

ORDINANCE NO. 5055

**AN ORDINANCE OF THE BAKERSFIELD CITY COUNCIL
APPROVING AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD
MUNICIPAL CODE BY PREZONING PROPERTY, LOCATED AT THE
SOUTHWEST CORNER OF THE PAMANA LANE AND PROGRESS
ROAD INTERSECTION (ZC NO. 21-0098).**

WHEREAS, the City of Bakersfield is requesting an amendment to Title 17 of the Bakersfield Municipal Code to change the Zone District from A (Agriculture) to M-1 (Light Manufacturing) on 37.08 acres, located at the southwest corner of the Panama Lane and Progress Road intersection (the "Project"); and

WHEREAS, prezoning area (APNs 540-010-42 and -43) is currently outside the City limits; and

WHEREAS, the prezoning area is within the City of Bakersfield's Sphere of Influence boundary; and

WHEREAS, an Addendum to the Mitigated Negative Declaration for Amendment of Zoning No. 123, Case No. 38 adopted by the Kern County Board of Supervisors on January 4, 2005 has been provided; and

WHEREAS, the Planning Commission held a public hearing on May 6, 2021, and approved a Resolution, which recommended that the City Council approve the Project; and

WHEREAS, the Clerk of the City Council set Wednesday, June 2, 2021 at 5:15 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the City Council to consider the approval of the amendment as required by Government Code Section 65355, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, during the hearing, the City Council considered all facts, testimony, and evidence concerning the Project, including the staff report, and the Planning Commission's deliberation, and action; and

WHEREAS, the Project is consistent with the *Metropolitan Bakersfield General Plan*.

SECTION 1.

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

1. The above recitals, incorporated herein, are true and correct.
2. The Project is hereby approved incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 as specifically described in Exhibit A, located on the map as shown in Exhibit B, and subject to the Conditions of Approval as shown in Exhibit C, all of which are incorporated herein.



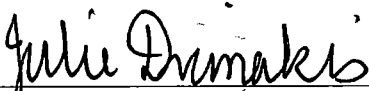
SECTION 2.

This ordinance must be posted in accordance with the Bakersfield Municipal Code and will become effective not less than 30 days from and after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting held on 14th day of July, 2021, by the following vote:

<u>AYES:</u>	COUNCILMEMBER: ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, PARLIER
NOES:	COUNCILMEMBER: <u>None</u>
ABSTAIN:	COUNCILMEMBER: <u>None</u>
<u>ABSENT:</u>	COUNCILMEMBER: <u>Weir</u>



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

APPROVED JUL 14 2021



KAREN GOH
MAYOR of the City of Bakersfield

APPROVED as to form:
VIRGINIA GENNARO
City Attorney

By 

VIRIDIANA GALLARDO-KING
Deputy City Attorney

- Exhibits: A Legal Description
 B Zone Change Map
 C Conditions of Approval



EXHIBIT "A"
LOT LINE ADJUSTMENT NO. 53-09

ALL THAT PORTION OF LOTS 2 AND 7 OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MDM, KERN COUNTY, CALIFORNIA, ACCORDING TO THE "SALES MAP OF LAND OF KERN COUNTY LAND COMPANY" DATED JUNE 14, 1897, RECORDED IN THE OFFICE OF THE KERN COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

Commencing at the Northwest corner of said Section 29, thence S89°14'59"E, along the North line of the Northwest Quarter thereof, 1319.65 feet; thence S0°35'39"W, 30.00 feet to the Northwest corner of said Lot 2 and the True Point of Beginning; thence continuing S0°35'39"W, along the West lines of said Lots, 842.94 feet; thence S89°24'21"E, 209.80 feet; thence S0°35'39"W, 80.00 feet; thence S89°24'21"E, 462.00 feet; thence N0°35'39"E, 80.00 feet; thence S89°24'21"E, 208.62 feet; thence N0°35'39"E, 840.54 feet to a point on the North line of said Lot 2; thence N89°14'59"W, along last said North line, 880.43 feet to the True Point of Beginning.

Containing 17.86 acres, more or less.

