

## SUMMARY OF PROCEEDINGS

### DIRECTOR'S HEARINGS

Conference Room

**Date: February 15, 2007**

**ATTENDANCE:** Hearing Officer: James E. Ellis  
Staff: Kathe Malouf, Holly Nelson  
Kern County Roads Department: Warren Maxwell

The hearing convened at 10:00 a.m.

Mr. Ellis explained the purpose of the hearing and appeal procedure; noting that existing zoning determines the use of the property and the density; and the hearing is to ensure that development is in accordance with Ordinance and PD standards.

#### **NEW CASES**

1. A Zone Variance to allow the retention of a mobilehome that does not meet architectural requirements for a secondary residence (Section 19.90.030.J) in an A-1 (Limited Agriculture) District – 3975 Kelso Valley Road, Weldon – Categorically Exempt, Section 15301 – **Michael Grant**

The applicant, Michael Grant, was in attendance and stated he had reviewed the staff report and recommended conditions of approval and did not have any comments.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Variance (Notice of Decision #17-07) subject to the recommended conditions.

2. A Precise Development Plan for a motel (Section 19.32.020.B) in a C-2 PD (General Commercial - Precise Development Combining) District – Boron Avenue, between Cote Street and Jerome Street, Boron – General Rule, Section 15061(b)(3) – **Bozorgmehr Vakhshori**

Bozorgmehr Vakhshori and Shahain Kianpour, the property owner, were in attendance and stated they did not have any comments or issues with the recommended conditions of approval. Mr. Kianpour stated the proposed motel will be located adjacent to Edward's Air Force Base and is intended to provide a clean motel for family members of military personnel stationed at the base. Mr. Kianpour stated he is aware of community concerns that the project will be Section 8 housing, however, he stated he has no intent to develop the site with anything other than a motel. Mr. Kianpour further stated he selected the location due to the proximity to the freeway and military base. Mr. Ellis stated he was concerned that the second story unit balconies could look into the back yards of neighboring properties, creating a privacy issue. Mr. Ellis stated he would be adding a condition precluding second story balconies for those units that face the R-1 (Low-density Residential) District. Mr. Ellis further stated that because the project is proposed for development on five separate lots, he would include a condition requiring the processing of a lot line adjustment to merge the lots into one parcel. Mr. Shahain stated he was in agreement with the added conditions.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Precise Development Plan (Notice of Decision #18-07) subject to the recommended conditions, with the following changes:

Revise Condition (4)(i) to read as follows:

- (4)(i) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district, the lighting standards shall be equipped with glare shields or baffles and shall not exceed 40 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times.

Revise Condition (4)(n) to read as follows:

- (4)(n) Trash pickup shall occur a minimum of once each week. All trash receptacles shall be enclosed with a six-foot-high, three-sided masonry enclosure with securable iron gate and shall be installed at a location that is convenient for refuse haulers and which does not interfere with on-site or off-site parking or circulation.

Revise Condition (4)(o) to read as follows:

- (4)(o) When construction in excess of one story is proposed adjacent to property zoned for single-family residential use, all windows above the first story and adjacent to the property zoned for single-family residential use shall contain glass that is opaque or translucent or shall be screened in a manner as approved by the Director of the Kern County Planning Department. There shall be no second story balconies facing to the east.

Add the following as Condition (4)(p):

- (4)(p) The property owner shall obtain approval of a lot line adjustment merging the existing five parcels of this development into a single parcel.

3. A Zone Variance to allow a density of 2,500 square feet of lot area per dwelling unit, where the minimum density allowed is 2,722 square of lot area feet per dwelling unit (Section 19.20.060), in an R-2 (Medium-density Residential) District – 109 Ferguson Avenue, north Bakersfield – Categorically Exempt, Section 15305 – **Matt Morris**

Mark San Diego was in attendance representing the applicant. After reviewing the staff report and recommended conditions, Mr. San Diego voiced concern regarding Condition (6) which requires the new on-site utility service be placed underground. He stated that most of the development in the vicinity has overhead lines and that there was an existing power pole directly behind the property. Mr. Ellis stated that since overhead lines provide the predominant pattern for service, he would waive the condition. Mr. Ellis added that based on revisions made recently by the Kern County Board of Supervisors, he would add a condition of approval requiring that the applicant submit a revised site plan to reflect compliance with development standards as required by Section 19.80.020. Mr. San Diego was given a copy of the development standards for multi-family residential for reference.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Variance (Notice of Decision #19-07) subject to the recommended conditions, with the following changes:

Add the following as Condition (3)(d):

(3)(d) The plot plan shall be revised to show compliance with the requirements of Section 19.80.020.

