



BAKERSFIELD

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CORRECTED

Staff:

Jacqui Kitchen, Assistant City Manager

Committee Members:

Councilmember, Bruce Freeman – Chair
Councilmember, Bob Smith
Councilmember, Willie Rivera

**Regular Meeting of the
Planning and Development Committee
of the City Council – City of Bakersfield**

Tuesday, June 30, 2020

12:00 p.m.

City Hall North, First Floor, Conference Room A
1600 Truxtun Avenue, Bakersfield CA 93301

A G E N D A

1. ROLL CALL
2. ADOPT MAY 21, 2020 AGENDA SUMMARY REPORT
3. PUBLIC STATEMENTS
4. NEW BUSINESS
 - A. Committee Discussion and Recommendation Regarding Rezoning Policies – Boyle/Johnson
5. DEFERRED BUSINESS
 - A. General Plan Update – Boyle
6. COMMITTEE COMMENTS
7. ADJOURNMENT

SPECIAL NOTICE

**Public Participation and Accessibility
June 30, 2020 Planning and Development Committee**

On March 18, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which includes a waiver of Brown Act provisions requiring physical presence of the Committee members or the public in light of the COVID-19 pandemic.

Based on guidance from the California Governor's Office and Department of Public Health, as well as the County Health Officer, in order to minimize the potential spread of the COVID-19 virus, the City of Bakersfield hereby provides notice that as a result of the declared federal, state, and local health emergencies, and in light of the Governor's order, the following adjustments have been made:

1. The meeting scheduled for **June 30, 2020, at 12:00 p.m.** will have limited public access.
2. Consistent with the Executive Order, Committee members may elect to attend the meeting telephonically and to participate in the meeting to the same extent as if they were physically present.
3. The public may participate in each meeting and address the Committee as follows:
 - If you wish to comment on a specific agenda item, submit your comment via email to the City Clerk at City_Clerk@bakersfieldcity.us **no later than 5:00 p.m. the Monday prior to the Committee meeting.** Please clearly indicate which agenda item number your comment pertains to.
 - If you wish to make a general public comment not related to a specific agenda item, submit your comment via email to the City Clerk at City_Clerk@bakersfieldcity.us **no later than 5:00 p.m. the Monday prior to the Committee meeting.**
 - Alternatively, you may comment by calling **(661) 326-3100** and leaving a voicemail of no more than 3 minutes no later than **5:00 p.m. the Monday prior to the Committee meeting.** Your message must clearly indicate whether your comment relates to a particular agenda item, or is a general public comment. If your comment meets the foregoing criteria, it will be transcribed as accurately as possible.
 - If you wish to make a comment on a specific agenda item as it is being heard, please email your written comment to the City Clerk at City_Clerk@bakersfieldcity.us. All comments received during the meeting **may not be read, but will be provided to the Committee and included** as part of the permanent public record of the meeting.



DRAFT

/s/ Jacqui Kitchen

Staff: Jacqui Kitchen
Assistant City Manager

Committee Members

Councilmember, Bruce Freeman Chair
Councilmember, Willie Rivera
Councilmember, Bob Smith

**SPECIAL MEETING OF THE
PLANNING AND DEVELOPMENT COMMITTEE**

Thursday, May 21, 2020
12:00 p.m.

City Hall North – Conference Room A
1600 Truxtun Avenue, Bakersfield, CA 93301

AGENDA SUMMARY REPORT

The meeting was called to order at **12:00 p.m.**

1. ROLL CALL

Committee members present: Councilmember, Bruce Freeman, Chair
Councilmember, Bob Smith (participated by telephone)

Committee member absent: Councilmember, Willie Rivera

City Staff: Jacqui Kitchen, Assistant City Manager
Anthony Valdez, Administrative Analyst
Christopher Boyle, Development Services Director
Phil Burns, Building Director
Paul Johnson, Planning Director

Additional Attendees: Members of the Public

2. ADOPT OCTOBER 8, 2019 AGENDA SUMMARY REPORT

The report was adopted as submitted.

3. PUBLIC STATEMENTS

Mr. Cedric Crawford commented on Short Term Rentals.

4. NEW BUSINESS

A. Committee Discussion and Recommendation Regarding Landscaping in Commercial Parking Lots

Development Services Planning Director Johnson provided a PowerPoint presentation summarizing memorandum included in the agenda packet regarding the landscaping in commercial parking lots referral made by Councilmember Freeman at the February 19, 2020, City Council meeting regarding.

Committee Chair Freeman and Committee member Smith requested staff conduct further research for ways to monitor compliance and examine whether the existing policy and tree palate reaches 40% of shade coverage for future consideration of enforcement and policy development.

B. Committee Discussion and Recommendation Regarding Vacant Building Ordinance

Development Services Building Director Burns provided a PowerPoint presentation summarizing the memorandum included in the agenda packet regarding the vacant building ordinance referral made by Councilmember Gonzales at the February 19, 2020, City Council meeting.

Committee member Smith proposed reducing the registration fee from \$300.00 especially for applicants that are not a nuisance. He suggested there be consideration given to forgiving liens if the property owners builds affordable housing.

Committee Chair Freeman recommended an annual registration fee instead of a monthly fee. He requested staff conduct additional research by inquiring with other cities that have existing ordinances on their practices and explore increasing administrative penalties associated with vacant and unmaintained buildings and present the information at a future meeting.

C. Committee Discussion and Recommendation Regarding Short-term Rental Ordinance

Development Service Director Boyle provided a PowerPoint presentation summarizing the memorandum included in the agenda packet regarding developing a short-term rental ordinance referral made by Councilmember Gonzales at the March 11, 2020 City Council meeting.

Committee Chair Freeman stated that he would not like the City to facilitate vacation rentals, and would therefore not support a vacation rental ordinance. Committee member Smith stated that an ordinance could help with enforcement. The item was deferred to a future meeting when all members of the Committee could be present after the COVID-19 pandemic.

D. Discussion and Committee Recommendation Regarding Adoption of the 2020 Committee Meeting Schedule

The Committee removed the August 25th, October 27th, and December 1st meetings and added September 22nd and November 17th as regular meeting dates. The modifications were unanimously approved.

5. COMMITTEE COMMENTS

None

6. ADJOURNMENT The meeting adjourned at 1:04 p.m.

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MEMORANDUM

June 30, 2020

TO: **PLANNING AND DEVELOPMENT COMMITTEE**
Bruce Freeman, Chair
Bob Smith
Willie Rivera

FROM: Christopher Boyle, Development Services Director

SUBJECT: **Ordinance Amendments Dissolving the Board of Zoning Adjustment (BZA), assigning its responsibilities to the Planning Commission and the Planning Director.**

This report is in response to a referral from Councilman Freeman at the May 20, 2020 City Council directing staff to review the responsibilities of the BZA so as to streamline development.

BACKGROUND

Currently, the BZA has discretionary authority per Section 17.64.020 of the Municipal Code, which states: "The board of zoning adjustment shall have authority to grant, subject to appeal to the city council under the provisions of this title, the following:

- A. Modification or waiver of:
 - 1. Automobile parking space or loading requirements on private property, and
 - 2. The height, yard and lot area regulations on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other typical subdivision development, and
 - 3. Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot; and
- B. Conditional use permits permitting any use in any zone in which that use is not permitted by this title, subject to the findings set forth in Section 17.64.060(C);
- C. Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter 12.30."

Thus, the City's BZA has authority of three entitlement processes: the Zoning Modification, Conditional Use Permit (CUP) and a wireless facilities permit specific to the public right-of-way.

ANALYSIS

When reviewing comparable cities for broader understanding of zoning entitlement hierarchy and strategy, staff looked to discern how each municipality permitted specific uses, the types of permits required and the degree of discretionary authority assigned to each of the permitting entities. Ten comparable cities/counties were surveyed. The results of that survey are:

MUNICIPALITY	Administrative		
	Permit	Discretionary Permit	CUP Review
Bakersfield	DRA	CUP	BZA
Glendale	AUP	CUP	PC
Modesto	None	CUP	PC
Riverside	None	MCUP and CUP	PC
Stockton	AUP	CUP	PC
Fresno	None	CUP	PC
Ontario	AUP	CUP	PC
Visalia	AUP	CUP	PC
Pasadena	None	MCUP and CUP	PC
Fresno County	DRA	CUP	PC
Kern County	None	CUP	PC

Note: DRA (Director Review and Approval), AUP (Administrative Use Permit), MCUP (Minor Conditional Use Permit)

Conditional Use Permit

Bakersfield is the only municipality within the referenced comparables that does not assign the authority to review and approve CUPs to its Planning Commission (PC). In some cases, cities even required a lesser minor use permit (MCUP) to be reviewed by the PC. Most zoning use schedules included permitted uses, uses approved administratively and uses requiring a CUP where the discretionary permit was decided by the PC. Thus, there is overwhelming rationale for reassigning discretionary authority of conditional use permits to the Planning Commission.

Zoning Modification

When looking at the comparable municipalities concerning the Zoning Modification, administrative permits, such as an Administrative CUP (ACUP) or Director Review and Approval (DRA), were reviewed by various governmental bodies or individuals, including a Development Review Committee, the Planning Director, the Development Services Director, Community Development Director or their appointee. Because of the minor nature of the available modifications within Bakersfield’s ordinance, these “modifications” from standards typically would be granted via an administrative permit process, such as a Zoning Administrator Permit, Director Review and Approval, or Administrative Use Permit, only forwarding the modification request to the PC when it was being processed concurrently, or when the decision of the lower body was appealed. The City’s current Zoning Ordinance already has a Director Review and Approval process that could easily process zoning modification requests and absorb the administrative function of the BZA.

Wireless Facilities Permit

The final entitlement currently under BZA authority is the wireless facilities right-of-way permit for wireless telecommunication facilities proposed to be located within the public right-of-way. This specialized permit was codified into ordinance in 2016. To date, no application for a wireless facilities permit has ever been processed.

Summary

In summary, based on the whole of research completed, the role of the BZA could be dissolved, integrated its discretionary authority into the PC and its ministerial functions into the existing DRA. This would improve Planning Division efficiencies while streamlining the development process wherever applicable. Certain cost savings would also be enjoyed by the City.

RECOMMENDATION

In order to accomplish the desired outcome, ordinance amendments have been prepared that accomplished the following:

- The Board of Zoning Adjustment (BZA) and its authority is eliminated and removed from the code.
- A Director Review and Approval (DRA) replaces the BZA, taking on an administrative/ministerial permitting function. The concept of a DRA is already utilized within the use schedules of the ordinance.
- Ordinance guiding DRA authority and processes is added, separate from ordinance specific to CUP which is moved into the authority of the PC.
- Modifications would be processed at the DRA level, with referral and/or appeal to the PC in certain cases.
- The review and discretionary approval of CUPs would be moved to the PC, and integrated with processes associated with zone changes, per existing ordinance.
- Where the BZA is referenced within the code as the permitting agency, such as is found in Title 15, that responsibility will be assigned to the PC.
- Where the BZA is assigned to hear appeals, that responsibility will be assigned to the PC, or the DRA, whichever is most appropriate.

There are also numerous references to the BZA that are distributed throughout the Municipal Code. The references are located in various locations, including but not limited to the following:

- Chapter 1.28 Administrative Procedure
- Chapter 2.28 Planning And Zoning Agencies
- Chapter 12.64 Specific Trails Plan
- Chapter 15.66 Drilling For And Production Of Petroleum
- Chapter 15.72 Historical Preservation
- Chapter 15.74 Flood Damage Prevention
- Chapter 17 Numerous references.

The ordinance amendments address each of the references and, dependent upon the context, assign them appropriately to either the Planning Director (DRA) or the PC, ultimately creating a more efficient framework of governance.

Staff recommends adoption of the ordinance amendments.

NEXT STEPS

Provide staff direction on amending Title 17 (and associated titles) to dissolve the responsibilities of the BZA and assign those responsibilities upon the Planning Commission and the Planning Director.

ATTACHMENTS

Draft Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 17.64, SECTIONS 020, 040, 042, 050, 060, 090, AND 110, AMENDING SECTION 1.28.030, SECTION 2.28.080, SECTION 2.28.110, SECTION 12.64.020, SECTION 15.66.020, SECTION 15.66.030, SECTION 15.72.040, SECTION 15.74.180, SECTION 17.04.155, SECTION 17.08.180, SECTION 17.45.050, AMENDING CHAPTER 17.56, SECTIONS 010, 030, 040, 050, 060, AND 080, SECTION 17.59.020, CHAPTER 17.60, SECTIONS 020 AND 030, SECTION 17.62.050, SECTION 17.63.050, SECTION 17.66.180, SECTION 17.68.040, AND SECTION 17.71.040, AND REPEALING SECTION 2.28.090 OF THE BAKERSFIELD MUNICIPAL CODE RELATING TO DISOLVING THE BOARD OF ZONING ADJUSTMENT AND ASSIGNING ITS RESPONSIBILITIES TO THE PLANNING COMMISSION AND THE PLANNING DIRECTOR.

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

SECTION 1.

Section 17.64.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.020 Authority of ~~board of zoning adjustment~~ Planning Director

The ~~board of zoning adjustment~~ Planning Director shall have authority to grant Director Review and Approval permits, subject to appeal to the ~~city council~~ Planning Commission under the provisions of this title, subject to the following:

A. Modification or waiver of:

1. Automobile parking space or loading requirements on private property, and
2. The height, yard and lot area regulations on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other typical subdivision development, and
3. Fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot; ~~and.~~

B. Land use approvals as provided for within the various zone districts of this title. Conditional use permits permitting any use in any zone in which that use is not permitted by this title, subject to the findings set forth in Section 17.64.060(C);

C. Wireless facilities right-of-way permits for wireless telecommunication facilities proposed to be located within the public right-of-way pursuant to Chapter 12.30.

SECTION 2.

Section 17.64.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.040 Initiation.

A. Applications for director review and approval permits modifications and conditional use permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

B. Applications for conditional use permits shall be filed with the planning director or his/her appointed designee on forms provided by the planning director.

CB. Proceedings for redistricting of property may be initiated by the city council, planning commission, planning director or by filing with the planning director an application signed by one or more of the record owners of the parcel of property which is the subject of the application or an agent of the owner authorized in writing. In the event that an application by owners involving more than one parcel of land is submitted for district amendment or adoption, owners of parcels representing at least sixty percent of the area involved must sign the application. The names of all record owners of all land involved must be stated on the application.

DG. Proceedings for amendment of any provisions of Title 17 of this code, other than amendments changing property from one zone to another, may be initiated by city council action, planning commission action or action of the city staff.

SECTION 3.

Section 17.64.042 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.042 Fees.

The city council shall by resolution set fees for application for director review and approval modifications, conditional use permits, changes of zones and for

appeals from any order, requirement, decision or determination of the board of zoning adjustment, provided for in this chapter. Such fees shall be in amounts necessary and appropriate to reimburse the city for all costs related to the processing of and acting upon each such application or appeal. No application or appeal shall be deemed complete until the prescribed fee has been received by the city.

SECTION 4.

Section 17.64.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.050 Hearings—Notices.

A. Procedure for director review and approval permits. Any application for a director review and approval permit shall be considered by the Planning Director after it is publicly noticed in the following manner:

1. Not less than ten days before the planning director decision, a direct mailing shall be sent to the owners and/or occupants of property located within 300 feet of the boundaries of the project site, as shown on the latest equalized assessment roll.

2. In addition, notice shall also be given by first class mail to any person who has filed a written request with the planning division. The city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

3. Such notice shall include the following information: the name of the applicant, nature of the request, location of the property, the environmental determination, the proposed date of "Planning Director Decision" (10 days from date of notice), and the appropriate method and deadline for written or verbal comments to be submitted to the City for consideration.

4. Substantial compliance with these provisions shall be sufficient and a technical failure to comply shall not affect the validity of any action taken pursuant to the procedures set forth in this section.

5. Alternatively, at his/her discretion, the planning director may refer the proposed use directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing, hearing, and planning commission appeal procedures of subsection B of Section 17.064.050, Hearings - Notices, shall be followed.

6. For any director review and approval permit application filed in

conjunction with any discretionary application (including a conditional use permit, tentative subdivision map, etc.), the applicant shall file the application concurrently, for review with the application requiring discretionary approval.

BA. Procedure for conditional use permits and zone changes. Upon the receipt in proper form of a complete application for a ~~modification~~, conditional use permit, or zone change, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon in the following manner:

B. **1.** Not less than ten days before the date of such public hearing, notice of the date, time and place of hearing, along with the location of the property and the nature of the request shall be given ~~in the following manner:~~

2. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property of the owners duly authorized agent, and to the project applicant.

3. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to each local agency (if not the city) expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

4. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within three hundred feet of real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or subsection (B)(~~2~~) of this section is greater than one thousand, in-lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing. Notice of hearing upon each application for a conditional use permit to allow drilling for and production of petroleum pursuant to Chapter 15.66 shall be mailed to such owners of all property that is the subject of the hearing, and the production operator of record of subject real property as shown in the State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources (herein D.O.G.G.R.) records as of thirty days of the date of application of the conditional use permit. The applicant shall be responsible for obtaining the operators name and address from D.O.G.G.R and submitting such documentation from the division with the application for a conditional use permit.

5. Notice shall be published in at least one newspaper of general circulation within the city at least ten days prior to the hearing.

65. Notice shall be mailed to every person filing with the planning director a written request for notice.

76. In addition, not less than twenty days but not more than sixty prior to the hearing on any general plan amendment, specific plan, ~~or~~ zone change, or conditional use permit, the applicant shall post signs on the property indicating the date, time, and place of the hearing on the proposed general plan amendment, specific plan, ~~or~~ zone change, or conditional use permit.

a. One sign shall be posted for every three hundred feet of street frontage, or portion thereof, with a maximum of two signs per street frontage. If no portion of the property fronts an existing public street, at least one sign shall be posted on the property nearest the point of legal access from a public street or as otherwise directed by the planning director.

b. For general plan amendment, specific plan, zone change, and conditional use permit on an undeveloped site, ~~The~~ the size of the sign shall be eight feet wide by four feet high. Lettering style, formatting, mounting, and materials to be used shall be as set forth in the administrative policy manual approved by the development services director.

c. For a conditional use permit on a developed site in all non-residential zones, the size of the sign shall be four feet wide by four feet high. The sign shall be posted along the street frontage, but not in the public right of way. In addition, a smaller sign (e.g., 11" x 17"), at the discretion of the planning director, shall be placed in the window of the facility where the activity will occur. For a conditional use permit on a developed site in a residential zone, the provisions of BMC 17.60.070.C. shall apply.

d. The applicant shall file with the planning department, on a form provided by the city, photograph(s) of the posted sign(s) and a declaration, signed under penalty of perjury, that the property has been posted according to the requirements of this section.

e. If the applicant fails to post the signs within the specified time, and if the photographs and declaration are not filed with the planning department within five days of the signs being posted, the public hearing may be postponed until the signs are posted and proof of posting has been submitted.

f. The applicant shall remove all signs posted pursuant to this section within ten days after final city ~~council~~ action on the general plan amendment, specific plan, or zone change, or conditional use permit. Should the applicant withdraw their application for a general plan amendment, specific plan, ~~or~~ zone change, or conditional use permit, all

signs posted shall be removed within ten days of the withdrawing of the application.

g. Should the applicant fail to remove any sign within the specified time, the city may remove any such sign and the costs thereof shall be borne by the applicant.

C. When proceedings are initiated for the amendment of any provision of Title 17, other than amendments changing property from one zone to another, or changing the boundary of any zone, a public hearing shall be held. Notice of such hearing shall be given once by publication in a newspaper of general circulation in the city, which notice shall state the time, date and place of such hearing and a general description of the nature of the proposed text amendment.

SECTION 5.

Section 17.64.060 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.060 Modifications Director review and approval permits and conditional use permits—Hearing—Decision and findings.

A. Director review and approval permit. The planning director shall render a decision on the application within ten (10) days after the proposed date of “planning director decision” included in the public notice, as described in subsection A of Section 17.64.050. The decision shall grant in modified form, conditionally grant, or deny the requested director review and approval permit as follows:

1. Approval/Conditional Approval. In the case where no public comments in opposition to the request have been received and the planning director is able to make the appropriate findings as noted in subsection B of Section 17.64.060, the planning director will grant approval or conditional approval. For conditional approvals, the planning director may apply conditions of approval upon the entitlement as noted in subsection D of Section 17.64.060.

2. Referral to planning commission. In the case where public comments in opposition to the request have been received, the planning director shall either deny or refer the proposed request directly to the planning commission for a public hearing and decision. If the proposed use is referred to the planning commission, the noticing and hearing procedures subsection B of Section 17.064.050, Hearings - Notices, shall be followed.

3. Denial. In the case where public comments in opposition to the request have been received and the planning director is unable to make the

appropriate findings as noted in subsection B Section 17.64.060, the Director will deny the application. Such denial may be appealed per Section 17.64.090.

B. Findings Required for Modification director review and approval permit. A ~~modification~~ director review and approval permit shall be granted only when it is found that:

1. The granting of such ~~modification~~ director review and approval permit would not be materially detrimental to the public welfare, nor injurious to the property or improvements in the zone or vicinity in which the property is located; and

2. The granting of the ~~modification~~ director review and approval permit is necessary to permit an appropriate improvement or improvements on a lot or lots, including, but not limited to, modification of such regulations for some or all lots within a subdivision to facilitate zero-lot-line or other atypical subdivision development; and

3. The granting of the ~~modification~~ director review and approval permit would not be inconsistent with the purposes and intent of Title 17 of this code.

C.A. Conditional use permit. Following the public hearing, the ~~board of zoning adjustment~~, planning commission or city council may grant, grant in modified form, conditionally grant, or deny the requested ~~waiver or modification~~ conditional use permit. Such decision shall be reflected in a formal resolution containing the findings and the facts upon which the findings are based.

D.G. Findings Required for Conditional Use Permit. 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.

E.D. Conditions. The issuance of any ~~modification~~ director review and approval permit or conditional use permit pursuant to this title may be granted subject to such conditions as may be 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. Dedications of real property may be required and improvements of public streets shall be in accordance with standard specifications of the city on file in the office of the city engineer.

FE. Exercise of Rights. The exercise of rights granted by a ~~modification~~ **director review and approval permit** or conditional use permit shall be commenced within two years after the date of the final decision.

GF. Termination of Rights. The ~~modification~~ **director review and approval permit** or conditional use permit shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of the provisions and regulations of Title 17 applicable to the zone in which such property is classified, when any of the following occur:

1. There is a failure to commence the exercise of rights as required by subsection E of this section, or within any duly granted extension;

2. There is a discontinuance for a continuous period of one year of the exercise of the rights granted.

HG. Extension of Time. Any time limit contained in this chapter or in any decision, for good cause shown, may be extended by the body issuing the initial conditional use permit or ~~modification~~ **director review and approval permit** for a period which shall not exceed one year.

1. The property owner may request an extension of the time limit by written application to the planning director or designee. Such application shall be filed before the expiration date of the conditional use permit or ~~modification~~ **director review and approval permit**. The application shall provide reasons for extension of the permit or modification.

2. Upon the receipt in proper form of an application for an extension, along with the fee adopted pursuant to Section 3.70.040, the planning director shall fix a time and place of public hearing thereon. The hearing shall be noticed as set forth in subsection B of Section 17.64.050.

3. Following the public hearing, the hearing body shall approve, conditionally approve, or deny extension of the conditional use permit or ~~modification~~ **director review and approval permit**.

IH. Revocation of Rights. The ~~board of zoning adjustment~~ **planning commission** may revoke the rights granted by such ~~modification~~ **director review and approval permit** or conditional use permit and the property affected thereby shall be subject to all of the provisions and regulations of Title 17 of this code applicable as of the effective date of revocation. Such revocation shall be for good cause, including, but not limited to, the failure to comply with conditions or complete construction as required by subsection F of this section, the failure to comply with any condition contained in the ~~modification~~ **director review and approval permit** or conditional use permit, or the violation by the owner or tenant of any provision

of the municipal code pertaining to the premises for which such ~~modification~~ director review and approval permit or conditional use permit was granted.

1. Notice of the intent to revoke shall be given, together with the reasons therefor, either by personal delivery to the occupant of such premises, to the owner of such premises, to any person indicated in the permit as being entitled to exercise the permit, or by deposit in the United States mail, postage prepaid, addressed to such person(s) at his or her last known business or residence address as the same appears in the records of the ~~modification~~ director review and approval permit or conditional use permit. Service by mail shall be deemed to have been completed at the time of deposit in the post office, or any United States mailbox.

2. The decision of the ~~board of zoning adjustment~~ planning commission shall be final, subject to appeal to the city council within ten days after notice.

3. When a proper appeal has been filed, public hearing upon the matter shall be set before the city council within a reasonable time after the appeal is filed.

4. Not less than ten days before the date of such public hearing, notice of the time and place of the hearing before the body shall be given as set forth in subsection B of Section 17.64.050.

5. On appeal, the city council may affirm the revocation, overturn the revocation or modify the order of revocation.

6. The decision of the city council shall be final and conclusive.

J. Date of Issuance. No permit or license for any use involved in an application for a ~~modification~~ director review and approval permit or conditional use permit shall be issued until same has become final by reason of the failure of any person to appeal or by reason of the action of the city council.

SECTION 6.

Section 17.64.090 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.090 Appeals – ~~Modifications~~, Conditional use permits and zone changes.

A. The action of the ~~board of zoning adjustment~~ or planning commission shall be final unless, within ten calendar days after the decision, the applicant or any other person shall appeal therefrom in writing to the city council by filing such appeal with the city clerk. A decision of the city council shall be final and conclusive.

B. The appeal shall include the appellants interest in or relationship to the subject property, the decision or action appealed, and specific reasons why the appellant believes the decision or action from which the appeal is taken should not be upheld.

C. The city clerk shall set the date for hearing the appeal. Notice of the appeal hearing shall be given as set forth in Section 17.64.050.

D. For ~~modifications and~~ conditional use permits, on appeal following the hearing, the city council may grant, grant in modified form, or deny the requested ~~modification or~~ conditional use permit. The decision of the council shall be final and conclusive.