PARCEL 2

Commencing at the Northwest corner of said Section 29, thence S89°14'59"E, along the North line of the Northwest Quarter thereof, 1319.65 feet; thence S0°35'39"W, 872.94 feet to the True Point of Beginning; thence continuing S0°35'39"W, along the West line of Lot 7 a distance of 440.33 feet to the Southwest corner thereof; thence S89°17'28"E, along the South line of said Lot 7, a distance of 1289.75 feet to the Southeast corner thereof; thence N0°35'24"E, along the West line of said Lots, 1282.34 feet to the Northeast corner of said Lot 2; thence N89°14'59"W, along the North line of last said Lot, 69.23 feet to the Northeast corner of that Parcel described in Document No. 0204278266, O.R., recorded in the Kern County Recorder's Office; thence along the boundary of said Parcel: S0°34'47"W, 260.40 feet; N89°14'59"W, 150.00 feet and N0°34'47"E, 260.40 feet to a point on said North line of Lot 2; thence N89°14'59"W, along last said North line, 190.00 feet; thence S0°35'39"W, 840.54 feet; thence N89°24'21"W, 208.62 feet; thence S0°35'39"W, 80.00 feet; thence N89°24'21"W, 462.00 feet; thence N035'39"E, 80.00 feet; thence N89°24'21"W, 209.80 feet, to the True Point of Beginning.

Containing 19.22 acres, more or less.