Delete Condition (6) and renumber the remaining condition.

4. A Zone Variance to allow a five-foot front-yard setback, where 25 feet is required (Section 19.18.070.A), in an R-1 (Low-density Residential) District – Junction of Short Trail and Kiwanis Trail, Lots 20 and 21, Frazier Park – Categorically Exempt, Section 15303 – **Stacey Havener**

Stacey Havener was in attendance and stated she had reviewed the staff report and did not have any comments. Mr. Ellis stated he had received an e-mail regarding the issue of water service to the site. Ms. Havener stated that water mains were not installed throughout the Frazier Park area and that there are some properties, including hers, which do not have water main connections. She stated she is working with the water company to get the issue resolved. Mr. Ellis advised Ms. Havener that the approval of this request is good for one year and if she needed additional time to pull building permits, she would be required to process an extension of time.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Variance (Notice of Decision #20-07) subject to the recommended conditions.

5. (a) Tentative Parcel Map 11371 proposing to divide a 5.02-acre parcel of record into two 2.51-acre parcels for residential use; development variations to the Land Division Ordinance to allow reduction in the required right-of-way widths and deletion of Type A improvements; (b) A Zone Variance to allow a front-yard setback of 27 feet, where a minimum of 55 feet from the street centerline is required (Section 19.14.070.A.1), in an A-1 MH (Limited Agriculture - Mobilehome Combining) District – Southwest corner of Rugger Street and Rowland Avenue, west Bakersfield – General Rule, Section 15061(b)(3) – **Julian Elizondo by Jerry L. Hendricks**

Jerry Hendricks and Julian Elizondo were present. Mr. Ellis indicated that letters have been received in opposition to the proposed project. Mr. Elizondo indicated he had only read the letter included in the staff report. Mr. Ellis summarized the concerns identified in the letter received from Dan Johnson, a property owner in the vicinity, and inquired if there were any others present with concerns. Mike Callagy, representing Dominic Espitia, expressed concern regarding the need for the required dedications and road improvements along Rowland Avenue and a dust binder on the proposed north-south access easement. Mr. Johnson indicated his home backs up to Rowland Avenue and expressed concern regarding the amount of dust being created on Rowland Avenue by vehicles. Mr. Ellis stated he had done a site visit prior to the hearing to view the current situation. Mr. Hendricks stated the parcel split would not create additional traffic since there is an existing home at both ends of the property. Mr. Ellis stated additional traffic could be created following the subdivision should secondary residential units be constructed on either of the lots.

Mr. Elizondo outlined the background of problems he had been having with his neighbors regarding an existing access easement he utilized for access to his parcel. Mr. Elizondo stated the issue has been resolved and that they had relinquished the access easement back to the neighbor. Mr. Elizondo also stated that, with regard to the way in which the split has been proposed, a site east of his property had also been divided in an east-west direction.

Sherri Hebert, a resident in the vicinity, stated she is currently in escrow to buy the northern 2 1/2-acre piece of property from Mr. Elizondo. Ms. Hebert stated it is her intent to develop the property with a new single-family residence and to landscape the property to help eliminate the dust.

Mr. Ellis stated it was his intent to amend three of the conditions and that, due to the number of lots being created, Type A improvements are not warranted; however, he was concerned with the width of the existing pavement along Rowland Avenue and recommended modification of Condition (15). Mr. Ellis also stated the Western Rosedale Specific Plan requires the installation of dry sewer in conjunction with septic systems. However, if the location of the nearest available sewer line exceeds 200 feet, the applicant may not need to install the dry sewer system with the concurrence of the Director of the Kern County Engineering and Survey Services Department. Mr. Ellis stated he would modify Condition (22) to reflect this change, as well as Condition (25) to verify that there is an established source of potable water for both existing dwellings.

