/17/22

X Signed by Lead Agency
____ Signed by Applicant

Date received for filing at OPR: _____

EXHIBIT A

RESOLUTION NO. _____

DRAFT

**RESOLUTION OF THE BAKERSFIELD PLANNING
COMMISSION TO APPROVE AN EXTENSION OF TIME
FOR VESTING TENTATIVE TRACT MAP 6571 LOCATED
SOUTH OF KERN CANYON ROAD, ON THE EAST AND
WEST SIDES OF VINELAND ROAD.**

WHEREAS, Future Value Construction Inc. representing CRT Land Company Inc., filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Tract Map 6751 (the "Project") located in the City of Bakersfield as shown on attached (Exhibit "A"); and

WHEREAS, the application was submitted on April 19, 2022, which is prior to the expiration date of Vesting Tentative Map 6751, and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

WHEREAS, the original application of the tentative map was deemed complete on July 25, 2005, conditionally approved by the Planning Commission on November 3, 2005; and

WHEREAS, a negative declaration was previously approved by the Planning Commission on November 3, 2005 for Vesting Tentative Tract Map 6571; and

WHEREAS, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section 15060(c)(3), Review for Exemption; and

WHEREAS, the Secretary of the Planning Commission set, Thursday, Juen 16, 2022 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 application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

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

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

2. The provisions of the CEQA have been followed.
3. Pursuant to State CEQA Guidelines Section 15060 (c) (3), the activity (extension of time) is not considered a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.
4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

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

1. The above recitals, incorporated herein, are true and correct.
2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section 15060(c)(3), Review for Exemption.
3. The expiration date of Vesting Tentative Tract Map 6751 is hereby extended until May 1, 2025.

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 16, 2022, on a motion by Commissioner _____ and seconded by Commissioner _____, by the following vote.

AYES:

NOES:

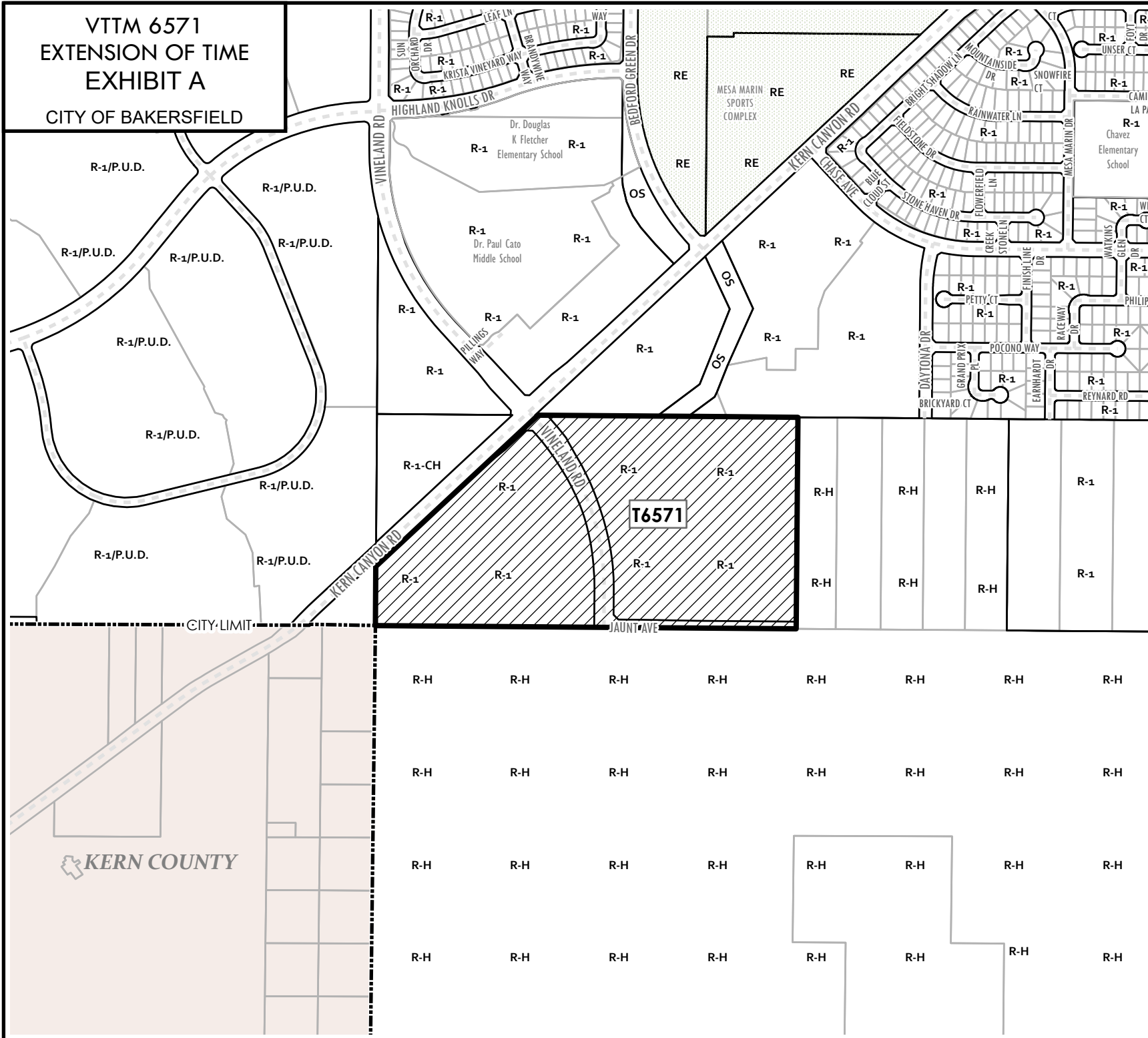
ABSENT:

APPROVED

DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits: A Location Map with Zoning
 B Vesting Tentative Tract Map

VTTM 6571
EXTENSION OF TIME
EXHIBIT A
CITY OF BAKERSFIELD



**LEGEND
(ZONE DISTRICTS)**

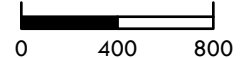
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-5 Residential Suburban
24,000 sq.ft./dwelling unit
- R-5() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500 sq.ft. min lot size (single family)
6,000 sq.ft. min lot size (multifamily)
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling
6,000 sq.ft. min lot size
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling
6,000 sq.ft. min lot size
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding
20 acre min lot size
- A Agriculture
6,000 sq.ft. min lot size
- A-20A Agriculture
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-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



2022_04_07tracts

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THE SW 1/4 SEC. 20, 28/28
PER P.M. 10262, P.M. BK. 47,
PG. 120

PARCEL I
PARCEL MAP No. 10838 PH. 1
P.M. BK. 52, PG. 84

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ALL THE INFORMATION IS TO BE USED TO THE BEST OF YOUR KNOWLEDGE
 AND BELIEF. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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1. MOONOUGH DRIVE
2. GEORGIAN WAY
3. CARRIAGE PLACE
4. PLANTATION DRIVE
5. ATLANTA WAY
6. SOUTHERN PLACE

APPROVED BY
PLANNING COMMISSION WITH
CONDITIONS ON NOV 13 2005



OWNER:
CRT LANO COMPANY, INC
2219 ZEUS COURT
BAKERSFIELD, CA 93308

SURVEYOR 14.d/A ..ef.b..
RANO All G SIZE 4kl?E I.S. 5972 (EXP. 12/31/2006)

PREPARED BY:

 PINNACLE Civil Engineering, Inc.

1712 19th Street, Suite 101, Bakersfield, CA 93301
Phone: (661) 869-0184 Fax: (661) 328-0607

LEGAL DESCRIPTION:
 BEING A CESSION OF THE INTEREST OF ROBERT H. OF PRICE VAP
 NO. 108.88 (PAGE 1) COMD. N. 111. 62. 52. 76. 84. ALSO
 BEING A PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION
 1, T. 29 S., N. 29 E., M. 4M, N. THE CITY OF BAKERSFIELD, COUNTY OF KERN
 STATE OF CALIFORNIA

VESTING
TENTATIVE
TRACT NO.
6571

OBNo	05--ffS
DATE	07/15/05
OWGNo.	QJL5mQ2
SHEET 10 F 1	



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: Consent Public
Hearings5.(b.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Tony Jaquez, Associate Planner

DATE:

WARD: Ward 1

SUBJECT:

Extension of Time for Vesting Tentative Tract Map 6892 (Phased): McIntosh and Associates is requesting an extension of time for this tentative tract map consisting of 132 single family residential lots on 32.63 acres, located south of Redbank Road, approximately ¼ mile east of South Fairfax Road. Notice of Exemption on file.

APPLICANT: McIntosh and Associates

OWNER: Deertrail Abbey Court 1, LLC

LOCATION: Located at south of Redbank Road, approximately ¼ mile east of South Fairfax Road

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Map Set	Backup Material
<input type="checkbox"/> Notice of Exemption	Backup Material
<input type="checkbox"/> Resolution	Resolution



CITY OF BAKERSFIELD PLANNING COMMISSION

MEETING DATE: June 16, 2022

AGENDA: 5.b

TO: Chair Cater and Members of the Planning Commission

FROM: Paul Johnson, Planning Director *PJ*

DATE: June 10, 2022

FILE: Extension of Time Vesting Tentative Tract Map 6892 (Phased)

WARD: 1

STAFF PLANNER: Tony Jaquez, Associate Planner

REQUEST: Three-year extension of time for Vesting Tentative Tract Map 6892 that allowed 132 single-family residential lots on 32.63 acres.

APPLICANT:

McIntosh and Associates
2001 Wheelan Court
Bakersfield, CA 93309

OWNER:

Deertrail Abbey Court 1, LLC
28749 Banducci Road
Tehachapi, CA 93561

LOCATION: South of Redbank Road, approximately ¼ mile east of South Fairfax Road in east Bakersfield.

APN: 173-260-15

PROJECT SIZE: 32.63 acres

CEQA: Section 15060(c)(3) (*Review for Exemption*)

EXISTING GENERAL PLAN DESIGNATION: LR (Low Density Residential)

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

STAFF RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** extension of time for Vesting Tentative Tract Map 6892 to expire on May 27, 2025.

SITE CHARACTERISTICS: The project site is currently being developed. Surrounding properties are primarily developed as: *north* – single family residential; *east* – single family residential, canal, and railroad; *south* – agricultural land; and *west* – agricultural land.

BACKGROUND AND TIMELINE:

- **August 16, 2006** – City Council approved General Plan Amendment/Zone Change No. 05-1783 to change from County agricultural to City residential for future residential development.
- **October 19, 2006** – The Bakersfield Planning Commission approved Vesting Tentative Tract Map (“VTTM”) No. 6892 to become effective upon annexation. At that time, the Planning Commission also adopted a mitigated negative declaration (PC Resolution No. 210-06).
- **May 28, 2008** – Fairfax No. 2 was annexed to the City of Bakersfield. This project site was included as a portion of this annexation area (Annexation No. 526). VTTM 6892 is to expire on May 27, 2011.
- **March 12, 2009** – The Planning Director approved a substantial conformance request to increase lot depths to satisfy the required lot depth to those lots abutting the railroad track and agricultural zone on the east boundary of the tract.
- **2009-2015** - In response to the economic downturn and recession, VTTM 6892 received a series of automatic extensions of time as authorized by the California State legislature.
- **May 16, 2019** – The Planning Commission approved a three-year extension of time for VTTM 6892 to expire May 27, 2022 (Resolution No. 52-19).
- **April 20, 2022** – The applicant submitted a completed application requesting an extension of time for VTTM 6892.

PROJECT ANALYSIS:

The proposed vesting tentative tract subdivision consists of 130 buildable lots, 1 canal lot, and 1 drill site lot on 32.63 acres for purposes of single-family residential development. The typical residential lot is the lot size is approximately 55 feet wide by 110 feet deep (6,050 square feet), and the net density is 6.14 units per net 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.

Extension of Time. The applicant is requesting a three-year extension to allow additional time to record final maps. One phase of this map has recorded. This request represents the last request for an extension of time for VTTM No. 6892. The applicant requested the extension of time in writing prior to the May 27, 2022, expiration date.

The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Typically, City policy has been to approve extensions of time in two (2), three-year intervals. This current request represents the last request for VTTM 6892. Staff recommends approval of a three-year extension of time to expire May 27, 2025, with no changes to previously approved conditions of approval.

Circulation. Access to this subdivision would be from Redbank Road (collector) on the subdivision's north boundary. Three local streets are proposed to be extended through this subdivision to provide circulation within the neighborhood.

Compliance with Standards. The proposed project, subject to the original conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

ENVIRONMENTAL REVIEW AND DETERMINATION:

The extension of time request is not subject to the provisions of the California Environmental Quality Act ("CEQA") in accordance with Section 15060(c)(3) because the activity [extension of time] is not a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.

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 written public comments have been received.

CONCLUSIONS:

Recommendation. The applicant provided the application for the Extension of Time in a timely manner and the request adheres to the extensions permitted by Bakersfield Municipal Code 16.16.080. The requested three-year extension will allow the developer additional time to record final map. Based on information in the record, Staff recommends your Commission adopt Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Tract Map 6892 to expire on May 27, 2025.

ATTACHMENTS:

Map Set

- Aerial
- Zone Classification
- General Plan Designation
- VTTM 6892 (plat)

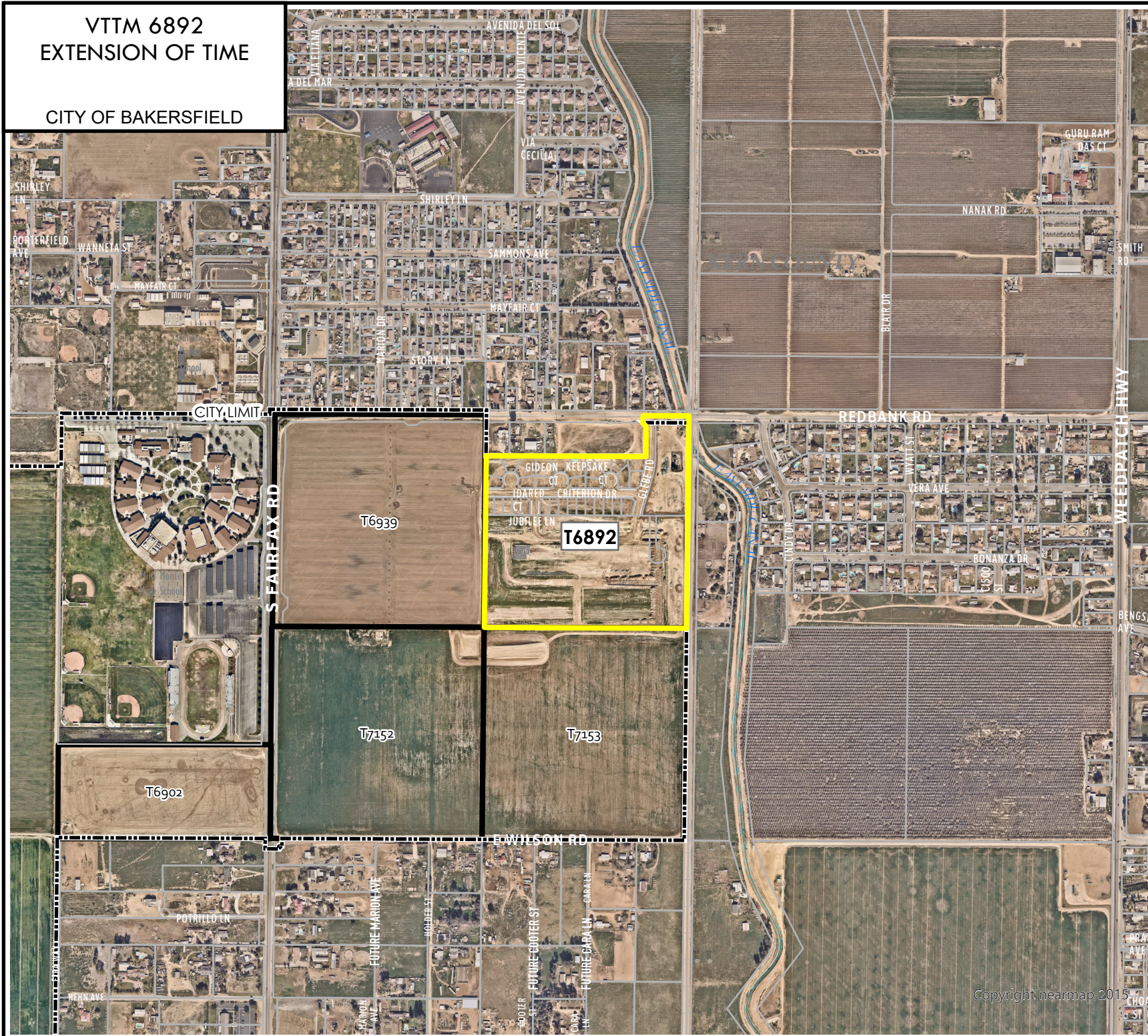
Notice of Exemption

Planning Commission Draft Resolution

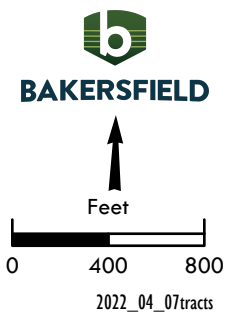
MAP SET

VTTM 6892
EXTENSION OF TIME

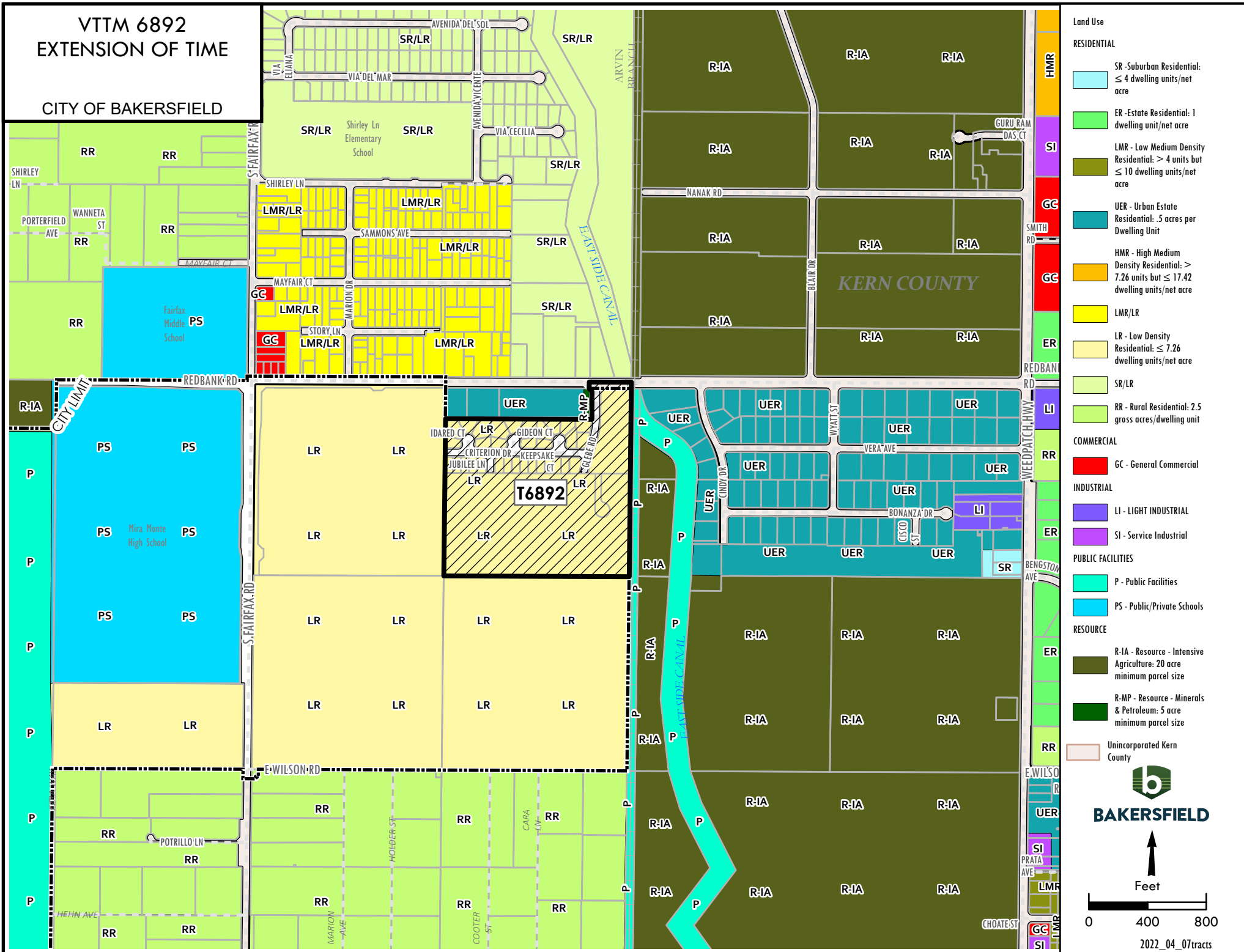
CITY OF BAKERSFIELD



AERIAL



VTTM 6892
EXTENSION OF TIME
CITY OF BAKERSFIELD



Land Use

RESIDENTIAL

- SR - Suburban Residential: ≤ 4 dwelling units/net acre
- ER - Estate Residential: 1 dwelling unit/net acre
- LMR - Low Medium Density Residential: > 4 units but ≤ 10 dwelling units/net acre
- UER - Urban Estate Residential: 5 acres per Dwelling Unit
- HMR - High Medium Density Residential: > 7.26 units but ≤ 17.42 dwelling units/net acre
- LI - Light Industrial
- SI - Service Industrial

COMMERCIAL

- GC - General Commercial

INDUSTRIAL

- LI - Light Industrial
- SI - Service Industrial

PUBLIC FACILITIES

- P - Public Facilities
- PS - Public/Private Schools

RESOURCE

- R-1A - Resource - Intensive Agriculture: 20 acre minimum parcel size
- R-MP - Resource - Minerals & Petroleum: 5 acre minimum parcel size

Unincorporated Kern County

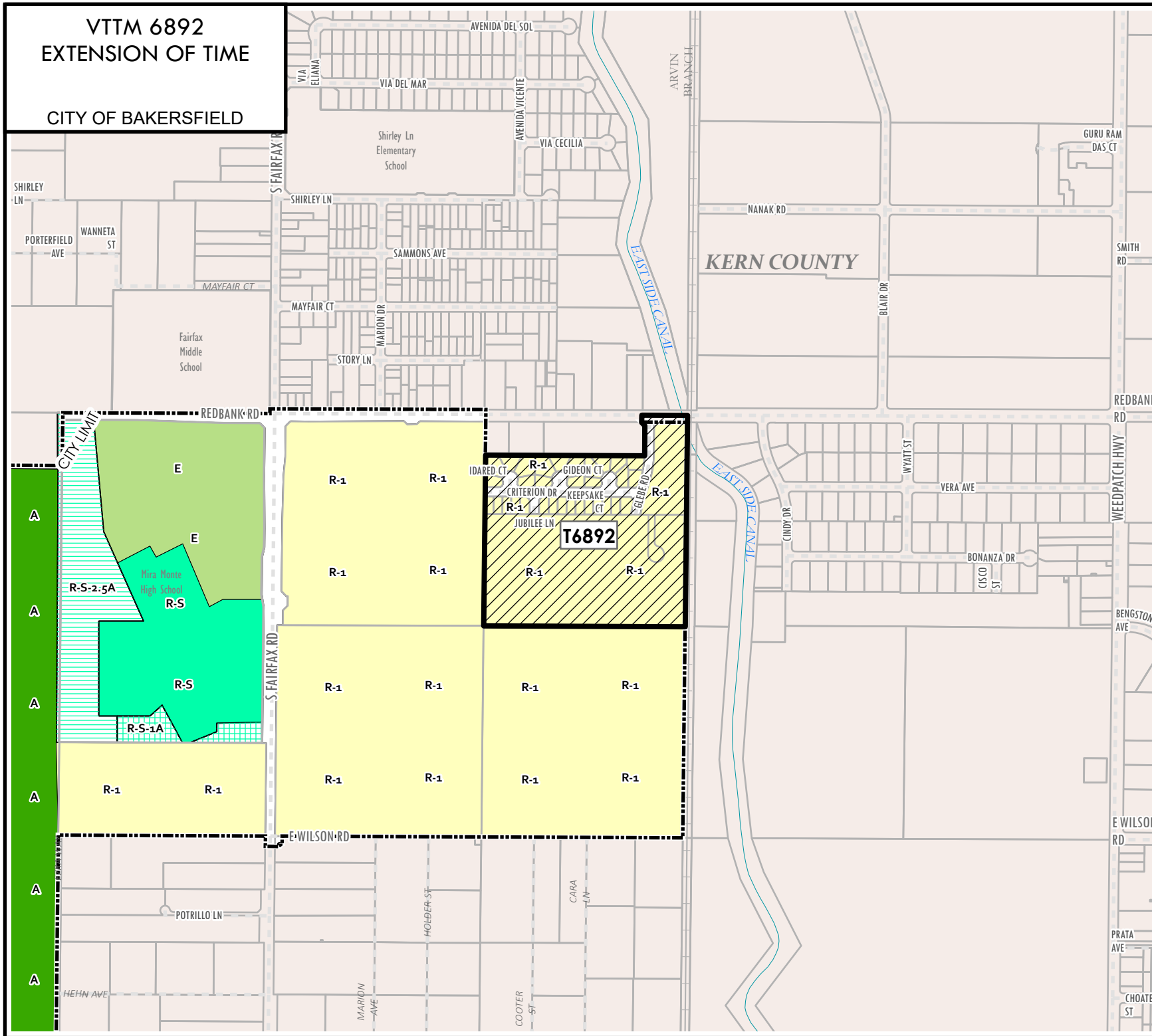
BAKERSFIELD

Feet

0 400 800

2022_04_07tracts

VTTM 6892
EXTENSION OF TIME
CITY OF BAKERSFIELD



Zoning

Resource Zone Designations

A Agricultural

Residential Zone Designations

E Estate One Family Dwelling

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

Unincorporated Kern County

BAKERSFIELD

↑

Feet

0 400 800

2022_04_07tracts

VESTING TENTATIVE TRACT NO. 6892

BEING A PORTION OF THE NORTH HALF OF THE NW 1/4 OF SECTION 12,
TOWNSHIP 30 SOUTH, RANGE 28 EAST, M.D.M.,
CITY OF BAKERSFIELD, COUNTY OF KERN,
STATE OF CALIFORNIA
32.63 GROSS ACRES WITHIN TRACT CONTAINING
130 BUILDABLE LOTS, 1 CANAL LOT AND 1 DRILL SITE.
AUGUST, 2006

OWNER/SUBDIVIDER

FAIRFAX HOLDINGS, LP
A TEXAS LIMITED PARTNERSHIP
812 ANACAPA STREET
SANTA BARBARA, CA 93101
CONTACT PERSON - DONALD BENNETT
(805) 962-1111

ENGINEER

McINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CA 93309
CONTACT PERSON - ROGER McINTOSH
TEL. 661-834-4814

STATISTICS:

PROPOSED NUMBER OF UNITS: 130 BUILDABLE
PROPOSED USE - SINGLE FAMILY RESIDENTIAL
NUMBER OF STORIES PER UNIT: 1 TO 2
NET DENSITY: 1.0 LOTS (21.18 NET ACRES)
= 6.14 LOTS PER ACRE

EXISTING USE - AGRICULTURE
PROPOSED ZONING - R-1/5R
GENERAL PLAN DESIGNATION - LR- AS PERMITTED
BY GPA/ZC

APN # 173-260-12 & 173-260-13

SCHOOL DISTRICT:
KERN HIGH SCHOOL DISTRICT

ELEMENTARY AND MIDDLE SCHOOL:
FAIRFAX SCHOOL DISTRICT

SEWER - EAST NILES COMMUNITY SERVICES DIST.