E. For zone changes, on appeal following a public hearing, the council may enact into ordinance the zoning amendment giving rise to the appeal or any alternative zoning district more restrictive than that proposed, may affirm any conditional approval and recommendation of the planning commission and, or may decide against adoption of the proposed zoning ordinance amendment. The decision of the council shall be final and conclusive.

SECTION 7.

Section 17.64.110 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.64.110 Conditions for reapplication.

Where an application for a zone change, or conditional use permit ~~or modification~~ has been finally determined by the city council, or planning commission ~~or board of zoning adjustment~~, no reapplication or new application for the same zone change, or conditional use permit ~~or modification~~ shall be considered or heard by the planning commission, or city council ~~or board of zoning adjustment~~ for a period of one year. However, where a change has occurred which, in the sound discretion of the city council, or planning commission ~~or board of zoning adjustment~~ (whichever previously made the final determination) indicates that a new hearing should be had on an application for a zone change and where a showing has been made that the public interest would best be served by reconsideration or new consideration, the prohibition of this subsection may be waived after a finding by the body petitioned that the public interest would best be served by a reconsideration of a new hearing.

SECTION 8.

Section 1.28.030 of the Bakersfield Municipal Code is hereby amended to read as follows:

1.28.030 Definitions.

In this chapter, unless otherwise specifically indicated:

A. "City agency" means any or all of the following listed agencies or boards:

~~Board of zoning adjustment;~~

Board of charity appeals and solicitations;

Inter-group relations board;

Board of building and housing appeals;

Fire prevention board of examiners and appeals;

Fire department pension board;

Bakersfield art commission.

B. "Order of repeal" means any resolution, order or other official act of a city agency which expressly repeals a regulation in whole or in part.

C. "Regulation" means every rule, regulation, order or standard of general application or the amendment, supplement or revision of any such rule, regulation, order or standard adopted by any city agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the internal management of the city agency.

SECTION 9.

Section 2.28.080 of the Bakersfield Municipal Code is hereby amended to read as follows:

2.28.080 Members of planning commission ~~and board of zoning adjustment.~~

The planning commission ~~and the board of zoning adjustment~~ created prior to the adoption of the ordinance codified in this chapter, are continued in existence and operation as the planning commission ~~and the board of zoning adjustment~~ of the city, and the appointed members of each shall be and constitute the members of the

planning commission and of the board of zoning adjustment, respectively, until the expiration of the terms for which they were or shall be appointed.

SECTION 10.

Section 2.28.090 of the Bakersfield Municipal Code is hereby repealed in its entirety, as follows:

~~2.28.090 Board of zoning adjustment—Created—Membership—Terms—Vacancies—Alternates—Removal.~~

~~A.— There is created a board of zoning adjustment of the city, which shall consist of the building director, the public works director and a member of the city manager's office selected by the city manager.~~

~~B.— An alternate shall participate and vote in the place of any member who is absent or disqualified for an economic interest in a matter before the board of zoning adjustment.~~

~~C.— The alternate for the building director shall be the assistant building director. The alternate for the public works director shall be the assistant public works director. In the event there is no assistant director to serve as an alternate, the city manager shall designate the alternate from that respective department. The alternate for the member of the city manager's office shall be another member of the city manager's office selected by the city manager.~~

~~D.— Members of the board of zoning adjustment and alternates serve until they no longer hold the position making them a board member or alternate or until the make up of the board is changed by ordinance.~~

SECTION 11.

Section 2.28.110 of the Bakersfield Municipal Code is hereby amended to read as follows:

2.28.110 Planning department—Duties.

The planning department ~~division~~ of the city shall act in advisory capacity on all matters relating to all applications decided by the planning commission, including conditional use permits, variances, and modifications, and shall provide technical and secretarial services to the board of zoning adjustment planning commission.

SECTION 12.

Section 12.64.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

12.64.020 Definitions.

A. "Advisory agency". The following bodies shall constitute the advisory agency for projects subject to this chapter:

1. For projects subject to Bakersfield Municipal Code Title 16, the advisory agency shall be defined by Section 16.08.020 of said Title;

2. For conditional use permits, general plan or specific plan amendments, zone changes, or other ~~permits~~ "development" permits and/or approvals not specifically listed in this section, the planning commission shall be the advisory agency;

~~3. For projects subject to the authority of the board of zoning adjustment, such as conditional use permits or modifications, the board of zoning adjustment shall be the advisory agency;~~

4. For grading plans, site plan review, building permits or other ministerial permits, the planning director shall be the advisory agency.

B. "Applicant" means a person, firm, corporation, partnership or association who proposes to develop or causes to be developed and/or use real property as defined in "development" for himself or for others.

C. "Development" means any action taken requiring a permit or application to seek amendment, approval or authorization under provisions of any grading, zoning, parcel map, or final map subdivision ordinance, including actions, such as grading permit approval, zoning change, conditional use permit, modification, variance, tentative parcel map approval, and tentative subdivision map approval. It also means converting an existing legal land use entitlement to another specific purpose by altering the intended density, intensity or use of an existing authorized entitlement.

D. "Fair market value" is defined in Bakersfield Municipal Code Section 15.80.100 which requires a written appraisal report acceptable to the Planning Director; except as further defined in Section 12.64.100B in the case where a trail or support facility, which serves a subject phase, has been acquired by the city prior to said development.

E. "Phase of the Specific Trails Plan". A "phase" of the Specific Trails Plan identifies the locality of an area planned for trails and support facilities.

F. "Specific Trails Plan". A planning document adopted by the city council for the purpose of setting policy and identifying trails and support facilities within the city.

SECTION 13.

Section 15.66.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.66.020 Definitions.

The terms set forth in this chapter shall have the meanings herein unless it is apparent from the context that a different meaning is intended.

"Abandonment" means the permanent plugging of a well in accordance with the requirements of the Department of Conservation, Division of Oil, Gas and Geothermal Resources of the state of California, and the removal of all equipment related to the well, including restoration of the drill site as required by these regulations.

"A.N.S.I." means the American National Standards Institute.

"A.P.I." means the American Petroleum Institute.

"A.S.T.M." means the American Society for Testing Materials.

"Blowout" means the uncontrolled flow of gas, liquids or solids (or a mixture thereof) from a well onto the surface.

"Blowout preventor" means a mechanical, hydraulic, pneumatic, or other device or combinations of such devices secured to the top of a wells casing including valves, fittings, and control mechanisms connected therewith designed and capable of preventing a blowout.

~~"Board of zoning adjustment" or "B.Z.A." means the board of zoning adjustment of the city of Bakersfield as defined in Title 2 of this code.~~

"Building Code" means the most recent edition of the Building Code as adopted by the city of Bakersfield.

"Cellar" means an excavation in which the wellhead is located.

"Completion of drilling" on a well site is deemed to occur for the purpose of this code upon: (1) initiation of disassembly or removal of the drilling rig from any one well on the drill site; (2) thirty days after setting of a well head on any one well on the drill site; or (3) thirty days after the drilling equipment has been removed from the site. Completion has not occurred if drilling, testing, or remedial operations are resumed on that one well before the end of any thirty-day period.

“Derrick” means any framework, tower or mast together with all the appurtenances to such structure placed over a well for the purpose of drilling, raising or lowering pipe, casing, tubing or other drilling, completion production or injection tools or equipment out of or into the well bore.

“Desertion” means the cessation of operations at a well site where suspension of drilling operations and removal of drilling machinery has occurred where the operator cannot be located or contacted, and no activity has taken place for at least six consecutive months, or production equipment or facilities have been removed and no activity has taken place for at least two consecutive years, unless the D.O.G.G.R has granted an extension of time pursuant to their regulations. This definition does not apply to observation wells.

“Division of Oil, Gas and Geothermal Resources” or “D.O.G.G.R” means that division of the Department of Conservation of the state of California.

“Drill” or “drilling” means to bore a hole in the earth for the purpose of completing a well, exploration or testing. Drilling includes all operations through the removal of the drilling equipment from the drill site.

“Drill island” means the discrete area zoned drilling island (DI) district in accordance with Chapter [17.46](#) of this code.

“Drill site” means the land required to be reserved in accordance with Section 15.66.080(C) as part of a rezoning, subdivision or other development for future drilling and/or production operations.

“Dwelling” means any building or portion thereof providing living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitation, and includes both single-family and multiple-family residential facilities.

“Gas” means the gaseous components or vapors contained in or derived from petroleum or natural gas.

“Grade” (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than five feet from the structure, between the structure and a line five feet from the structure.

“Hazardous well” means an oil or gas well that presently poses a danger to life, health, or natural resources as determined by the D.O.G.G.R under the provisions of the public resources code.

“Idle well” means a well for which production has been suspended for a minimum of five consecutive years, except any well being held for future programs,

including those being retained for use under a secondary or tertiary recovery plan or for disposal, which has been approved by the D.O.G.G.R but has not been abandoned or deserted as defined in this code and by the D.O.G.G.R. This definition does not apply to observation wells.

“Lessee” means the party possessing the right(s) to drill, develop and produce oil, gas or other hydrocarbons from the subsurface of land with said right(s) being specifically conveyed by a written oil, gas, mineral or surface lease.

“Lessor” means the party owning an interest in and to any oil, gas or other hydrocarbons as may be produced from a tract of land who has conveyed the right(s) to drill, develop and produce said substances to another party (lessee) by a written oil, gas, mineral or surface drilling rights lease. This party may or may not be the surface owner.

“Maintenance” or “maintain” means the upgrading, repair, cleaning, upkeep and replacement of parts of a structure and equipment. Maintenance of a structure does not alter or lessen the character, strength, or stability of the structure.

“N.F.P.A.” means the National Fire Protection Association.

“Noise sensitive receptor” means and includes a land use associated with human activities which is particularly sensitive to noise. Examples of noise sensitive receptors include hospitals, libraries, schools, residential uses, and those uses deemed noise sensitive by the city council, planning commission or board of zoning adjustment.

“Observation well” means a well bore for the purpose of observing petroleum reservoir characteristics, including but not limited to, temperature, saturation, pressure, and fluid movement, as recognized by the D.O.G.G.R.

“Operator” means a person, including corporations, partnerships and associations, whether proprietor, lessee, contractor, or agent or officer of the same, in charge of or in control of the drilling, maintenance, and operation of a well or wells as shown on the permit application.

“Petroleum” means and includes any and all hydrocarbon substances found in a natural state, including, but not limited to, crude oil, natural gas, natural gasoline, and other related substances.

“Petroleum lease” means a property right with respect to which a lessee enjoys the right to drill, develop, produce and possess petroleum resources for a determinable period. May also be referenced as a subsurface lease or mineral rights lease.

“Production operation” means and includes all oil or gas recovery activities following completion of drilling, redrilling or testing of a well.

“Public assembly” refers to a building, structure or site, or portion thereof, for the gathering together or accommodation of fifty or more persons for such purposes of deliberation, education, worship, entertainment, lodging, medical care, amusement, drinking and dining, or awaiting transportation.

“Redrilling” means any drilling operation, including deviation from original well bore, to recomplete the well in the same or different geologic zone, excluding sidetracking.

“Remedial” means any work on a well, other than drilling or redrilling.

“Sidetracking” means drilling, excluding substantial deviation from the original well bore to recomplete a well in the same or different geologic zone.

“Sump” means a lined or unlined, covered or uncovered excavation pit which holds petroleum or other liquids incidental thereto, or solids associated with drilling or production operations.

“Tank” means a structure or container, with a minimum volume of sixty gallons, used in conjunction with either the drilling or production of a well used for holding, storing, or treating liquids or solids, or otherwise associated with drilling or producing operations.

“Uniform Fire Code” or “U.F.C.” means the most recent edition of the Uniform Fire Code as adopted by the city of Bakersfield.

“Well” means any hole drilled into the earth for the purpose of exploring for or producing oil or gas; injecting fluids or gas for stimulating oil or gas recovery; repressuring or pressure maintenance of oil or gas reservoirs; disposing of oil field waste fluids; seismic testing; or any hole drilled into the earth within or adjacent to an oil or gas pool for the purpose of observation of subsurface conditions.

“Well servicing” means and includes remedial or maintenance work or work performed to maintain or improve production from an already producing facility.

“Well site” means that surface area used for oil or gas drilling or extraction operations, for injection purposes in enhanced petroleum recovery operations after drilling is completed and oil and gas recovery activities following completion of drilling or redrilling of a well. A well site may include one or more wells.

SECTION 14.

Section 15.66.030 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.66.030 Permits.

A. No person shall drill, operate or maintain any well or well site for petroleum, natural gas, or related drilling, nor operate or maintain any production operation without first obtaining a permit. Applications for drilling/production permits shall be made in writing to the director of prevention services, or designee, on such forms as provided by the director. Permits are classified as follows:

1. Class 1. The well site and/or production operation is:
 - a. Within an area zoned for residential development; or
 - b. Located less than five hundred feet from a dwelling except those for use by a caretaker or night security on the same parcel, or public assembly as defined in this chapter.
2. Class 2. The well site and/or production operation is:
 - a. Within an area zoned for commercial, light manufacturing or open space; or
 - b. Located between five hundred and one thousand feet from a dwelling unit except those for use by a caretaker or night security on the same parcel, or public assembly as defined in this chapter, provided no well or related structure for production is located less than five hundred feet from said uses.
3. Class 3. The well site and/or production operation is:
 - a. Within an area zoned for general manufacturing, heavy manufacturing, or agricultural, or is within the primary floodplain pursuant to the restrictions in subsection (B)(1) of this section, or the secondary floodplain, provided no well or related structure for production is located less than five hundred feet from a dwelling except those for use by a caretaker or night security on the same parcel, or public assembly as defined in this chapter; or
 - b. Located within the state approved boundaries of the following state designated oil fields as defined by the state D.O.G.G.R., regardless of

the zone district or distance from dwellings or public assembly uses as defined in this chapter:

- i. Kern River Oil Field (D.O.G.G.R. Map 457),
 - ii. Kern Bluff Oil Field (D.O.G.G.R. Map 439),
 - iii. Portion of the Fruitvale Oil Field encompassing Sections 14 (west of State Highway 99), 21 (south of Meany Avenue), 22 (except Tracts 6003 and 6042), 23 (west of State Highway 99), 26 (north of the Cross Valley Canal and west of State Highway 99), 27 (north of the Cross Valley Canal), and 28 (east of the Friant-Kern Canal), all within T29S, R27E (D.O.G.G.R. Map 435);
- c. An area zoned DI (drilling island district) zone or PE (petroleum extraction combining district) zone.

B. Well sites and/or production operations shall be prohibited in the following areas in the city: primary floodplain of the Kern River, except that area located within the state approved boundary of the Kern River oil field as delineated on Map 457 of the D.O.G.G.R.

C. Drilling by Conditional Use Permit. Class 1 permits shall not be issued until a conditional use permit is granted by the ~~board of zoning adjustment (B.Z.A.)~~ planning commission pursuant to Chapter 17.64 (~~Modifications~~ Director Review and Approval, Conditional Use Permits, Amendments and Appeals), except that a conditional use permit shall not be required for any well on a lot within an approved tentative or recorded subdivision map that is specifically identified as a drill site for the extraction of petroleum, gas, and/or other hydrocarbons. Any conditions required under the conditional use permit shall be in addition to those imposed by this chapter for a Class 1 permit. The planning commission may modify any condition set forth in the development standards and conditions if it determines that there will be no material detriment to the public welfare or safety of persons and property located within a reasonable distance of such a well.

1. In addition to the application requirements for a conditional use permit pursuant to Chapter 17.64 (~~Modifications~~ Director Review and Approval, Conditional Use Permits, Amendments and Appeals), an applicant shall also submit the following:

- a. A plot plan or site development plan drawn at the scale specified by the planning director, which includes the following information:
 - i. Topography and proposed grading.

ii. Location of all proposed well holes and related accessory equipment, structures, and facilities to be installed and any abandoned wells if such are known to exist.

iii. Location of all existing dwellings and buildings used for other purposes, located within three hundred feet of the proposed well holes, identification of the use of each structure, and distances between well holes and existing buildings.

iv. North arrow.

b. Narrative description of the proposed development, including:

i. Acreage or square footage of the property.

ii. Nature of hydrocarbon development activity.

iii. Description of equipment to be used, including height of derrick.

iv. Distance to all existing buildings.

v. Phasing or development schedule.

c. A copy of the letter, or other official documentation, from D.O.G.G.R. containing the name and address of the operator of record, if any, as shown in D.O.G.G.R. records as of thirty days prior to the date the conditional use permit application is submitted to the planning department or a written statement from D.O.G.G.R. that there is no party of record with D.O.G.G.R. relative to the subject site.

d. Additional information may be required, as part of an application for a conditional use permit, as provided in Chapter 17.64 (Modifications [Director Review and Approval](#), Conditional Use Permits, Amendments and Appeals).

2. Notice of the public hearing shall be expanded to include property owners within one thousand feet of the property line containing the well site subject of the hearing and the operator of record as shown in D.O.G.G.R. records as of thirty days of the date of application for a conditional use permit.

3. If a producing well or service well is not commenced upon land subject to the terms of the conditional use permit, or within any extended period thereof, the conditional use permit shall expire and the premises shall be restored

as nearly as practicable to its original condition. No permit shall expire while the permittee is continuously conducting drilling, re-drilling, completing or abandoning operations, or related operations, in a well on the lands covered by such permit, where operations were commenced while said permit was otherwise in effect. Continuous operations are operations suspended not more than thirty consecutive days.

4. Any permit issued pursuant to the provisions of this subsection may be revoked or modified pursuant to Section 17.64.060(H).

D. The owner or operator of any well permitted by this chapter shall provide the director of prevention services, or designee, a copy of the written notice to the D.O.G.G.R. of the sale, assignment, transfer, conveyance, or exchange by the owner or operator of the well within thirty days after the sale, assignment, transfer, conveyance, or exchange. In addition, the owner or operator shall also acknowledge that they have notified the new owner or operator of all existing terms and conditions of the city's permit.

E. Modification to any standards in this chapter may be approved by the ~~B.Z.A.~~ planning director pursuant to the provisions of Chapter 17.64.

F. Every permit issued by the director of prevention services, or designee, under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one year from the date of such permit. Before such work can be recommenced, a new permit shall be first obtained to do so, to determine if the permit classification as defined in subsection A of this section has changed.

G. The director of prevention services, or designee, may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error on the basis of incorrect information supplied by the applicant which results in there being a violation of any ordinance or regulation or any of the provisions of this chapter.

H. Any city official or employee, for the purpose of reviewing a permit application, transfer of operation/ownership, complaint, compliance or any other investigation pursuant to the chapter, shall have the right to enter upon the premises for inspection provided they give prior notice of such to the operator.

I. Well sites and production operations established prior to September 19, 1992, may continue to operate pursuant to permits issued for them, and shall be exempt from the new the provisions of this chapter. However, significant changes or modifications that necessitate new permits as required by the director of prevention services, or designee, or ~~B.Z.A.~~ the planning director, shall be required to comply with the provisions of this chapter or obtain modifications as permitted in subsection E of this section.

J. The city may impose fees to offset the costs associated with permit processing and condition monitoring pursuant to Chapter 3.70.

K. Attainment of permits pursuant to this chapter does not relieve the applicant of the responsibility in obtaining permits as required by law from other local, state or federal agencies. All required federal, state, county, and city rules and regulations shall be complied with at all times including, but not limited to, the rules and regulations of the following agencies:

1. Division of Oil, Gas and Geothermal Resources;
2. City of Bakersfield fire department;
3. Kern County health department;
4. Regional Water Quality Control Board;
5. San Joaquin Valley Unified Air Pollution Control District.

SECTION 15.

Section 15.72.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.72.040 Historic preservation commission—Powers and duties.

The commission shall have the following powers and duties:

A. Establish criteria and conduct or cause to be conducted a comprehensive survey of properties within the boundaries of the city, and publicize and periodically update survey results.

B. Adopt specific guidelines for the designation of cultural resources, including landmarks, landmark sites, and historic districts.

C. Maintain a local register of designated cultural resources, designated historic districts and designated areas of historic interest.

D. Review and correspond with the city council and city departments as to matters as they relate to the cultural resources of the community.

E. Assist in recommending prescriptive standards to be used by the council in reviewing applications for permits to alter, remove, preserve, protect, reconstruct, rehabilitate, restore or stabilize any designated cultural resource or historic district.

- F. Recommend to the city council the purchase of fee or less-than-fee interests in property for purposes of cultural resource preservation and designation.
- G. Investigate and report to the city council on the use of various federal, state, local, or private funding sources and mechanisms available to promote cultural resource preservation in the city.
- H. Preserve, restore, maintain, and operate designated cultural resources and historic properties owned or controlled by the city.
- I. Recommend for approval or disapproval, in whole or in part, applications for cultural resource, historic district, or area of historic interest designation pursuant to procedures set forth in this chapter.
- J. Review and comment on applications for land use decisions as such applications may be referred to the commission by the planning commission, ~~the board of zoning adjustment~~ or the city council. Comments and recommendations shall be forwarded to the referring body.
- K. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.
- L. Provide information, upon the request of the property owner, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource or property within a historic district or area of historic interest.
- M. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources, historic districts and areas of historic interest.
- N. Perform any other functions that may be designated by the city council.
- O. Meet at irregular intervals as determined by the city manager or his or her designee. All meetings shall be noticed and open to the public.
- P. Quorum. Three members of the commission shall constitute a quorum for the transaction of business.
- Q. Identify as early as possible conflicts between the preservation of cultural resources and alternative land uses and make recommendations to the appropriate legislative body.

R. Establish a procedure for the review of and comment on historic preservation certification applications for federal tax incentives for both designated cultural resources and designated historic districts.

SECTION 16.

Section 15.74.180 of the Bakersfield Municipal Code is hereby amended to read as follows:

15.74.180 ~~Board of zoning adjustment~~ Planning commission designated.

A. The ~~board of zoning adjustment~~ planning commission, as established by Section 2.28.09~~30~~³⁰ of this code, is designated to hear and decide appeals and requests for exemptions from the requirements of this chapter. Except as may be required in connection with other proceedings with which determination on a requested exemption is combined, no public hearing is required. The decision of the ~~board of zoning adjustment~~ planning commission on appeals and requests for exemptions shall be final.

B. The ~~board of zoning adjustment~~ planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the administrator of this chapter.

C. In passing upon appeals and requests for exemption, the ~~board of zoning adjustment~~ planning commission shall consider all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed uses that are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system and streets and bridges.

D. Generally, exemptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection D of Section 15.74.190 has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of subsection D of Section 15.74.190 and the purpose of this chapter, the city of Bakersfield board of zoning adjustment may attach such conditions to the granting of exemptions as it deems necessary to further the purpose of this chapter, and upon the issuance of any exemption to construct a structure below the base flood level that notice will be given that increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of coverage may result, and that such construction below the base flood level increases the risk to life and property. The board of zoning adjustment may require the flood plain administrator to record a copy of this notice in the office of the county recorder in such a manner that it appears in the chain of title of the affected parcel of land.

F. The floodplain administrator shall maintain a record of all appeal actions, including the justification for the issuances of any exceptions, and report such exceptions issued in required reports submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

SECTION 17.

Section 17.04.155 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.04.155 Conditional uses.

"*Conditional use*" is a use which requires special review and control by the ~~board of zoning adjustment~~ planning commission or the city council to ensure compatibility with other existing or permitted uses in the vicinity.

SECTION 18.

Section 17.08.180 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.08.180 Fence, walls and hedges—Regulations.

A. In the R-1, R-2, R-3 and R-4 zones, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet unless a greater height is required by city or state regulations for noise attenuation or sight screening. On all through lots located in these zones in which the rear lot line abuts a state highway, major highway or secondary highway and is below the grade of the roadway, at the roadway grade, or less than ten feet above the roadway grade, a masonry wall as defined by Section 17.04.462 shall be provided.

B. In the R-1, R-2, R-3 and R4 zones, no fence, wall or hedge located in the required front yard shall exceed a height of four feet, except in the following situations, in which such fence or wall may be higher but shall not exceed a height of six feet:

1. Where, as determined by the planning commission, a side yard is adjacent to an arterial or collector street and a higher wall is necessary to finish the required subdivision wall.

2. Where, as determined by the city council, planning commission, or ~~board of zoning adjustment~~ planning director, a higher fence or wall is necessary for purpose of noise attenuation.

C. Reserved.

D. In the R-1, R-2, R-3 and R-4 zones no barbed or electrified wire shall be used or maintained in or about the construction of a fence, wall or hedge along the front, side or rear lines of any lot, or within three feet of said lines, and no sharp wire or points shall project at the top of any fence or wall less than six feet in height.

E. In the C-O, C-C, C-1, C-2, M-1 and M-2 zones no barbed or electrified wire shall be erected, installed, used or maintained or caused to be erected, installed, used or maintained on, in or about any fence, wall or hedge along the front, side or rear lines of any lot, nor shall any barbed wire be erected, installed, used or maintained or caused to be erected, installed, used or maintained, for fencing purposes, or as a barrier across or around any lot, or portion thereof, or around any building or structure upon or along any street, alley or public way, unless the lowest strand of barbed wire is installed not less than six feet three inches above the highest adjoining grade on either side of such fence; where barbed or electrified wire is erected, installed, used or maintained in accordance with this subsection, it shall not extend over or into any abutting property or public right-of-way and shall, in all cases, either extend in toward the owner's side of such fence or directly vertical, subject to approval by the building director.

F. In the A zone barbed or electrified wire for agricultural fencing purposes shall be permitted to be erected, installed, used or maintained at locations at least one thousand three hundred feet from any residential area as defined in Section 17.32.020, and not otherwise, subject to approval by the building director.

G. Fences constructed prior to September 1, 1983, intended to act as protective enclosures and to make canals inaccessible to small children, are exempted from the restrictions of subsections D, E and F of this section.

SECTION 19.

Section 17.45.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.45.050 Permits.

Before that portion of any nonconforming structure which exceeds the height limitation established by the airport approach zoning map and Section 17.45.020 may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the ~~board of zoning adjustment~~ **planning director** authorizing such structural alteration, replacement, reconstruction or change. These portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein without securing such a permit unless such structural alteration, repair, addition, or enlargement exceeds the applicable height limitation. No such permit shall be granted that would allow the creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard

to air navigation than it was on the date that this chapter was made applicable to a particular airport. All other applications for such permits may be granted.

SECTION 20.