The proposed revised conditions are as follows:

- (15) The following road improvements are required, and the subdivider shall demonstrate compliance with these road improvement requirements prior to the recordation of this parcel map:
  - (a) The existing paving along Rowland Avenue, between the eastern property line and the County-maintained portion of the road, shall be widened by adding an additional four feet of paving along the southern portion of the existing paved road. Paving shall consist of two inches asphalt concrete over a compacted aggregate base.
  - (b) The 20-foot-wide public access easement providing legal access to Parcel 2 shall be improved with two inches asphalt concrete with a minimum improved width of 12 feet.
  - (c) The existing point of access serving proposed Parcel 2 from Rowland Avenue shall be fenced off to preclude access from Rowland Avenue.
  
- (22) Sewer hook-up and/or dry sewers shall be required as follows:
  - (a) If a sewer trunk line with adequate capacity lies within 200 feet of the subject property, the two existing dwellings shall be required to hook-up to sewer.
  - (b) Upon concurrence by the Director of the Kern County Engineering and Survey Services Department, the Western Rosedale Specific Plan requirement to provide dry sewer and a sewer study shall be waived.
  - (c) Applicable Planned Sewer Area fees shall be paid prior to recordation.
  
- (25) Prior to recordation, the applicant shall provide written documentation from Vaughn Water Service indicating that it has established potable water connections to serve both existing dwellings. If required by the Kern County Environmental Health Services Department, the existing domestic well shall be abandoned prior to recordation. The Environmental Health Services Department shall provide a written determination as to whether or not abandonment

of this existing well will be required and, if required, shall provide written confirmation that the on-site well has been abandoned in accordance with the requirements of that agency.

To allow additional time for Mr. Hendricks to confer with the applicants with regard to the modified conditions and to allow Mr. Callagy and Mr. Johnson time to review the staff report and recommended conditions of approval, Mr. Ellis continued the case two weeks to March 1, 2007.

The Hearing Officer continued this case to March 1, 2007.

### **MODIFICATION OF A PRECISE DEVELOPMENT PLAN**

6. A Modification of a Precise Development Plan for the addition of a concrete batch plant and the relocation of required drive approaches (Section 19.12.030.I) in an M-2 PD (Medium Industrial - Precise Development Combining) District for this Precise Development Plan (Notice of Decision 30-00; approved April 27, 2000) which allowed the establishment of a trucking operation – Northeast corner of San Diego Street and Mannel Avenue, Shafter area – Negative Declaration – **South Valley Materials, Inc. (PP06302)**

Terry Marshall and Mickey Gladden were in attendance. Mr. Marshall stated he had reviewed the staff report and had no comments. Mr. Gladden questioned why South Valley Materials was required to make extensive road improvements when another company that hauls heavier loads was not required to make the same road improvements. Mr. Ellis stated that if the neighboring company were making application today, he would be required to make the same improvements.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer adopted the Negative Declaration and Mitigation Measure Monitoring Program and approved the Modification of a Precise Development Plan (Notice of Decision #21-07) subject to the recommended conditions.

### **TEMPORARY EVENT PERMIT**

7. A Temporary Event Permit authorizing field dog trials to be held on the weekends of March 2, 3, and 4, 2007; March 9, 10, and 11, 2007; April 21 and 22, 2007; May 5 and 6, 2007; and October 12 and 13, 2007 (Section 19.08.340), in an A (Exclusive Agriculture) District – 15077 Main Drain Road, south of Lost Hills – Categorically Exempt, Section 15301 – **California Conservation Fund by Zeiders Consulting**

Marc Bowman and Bill Zeiders were in attendance and stated they had no comments or questions regarding the recommended conditions of approval

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Temporary Event Permit (Notice of Decision #22-07) subject to the recommended conditions.

### **EXTENSION OF TIME**

8. An Extension of Time (Section 19.56.170) for a period of two years due to delays in activating this Precise Development Plan (Notice of Decision 5-05; approved January 13, 2005) which authorized development of a barber/beauty shop and storage buildings (Section 19.36.020) in an M-1 PD (Light

Industrial - Precise Development Combining) District – West side of Tehachapi-Woodford Road, approximately 3/8 mile south of Highway 202, Old Town area, west of Tehachapi – Categorically Exempt, Section 15303 – *North Port Development by Greymar Associates*

Wally Geer was in attendance and stated he had reviewed the staff report and had no comments.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the two-year extension of time to expire January 27, 2009, subject to the original conditions of approval.

Meeting adjourned at 11:05 a.m.

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JAMES E. ELLIS, Planning Operations Division Chief

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