WATER - EAST NILES COMMUNITY SERVICES DIST.

ELECTRICAL - PACIFIC GAS & ELECTRIC COMPANY

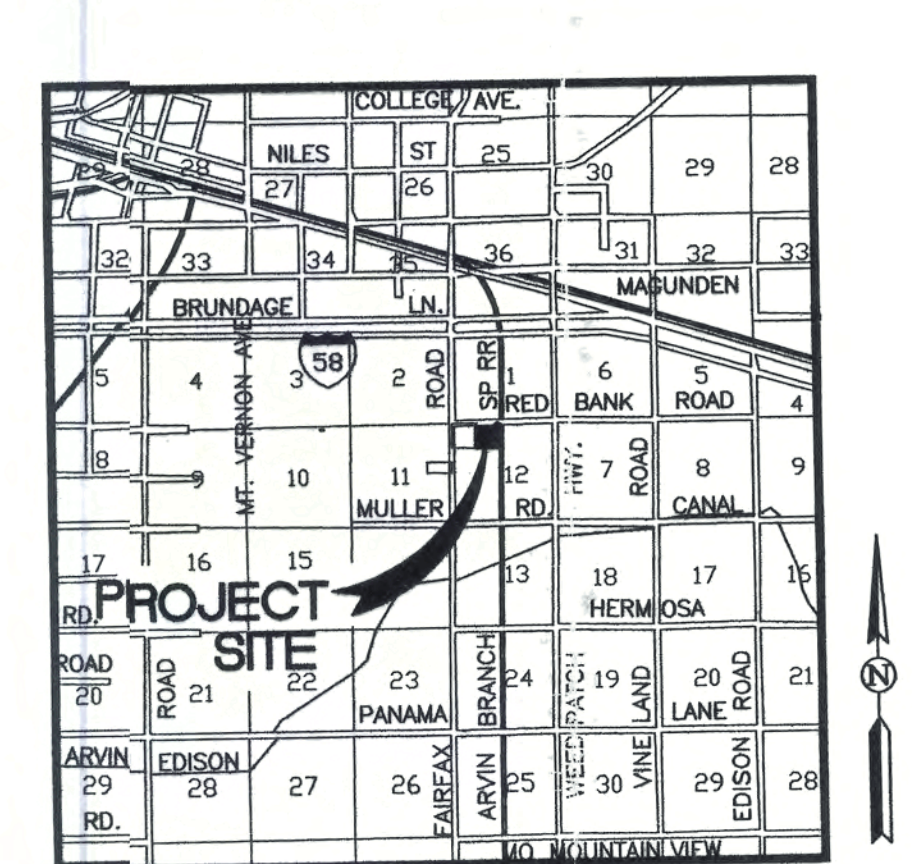
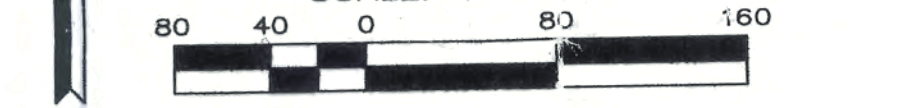
CABLE - BRIGHTHOUSE NETWORK

TELEPHONE - AT&T

LEGEND:

- PROPOSED CATCH BASIN
- EXISTING CATCH BASIN
- DIRECTION DRAINAGE AND APPROXIMATE GRADE
- PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
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- PROPOSED MONUMENT
- ABANDONED OIL WELL
- EXISTING EDGE OF PAVEMENT
- TRACT BOUNDARY
- SQUARE FEET
- UNIT BOUNDARY

SCALE: 1" = 80'



VICINITY MAP
NOT TO SCALE

PHASING:

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

NOTE TO PLANNING DEPARTMENT

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| 2. ALKAMENE | 9. MACOUN |
| 3. BULMER | 10. MANTENT |
| 4. CRITERION | 11. MERTON |
| 5. DELCON | 12. MUTSU |
| 6. HOWGATE | |
| 7. JERSEYMAC | |

GENERAL NOTES:

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IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.03(0) OF THE MUNICIPAL CODE

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

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THIS PROJECT IS A PART OF ANNEXATION #526 FAIRFAX #2

EASEMENT:

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- AN EASEMENT FOR ACCESS, WATER LINE, WELL SITE AND WELL TANK FOR DOMESTIC SUPPLY SYSTEM PER DOC. NO. 0201098481 RECORDED JULY 16, 2001, O.R.
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- RESERVATIONS AND PROVISIONS FOR ANY VESTED AND ACCRUED WATER RIGHTS FOR, MINING, AGRICULTURAL, MANUFACTURING PER BOOK 9, PAGE 75 OF PATENTS (NOT PLOTTABLE)

APPROVED BY
PLANNING COMMISSION WITH
CONDITIONS ON OCT 19 2006

McINTOSH & ASSOCIATES
LAND SURVEYING - CIVIL ENGINEERING © 2006

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

DATE: 08/22/06
DRAWN BY: SLU/CWW
CHECKED BY: [Signature]
SHEET 1 OF 1

NOTICE OF EXEMPTION

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

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

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

Project Title: Extension of Time for Vesting Tentative Tract Map 6892 (Phased)

Project Location-Specific: South of Redbank Rd., approx. ¼ mile east of South Fairfax Rd.

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

Description of Project: An extension of time for a vesting tentative tract map to create 132 lots, with 130 single family lots, 1 canal lot and 1 drill site lot on 32.63 acres for purposes of single-family development in an R-1 (Single-Family Dwelling) zone district.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project:

McIntosh & Associates, 2001 Wheelan Court, Bakersfield, CA 93309

Exempt Status:

- ☐ Ministerial (Sec.21080(b)(1); 15268));
- ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number.
- ☐ Statutory Exemptions. State section number. _____
- ☒ Project is exempt from CEQA pursuant to Section 15060(c)(3)

Reasons why project is exempt: Will not have an effect on the environment based on the common sense exemption.

Lead Agency: Contact Person: Tony Jaquez Telephone/Ext.: (661) 326-3452

If filed by applicant:

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

Signature: _____ **Title:** Associate Planner II **Date:** 6/17/2022

X Signed by Lead Agency
____ Signed by Applicant

Date received for filing at OPR: _____

RESOLUTION NO.

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION TO APPROVE AN EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 6892 (PHASED) LOCATED SOUTH OF REDBANK ROAD, APPROXIMATELY ¼ MILE EAST OF SOUTH FAIRFAX ROAD.

WHEREAS, McIntosh and Associates, representing Deertrail Abbey Court 1, LLC, filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Tract Map 6892 - Phased (the "Project") located in the City of Bakersfield as shown on attached (Exhibit "A"); and

WHEREAS, the application was submitted on April 20, 2022, which is prior to the expiration date of Vesting Tentative Map 6892 (Phased), and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

WHEREAS, the original application of the tentative map was deemed complete on September 7, 2006, conditionally approved by the Planning Commission on October 19, 2006; and

WHEREAS, a mitigated negative declaration was previously approved by the Planning Commission on October 19, 2006 for Vesting Tentative Tract Map 6892; and

WHEREAS, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section 15060(c)(3), Review for Exemption; and

WHEREAS, the Secretary of the Planning Commission set, Thursday, June 16, 2022, 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 application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

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

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

3. Pursuant to State CEQA Guidelines Section 15060 (c) (3), the activity (extension of time) is not considered a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.
4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

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

1. The above recitals, incorporated herein, are true and correct.
2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section 15060(c)(3), Review for Exemption.
3. The expiration date of Vesting Tentative Tract Map 6892 (Phased) is hereby extended until May 27, 2025.

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 16, 2022, on a motion by Commissioner ____ and seconded by Commissioner ____, by the following vote.

AYES:

NOES:

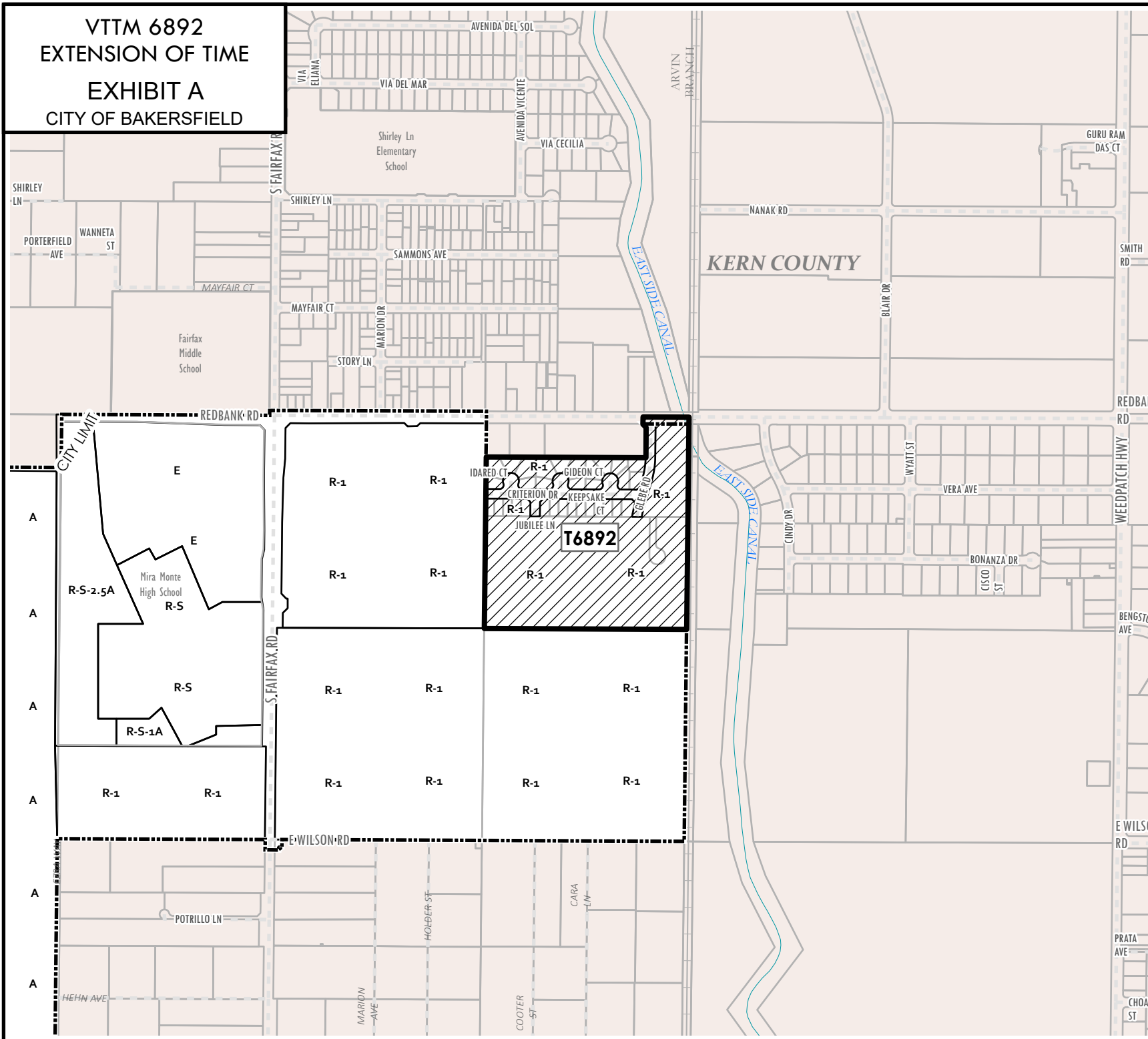
ABSENT:

APPROVED

DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits: A Location Map with Zoning
 B Vesting Tentative Tract Map

VTTM 6892
EXTENSION OF TIME
EXHIBIT A
CITY OF BAKERSFIELD



**LEGEND
(ZONE DISTRICTS)**

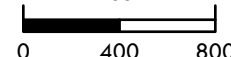
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500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



2022_04_07tracts

EXHIBIT B

VESTING TENTATIVE
TRACT NO. 6892

BEING A PORTION OF THE NORTH HALF OF THE NW 1/4 OF SECTION 12,
TOWNSHIP 30 SOUTH, RANGE 28 EAST, M.D.M.,
CITY OF BAKERSFIELD, COUNTY OF KERN,
STATE OF CALIFORNIA
32.63 GROSS ACRES WITHIN TRACT CONTAINING
130 BUILDABLE LOTS, 1 CANAL LOT AND 1 DRILL SITE.
AUGUST, 2006

OWNER/SUBDIVIDER

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2001 WHEELAN COURT
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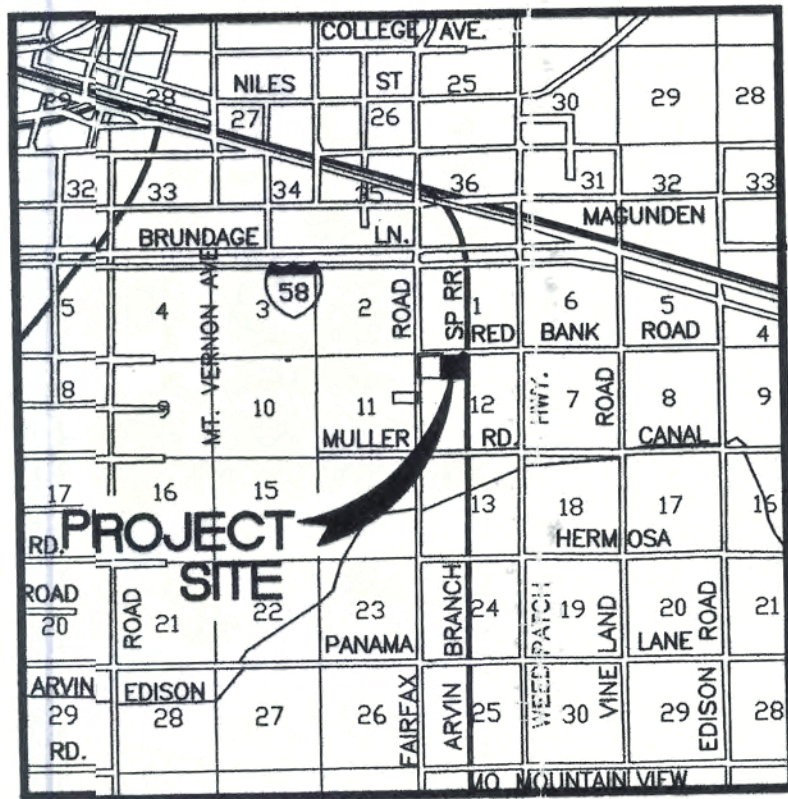
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FAIRFAX SCHOOL DISTRICT
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SHIRLEY LANE ELEMENTARY SCHOOL

SEWER - EAST NILES COMMUNITY SERVICES DIST.
WATER - EAST NILES COMMUNITY SERVICES DIST.
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APPROVED BY
PLANNING COMMISSION WITH
CONDITIONS ON OCT 19 2006

McINTOSH & ASSOCIATES
LAND SURVEYING - CIVIL ENGINEERING © 2006

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

DATE: 09/22/06
DRAWN BY: SLU/CWW
CHECKED BY: [Signature]
SHEET 1 OF 1



COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: Consent Public
Hearings5.(c.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Tony Jaquez, Associate Planner

DATE:

WARD: Ward 1

SUBJECT:

Extension of Time for Vesting Tentative Tract Map 6939 (Phased): McIntosh and Associates is requesting an extension of time for this tentative tract map consisting of 172 single family residential on 40.23 acres, located at the southeast corner of Redbank Road and South Fairfax Road. Notice of Exemption on file.

APPLICANT: McIntosh and Associates

OWNER: CMH Development, LLC

LOCATION: Located at the southeast corner of Redbank Road and South Fairfax Road.

STAFF RECOMMENDATION:

Staff recommends approval

ATTACHMENTS:

Description	Type
▣ Staff Report	Staff Report
▣ Map Set	Backup Material
▣ Notice of Exemption	Backup Material
▣ Resolution	Resolution



CITY OF BAKERSFIELD PLANNING COMMISSION

MEETING DATE: June 16, 2022

AGENDA: 5.c

TO: Chair Cater and Members of the Planning Commission

FROM: Paul Johnson, Planning Director PJ

DATE: June 10, 2022

FILE: Extension of Time Vesting Tentative Tract Map 6939 (Phased)

WARD: 1

STAFF PLANNER: Tony Jaquez, Associate Planner

REQUEST: Three-year extension of time for Vesting Tentative Tract Map 6939 that allowed 172 single-family residential lots on 40.23 acres.

APPLICANT:

McIntosh and Associates
2001 Wheelan Court
Bakersfield, CA 93309

OWNER:

CMH Development, LLC
7209 Saint Andrews Drive
Bakersfield, CA 93309

LOCATION: Southeast corner of Redbank Road and South Fairfax Road in east Bakersfield.

APN: 173-260-01

PROJECT SIZE: 40.23 acres

CEQA: Section 15060(c)(3) (*Review for Exemption*)

EXISTING GENERAL PLAN DESIGNATION: LR (Low Density Residential)

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

STAFF RECOMMENDATION: Adopt Resolution and suggested findings **APPROVING** extension of time for Vesting Tentative Tract Map 6939 to expire on May 27, 2025.

SITE CHARACTERISTICS: The project site is agricultural land. Surrounding properties are primarily developed as: *north* – single family residential; *east* – single family residential; *south* – agricultural land; and *west* – existing public high school.

BACKGROUND AND TIMELINE:

- **August 16, 2006** – City Council approved General Plan Amendment/Zone Change No. 05-1783 to change from County agricultural to City residential for future residential development.
- **October 19, 2006** – The Bakersfield Planning Commission approved Vesting Tentative Tract Map (“VTTM”) No. 6939 to become effective upon annexation. At that time, the Planning Commission also adopted a mitigated negative declaration (PC Resolution No. 212-06).
- **May 28, 2008** – Fairfax No. 2 was annexed to the City of Bakersfield. This project site was included as a portion of this annexation area (Annexation No. 526). VTTM 6939 is to expire on May 27, 2011.
- **2009-2015** - In response to the economic downturn and recession, VTTM 6939 received a series of automatic extensions of time as authorized by the California State legislature.
- **May 16, 2019** – The Planning Commission approved a three-year extension of time for VTTM 6939 to expire May 27, 2022 (Resolution No. 54-19).
- **March 30, 2021** – The Planning Director approved a substantial conformance request to alter a street alignment near the map’s east boundary. The realignment is to allow a sewer line previously planned along South Fairfax Road to be placed within the realigned street.
- **May 11, 2022** – The applicant submitted a completed application requesting an extension of time for VTTM 6939.

PROJECT ANALYSIS:

The proposed vesting tentative tract subdivision consists of 172 lots on 40.23 acres for purposes of single-family residential development. The typical residential lot size is approximately 55 feet wide by 110 feet deep (6,050 square feet), and the net density is 6.65 units per net 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.

Extension of Time. The applicant is requesting a three-year extension to allow additional time to record final maps. No phase of this map has recorded. This request represents the last request for an extension of time for VTTM No. 6939. The applicant requested the extension of time in writing prior to the May 27, 2022, expiration date.

The Subdivision Map Act and the Bakersfield Municipal Code allow for separate extensions to be approved by your Commission with an aggregate of up to six years. Typically, City policy has been to approve extensions of time in two (2), three-year intervals. This current request represents the last request for VTTM 6939. Staff recommends approval of a three-year extension of time to expire May 27, 2025, with no changes to previously approved conditions of approval.

Circulation. Access to this subdivision would be from Redbank Road (collector) on the subdivision's north boundary and from South Fairfax Road (arterial) on the west. Four local streets are proposed to be extended through this subdivision to provide circulation within the neighborhood.

Compliance with Standards. The proposed project, subject to the original conditions of approval, complies with the ordinances and policies of the City of Bakersfield.

ENVIRONMENTAL REVIEW AND DETERMINATION:

The extension of time request is not subject to the provisions of the California Environmental Quality Act ("CEQA") in accordance with Section 15060(c)(3) because the activity [extension of time] is not a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.

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 written public comments have been received.

CONCLUSIONS:

Recommendation. The applicant provided the application for the Extension of Time in a timely manner and the request adheres to the extensions permitted by Bakersfield Municipal Code 16.16.080. The requested three-year extension will allow the developer additional time to record final map. Based on information in the record, Staff recommends your Commission adopt Resolution and suggested findings **APPROVING** the extension of time for Vesting Tentative Tract Map 6939 to expire on May 27, 2025.