Chapter 17.56 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.56.010 Definitions.

~~A. "Board of zoning adjustment" means the board of zoning adjustment of the city.~~

AB. "Building official" means the chief building inspector of the city.

BC. "Fallout shelter" means a structure designed and used exclusively for the purpose of protecting human life from the effects of nuclear weapons.

CD. "Yard area" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this title surrounding a building.

17.56.020 Permit required.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any fallout shelter in the city or cause the same to be done, without first obtaining a permit from the building official of the city.

17.56.030 Zoning.

A fallout shelter may be constructed in and shall be a permissible accessory use in any land use zone within the city, provided, that the structure is built in compliance with all regulations and restrictions applicable to such zoned area under Title 17 of this code entitled Zoning, including but not limited to front yard, side yard and setback regulations, with the exception of those **modifications to zoning regulations or restrictions which have been waived by the board of zoning adjustment approved within a director review and approval permit** or the city council as provided in Section 17.56.040.

17.56.040 Waiver of restrictions.

A. When special circumstances exist which are applicable to a parcel of property upon which any interested person desires to construct a fallout shelter such as size, shape, topography, location, surroundings, access or similar physical factors which make it impossible for the applicant to comply with all zoning regulations or restrictions which would otherwise be applicable to such property, the applicant may file a verified application **for a director review and approval**

with the ~~board of zoning adjustment~~ planning director requesting that such regulations or restrictions be modified or waived.

B. The ~~board of zoning adjustment~~ planning director shall hold a public hearing on said application within ten days after the application is filed consistent with Section 17.64.050 (Hearings—Notices) at which time the ~~board~~ planning director may either grant or deny the application.

C. In granting any such application the ~~board~~ planning director may impose such conditions as it ~~may~~ deemed necessary or desirable to protect the neighborhood or adjoining properties.

17.56.050 Shelters within front and side yard areas.

Notwithstanding any provision in Section 17.56.040 to the contrary, a fallout shelter shall not be permitted by the ~~board of zoning adjustment~~ planning director in any front yard or any side yard as defined in Title 17 of this code unless the following conditions are satisfied:

A. The fallout shelter will not protrude above the existing grade of the lot, with the exception of ventilators and entrance ways;

B. The entrance ways will not exceed twenty-four inches in height above the existing grade of the lot;

C. Projecting vents will not exceed more than thirty-six inches above the existing grade of the lot;

D. The structure will not be located closer than five feet to the front property line, the official plan line or the future street line as defined on official master plans.

17.56.060 Appeal.

A. Any person who is dissatisfied with the decision of the ~~board of zoning adjustment~~ planning director concerning any matter affecting his application for the installation of a fallout shelter may appeal to the ~~city council~~ planning commission.

B. All decisions of the ~~board of zoning adjustment~~ planning director acting under the authority of this chapter shall be final and conclusive upon the expiration of ten days following the decision of the ~~board~~ director unless a written appeal is filed with the ~~city council~~ planning department within said ten-day period.

C. The ~~secretary of the board of zoning adjustment~~ planning director shall cause a written notice of the decision to be mailed to the applicant.

17.56.070 Structural standards.

Each fallout shelter must conform to the requirements of Chapter 15.12.

17.56.080 Time limit for construction pursuant to waiver of restrictions.

Any waiver of restrictions granted pursuant to Section 17.56.040 shall be null and void if the applicant does not exercise the privilege of constructing a fallout shelter within six months following the date the application is granted by the ~~board of zoning adjustment~~ planning director or by the ~~city council~~ planning commission.

17.56.090 Use restricted.

A. Any fallout shelter which has been constructed in a front or side yard area pursuant to Section 17.56.040 shall not be used for any purposes other than protection from nuclear fallout and the storage of emergency supplies.

B. The use of such a shelter for purposes other than those referred to in this section shall constitute a public nuisance.

17.56.100 Covenant to remove.

Whenever any application for a waiver of restrictions is granted pursuant to Section 17.56.040 the owner of the property upon which the fallout shelter is to be constructed shall record a covenant in the chain of title for the benefit of the city stating that the owner and his successors in interest will remove said fallout shelter within six months after the adoption by the city council of a resolution declaring that such shelters are no longer necessary for the protection of human life.

SECTION 21.

Section 17.59.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.59.020 Review process.

A. All wireless telecommunication facilities not in the public right-of-way, including antennas, towers, mounted poles, and satellite dishes shall be subject to review as follows:

1. Exemptions. The following installations are exempt from the provisions of this chapter:

a. The installation of one ground-mounted satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than ten feet in diameter and less than fifteen feet in height and complies with all applicable accessory structure setbacks.

b. One satellite dish antenna for the private, personal use of the occupants of a dwelling, which is less than twenty-four inches in diameter installed on a building providing that such antenna does not extend above the roof-line of the building.

c. One single-pole, tower roof, or ground-mounted television, or amateur radio antenna for the private, personal use of the occupants of a dwelling provided such antenna is no more than sixty-five feet in height from grade and complies with all applicable accessory structure setbacks.

B. Planning Director Review **and Approval**. The following shall be reviewed by the planning director or designee, prior to the issuance of a building permit. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly shows how the proposed facilities will meet the required development standards.

1. Antennas mounted on a building or rooftop and that are screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

2. Antennas architecturally integrated within a building or structure, or concealed so as not to be recognized as an antenna, such as clock towers, carillon towers, flagpoles, and steeples. These antennas may be permitted in any zone district.

3. Antennas mounted on other existing structures including, but not limited to, water tanks, pump stations, utility poles, field lighting and signs (excluding outdoor advertising structures), where the antenna height does not exceed the structure height nor project more than eighteen inches from the structure. The antennas shall also be painted to match the color of the building or structure, and/or be covered or architecturally screened with materials using the latest stealth design features so that it is indistinguishable from the main structure. These antennas may be permitted in any zone district.

4. Antennas mounted on existing electrical transmission towers in any zone district where the antenna height is no more than ten feet above the height

of the tower, the antenna blends with the architectural design of the tower, and the utility company has given written permission for such co-location.

5. Co-location of new equipment on an existing legally approved antenna or tower that blends with the architectural design of the existing facility and meets all other requirements of this chapter.

6. Modification of existing telecommunications facilities that existed prior to the effective date of the ordinance codified in this chapter where the physical area of the reconfigured or altered antenna does not exceed twenty-five percent of the original approval, blends with the architectural design of the existing facility, and meets all other requirements of this chapter.

7. Stand-alone monopole camouflaged as a palm tree, pine tree or other natural object.

8. Stand-alone slim-line monopole with flush-mounted vertical antennas employing the latest stealth design features. A slim-line monopole shall measure no more than twenty-four inches in diameter at the base that tapers smaller toward the top. The maximum distance of antenna arrays projecting from the pole shall not exceed eighteen inches.

C. ~~Board of Zoning Adjustment~~ Director Review and Approval. The following shall be reviewed by the ~~board of zoning adjustment~~ planning director, subject to a ~~conditional use~~ director review and approval permit in accordance with Chapter 17.64. The applicant shall include with their plans all drawings, renderings, photographs and other necessary documents that clearly shows how the proposed facilities will meet the required development standards.

1. Facilities that do not meet the requirements of subsection B of this section or the development standards in Section 17.59.030.

2. New uncamouflaged monopoles.

3. All other wireless communication facilities not in the public right-of-way, including lattice towers.

4. Placement of a commercial antenna or satellite dish antenna on any building not screened from view from all adjacent public rights-of-way and adjacent residentially zoned or designated properties.

5. On property zoned or designated residential, residential suburban, agricultural, or open space unless otherwise provided by this chapter.

SECTION 21.

Section 17.60.020 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.60.020 Permits.

A. Permit Required. No sign shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected, re-erected, installed, altered or otherwise permitted or maintained without first obtaining a permit from the building director in accordance with the requirements of this chapter and Chapter 15.36 of this code.

B. Permit Not Required. Regardless of subsection A of this section, permits from the building director are not required for the following signs:

1. Real estate sales, rent, lease or open house; construction/home improvement, future facility use or tenant signs, and agricultural signs not exceeding sixteen square feet in area and six feet in height, placed on the property subject to such sign;

2. Changing of the advertising copy or message on a theater marquee, readerboard, menuboard, or similar such sign;

3. Repainting or cleaning of an outdoor advertising structure or changing the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;

4. Nonilluminated promotional window sign as regulated by the zone district in which it is located;

5. Garage/yard sale and estate sale signs, pursuant to the requirements of Section 17.60.060(B);

6. Noncommercial signs, pursuant to the requirements of Section 17.60.070(C);

7. Flags for model homes as regulated in the residential districts;

8. Nameplate, as regulated;

9. Signs that are exempt as specified in Section 17.60.080;

10. Nonprofit special event signs subject to the provisions of Section 17.60.070(B)(5);

11. Pole banners, pennants/streamers in compliance with the provisions of Sections 17.60.060(B)(4) and (5) .

C. Other Actions. Uses permitted under conditional use permits, wall and landscape plans, zone changes, specific plans, and other such projects may include signage as part of and in accordance with the permit or project. The ~~board of zoning adjustment~~, planning commission, or city council may approve, deny, limit or grant modifications to such signage consistent with the provisions of this chapter. If a comprehensive sign plan is required as a condition of approval for such project, a separate application for said plan shall be required pursuant to Section 17.60.030.

D. Exceptions. The building director may, in writing, grant exceptions to the following sign regulations provided it has been determined that strict application of the provisions of this chapter places an unnecessary hardship in satisfying the purposes of this chapter:

1. Reduction of the minimum sign setbacks or minimum distance between signs of not more than ten feet;

2. Signage on properties having no street frontage; provided, that any such sign permitted shall not exceed the regulations as delineated by the zone district in which they are located;

3. Additional on-site residential project identification signs, not to exceed two additional per project, or an increase in sign area of one residential identification project sign to sixty-four square feet;

4. An increase of a monument sign located within a commercial or industrial zone district to sixty square feet in area and twelve feet in height, provided the total number of monument signs per street frontage shall not exceed two signs and no pylon sign exists along that street frontage or will be permitted.

E. Modification of Regulations Not Permitted. Signs shall only be permitted provided they meet the regulations of the zone district in which they are located for that type of sign. With the exception of subsection D of this section or Section 17.60.030 regarding comprehensive sign plans, no waivers of, exceptions to, or modification of any regulation of this chapter shall be permitted.

F. Fees. The city may impose fees to offset the costs associated with permit administration and monitoring pursuant to Chapter 3.70.

SECTION 22.

Section 17.60.030 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.60.030 Comprehensive sign plans.

The comprehensive sign plan is a program that may allow developers or business owners of a shopping/business center or other such project, to request special consideration of signs that are specifically integrated into the overall architectural style or theme for that project. Because signage can play an important role in the overall site design in order to set it apart from other similar projects, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development. However, it is not the intent of this section to be used to request relief of the sign regulations in order to circumvent any requirements or purpose of this chapter.

A. General Requirements. Any person may file with the city a comprehensive sign plan application for only the following projects:

1. Shopping/business center developments as defined in this title, including office and industrial complexes. The application for the plan shall be signed by more than fifty percent of the property owners, not including royalty interests, of the real property constituting the center.

2. PCD (planned commercial development) projects.

3. Areas covered by a specific plan where signage was not identified in said plan.

4. Public and semi-public institutional projects.

5. Neighborhood/subdivision identification sign program. This program is limited to developments of one hundred acres or more that have frontage along an arterial and/or collector street of one-half mile or more.

B. Condition of Project Approval. Comprehensive sign plans may be required by the city council, or planning commission, ~~or board of zoning adjustment~~ as part of any project approval as specified in Section 17.60.020(C).

C. Application Information. Any comprehensive sign plan application shall be submitted to the planning department on a form provided by that department. Information submitted shall include, but is not limited to, location, size, height, color, lighting, number, visual effects, and orientation of all proposed and existing signs as they pertain to the comprehensive sign plan.

D. Authority and Review. The planning commission shall have the authority under the conditions provided in this chapter to permit the utilization of comprehensive sign plans and may approve signs that are more or less restrictive than the sign regulations set forth in this chapter.

1. All comprehensive sign plan requests shall be heard by the planning commission at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing before the planning commission at least ten days before hearing.

2. Exceptions to the sign regulations in this chapter may be permitted, provided the planning commission finds that the comprehensive sign plan as a whole is in conformity with the purpose of this chapter and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.

3. The planning commission may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.

4. The planning commission shall either approve, conditionally approve or disapprove the comprehensive sign plan at the public hearing. All decisions by the planning commission are final and conclusive.

5. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.

6. Where an application for a comprehensive sign plan has been denied by the planning commission, no reapplication or new application for the same or nearly the same such plan on the property shall be considered for a period of one year from the date of the decision. However, where a change has occurred which, in the discretion of the planning commission, indicates that the new application is significantly different and that reconsideration would serve the public interest, this time period may be waived provided the planning commission makes such a finding.

7. The planning director may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

E. Future Signs. A comprehensive sign plan may be approved where signs for satellite pads or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of the C-1 zone district.

F. Existing Signs as Part of a Comprehensive Sign Plan. If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.

G. Permits Prohibited Until Decision Rendered. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the planning commission.

H. Withdrawal of Plan. An approved comprehensive sign plan may be withdrawn by the applicant provided: (1) it is not required as a condition of project approval; (2) no signs have been installed pursuant to such plan; (3) all signs installed since approval of said plan comply with the requirements of the zone district in which they are located; or (4) all signs in the center or project comply with the provisions of the zone district in which they are located. The withdrawal shall be submitted in writing to the planning department.

I. Binding Effect. After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this chapter. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this chapter, the approved plan shall control.

SECTION 23.

Section 17.62.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.62.050 Permit review procedure.

A. Application. A conditional use permit shall be required for all applications for a surface mining operation or land reclamation project, including any reclamation plan and financial assurance. The application for the permit shall be filed with the planning director on forms provided by the director, and shall include all information as necessary to meet city ordinances, CEQA, SMARA and any other information that the director finds necessary to ensure that the project can be adequately evaluated.

B. Authority. The ~~board of zoning adjustment (BZA)~~ **planning commission** shall have the authority to grant or deny, subject to appeal to the city council, the following:

1. A conditional use permit to conduct surface mining operation;

2. A reclamation plan;
3. Financial assurance for reclamation of mined lands;
4. Amendments to any term, condition or other consideration regarding a surface mining operation, reclamation plan or financial assurance;
5. An interim management plan as defined in SMARA for idle surface mining operations;
6. Environmental determinations concerning the conditional use permit for surface mining operations;
7. Revocation of the conditional use permit.

C. Review Process. The procedures contained in Chapter 17.64 relating to processing a conditional use permit, including but not limited to, notice, public hearings, permit rights and restrictions, extensions and appeals shall apply to any project regulated by this chapter.

D. Additional Notice. In addition to the notice required under the conditional use procedure and CEQA, notice shall also be provided as follows:

1. Within thirty days of acceptance of an application as complete, the Planning Director shall notify the State Department of Conservation of the filing of the application.

2. If mining operations are proposed in the one hundred-year floodplain of any watercourse as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the planning director shall notify the State Department of Transportation that the application has been received.

3. The above notifications may be combined with any other notice or consultation necessary to meet CEQA requirements.

E. Agency Consultation and Comments. In addition to the consultation and comment period required by city ordinance and CEQA, the State Department of Conservation shall be given thirty days to review and comment on a reclamation plan and forty-five days to review and comment on a financial assurance (PRC Section 2774(d)). The ~~BZA~~ planning commission shall consider all written comments received, if any, from the State Department of Conservation and any other person or agency during the comment period.

F. Required Findings. In addition to any findings required by Chapter 17.64 for conditional use permits, an approval for a surface mining operation, reclamation plan and financial assurance shall include findings that the project complies with the provisions of SMARA and related state regulations.

G. Distribution of Final Decision. In addition to the final decision being distributed to interested persons and/or agencies as may be required by city ordinance and CEQA, a copy of each approved and/or amended conditional use permit for a surface mining operation, reclamation plan and/or financial assurance shall also be forwarded to the State Department of Conservation.

H. Amendments. Amendments to any approved surface mining operation, reclamation plan and/or financial assurance, shall be processed in the same manner as a new application.

SECTION 24.

Section 17.63.050 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.63.050 Appeal.

A. Should any applicant be dissatisfied with the decision of the planning director not to grant a permit or for the revocation of a permit, then said applicant or permit holder may, no later than ten days after notice of such decision is deposited in the United States mail addressed to the applicant or permittee at the address provided on the application, appeal the decision to the ~~board of zoning adjustment~~ planning commission by filing such appeal with the planning department.

B. The ~~secretary to the board of zoning adjustment~~ planning director shall set the date for hearing the appeal at a regular meeting within a reasonable time following filing of the appeal. Notice of the appeal shall be given in the same manner as required in Section 17.64.050.

C. The ~~board of zoning adjustment~~ planning commission may sustain, suspend, or overrule the decision of the planning director. Their decision shall be final and conclusive.

D. Pending the hearing before the ~~board of zoning adjustment~~ planning commission, the decision of the planning director shall remain in full force and effect, and any reversal by the ~~board of zoning adjustment~~ planning commission shall not be retroactive but shall take effect as of the date of the ~~board~~ commission's decision.

SECTION 25.

Section 17.66.180 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.66.180 Appeals.

A. A determination by staff of the provisions of this chapter may be appealed to the planning commission. The action of staff shall be final unless, within ten days of their decision, the applicant or any other person appeals in writing to the planning commission by filing such appeal with the planning director and paying appropriate fees.

B. A determination by the planning commission ~~or board of zoning adjustment~~ pursuant to this chapter may be appealed to the city council pursuant to the appeals procedures of Chapter 16.52 in the case of subdivision map approvals, or Chapter 17.64, in the case of ~~modifications~~ director review and approval, conditional use permits, or zone changes.

C. On appeal, the city council or planning commission may grant modifications from the provisions of this chapter where the appellant clearly demonstrates a practical difficulty in carrying out a specified provision. In granting the modification, the city council or planning commission shall first find that the strict application of a specified provision is impractical and that the modification is in conformance with the intent of this chapter that the modification does not lessen any fire protection or other public safety requirements and/or serves to protect views as required by this chapter.

SECTION 26.

Section 17.68.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.68.040 Changes or expansion to legal nonconforming uses.

The ~~board of zoning adjustment~~ planning commission or city council may allow changes or expansions to legal nonconforming uses as set forth in subsections A through D of this section. They shall use the procedures adopted for conditional use permits according to Chapter 17.64, except that they shall make findings set forth in subsection E of this section.

A. A legal nonconforming use may be changed to another nonconforming use of the same or more restrictive nature.

B. A structure occupied by a legal non-conforming use that has ceased or been abandoned according to Section 17.68.030(C) may be permitted to be

used for the same or more restrictive use if the structure cannot be used for any use consistent with the zone district in which it is located.

C. A legal nonconforming use may be enlarged, expanded, or extended when such use is necessary due to economic market demands for the goods, products, or services provided.

D. Time restrictions specified in Sections 17.68.020(A), 17.68.030(C), (H), or 17.68.060 may be extended.

E. The ~~board of zoning adjustment~~ planning commission or city council shall make the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

2. The proposed change or expansion of the legal nonconforming use is consistent with the intent and purpose of the ordinance that caused the use to become nonconforming.

3. The change or expansion of the nonconforming use will have a positive impact on the surrounding conforming uses and the area overall.

4. Other property where the use would be conforming is unavailable, either physically or economically.

5. No other appropriate remedies are available to bring the use into conformance, including amending the zone district boundary and/or zoning ordinance text.

SECTION 27.

Section 17.71.040 of the Bakersfield Municipal Code is hereby amended to read as follows:

17.71.040 Additional standards for specific uses.

In addition to the general standards contained in Section 17.71.030, the following shall apply to the specific use identified below:

A. Parking Lots and Garages.

1. Lighting shall be in accordance with the provisions in Section 17.58.060(B).

B. Outdoor Performance, Sports, and Recreation Facilities.

1. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings within the project site. Illumination should be no greater than the minimum recommended levels established by the Illuminating Engineering Society of North America (IESNA) for the type of activity. Illumination should also meet, without exceeding, the IESNA recommendations for the IESNA defined illumination class appropriate for the predominant use of the facility.

2. The main lighting shall be turned off within one hour or as soon as possible following the end of an event. Where feasible, a low level lighting system may be used immediately following events to facilitate patrons leaving the facility, cleanup, maintenance, and other closing activities.

3. Because lighted fields and other lighted outdoor facilities may also be subject to discretionary approval, operational regulations, and the standards in this chapter may be further restricted, modified or otherwise conditioned by the ~~board of zoning adjustment~~ planning director, planning commission, or city council.

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

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

AYES: COUNCILMEMBER: RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, PARLIER
NOES: COUNCILMEMBER: _____
ABSTAIN: COUNCILMEMBER: _____
ABSENT: COUNCILMEMBER: _____

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

APPROVED:

By: _____
KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
JOSHUA RUDNICK
Deputy City Attorney



BAKERSFIELD

THE SOUND OF *Something Better*

MEMORANDUM

June 30, 2020

TO: PLANNING AND DEVELOPMENT COMMITTEE
Bruce Freeman, Chair
Bob Smith
Willie Rivera

FROM: Steve Esselman, Principal Planner

THRU: Christopher Boyle, Development Services Director

SUBJECT: General Plan Progress Report

This report is intended to provide information on the current status of progress toward updating the General Plan. A presentation by Rincon Consultants will accompany the report at the Planning and Development Committee meeting. Status reports have been provided to this Committee periodically, most recently on May 21, 2019 (see [Attachment 1](#)).

BACKGROUND – EXISTING GENERAL PLAN

In accordance with California Government Code Section 65300, the City and the County of Kern jointly adopted the *Metropolitan Bakersfield General Plan* (MBGP) and certified the associated programmatic Environmental Impact Report (EIR) in 2002 to plan for the long-term future development of the Metropolitan Bakersfield area. The 2002 MBGP included an update to the text of the previous 1990 General Plan and made minor revisions to the land-use map designations that had originally been prepared in the late 1980's. Staff prepared text changes “in-house” and a Consultant assisted in preparation of the EIR.

The MBGP contains seven elements as required by state law, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Two additional elements reflect the specific needs and objectives of the area, including a Public Services and Facilities Element and Parks Element. The MBGP also includes a reservation for the “Kern River Plan Element,” which was jointly adopted by the City and County in 1985. The MBGP can be found on the City’s website (www.bakersfieldcity.us/ds).

In the 17 years since adoption of the MBGP, various updates have occurred to maintain compliance with State law (see Table 1). However, there have been two considerable changes to the local landscape:

1. The County of Kern has moved forward with its own General Plan update, and will no longer maintain a “joint” Plan with the City of Bakersfield. Though the County and City will now have independent plans, the physical

and political geography of the area remain highly integrated. This will necessitate continued coordination in the future, which must be articulated in the current update process.

2. Changes continue in State law, local ordinances, growth patterns, and the needs of the community.

These factors warrant preparation of an updated “Bakersfield General Plan” (BGP) to direct growth for the next 20 - 30 years; and an accompanying environmental analysis that identifies the specific impacts of the new growth and appropriate methods to address and mitigate those impacts.

Element	Update	Description
Land Use	Quarterly	Property Owner Requests; per SB 244, SB 1241, AB 162, GC 65302, etc.
Circulation	2018	Clean-up to reflect constructed Freeways and Infrastructure
Housing	2015	2015-2023 Housing Element approved per State Law
Conservation	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Open Space	2002	Past updates
Safety	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Noise	2006	Past updates

BACKGROUND – UPDATING THE EXISTING GENERAL PLAN

There are many methods and ways that the 2002 General Plan can be updated, and each has varying degrees of complexity and costs. [Attachment 2](#) of this Memorandum includes a Whitepaper analysis that lays out additional details and history of the existing General Plan and the process toward updating.

It is important to engage the City Council and our local community on the best steps to approach the update to the General Plan. Therefore, on October 16, 2019, the Planning Division released a Request for Proposals (RFP) for the preparation of a comprehensive analysis and recommendations for options in pursuing an update to the City’s General Plan. The RFP ([Attachment 3](#)) closed on November 15, 2019 and the City Council approved a contract with Rincon Consultant Inc. for \$49,764.00 at its January 22, 2020 meeting.

The purpose of the preparation of a “General Plan Update Strategy and Options Report” is to review the City’s 2002 General Plan, focusing on its content, clarity and intended purpose, assess the completeness and ease of use associated with the City’s General Plan, and where appropriate, recommend additional provisions or other improvements. The goal of Rincon’s analysis is to gain a clear understanding of the issues and expectations and create a reasonable range of options for a general plan update process. The report identifies three distinct options the City can take to ensure that the updated General Plan will effectively and efficiently provide a roadmap to guide future development while achieving the City’s vision and goals.

The report presents findings which focus upon three scaled options for the general plan update:

1. A Focused Update. Update all legally required elements but no parcel-specific land use designation updates;
2. A Policy Update. Focused Update option plus specific, locally important policy driven updates within some or all the existing Metropolitan Bakersfield General Plan elements and limited parcel-specific existing land use designation updates; and
3. A Comprehensive Update Overhauls all sections and technical information, incorporates all new State planning laws and guidance regarding General Plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations.

The summary report analyzes each of the approaches and includes the consultant's findings and recommendations as to the most suitable approach.

NEXT STEPS

In order to ensure full consideration and multiple opportunities for public engagement in this preliminary stage of the update process, the General Plan Update Strategy and Options Report will be presented during several public meetings for review and comment as follows:

- **6/30/2020 - Planning & Development Committee.** The consultant will provide a brief presentation of the General Plan Update Strategy and Options Report as an accompaniment to this report at the Planning and Development Committee.
- **7/13/2020 - Planning Commission.** The report will be presented to the Planning Commission.
- **8/12/2020 - City Council (tentative):** The Council will be presented with the Report, any public comments received, and the comments and recommendations of the Planning & Development Committee and the Planning Commission. The full City Council will then have the option of providing direction to staff on a specific option to move forward with, or engage in further discussion.
- **Fall/Winter 2020 - Begin General Plan Update.** Staff will begin preparations of an RFP for a full proposal to update the City's General Plan, in compliance with the option selected by the City Council.