DELMARTER AND DEIFEL



JAMES K. DELMARTER
RCE#17564 EXP. 6/30/11

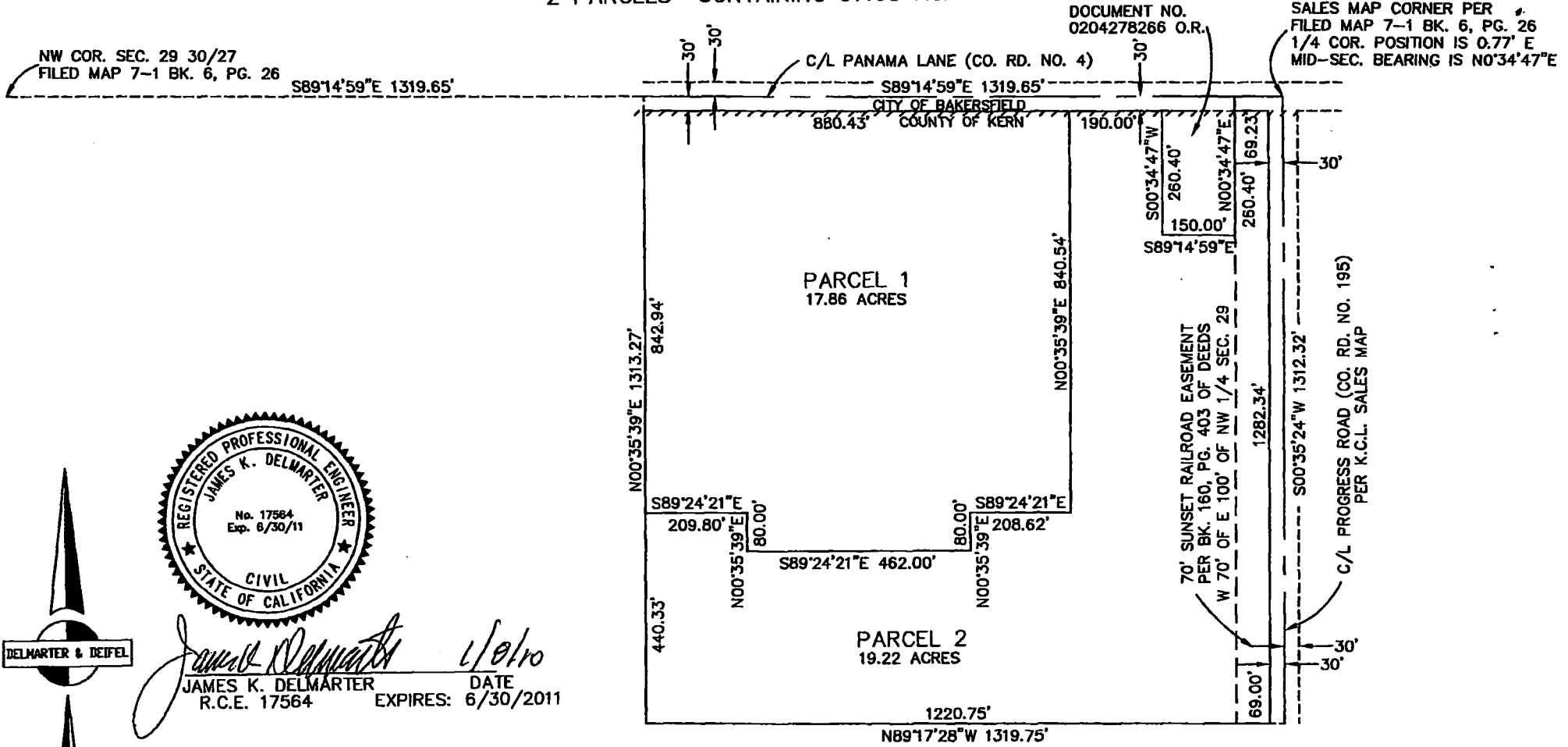


CITY OF BAKERSFIELD
ORIGINAL

LOT LINE ADJUSTMENT No. 53-09

"THIS MAP IS PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY"

BEING AN ADJUSTMENT BETWEEN A PORTION OF LOT 2 AND LOT 7 OF SECTION 29, T. 30 S., R. 27 E., M.D.M.,
 KERN COUNTY, CALIFORNIA ACCORDING TO THE "SALES MAP OF LANDS OF KERN COUNTY LAND COMPANY" DATED JUNE 14, 1897
 AND RECORDED AS DOCUMENT NO. 0203213228 O.R. IN THE OFFICE OF THE KERN COUNTY RECORDER
 2 PARCELS CONTAINING 37.08 ACRES



NOTE PROPERTY SUBJECT TO UNPLOTTABLE KERN COUNTY LAND COMPANY EASEMENT FOR CANALS, DITCHES, ROADS, RAILROADS ETC. PER BOOK 225 OF DEEDS, PAGE 117



James K. Delmarter
 JAMES K. DELMARTER DATE
 R.C.E. 17564 EXPIRES: 6/30/2011



1" = 300'
 ORIGINAL CITY OF BAKERSFIELD

BASIS OF BEARINGS

ALL INFORMATION SHOWN HEREON IS RECORD OR CALCULATED FROM RECORD AS SHOWN ON MAP NO. 7-1, BOOK 6, PAGE 26 FILED IN THE OFFICE OF THE KERN COUNTY SURVEYOR. ALL DISTANCES HAVE BEEN CONVERTED TO GROUND AND PROPORTIONED TO SALES MAP DISTANCES.

**CONDITIONS OF APPROVAL
ZONE CHANGE NO. 21-0098**

CITY ATTORNEY

1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners 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.

For orderly development

PLANNING

2. The property owner shall substantially adhere to the most current concept for the expansion area presented to the City at the time of the processing of Zone Change No. 21-0098 (see attached Expansion Area Concept).