ATTACHMENTS:

Map Set

- Aerial
- Zone Classification
- General Plan Designation
- VTTM 6939 (plat)

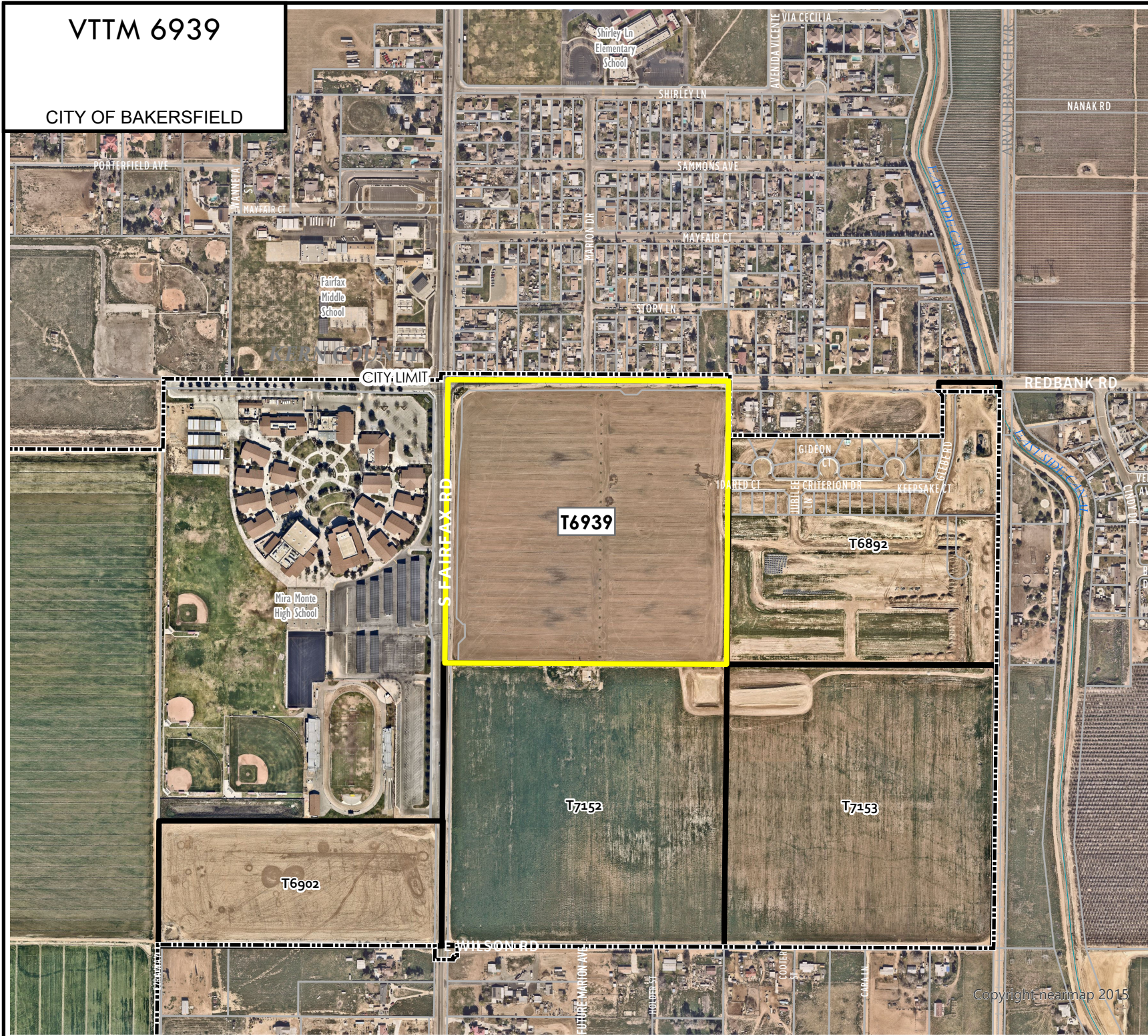
Notice of Exemption

Planning Commission Draft Resolution

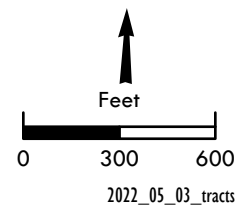
MAP SET

VTTM 6939

CITY OF BAKERSFIELD

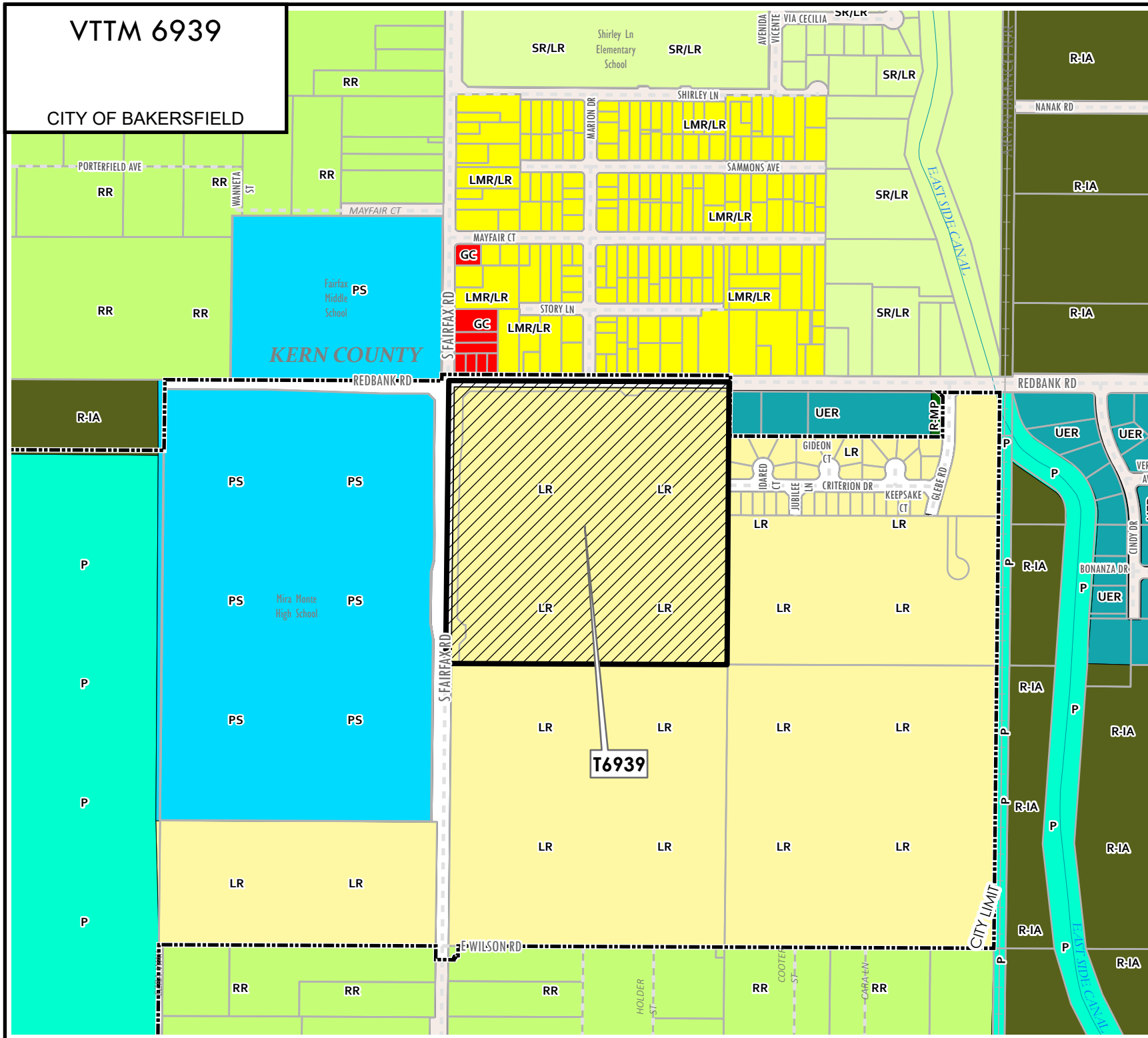


AERIAL

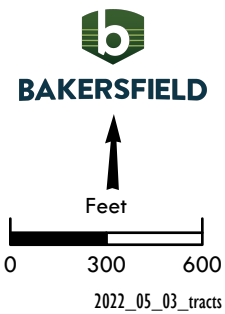


VTTM 6939

CITY OF BAKERSFIELD



- Land Use
- RESIDENTIAL**
- UER - Urban Estate Residential: .5 acres per Dwelling Unit
 - LMR/LR
 - LR - Low Density Residential: ≤ 7.26 dwelling units/net acre
 - SR/LR
 - RR - Rural Residential: 2.5 gross acres/dwelling unit
- COMMERCIAL**
- GC - General Commercial
- PUBLIC FACILITIES**
- P - Public Facilities
 - PS - Public/Private Schools
- RESOURCE**
- R-1A - Resource - Intensive Agriculture: 20 acre minimum parcel size
 - R-MP - Resource - Minerals & Petroleum: 5 acre minimum parcel size



NOTICE OF EXEMPTION

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

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

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

Project Title: Extension of Time for Vesting Tentative Tract Map 6939 (Phased)

Project Location-Specific: Southeast corner of Redbank Road and South Fairfax Road

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

Description of Project: An extension of time for a vesting tentative tract map to create 172 single family lots, 1 retention basin, and 4 landscape lots on 40.23 acres for purposes of single-family development in an R-1 (Single-Family Dwelling) zone district.

Name of Public Agency Approving Project: City of Bakersfield

Name of Person or Agency Carrying Out Project:

McIntosh & Associates, 2001 Wheelan Court, Bakersfield, CA 93309

Exempt Status:

- ☐ Ministerial (Sec.21080(b)(1); 15268));
- ☐ Declared Emergency (Sec.21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number.
- ☐ Statutory Exemptions. State section number. _____
- ☒ Project is exempt from CEQA pursuant to Section 15060(c)(3)

Reasons why project is exempt: Will not have an effect on the environment based on the common sense exemption.

Lead Agency: Contact Person: Tony Jaquez Telephone/Ext.: (661) 326-3452

If filed by applicant:

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

Signature: _____ **Title:** Associate Planner II **Date:** 6/17/2022

X Signed by Lead Agency
____ Signed by Applicant

Date received for filing at OPR: _____

**RESOLUTION OF THE BAKERSFIELD PLANNING
COMMISSION TO APPROVE AN EXTENSION OF TIME
FOR VESTING TENTATIVE TRACT MAP 6939 (PHASED)
LOCATED AT THE SOUTHEAST CORNER OF REDBANK
ROAD AND SOUTH FAIRFAX ROAD.**

WHEREAS, McIntosh and Associates, representing CMH Development, LLC, filed an application with the City of Bakersfield Planning Department requesting an extension of time for Vesting Tentative Tract Map 6939 – Phased (the “Project”) located in the City of Bakersfield as shown on attached (Exhibit “A”); and

WHEREAS, the application was submitted on May 11, 2022, which is prior to the expiration date of Vesting Tentative Map 6939, and in accordance with the provisions of Section 16.16.080 of the Bakersfield Municipal Code; and

WHEREAS, the original application of the tentative map was deemed complete on September 7, 2006, conditionally approved by the Planning Commission on October 19, 2006; and

WHEREAS, a mitigated negative declaration was previously approved by the Planning Commission on October 19, 2006, for Vesting Tentative Tract Map 6939; and

WHEREAS, there have been no substantial changes to the Project or circumstances under which it will be undertaken; and

WHEREAS, no new environmental impacts have been identified; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant State CEQA Guidelines Section 15060(c)(3), Review for Exemption; and

WHEREAS, the Secretary of the Planning Commission set, Thursday, June 16, 2022, 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 application, and notice of the public hearing was given in the manner provided in Title Sixteen of the Bakersfield Municipal Code; and

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

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

3. Pursuant to State CEQA Guidelines Section 15060 (c) (3), the activity (extension of time) is not considered a project for purposes of CEQA. CEQA does not apply if the activity [extension of time] will not result in either a direct or a reasonably foreseeable indirect physical change in the environment.
4. This request for an extension of time is pursuant to Bakersfield Municipal Code Section 16.16.080 and Subdivision Map Act Section 66452.6 (e).

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

1. The above recitals, incorporated herein, are true and correct.
2. The project is exempt from CEQA, pursuant to CEQA Guidelines Section 15060(c)(3), Review for Exemption.
3. The expiration date of Vesting Tentative Tract Map 6939 is hereby extended until May 27, 2025.

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 16, 2022, on a motion by Commissioner ____ and seconded by Commissioner ____, by the following vote.

AYES:

NOES:

ABSENT:

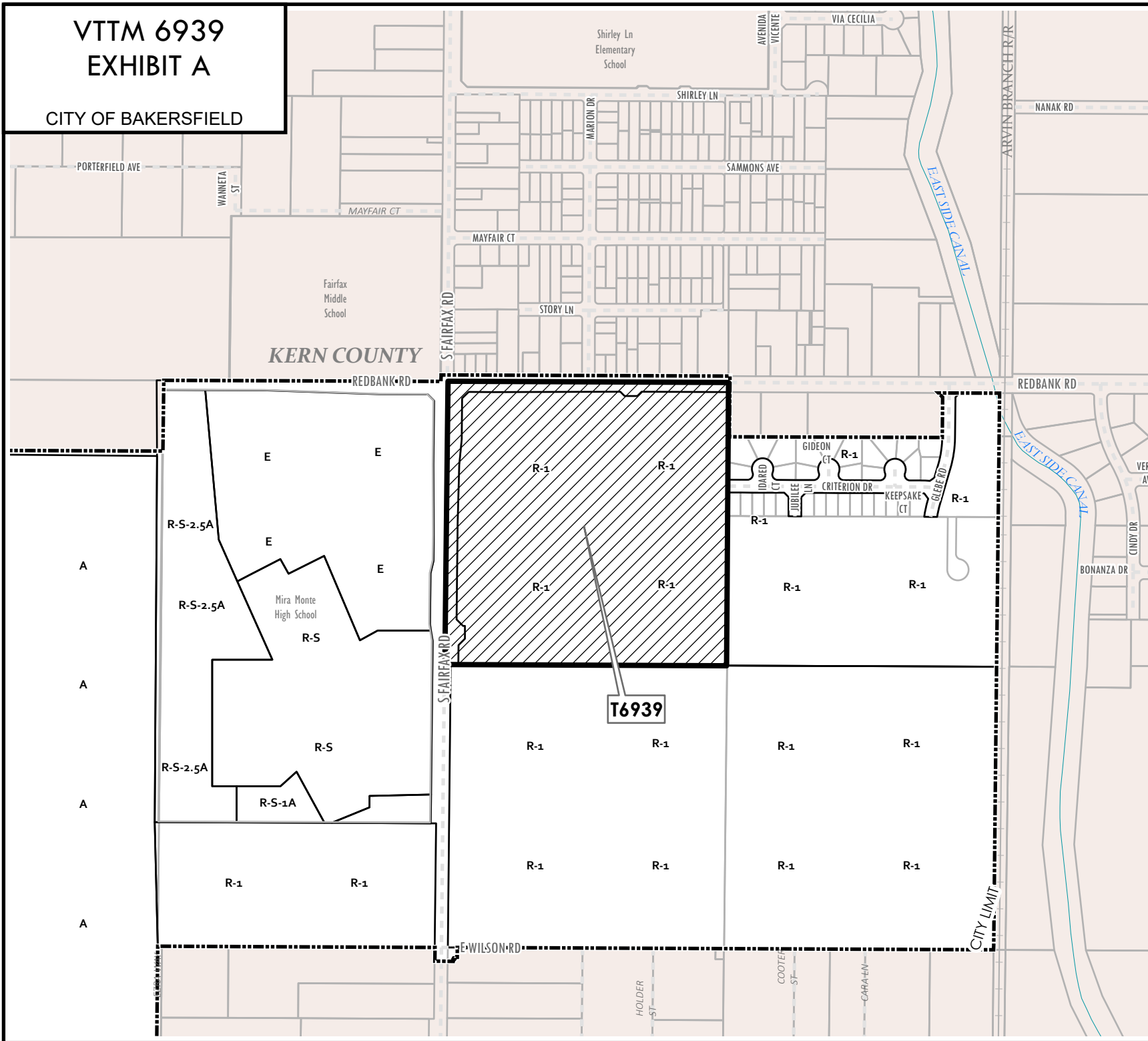
APPROVED

DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

Exhibits: A Location Map with Zoning
 B Vesting Tentative Tract Map

VTTM 6939 EXHIBIT A

CITY OF BAKERSFIELD



LEGEND (ZONE DISTRICTS)

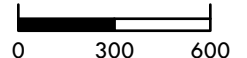
- R-1 One Family Dwelling
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling
4,500 sq.ft. min lot size
- E Estate
10,000 sq.ft. min lot size
- R-S Residential Suburban
24,000 sq.ft./dwelling unit
- R-S() Residential Suburban
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling
4,500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



2022_05_03_tracts

EXHIBIT B

VESTING TENTATIVE TRACT NO. 6939

BEING A PORTION OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12,
TOWNSHIP 30 SOUTH, RANGE 28 EAST, M.D.M.,
CITY OF BAKERSFIELD, COUNTY OF KERN,
STATE OF CALIFORNIA
40.23 GROSS ACRES WITHIN TRACT CONTAINING 172 BUILDABLE LOTS,
1 RETENTION BASIN LOT AND 4 LANDSCAPE LOTS
AUGUST, 2006

OWNER

C.A. FARMS, INC.
A CALIFORNIA CORPORATION
1033 TAM-O-SHANTER DRIVE
BAKERSFIELD, CA 93309

SUBDIVIDER

FAIRFAX HOLDINGS, LP
A LIMITED TEXAS PARTNERSHIP
812 AMACAPA STREET
SANTA BARBARA, CA 93101
CONTACT PERSON: DONALD EDNETT
TEL: (805) 962-1111

ENGINEER

MCINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CA 93309
CONTACT PERSON: ROGER MCINTOSH
TEL: (805) 834-4814

STATISTICS

PROPOSED NUMBER OF UNITS: 172 BUILDABLE
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
NUMBER OF STORIES PER UNIT: 1 TO 2
NET DENSITY: 172 LOTS / 25.86 NET ACRES
GROSS LOTS PER ACRE

EXISTING USE: AGRICULTURE
PROPOSED USE: SINGLE RESIDENTIAL
ZONING: EXISTING - A
PROPOSED - R-1
GENERAL PLAN DESIGNATION - SR
PROPOSED PLAN DESIGNATION - JR
APN: 173-280-01

SCHOOL DISTRICT:
KERN HIGH SCHOOL DISTRICT

ELEMENTARY AND MIDDLE SCHOOL:
FAIRFAX SCHOOL DISTRICT
FAIRFAX MIDDLE SCHOOL
SHIRLEY LANE ELEMENTARY SCHOOL

SEWER - EAST NILES COMMUNITY SERVICE DISTRICT
WATER - EAST NILES COMMUNITY SERVICE DISTRICT
ELECTRIC - PACIFIC GAS & ELECTRIC COMPANY
GAS - PACIFIC GAS & ELECTRIC COMPANY
CABLE - BRIGHTHOUSE NETWORK
TELEPHONE - AT&T

LEGEND

- PROPOSED CATCH BASIN
- EXISTING CATCH BASIN
- DIRECTION DRAINAGE AND APPROXIMATE GRADE
- PROPOSED STORM DRAIN MANHOLE AND STORM DRAIN LINE
- EXISTING STORM DRAIN MANHOLE AND STORM DRAIN LINE
- EXISTING STREET LIGHT
- EXISTING GROUND COURSE
- EXISTING SEWER MANHOLE AND SEWER LINE
- EXISTING WATERLINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING MOUND
- EXISTING EDGE OF PAVEMENT
- TRACT BOUNDARY
- SQUARE FEET
- TRACT BOUNDARY
- NUMBER OF ACRES

PHASING

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

NOTE TO PLANNING DEPARTMENT

RE: ALTERNATE STREET NAMES

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

- | | |
|--------------|-------------|
| 1. CHISH | 8. STAYMAN |
| 2. LAMBOURNE | 9. TILL SCH |
| 3. LINDAMAC | 10. FUJI |
| 4. MAHOGANY | 11. GALE |
| 5. MALINDA | 12. APEYMAC |
| 6. ROME | |
| 7. RUSSET | |

GENERAL NOTES

ALL ROAD IMPROVEMENTS AND DRAINAGE IN THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED BY THE CITY OF BAKERSFIELD.

IT IS ANTICIPATED THAT THE GRADING OF THIS TRACT WILL BE WITHIN THE AMOUNTS OUTLINED WITHIN SECTION 16.18.030(5) OF THE MUNICIPAL CODE.

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

ALL RETURN RADI ARE 20' UNLESS OTHERWISE NOTED.

ALL 11.5'-0" SAG AND KNICKLE RETURN RADI ARE 25' UNLESS OTHERWISE NOTED.

THIS PROJECT SITE IS CURRENTLY UNDERGOING THE PROCESS OF ANNEALING # 526 FAIRFAX #2.

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

THERE ARE NO EXISTING RESIDENTIAL STRUCTURES WITHIN THE PROJECT SITE.

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THERE ARE NO EXISTING RESIDENTIAL STRUCTURES WITHIN THE PROJECT SITE.



VICINITY MAP
NOT TO SCALE

SCALE: 1" = 80'
0 40 80 160

McINTOSH & ASSOCIATES
2001 WHEELAN COURT
BAKERSFIELD, CALIFORNIA 93309
(805) 834-4814
FAX: (805) 834-4815
WWW.MCINTOSH-CA.COM

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COVER SHEET

PLANNING DEPARTMENT STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: Consent Public
Hearings5.(d.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Ryder Dilley, Associate Planner II

DATE:

WARD: Ward 2

SUBJECT:

Conditional Use Permit No. 22-0004: Olson Design Studio is requesting a conditional use permit to allow an 18-unit senior apartment building (17.28.030.A.16) in a M-1 (Light Manufacturing Zone) district, located at 412 E. 18th Street. Notice of Exemption on file.

APPLICANT: Olson Design Studio

OWNER: Oscar Singer

LOCATION: 412 E. 18th Street

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

Description	Type
▣ Staff Report	Staff Report
▣ Map Set	Backup Material
▣ Site Plan	Backup Material
▣ Applicant Letter	Backup Material
▣ Resolution	Resolution



CITY OF BAKERSFIELD PLANNING COMMISSION

MEETING DATE: June 16, 2022

AGENDA: 5.d

TO: Chair Cater and Members of the Planning Commission

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

DATE: June 10, 2022

WARD: 2

FILE: Conditional Use Permit No. 22-0004

STAFF PLANNER: Ryder Dilley, Associate Planner II

SUBJECT: A conditional use permit to allow construction of an 18-unit senior apartment building.

APPLICANT: Olson Design Studio
1201 24th Street, Suite B110-271
Bakersfield, CA 93301

OWNER: Oscar Singer
467 S. Fairview Street
Burbank, CA 91505

PROJECT LOCATION: 412 East 18th Street

APN: 016-170-11

PROJECT SIZE: 11,250 square feet

CEQA: Section 15332 (Class 32: *Infill Development Projects*)

EXISTING GENERAL PLAN DESIGNATION: LI (Light Industrial)

EXISTING ZONE CLASSIFICATION: M-1 (Light Manufacturing)

STAFF RECOMMENDATION: Adopt the Resolution and suggested findings **APPROVING** Conditional Use Permit No. 22-0004 as depicted in the project description and subject to the listed conditions of approval.

SITE CHARACTERISTICS: The project site is developed with an existing design studio. Surrounding properties are primarily developed as: *north* – commercial and industrial; *east* – industrial; *south* – residential, industrial, and a school; and *west* – residential.

PROJECT ANALYSIS:

Proposed Use. The applicant is requesting to develop an 11,250 square foot site with an 18-unit senior apartment building. The applicant is seeking to construct one (1) three-story building that will consist of 18 one-bedroom units and access to the roof.

The project would provide housing for senior citizens age 62 and older and includes an elevator for ease of access between floors and a rooftop patio for the benefit of the tenants. Should your Commission approve the project, the applicant will be required to record a covenant limiting occupancy to one (1) resident per unit by the age as noted.

Building Height. Bakersfield Municipal Code (“BMC”) Section 17.28.040, the maximum building height in a M-1 zone shall not exceed seventy-five feet (75’) or six stories. As proposed, the three-story apartment building is approximately fifty-four feet (54’) in height to the ridge.

The proposed three-story building is located directly adjacent to an existing one-story single-family residence to the west that is currently under repair from fire damage. Although screening is not applicable to abutting properties within the M-1 zone, staff did have a discussion with the applicant concerning the west elevation windows. The applicant noted there was a prior discussion with the adjacent property owner and no concerns were raised during that discussion. Should adjacent property owners raise concern, your Commission has the authority to condition the project with measures to mitigate the overlooks.

Parking. Pursuant to BMC Section 17.58.110, parking requirements for dwellings designed for senior citizens is 1 space per 2 units for those 62 years and over (1 space per unit for 55 years and older). Due to the project being located within the “Old Town Kern” area, on-site guest parking is not required. Regardless, the developer is providing 11 on-site parking spaces where 9 spaces are required. Five (5) out of the 11 parking spaces will have direct access off East 18th Street with the remaining 6 spaces having access through the alley.

Landscaping. Pursuant to BMC Chapter 17.61, the purpose of landscaping is to provide a transition between and mitigate conflicts which may arise between adjacent land uses, to promote an attractive visual harmony between the landscape and development, reduce air, noise, and visual pollution, produce a healthy, vibrant, sustainable urban forest, decrease temperatures, increase comfort, and promote commerce and socialization, while promoting water use efficiency. The submitted landscape plan provides trees within the planter area along the street frontage and adjacent to the parking spaces to contribute to the overall shade requirement. In addition to these areas, the applicant plans to install trees along the interior side yards as a buffer between the abutting uses.

Zoning. Pursuant to BMC Chapter 17.28, residential dwellings are a permitted use in the M-1 (Light Manufacturing) zone subject to approval of a conditional use permit. The Chapter goes on to state that any buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 (High Medium Density Multiple-Family Dwelling) zone, which requires at least 600 square feet of lot area per dwelling unit. Based on the lot size of 11,250 square feet, a minimum lot size of 10,800 square feet is required for the proposed 18 dwelling units.

ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (“CEQA”) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15332 (Class 32: *Infill Development Projects*). This exemption includes projects in urban areas that are consistent

with the applicable zoning and General Plan designation, are no more than 5 acres and surrounded by urban uses, have no value as habitat for endangered species, and can be adequately served by all required utilities and public services. A Notice of Exemption has been prepared.

PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States 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. BMC Section 17.64.060.D contains specific findings that must be made in order for your Commission to approve the requested conditional use permit. Specifically, the section states that a conditional use permit shall be granted only when it is found that:

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

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 project would provide an alternative form of housing for senior citizens; (2) the project would add needed investment and contribute to the redevelopment of the "Old Town Kern" area; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

Recommendation. 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. 22-0004 with conditions of approval.