ATTACHMENTS

1. Planning and Development Committee – May 21, 2019
2. General Plan Update Whitepaper
3. RFP for General Plan Update Strategy and Options
4. Final Draft General Plan Update Strategy and Options Report



Development Services Department
Jacquelyn R. Kitchen, Development Services Director

MEMORANDUM

May 21, 2019

TO: PLANNING AND DEVELOPMENT COMMITTEE
Bruce Freeman, Chair
Chris Parlier
Bob Smith

FROM: JACQUELYN R. KITCHEN, DEVELOPMENT SERVICES DIRECTOR *JK*

SUBJECT: General Plan Update Strategy & Options Request for Proposal

This item is an update on an ongoing topic before the Planning and Development Committee.

Background

On May 10, 2019, the Development Services Department sent out a Request for Proposals (RFP) to qualified consultants to prepare a General Plan Update Strategy & Options document. The document is to provide a comprehensive analysis and recommendations for: 1) at least three (3) options to approach the upcoming update to the City's General Plan and 2) anticipated schedule and cost for each option.

Update Options (to be included in proposal):

1. **Focused Update.** All legally required updates to specific Elements within the MBGP and addition of any newly mandated Elements; No parcel-specific updates to existing land use designations.
2. **Policy Update.** "Focused" option content plus specific, locally important policy driven updates within some or all Elements of the MBGP; Limited parcel-specific updates to existing land use designations.
3. **"Other" Update.** Optional third option, parameters to be designed by responder incorporating all new State laws and guidance regarding General Plan updates.

Project Objectives (to be evaluated within each Option):

- a. Within each Element, identify the various options and methodology for existing goals, policies, and implementation measures to be revised and the type of goals, policies and implementation that should be added or removed; these policies should be coordinated with the mitigation in the MBGP EIR, to facilitate future streamlining via CEQA Section 15183.
- b. Identify new Elements that could be added and general framework for possible content;
- c. Identify specific areas/Elements that will require continued coordination with Kern County;

- d. Define the strategy for updating the existing land use map designations throughout the General Plan area (not applicable for Focused Option);
- e. Identify options for the future General Plan boundary and Sphere of Influence (SOI)
- f. Identify other possible General Plan implementation tools and methodology.

The deadline for proposal submittal in response to the RFP is before 5:00 pm on July 12, 2019. The following table provides a rough schedule of document development once the chosen consultant is under contract:

Milestone	Month
Kick-off meeting	0
One mid-project status report and meeting with City staff	3
Draft GPU Strategy document submittal	6
Planning & Development Committee meeting attendance (2)	7
Final GPU Strategy Document submittal	8
CC meeting attendance (2)	9
Final document presentation to PC and/or CC (1)	9

Action & Staff Recommendation:

No action necessary; this is informational only.

2016

City of Bakersfield General Plan Update

Whitepaper

An Overview of General Plan Requirements in California and Options for the City of Bakersfield



Presented By:
Jacqui Kitchen, Planning Director
Planning Division, City of Bakersfield

April 2016



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1 The Issue

California Government Code §65300 requires that each City adopt a comprehensive, long-term General Plan for the physical development of the City and surrounding unincorporated land which bears relation to the long-term planning process. The General Plan is required to contain seven mandatory Elements including: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety.

The State also acknowledges that planning is a continuous process and states that the General Plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change.

In 2002, the City of Bakersfield adopted the Metropolitan Bakersfield General Plan (MBGP) to guide development within the Metropolitan Bakersfield area. The Plan was adopted jointly by the City and the County of Kern (County) and includes all incorporated areas of the City, the surrounding Sphere of Influence, and contiguous unincorporated properties in the metropolitan area. Both City and County land was included to allow opportunity for coordinated efforts between the two jurisdictions, to facilitate orderly and efficient extension of services and utilities, and to establish consistent standards for development. It is notable that the MBGP appears to be the only jointly-adopted General Plan in the State of California.

The 2002 document updated the text of the previous General Plan, which was adopted in 1990. There were also minor revisions to the land use map designations; which had originally been prepared in the late 1980's. Staff prepared the text changes "in-house" and a consultant prepared the corresponding Environmental Impact Report.

In the 14 years since adoption of the MBGP, there have been changes in State law, local ordinances, growth patterns, and the needs of the community. Therefore, it is time to comprehensively update the General Plan. While the basic objectives of the Plan would remain unchanged, City Council direction is needed in several key areas; including: (1) identifying the goals and policies that should be updated or added; (2) the need to update and change existing land use map designations; (3) direction on any new Elements to be incorporated into the new Plan; and (4) the desire to co-adopt the new Plan with the County.

Research on these issues and review of the experiences of other similar-sized cities shows that a comprehensive update to the General Plan can take anywhere from 2 to 5 years, at a cost of \$1 million and upwards. Factors determining the final numbers include complexity of the update approach, the level of community involvement and public outreach, and the types of issues that arise during the update process. Additional costs and time would be incurred if the project is legally challenged pursuant to CEQA.

Therefore, Staff anticipates that, under a "moderate" update scenario, the update would likely take a minimum of 2 years and would cost between \$1 million and \$2 million dollars, depending on the factors noted above. The time-frame is also largely dependent on City staff levels, future budget constraints, and the level of controversy generated during the process.

2 Background

The following is an overview of the General Plan efforts over the last 35 years.

1990: Metropolitan Bakersfield 2010 General Plan Adopted (20 Year Plan)

2000: "Vision 2020" effort; extensive public involvement on future of growth

2002: Metropolitan Bakersfield General Plan (MBGP) Adopted (20 Year Plan)

- **What:** Updated 2010 MBGP text to incorporate Vision 2020 data, new laws, fees; also updated land use map to reflect development since 1990 (McAllister Ranch, Western Rosedale).
- **Why:** Changes occurred since 2010 plan adopted; goals accomplished.
- **Who:** City and County Staff along with consulting firm; public workshops.
- **Time:** Process took approximately 3 years with substantial staff time.
- **Cost:** Majority of work done in-house by City Staff + \$130,000 consulting fees.
- **Changes:** Mapping changes were not part of the process; significant policy changes did not occur; Implementation measures were not changed.
- **Advantages:** Used Vision 2020 as public outreach component and basis for policy update; No mapping or other policy changes reduced time & costs.
- **Disadvantages:** Mapping/development policies did not go far into future.

2007: Began to prepare an update to 2002 MBGP:

- **02/07:** 2/27/06 Joint BOS/CC Meeting; directed Staff to pursue GP update.
- **05/07:** Town Hall Meetings Phase 1 - workshops in Bakersfield quadrants.
- **07/07:** Vision 2020 "Web Survey" and telephone survey by KernCOG.
- **01/08:** KernCOG Public Meetings for regional "Blueprint" planning process
- **02/08:** More workshops held by KernCOG.
- **12/08:** Public Outreach Issues Report available for public review.
- **04/20/09:** Joint PC meeting to review Existing Conditions Report.
- **10/09:** Board of Supervisors Public Study Session/Workshop.
- **03/08/10:** Joint Planning Commission Workshop for Status Update.
- **2010-Current:** Economic downturn; no further actions.

2009: Completed Housing Element for 2008-2013 (Mandatory per Government Code 65588)

2015: City received notice from State that MBGP is aged; Attorney General will be notified once it is 10 years old. Planning Director responded noting the recent/ongoing Element updates (see 2016 below)

2016: City Council approved Housing Element for 2015-2023 (Per SC 65588) (1/20/16)

2016: City updated 3 Elements per State requirements: (1) Land Use (SB 244): Identified potential Disadvantaged Unincorporated Community areas (per Census Tract income data), added analysis of service needs/deficiencies; identified financing alternatives for service extension; (2) Conservation (AB 162): Identified land that may accommodate floodwaters for groundwater recharge & storm-water management; (3) Safety (SB 1241): new goals, policies, objectives & implementation measures based on the flood and fire risk identified.

2022: End of 2002 MBGP planning horizon

3 Legal Requirements for General Plan Update

This section describes the legal requirements for updating the General Plan.

3.1 Update Requirement

Section 65103(a) of the Government Code allows local governments to revise their general plans as often as they deem necessary; and **the code does not specify a mandatory minimum time frame for revision of elements, except for the Housing Element which is regulated by Section 65588.**

The State Office of Planning and Research (OPR) prepared "General Plan Guidelines" to assist local governments in preparing the General Plan. With regard to timing for updates, the document states the following: *"Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change... A general plan based upon outdated information and projections is not a sound basis for day-to-day decision-making and may be legally inadequate. As such, it will be susceptible to successful legal challenge."*

In essence, the State Guidelines recommend that the General Plan be reviewed and updated regularly and as new information becomes available, but also recognizes that many jurisdictions select a 15-20 year timeframe.

3.2 MBGP Horizon

The City's existing MBGP was adopted in 2002 and anticipated a 20-year planning horizon. This timeframe was included in the CEQA analysis. However, the plan is now 14 years old and the original 20-year planning horizon does not entirely prevent legal challenges to the plan. In fact, the City has already received several comments from the general public challenging the legal adequacy of the plan.

4 Costs, Funds & Consultant Role

4.1 Costs

A well-executed General Plan creates a blueprint for the community's future growth and quality of life. As such, preparation of the update to the General Plan may pose a significant expensive for the City. According to the League of California Cities, the average city of 100,000 residents can expect to spend \$800,000–\$900,000 on the General Plan, plus the cost of the EIR which can range anywhere from \$200,000 to \$500,000 or more, depending on a variety of factors.

Throughout California, the cost for larger Cities can be several million dollars, and some County general plans cost upward of \$10 million. The more expensive Plans typically take the City in a new direction and include new development concepts, re-designation of undeveloped land, and extensive technical analyses associated with the EIR. This was the case for the City of **Sacramento which spent about \$4 million dollars, and Ontario which spent \$3 million, plus staff time for both. The City of Santa Monica recently spent \$2.3 million plus staff time.**

It is noted that the City of Sacramento (97.92 square miles), the City of Ontario (50 square miles), and the City of Santa Monica (8.3 square miles) are all significantly smaller in geographic size than the City of Bakersfield (151 square miles).

Appendix C contains a "Comparable Cities Overview" and shows that recent costs for Cities similar to Bakersfield have ranged from \$1.1 million to \$3 million. Additionally, Section 7 of this Report describes specific factors and approaches that Bakersfield could take for the Update and shows that a specific cost projection will be determined once Staff receives direction on the scope of the Update and prepares a comprehensive Request for Proposals (RFP).

4.2 Available Funds

The City maintains a "General Plan Update Trust fund" for the purpose of the Update and has been collecting a flat fee of \$84 for each building permit since 2005. The fee was recently raised to \$105 as a part of the 2016 Fee update. It is noted that the City's fee is significantly less than the fee collected by other comparable Cities.

The City currently has accumulated a total of approximately \$1.8 million dollars in funds dedicated for the purpose of updating the General Plan. With the recent increase in the fee amount, it is estimated that the City would have a total of approximately \$2 million available within the next two years (i.e. within the minimal time frame that the General Plan update is anticipated to take).

4.3 Consultant Role

The Update would consist of Staff working together with one or more third party Consultant(s) to prepare the General Plan Update and ensure that the goals, policies, implementation measures and overall layout are compatible with City Council direction and needs of the community. It is necessary to hire a Consultant to assist dedicated City Staff with the specialized and technical components of this comprehensive project. The Consultant's key roles would include, but are not limited to, the following:

1. Public Outreach Strategy (Visioning, Surveys, Workshops, Engagement, Reporting, etc.)
2. Existing Conditions Reports (Baseline Conditions for General Plan & CEQA analysis)
3. Prepare Draft General Plan (Framework, Goals, Policies, Implementation, New/ Updated Elements) for City Staff to review, adjust and expand upon.
4. Update Draft General Plan Based on Staff Review, Council Input, & Public Comment
5. Comprehensive CEQA Analysis – Prepare Draft Environmental Impact Report & associated documents such as Notice of Preparation, Technical Studies (Air Quality, Traffic Impact Analysis, Water, Cultural, Urban Decay, etc), Response to Comments, etc.
6. Update Draft EIR based on Staff Review, Council Input, & Public Comment
7. Prepare Final General Plan and Final EIR and associated documents/maps/GIS and CAD files, Monitoring Programs, etc.

5 Reasons to Wait On General Plan Update

Initiation of the update at a later date in the future would allow for the City to review other on-going issues prior to initiating the update.

A listing of the relevant issues that support an update in the future is provided:

1. OPR is updating General Plan Guidelines (last updated in 2003); the new Guidelines are anticipated to be complete in late 2016
2. Substantial Cost to City
3. Substantial City Staff Time
4. Development Community Concerns
5. On-going compliance with the State's 2014 Sustainable Groundwater Management Act (SGMA) will require preparation of a Groundwater Sustainability Plan (GSP) which will inform and be relevant to the General Plan Update.

6 Reasons to Update General Plan Now

Initiation of the update now would allow the City to proceed as it deems appropriate before the General Plan may be legally challenged. An updated General Plan will also reflect the current conditions and priorities within the community, will streamline development review to encourage expedited and thoughtful local development, will incorporate public outreach feedback, and will address new legislation.

A listing of the relevant issues that support an update to the General Plan is provided:

1. **CEQA Document.** 2001 EIR prepared prior to SB 375 (Greenhouse Gas) and other recent legislation. Some issues are addressed on a project level which leaves City vulnerable to CEQA challenges and reduces ability to use CEQA exemptions, Negative Declarations and the use of the existing General Plan EIR.
2. **New Laws:**
 - a. **Air Quality.** (AB 32 & SB 375) The 2006 Global Warming Solutions Act AB 32) requires reduction of GHG emissions to 1990 levels by 2020 and established the California Air Resources Board (CARB) and Scoping Plan to achieve this goal via cap & trade, and other strategies related to Vehicle Miles Traveled (VMT), Transit Oriented Development (TOD), etc.; SB 375 requires more compact growth and that regional planning agencies assign housing production targets consistent with regional sustainability and transportation plans which set specific targets for reducing GHG.
 - b. **Transportation/Complete Streets** (AB 1358). Requires Circulation Element to plan for multi-modal transportation networks that allow travel by motor vehicle, foot, bicycle, and transit. OPR updated GP guidelines in 2010 to provide guidance to cities.

- c. **Disadvantaged Communities** (SB 244). Requires Land Use Element to identify disadvantaged unincorporated communities (island or fringe) within the SOI, and analyze water, wastewater, storm-water drainage, and structural fire protection needs; and financing options for extension of services.
 - d. **Fire Hazards** (SB 1241). Requires Safety Element to address the risk of fire for land classified as "State Responsibility Areas" (SRA), as defined in PRC 4102.
 - e. **Flood Control** (AB 162). Requires Conservation & Safety Elements to add information concerning flood/fire hazards, storm-water management, ground water recharge.
 - f. **Persons with Developmental Disabilities** (SB 812). Housing Elements to include an analysis of the special housing needs of the disabled, including persons with developmental disabilities.
 - g. **Emergency Shelters** (SB 2). Demonstrate sites/ zoning available to accommodate need and describe characteristics/suitability of zone(s).
3. **Growth:** Since the General Plan was last comprehensively updated in 2002, the population of Bakersfield has grown from 259,200 to 369,500, which is an increase of 110,300 or 43 percent. The population is expected to continue to grow at a stable rate over the next 20-year planning horizon.
 4. **Changing Economy:** Adjustments to housing, employment, and population projections are needed to be consistent with updated Census Numbers, Transportation Plans and the 2040 planning horizon. This is an opportunity to explore funding options such as Public Business Improvement Districts (PBID), Mello-Roose Districts for schools, etc).
 5. **Transportation (Level of Service vs. Vehicle Miles Traveled).** Current LOS standard often requires mitigation that increases road sizes; however other options may be more cost effective (capital, operations, maintenance). Appropriate to incorporate concepts: Transit-Oriented Development (TOD), Multi-Model, Priority Investment Areas, etc.
 6. **Climate Action Plan (CAP).** Plan could contain CAP or similar mechanism to ensure that greenhouse gas reduction measures are implemented and monitored.
 7. **Flood Protection.** Plan could include policies and maps to address flood risks and higher standards for flood protection; as well as new data regarding Isabella Dam.
 8. **Healthy Communities.** Interest in urban agriculture, community gardens, locally grown foods, improved public health and well-being, etc.

7 Approach

Given that the last comprehensive update to the MBGP was in 2002, and the considerable costs associated with preparation of a full General Plan update and related environmental documents, it appears to be a prudent and efficient use of the City's resources to undertake a thorough evaluation of desired growth and development of the City for the next 20 years.

This would involve an evaluation of: (1) how Bakersfield has changed since the last General Plan update, (2) how the City envisions and desires to continue to grow and develop over the next 20 years, (3) factors (legal, demographic, socio-economic, environmental, etc.) that may influence future growth and development, and (4) changes that may wish to be considered based on these considerations.

7.1 Additional Issues/Elements

Another important consideration is the desire to include other issues in the General Plan update beyond simply the seven legally required elements.

Probably most significantly is a possible **Economic Development Element**. This has become a very common and beneficial optional element among California cities in recent years. With the dissolution of Community Redevelopment in California in 2012, cities throughout the state continue to evaluate how they can facilitate and support economic growth without this important tool. Also, continuing changes to economic conditions and trends can create a need to evaluate how the City can best grow economically within the time frame of the General Plan and how land use and other General Plan issues can be coordinated to achieve economic development goals.

Another possibility is to build upon the ongoing High Speed Rail Station Area Planning efforts and develop a new **Downtown Bakersfield Element** that could include specific architectural standards and polices to invigorate Downtown Bakersfield.

Other California cities have elected to address a variety of broad issues in their General Plans; such as: Air Quality, Climate Action Plan, Healthy Communities, Urban Form Design, etc.

7.2 Options

Within that framework, however, there are options and alternatives as to what extent these issues are considered and addressed. Most significantly, how this is approached will have a large bearing on the cost and time it would take to complete the General Plan update. With an approximate available budget of \$2 million, this should be adequate to undertake a reasonably thorough and comprehensive evaluation of the major issues.

A sample of potential Goals of the Update could include:

1. Complete a comprehensive public "visioning" process and incorporate past public outreach efforts that have occurred since 2002.
2. Review and update all 7 required Elements to reflect legislation and existing conditions.
3. Update Land Use Element to delete obsolete land use designations.

4. Identify specific areas for intensive update of goals, policies and implementation measures.
5. Add Elements as required by OPR and State Law (Healthy Communities, etc.)
6. Add other new Elements as deemed appropriate; i.e, Economic Development, Downtown.
7. Provide a new EIR to address cumulative impacts and facilitate streamlined future development during the planning horizon

8 Key Issues to Resolve Prior to Next Steps

There are several issues the warrant resolution before the next steps can be taken to update the General Plan. These are as follows:

8.1 Approach

As noted in Section 7, the extent to which changes in land use policies may be evaluated and considered, as well as several optional elements and issues that may be considered to be addressed. Staff seeks input or direction on what approach is most desired. Appendix A includes a conceptual Schedule and Cost Projection.

8.2 County Participation

The existing MBGP was adopted together with the County of Kern in 2002. However, there have been many changes in the development environment since that time, and Staff seeks direction from City Council on whether the new plan should continue to be a joint document.

It is noted that, should Council prefer to process the new General Plan as an exclusive City document, Staff could continue to coordinate on the County on certain Elements, such as the Circulation Element, to ensure the continued viability of other joint-programs, such as the Regional Traffic Impact Fee (RTIF).

Benefits	Challenges
<ul style="list-style-type: none"> - Increased Coordination with County regarding Unincorporated areas, existing and future service agreements 	<ul style="list-style-type: none"> - Schedule - Cost <ul style="list-style-type: none"> • Expense to include unincorporated lands • County has preliminarily indicated that a contribution of \$300,000 - Policy Differences (Urban vs Sub-Urban) - Utility Services to Unincorporated Areas

8.3 Schedule

The time frame for the General Plan Update process depends on the selected approach; and if the Plan will continue to be adopted as a joint document. Any combination of these selections will result in a different project schedule; ranging from approximately 2 to 5 years.

8.4 Cost

The costs for the General plan Update process depends on the selected approach; and if the Plan will continue to be adopted as a joint document with the County. Any combination of these selections will result in a different project schedule; ranging from 2 to 5 years.

9 Appendices

Appendix A	Conceptual Schedule & Cost Estimate
Appendix B	Metro General Plan Land Use Designations: Conceptual Changes
Appendix C	Comparable Cities Overview
Appendix D	Research Memorandum – Comparable Cities

Appendix A. Conceptual Schedule & Cost Estimate

2040 Bakersfield General Plan

NOTE: Time and Cost Estimates are Conceptual Ranges based on review of Comparable Cities. These numbers will be further refined once the Scope of the Update is prepared and a consultant is retained. Schedule also subject to change based on comment received during public process.

Project Milestone & Tasks	Goal Date	Action ¹	Cost Range
1: Project Initiation			
1.1 City Council Adopt Resolution to define Scope & Initiate Update	06/16	CC, PD, PM	City Staff Time
1.2 Establish Internal Work Team (WT) & Hold First Meeting	07/16	PM, PD	
1.3 Prepare RFP	08/16	PM, PD	
1.4 Distribute RFP to Consultant Distribution List	10/16	PM	
1.5 Analyze Responses; Conduct Interviews; Make Recommendation	12/16	PM, PD, WT	
1.6 City Council Adopt Resolution to Enter Contract with Consultant	01/17	CC, PD, PM	
2: Project Kick-Off Phase 1 Public Engagement			
2.1 Develop Community Outreach Strategy & Education Plan	02/17	CS, PM, PD	\$50,000 - \$100,000
2.2 First Meeting of Internal Work Team and Consultant	02/17	CS, PM, PD, WT	
2.3 Establish Stakeholder Committee (members, goals, tasks, schedule)	02/17	CS, PM, PD, WT	
2.4 Develop and launch 2040 BGP Website	03/17	CS, PM	
2.5 Public Surveys: Send Surveys/Interviews for Visioning Ideas	03/17	CS, PM	
2.6 Public Meeting: Public Visioning Workshops	04/17	CS, PM, PD	
2.7 Public Meeting: Public Kick-Off Meeting – Intro Concept/Schedule	05/17	CS, PM, PD	
3: Research Prepare Draft Plan			
3.1 Report: Prepare Existing Conditions Report for area (including infrastructure, land uses, transportation facilities, etc.)	06/17	CS	\$400,000 - \$500,000
3.2 Report: Prepare Visioning Report that lists community goals, visions and suggests draft policies and implementation measures	07/17	CS	
3.3 Report: Prepare Incorporation of Existing Plans Report (Regional Traffic Impact Fee, Adopted Trails Plans, Adopted Bicycle Plans)	07/17	CS	
3.4 Report: Prepare Market Analysis & Economic Strategies Report (Best Practice Case Studies of Finance/Marketing Strategies)	07/17	CS	
3.5 Plan: Provide 1 st Draft 2040 BGP (Include New Elements per State law, updated Elements per Visioning, Downtown Boundary)	08/17	CS	
3.6 Staff Review of Reports and Draft Plan	09/17	PM, PD, WT	

Project Milestone & Tasks	Goal Date	Action ¹	Cost Range
4: Release Draft Plan Phase 2 Public Engagement			
4.1 Release Draft 2040 GP for 60 Day Public Review	10/17	CS, PM	\$50,000 - \$200,000
4.2 Public Meeting: Public Workshops – Draft GP (4 - 8 Workshops)	11/17	CS, PM, PD	
4.3 Public Meeting: Planning Commission Workshop – Draft GP	12/17	CS, PM, PD	
4.4 Public Meeting: City Council Workshop – Draft GP	01/18	CS, PM, PD	
5: Revise Draft Plan Phase 1 CEQA Process			
5.1 Report: Prepare Draft Plan Workshop Report that lists the feedback received from community, stakeholders, elected officials, etc.	01/18	CS	\$200,000 - \$500,000
5.2 Revise Draft GP in accordance with Workshop Report	02/18	CS	
5.3 Initiate CEQA – Internal Kick-off Meeting	02/18	CS, PM, PD, WT	
5.4 Prepare Draft NOP, Draft Technical Studies, EIR Project Description	03/18	CS	
5.5 Staff Review Revised GP, Draft Technical Studies, EIR PD, Draft NOP	04/18	PM, PD, WT	
5.6 Release NOP for 30-day public review & Hold Public Scoping Mtg	05/18	CS, PM	
6: Review Revised Draft Plan Phase 2 CEQA Process Phase 3 Public Engagement			
6.1 Finalize/Peer-Review all Technical Studies for EIR	06/18	CS	\$200,000 - \$400,000
6.2 Prepare Draft EIR (Incorporate scoping meeting comments)	07/18	CS	
6.3 Staff Review of Draft EIR	08/18	CS	
6.4 Release Draft EIR to Responsible Agencies and Public	09/18	CS, PM	
6.5 Adequacy Hearing by Planning Commission	09/18	PD, PM	
6.6 Draft EIR Workshop at City Council	09/18	PD, PM	
7: Present & Finalize Draft Plan Phase 3 CEQA Process Phase 4 Public Engagement			
7.1 Prepare Response to Comments (RTC) on Draft EIR	10/18	CS	\$100,000 - \$300,000
7.2 Prepare revisions to Draft General Plan	10/18	CS	
7.3 Staff Review of Final General Plan and RTC	11/18	PM, PD, WT	
7.4 Schedule Final Plan and Final EIR for Hearings	11/18	PM	
7.5 Planning Commission Hearing on Final Plan & Final EIR	12/18	PD, PM	
7.6 City Council Hearing to adopt Final Plan and certify Final EIR	12/18	PD, PM	
7.7 Prepare Final Plan, Final EIR (Incorporate any revisions from hearings, resolutions, final CEQA Findings, Final MMRP; and make final copies, update websites, etc.)	12/18	CS, PM	
TOTAL PROJECT BUDGET (Estimate): \$1,000,000 - \$2,000,000			
Notes			
PS = Planning Staff (General) PM = Project Manager (City Staff) WT = Work Team (City Staff) CC = City Council PD = Planning Director (City Staff) CS = Consultant (Gen Plan & CEQA)			