For orderly development



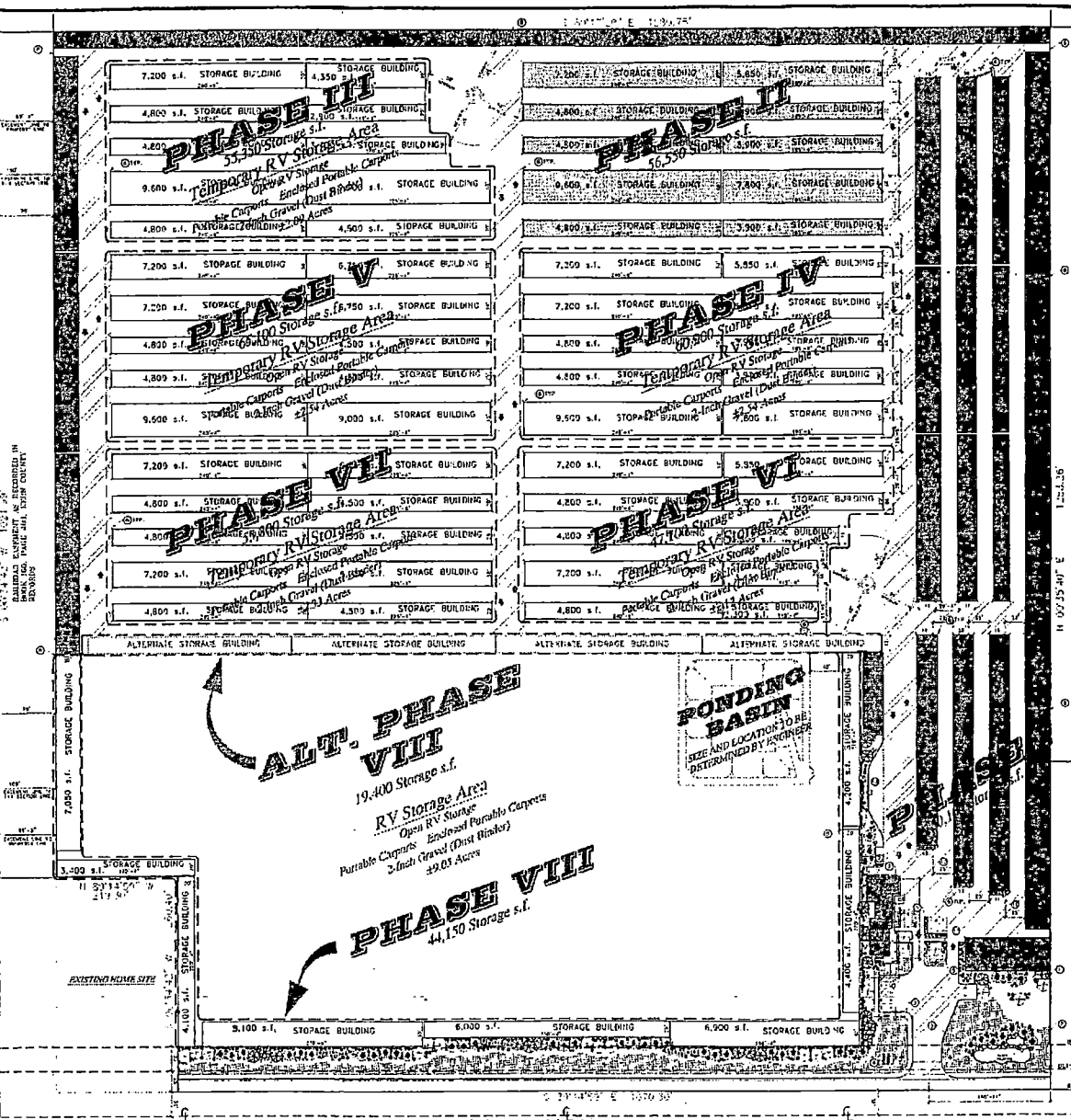
CITY OF BAKERSFIELD ORIGINAL

PROGRESS ROAD

PROGRESS ROAD

PROGRESS ROAD

PROGRESS ROAD



LEGAL DESCRIPTION
 REAL PROPERTY IN THE UNINCORPORATED AREA OF THE BAKERSFIELD COUNTY OF KERN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
 LOTS 2 AND 7 OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 27 EAST, MERIDIAN, IN THE UNINCORPORATED AREA, COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN MAP OF THE SECTION ENTITLED "SALES MAP OF LANDS OF KERN COUNTY, LAND COMPACT" DATED JUNE 14, 1917, AND FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON SAID 14, 1917.

- SPECIFIC NOTES**
- 1' 0" HIGH CONCRETE BLOCK FENCE.
 - 3' 0" HIGH CONCRETE BLOCK FENCE.
 - 5" HIGH CONCRETE CURB.
 - PROPOSED 6" TALL MONUMENT SIGN W/ 32 S.F. FACE.
 - ELECTRIC KEYPAD.
 - 3" DIAMETER STEEL GUARD POST (TYPICAL) AT THE BUILDING CORNERS.
 - COUNTY OF KERN STANDARD REFUSE CONTAINER ENCLOSURE.
 - BUILDING EIGHT WALL BETWEEN BUILDINGS ALONG PERIMETER (TYPICAL).
 - 36" WIRE CONCRETE WHEEL STOPS (TYPICAL) BETWEEN BUILDINGS.
 - TYPICAL BUILDING END PLANNER AREA.
 - ENTRY EXIT GATE.
 - WATER FOUNTAIN EQUIPMENT ROOM.
 - RV WASH AREA AND DUMP STATION TO PERMANENT LEVEL.