ATTACHMENTS:

Map Set

- Aerial
- Zone Classification
- General Plan Designation

Site Plan

Applicant Letter

Resolution with Exhibits


Map Set

CUP 22-0004


CITY OF BAKERSFIELD



AERIAL



BAKERSFIELD



Feet

0150300

Copyright nearmap 2015

2022_05_07_CUPs

CUP 22-0004

CITY OF BAKERSFIELD



Zoning

Commercial Zone Designations


 C-2 Regional Commercial

Industrial Zone Designations

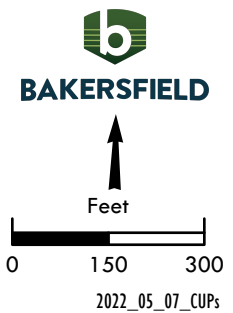
 M-1 Light Manufacturing

 M-2 General Manufacturing

Residential Zone Designations

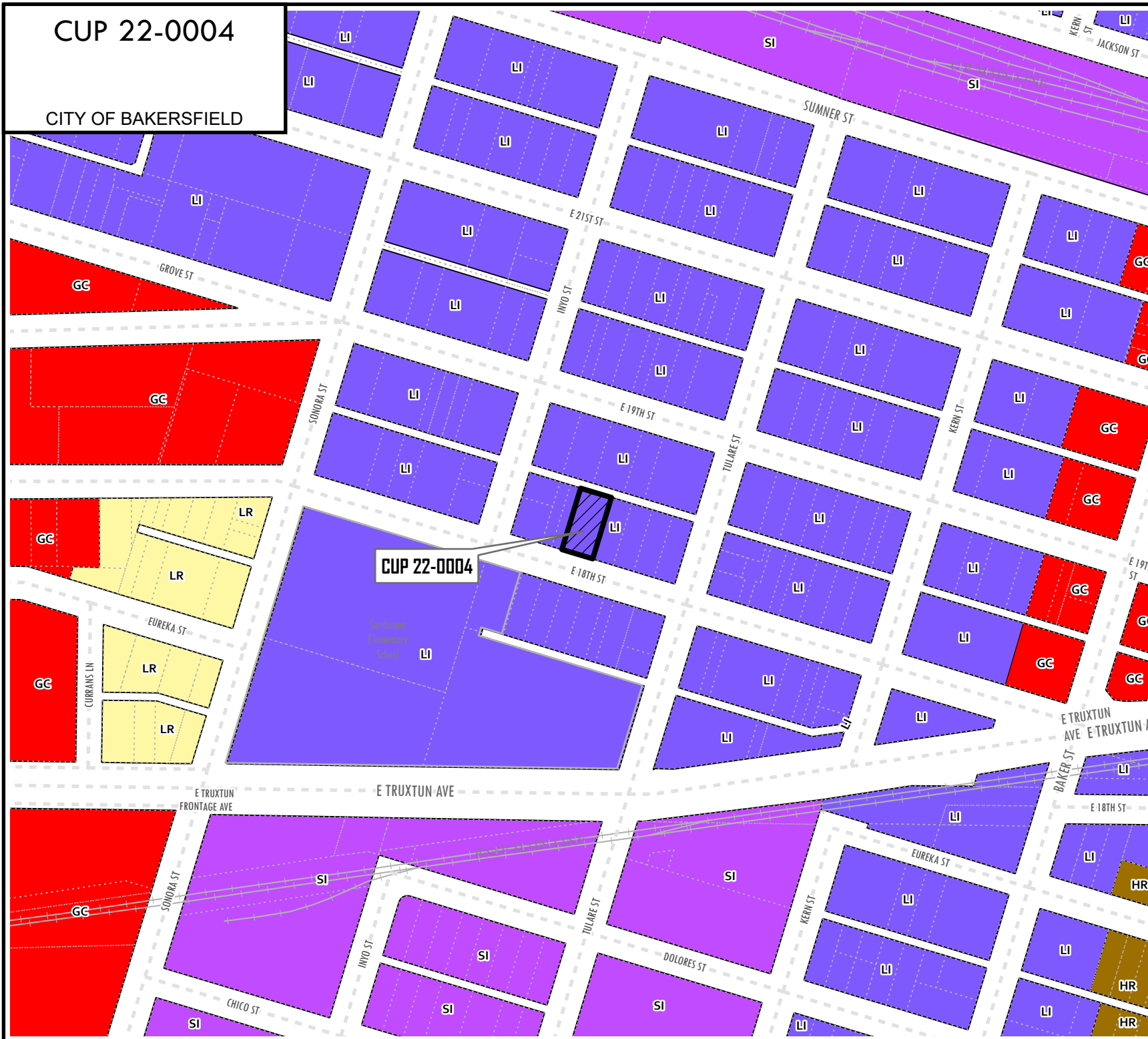
 R-3 Limited Multiple Family Dwelling Zone - 1 unit/1,250 sq. ft.

 Airport Land Use Conformity Plan



CUP 22-0004

CITY OF BAKERSFIELD



Land Use

RESIDENTIAL

HR - High Density Residential: > 17.42 units but ≤ 72.6 dwelling units/net acre

LR - Low Density Residential: ≤ 7.26 dwelling units/net acre

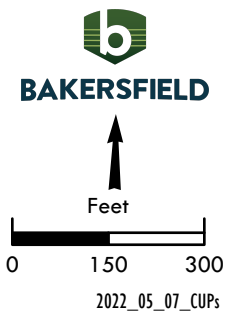
COMMERCIAL

GC - General Commercial

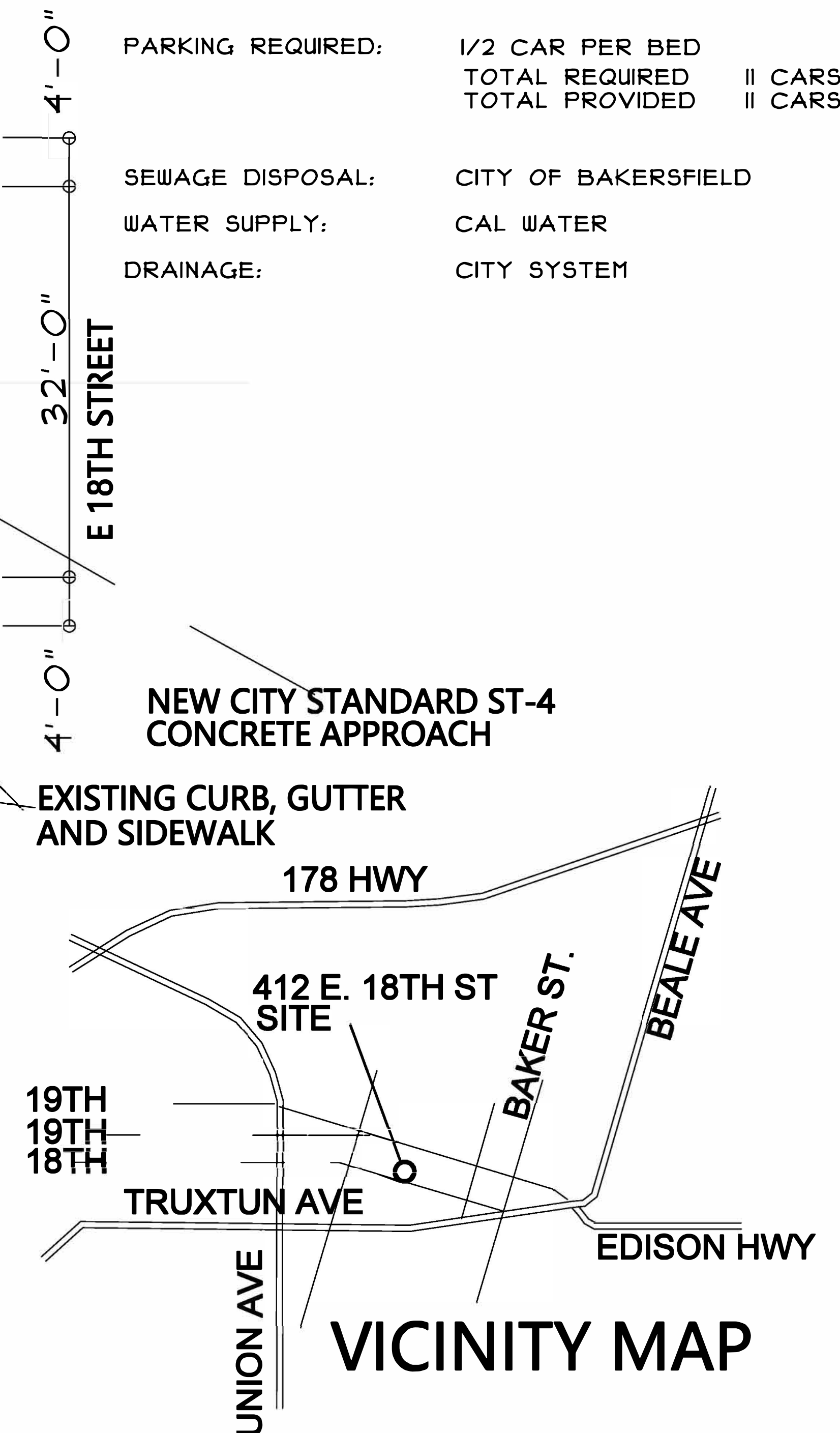
INDUSTRIAL

LI - LIGHT INDUSTRIAL

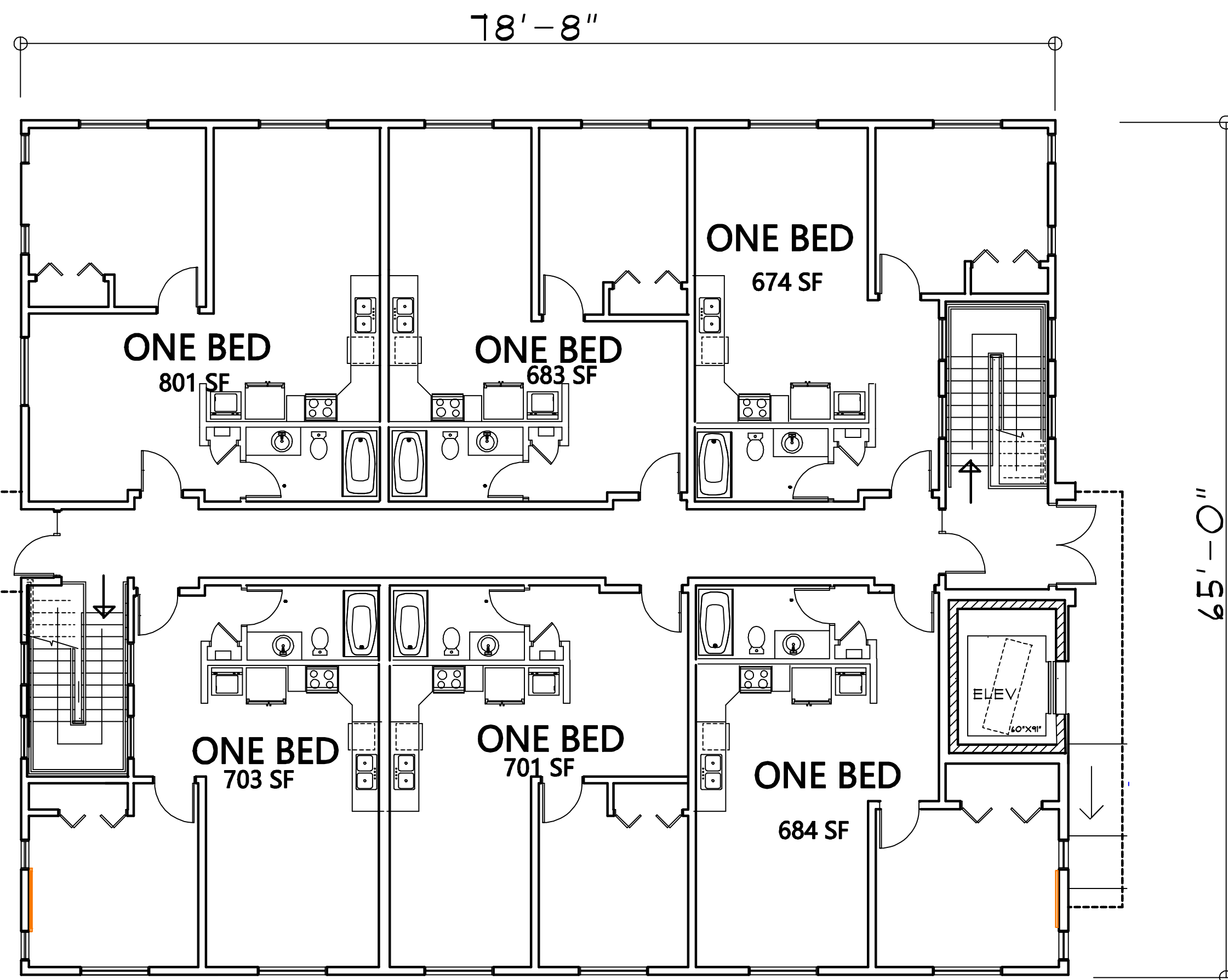
SI - Service Industrial



DRAINAGE: CITY SYSTEM

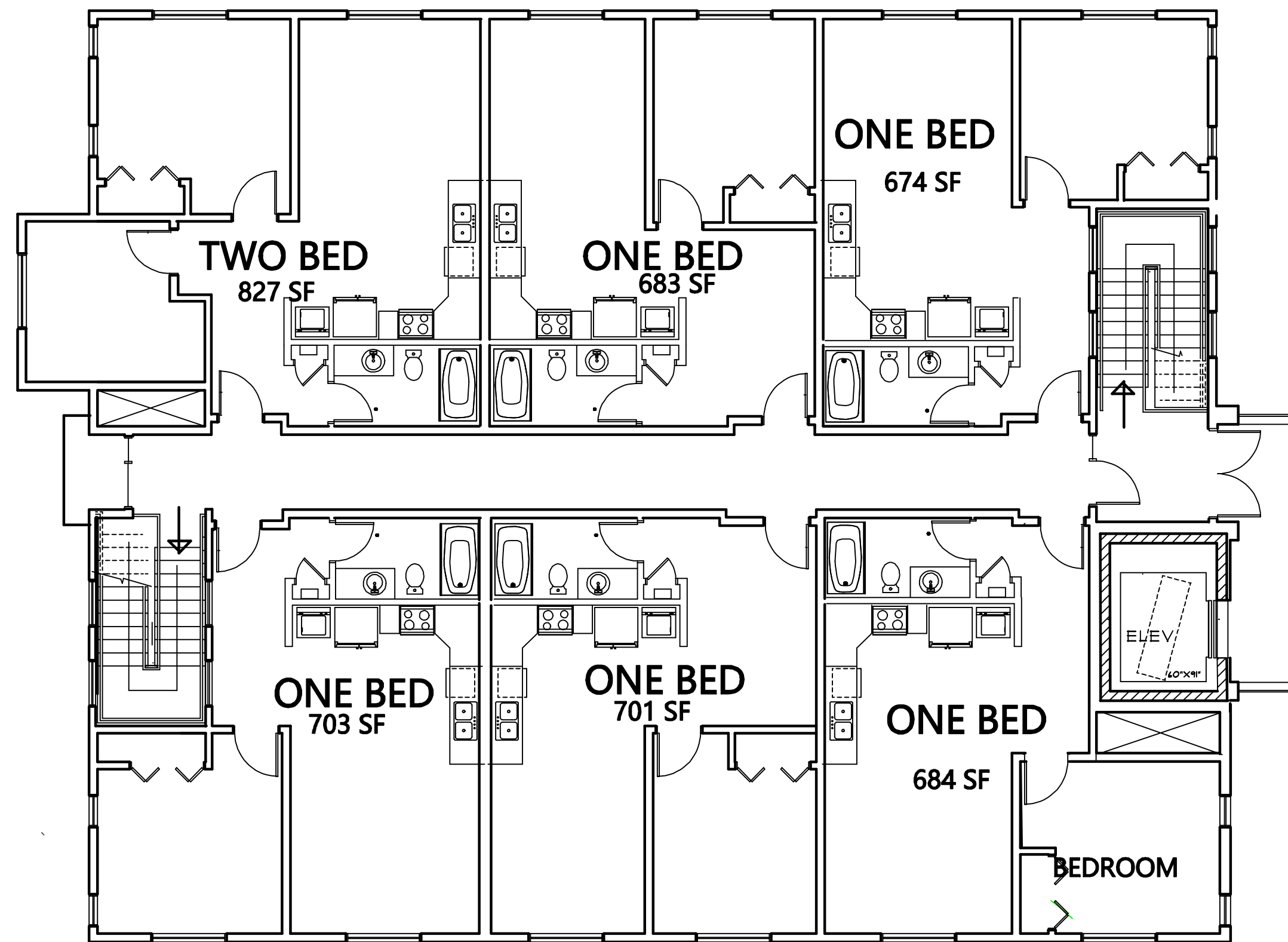


VICINITY MAP



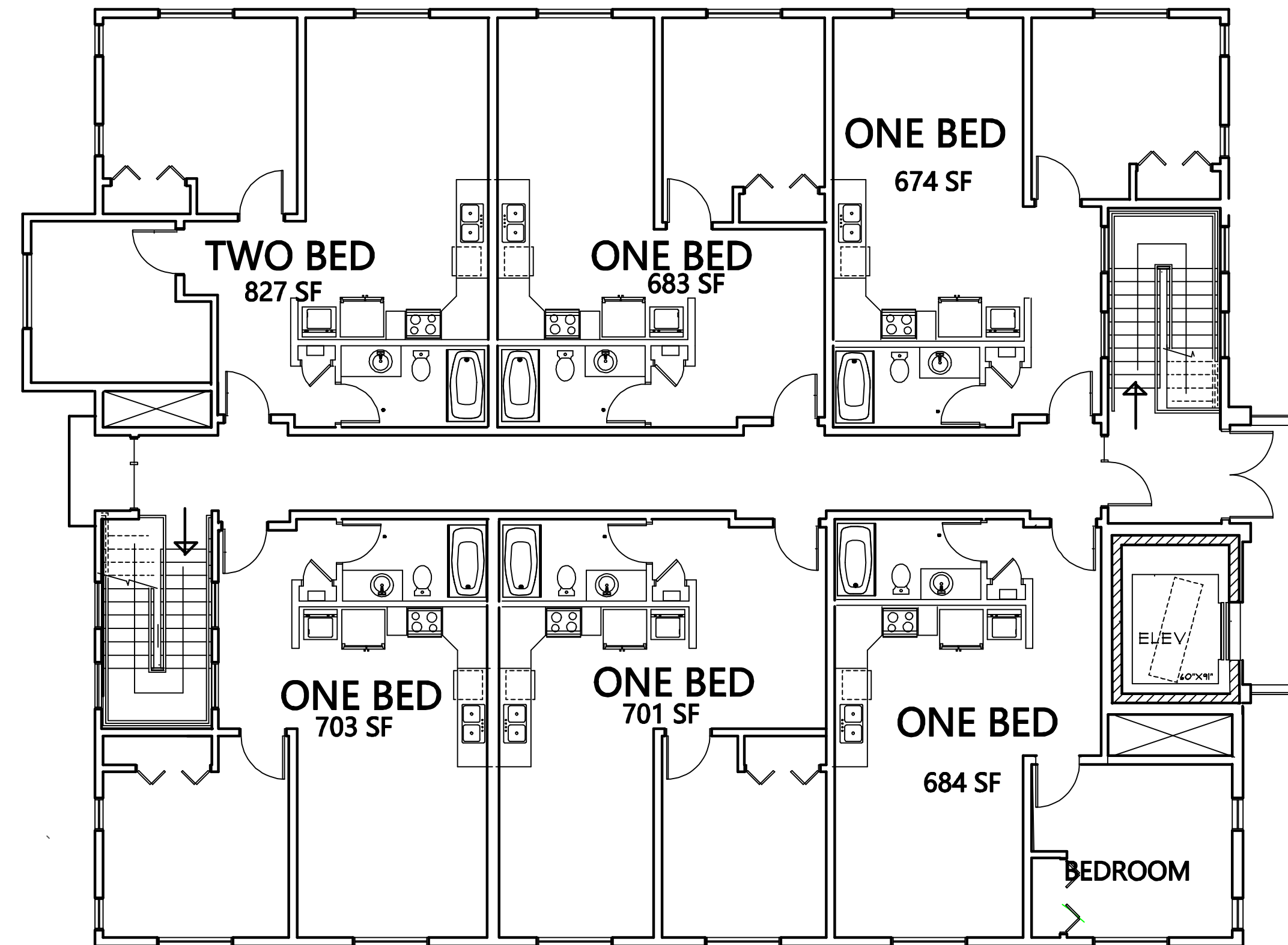
FIRST FLOOR

5,137 SF gross



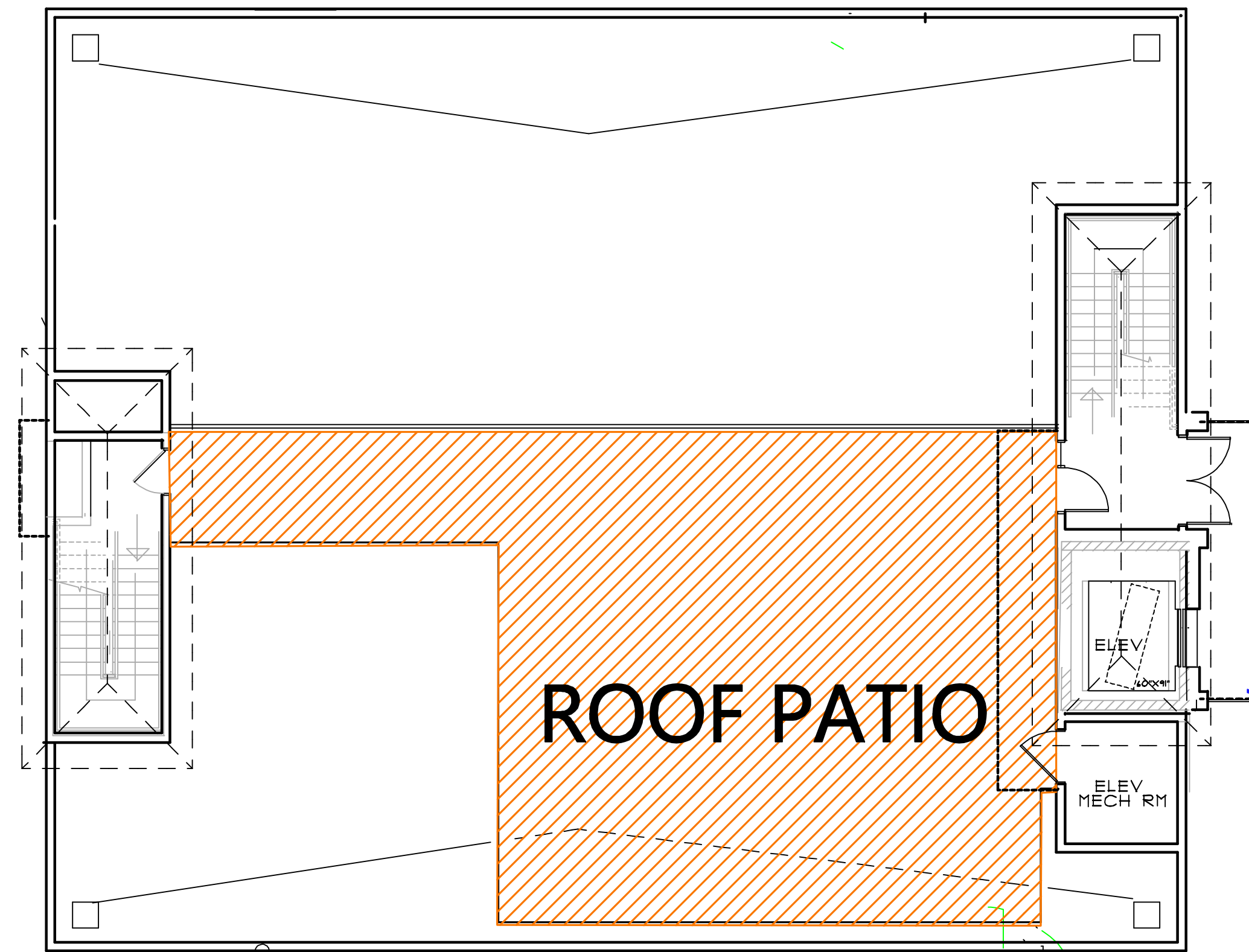
SECOND FLOOR

3RD FLOOR 4,701 SF gross



THIRD FLOOR

2ND FLOOR 4,762 SF gross



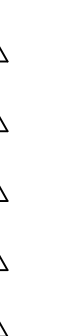
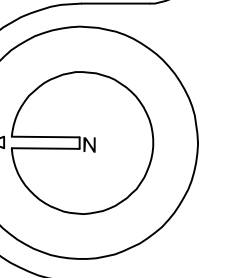
ROOF PATIO



OLSON DESIGN STUDIO
 Mail: 1201 24th Street, #B110-271, Bakersfield, CA 93301
 Phone (861) 325-5217 - Cell (661) 619-2753 - email: groison@ode-arch.com

FLOOR POLANS AND ELEVATIONS

18TH STREET SENIOR HOUSING
 18TH STREET SENIOR HOUSING
 412 EAST 18TH STREET
 BAKERSFIELD, CA



DATE: 06.07.2022

SCALE: 1/8 SCALE

DRAWN BY: GRO

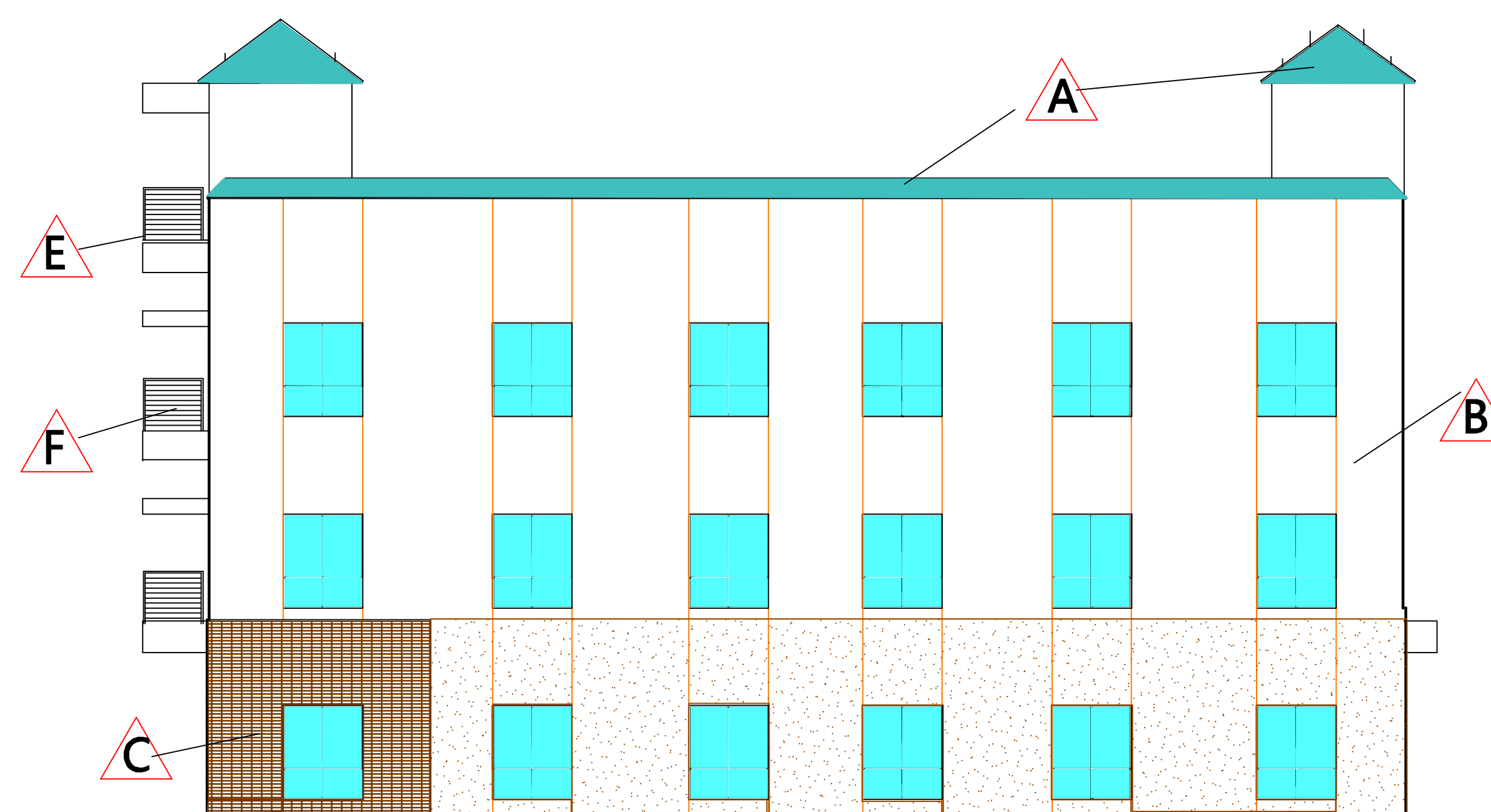
JOB: 02021 15

SHEET No.