Appendix B. Metro General Plan Land Use Designations: Conceptual Changes

RESIDENTIAL

RR	Rural Residential (min. 2.5 gross ac/du)
ER	Estate Residential (min. 0.5 ± net ac/du)
UER	Urban Estate Residential (min. 0.5 net ac/du) [to ER]
SR	Suburban Residential (≤4 du/net ac) [to LR]
SR/LR	County: ≤4 du/net ac City: ≤7.26 du/net ac [to LR]
LR	Low Density Residential (≤ 7.26 10 du/net ac)
LMR/LR	County: ≤10 du/net ac City: >4 du but ≤7.26 du/net ac [to LR]
LMR	Low Medium Density Res (County: ≤10 du/net ac City: >4 du but ≤7.26 du/net ac) [to LR]
HMR/LMR	County: ≤17.42 du/net ac City: >4 du but ≤10 du/net ac [to MR]
HMR	High Medium Density Res (County: ≤17.42 du/net ac City: >7.26 du but ≤17.42 du/net ac)
HR	High Density Residential (>17.42 du but ≤72.6 du/net ac)

COMMERCIAL

HC	Highway Commercial [to GC]
GC	General Commercial
MC	Major Commercial [to GC]
OC	Office Commercial
MUC	Mixed Use Commercial

INDUSTRIAL

LI	Light Industrial
SI	Service Industrial <i>(May no longer need this designation)</i>
HI	Heavy Industrial

PUBLIC FACILITIES

P	Public Facilities
PS	Public/Private Schools [to P]
PT	Public Transportation Corridors [to P]
P-SW	Solid Waste Facilities [to P]

OPEN SPACE

OS	Open Space/Parks
OS-P	Parks and Recreation [to OS]
OS-S	Slopes exceeding 30% (to be part of a referenced physical constraints map)

RESOURCE

R-IA	Resource - Intensive Ag (20 ac min parcel size / 80 ac min - Williamson Act)
R-EA	Resource - Extensive Ag (20 ac min parcel size / 80 ac min - Williamson Act) [to R-IA]
R-MP	Resource - Minerals & Petroleum (5 ac minimum parcel size)

Appendix C. Comparable Cities Overview

COMPARABLE CITIES						
Jurisdiction	Current GP Adoption Date	CEQA Document	Consultant Firm Used for GP/EIR	Time	Total Cost GP/CEQA	General Plan Surcharge Fee
City of Bakersfield	Dec. 11, 2002	EIR	N/A	1999 - 2002 by staff	Staff Time	\$84 Flat Fee, per Bldg. Permit
City of Fremont	Dec. 13, 2011 Res 2011-69	EIR Res. 2011-67 & Res. 2011-68	Lamphier-Gregory Associates	6/2010 - 12/2011	Approx. \$500K	15% per Bldg. Permit
City of Fresno	2014	EIR	Dyett & Bhatia, Calthorpe Assoc., MW Steele Group, Economic and Planning Systems, Fehr & Peers (Traffic), First Carbon Solutions (EIR lead)	2007 – 2014 40 public mtgs + 17 public hearings	\$1.9 Million + City Staff Time	No
City of Glendale	No comprehensive GP	No EIR	Staff only	Ongoing by staff	Unknown	Unknown
City of Modesto	2008	Master EIR	Jones & Stokes Now ICF-J&S	1992 - 2008	Approx. \$950K	Pennies on \$1,000, has gone to Gen. Fund.
City of Ontario	Jan. 27, 2010 Res 2010-006	Program EIR Res. 2010-003	The Planning Center & Others	1/2008 – 1/2010	\$3 Million Includes website by consultant	No
City of Oxnard	October 2011 Text Only, No Map	Program EIR	Matrix Design Group, Environmental Science Assoc.	2005 – 10/2011	\$ 1.1 Million	0.24% of valuation, per Bldg. Permit
City of Pasadena	Aug. 18, 2015 Text Only, No Map	EIR	Placeworks	Ongoing	\$1.5 Million (\$850K EIR) + City Staff Time	0.5% of valuation, per Bldg. Permit.
City of Riverside	Nov. 2007	Program EIR	Albert A. Webb Assoc.	4/2002 – 11/2007	Unknown	Flat 10% on all development related permits.
City of San Bernardino	Nov. 1, 2005	EIR	The Planning Center, Transtech Eng., Inc., Stanley R. Hoffman Assoc., Psomas, San Buenaventura Research Assoc.	1999 - 2005	Unknown	No

COMPARABLE CITIES

Jurisdiction	Current GP Adoption Date	CEQA Document	Consultant Firm Used for GP/EIR	Time	Total Cost GP/CEQA	General Plan Surcharge Fee
City of Stockton	Dec. 11, 2007 Sued by A.G.	EIR	ESA / Mintier & Assoc.	2002 – 2007 6/2014 - ?	\$2.75 Million	No
City of Novato	Mar. 8, 1996 Res. 21-96 On-Going	EIR	Marjarie Macris, Paul-Andre Schabracq & Assoc	Augst 2009 - Ongoing	Unknown	
Kern County	06/15/04 Reso 2004- 192	Program EIR	Quad Knopf	2001 - 2004	\$	\$0.13 per sq ft, per Bldg Permt
Tulare County	Aug. 28, 2012 from 2003- 2012	EIR	ESA (Sacramento Office)	2003 - 2012	N/A	No
Fresno County	Oct. 3, 2000	EIR	J. Laurence Mintier & Assoc., Applied Dev. Econ., Crawford Multari & Clark Assoc., DKS Assoc., EIP Assoc., Montgomery Watson, David Taussig & Assoc.	1996 – 10/2000	\$660,000	Unknown

Appendix D. Research Memorandum – Comparable Cities



Community Development Department - Planning Division
www.BakersfieldCity.us

March 1, 2016

TO: JACQUELYN R. KITCHEN, PLANNING DIRECTOR
FROM: MARTIN ORTIZ, PRINCIPAL PLANNER
SUBJECT: INFORMATION FROM OTHER JURISDICTIONS GENERAL PLAN UPDATE

The following information was collected from websites/and personal phone conversations during February 2016.

The **City of Fremont** has a population of 224,922 (2013) and has an area of about 90 square miles. Centerville, Niles, Irvington, Mission San Jose, and Warm Springs were the original five small independent towns that incorporated to form Fremont in 1956. Today, these places have greatly expanded, are no longer separate communities, and are considered districts or community plan areas of the developed city of Fremont. Since incorporation, Fremont has created six more districts, which it calls "community plan areas" for planning purposes. These include Central, North Fremont, South Fremont, and Bayside. The two other districts, Baylands and the Hill Areas, are primarily open space. The city last updated its General Plan in 2011 that included an EIR. The total cost for both was approximately \$500,000. The City hired Lamphier-Gregory Associates to prepare the plan and EIR. It took them about 2.5 years to complete. The City has a 15% per bldg. permit GP surcharge.

The **City of Fresno** has a population is about double the City of Bakersfield. The last update of the General Plan was adopted 2014. The City hired Dyett & Bhatia, Calthorpe Assoc., MW Steele Group, Economic and Planning Systems, Fehr & Peers (Traffic), and First Carbon Solutions (EIR Lead). It took over four years to complete. There were over 160 interviews and over 20 public workshops, over 100 presentations to community groups and over 20 meetings of a Citizens Advisory Committee with background documents.

There were 18 Community Meetings.

The General Plan Citizens Committee held 22 meetings.

The Planning Commission conducted 12 Public Hearings.

The City Council held 5 Public Hearings.

There were reports/interviews as follows: Community Leaders Report, Issues and Options Report, Community Telephone Survey, and Existing Conditions Report. There were 5 Working Papers as follows: Economic Development, Urban Form, Healthy Communities, Transportation and Resource Conservation.

REQUEST FOR PROPOSAL

**General Plan Update
Strategy & Options**

**Request for Comprehensive Analysis and Recommendations for
the new
“Bakersfield General Plan”**

CITY OF BAKERSFIELD



Kevin F. Coyle, AICP CEP; Planning Director
Development Services Department
1715 Chester Avenue | Bakersfield, CA 93301

POSTED: October 16, 2019
DUE: November 15, 2019

Within the EIR: Air Quality criteria pollutant modeling. Biological Resources inventory of rare endangered plants and California natural diversity database. Cultural Resources included Paleontological Resources Review and Native American Consultation. Geologic Hazards Investigation, Greenhouse Gas Information included: Emissions Reduction & Modeling Results and GHG Reduction Plan. Storm Drainage Technical Report. Transportation included: Roadway classification; AM Peak Hour Volumes & LOS; PM Peak Hour Volumes & LOS; Traffic Analysis Zones & Model Inputs; Roadway Functional Classifications; Planned Roadway Number of Lanes; AM Peak Hour Volumes & LOS Existing + Project; PM Peak Hour Volumes & LOS Existing +Project; and AM & PM Peak Hour Volumes & LOS Cumulative.

The **City of Glendale** staff prepared the latest updates to the General Plan with no comprehensive update. The city has no information on costs and they do not have a GP Surcharge.

The **City of Modesto** hired Jones & Stokes to complete their last update in 2008 with Master EIR. It cost approximately \$950,000 to prepare documents. They have had a surcharge of pennies on \$1,000; however, this has gone to the General Fund for other services.

The **City of Ontario** last updated the GP on January 2010 with a Program EIR and the consultant prepared the Website for the city. The total cost for the Planning Center and other consultants was over \$3 million. They along with others near Ontario have stated that they paid too much for the product. The city has no GP surcharge fee.

The **City of Oxnard** last updated the GP in October 2011 with a Program EIR. The update was for the Goals and Policies and no Land use map revision. They hired Matrix Design Group and Environmental Science Associates for \$1.1 million. The city has a 0.24% of valuation per bldg. permit.

The **City of Pasadena** last updated the GP with no comprehensive update with an EIR on August 2015. They hired Placeworks for a total of \$1.5 million and the EIR cost \$850,000 not including staff time. The city has a 0.5% of valuation per bldg. permit GP surcharge.

The **City of Riverside** last updated the GP in November 2007 with a Program EIR and hired Albert A. Webb Associates to prepare the documents. They cannot provide costs but do have a 10% flat surcharge fee on all development related permits.

The **City of San Bernardino** last updated the GP on November 2005 with an EIR. They hired the Planning Center, Transtech Engineering, Inc., Stanley R. Hoffman Associates, Psomas, San Buenaventura Research Associates. The cannot provide costs and have no GP surcharge.

The **City of Stockton** last updated the GP on December 2007 with an EIR by ESA. They cannot provide total cost and no GP surcharge. They were sued by the California Attorney General.

The **County of Kern** last updated the GP on June 2004 with a Program EIR by Quad Knopf and have a \$0.13 per sq. ft. per bldg. permit GP surcharge.

The **County of Tulare** last updated the GP on August 2012 with an EIR by ESA (Sacramento Office) but cannot provide costs and no GP surcharge.

S:\Metro General Plan\Metro General Plan - 2014-2015 Update_StartUp Schedule & Docs\Background Info\Other Jurisdiction GP info.docx

**REQUEST FOR PROPOSAL (RFP)
FOR PROFESSIONAL SERVICES TO PREPARE
“GENERAL PLAN UPDATE STRATEGY & OPTIONS”**

The City of Bakersfield is seeking a qualified professional Consultant to prepare a “General Plan Update Strategy and Options” document to include a comprehensive analysis and provide recommendations for: 1) at least three (3) options to approach the upcoming update to the City’s General Plan and 2) anticipated schedule and cost for each option. A list of Consultants who have received this RFP is attached.

INQUIRIES REGARDING THIS RFP: Do not contact any City personnel other than the contact person indicated below. If needed, please send a single email inquiry if there are multiple questions concerning the scope of professional services required.

Email: DevServices@bakersfieldcity.us | Phone: (661) 326-3733
(Reference “General Plan Update Strategy - RFP Response”)

HOW TO RESPOND TO THIS RFP: In order to respond to this RFP, please submit four hard copies and one digital copy (on appropriate media device) of the proposal to the following address:

Development Service Department – Planning Division
Attn: Kevin F. Coyle, AICP CEP; Planning Director
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

All envelopes/shipping boxes are to be clearly marked as follows:

RESPONSE TO REQUEST FOR PROPOSAL (RFP)
CITY OF BAKERSFIELD - GENERAL PLAN UPDATE STRATEGY & OPTIONS

DUE DATE: This proposal is subject to a 30-day response period. Consideration has been included for mail delivery and holidays in calculating the response date. Proposers are solely responsible for ensuring timely receipt of proposals and responses received after the due date will not be considered. Postmark date will not constitute timely delivery.

The proposal must arrive at the address noted above before **5:00 pm** on the closing date listed below. The RFP timeline for Consultant selection is as follows:

Distribution of RFP	10/16/19
DUE DATE for Response to RFP.....	11/15/19
Notification of Short List Selection (Tentative)	12/15/19
Interviews, if needed (Tentative)	12/15/19
Notification of Final Selection (Tentative)	1/16/20

Sincerely,

Kevin F. Coyle, AICP CEP
Planning Director

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1.0 INTRODUCTION

1.1 Purpose of this Proposal

The City of Bakersfield (City) is requesting proposals from qualified consulting firms with specific experience in preparing comprehensive updates to the General Plan. The selected Consultant will work with the City to provide analysis and recommendations for: 1) at least three options to approach the upcoming update to the City's General Plan and 2) anticipated schedule and cost for each option (see Section 2.3). Proposals should include all information requested in this RFP, and should demonstrate experience with General Plan Updates.

1.2 Background

In accordance with California Government Code Section 65300, the City and the County of Kern jointly adopted the *Metropolitan Bakersfield General Plan* (MBGP) and certified the associated programmatic Environmental Impact Report (EIR) in 2002 to plan for the long-term future development of the Metropolitan Bakersfield area. The 2002 MBGP included an update to the text of the previous 1990 General Plan and made minor revisions to the land-use map designations that had originally been prepared in the late 1980's. Staff prepared text changes "in-house" and a Consultant assisted in preparation of the EIR.

The MBGP contains seven elements as required by state law, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Two additional elements reflect the specific needs and objectives of the area, including a Public Services and Facilities Element and Parks Element. The MBGP also includes a reservation for the "Kern River Plan Element," which was jointly adopted by the City and County in 1985. The MBGP can be found on the City's website (www.bakersfieldcity.us/ds).

In the 17 years since adoption of the MBGP, various updates have occurred to maintain compliance with State law (see Table 1). However, there have been two considerable changes to the local landscape:

1. The County of Kern has moved forward with a General Plan update, and will no longer maintain a "joint" Plan with the City of Bakersfield. Though the County and City will now have independent plans, the physical and political geography of the area remain highly integrated. This will necessitate continued coordination in the future, which must be articulated in the current update process.
2. Changes continue in State law, local ordinances, growth patterns, and the needs of the community.

These factors warrant preparation of: (1) a new "Bakersfield General Plan" (BGP) to direct growth for the next 20 - 30 years; and (2) a new comprehensive environmental analysis that identifies the specific impacts of the new growth and appropriate methods to address and mitigate those impacts. Table 1 lists the current status of the various Elements.

Element	Update	Description
Land Use	Quarterly	Property Owner Requests; per SB 244, SB 1241, AB 162, GC 65302, etc.
Circulation	2018	Clean-up to reflect constructed Freeways and Infrastructure
Housing	12/9/15	2015-2023 Housing Element approved per State Law
Conservation	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Open Space	2002	Past updates
Safety	2015	As required by SB 244, SB 1241, AB 162, GC 65302, etc.
Noise	2006	Past updates

1.3 Project Location

The current MBGP area is approximately 408 square miles. A map of the MBGP boundary can be found at the City's website (www.bakersfieldcity.us). In accordance with state planning law, a General Plan must cover all territory within the boundaries of the adopting city. The plan should also take into account any area outside which, in the planning agency's judgment, "bears relation to its planning" (Government Code Section 65300). It also allows adoption of area plans or general plans in part. Thereby, the City is able to designate the area covered by this General Plan Update for study and adoption.

1.4 Project Description and Objectives

This Project is the preparation of an analysis of options for the City's approach to the General Plan Update. The response shall include a strategy for each of the noted "Update Options" noted below and information to demonstrate how the Project Objectives will be met by each option.

Update Options (to be included in Response):

- A. **Focused Update.** All legally-required updates to specific Elements within the MBGP and addition of any newly mandated Elements; No parcel-specific updates to existing land use designations.
- B. **Policy Update.** "Focused" option content plus specific, locally important policy driven updates within some or all Elements of the MBGP; Limited parcel-specific updates to existing land use designations.
- C. **"Other" Update.** Optional third option, parameters to be designed by responder incorporating all new State laws and guidance regarding General Plan updates.

Project Objectives (to be evaluated within each Option):

- 1) Within each Element, identify the various options and methodology for existing goals, policies, and implementation measures to be revised and the type of goals, policies and implementation that should be added or removed; these policies should be coordinated with the mitigation in the MBGP EIR, to facilitate future streamlining via CEQA Section 15183.
- 2) Identify new Elements that could be added and general framework for possible content;
- 3) Identify specific areas/Elements that will require continued coordination with Kern County;
- 4) Define the strategy for updating the existing land use map designations throughout the General Plan area (not applicable for Focused Option);
- 5) Identify options for the future General Plan boundary and Sphere of Influence (SOI)
- 6) Identify other possible General Plan implementation tools and methodology.

1.5 Current Conditions/Land Use Designations

The majority of the MBGP area outside the jurisdiction of the City is designated for agricultural uses, of which about 2% percent is in the City. Residential uses are a close second with 29% of the total MBGP area, of which 61% is in the City. The following table includes a breakdown of land uses in the City and unincorporated areas.

Metropolitan Bakersfield Land Uses					
LAND USE	JURISDICTION	SQ MILES	LAND USE	JURISDICTION	SQ MILES
RESIDENTIAL		118.6	INDUSTRIAL		23.6
RR	CITY	0.4	HI	CITY	0.9
UER	CITY	0.1	LI	CITY	3.5
ER	CITY	0.9	SI	CITY	4.4
SR	CITY	4.9	Sub-total City		8.8
LR	CITY	47.9	HI	COUNTY	3.9
WM-LR	CITY	0.7	LI	COUNTY	1.7
LR/PS	CITY	0.0	SI	COUNTY	9.3
LMR/LR	CITY	0.0	Sub-total County		14.8
LMR	CITY	7.5	OPEN SPACE		26.4
WM-LMR	CITY	1.3	OS	CITY	8.6
HMR	CITY	5.6	OS-P	CITY	3.0
WM-HMR	CITY	0.7	OS-S	CITY	5.6
HR	CITY	2.0	Sub-total City		17.2
WM-HR	CITY	0.1	OS	COUNTY	4.9
Sub-total City		72.2	OS-P	COUNTY	2.7
RR	COUNTY	12.7	OS-S	COUNTY	1.6
UER	COUNTY	2.7	Sub-total County		9.2
ER	COUNTY	5.3	PUBLIC FACILITIES		20.4
SR	COUNTY	9.7	P	CITY	12.1
SR/LR	COUNTY	1.3	P-SW	CITY	0.3
LR	COUNTY	1.3	PS	CITY	2.8
LMR/LR	COUNTY	3.8	PT	CITY	0.5
LMR	COUNTY	5.8	WM-SU	CITY	0.3
HMR	COUNTY	3.3	Sub-total City		16.1
HR	COUNTY	0.5	P	COUNTY	1.4
Sub-total County		46.4	P-SW	COUNTY	0.2
COMMERCIAL		13.7	PS	COUNTY	1.0
GC	CITY	7.3	PT	COUNTY	1.8
WM-GC	CITY	0.0	Sub-total County		4.3
HC	CITY	0.3	AGRICULTURE		127.7
OC	CITY	1.3	R-EA	CITY	0.2
MC	CITY	0.6	R-IA	CITY	2.4
MUC	CITY	1.3	R-EA	COUNTY	22.2
WM-MU	CITY	0.1	R-IA	COUNTY	103.0
WM-OC	CITY	0.1	MINERALS & PETROLEUM		35.9
Sub-total City		10.9	R-MP	CITY	0.6
GC	COUNTY	2.2	R-MP	COUNTY	35.3
HC	COUNTY	0.5	OTHER		41.7
OC	COUNTY	0.0	OTHER JURIS	FEDERAL LAND	1.0
MC	COUNTY	0.1	OTHER JURIS	CITY OF SHAFTER	5.4
Sub-total County		2.7	RIGHT OF WAY	CITY/COUNTY	35.2

2.0 SERVICES TO BE PROVIDED BY THE CONSULTANT

2.1 General Plan Update Strategy

Responses to this RFP are to include a scope of work to prepare a General Plan Update Strategy document that contains analysis and recommendations in accordance with the Update Options and Project Objectives noted in Section 1.4.

2.2 Project Components

2.2.1 General Plan Update Options

This section of the proposal should include a strategy/discussion for each of the noted “Update Options” and shall consider the information noted below. The City acknowledges that some or all of these topics may have a common method to address throughout all Update Options, and these commonalities may be reflected in the proposal without duplication.

1. List relevant new local, state, and federal laws, and how they will be incorporated. Possibilities include but are not limited to:
 - a. Air Quality. (Assembly Bill 32 and Senate Bill 375) The 2006 Global Warming Solutions Act (AB 32) requires reduction of greenhouse gas (GHG) emissions to 1990 levels by 2020 and establishes the California Air Resources Board (CARB) and Scoping Plan to achieve this goal via cap and trade, and other strategies related to Vehicle Miles Traveled (VMT), Transit Oriented Development (TOD), etc. SB 375 requires more compact growth and that regional planning agencies assign housing production targets consistent with regional sustainability and transportation plans, which set specific targets for reducing GHG.
 - b. Transportation/Complete Streets (AB 743 and AB 1358). AB 743 requires transition from Level of Service (LOS) to VMT for transportation impacts. OPR has provided a technical advisory in 2018 for guidance on implementation and strategies for analysis. Requires Circulation Element to plan for multi-modal transportation networks that allow travel by motor vehicle, foot, bicycle, and transit. OPR updated General Plan guidelines in 2010 to provide guidance to cities.
 - c. Disadvantaged Communities (SB 244). Requires Land Use Element to identify disadvantaged unincorporated communities (island or fringe) within the SOI, and analyze water, wastewater, storm-water drainage, and structural fire protection needs as well as financing options for extension of services.
 - d. Fire Hazards (SB 1241). Requires Safety Element to address the risk of fire for land classified as “State Responsibility Areas” (SRA), as defined in Public Resources Code Section 4102.
 - e. Flood Control (AB 162). Requires Conservation and Safety Elements to add information concerning flood/fire hazards, storm-water management, and groundwater recharge.
 - f. Persons with Developmental Disabilities (SB 812). Housing Elements to include an analysis of the special housing needs of the disabled, including persons with developmental disabilities.
 - g. Emergency Shelters (SB 2). Demonstrate sites/zoning available to accommodate need and describe characteristics/suitability of zone(s).
2. 2018 OPR General Plan Guidelines and relation to each Element. Examples:
 - a. Land Use
 1. Analysis of residential density goals/limits and balance with infill and urban growth
 2. Revisions in the number of residential and/or commercial designations
 3. Analysis of land amount needed for each land use type to accommodate future growth.
 4. Analysis of future water banking projects in the upland areas outside the floodplain

- b. Circulation
 1. Analysis of Complete Streets and Regional Transportation Impact Fee Program (RTIF)
 2. Consideration of Bike/Trail Plan and pedestrian and multimodal transportation options and consolidating existing specific bike and trail plans into Element
 3. Consideration of High Speed Rail and other regional/statewide transportation facilities
- c. Public Services and Facilities
 1. Analysis of water services, including all water districts that serve the Metro area
 2. Consideration of Groundwater Sustainability Act and on-going efforts related to the Kern River Groundwater Sustainability Agency (GSA) and Groundwater Sustainability Plan (GSP)
 3. Analysis of sewer service, including sewer districts and County Service Areas
 4. Analysis of solid waste, including private franchise vendors
- d. Safety Services
 1. Analysis of adequacy of police and fire services (a fire Joint Powers Agreement exists between the City and County)
 2. Analysis of seismic fault hazards (generally in northeast Bakersfield area)
 3. Analysis of flooding (most of the City is within the Lake Isabella flood inundation area)
- e. Conservation
 1. Analysis of biological resources (existing Metropolitan Bakersfield Habitat Conservation Plan and new Habitat Conservation Plan in development)
 2. Analysis of soils and agriculture resources
 3. Analysis of water resources, including ongoing GSA/GSP efforts
- f. Air Quality, Greenhouse Gas Emissions, and Climate Change Action Plan
 1. Recent legislation (See Section 2.3.1, Item 1)
 2. Renewable energy and energy efficiency; use of Electric Vehicle Charging Stations, etc.
 3. Analysis of Climate Action Plan requirements
- g. Urban and Jurisdiction Growth Issues
 1. Effect of County islands/developments surrounding City
 2. How General Plan can facilitate future annexations, including County Islands
 3. Analysis of methods to encourage dense/denser urban growth
- h. Housing Element: Consistency with housing goals and programs and incorporating State housing goals and priorities
- i. Open Space: Analysis of adequacy and availability of open space and park uses in the City.
 1. Explore option of designating Hwy 178 as a Caltrans Scenic Corridor (this has been identified as a possibility by Caltrans).
 2. Consolidating all specific park plans into Element
- j. Possible New Elements:
 1. Economic Development Element. Identify methods to facilitate and support economic growth and how land uses can be coordinated to achieve economic development goals.
 2. Downtown Bakersfield Element. Build upon the completed High Speed Rail Station Area Plan; to include architectural standards and polices to revitalize Downtown Bakersfield. Explore options for historic preservation and revitalization, including incentives such as the Mills Act. Other Elements that align with City Council goals.

3. Other concepts to consider:

- a. Incorporate State planning priorities per Government Code Section 65041.1
- b. Incorporate on-going Regional Planning Goals, such as Blueprints (both Kern and the San Joaquin Valley) and Regional Transportation Plan/Sustainable Communities Strategy
- c. Equitable Opportunities, Environmental Justice, and Fair Housing, including HUD’s Final Rule on Affirmatively Furthering Fair Housing Rule (AFFH)
- d. Healthy Communities
- e. Sustainability
- f. Fiscal Stability/Responsibility
- g. Diversity/Inclusivity
- h. Revisions of inconsistencies, ineffective goals and policies, and gaps
- i. Refine existing goals that no longer serve the community, lack clarity, or are no longer current
- j. Removal of completed implementation measures

2.3.2 Anticipated Schedule and Cost for Each Option

For each Update Option, the General Plan Update Strategy document will provide an anticipated schedule and cost to implement the option. This schedule and cost shall include, but not necessarily be limited to, development of the background reports, completion of a comprehensive public outreach program, development of the General Plan document and supporting mapping amendments (if applicable), programmatic EIR preparation, and Zoning Ordinance updates to be consistent with the anticipated General Plan Update changes. The Consultant’s proposed timelines shall span the initial kick-off meeting of the General Plan Update to final City Council adoption.