- LEGEND**
- 1. 2A AND FIRE EXTINGUISHER IN CABINET AS REQUIRED.
 - ARROWS INDICATE NATURAL FLOW OF TRAFFIC.
 - ACCESSIBLE PARKING SPACE WITH SIGN.
 - BUILDING NUMBER.
 - 150 WATT HIGH PRESSURE SODIUM LIGHT AS 7'-6" x 1'-6" STANDARD DECORATIVE LIGHT FIXTURE.
 - 5" CONCRETE DRIVES 0/8" COMPACT HAIVE SOIL.
 - 4" CONCRETE DRIVES 0/8" COMPACT HAIVE SOIL.
 - PHASE I BUILDING CONSTRUCTION.
 - PHASE II BUILDING CONSTRUCTION.
 - PHASES III, IV, V, VI, VII & VIII BUILDING CONSTRUCTION.
- 10,000 GALLON FIRE STORAGE TANK EQUIPPED WITH AUTOMATIC FFL SYSTEM AND STANDARD KERN COUNTY FOG DISPENSER WITH CONNECTIONS TO BE A MINIMUM OF 50' FROM ANY STRUCTURE.

STATISTICAL INFORMATION

ZONING	M1-PD
EXISTING USE	VACANT LAND
PROPOSED USE	WHOLE STORAGE
ACREAGE	34.67 ACRES
PROPOSED BUILDING HEIGHT:	
OFFICE/RESIDENCE/GARAGE STORAGE BUILDING	15'-8" HIGH MAX. 8'-6" HIGH MAX.
GROUND FLOOR AREA:	
RESIDENCE	1,235 S.F.
OFFICE	827 S.F.
GARAGE	102 S.F.
STORAGE BUILDING	335,050 S.F.
BUILDING COVERAGE	41%
LAUNDRY AREA	57,822 S.F. (54%)
PARKING SPACES REQUIRED:	
18 - STORAGE	
4 - OFFICE	
2 - RESIDENCE	
24 - TOTAL	
PARKING SPACES PROVIDED:	
22 - STORAGE	
0 - OFFICE	
0 - RESIDENCE	
22 - TOTAL	
SEWAGE DISPOSAL	SEPTIC TANK
WATER USE/DEMAND	700-GPM WMP
EXHAUST	VENTING BASED
PHASE I CONSTRUCTION	150,100 S.F.
ZONING UNSET/UNPROVED	3,200 APPROX.

NOTE:
 ALL PARKING SPACES WILL BE 8'x20' IN SIZE WITH A 35' BACK UP AREA GO DRIVE THROUGH.

REVISIONS:
 MAY 24, 2005

DERRELS Mini STORAGE
 3265 W. GSHILAN AVE. FRESNO, CA. 93722 (559) 226-9900

DATE: 05/29/2005
 DRAWN BY: E. BROWN
 CHECKED BY: M. POOLE
 PROJECT: Bakersfield
 DRAWING: Progress
PD

SITE PLAN

AFFIDAVIT OF POSTING DOCUMENTS

STATE OF CALIFORNIA)
) ss.
County of Kern)

JULIE DRIMAKIS, being duly sworn, deposes and says:

That she is the duly appointed, acting and qualified City Clerk of the City of Bakersfield; and that on the 16th day of July, 2021 she posted on the Bulletin Board at City Hall, a full, true and correct copy of the following: Ordinance No. 5055, passed by the Bakersfield City Council at a meeting held on the 14TH day of July, 2021 and entitled:

AN ORDINANCE OF THE BAKERSFIELD CITY COUNCIL APPROVING AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE BY PREZONING PROPERTY, LOCATED AT THE SOUTHWEST CORNER OF THE PANAMA LANE AND PROGRESS ROAD INTERSECTION (ZC NO. 21-0098).

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

By: 
DEPUTY City Clerk