SK-6B

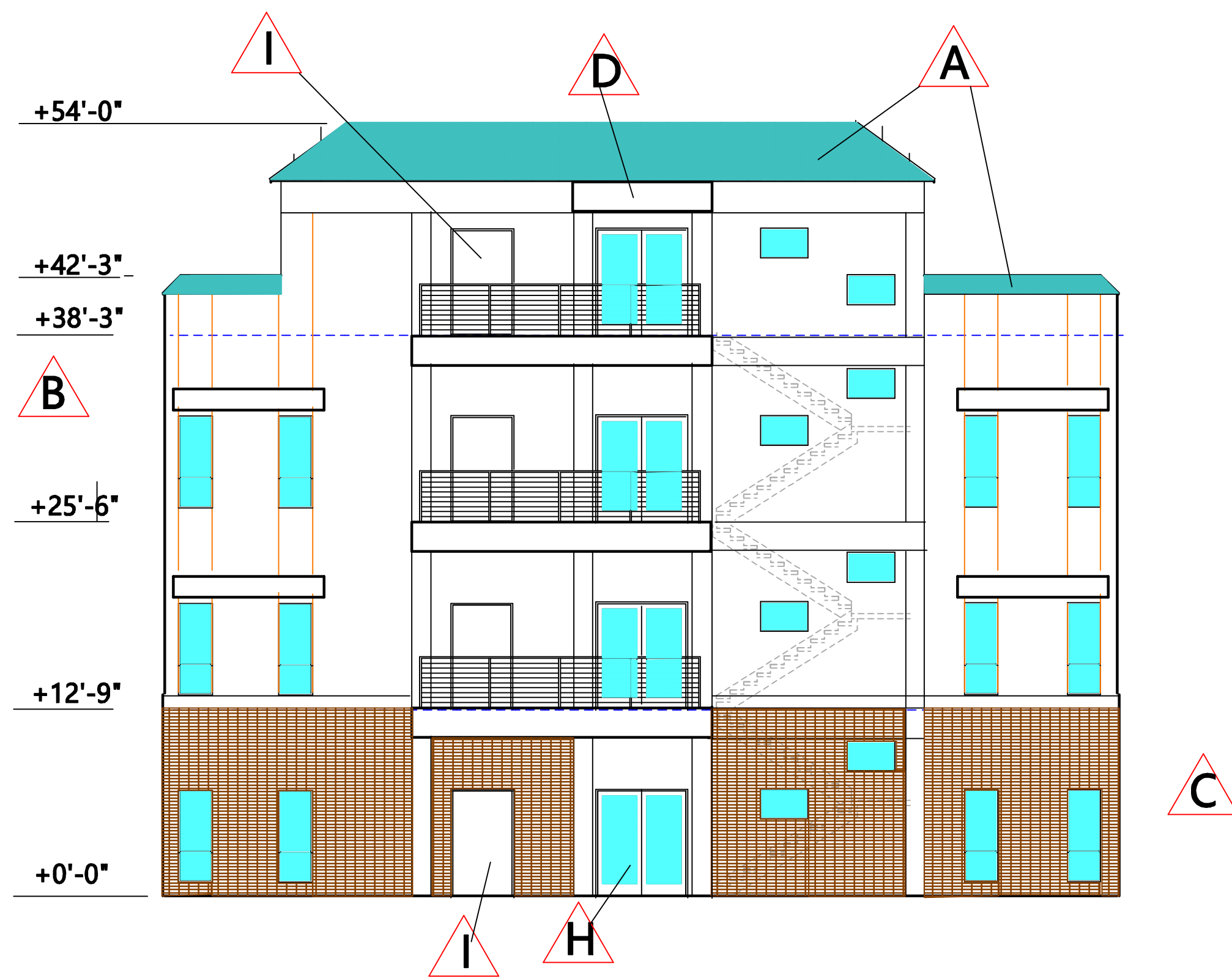


NORTH ELEVATION

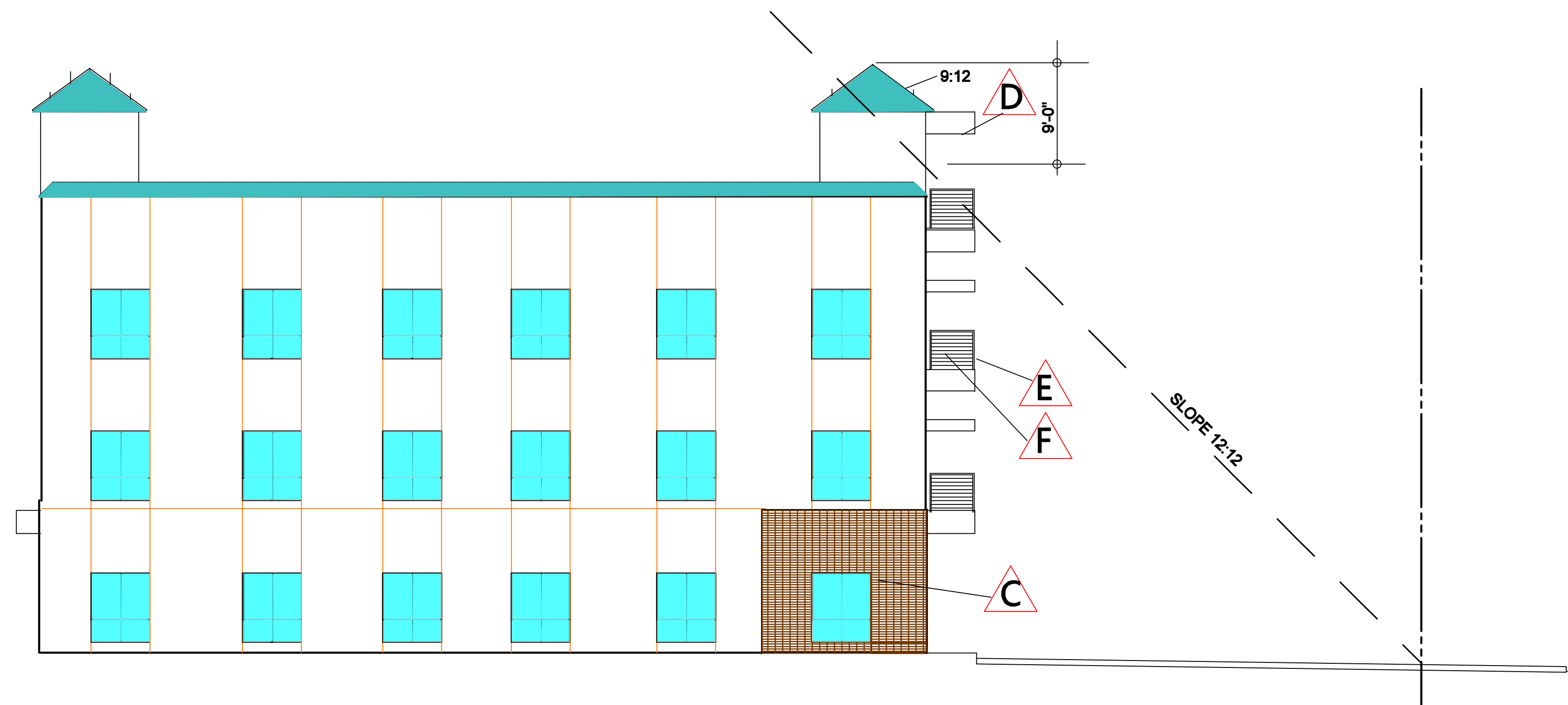


EAST ELEVATION

- A METAL ROOF
- B CEMENT PLASTER
- C CULTURE ROCK
- D CANOPY
- E STEEL POST
- F WIRE AT 4"O.C.
- G TINTED DOUBLE PANE GLASS
- H STOREFRONT ALM. DOORS
- I ELEVATOR DOOR



SOUTH ELEVATION



WEST ELEVATION



OLSON DESIGN STUDIO

GARY R. OLSON AIA

C-9576

mail: 1201 24TH STREET

SUITE B110-271

BAKERSFIELD, CA 93301

e-mail: grolson@ods-arch.com

ph: 661.325.5217 cell: 661.619.2753

MEMO

DATE: February 24, 2022

TO: Mr. Ryder Dilley
City of Bakersfield Development Services
1715 Chester Ave.
Bakersfield, CA 93301
rdilley@bakersfieldcity.us

RE: 412 East Eighteenth Street

JOB NO.: 02021 15

MEMO: One

The proposed use of this project is to augment residential locations for senior citizens. The cost for single residential housing has increased to a level that it is difficult for seniors to afford both, purchasing or maintaining a single-family residence. In addition, the area we have chosen to build in is mixed with residential and industrial uses and is in decline and, could use an infusion of new investment to bring this area back to financial viability.

RESOLUTION NO. _____

**RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION APPROVING A
CONDITIONAL USE PERMIT TO ALLOW AN 18-UNIT SENIOR APARTMENT
BUILDING (17.28.030.A.16) IN A M-1 (LIGHT MANUFACTURING ZONE)
DISTRICT, LOCATED AT 412 E. 18TH STREET. (CUP 22-0004)**

WHEREAS, Olson Design Studio filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an 18-unit senior apartment building (17.28.030.A.16) in a M-1 (Light Manufacturing Zone) district, located at 412 E. 18th Street (the "Project"); and

WHEREAS, the Secretary of the Planning Commission set Thursday, June 16, 2022, 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 15332; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield 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. 22-0004 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 16th day of June, 2022, on a motion by Commissioner _____, seconded by Commissioner _____ the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

DANIEL CATER, CHAIR
City of Bakersfield Planning Commission

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

Exhibit A:
Conditions of Approval

EXHIBIT A

CONDITIONS OF APPROVAL Conditional Use Permit 22-0004

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 the construction of an 18-unit senior apartment building in the M-1 (Light Manufacturing) zone district located at 412 E. 18th Street as depicted on attached Exhibits B and C.

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

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

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

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

7. 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: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

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

Proposed <u>Use</u>	Number of <u>Dwelling Units</u>	Parking <u>Ratio</u>	Required <u>Parking</u>
Dwellings for senior citizens (62 years and over)	18 units	1 space/2 units	9 spaces
Total Required Parking:			9 spaces

(**Note:** 11 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

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

APPLICANT'S RESPONSE: _____

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

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

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

- a. Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

APPLICANT'S RESPONSE: _____

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

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

APPLICANT'S RESPONSE: _____

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

(**Note:** It is recommended that you assign suite numbers beginning with 100, 200, 300 etc. instead of an alphabetic character. If in the future a tenant space were split, you would then be able to assign a suite number between the existing numbers, which would keep your suites in

numerical order. Keeping an orderly numbering system will make it easier for customers, emergency personnel, and mail delivery to find the business.)

APPLICANT'S RESPONSE: _____

8. 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 Karl Davisson at 661-326-3594 for further information.

APPLICANT'S RESPONSE: _____

9. 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: _____

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

Forms and instructions are available at the Planning Division or on the city's web site at www.bakersfieldcity.us (go to Development Services Department).

The current Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) expires in year 2023. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2023 expiration date under the current MBHCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the 2023 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 2023 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

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

APPLICANT’S RESPONSE: _____

- 11. 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: _____

- 12. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

(Note: Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)

APPLICANT’S RESPONSE: _____

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

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

APPLICANT’S RESPONSE: _____

- 14. Storage of materials and merchandise is prohibited unless screened in accordance with the municipal code. Sales of merchandise shall not be permitted in any required parking area. Sales of merchandise shall be conducted and/or contained within an enclosed building or within a screened area dedicated for such use.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

18. The applicant shall provide Planning Division staff with a recorded age restrictive covenant limiting occupancy to at least 1 resident age 62 and over per unit. Recordation of the covenant shall occur before final building or site occupancy can be granted.

APPLICANT'S RESPONSE: _____

C. FIRE DEPARTMENT (2101 H Street)

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

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

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

APPLICANT'S RESPONSE: _____

**D. WATER RESOURCES (1000 Buena Vista Road)
(Staff contact – Tylor Hester; 661-326-3009 or THester@bakersfieldcity.us)**

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

APPLICANT'S RESPONSE: _____

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

Standards and Specifications are available for download from the City's website at www.bakersfieldcity.us/gov/depts./water_resources.

APPLICANT'S RESPONSE: _____

E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)

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

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

APPLICANT'S RESPONSE: _____

2. 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: _____

3. 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: _____

4. Prior to submitting revised plans, please contact the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required. 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. Additionally, any off-site/frontage improvements or repairs required during the site inspection shall be shown on the grading plan.

APPLICANT'S RESPONSE: _____

5. 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: _____

6. 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: _____

7. 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: _____

8. 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: _____

9. 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 Adam Cordero at 661-326-3576.

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

APPLICANT'S RESPONSE: _____

F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)

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

1. Show on the final building plans Standard ST-4 drive approach(es). Drive approaches must be centered on drive aisles. All dimensions shall be shown on the final building plans.

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

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

(Staff Contact - Richard Gutierrez: 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:

- ☐ Cart service -- 1 cubic yard/week or less 1 time per week
☒ **Front loader bin services** -- **1 cubic yard/week - 12 cubic yards/day**
☐ Roll-off compactor service -- More than 12 cubic yards/day

APPLICANT'S RESPONSE: _____

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 4, 3-cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

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

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

APPLICANT'S RESPONSE: _____

3. Examples of enclosure styles can be found on (Detail # ST-27- ST-29B).

APPLICANT'S RESPONSE: _____

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

APPLICANT'S RESPONSE: _____

5. 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: _____

6. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-29B). These improvements shall be clearly shown on the final building plans.

APPLICANT'S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

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

APPLICANT’S RESPONSE: _____

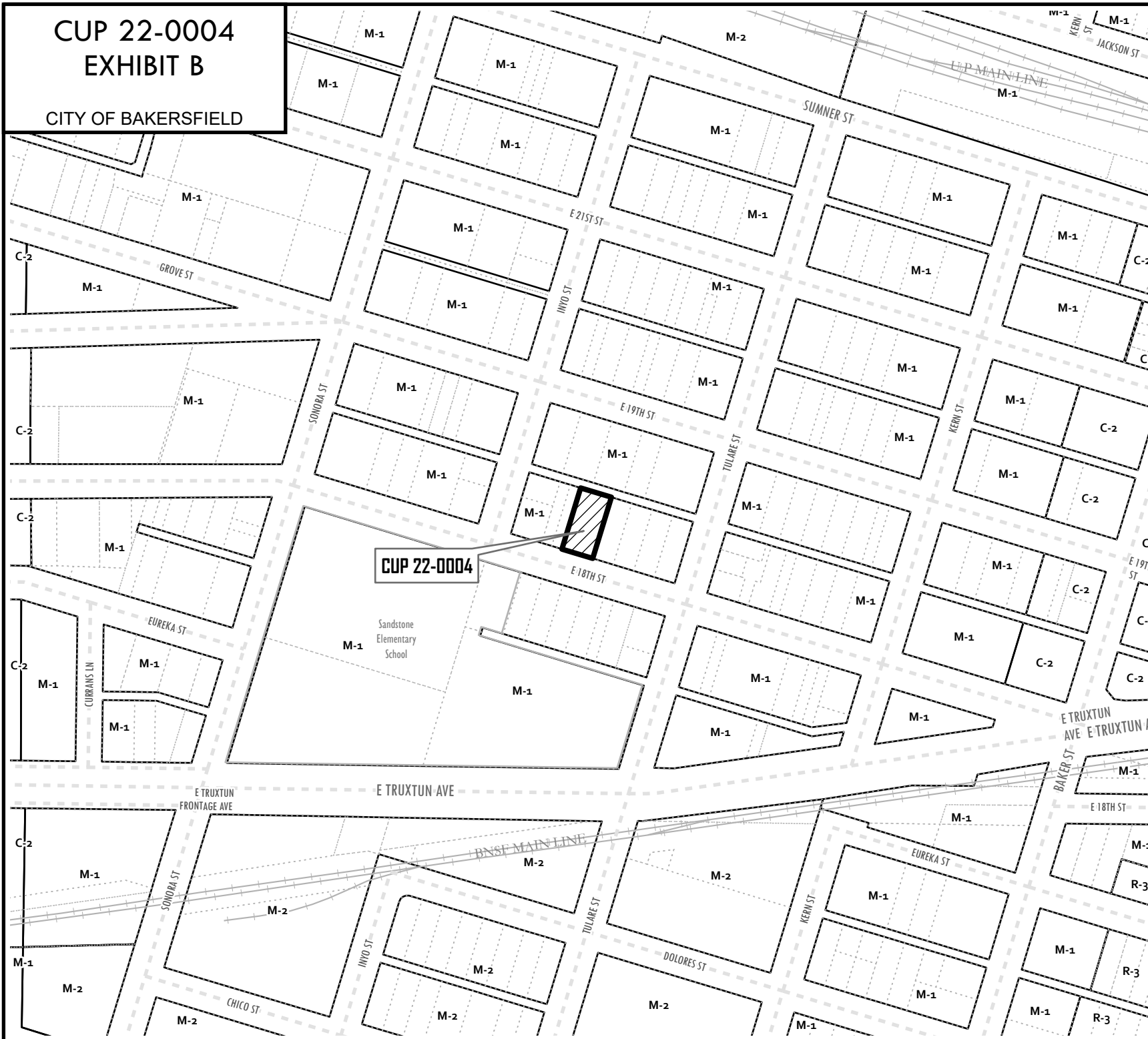
- 10. Revise the site plan to make the trash enclosure accessible to the refuse truck. City trucks may not drive down dead-end corridors, nor back-up long distances; therefore, a turn-around area shall be provided.

APPLICANT’S RESPONSE: _____

Exhibit B:
Location Map

CUP 22-0004 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



BAKERSFIELD

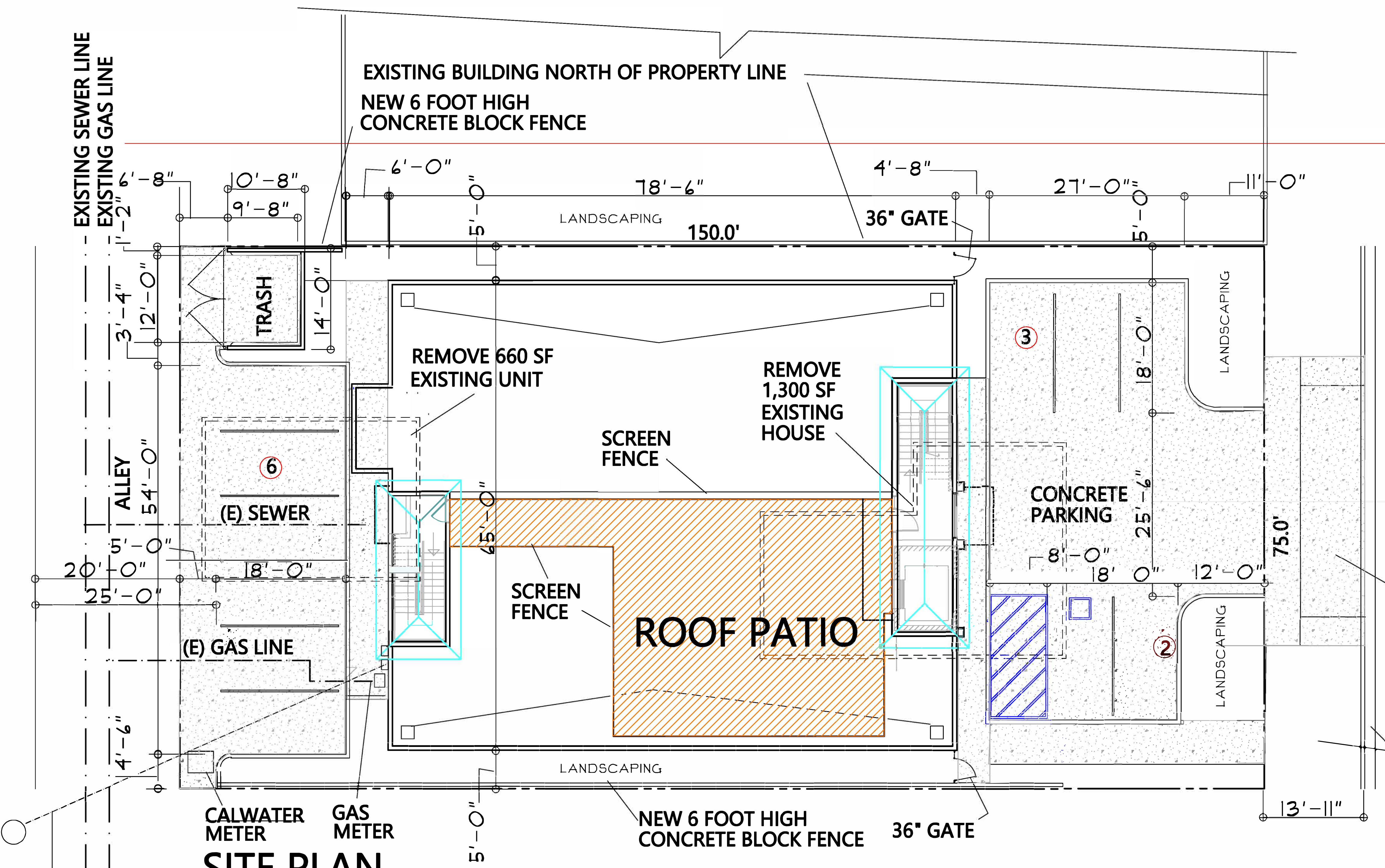


Feet



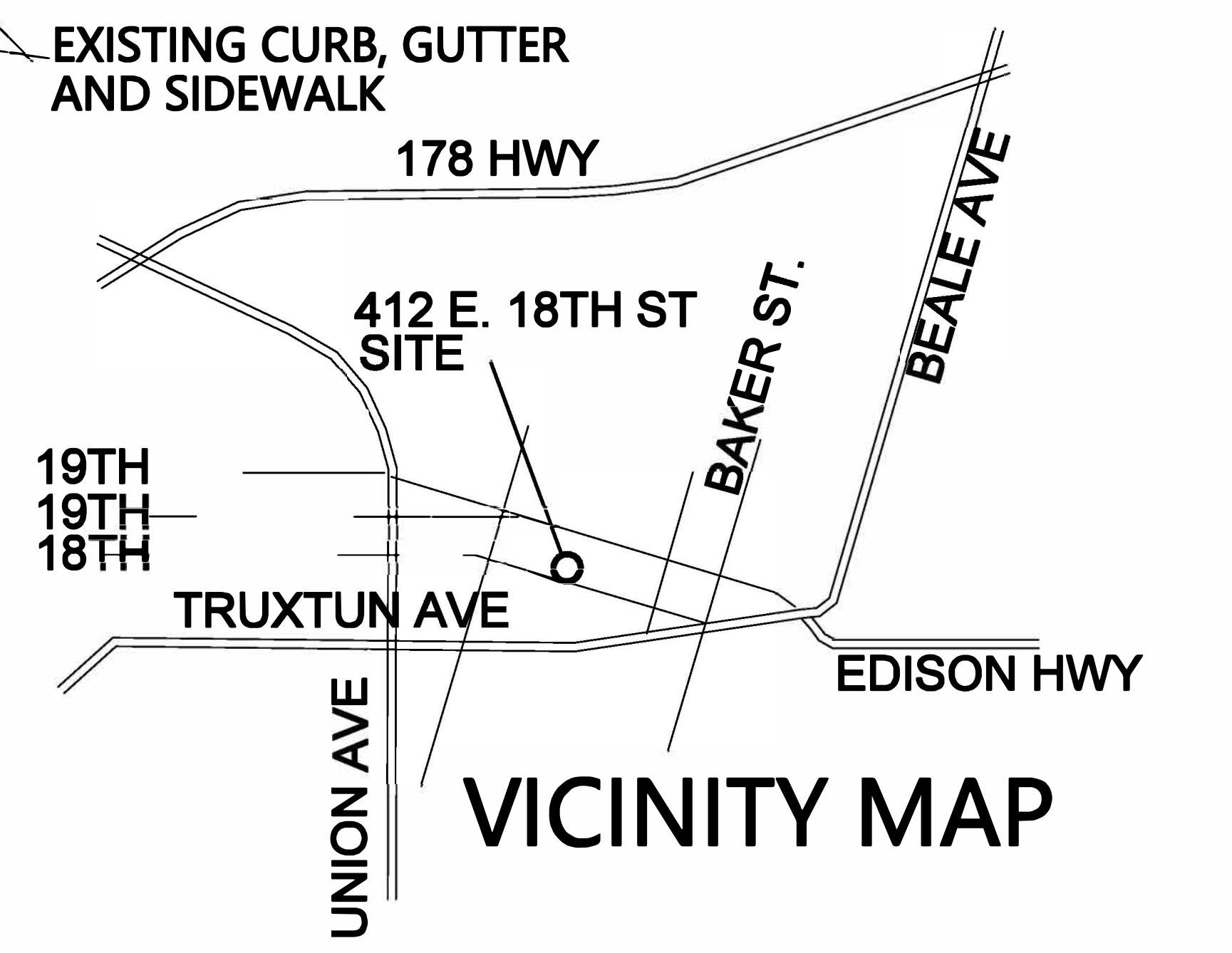
2022_05_07_CUPs

Exhibit C:
Site Plan



SITE PLAN

PROJECT DATA	
LEGAL DESCRIPTION	APN: 016 170 11 412 E18TH STREET
SITE PLAN REVIEW NO.	SPR-22-0004
EXISTING ZONING:	M-1, CUP
EXISTING USE:	SINGLE FAMILY RESIDENCE
PROPOSED USE:	SENIOR APARTMENT
	FIRST FLOOR 5,131 SF
	SECOND FLOOR 4,162 SF
	THIRD FLOOR 4,162 SF
	TOTAL 14,661 SF GROSS
ACREAGE:	.258 ACRES = 11,250 SF
LANDSCAPE AREA:	1,803 SF = .16%
PARKING REQUIRED:	1/2 CAR PER BED
	TOTAL REQUIRED 11 CARS
	TOTAL PROVIDED 11 CARS
SEWAGE DISPOSAL:	CITY OF BAKERSFIELD
WATER SUPPLY:	CAL WATER
DRAINAGE:	CITY SYSTEM