2.4 Project Timeline, Milestones, and Deliverables

Upon contract execution, the goal is to present the final “General Plan Update Strategy & Options” document, based on the Project description and noted services, for City review and consideration within six to nine months.

As part of the proposal, the Consultant shall include the following Project milestones.

Table 2. Project Deliverables & Milestones	
No.	Description
1	Kick-off meeting and Milestones for Completion
2	One mid-Project status report and meeting with City staff;
3	Draft General Plan Update Strategy document submittal
4	Planning and Development Committee meeting attendance (2)
5	Final General Plan Update Strategy Document submittal
6	City Council meeting attendance (2)
7	Final document presentation to Planning Commission and/or City Council (1)

3.0 PROPOSAL FORMAT, CONTENTS, AND SUBMISSION

3.1 Proposal Contents

All proposals submitted for this Project will be submitted as one digital and four hardcopies to be organized, tabbed, and presented in the order listed below. The proposals will not be judged by the volume of material presented and therefore, should be as brief and concise as possible without sacrificing clarity. The proposal should not exceed 20 pages in length exclusive of appendix materials (e.g., resumes).

3.1.1 Cover Page

Indicate the name of firm and Project title.

3.1.2 Professional Team & Qualifications

Provide brief information concerning your firm in this section. Discuss the overall capabilities of the organization(s). Include a brief description of the firm's history, experience, organizational structure, and resumes of top-level management. Provide similar information for each joint venture participant and all subcontractors, if any, along with the approximate percentage of their contribution.

If two or more firms are involved in a joint venture or association for this Project, the proposal must clearly delineate the respective areas of authority and responsibility of each party. All parties signing the agreement with the City must be individually liable for completion of the entire Project, even when the area of authority and responsibility under the terms of the joint venture or association is limited.

Include the following information in this section:

1. Name and location of the office where Project work is to be performed.
2. Total personnel by discipline of the professional team (including sub-Consultants)
3. An Organizational Chart to include:
 - a. Principal-in-Charge – State nature of involvement with the Project
 - b. Project Manager – State nature of involvement with the Project
 - c. Planners/Environmentalists
 - d. Other key personnel

3.1.3 Project Approach and Work Schedule

Present your response to the services requested above. The proposal shall include a description of the methodology developed to perform the required services and tasks, including the listing of products associated with each. Provide a work schedule outlining timeframes for circulation of the Project, work products, and milestones.

The Consultant shall be prepared to start the work within three weeks of the City's authorization to proceed and shall complete work within the allotted time specified by the Professional Services Agreement.

The Project duration may be approximately six to nine months. The actual program time may vary and will depend on issues and circumstances, which evolve from public meetings, future funding, and future

events. The proposal should demonstrate the Consultant's willingness to prepare and execute flexible work scheduling based on these unknown events. The proposal must allow adequate time for Staff review, comment, and redraft of the documents, discussion, and deliberation throughout the Project.

3.1.4 Cost of Services

Submit two exhibits; including 1) a fee schedule showing the hourly rates for staff and any other direct material and equipment costs that are likely to occur and 2) a payment schedule.

The proposed budget should outline all estimated costs to complete the Project as outlined in Section 2 of this RFP, including administrative costs, graphics, duplication, and mailings as well as travel costs. Please note that City of Bakersfield does not pay "Cost-Plus" expenses. Therefore, integrate all anticipated costs to complete the Project into the total proposed budget. The cost will be on a time-and-materials, not-to-exceed basis and payment will be monthly (i.e., net 30).

3.1.5 Insurance and Indemnification

The selected Consultant will be required to obtain and maintain insurance as a condition of the award of this agreement, and the Consultant's proposal shall state that the Consultant shall obtain the following in accordance with the terms of the agreement:

1. Professional liability insurance, providing coverage on an occurrence basis for errors and omissions with limits of not less than One Million Dollars (\$1,000,000) per occurrence;
2. Automobile liability insurance, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000) per occurrence;
3. Broad form commercial general liability insurance, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000) per occurrence; and
4. Workers' compensation insurance with statutory limits and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000) per accident.

Except for professional liability, the liability policies shall contain an additional insured endorsement in favor of the City, its mayor, council, officers, agents, employees and volunteers.

The workers' compensation policy shall contain a waiver of subrogation endorsement in favor of the City, its mayor, council, officers, agents, employees and volunteers.

Insurance is to be placed with insurers with a Bests' rating of no less than A:VII. This requirement may be waived at the City's sole discretion.

Except for professional liability, all policies required of the Consultant hereunder shall be primary insurance as respects the City, its mayor, council, officers, agents, employees and volunteers and any insurance or self-insurance maintained by the City, its mayor, council, officers, agents, employees and volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

The automobile liability policies shall provide coverage for owned, non-owned and hired autos. The liability policies shall provide contractual liability coverage for the terms of this Agreement.

All policies shall contain an endorsement providing the City with 30 days' written notice of cancellation or material change in policy language or terms. All policies shall provide that there shall be continuing liability thereon, notwithstanding any recovery on any policy.

The insurance required under this Agreement shall be maintained until all work required to be performed under the terms of this Agreement is completed to the City's satisfaction. The Consultant shall furnish the City Risk Manager with a certificate of insurance and, if requested, copies of endorsement or all insurance policies evidencing the insurance required under this Agreement.

Any deductibles, self-insured retentions or insurance in lesser amounts, or lack of certain types of insurance otherwise required by this agreement of Consultant, must be declared to and approved by the City.

However, unless otherwise approved by the City, if any part of the work under this Agreement is subcontracted, the "basic insurance requirements" set forth hereinabove shall be provided by or on behalf of all subcontractors even if the City has approved lesser insurance requirements for Consultant. Consultant shall be responsible for determining and guaranteeing all subcontractors are insured as set forth in this paragraph.

All costs of insurance required under this Agreement shall be included in the Consultant's bid, and no additional allowance will be made for additional costs, which may be required by extension of the insurance policies. If Consultant fails to maintain adequate insurance coverage as required by the design contract, then the City of Bakersfield shall have the right to terminate the Consultant's contract.

The selected Consultant will also be required to execute the Professional Services Agreement that includes the following indemnification language:

Consultant shall indemnify, defend, and hold harmless City and City's officers, agents and employees 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, arising out of, connected with, or caused by Consultant or Consultant's employees, agents, independent contractors, companies, or subcontractors in the performance of, or in any way arising from, the terms and provisions of this Agreement whether or not caused in part by a party indemnified hereunder, except for City's sole active negligence or willful misconduct.

3.1.6 Current Volume of Work

Provide a means to demonstrate that your firm has the capacity to provide the required services in a timely manner and to meet the deadlines.

3.1.7 Conflict of Interest

The contractor retained under agreement to perform the aforementioned services will refrain from contracting with the applicant (unless the applicant is the City of Bakersfield) during the duration of the time that the scope of Consultant services is performed on behalf of the City. In addition, the Consultant retained under agreement to perform the aforementioned services will not contract for services on any Project within the incorporated City of Bakersfield without first receiving written consent from the Planning Director that the requested contract for services is not inconsistent, incompatible, in conflict with, or contrary to the performance of the Project, which consent will not be unreasonably withheld.

3.2 Proposal Submission

To receive consideration, proposals shall be made utilizing the following general instructions:

1. The signatures of all persons signing the proposal shall be in longhand. The completed proposal should be without interlineations, alterations, or erasures.
2. No oral, telegraphic, or telephonic proposals will be considered.
3. The submission of a proposal shall be conclusive evidence that the Consultant has investigated and is satisfied with the conditions affecting the program, the character, quality, and scope of work to be performed, and the requirements of the City, and, with that understanding, is qualified and able to complete the Project as outlined herein.
4. Proposals shall be enclosed in and envelopes/shipping box that is clearly marked as specified in the coversheet of this RFP.
5. All documents submitted by the Consultant are subject to disclosure under the Public Records Act.

Submit four hard copies and one digital copy of your proposal to:

Development Service Department – Planning Division
Attn: Kevin F. Coyle, AICP CEP; Planning Director
1715 Chester Avenue, 2nd Floor
Bakersfield, CA 93301

ALL PROPOSALS MUST BE SEALED AND RECEIVED BY 5 P.M. ON THE DEADLINE DATE AT THE ABOVE OFFICE AND ADDRESS. PROPOSALS SUBMITTED AFTER THE ABOVE DEADLINE WILL NOT BE ACCEPTED.

4.0 MISCELLANEOUS GENERAL REQUIREMENTS

4.1 Payment for Services

Payment, which requires the preparation of studies and/or any other City requested work, shall be subject to approval by City Staff and will not be paid prior to the completion of any requested revisions.

4.2 Services Provided by the City

The City will provide a Project Manager and Staff assistance by appropriate City personnel and the items listed below in support of the Consultant's professional services; however, the Consultant shall be responsible for the evaluation of all information supplied by the City.

4.2.1 City Documents

Upon agreement between the City and Consultant on the scope of the information required, the City will furnish Consultant with available data, plans, reports, maps, and other materials and information required for the Project, except those included in the Consultant's scope of services.

4.3 Solicitation Caveat

The proposer understands and agrees that the City shall have no financial responsibility for any costs incurred by the proposer in responding to this RFP and shall not be liable to any proposer for costs attributed to the design of the Project until the proposer has executed a contract with the City and been authorized in writing to proceed. The City reserves the right to terminate this RFP after three-day notice to all prospective proposers. The City may select any proposal in its sole discretion and on the basis of criteria which the City determines best reflects its interest in completion of the Project. The City may (a) select any proposal for further clarification or negotiation; (b) alter the RFP or ask for alternative proposals; (c) suspend or alter the timing of negotiations and/or solicitations and/or negotiations and/or execution of agreements under this RFP or in respect of any proposal; or (d) suspend or terminate, in whole or in part, any aspect of the Project or this RFP. In any such event and to the maximum extent permitted by law, a proposer's sole remedy will be the right to withdraw such proposal, and all other rights and remedies of any proposer submitting a proposal will be deemed waived and released as against the City.

The submission of a proposal shall be conclusive evidence that the Consultant had investigated and satisfied themselves as to the conditions to be encountered, the character, quality, and scope of work to be performed, and the requirements of the City of Bakersfield, and, with that understanding, is qualified and able to complete the Project as outlined herein.

4.4 Time

Time is of the essence as to all work to be performed by the selected Consultant.

4.5 Form of Independent Contractor's Agreement (Over \$40K)

Attached is substantially the form of the Independent Contractor's Agreement (Over \$40K), which the successful firm is expected agree to and sign. Prospective Consultants shall be notified of major changes to this RFP or the proposed Independent Contractor's Agreement (Over \$40K) by addenda.

4.6 Business Address

Proposers shall furnish the City with their business street address. Any communications directed either to the address so given or to the address listed on the sealed proposal container and deposited in the U.S. Postal Service by certified mail shall constitute a legal service thereof upon the proposer.

4.7 Addenda

Addenda issued by the City interpreting or changing any of the items in this RFP, including all modifications thereof, shall be incorporated in the proposal. The proposer shall sign and date the Addenda Cover Sheet and submit them with their proposal (or deliver them to the Planning Division) if the Consultant has previously submitted this proposal to the Planning Division.

4.9 Disadvantaged Business Enterprise (DBE) Participation

The Consultant shall ensure that DBE firms, as defined by federal law, have the maximum opportunity to participate in the performance of this contract and shall take all necessary and reasonable steps for such assurance. The Consultant shall document that adequate Good Faith Efforts were conducted to meet the requirements of the DBE. If a ranked Consultant does not meet the goal and the City determines that the Good Faith Effort was not adequate, the Consultant will be rejected and the City will negotiate with the next highest ranked firm.

5.0 SELECTION PROCESS

All proposals received by the specified deadline will be reviewed by the City for content, fee schedule, staffing, the proposed work program, and the phasing of tasks as well as overall compliance with this RFP. In reviewing the details for the Update Options, the City will consider level of effort, timing, and cost.

Informal interviews may be conducted as part of the final selection process. The firm or firms selected by the City will be recommended to the City Council, but the Council is not bound to accept the recommendation or award the work to the recommended firm.

The City reserves the right to reject any and all proposals and to waive informalities and minor irregularities in any proposal received and may reject, modify, or otherwise alter this proposal process as it sees fit, at its sole discretion, with or without cause. The City reserves the right to select the proposal or proposals which, in its sole judgment, best meet the needs of the City. Pursuant to Section 4526 of the Government Code, the selection will be based on demonstrated competence and on the professional qualifications of the applicants and at a fair and reasonable price to the City.

Consultant's List

**City of Bakersfield Planning Division
Consultant List
- Mailing Labels -
Updated: 10/16/19**

AECOM

Attn: RFP Manager
1220 Avenida Acaso
Camarillo, CA 93012
PH: 805-388-3775

Alta Environmental

Attn: RFP Manager
3777 Long Beach Blvd., Annex Bldg.
Long Beach, CA 90807
PH: 888-608-3010

Applied Planning, Inc.

Attn: RFP Manager
11762 De Palma Rd., 1-C 310
Corona, CA 92883
PH: 909-937-0333

Ascent Environmental, Inc.

Attn: RFP Manager
455 Capitol Mall, Ste. 300
Sacramento, CA 95814
PH: 916-444-7301

Aspen Environmental Group

Attn: RFP Manager
5020 Chesebro Rd., Ste. 200
Agoura Hills, CA 91301
PH: 818-597-3407

Benchmark Resources

Attn: RFP Manager
2515 E. Bidwell St.
Folsom, CA 95630
PH: 916-983-9193

CAJA Environmental Services, LLC

Attn: RFP Manager
15350 Sherman Wy., Ste. 315
Van Nuys, CA 91406
PH: 310-469-6700

Crawford & Bowen Planning, Inc.

Attn: RFP Manager
113 N. Church St., Ste. 302
Visalia, CA 93291
PH: 559-840-4414

Denise Duffy & Associates, Inc.

Attn: RFP Manager
947 Cass St., Ste. 5
Monterey, CA 93940
PH: 831-373-4341

Drake Haglan and Associates

Attn: RFP Manager
11060 White Rock Rd., Ste. 200
Rancho Cordova, CA 95670
PH: 916-363-4210

Dudek

Attn: RFP Manager
38 N. Marengo Ave.
Pasadena, CA 91101
PH: 626-204-9800

Ecology and Environment Inc.

Attn: RFP Manager
505 Sansome St., Ste. 300
San Francisco, CA 94111
PH: 415-398-5326

ECORP Consulting, Inc.

Attn: RFP Manager
215 N. Fifth St.
Redlands, CA 92374
PH: 909-307-0046

EcoTierra Consulting, Inc.

Attn: RFP Manager
5776-D Lindero Canyon Rd. #414
Westlake Village, CA 91362
PH: 818-356-9496

EMC Planning Group Inc.

Attn: RFP Manager
301 Lighthouse Avenue, Suite C
Monterey, CA 93940
PH: 831-649-1799

Envicom Corporation

Attn: RFP Manager
4165 E. Thousand Oaks Blvd., Ste. 290
Westlake Village, CA 91362
PH: 818-879-4700

EPD Solutions, Inc.

Attn: RFP Manager
2030 Main St., Ste. 1200
Irvine, CA 92614
PH: 949-794-1180

ESA

Attn: RFP Manager
626 Wilshire Blvd., Ste. 1100
Los Angeles, CA 90017
PH: 213-599-4300

FirstCarbon Solutions

Attn: RFP Manager
250 Commerce, Ste. 250
Irvine, CA 92602
PH: 714-508-4100

HDR Engineering, Inc.

Attn: RFP Manager
3230 El Camino Real, Ste. 200
Irvine, CA 92602
PH: 714-730-2300

ICF International

Attn: RFP Manager
49 Discovery, Ste. 250
Irvine, CA 92618
PH: 949-333-6625

Impact Brands, Inc.

Attn: RFP Manager
1600 Sacramento Inn Wy., Ste. 135
Sacramento, CA 95815
PH: 916-549-8646

Impact Sciences

Attn: RFP Manager
231 Village Commons, Ste. 17
Camarillo, CA 93012
PH: 805-437-1900

Kimley-Horn and Associates, Inc.

Attn: RFP Manager
555 Capitol Mall, Ste. 300
Sacramento, CA 95814
PH: 916-858-5800

Krazan & Associates

Attn: RFP Manager
2205 Coy Ln.
Bakersfield, CA 93307
PH: 661-837-9200

LSA Associates

Attn: RFP Manager
20 Executive Park, Ste. 200
Irvine, CA 92614
PH: (949) 553-0666

Meridian Consultants LLC

Attn: RFP Manager
920 Hampshire Rd., Ste. A5,
Westlake Village CA 91361
PH: 805-367-5720

Michael Baker

Attn: RFP Manager
2729 Prospect Dr., Ste. 220
Rancho Cordova, CA 95670
PH: 916-361-8384

MRS Environmental Inc.

Attn: RFP Manager
1306 Santa Barbara St.
Santa Barbara, CA 93101
PH: 805-289-3920

Northcutt & Associates

Attn: RFP Manager
4220 Poplar St.
Lake Isabella, CA 93240
PH: 760-379-4626

Rincon Consultants, Inc.

Attn: RFP Manager
180 N. Ashwood Ave.
Ventura, CA 93003
PH: 805-644-4455

Oliveira Environmental Consulting

Attn: RFP Manager
1645 Hillcrest Pl.
San Luis Obispo, CA 93401
PH: 805-234-7393

Sapphos Environmental Inc.

Attn: RFP Manager
430 N. Halstead St.
Pasadena, CA 91107
PH: 626-683-3547

Padre Associates, Inc.

Attn: RFP Manager
3500 Coffee Road, Ste. B
Bakersfield, CA 93308
PH: 661-829-2686

Stantec

Attn: RFP Manager
555 Capitol Mall, Ste. 650
Sacramento, CA 95814
PH: 916-442-3230

Parsons Corporation

Attn: RFP Manager
100 W. Walnut St.
Pasadena, CA 91124
PH: (626) 440-4000

SWCA Environmental Consultants

Attn: RFP Manager
51 W. Dayton St.
Pasadena, CA 91105
PH: 626-240-0587

PlaceWorks

Attn: RFP Manager
3 MacArthur Pl., Ste. 1100
Santa Ana, CA 92707
PH: 714-966-9220

Tetra Tech, Inc.

Attn: RFP Manager
17885 Von Karman Ave., Ste. 500
Irvine, CA 92614
PH: 949-809-5000

Power Engineers, Inc.

Attn: RFP Manager
731 E. Ball Rd., Ste. 100
Anaheim, CA 92805
PH: 714-507-2700

UltraSystems, Inc.

Attn: RFP Manager
16431 Scientific Wy.
Irvine, CA 92618-7443
PH: 949-788-4988

Provost & Pritchard Consulting Services

Attn: RFP Manager
1800 30th St., Ste. 280
Bakersfield, CA 93301
PH: 661-616-5900

WZI Inc.

Attn: RFP Manager
1717 28th St.
Bakersfield, CA 93301
PH: 661-326-1112

QK Inc.

Attn: RFP Manager
5080 California Ave., Ste. 220
Bakersfield, CA 93309
PH: 661-616-2600

Raney Planning & Management, Inc.

Attn: RFP Manager
1501 Sports Dr., Ste. A
Sacramento, CA 95834
PH: 916-372-6100

RECON Environmental, Inc.

Attn: RFP Manager
1927 Fifth Ave.
San Diego, CA 92101-2358
PH: 619-308-9333

Independent Contractor's Agreement (Over \$40K)

AGREEMENT NO. _____

INDEPENDENT CONTRACTOR'S AGREEMENT

[Over \$40,000]

This **INDEPENDENT CONTRACTOR'S AGREEMENT** ("Agreement") is made and entered into on _____, by and between the **CITY OF BAKERSFIELD**, a municipal corporation, ("CITY") and _____ ("CONTRACTOR").

RECITALS

WHEREAS, CONTRACTOR represents that CONTRACTOR is experienced, well qualified and a specialist in the field of _____.

NOW, THEREFORE, incorporating the foregoing recitals herein, CITY and CONTRACTOR mutually agree as follows:

1. **SCOPE OF WORK.** In exchange for the Compensation (defined below), CONTRACTOR shall perform the following:

("Scope of Work"). The Scope of Work shall include all items and procedures necessary to properly complete the task CONTRACTOR has been hired to perform, whether specifically included in the Scope of Work or not.

2. **COMPENSATION/PAYMENT PROCEDURE.** Subject to the conditions of this section, CITY will pay CONTRACTOR as follows for performing the Scope of Work ("Compensation"): **[choose one]**

(1) A total, lump sum payment of \$ _____ after the Scope of Work is completed to CITY's satisfaction, or

(2) On an hourly [or time/material] basis in accordance with the hourly rates as shown on **Exhibit A**.

CITY will pay CONTRACTOR within 30 days after CONTRACTOR submits an itemized invoice for the portions of the Scope of Work completed and that invoice is approved by CITY. The Compensation will be the total amount paid to CONTRACTOR for performing the Scope of Work and includes, but is not limited to, all out-of-pocket costs and taxes. CITY will pay no other compensation to CONTRACTOR. In no case will CITY compensate CONTRACTOR more than \$_____ for performing the Scope of Work.

3. **TERM.** Unless terminated sooner, as set forth herein, this Agreement shall terminate on _____ [Date].
4. **TERMINATION.** Either party may terminate this Agreement after giving the other party written notice, as provided herein, ten days before the termination is effective.
5. **COMPLIANCE WITH ALL LAWS.** CONTRACTOR shall, at CONTRACTOR's sole cost, comply with all of the requirements of Municipal, State, and Federal authorities now in force, or which may hereafter be in force, pertaining to this Agreement, and shall faithfully observe in all activities relating to or growing out of this Agreement all Municipal ordinances and State and Federal statutes, rules or regulations, and permitting requirements now in force or which may hereafter be in force including, without limitation, obtaining a City of Bakersfield business tax certificate (Bakersfield Municipal Code Chapter 5.02) where required.
6. **INDEPENDENT CONTRACTOR.** This Agreement calls for CONTRACTOR's performance of the Scope of Work as an independent contractor. CONTRACTOR is not an agent or employee of the CITY for any purpose and is not entitled to any of the benefits provided by CITY to its employees. This Agreement shall not be construed as forming a partnership or any other association with CONTRACTOR other than that of an independent contractor.
7. **DIRECTION.** CONTRACTOR retains the right to control or direct the manner in which the services described herein are performed.
8. **EQUIPMENT.** CONTRACTOR will supply all equipment, tools, materials and supplies necessary to perform the services under this Agreement.
9. **STARTING WORK.** CONTRACTOR shall not begin work until authorized to do so in writing by CITY. No work will be authorized before the date first written above.

10. **KEY PERSONNEL.** CONTRACTOR shall name all key personnel to be assigned to perform the Scope of Work. All key personnel shall be properly licensed and have the experience to perform the work called for under this Agreement. CONTRACTOR shall provide background for each of the key personnel including, without limitation, resumes and work experience performing work similar to the Scope of Work. CITY reserves the right to approve key personnel. Once the key personnel are approved, CONTRACTOR shall not change such personnel without CITY's written approval.
11. **INCLUDED DOCUMENTS.** Any bid documents, including, without limitation, special provisions and standard specifications and any Request for Proposals, Request for Qualifications and responses thereto relating to this Agreement are incorporated by reference as though fully set forth herein.
12. **LICENSES.** CONTRACTOR shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits and approvals which are legally required for CONTRACTOR to practice its profession and perform the Scope of Work. If CONTRACTOR is a corporation, at least one officer or key employee shall hold the required licenses or professional degrees. If CONTRACTOR is a partnership, at least one partner shall hold the required licenses or professional degrees.
13. **STANDARD OF PERFORMANCE.** The Scope of Work shall be performed in conformity with all legal requirements and industry standards observed by a specialist of CONTRACTOR's profession in California.
14. **SB 854 COMPLIANCE.** To the extent Labor Code Section 1771.1 applies to this Agreement, a contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, be subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of Labor Code Section 1771.1 for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded. The prime contractor is required to post job site notices in compliance with Title 8 California Code of Regulations Section 16451. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

15. **NO WAIVER OF DEFAULT.** The failure of any party to enforce against another party any provision of this Agreement shall not constitute a waiver of that party's right to enforce such a provision at a later time and shall not serve to vary the terms of this Agreement.

16. **INSURANCE.**

16.1 **Types and Limits of Insurance.** In addition to any other insurance or security required under this Agreement, CONTRACTOR must procure and maintain, for the duration of this Agreement, the types and limits of insurance below ("Basic Insurance Requirements").

16.1.1 **Automobile liability insurance,** providing coverage for owned, non-owned, and hired autos on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury, with limits of not less than \$1,000,000 per occurrence.

16.1.2 **Commercial general liability insurance,** unless otherwise approved by CITY's Risk Manager, providing coverage on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury, with limits of not less than \$1,000,000 per occurrence. The policy must:

16.1.2.1 Provide contractual liability coverage for the terms of this Agreement;

16.1.2.2 Provide products and completed operations coverage;

16.1.2.3 Provide premises, operations, and mobile equipment coverage; and

16.1.2.4 Contain an additional insured endorsement in favor of CITY and its mayor, council, officers, agents, employees, and designated volunteers.

16.1.3 **Workers' compensation insurance** with limits of not less than \$1,000,000 per occurrence. In accordance with the provisions of Labor Code Section 3700, every contractor will be required to secure the payment of compensation to his employees. Pursuant to Labor Code Section 1861,

CONTRACTOR must submit to CITY the following certification before beginning any work on the Improvements:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

By executing this Agreement, CONTRACTOR is submitting the certification required above.

The policy must contain a waiver of subrogation in favor of CITY and its mayor, council, officers, agents, employees, and designated volunteers.