OLSON DESIGN STUDIO
 Mail: 1201 24th Street, #B110-271, Bakersfield, CA 93301
 Phone (861) 325-5217 - Cell (861) 619-2763 - email: groison@gods-arch.com

SITE PLAN

18TH STREET SENIOR HOUSING
 MR. OSCAR SINGER
 APN 016 170 11
 412 EAST 18TH STREET
 BAKERSFIELD, CA

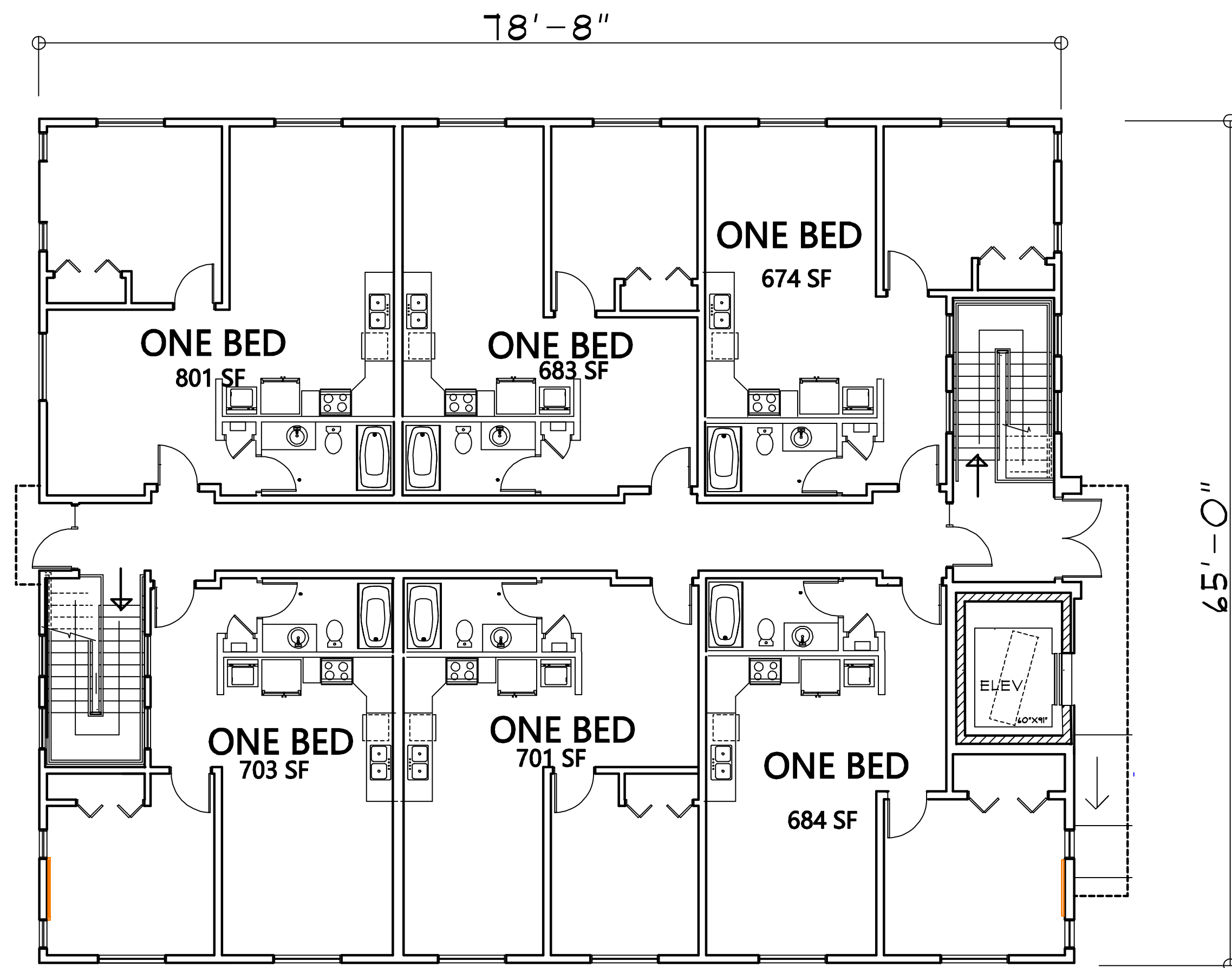
DATE: 06.07.2022

SCALE: 1/8 SCALE

DRAWN BY: GRO

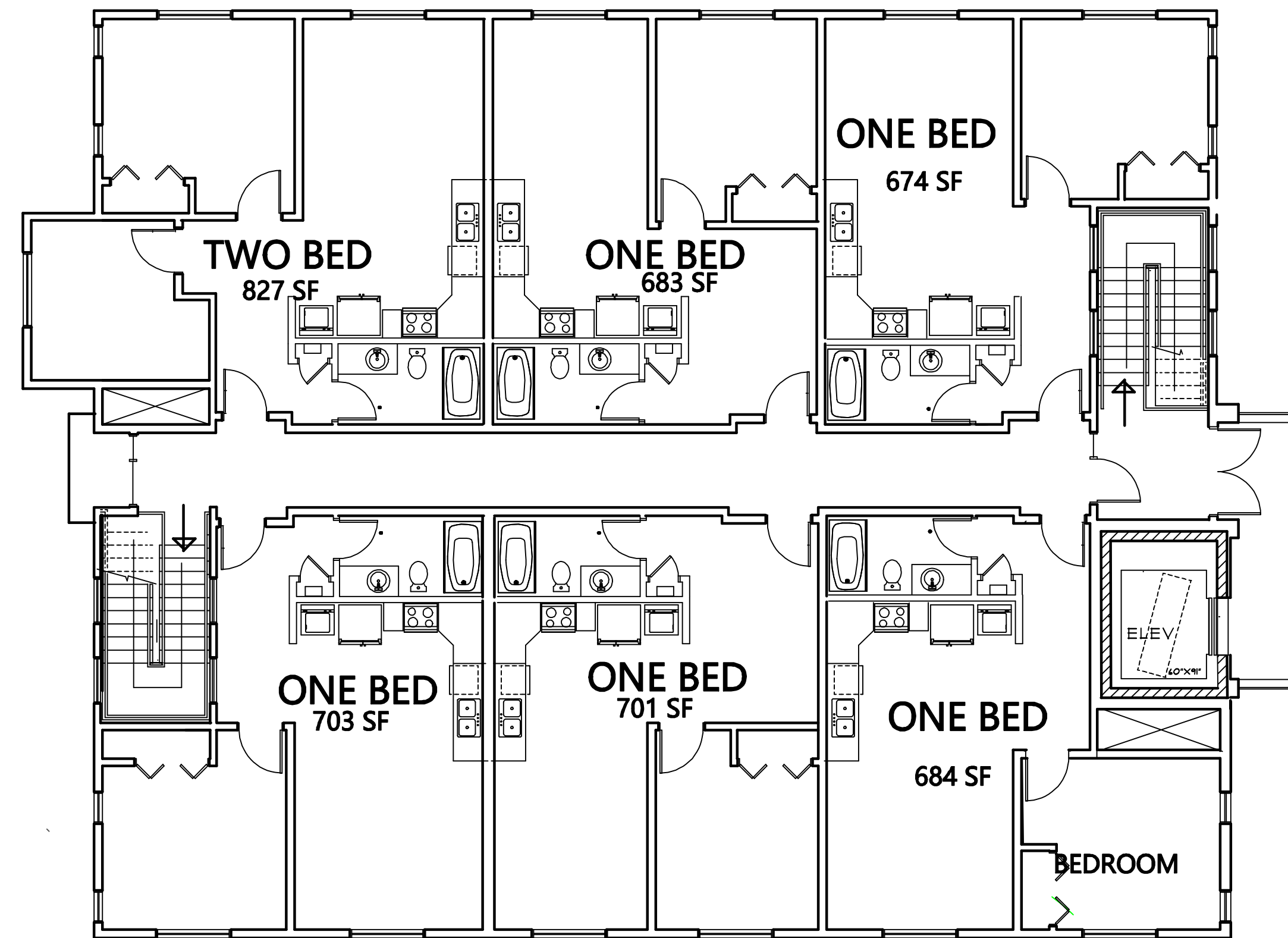
JOB: 02021 15

SHEET No. SK-6A rev.



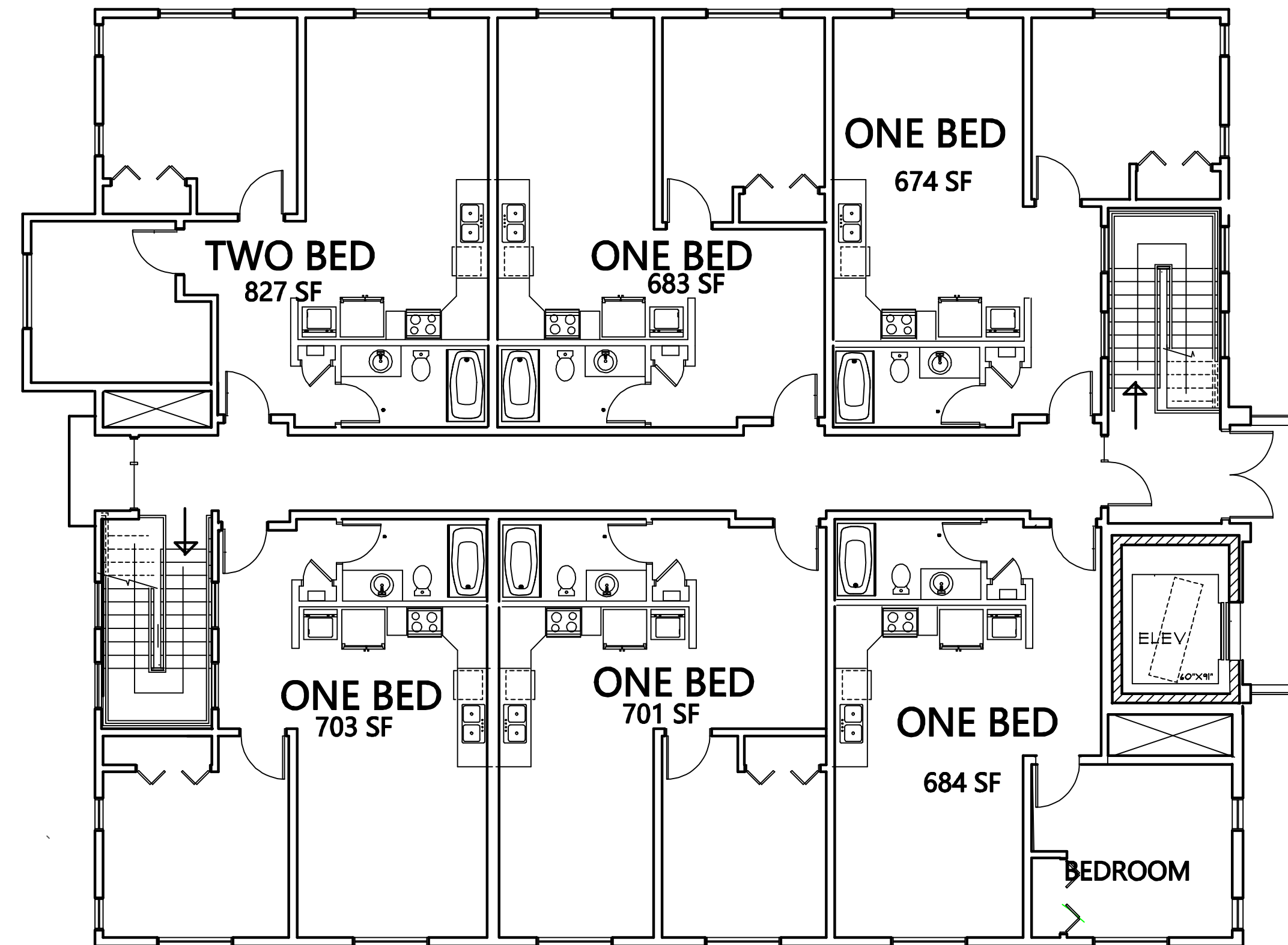
FIRST FLOOR

5,137 SF gross



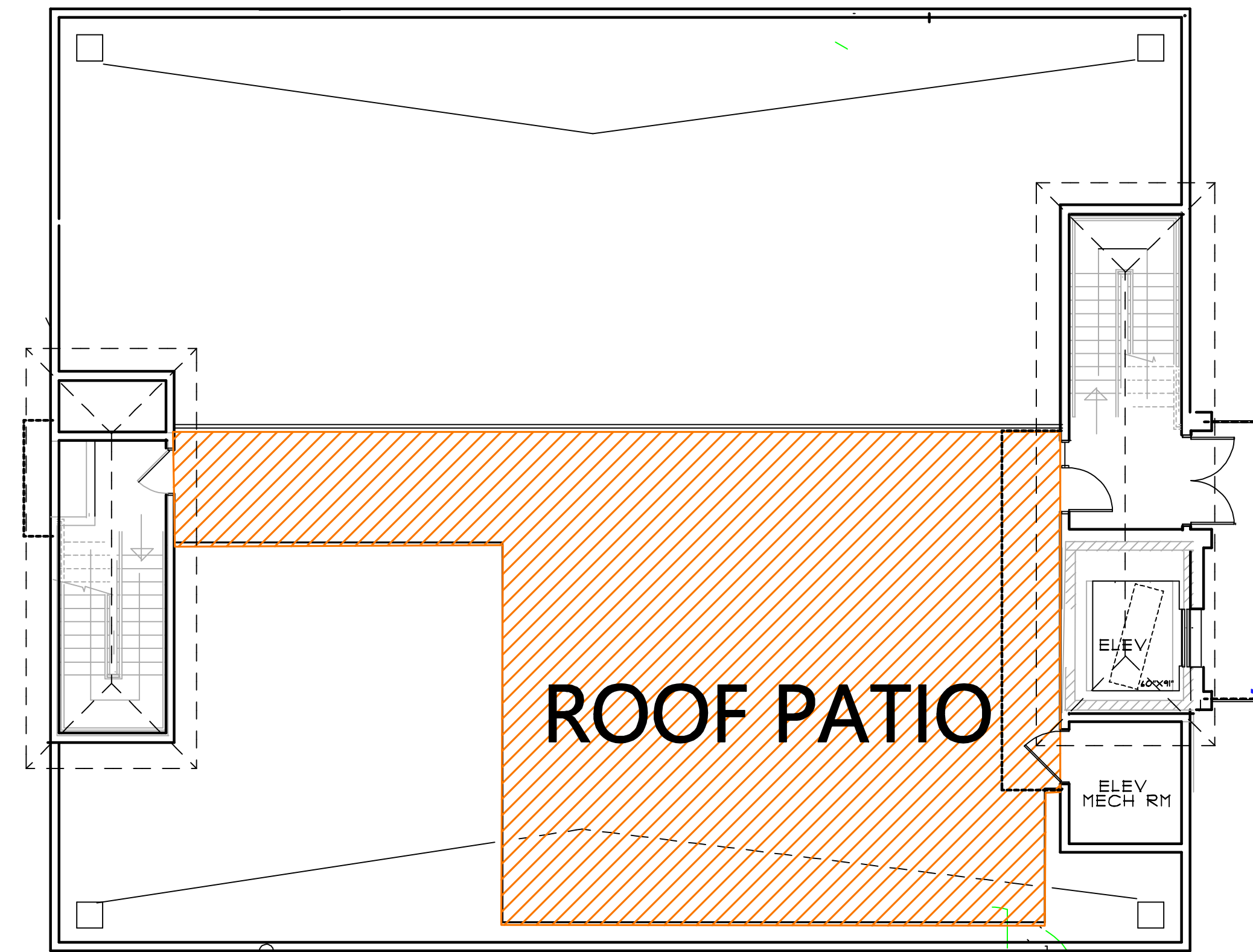
SECOND FLOOR

3RD FLOOR 4,701 SF gross



THIRD FLOOR

2ND FLOOR 4,762 SF gross

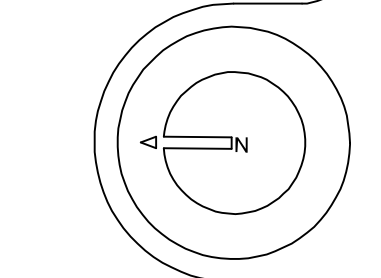


ROOF PATIO

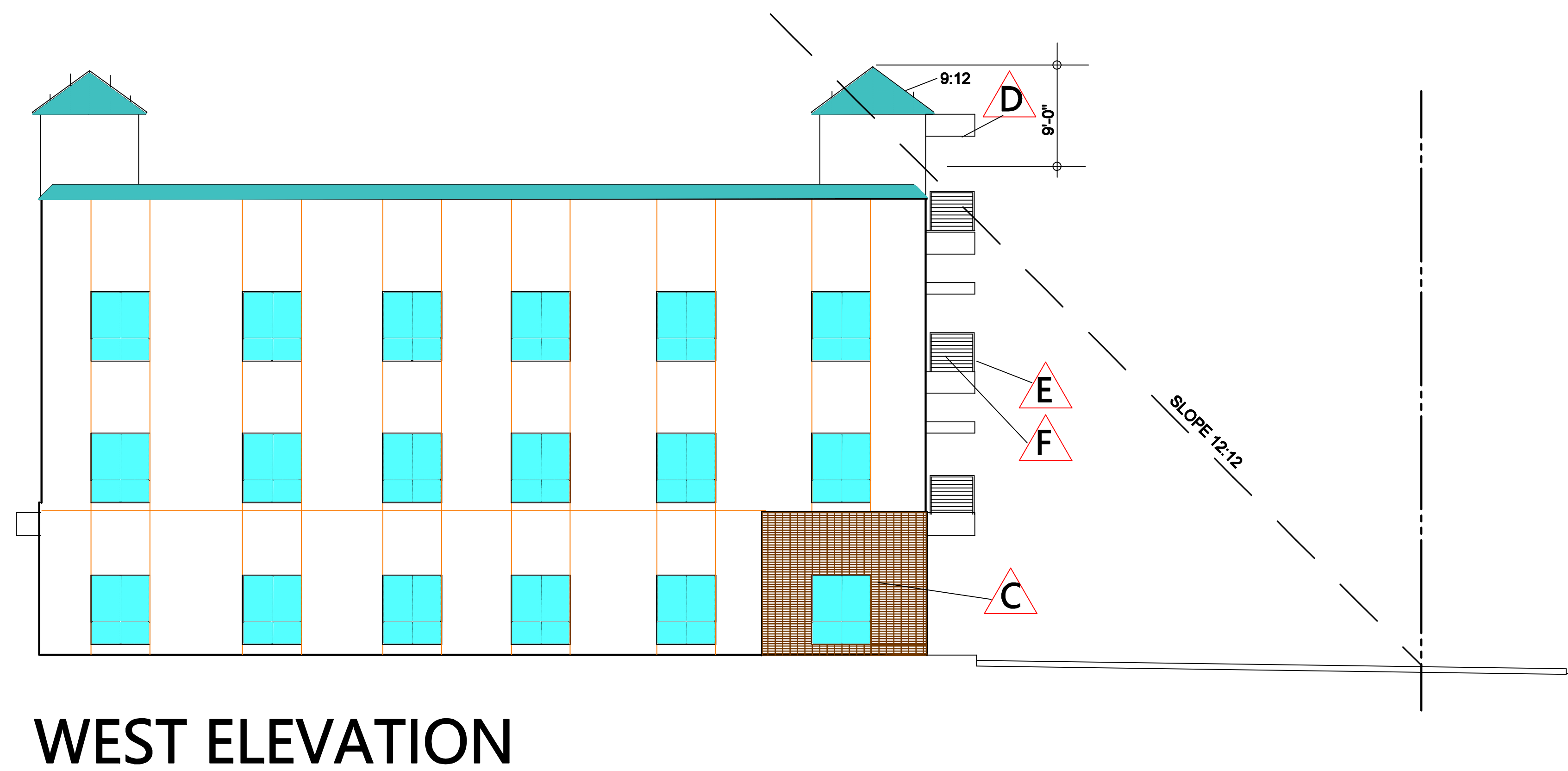
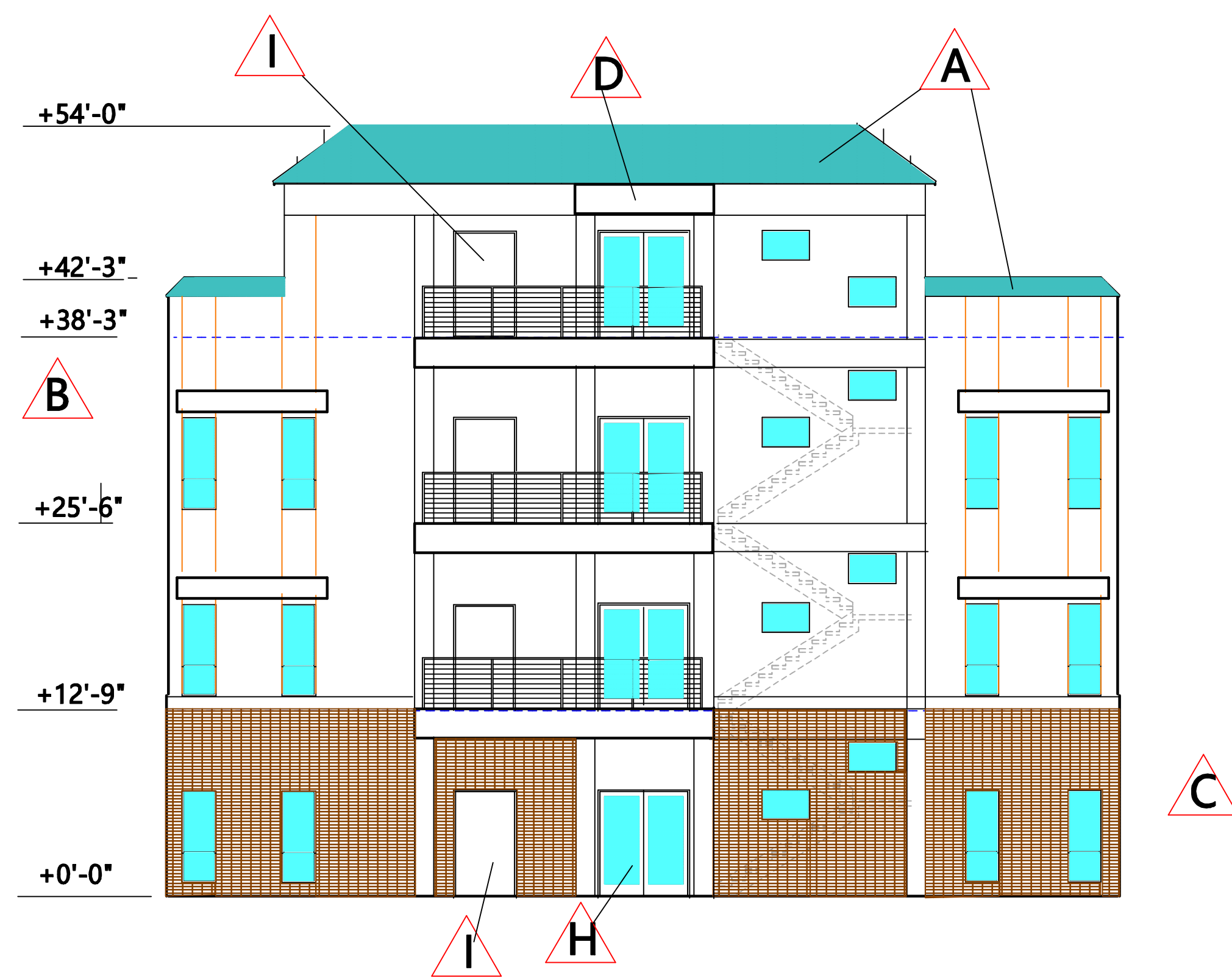
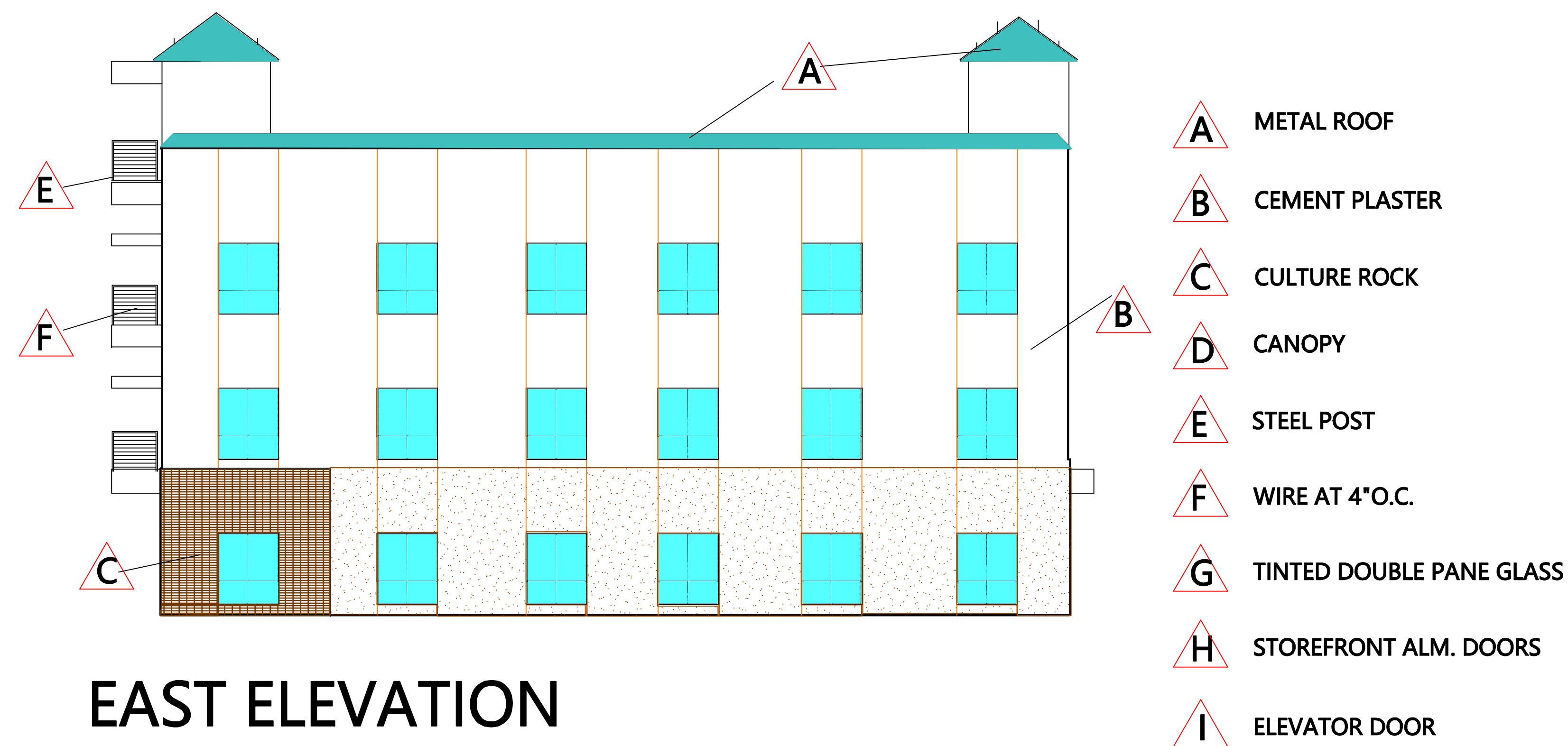


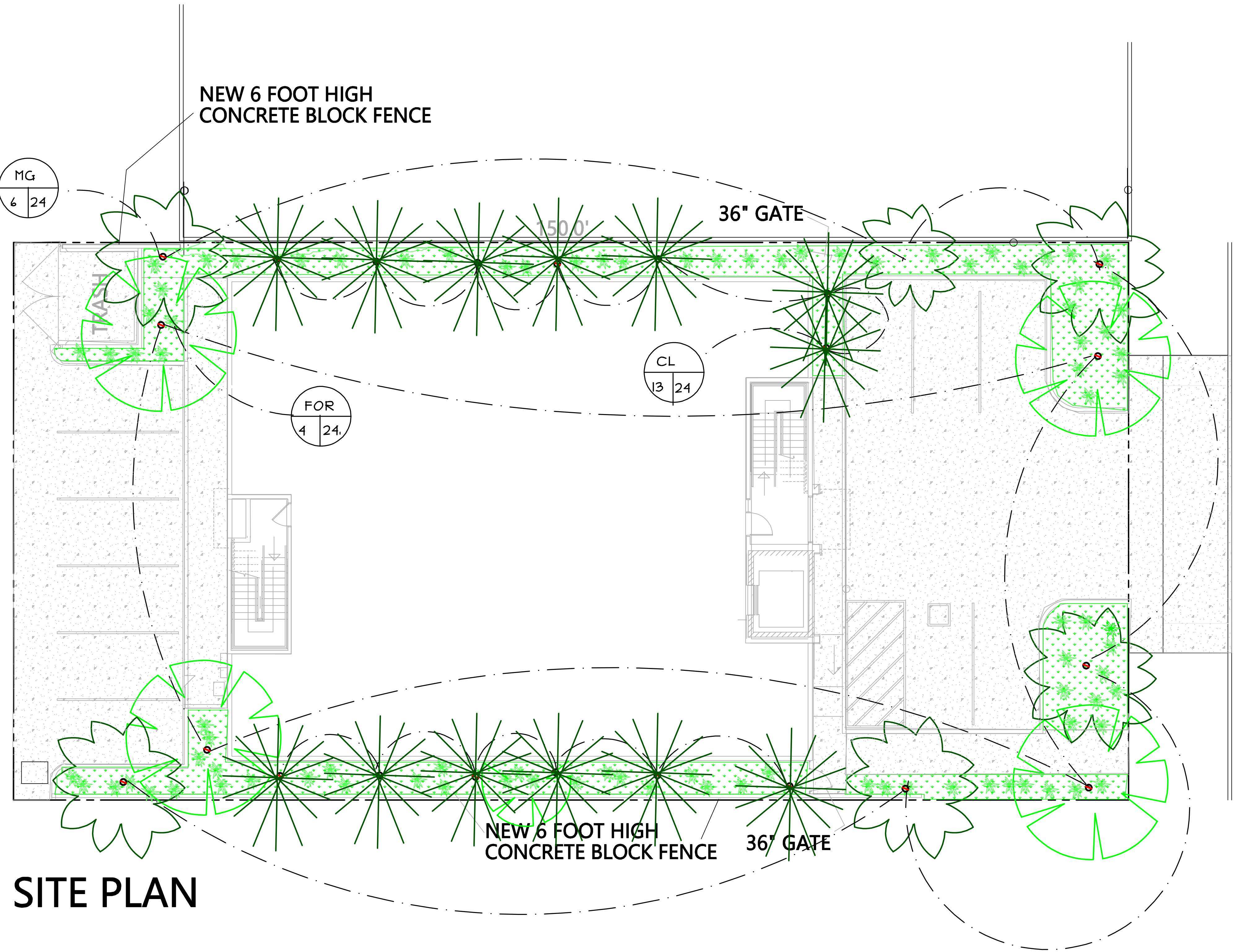
OLSON DESIGN STUDIO
 Mail: 1201 24th Street, #B110-271, Bakersfield, CA 93301
 Phone (861) 325-5217 - Cell (661) 619-2753 - email: groison@ode-arch.com

FLOOR POLANS AND ELEVATIONS
 18TH STREET SENIOR HOUSING
 18TH STREET
 412 EAST 18TH STREET
 BAKERSFIELD, CA



DATE: 06.07.2022
 SCALE: 1/8 SCALE
 DRAWN BY: GRO
 JOB: 02021 15
 SHEET No. SK-6B





LEGAL DESCRIPTION APN: 016 170 11
 412 E18TH STREET

SITE PLAN REVIEW NO. SPR-22-0004

EXISTING ZONING: M-1, CUP

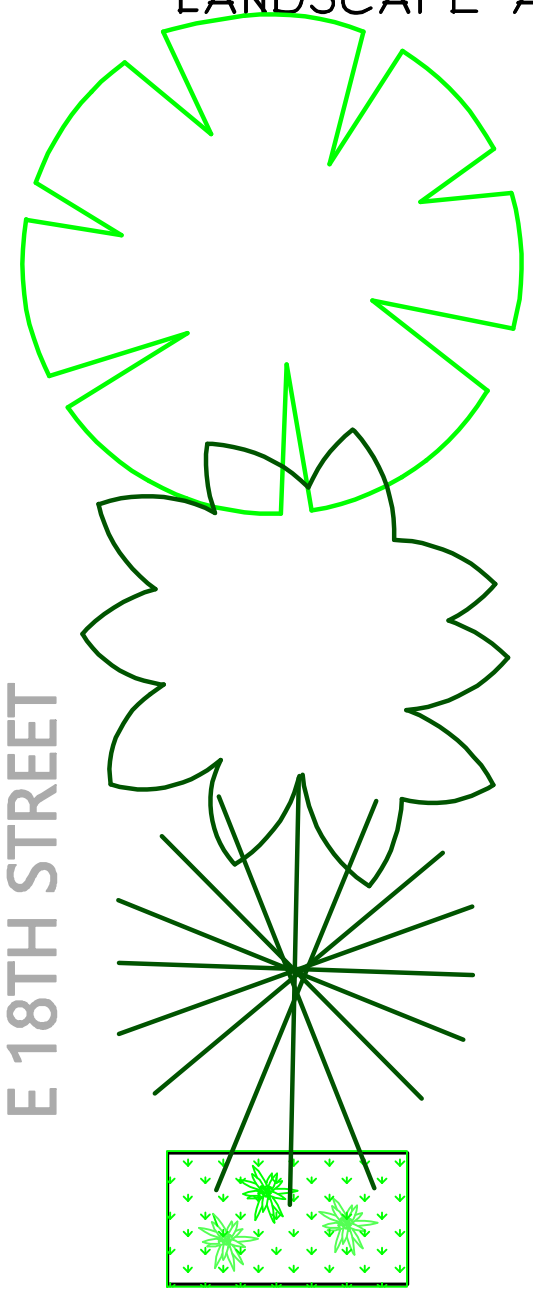
SEWAGE DISPOSAL: CITY OF BAKERSFIELD

WATER SUPPLY: CAL WATER

DRAINAGE: CITY SYSTEM

ACREAGE: .258 ACRES = 11,250 SF

LANDSCAPE AREA: 1,803 SF = .16%

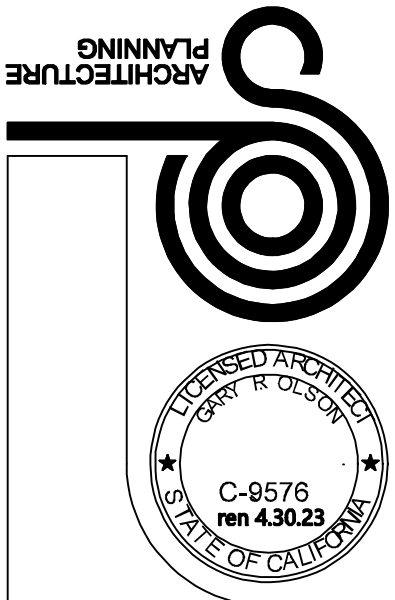


FRAXINUS OXYCARPA RAYWOOD
 RAYWOOD ASH 40' DIM, 40' HIGH
 DECIDUOUS

MAGNOLIA GRANDIFLORA
 SOUTHERN MAGNOLIA, 60, DIM, 50' HIGH
 DECIDUOUS

CEDRUS LIBANI SSP ATLANTICA
 BLUE ATLAS CEDAR 25' DIM, 40' HIGH
 EVERGREEN

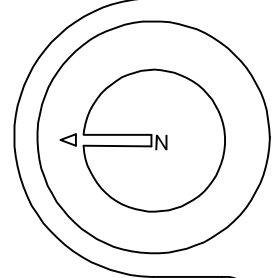
RHAMPHOLEPIS INDICA
 PINKIE, GROUND COVER, 3' O.C./
 OVER WALK ON BARK



OLSON DESIGN STUDIO, INC.
 Mail: 1201 24th Street, #B110-271, Bakersfield, CA 93301
 Phone: (661) 325-5217 - Cell: (661) 619-2753 - email: grolson@ods-arch.com

THE ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT, AND DESIGNER HAS REVIEWED THE PROJECT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF CALIFORNIA'S REQUIREMENTS FOR THE SUBMITTAL OF A SITE PLAN. THE ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT, AND DESIGNER HAS REVIEWED THE PROJECT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF CALIFORNIA'S REQUIREMENTS FOR THE SUBMITTAL OF A SITE PLAN. THE ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT, AND DESIGNER HAS REVIEWED THE PROJECT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF CALIFORNIA'S REQUIREMENTS FOR THE SUBMITTAL OF A SITE PLAN.

LANDSCAPE PLAN
 18TH STREET SENIOR HOUSING
 MR. OSCAR SINGER
 APN 016 170 11
 412 EAST 18TH STREET
 BAKERSFIELD, CA



DATE: 03.18.22
 SCALE: 1/8 SCALE
 DRAWN BY: GRO
 JOB: 02021 15
 SHEET No. SK-6D



COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: June 16, 2022

ITEM NUMBER: 7.(a.)

TO: Chair Cater and Members of the Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD:

SUBJECT:

Workshop on Prohousing Designation Program: Provides incentives to cities and counties in the form of additional points or other preference in the scoring of competitive housing, community development, and infrastructure programs.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

Receive and file.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> HCD Prohousing Application	Backup Material
<input type="checkbox"/> HCD Prohousing FAQ	Backup Material
<input type="checkbox"/> Gov Code 65589.9	Backup Material
<input type="checkbox"/> AB 1029	Backup Material

Prohousing Designation Program Application



**State of California
Governor Gavin Newsom**

**Lourdes Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
Department of Housing and Community Development**

**Megan Kirkeby, Deputy Director
Division of Housing Policy Development**

2020 West El Camino, Suite 500
Sacramento, CA 95833

Website: <https://www.hcd.ca.gov/community-development/prohousing>
Email: ProhousingPolicies@hcd.ca.gov

July 2021

Prohousing Designation Program Application Package Instructions

The applicant is applying for a Prohousing Designation under the Prohousing Designation Program (“**Prohousing**” or “**Program**”), which is administered by the Department of Housing and Community Development (“**Department**”) pursuant to Government Code section 65589.9.

The Program creates incentives for Jurisdictions that are compliant with Housing Element requirements and that have enacted Prohousing Policies. These incentives will take the form of additional points or other preference in the scoring of applications for competitive housing and infrastructure programs. The administrators of each such program will determine the value and form of the preference.

In order to be considered for a Prohousing Designation, the applicant must accurately complete all sections of this application, including any relevant appendices. The Department reserves the right to request additional clarifying information from the applicant.

This application is subject to Government Code section 65589.9, and to the regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) adopted by the Department in promulgation thereof (“**Regulations**”). All capitalized terms in this application shall have the meanings set forth in Section 6601 of the Regulations.

All applicants must submit a complete, signed application package to the Department, in electronic format, in order to be considered for a Prohousing Designation. Please direct electronic copies of the completed application package to the following email address: ProhousingPolicies@hcd.ca.gov.

A complete application will include all items identified in the Application Checklist.

In relation to **Appendix 1**, the Formal Resolution for the Prohousing Designation Program, please use ~~strikethrough~~ and underline if proposing any modifications to the text of the Resolution.

Appendix 2, the Proposed Policy Completion Schedule, applies only if an application includes proposed policies.

Appendix 3, Project Proposal Scoring Sheet and Sample Project Proposal Scoring Sheet, includes a blank template to be completed by the applicant as part of the application, as well as a Sample Project Proposal Scoring Sheet with an example of how this template may be completed.

Appendix 4 lists examples of Prohousing Policies with enhancement factors to aid applicants in understanding how enhancement factors may be applied.

Appendix 5 is where the applicant will include any additional information and supporting documentation for the application.

If you have questions regarding this application or the Program, or if you require technical assistance in preparing this application, please email ProhousingPolicies@hcd.ca.gov.

Application Checklist

	Yes	No
Application Information	<input type="checkbox"/>	<input type="checkbox"/>
Certification and Acknowledgement	<input type="checkbox"/>	<input type="checkbox"/>
The Legislative Information form is completed.	<input type="checkbox"/>	<input type="checkbox"/>
The Threshold Requirements Checklist is completed.	<input type="checkbox"/>	<input type="checkbox"/>
A duly adopted and certified Formal Resolution for the Prohousing Designation Program is included in the application package. (See Appendix 1 for the Formal Resolution for the Prohousing Designation Program (New 04/21) form.)	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, the Proposed Policy Completion Schedule is completed. (See Appendix 2 .)	<input type="checkbox"/>	<input type="checkbox"/>
The Project Proposal Scoring Sheet is completed. (See Appendix 3 for the Project Proposal Scoring Sheet and the Sample Project Proposal Scoring Sheet)	<input type="checkbox"/>	<input type="checkbox"/>
Additional information and supporting documentation (Applicant to provide as Appendix 5)	<input type="checkbox"/>	<input type="checkbox"/>

Application Information

Applicant (Jurisdiction):	
Applicant Mailing Address:	
City:	
ZIP Code:	
Website:	
Authorized Representative Name	
Authorized Representative Title:	
Phone:	
Email:	
Contact Person Name:	
Contact Person Title:	
Phone:	
Email:	
Proposed Total Score (Based on Appendix 3):	

CERTIFICATION AND ACKNOWLEDGMENT

As authorized by the Formal Resolution for the Prohousing Designation Program (Resolution No. _____), which is attached hereto and incorporated by reference as if set forth in full, I hereby submit this full and complete application on behalf of the applicant.

I certify that all information and representations set forth in this application are true and correct.

I further certify that any proposed Prohousing Policy identified herein will be enacted within two (2) years of the date of this application submittal.

I acknowledge that this application constitutes a public record under the California Public Records Act (Gov. Code, § 6250 et seq.) and is therefore subject to public disclosure by the Department.

Signature: _____

Name and Title: _____

Date: _____

Legislative Information

District	Number	Legislator's Name
Federal Congressional District		
State Assembly District		
State Senate District		

Applicants can find their respective State Senate representatives at <https://www.senate.ca.gov/>, and their respective State Assembly representatives at <https://www.assembly.ca.gov/>

Threshold Requirements Checklist

The applicant meets the following threshold requirements in accordance with Section 6604 of the Regulations:

	Yes	No
The applicant is a Jurisdiction.	<input type="checkbox"/>	<input type="checkbox"/>
The applicant has adopted a Compliant Housing Element.	<input type="checkbox"/>	<input type="checkbox"/>
The applicant has submitted or will submit a legally sufficient Annual Progress Report prior to designation.	<input type="checkbox"/>	<input type="checkbox"/>
The applicant has completed, on or before the relevant statutory deadlines, any rezone program or zoning that is necessary to remain in compliance with Government Code section 65583, subdivision (c)(1).	<input type="checkbox"/>	<input type="checkbox"/>
The applicant is in compliance, at the time of the application, with applicable state housing law, including, but not limited to, Housing Element Law; "No Net Loss" Law (Gov. Code, § 65863); the Housing Accountability Act (Gov. Code, § 65589.5); State Density Bonus Law (Gov. Code, § 65915 et seq.); laws relating to the imposition of school facilities fees or other requirements (Gov. Code, § 65995 et seq.); Least Cost Zoning Law (Gov. Code, § 65913.1); the Housing Crisis Act of 2019 (Stats. 2019, ch. 654); and antidiscrimination law (Gov. Code, § 65008).	<input type="checkbox"/>	<input type="checkbox"/>
The applicant has duly adopted and certified a Formal Resolution for the Prohousing Designation Program, which is hereby incorporated by reference. (A true and correct copy of the resolution is included in this application package.)	<input type="checkbox"/>	<input type="checkbox"/>

Project Proposal
Category 1: Favorable Zoning and Land Use

Category	Prohousing Policy Description	Points
1A	Sufficient sites, including rezoning, to accommodate 150 percent or greater of the current or draft RHNA, whichever is greater, by total or income category.	3
1B	Permitting missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones.	3
1C	Sufficient sites, including rezoning, to accommodate 125 to 149 percent of the current or draft RHNA, whichever is greater, by total or income category. These points shall not be awarded if the applicant earns three points pursuant to Category (1)(A) above.	2
1D	Density bonus programs which exceed statutory requirements by 10 percent or more.	2
1E	Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit law (e.g., permitting more than one ADU or JADU per single-family lot). These policies shall be separate from any qualifying policies under Category (1)(B) above.	2
1F	Reducing or eliminating parking requirements for residential development as authorized by Government Code sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Government Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Government Code section 65915, subdivision (p).	2
1G	Zoning to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.	1
1H	Modification of development standards and other applicable zoning provisions to promote greater development intensity. Potential areas of focus include floor area ratio; height limits; minimum lot or unit sizes; setbacks; and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above.	1
1I	Establishment of a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.	1
1J	Demonstrating other zoning and land use actions that measurably support the Acceleration of Housing Production.	1

Project Proposal
Category 2: Acceleration of Housing Production Timeframes

Category	Prohousing Policy Description	Points
2A	Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.	3
2B	Establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents.	2
2C	Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub. Resources Code, §§ 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, § 65457; Cal Code Regs., tit. 14, §§ 15303, 15332; Pub. Resources Code, §§ 21094.5, 21099, 21155.2, 21159.28).	2
2D	Establishment of permit processes that take less than four months. Policies under this Category (2)(D) must address all approvals necessary to issue building permits.	2
2E	Absence or elimination of public hearings for projects consistent with zoning and the general plan.	2
2F	Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.	1
2G	Absence, elimination or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.	1
2H	Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.	1
2I	Priority permit processing or reduced plan check times for ADUs/JADUs, multifamily housing, or homes affordable to lower- or moderate-income households.	1
2J	Establishment of a standardized application form for all entitlement applications.	1
2K	Practice of publicly posting status updates on project permit approvals on the Internet.	1
2L	Limitation on the total number of hearings for any project to three or fewer. Applicants that accrue points pursuant to Category (2)(E) are not eligible for points under this Category (2)(L).	1
2M	Demonstration of other actions, not listed above, that quantifiably decrease production timeframes or promote the streamlining of approval processes.	1

Project Proposal
Category 3: Reduction of Construction and Development Costs

Category	Prohousing Policy Description	Points
3A	Waiver or significant reduction of development impact fees for residential development.	3
3B	Adoption of ordinances or implementation of other mechanisms that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.	2
3C	Adoption of other fee reduction strategies separate from Category (3)(A) above, including fee deferrals and reduced fees for housing for persons with special needs.	1
3D	Promoting innovative housing types (e.g., manufactured homes, recreational vehicles, park models) that reduce development costs.	1
3E	Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.	1
3F	Adoption of universal design ordinances pursuant to Health and Safety Code section 17959.	1
3G	Establishment of pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.	1
3H	Demonstration of other actions, not listed above, that quantifiably reduce construction or development costs.	1

Project Proposal
Category 4: Providing Financial Subsidies

Category	Prohousing Policy Description	Points
4A	Establishment of local housing trust funds or collaboration on a regional housing trust fund.	2
4B	Provide grants or low-interest loans for ADU/JADU construction affordable to lower- and moderate-income households.	2
4C	A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to lower income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.	2
4D	Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to lower income households.	2
4E	Directed residual redevelopment funds to affordable housing.	1
4F	Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source.	1
4G	Prioritization of local general funds for affordable housing.	1
4H	Demonstration of other actions, not listed above, that quantifiably promote, develop, or leverage financial resources for housing.	1

Project Proposal Enhancement Factors

The Department shall utilize enhancement factors to increase the point scores of Prohousing Policies. Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below.