16.2 General Provisions Applying to All Insurance Types.

- 16.2.1** All policies required of CONTRACTOR must be written on a first-dollar coverage basis, or contain a deductible provision. Subject to CITY's advance approval, CONTRACTOR may utilize a self-insured retention in any or all of the policies provided, but the policy or policies may not contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured or by any means including other insurance or which is intended to defeat the intent or protection of an additional insured.
- 16.2.2** All policies required of CONTRACTOR must be primary insurance as to CITY and its mayor, council, officers, agents, employees, or designated volunteers and any insurance or self-insurance maintained by CITY and its mayor, council, officers, agents, employees, and designated volunteers must be excess of CONTRACTOR's insurance and must not contribute with it.
- 16.2.3** The insurance required above, except for workers' compensation insurance, must be placed with insurers with a Best's rating as approved by CITY's Risk Manager,

but in no event less than A-VII. Any deductibles, self-insured retentions, or insurance in lesser amounts, or lack of certain types of insurance otherwise required by this Agreement, or insurance rated below Best's A-VII, must be declared prior to execution of this Agreement and approved by CITY in writing.

16.2.4 The insurance required in this section must be maintained until the Scope of Work is satisfactorily completed as evidenced by CITY's written acceptance. All policies must provide that there will be continuing liability thereon, notwithstanding any recovery on any policy.

16.2.5 Full compensation for all premiums which the CONTRACTOR is required to pay to satisfy the Basic Insurance Requirements shall be considered as included in the prices paid for the performance of the Scope of Work, and no additional allowance will be made therefor or for additional premiums which may be required by extensions of the policies of insurance.

16.2.6 It is further understood and agreed by CONTRACTOR that its liability to CITY will not in any way be limited to or affected by the amount of insurance obtained and carried by CONTRACTOR in connection with this Agreement.

16.2.7 Unless otherwise approved by CITY, if any part of the Scope of Work is subcontracted, the Basic Insurance Requirements must be provided by, or on behalf of, all subcontractors even if CITY has approved lesser insurance requirements for CONTRACTOR, and all subcontractors must agree in writing to be bound by the provisions of this section.

17. THIRD PARTY CLAIMS. In the case of public works contracts, CITY will timely notify CONTRACTOR of third party claims relating to this Agreement. CITY shall be allowed to recover from CONTRACTOR, and CONTRACTOR shall pay on demand, all costs of notification.

18. INDEMNITY. CONTRACTOR shall indemnify, defend, and hold harmless CITY and CITY's officers, agents and employees 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, arising out of, connected with, or caused by CONTRACTOR or CONTRACTOR's employees, agents, independent contractors, companies, or subcontractors in the performance of, or in any way arising from, the terms and provisions of this Agreement whether or not caused in part by a party indemnified hereunder, except for CITY's sole active negligence or willful misconduct.

19. **ASSIGNMENT.** Neither this Agreement nor any rights, interests, duties, liabilities, obligations or responsibilities arising out of, concerning or related in any way to this Agreement (including, but not limited to, accounts, actions, causes of action, claims, damages, demands, liabilities, losses, obligations, or reckonings of any kind or nature whatsoever, for compensatory or exemplary and punitive damages, or declaratory, equitable or injunctive relief, whether based on contract, equity, tort or other theories of recovery provided for by the common or statutory law) may be assigned or transferred by any party. Any such assignment is prohibited, and shall be unenforceable and otherwise null and void without the need for further action by the non-assigning party or parties.
20. **ACCOUNTING RECORDS.** CONTRACTOR shall maintain accurate accounting records and other written documentation pertaining to all costs incurred in performance of this Agreement. Such records and documentation shall be kept at CONTRACTOR's office during the term of this Agreement, and for a period of three years from the date of the final payment hereunder, and made available to CITY representatives upon request at any time during regular business hours.
21. **BINDING EFFECT.** The rights and obligations of this Agreement shall inure to the benefit of, and be binding upon, the parties to the Agreement and their heirs, administrators, executors, personal representatives, successors and assigns.
22. **CORPORATE AUTHORITY.** Each individual signing this Agreement on behalf of entities represents and warrants that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.
23. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be considered as an original and be effective as such.
24. **EXECUTION.** This Agreement is effective upon execution. It is the product of negotiation and all parties are equally responsible for authorship of this Agreement. Section 1654 of the California Civil Code shall not apply to

- the interpretation of this Agreement.
25. **EXHIBITS.** In the event of a conflict between the terms, conditions or specifications set forth in this Agreement and those in exhibits attached hereto, the terms, conditions, or specifications set forth in this Agreement shall prevail. All exhibits to which reference is made in this Agreement are deemed incorporated in this Agreement, whether or not actually attached.
 26. **FURTHER ASSURANCES.** Each party shall execute and deliver such papers, documents, and instruments, and perform such acts as are necessary or appropriate, to implement the terms of this Agreement and the intent of the parties to this Agreement.
 27. **GOVERNING LAW.** The laws of the State of California will govern the validity of this Agreement and its interpretation and performance. Any litigation arising in any way from this Agreement shall be brought in Kern County, California.
 28. **INTERPRETATION.** Whenever the context so requires, the masculine gender includes the feminine and neuter, and the singular number includes the plural.
 29. **MERGER AND MODIFICATION.** This Agreement sets forth the entire agreement between the parties and supersedes all other oral or written representations. This Agreement may be modified only in a writing approved by the City Council and signed by all the parties.
 30. **NON-INTEREST.** No CITY officer or employee shall hold any interest in this Agreement (California Government Code section 1090).
 31. **NOTICES.** All notices relative to this Agreement shall be given in writing and shall be personally served or sent by certified or registered mail and be effective upon actual personal service or depositing in the United States mail. The parties shall be addressed as follows, or at any other address designated by notice:

**CITY: CITY OF BAKERSFIELD
CITY HALL
1600 Truxtun Avenue
Bakersfield, California 93301**

CONTRACTOR: _____

32. **RESOURCE ALLOCATION.** All CITY obligations under the terms of this Agreement are subject to the appropriation and allocation of resources by the City Council.

33. **TITLE TO DOCUMENTS.** All documents, plans, and drawings, maps, photographs, and other papers, or copies thereof prepared by CONTRACTOR pursuant to the terms of this Agreement, shall, upon preparation, become CITY property.

34. **TAX NUMBERS.**

CONTRACTOR's Federal Tax ID Number _____

CONTRACTOR is a corporation? Yes _____ No _____

(Please check one.)

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first written above.

"CITY"
CITY OF BAKERSFIELD

"CONTRACTOR"

I have received and reviewed the sample CONTRACTOR's AGREEMENT including the INDEMNITY clause which was sent to me with the City's RFQ. My signature below shall signify our firm's acceptance of a final version of the same contract except for "Scope of Work" and "Compensation" clauses. If our firm is selected for awarding a contract for the project as described in said RFQ for On Call Construction Inspection Services of City Public Works projects.

By: _____
Karen K. Goh
Mayor

Initialed by: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: _____
(NAME & TITLE)

Insurance: _____

APPROVED AS TO CONTENT:
CITY DEPARTMENT NAME

By: _____
DEPARTMENT HEAD NAME
TITLE

COUNTERSIGNED:

By: _____

RANDY McKEEGAN

Finance Director

Attachment: Exhibit ____



General Plan Update Strategy and Options Report

prepared for

City of Bakersfield

Planning Division, Development Service Department
1715 Chester Avenue, 2nd Floor
Bakersfield, California 93301
Contact: Steven Esselman, Principal Planner

prepared by

Rincon Consultants, Inc.

7080 North Whitney Avenue, Suite 101
Fresno, California 93720

June 2020



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

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Executive Summary

To better position the City of Bakersfield (City) for the future, the City commissioned a study to examine the Metropolitan Bakersfield General Plan (General Plan), which was adopted in 2002, and subsequently updated in 2006, 2007, 2009, 2010, 2012, and 2016, and to recommend at least three options for updating the General Plan based on the analysis and findings. When originally adopted, the General Plan was based on the latest data and trend analysis and accepted best practices in comprehensive planning. However, it is recognized that to adjust to changing community dynamics, to keep policies and programs fresh and relevant, and to comply with state law, general plans are reviewed and revised periodically.

The City has experienced unprecedented growth since the plan's last adoption and recognizes the need to update the General Plan to better align with the community's future land use planning vision, goals, and implementation strategies. Rincon Consultants, Inc. (Rincon), an environmental and planning consulting firm with land use planning expertise, was retained by the City and charged with the following tasks:

- Review the City's General Plan, focusing on its content, clarity, and intended purpose
- Assess the completeness and ease of use associated with the City's General Plan, and where appropriate, recommend additional provisions or other improvements
- Submit a Summary Report of the consultant's findings and recommendations

The goal of Rincon's analysis was to gain a clear understanding of the issues and expectations and create a reasonable range of options for a general plan update process. The report identifies actions the City can take that will best position the General Plan to effectively and efficiently provide a roadmap to guide future development while achieving the City's vision and goals. Specific actions are also recommended to enhance the consistency, clarity, contemporary nature, and completeness of the document, which will make it better understood and more useful to public officials, citizens and other stakeholders as the long-term vision Bakersfield is executed.

To begin our work, Rincon examined the content, clarity, and intended purpose of the Metropolitan Bakersfield General Plan and have determined what works, what does not work, where change is needed, identified deficiencies related to updated regulations, its legal adequacy, and strategized how best to separate the City components from the County components in the General Plan. Rincon assessed current trends in and outside Bakersfield and engaged with a number of staff members and to determine the current day-to-day utility of the General Plan and ease of implementation during the processing of development projects in the City. Our review excluded the Housing Element, since the current element was prepared separately from the General Plan, and has its own set of policies, procedures, and timing restrictions.

This report provides a blueprint for moving forward and presents our findings and focuses on three options:

- A **Focused Update** that includes the updating of all legally required elements but no parcel-specific land use designation updates
- A **Policy Update** that includes the Focused Update option plus specific, locally important, policy-driven updates in some or all the existing General Plan elements and limited, parcel-specific, existing land use designation updates

- A **Comprehensive Update** that overhauls all sections and technical information, incorporates all new State planning laws and guidance regarding general plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations.

The report is organized around the analysis of these three general plan update options and is intended to be used by City of Bakersfield as a guide when selecting their preferred approach to updating the General Plan.

Recommendation of this Report

Recommendation is for a comprehensive update to the City's General Plan.

This report examined the three options for updating Bakersfield's General Plan, as listed above. Table 1 provides an overview of the identified issues that should be addressed by an update to the General Plan and which options satisfy each issue.

Based on that analysis the report recommends that the City of Bakersfield undertake a comprehensive update to the Metropolitan Bakersfield General Plan. A comprehensive update to the General Plan can provide opportunities to engage the community, confirm the long-term vision for Bakersfield, better control land use decisions in the City's Sphere of Influence (SOI), and fully update, evaluate, and modernize all parts of the document. A comprehensive update would be the most legally defensible document with its corresponding EIR.

1 General Plan Update Options

The General Plan is the primary comprehensive roadmap for guiding future development in counties and cities throughout California. California Government Code Section 65300 et seq. requires each county and city to adopt a general plan for its future development, as follows:

Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgement bears relation to its planning.

There are no requirements for how often a general plan must be updated or how updates should be structured. Jurisdictions are left to determine when the long-range planning document has become stale and how to best address changing conditions that call for an update to a general plan. A more detailed description of the State's requirements for general plans is contained in Section 2 and a full list of legislation that affects the general plan is contained in Appendix A.

The City is currently reviewing whether and how to best update the General Plan. Since its adoption of the General Plan, Bakersfield has changed in several ways. It has continued to grow; both in population and geographic scope. The demographics of Bakersfield's citizens have changed in terms of race and ethnic make-up as well. Bakersfield is currently 151.20 square miles, having increased by 37.03 square miles since the year 2000 (City of Bakersfield 2019, 2015). Any General Plan update option must incorporate the effects of important citywide trends related to population, transportation and transit, the economy, and housing to be considered adequate.

Based on our analysis and staff input, it has been determined that the following issues should be addressed by an update to the General Plan:

- **The General Plan lacks a unified vision and guiding principles.** The General Plan contains no vision statement or guiding principles. As such, goals, policies, and programs have no direction.
- **The General Plan does not address current conditions.** Changing demographic and economic conditions that have resulted from the community's growth are not adequately addressed. Plans for the future are based on outdated information, and current regional plans are not reflected in it.
- **The General Plan is a joint planning document with Kern County.** This joint document allows Kern County to approve development within the Metro-Bakersfield boundaries without requiring input from the City or following City development standards. Kern County has already started the process of updating their County-wide General Plan which will repeal this joint planning document.
- **The General Plan lacks modern elements.** Sustainability, arts and culture, and agriculture are examples of optional elements that could enhance the Bakersfield General Plan.
- **The General Plan does not consider recent laws affecting general plans.** The General Plan does not address environmental justice, climate resiliency strategies, or complete streets. Not including these items can negatively affect the City's opportunity for State grant funding and some streamlining opportunities for future land use and development projects.

- **The General Plan does not address contemporary planning issues.** The Plan does not address such issues as healthy communities/public health, economic development, greenhouse gas (GHG) emissions reduction, alternative forms of energy, and sustainability.
- **Goals and policies contained in the General Plan no longer fit Bakersfield.** Some goals and policies have not been realized; so it makes more sense to develop new goals and policies for Bakersfield rather than to change outdated aspirations that may no longer reflect the City's desired plan.
- **The General Plan is not user friendly.** The General Plan contains graphics that are extremely hard to read. There is little use of eye-catching color and/or photos. The document is not searchable or organized with digital bookmarks and other newer electronic document technologies.
- **Technical data and appendices are out of date.** Data and planning horizons are out of date making it impossible for current conditions to be measured against thresholds. Outdated utility capacities could result in the approval of projects without adequate facilities.
- **There is no link between policies and implementation programs.** The General Plan refers to local and regional plans that have since been updated; many have been updated more than once.
- **The General Plan Environmental Impact Report (EIR) does not provide for development streamlining.** California Environmental Quality Act (CEQA) documentation and analysis has changed significantly since 2002. It is difficult for current development projects to tier new CEQA analyses off the approved EIR. Furthermore, the outdated EIR is not as legally defensible as a new CEQA document (either supplemental EIR or a new EIR) that would be prepared as part of one of the update options.

At this time there are three options, or approaches, being considered for the update: 1) Focused Update, 2) Policy Update, and 3) Comprehensive Update. While each option allows for some of the above issues to be addressed, only the Comprehensive Update option will address all issues. Table 1 below provides a more detailed breakdown on how each option will satisfy the issues that should be addressed by a general plan update.

Table 1 Analysis of Issues to Address with an Update and Options

Issue	Solution	General Plan Update Options		
		Focused Update	Policy Update	Comprehensive Update
The General Plan lacks a unified vision and guiding principles.	Undertake visioning efforts. Develop a unified vision and guiding principles that resonate throughout the General Plan update.			X
The General Plan does not address current conditions.	Update all technical analyses for information on current conditions. Update all figures, tables, and graphics so they reflect current conditions.		X	X
The General Plan is a joint planning document with Kern County.	Prepare a general plan update that focuses on Bakersfield and prioritizes City issues. Provide clear direction for development to City standards in the City’s SOI. Eliminate reliance on the joint planning document.			X
The General Plan lacks modern elements.	Reexamine topics that are important to Bakersfield. Consider the addition of other elements to address topics of importance, such as an Economic Development or Sustainability Element.			X
The General Plan does not consider recent laws affecting general plans.	Update all elements for compliance with state, regional, and local legislation.	X	X	X
The General Plan does not address contemporary planning issues.	Examine contemporary planning issues such as healthy communities/public health, economic development, GHG emissions reduction, alternative forms of energy, and sustainability. Develop goals and policies relative to these topics and/or consider the inclusion of new elements to address.			X
Goals and policies contained in the General Plan no longer fit Bakersfield.	Reexamine existing goals and policies. Revise where appropriate and/or develop new policies to address the City’s long-term vision.		X	X
The General Plan is not user friendly.	Create an aesthetically pleasing and easy to use document. Ensure that the document is searchable and organized with digital bookmarks and other newer electronic document technologies.		X	X
Technical data and appendices are out of date.	Update all technical analyses for information on current conditions. Update all figures, tables, and graphics so they reflect current conditions.		X	X
There is no link between policies and implementation programs.	Reexamine policies and implementing programs. Revise where appropriate and/or develop new programs to carry out the policies that address the City’s long-term vision.			X
The General Plan EIR does not provide for development streamlining.	Prepare a new EIR that addresses all current issue areas, as outlined by Appendix G of the CEQA Guidelines.	X	X	X
Issues Addressed		2	6	11

1.1 Focused Update

Focused general plan updates are typically undertaken when a city feels its general plan is up to date and only minor changes are required to address State legislation passed since the document was last update. For Bakersfield, the Focused Update would involve updating all legally required elements to comply with State legislation (as outlined in Appendix A), but no parcel-specific land use designation updates would be performed and updates to Title 17 (Zoning) of the Bakersfield Municipal Code would not be required. Environmental analysis of the Focused Update would be required under CEQA.

Approach

This approach would involve the following:

- Update the Land Use Element to comply with state legislation
- Update the Safety Element to comply with state legislation
- Update the Circulation Element to comply with state legislation
- Update the Conservation Element to comply with state legislation
- Update the Open Space Element to comply with state legislation
- Prepare CEQA analysis; likely an EIR or possibly a Subsequent or Supplemental EIR

While this approach is the simplest and most cost effective of the three options, it does not allow the City to address all of the issues detailed above. First, the Focused Update would not allow for a fresh look at long-range goals and policies, and the current vision for Bakersfield would not be reflected. The document would not have a cohesive look and structure and could potentially appear even more disjointed than it does currently. Technical analyses would not be updated, resulting in technical data that still does not reflect current conditions. A new focused CEQA document would allow for some streamlining of future environmental review. See Table 1 for more information.

Cost

Consultant costs for a Focused Update to the General Plan, as described above, could range from approximately \$85,000 to \$175,000. This includes preparation of the updated elements and CEQA documentation for the general plan update.

Schedule

It is estimated that a Focused Update to the General Plan, as described above, would take 6 to 12 months to complete.

1.2 Policy Update

Policy updates to general plans are similar to focused updates in that the scope of work is limited. However, the Policy Update option would also address specific, locally important policies and plans for their general plan update. For this general plan update, this approach would include compliance with regional plans such as the 2018 Kern County Regional Transportation Plan, 2020 Regional Transportation Plan, and 2019 Bicycle Plan and Complete Streets Facilities. Under the Policy Update,

limited parcel-specific existing land use designation updates would be performed, only to ensure consistency with elements that require updating under this scenario.

Approach

This approach would involve the following:

- Update the Land Use Element to comply with state legislation, regional, and local policies and plans. Land use designations that conflict with other documents, or no longer needed, should be revised or deleted.
- Update the Safety Element to comply with state legislation, regional, and local policies and plans.
- Perform a citywide traffic impact analysis to gain information on current conditions. Update the Circulation Element with findings and to comply with State legislation, regional, and local policies and plans including addressing the new CEQA Vehicle Miles Travelled (VMT) threshold requirement.
- Update the Conservation Element to comply with state legislation, regional, and local policies and plans.
- Combine the Open Space and Parks Elements, and update to comply with State legislation, regional, and local policies and plans.
- Perform a noise technical analysis to gain information on current conditions and provide updated noise contour maps. Update the Noise Element with findings and the new contour maps and for compliance with regional and local plans and policies.
- Update Title 17 (Zoning) of the Bakersfield Municipal Code as necessary to address limited land use designation updates.
- Prepare an EIR to satisfy CEQA requirements.

The Policy Update approach to the general plan update would force a larger update to the document compared to the Focused Update option, and would satisfy more of the issues identified above. Some long-range goals and policies could be refined as the elements were updated, but it is unlikely that the current vision for Bakersfield would be fully reflected. Updates to technical analyses would result in the inclusion of current data, and figures would be updated to reflect current conditions. The document would have more of a cohesive look, although a unified vision and guiding principles would not be developed, and modern elements such as an Economic Development or Sustainability Element would not be included. A new CEQA document would allow for some streamlining of future environmental review. See Table 1 for more information.

Cost

Consultant costs for a Policy Update to the General Plan, as described above, could range from approximately \$200,000 to \$500,000. This includes preparation of the updated elements and CEQA documentation for the general plan update.

Schedule

It is estimated that a Policy Update to the General Plan, as described above, would take 12 to 24 months to complete.

1.3 Comprehensive Update

A comprehensive update to a general plan provides a jurisdiction with the opportunity to reevaluate the long-range vision for the community. It involves a complete overhaul of all sections and technical information, incorporates all new state planning laws and guidance regarding General Plan updates, executes a large-scale public engagement program, and updates all parcel-specific land use designations.

Comprehensive updates are often found to be necessary every 20-30 years. It is recognized that even the best long-range plan will grow stale and less relevant over time as jurisdictions change and adapt to shifts in demographics and economics. Bakersfield has seen a number of changes since the development of the General Plan. Since 2002, Bakersfield's population has grown from approximately 250,000 to 386,839, a 55 % increase. This represents an annual increase of approximately 3.06 %. It is anticipated that Bakersfield's population will increase to 468,175 by the year 2030, representing an increase of 17.37 % in the next ten years, while it is estimated that the Bakersfield metropolitan population will climb to 624,900 by the year 2030 (City of Bakersfield 2015).



In addition to the growth, Bakersfield's population has diversified since the year 2000. In 2000, 51.15 % of the City's population was white, compared to 37.8 percent in 2010. The Hispanic population has increased from 32.5 % in 2000 to 45.5 % in 2010 (City of Bakersfield 2019). General Plan objectives and policies must be reexamined to ensure that the factors that make Bakersfield unique and a desirable place to live, work, and visit, are maintained and enhanced.

Approach

This approach will involve the following:

- A fresh new look and format would be designed with integrated graphics that includes an electronic version for use on the City's website.
- New, updated, or modified vision and guiding principles for the community would be established.
- All elements would be updated to comply with state legislation, regional, and local policies and plans.
- All land use designations would be revisited, with some designations likely deleted and others created. The land use map would be revised.
- Any required technical analyses would be performed, and data would be incorporated into the associated element.
- New, contemporary elements could be added to the general plan update to address topics that are of great importance to the City, such as economic development or sustainability.
- Development and execution of a large-scale public outreach program.

- Update Title 17 (Zoning) of the Bakersfield Municipal Code to address land use designation and map revisions.
- Prepare EIR to satisfy CEQA requirements and allow for streamlining development projects consistent with the General Plan. Creates an opportunity to integrate the EIR and general plan update whereby any required CEQA mitigation is developed as a general plan update policy to be *self-mitigating* to further streamline development.

A Comprehensive Update would satisfy all of the issues identified above. However, this is the costliest and most time consuming of the three options. Integrating a new CEQA document with the general plan update would allow for streamlining of future environmental review and be the most legally defensible. See Table 1 for more information.

Cost

Consultant costs for a Comprehensive Update to the General Plan, as described above, could range from approximately \$650,000 to \$3,000,000. This includes preparation of the updated elements and CEQA documentation for the general plan update.

Schedule

It is estimated that a Comprehensive Update to the General Plan, as described above, would take two to three years to complete.

1.4 Recommendation

Recommendation is for a comprehensive update to the City's General Plan.

Based on the above analysis and the supplemental details on key items to update and proposed recommendations in Section 3, we recommend that the City of Bakersfield undertake a comprehensive update to the General Plan. Even with updates to the document since 2002, the General Plan does not reflect contemporary planning practices and does not provide a comprehensive vision for Bakersfield. The General Plan should provide the City with a solid policy foundation that reflects the community's values. A comprehensive update to the General Plan can provide opportunities to engage the community, confirm the long-term vision for Bakersfield, better control land use decisions within the SOI, and fully update, evaluate, and modernize all parts of the document. A comprehensive update would be the most legally defensible document with its corresponding EIR.

2 Recommendations for Bakersfield General Plan

Over time, the needs and values of the community can change, and a general plan should reflect the current community's vision for its future. The current General Plan is a thorough, comprehensive policy and technical document that reflects the intent and spirit of the community vision and California general plan law that was in place when the document was approved (2002). However, to adjust to changing dynamics and to comply with state law, general plans are reviewed and revised periodically. The City's current General Plan was adopted in 2002, with a 20-year horizon based on input from Greater Bakersfield Vision 2020 (City of Bakersfield 2002), with amendments occurring at various points since that time. Subsequent amendments have addressed basic legal requirements, and the document as a whole includes a broad range of issues that are important to the City and its Sphere of Influence (SOI). However, the General Plan does not fully comply with recent changes in state law, does not address many contemporary planning issues, lacks a comprehensive vision and guiding principles, contains outdated data and technical information, and the visual aesthetic does not match the City's new brand identity, "The Sound of Something Better." For these reasons, and reasons outlined in Section 1, an update to the General Plan is warranted at this time. Regardless of which of the three options is chosen, the update being considered should use a 15 to 25 year planning horizon, looking out into the year 2035 or even 2045.

2.1 General Recommendations

Our general recommendations for the general plan update process are as follows:

Data Updates

Since the adoption of the General Plan and its amendments, there have been significant changes in demographics, existing conditions, land use, and economic and social trends in Bakersfield and the larger region. In addition to changes to the existing setting, changes in data gathering and modeling capabilities have dramatically improved in the past 20 years, allowing more accurate analysis of future impacts and to better predict potential hazard impacts on the city. These changes are important to capture for policy and land use decisions, and each element of the general plan update will need to be updated to reflect changes in demographic, environmental, and economic data. Almost all technical data needs to be updated and incorporated throughout the General Plan with maps, tables, and supporting text.

Graphic Design and Document Layout

Given the timing of the document, the General Plan was likely prepared with an older version of a standard word processing software such as Microsoft Word. While this type of software allows for changes to the document text to be easily made, the graphic design, layout, and overall look of the document is significantly constrained and appears out of date with modern standards. Migrating the General Plan to a page layout program would have several significant benefits, such as meeting current Americans with Disabilities Act (ADA) requirements for public documents and ensuring the document is presented clearly online and is searchable, as printed documents are becoming less common.