Category	Prohousing Policy Description	Points
1	Policy that represents one element of a unified, multi-faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, affordable housing, climate change solutions, and/or hazard mitigation.	2
2	Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.	1
3	Policies that diversify planning and target community and economic development investments (housing and non-housing) to improve lower opportunity areas. Such areas include, but are not limited to, Low Resource and High Segregation & Poverty areas designated in the most recently updated TCAC/HCD Opportunity Maps, and disadvantaged communities pursuant to California Senate Bill 535 (2012).	1
4	Policies that go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households.	1
5	Rezoning and other policies that support high-density development in Location Efficient Communities.	1
6	Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas.	1
7	Zoning policies that increase housing choices and affordability in High Resource and Highest Resource areas, as designated in the most recently updated TCAC/HCD Opportunity Maps.	1
8	Other policies that involve meaningful actions towards affirmatively furthering fair housing pursuant to Government Code section 8899.50, including, but not limited to, outreach campaigns, updated zoning codes, and expanded access to financing support.	1

Project Proposal Scoring Sheet Instructions

The Department shall validate applicants' scores based on the extent to which each identified Prohousing Policy contributes to the Acceleration of Housing Production. The Department shall assess applicants' Prohousing Policies in accordance with Government Code section 65589.9, subdivision (f)(2), and Sections 6605 and 6606 of the Regulations.

The Department shall further assess applicants' Prohousing Policies using the following four scoring categories: Favorable Zoning and Land Use; Acceleration of Housing Production Timeframes; Reduction of Construction and Development Costs; and Providing Financial Subsidies. Applicants shall demonstrate that they have enacted or proposed at least one policy that significantly contributes to the Acceleration of Housing Production in each of the four categories. A Prohousing Designation requires a total score of 30 points or more across all four categories.

Instructions

Please utilize one row of the Scoring Sheet for each Prohousing Policy.

- **Category Number:** Select the relevant category number from the relevant Project Proposal list in this application. Where appropriate, applicants may utilize a category number more than once.
- **Concise Written Description of Prohousing Policy:** Set forth a brief description of the enacted or proposed Prohousing Policy.
- **Enacted or Proposed:** Identify the Prohousing Policy as enacted or proposed. For proposed Prohousing Policies, please complete **Appendix 2: Proposed Policy Completion Schedule**.
- **Documentation Type:** For enacted Prohousing Policies, identify the relevant documentary evidence (e.g., resolution, zoning code provisions). For proposed Prohousing Policies, identify the documentation which shows that implementation of the policy is pending.
- **Web Links/Electronic Copies:** Insert the Web link(s) to the relevant documentation or indicate that electronic copies of the documentation have been attached to this application as **Appendix 5**.
- **Points:** Enter the appropriate number of points using the relevant Project Proposal list in this application.
- **Enhancement Category Number (optional):** If utilizing an enhancement factor for a particular Prohousing Policy, enter the appropriate category number using the relevant Project Proposal list in this application.
- **Enhancement Points (optional):** If utilizing an enhancement factor for a particular Prohousing Policy, enter the point(s) for that Prohousing Policy.
- **Total Points:** Add the enhancement point(s) to the Prohousing Policy's general point score.

Appendix 1: Formal Resolution for the Prohousing Designation Program

Formal Resolution for the Prohousing Designation Program (New 04/21)

RESOLUTION NO. **[INSERT RESOLUTION NUMBER]**

A RESOLUTION OF THE GOVERNING BODY OF
[INSERT THE NAME OF THE CITY OR COUNTY]
AUTHORIZING APPLICATION TO AND PARTICIPATION IN THE PROHOUSING
DESIGNATION PROGRAM

WHEREAS, Government Code section 65589.9 established the Prohousing Designation Program (“**PDP**” or “**Program**”), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

WHEREAS, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive applications for specified housing and infrastructure funding; and

WHEREAS, the Department of Housing and Community Development (“**Department**”) has adopted emergency regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (“**Program Regulations**”), as authorized by Government Code section 65589.9, subdivision (d); and

WHEREAS, the **[INSERT THE NAME OF THE CITY OR COUNTY]** (“**Applicant**”) desires to submit an application for a Prohousing Designation (“**Application**”).

THEREFORE, IT IS RESOLVED THAT:

1. Applicant is hereby authorized and directed to submit an Application to the Department.
2. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
3. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and action include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or

4. permit procedures. Applicant further acknowledges and confirms that it commits itself to affirmatively furthering fair housing pursuant to Government Code section 8899.50.
5. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the “**Program Documents**”).
6. Applicant acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the Program Documents; the Program Regulations; and any and all other applicable law.
7. **[INSERT THE TITLE OF THE APPLICANT’S AUTHORIZED SIGNATORY]** is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote:

AYES: **[Insert #]** NOES: **[Insert #]** ABSENT: **[Insert #]** ABSTAIN: **[Insert #]**

The undersigned, **[INSERT NAME AND TITLE OF NONSIGNATORY]** of Applicant, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Applicant’s governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: _____

DATE: _____

NAME: _____

TITLE: _____

Appendix 2: Proposed Policy Completion Schedule

[illegible]

Appendix 3: Project Proposal Scoring Sheet and Sample Project Proposal Scoring Sheet

Project Proposal Scoring Sheet

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents <u>or</u> Indicate that Electronic Copies are Attached as Appendix 5	Points	Enhancement Category Number	Enhancement Points	Total Points

Sample Project Proposal Scoring Sheet

Note: This is a Sample Project Proposal Scoring Sheet; an actual submission may include more specificity when an applicant completes the “Concise Written Description of Prohousing Policy.”

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents <u>or</u> Indicate that Electronic Copies are Attached as Appendix 5	Points	Enhancement Category Number	Enhancement Points	Total Points
1B	Permitted missing middle housing uses by allowing duplexes, and triplexes by right in existing low-density, single-family residential zones.	E	Zoning code	Electronic copy attached	3	6	1	4
1C	Sufficient sites to accommodate 131 percent of the current RHNA with rezoning by total or income category.	P	Resolution	Electronic copy attached	2	1	2	4

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents or Indicate that Electronic Copies are Attached as Appendix 5	Points	Enhancement Category Number	Enhancement Points	Total Points
1D	Density bonus program exceeds statutory requirements by 12 percent.	E	Zoning code	Electronic copy attached	2			2
1F	Reduced parking requirements for residential development as authorized by Government Code sections 65852.2.	E	Zoning code	Electronic copy attached	2			2
1G	Zoning that allows mixed uses in one or more light industrial zones.	E	Zoning code	Electronic copy attached	1	1	2	3
1H	Modified development standards/other applicable zoning provisions to promote greater development intensity including floor area ratio and minimum lot or unit sizes.	E	Zoning code	Electronic copy attached	1	1	2	3
1J	Other zoning and land use actions that measurably support the Acceleration of Housing Production.	P	Resolution	Electronic copy attached	1			1
2B	Streamlined program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying	E	Zoning code	Electronic copy attached	2			2

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents <u>or</u> Indicate that Electronic Copies are Attached as Appendix 5	Points	Enhancement Category Number	Enhancement Points	Total Points
	Environmental Impact Reports (EIR), and related documents.							
2G	Absence of subjective development and design standards with objective development and design standards.	E	Zoning code	Electronic copy attached	1			1
2I	Priority permit processing or reduced plan check times for ADUs/JADUs.	P	Resolution	Electronic copy attached	1	1	2	3
2M	Other actions that quantifiably decrease production timeframes.	E	Zoning code	Electronic copy attached	1			1
3A	Waiver of residential development impact fees.	E	Zoning code	Electronic copy attached	3			3
3B	Adopted ordinances that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22.	P	Resolution	Electronic copy attached	2	1	2	4
3E	Measures that reduce costs for transportation-related infrastructure.	E	Zoning code	Electronic copy attached	1			1
3H	Other actions that quantifiably reduce construction or development costs.	E	Zoning code	Electronic copy attached	1			1
4A	Local housing trust funds.	E	Zoning code	Electronic copy attached	2			2

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents <u>or</u> Indicate that Electronic Copies are Attached as Appendix 5	Points	Enhancement Category Number	Enhancement Points	Total Points
4C	Surplus Land Act program making publicly owned land available for affordable housing.	E	Zoning code	Electronic copy attached	2	2	1	3
4E	Directed residual redevelopment funds to affordable housing.	E	Zoning code		1			1
4G	Prioritization of local general funds for affordable housing.	E	Zoning code		1			1
4H	Other actions, that leverage financial resources for housing.	E	Zoning code		1			1
TOTAL					31		12	43

Appendix 4: Examples of Prohousing Policies with Enhancement Factors

If a Prohousing Policy incorporates any of the enhancement factors specified in the Project Proposal Enhancement Factors chart, it will receive extra points as indicated therein. Examples of such qualifying Prohousing Policies include the following:

Category 1: Favorable Zoning and Land Use

- Rezoning sufficient sites to accommodate 150 percent or greater of the Regional Housing Needs Allocation by total or income category, including sites in Location Efficient Communities
- Rezoning sufficient sites to accommodate 150 percent or greater of the Regional Housing Needs Allocation by total or income category, including sites in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Rezoning to accommodate 125 to 149 percent of the Regional Housing Needs Allocation in downtown commercial corridors or other infill locations.
- Expanding density bonus programs to exceed statutory requirements by 10 percent or more in Location Efficient Communities.
- Reducing or eliminating parking requirements for residential development as authorized by Government Code section 65852.2 in Location Efficient Communities.
- Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit law in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Modification of development standards and other applicable zoning provisions to promote greater development intensity in downtown commercial corridors or other infill locations.
- Coupling rezoning actions with policies that go beyond state law requirements in reducing displacement of lower income households and conserving existing housing stock that is affordable to lower income households.

Category 2: Acceleration of Housing Production Timeframes

- Ministerial approval processes for multifamily housing in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Streamlined, program-level CEQA analysis and certification of specific plans in Location Efficient Communities.
- Documented practice of streamlining housing development at the project level in downtown commercial corridors and other infill locations.
- Expedited permit processing for housing affordable to lower income households in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).

Category 3: Reduction of Construction and Development Costs

- Fee waivers for affordable housing in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).

- Fee waivers or reductions for higher density housing in downtown commercial corridors or other infill locations.
- Measures that reduce costs and leverage financial resources for transportation-related infrastructure or programs in Low Resource and High Segregation & Poverty areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Adoption of universal design ordinances to increase housing choices and affordability for persons with disabilities in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Permitting innovative housing types, such as manufactured homes, recreational vehicles or park models, in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).

Category 4: Providing Financial Subsidies

- Targeting local housing trust funds to acquisition or rehabilitation of existing affordable units, or to affordable units at risk of converting to market rate uses, in Low Resource and High Segregation & Poverty areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Marketing grants and other financial products for ADUs/JADUs in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Utilizing publicly owned land for affordable housing in High Resource and Highest Resource areas (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Establishment of an Enhanced Infrastructure Financing District or similar local financing tool in a Low Resource or High Segregation & Poverty area (as designated in the most recently updated TCAC/HCD Opportunity Maps).
- Directing residual redevelopment funds or general funds to conservation or preservation of affordable housing in areas at high risk of displacement.

Appendix 5: Additional Information and Supporting Documentation



Prohousing Designation Program

Frequently Asked Questions

Process/Program Questions

Q: Can local jurisdictions apply for this program now? Is there a deadline for applications?

A: Yes, applications are accepted on an over-the-counter (OTC) and rolling basis. There is no deadline for applications.

Q: What is the minimum point threshold for official designation of a jurisdiction as Prohousing?

A: Jurisdictions need a minimum of 30 points across the four categories.

Q: If a local jurisdiction receives 30 points, how long before the designation is awarded?

A: HCD will review applications within 60 days and upon approval promptly process awards with a targeted timeframe of 30 days.

Q: Does HCD automatically award the designation if the city achieves 30 or more points or is this a competitive process?

A: The Prohousing Designation is not a competitive program, any jurisdiction that receives the necessary points and HCD approval will receive the designation.

Q: Will there be a separate forum to receive technical assistance?

A: Questions about the regulations may be submitted to prohousingpolicies@hcd.ca.gov. We will also be hosting webinars in multiple regions, please check the [HCD website](#) for events. HCD is available to provide technical assistance on a one-on-one basis.

Q: Who will be evaluating the Prohousing Designation applications?

A: The Department of Housing and Community Development (HCD) will be evaluating applications.

Q: Is there an appeal process in the event an application is denied? What is it?

A: No. However, jurisdictions may either modify applications or reapply on an ongoing basis.

Q: Will pro-housing applications be made public prior to approval/denial by HCD?

A: No, however the department will post when applications are received, as well as the status of those applications. Interested parties and jurisdictions may sign up for notifications on application status at the [HCD website](#).

Q: Will the public be able to submit comments on pending pro-housing applications?

A: Yes – public comments may be submitted to ProhousingPolicies@hcd.ca.gov. Sign up to receive a weekly listing of Prohousing Designation applications received by HCD by clicking this link [HCD Email Signup](#) and selecting the box labeled “Housing Planning and Policy”.

Q: Which funding programs are currently planned to prioritize or support prohousing designation as program criteria?

A: Prohousing communities are already prioritized for funding by the Transit and Intercity Rail Capital Program (TIRCP). Prohousing will also be included as criteria in Affordable Housing and Sustainable Communities (AHSC), Infill Infrastructure Grant (IIG), and Transformative Climate Communities (TCC) programs. The Department will continue to evaluate other funding programs and work with agencies to incorporate Prohousing regulations.

Q: Does HCD plan to include other funding programs that would offer advantages to prohousing designated cities? What is the timing for implementation?

A: Program implementation is still in its early stages and HCD is currently working with our inter-agency partners to identify additional funding opportunities tied to Prohousing. Competitive funding programs (for transportation infrastructure, housing, or other amenities) will award additional points or other preferences to Prohousing communities. As determinations are made, alerts will be made through our website and eblasts. The Department will continue to evaluate other funding programs and work with agencies to incorporate Prohousing regulations.

Q: An application is approved with the applicant will implement one or more policies within the two-year allowable time frame. What are the ramifications if the policies are NOT implemented?

A: HCD may review and revoke a Prohousing Designation if the jurisdiction fails to implement a necessary policy within the timeframe. More information can be found in sec. 6607 of the [Prohousing Regulations](#).

Criteria Questions

Q: Can you clarify how Housing Element compliance will be established, as it relates to the Program? Does the Housing Element have to be compliance before status can be awarded?

A: Yes, applicants must have a compliant Housing Element before being designated.

Q: For “rezoning sufficient sites to accommodate 150% of RHNA, does this only apply to rezoning programs, or will points be awarded to jurisdictions that have identified sufficient sites that are already zoned? Does the 150% apply only to the overall RHNA, or to each income category of the RHNA?

A: Points will be awarded to jurisdictions that have identified sufficient sites either by rezoning or existing zoning. Either way, the jurisdiction should have sufficient sites for 150% of their RHNA allocation. Rezoning or existing zoning may exceed the total RHNA or by income category.

Q: There are 8 categories in the Enhancements, with 9 total points. Is 9 points the maximum an application can receive, or can the four different categories receive separate enhancement points in the same enhancement point category?

A: Applicants may only use one enhancement factor per prohousing policy. They may reuse an enhancement factor for multiple prohousing policies.

Q: To qualify for enhancement based on “Location Efficient Communities” or “High/Highest” resource areas, does the policy need to focus on those areas or simply include those areas within their scope?

A: Prohousing policies, jurisdiction wide, that also apply to high resource areas or LEC may receive enhancement factor points.

Q: Regarding: “Please utilize one row of the Scoring Sheet for each Prohousing Policy”, if I have three policies for one category (three rows) and the category is for one total point, then how would we score each policy (1/3rd of one point?), or would each policy get one point each (three total points)?

A: Each category requires only one prohousing policy for full credit, fractional points will not be awarded.

Q: Will the Program be incorporated into TCAC applications?

A: Program implementation is still in its early stages, and HCD is currently working with our inter-agency partners to identify additional funding opportunities tied to Prohousing. As determinations are made, alerts will be made through our website and eblasts. The Department will continue to evaluate other funding programs and work with agencies to incorporate Prohousing regulations.

Q: Can you explain Category 1D: increase to density bonus programs by at least 10%. Does this category refer to the entirety of Government Code 65915. There are many criteria for calculating density bonuses. How would a jurisdiction qualify to get points in this category?

A: The 10% refers to the amount of density bonus and the amount of affordability required to remain eligible under density bonus law.

Q: Can partial points be awarded in categories. For example, could an applicant requesting three points in Category 1A receive two points or 1.5 points?

A: No partial points are awarded.

Q: Do the threshold requirements (particularly compliance with "applicable state housing law") include compliance with the Permit Streamlining Act (65920 etc.)?

A: No.

Q: Do the threshold requirements (particularly compliance with "applicable state housing law") include compliance with the CEQA regulations, including at least CEQA regs. 15102, 15107, and 15108?

A: No.

Q: What, if anything, is a City supposed to do to ensure the school district is compliant with the imposition of school facility fees per Government Code Sec. 65995?

A: The cities and counties can document this by 1) providing HCD with any school facility related policies it has adopted, including whether in the general plan or a specific plan and 2) attesting to HCD that the jurisdiction does not directly or indirectly attempt to require or persuade developers to contribute school facility mitigation (either to the city/county or the school district directly) that exceeds the maximum allowed by SB 50.

The responsibility cities have is to avoid an attempt to leverage the development approval process to try and force developers to provide more school facilities mitigation. As part of this, local governments must defer to the Legislature's determination regarding what are adequate school facilities as they relate to new housing development. If the school district is telling the city that what the state determined is adequate, is not adequate and that the district's local standards will not be satisfied by SB 50's school mitigation limits, then the local government must defer to the State.

Q: Are we correct that we cannot apply for the Prohousing Designation Program until we have codified objective development standards for compliance with the Housing Accountability Act and the State density bonus regulations?

A: As part of threshold review, HCD will review whether applicants have an ordinance to implement State Density Bonus law as required by statute (Gov. Code section 65915). The Housing Accountability Act does not explicitly require the adoption of objective standards for implementation of the Act. Provisions, generally, are related to the application of objective standards. In its threshold review, HCD will review for compliance or lack of compliance with the application of the Housing Accountability Act – not the adoption of codified objective standards.

State of California

GOVERNMENT CODE

Section 65589.9

65589.9. (a) It is the intent of the Legislature to create incentives for jurisdictions that are compliant with housing element requirements and have enacted prohousing local policies. It is the intent of the Legislature that these incentives be in the form of additional points or other preference in the scoring of competitive housing and infrastructure programs. It is the intent of the Legislature that, in adopting regulations related to prohousing local policy criteria, the department shall create criteria that consider the needs of rural, suburban, and urban jurisdictions and how those criteria may differ in those areas.

(b) For award cycles commenced after July 1, 2021, jurisdictions that have adopted a housing element that has been found by the department to be in substantial compliance with the requirements of this article pursuant to Section 65585, and that have been designated prohousing pursuant to subdivision (c) based upon their adoption of prohousing local policies, shall be awarded additional points or preference in the scoring of program applications for the following programs:

(1) The Affordable Housing and Sustainable Communities Program established by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code.

(2) The Transformative Climate Communities Program established by Part 4 (commencing with Section 75240) of Division 44 of the Public Resources Code.

(3) The Infill Incentive Grant Program of 2007 established by Section 53545.13 of the Health and Safety Code.

(4) Additional bonus points may be awarded to other state programs when already allowable under state law.

(c) The department shall designate jurisdictions as prohousing pursuant to the emergency regulations adopted pursuant to subdivision (d) and report these designations to the Office of Planning and Research, and any other applicable agency or department, annually and upon request.

(d) By July 1, 2021, the department, in collaboration with stakeholders, shall adopt emergency regulations to implement this section.

(e) On or before January 1, 2021, and annually thereafter, the Department of Finance shall publish on its internet website the list of programs included under subdivision (b).

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

(1) "Compliant housing element" means an adopted housing element that has been found to be in substantial compliance with the requirements of this article by the department pursuant to Section 65585.

(2) “Prohousing local policies” means policies that facilitate the planning, approval, or construction of housing. These policies may include, but are not limited to, the following:

(A) Local financial incentives for housing, including, but not limited to, establishing a local housing trust fund.

(B) Reduced parking requirements for sites that are zoned for residential development.

(C) Adoption of zoning allowing for use by right for residential and mixed-use development.

(D) Zoning more sites for residential development or zoning sites at higher densities than is required to accommodate the minimum existing regional housing need allocation for the current housing element cycle.

(E) Adoption of accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Section 65852.2, as determined by the department.

(F) Reduction of permit processing time.

(G) Creation of objective development standards.

(H) Reduction of development impact fees.

(I) Establishment of a Workforce Housing Opportunity Zone, as defined in Section 65620, or a housing sustainability district, as defined in Section 66200.

(J) Preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units.

(Amended by Stats. 2021, Ch. 353, Sec. 2. (AB 1029) Effective September 28, 2021.)

Assembly Bill No. 1029

CHAPTER 353

An act to amend Section 65589.9 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2021. Filed with
Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1029, Mullin. Housing elements: prohousing local policies.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the Department of Housing and Community Development to determine whether the housing element is in substantial compliance with specified provisions of that law.

Existing law, for award cycles commenced after July 1, 2021, awards a city, county, or city and county, that has adopted a housing element determined by the department to be in substantial compliance with specified provisions of the Planning and Zoning Law and that has been designated by the department as prohousing based upon their adoption of prohousing local policies, as specified, additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by the department, as provided. Existing law defines "prohousing local policies" as policies that facilitate the planning, approval, or construction of housing, including, but not limited to, local financial incentives for housing, reduced parking requirements for sites that are zoned for residential development, and the adoption of zoning allowing for use by right for residential and mixed-use development.

This bill would add the preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units to the list of specified prohousing local policies.

This bill would declare that it is to take effect immediately as an urgency statute.

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

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

(a) The preservation of existing affordable housing units, including those affordable units constructed with funding from former local redevelopment agencies, is a priority of the highest order.

(b) According to the Department of Housing and Community Development's 2018 comprehensive report titled "California's Housing Future: Challenges and Opportunities," over the next decade, project-based rental assistance contracts covering thousands of affordable apartments in California will expire without assurance of renewal, potentially ending subsidies that ensure affordability of housing for thousands of low income housing in the state, totaling 117,714 units.

(c) Preserving these existing affordable housing units can be much less costly than constructing new units and affirmatively furthers fair housing by protecting existing residents from displacement.

(d) The Legislature also recognizes that local governments are facing economic and budgetary challenges from the recent COVID-19 pandemic, and lack sufficient resources to preserve existing affordable housing units, absent assistance from state and federal programs.

(e) It is the intent of the Legislature by enacting this legislation to recognize and reward those cities and counties that establish and achieve affordable housing preservation goals in their housing elements by providing additional credits under housing element law for each unit preserved during the housing element planning period and providing priority access to state affordable housing funding to preserve these units.

SEC. 2. Section 65589.9 of the Government Code is amended to read:

65589.9. (a) It is the intent of the Legislature to create incentives for jurisdictions that are compliant with housing element requirements and have enacted prohousing local policies. It is the intent of the Legislature that these incentives be in the form of additional points or other preference in the scoring of competitive housing and infrastructure programs. It is the intent of the Legislature that, in adopting regulations related to prohousing local policy criteria, the department shall create criteria that consider the needs of rural, suburban, and urban jurisdictions and how those criteria may differ in those areas.

(b) For award cycles commenced after July 1, 2021, jurisdictions that have adopted a housing element that has been found by the department to be in substantial compliance with the requirements of this article pursuant to Section 65585, and that have been designated prohousing pursuant to subdivision (c) based upon their adoption of prohousing local policies, shall be awarded additional points or preference in the scoring of program applications for the following programs:

(1) The Affordable Housing and Sustainable Communities Program established by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code.

(2) The Transformative Climate Communities Program established by Part 4 (commencing with Section 75240) of Division 44 of the Public Resources Code.

(3) The Infill Incentive Grant Program of 2007 established by Section 53545.13 of the Health and Safety Code.

(4) Additional bonus points may be awarded to other state programs when already allowable under state law.

(c) The department shall designate jurisdictions as prohousing pursuant to the emergency regulations adopted pursuant to subdivision (d) and report these designations to the Office of Planning and Research, and any other applicable agency or department, annually and upon request.

(d) By July 1, 2021, the department, in collaboration with stakeholders, shall adopt emergency regulations to implement this section.

(e) On or before January 1, 2021, and annually thereafter, the Department of Finance shall publish on its internet website the list of programs included under subdivision (b).

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

(1) “Compliant housing element” means an adopted housing element that has been found to be in substantial compliance with the requirements of this article by the department pursuant to Section 65585.

(2) “Prohousing local policies” means policies that facilitate the planning, approval, or construction of housing. These policies may include, but are not limited to, the following:

(A) Local financial incentives for housing, including, but not limited to, establishing a local housing trust fund.

(B) Reduced parking requirements for sites that are zoned for residential development.

(C) Adoption of zoning allowing for use by right for residential and mixed-use development.

(D) Zoning more sites for residential development or zoning sites at higher densities than is required to accommodate the minimum existing regional housing need allocation for the current housing element cycle.

(E) Adoption of accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Section 65852.2, as determined by the department.

(F) Reduction of permit processing time.

(G) Creation of objective development standards.

(H) Reduction of development impact fees.

(I) Establishment of a Workforce Housing Opportunity Zone, as defined in Section 65620, or a housing sustainability district, as defined in Section 66200.

(J) Preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that local governments seeking to preserve existing affordable housing units in their communities are included by the Department of Housing and Community Development on the list of communities deemed

as “prohousing jurisdictions,” and entitled to priority for state affordable housing funding, it is necessary that this act take effect immediately.

O