In addition to a more attractive and modernized document, using a more streamlined, graphic-focused layout allows for greater reader understanding, high quality data visualization, and an organized, easy to follow format. This creates a general plan that is more user-friendly for non-technical readers, allowing staff, landowners, and the general public greater access and understanding of the City’s goals and vision.

If preferable, the general plan update can also be migrated to an entirely online format, allowing for full sorting, searching, and tracking capabilities. This approach has been taken by an increasing number of cities and counties across the State and country, and provides even greater functionality in a way that can be customized to the needs of the community.

Land Use Designations

The General Plan includes 19 land use designations that depict the types of land uses that will be allowed throughout the city. Table LU-1 identifies the designations along with their corresponding development intensity standards.

Residential

Residential - 3 to 6 Dwelling Units per Gross Acre (3-6)

This designation allows single family detached homes and accessory dwelling units. This is the predominant residential development type in Union City. The allowed density range is 3 to 6 units per gross acre. The lot size range for this designation is 6,000 to 10,000 square feet.



Residential - 6 to 10 Dwelling Units per Gross Acre (6-10)

This designation allows detached single-family homes of moderate density and accessory dwelling units. This designation is typically applied to areas of predominantly single-family character where a greater diversity of housing type is intended. The allowed density range is 6 to 10 units per gross acre. The lot size range for this designation is 3,500 to 6,000 square feet.



Residential - 10 to 17 Units per Net Acre (10-17)

This designation allows duplexes and multifamily dwellings. This designation is typically applied to transitional areas between higher intensity uses and lesser density single family residential areas. The allowed density range is 10 to 17 units per net acre.



Source: Union City 2019

Vision and Guiding Principles

The existing General Plan was adopted in 2002, nearly two decades ago and is at the end of its original planning horizon. Changes in the City’s demographic makeup, land use, economic structure, and underlying values, as well as changes in the larger regional, national, and global settings call for a revisioning of what the community values and the direction it wishes to go in the coming decades. A strong, clear vision statement will capture the community’s key values and aspirations for the future. The guiding principles will establish broad benchmarks for the rest of the General Plan

Update. The vision and guiding principles established at the outset of the general plan update process will become the underlying foundation of the goals and policies in the plan.

ADOPTED | DECEMBER 10, 2019

INTRODUCTION | 7

Vision for the Future

Union City is the heart of the Bay Area and a regional center for commerce, community, and culture. Our economy is strong and diverse and provides high paying jobs across a broad range of local businesses, high profile companies, and emerging industries. Our residents and neighborhoods are safe and healthy and our community is celebrated for its diversity and equitable treatment of everyone. Union City provides effective and efficient public services and is fiscally stable.

Located centrally in the greater Bay Area, Union City is recognized for its many locational assets, including its proximity to Interstate 880, the Dumbarton and San Mateo Bridges, BART, and other public transit systems; elite universities including Stanford and U.C. Berkeley, and investment opportunities. The Station District is a flourishing town-center and a regional draw known for its arts, culture, entertainment, and around-the-clock activity. The Intermodal Station functions as a multi-modal transit hub serving BART, UC Transit, and AC Transit, and may serve ACE, Capital Corridor, Dumbarton Rail in the future.

Union City's economy plays a major role in the Bay Area, Silicon Valley, and global economies. Building on the skills and knowledge of our workforce, businesses provide jobs across a broad range of innovative business and industrial sectors. Union City is home to a mix of small and local businesses, and high profile companies and corporate offices. Union City is known as an economic driver in emerging innovation, green, high-tech, and R&D industries.



Union City continues to be a community celebrated for its cultural and ethnic diversity and traditions. We are proud of the equitable, respectful, and fair treatment of all community members, including families, youth, and seniors, regardless of income, age, or ability. Our residents and neighborhoods are socially connected and integrated. Residents feel comfortable and accepted in the community and are able to thrive and achieve their full potential.

Union City's neighborhoods are desirable, sought-after places to live. Residents of all ages and backgrounds live in safe and healthy neighborhoods. Our housing stock includes a range of affordable housing choices and addresses the special needs of our residents. Our neighborhoods are also valued for their walkable streets, nearby goods and services, great schools, parks and recreation facilities, and access to jobs. These characteristics, which brought residents to Union City, are evident today and expected to remain so in the future.

ADOPTED | DECEMBER 10, 2019

INTRODUCTION | 9

Guiding Principles

Economic Development

1. Promote the city as a civic, cultural, and economic destination within the greater Bay Area and Silicon Valley to attract new businesses and facilitate new economic development opportunities.
2. Strategically position Union City to succeed in a global marketplace.
3. Protect and expand economic assets within the city by supporting existing commercial and industrial sector businesses to ensure that they remain a vital part of the City's economic base and by expanding Union City's base of high-quality jobs and revenue-generating businesses in the commercial and industrial sector.
4. Support the redevelopment, reuse, and intensification of older industrial buildings and sites, including underutilized warehouse buildings, to meet the needs of emerging green, advanced manufacturing, high-tech, and R&D industries.
5. Encourage office buildings, including Class-A office space, in appropriate locations within the city to increase and expand the city's property tax and job base.
6. Support an education system that fosters creativity and innovation through partnerships with schools, educational organizations, colleges, and local and regional businesses and vocational education and online learning opportunities.
7. Work with educational institutions and technology industries in the Bay Area to expand the skills and knowledge of Union City's workforce in order to attract high quality jobs and enhance the local economy.

Health and Quality of Life

8. Promote a way of life that integrates physical activity into the daily routine of all residents, creates opportunities for residents to make healthy choices, motivates residents to pursue educational and employment opportunities, and ensures residents feel safe.
9. Continue to place a high priority on programs and facilities that serve youth, families, and seniors, including recreational, sports, educational, housing, and childcare/adult care.
10. Encourage expanded childcare/adult care in the community through private and non-profit organizations.
11. Prioritize and support strong primary and secondary education, community education, and diverse employment that give residents opportunities for economic growth and security.
12. Promote the availability of and access to healthy, fresh foods that are balanced, nutritious, and culturally diverse.
13. Build partnerships to attract and retain accessible, affordable, and quality health services and facilities that meet the existing and future needs of residents and businesses.
14. Promote a sense of social responsibility that creates a safe and violence-free community for residents to live, work, play, and fully participate in community life.
15. Continue to support and expand Youth and Family Services programs that provide assistance to youth and their families.

Source: Union City 2019

Goal, Policy, and Implementation Program Development

Following the update of the community vision, guiding principles, and existing setting data, the General Plan goals and policies will need to be updated. Updating these goals and policies will not only ensure their consistency with the vision and guiding principles and the incorporation of up-to-date scientific data and analysis, it will allow for a more streamlined and implementable approach, focusing on best practices and the tracking of goal and policy implementation.

The update to the goals and policies will also allow the City to consider contemporary planning issues, including economic development, climate change adaptation, resiliency, sustainability, equity, and community health. Incorporating new technological considerations and planning techniques will also be important as the profession and the world continues to evolve.

In addition to updates to goals and policies, implementation programs should be updated and/or developed to provide for administration and execution of goals and policies. The Office of Planning and Research (OPR) General Plan Guidelines suggest that every policy be carried out by implementation measures (OPR 2017). This does not necessarily mean that every policy must have its own implementation program. However, if a goal or policy requires a program, the program should be stated and there should be a concise link between the two, as well as assigned accountabilities and general timeframes.

Legislative Compliance

State planning laws have changed since the City adopted the 2002 General Plan. Senate Bill (SB) 743 requires the City to consider alternatives to the traditional Level of Service standard for evaluating traffic impacts (CEQA requirement as of July 1, 2020). SB 1000 requires local governments to address environmental justice in their general plans. There are new CEQA requirements for addressing cultural resources and consultation with Native Americans (SB 18, Assembly Bill (AB) 52). SB 32, SB 375, and SB 379 place new expectations on local government to address climate change.

The OPR published new General Plan Guidelines in 2017. The General Plan Update must address changes in State law based on those new Guidelines. Please see Section 3.2 for additional details on key general plan legislation and Appendix A for a full list of recent state legislation that may require implementation within an updated general plan.



CEQA Streamlining

All general plan amendments or updates are subject to environmental review under CEQA. If the City decides to undertake an update to the General Plan, the preparation of a new EIR would be the appropriate level of environmental analysis under CEQA.

Although the preparation of an EIR for a General Plan update is a time consuming and costly undertaking, it is required, and the City would see benefits. The EIR for the General Plan was prepared in 2003 and baseline conditions have changed. Using the existing EIR makes it difficult for development projects to “streamline” future environmental review. Section 15183(a) of the CEQA Guidelines mandates:

...that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

This is permitted as CEQA review for a general plan looks at the “big picture,” allowing a community to align its long-term vision with important environmental objectives, such as reducing single-occupant vehicle trips to reduce the amount of GHG emissions in the region. Integrating CEQA mitigation as general plan policies to reduce identified significant impacts can further streamline development projects as they will only be required to follow the identified general plan policies or implementation programs that would already address the significant impact. Subsequent environmental documents for an individual development project can be narrow and focused on unique or unanalyzed issues. This reduces costs attributed to environmental document preparation and staff time associated with the review and approval of these documents. It also creates an incentive for future development to follow the plan to take advantage of this streamlining.

Table 2 below provides a more detailed breakdown on how each option will satisfy the general recommendations for an update to the General Plan.

Table 2 General Recommendations for the General Plan

Issue	Solution	General Plan Update Options		
		Focused Update	Policy Update	Comprehensive Update
Data Updates	Update all technical data and incorporate throughout the General Plan with maps, tables, and supporting text.		X	X
Graphic Design and Document Layout	Migrate the General Plan to a page layout program; utilize a more streamlined, graphic-focused layout and easy to follow format.		X	X
Vision and Guiding Principles	Establish a strong, clear vision statement. Develop guiding principles to establish broad performance benchmarks.			X
Goal, Policy and Implementation Program Development	Update all goals and policies to consider contemporary planning issues and new technological considerations. Update or develop implementation programs to provide for execution of goals and policies.			X
Legislative Compliance	Update all elements for compliance with State, regional, and local legislation.	X	X	X
CEQA Streamlining	Prepare a new EIR that addresses all current issue areas, as outlined by Appendix G of the CEQA Guidelines.	X	X	X
Issues Addressed		2	4	6

2.2 Recommendations for Individual Elements and Components

This section provides an analysis of each element in the current General Plan and recommends changes for each. As mentioned in Section 1, although many of these changes can be accomplished through any of the three general plan update options presented in this report, the number of changes that have been identified due to age of the document and compliance with California legislation, would be more appropriately addressed through a comprehensive update.

Land Use Element

The Land Use Element is the primary source of policy guidance for the regulation of growth and development in a general plan. The element establishes the fundamental policy rationale for a more balanced, sustainable city. Furthermore, the element describes the current land use allocation in a city as well as the zoning districts that govern these land uses.

Disadvantaged Unincorporated Communities

The Land Use Element was amended in 2015 to include a discussion on Disadvantaged Unincorporated Communities (DUC). This discussion is included as an Appendix to the Land Use Element and was added in response to the approval of SB 244 in 2011, which required the analysis of DUCs on or before the next adoption of the City's Housing Element.

A DUC contains at least 12 registered voters (or a cluster of 10 homes) and is historically considered to be a low-income area with a median household income that is less than 80 percent of the state median income (City of Bakersfield 2016). These communities often lack basic infrastructure, such as streets, sidewalks, and storm drain systems.

The City has identified ten DUC territories:

- Oildale
- Mt. Vernon
- East Niles
- Belle Terrace
- Casa Loma
- Rexland Acres
- Stacey
- East Bakersfield
- Greenfield
- Lamont/Weedpatch

In these areas, median household income is less than \$48,875, and included census block groups grouped together based on proximity and water/wastewater service providers (Bakersfield 2015). Not all of these areas are eligible for annexation into the City but may be eligible in the future if certain criteria are met. Areas eligible for annexation must be located within an urban service area designated by the Local Agency Formation Commission (LAFCO), not designated as prime

agricultural land, and designated for urban growth in a city's general plan. The cost and adequacy of public services in the area must also be evaluated (OPR 2012).

Although the Appendix to the Land Use Element (Appendix A) brought the City into compliance with SB 244, the analysis can be perceived as an afterthought since it is not wrapped into the element itself. Appendix A does not include DUCs in the discussion of existing conditions, and DUCs are not called out on other figures provided in the Land Use Element. In addition, impacts of the General Plan on DUCs is not addressed in the General Plan Final EIR, and it does not appear that a separate CEQA analysis was prepared for Land Use Element Appendix A. Through the general plan update process, there is an opportunity to incorporate policies for annexation of these areas and to develop policies for proposed improvements prior to annexation to meet current City standards to simplify future annexation.

Sphere of Influence and Annexation Coordination

Government Code Section 65300 states that a City's general plan must cover the territory within the boundaries of the adopting jurisdiction as well as "any land outside of its boundaries which in the planning agency's judgement bears relation to its planning" (OPR 2017). A city's SOI represents the future probable physical boundary and service area of the city and is typically included in a city's general plan to represent that city's entire planning area. With increasing urbanization and important issues that transcend local boundaries, such as transportation, air quality, and floodplain management, the regional perspective is becoming more important.

The General Plan Land Use Element contains a brief paragraph on the City's SOI boundary and depicts the boundary line on one figure. As part of any update, the element should be revised to expand the SOI discussion with relevant, current information. Intergovernmental coordination is also referenced, as are proposed structures to ensure cooperation amongst agencies, but it is our understanding that no formal agreements have been established. Formal agreements to protect the SOI must be a priority in the next general plan update to allow the City to better manage growth and development within its SOI.

During the update, it is recommended that the City and County work together to delineate planning areas and establish formal agreements for processing development proposals to ensure that development within the City's SOI is consistent with City standards. Other cities have developed Memorandums of Understanding (MOU) to formally address cooperation protocols. Collaboration while establishing planning areas can proactively help to avoid land disputes and avoid additional costs (OPR 2017). Kern County is currently working on their own comprehensive general plan update, which provides an opportunity for the two jurisdictions to work together in the development of formal agreements, and potentially land use goals and policies that are in alignment. Both jurisdictions would benefit from this coordination as future development would be both logical and orderly. A re-examination of the current SOI boundary with the dissolution of the joint planning document would seem prudent at this time as well. This re-examination could create specific policies within and adjacent to the SOI to better transition future development with City standards and goals.

Brownfield and Site Reuse Program

"Brownfields" are sites that are, or may be perceived to be, contaminated. Brownfields are vacant and underutilized properties previously used for industrial or commercial activities that may have resulted in contamination from petroleum or hazardous substances. Environmental impacts from historic industrial operations and commercial activities have resulted in vacant and underutilized

brownfield properties throughout Bakersfield. Brownfields include derelict industrial sites along rail corridors, former dry cleaners and auto-related businesses in aging commercial corridors, and other vacant and underutilized commercial and industrial properties. In 2017, the City received two U.S. Environmental Protection Agency grants that funded the Site Reuse and Revitalization Program (City of Bakersfield 2020).

The program has identified 23 top priority sites for reuse and have developed guiding principles to steer the future revitalization of brownfield sites. All infill development should be addressed in the Land Use Element, but the work accomplished under this program, the identified sites, and the guiding principles should be highlighted.

Development Trends and Policy Changes

In addition to the above recommendations, a number of development trends necessitate alterations to the Land Use Element:

- Updating of land use trends presented in the Introduction and discussion on existing conditions.
- Land Use Plan assumptions should be updated to reflect the new/updated long-range planning horizon utilized throughout the General Plan.
- Land use designations may no longer match what is needed to comply with/accommodate other elements – for example, Housing Element needs and Regional Housing Needs Assessment (RHNA) numbers may not be able to be accommodated under existing land use designations.
- Since publication of the General Plan, the Downtown Bakersfield Vision Plan was approved. Refinements to the element are recommended to take full advantage of the HSR station at F Street.
- The current General Plan provides for a large number of land use designations which have been reported as cumbersome by staff. It is likely that a number of land use categories could be consolidated, leading to a more streamlined list. In order to accommodate this level of change, the City’s Zoning Ordinance and Zoning Map would also need to be revised for consistency purposes.
- Bakersfield has seen an increase in medical and research development. A Healthy Communities and/or Land Use element could contain policies to promote and guide the location of these uses. This may include a new map of existing medical uses and a discussion of the importance of these uses and how to strategically locate these uses in the future to best serve the residents of the City.
- Development patterns over the past 10 years have shaped the commercial landscape in Bakersfield. The Land Use Element should be revised to address the reuse of large parcels, such as the East Hills Mall, in a manner that compliments current development patterns and complies with the City’s future land use vision.
- Bakersfield has engaged in a number of planning efforts that provide focused strategies for distinct areas, corridors, and open spaces since the approval of the General Plan. These planning



initiatives provide a level of detail and focus for specific geographies that are not seen within the current General Plan. We recommend the creation of “area plans” unique to each neighborhood. As discussed further in Section 2.2, the creation of area plans would help the City to more carefully examine the unique characteristics of each area and provide detailed recommendations and tailored solutions specific to that section of Bakersfield. If area plans are prepared, the general plan update land use map should clearly show the boundaries of each planning district.

Goals and policies contained in the Land Use Element should also be revised to reflect contemporary planning issues and the long-range vision for development patterns in the City. Goals should provide general statements of the desired future vision, while policies and implementation measures should serve to provide an operational roadmap for reaching that vision. We recommend the following changes:

- Goals 2 and 3 call for the accommodation of development that provides for a range of uses and supports existing development. These goals are vague and do not inform the reader of a long-term vision for Bakersfield.
- Goal 7 establishes a goal for compatible functional and visual relationships amongst buildings. However, no design standards are established or referenced. Aesthetics are subjective and what is visually attractive to one person may not be attractive to another. Measurable standards would reduce potential conflicts.
- Many policies could be consolidated to provide for a more concise, streamlined document.
- Policies which reference development standards should clearly indicate the location of architectural design, landscape, and property setback standards.
- Only one policy (#51) addresses the presence of California State University, Bakersfield, yet the higher education institution plays a major role in the City. Additional policies should be developed to address this resource.
- Policies aimed at avoiding the creation of additional “County islands”. Policies currently discourage the practice but should be refined to regulate avoidance.
- Subsequently, policies should be developed to address existing “County islands.” Current policies encourage annexation but should be more specific.

In order to bring the Land Use Element up to date with current planning approaches, and to comply with legislative actions that impact the general plan update, we recommend the Comprehensive Update option. At a minimum, if the Focused Update or Policy Update options are desired, we recommend revising the Land Use Element to wrap Appendix A into the element itself and expand the discussion on DUCs. While this could be accomplished through a Focused Update, it is likely that other elements like the Safety and Circulation Elements, will need to be updated as well to ensure internal consistency throughout the general plan update. The Comprehensive Update option provides the opportunity to expand the analysis to DUCs and consider if there are other opportunities to provide more efficient, high quality service and infrastructure (transportation, utility, health, etc.), to these areas, or provide for orderly annexation and redevelopment of the properties. It also provides the opportunity to develop comprehensive policies for these areas.

Circulation Element

The Circulation Element of the General Plan lays out a vision for future development of the City’s connectivity network for motorized and nonmotorized transportation, including City streets,

highways, public transit systems, and bicycle and pedestrian networks. Overall, many of the issues that the element’s policies and action items are designed to address are still relevant. These include:

- Sprawling and segregated land use patterns that have led to a high dependency on single-occupancy automobile trips
- Traffic congestion caused by new development
- Congestion on State Route (SR) 99 and parallel roadways
- Lack of transit access to newer developments
- Encouraging the use to bike lanes and bike paths
- Downtown parking needs

There are also several planning efforts and developments that necessitate revisions to significant sections of the element:

- Roadway conditions have significantly changed since the approval of the Circulation Element. Existing conditions (e.g., roadway descriptions, capacities) presented throughout the element should be updated.
- Many planned projects have since been completed.
- The Thomas Roads Improvement Program (TRIP) is not reflected in the General Plan. The improvements made through this program, ongoing projects, and future projects should be identified in the Circulation Element.
- Ideas and information from the City’s Bikeways Plan should be incorporated into the element.
- Kern County has a thriving logistics and transportation industry, with distribution and fulfillment centers for major corporations located across Kern County. The County’s centralized location in California allows for the efficient delivery of goods across the state. The current element does not address the contemporary logistics network and impacts to City highways and roads.
- The passage of SB 1000 requires local governments to address environmental justice in their transportation network upon the next revision of two or more elements in their General Plan. An updated element should consider equitable access to all modes of transportation and air quality related to transportation.
- Emerging transportation services such as carshare, rideshare, and bikeshare services should be addressed and planned.
- Goods/freight movement is a growing industry in Bakersfield not currently addressed in the element. This topic’s relationship to healthy communities and environmental justice should also be discussed.
- Plans, policies, and ideas contained in regional transportation planning documents such as the Kern County Regional Transportation Plan, the Federal Transportation Improvement Program, and the Kern County Active Transportation Plan should be incorporated into the Circulation Element.



- All sections of the Circulation Element should be updated to reflect the standard details set forth in the Subdivision and Engineering Design Manual. The Circulation Element can incorporate by reference the Design Manual to maintain consistency if a Focused Update or Policy Update is preferred.
- The CEQA analysis included in the General Plan Final EIR is outdated. The shift in CEQA transportation metrics from level of service (LOS) to vehicle miles travelled (VMT) could be accommodated in an updated CEQA document.

Based on our review, we recommend the Comprehensive Update option to bring the Circulation Element into compliance with this and other legislative requirements. While the Policy Update option will provide the opportunity to update the Circulation Element with current details from regional policy documents, only the Comprehensive Update option will address all State legislation. Government Code Section 65302 (b)(2)(A) requires that upon any substantive revision of the circulation element, the element should be modified to “plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.” A complete discussion of multi-modal transportation options is not included in the Circulation Element, and a comprehensive update will be required in order to ensure that this discussion is thorough across all modes of travel.

Conservation Element

The Conservation Element examines Bakersfield’s policy priorities and actionable goals that contribute to the conservation of natural resources, including water, wildlife, minerals, soils, and agriculture.

The Conservation Element is a critical element for the General Plan update, as all the topics covered in this element are of great importance to the city. However, the element is somewhat suggestive in its approach and is currently lacking actionable language in many of the goals and policies. Instead of using words such as “encourage,” “consider,” and “work toward,” the goals and policies should be revised to use language such as “will,” “require,” and “mandate,” as appropriate, to ensure that conservation implementation is measurable and to better address CEQA impacts. The element should be also amended to remove outdated references and include new perspectives and programs that have gained relevancy since publication of the General Plan.

Additional recommended changes include:

- Incorporate language and standards from the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP). It is important to note that the current MBHCP expires in 2022, but that a new Bakersfield Habitat Conservation Plan is being developed to take its place.
- Update Species of Concern list, if changed.
- Since the General Plan’s publication, the California Office of Sustainability has provided additional guidance on sustainability and the conservation of natural resources, including measures from the California Sustainable Policy and Best Practices Manual that should be incorporated.

Based on our review, we recommend either the Policy Update or the Comprehensive Update option to update the Conservation Element. While the Focused Update option will provide the opportunity to bring the Conservation Element in compliance with State legislation it will not address the need to update the element with more current data from newer conservation plans and planning efforts

such as the state sustainability program mentioned above. As discussed in Section 1.1, the Focused Update would be solely focused on addressing State legislative requirements. A Comprehensive Update provides an opportunity to develop conservation policies that would align with state grant programs to implement conservation and recreation opportunities in the City.

Open Space Element

Bakersfield’s open spaces provide a wide spectrum of social and environmental benefits. Open spaces serve the daily needs of the community, promoting the social, cultural, mental, and physical well-being of the City’s residents. In a broader sense, they promote a more livable community, a higher quality of life, and lend a sense of place and belonging to the community and its residents.

Open space issues are broad in nature and often overlap with topics covered in the Conservation, Safety, and Land Use Elements. Consistency among these elements is both important and required. While consistent with other elements in the General Plan, the current Open Space Element is segmented and does not adequately discuss the cross over relationships. The element currently contains a list of broad goals and policies without a background discussion on the types of open space in Bakersfield, or maps and graphics that clearly define these spaces.



Government Code Section 6550 requires the Open Space Element to contain detailed information on several categories, including outdoor recreation. This information is not currently provided in the Open Space Element and is instead presented in the Parks Element, an optional element. We recommend that the Open Space and Parks elements be consolidated into one element as part of any future update (regardless of which of three options is pursued) to the General Plan to comply with this statute, and to avoid any confusion surrounding the definitions of parks and open spaces.

The following changes are also recommended:

- The element is not in compliance with Government Code Section 65560(b), which requires an inventory of open space lands. This inventory should be performed and included in the updated element.
- The open space inventory must include lands that are used for the production of natural resources.
- The open space inventory should identify areas that require special management or regulation because of hazardous or special conditions.
- Agricultural uses should be discussed further, with goals and policies established for this type of open space.
- Open space considerations for public health and tribal resources are not addressed. Government Code Sections 65560(b)(4) and 65560(b)(6) requires these topic areas to be discussed, and tribal resource areas should be identified on the open space inventory.

- Park facilities listings and details are no longer accurate and should be updated to reflect current conditions.
- Coordinate trail plans with the Circulation Element.
- There is no clear link between the policies and implementation programs. For example, the City requires neighborhood parks at a minimum of 2.5 acres per 1,000 persons throughout the plan area and set 4 acres of recreation and park space for each 1,000 persons (based on the most recent census) for general regional recreation opportunity as a minimum standard. The Parks Element does not contain a program that discusses how this standard will be monitored, and it is unknown if this standard is being met.
- Opportunity to provide more details/policies on development and promotion of regional sports parks and the development of the surrounding areas with visitor serving uses.
- Development of a master or area plan for Central Park should be considered.

Based on our review, we recommend the Comprehensive Update option to update the Open Space Element. At a minimum, the Policy Update option should be chosen given the need for the creation of a current open space inventory. However, only the Comprehensive Update option will allow for the Open Space and Parks Elements to be combined into one element, and the development of current goals and policies and effective implementation programs.

Noise Element

A Noise Element is a required general plan element. It identifies noise-sensitive land uses and noise sources, defines areas of noise impacts, and establishes policies and programs to control and abate environmental noise to protect citizens from excessive exposure.

The Noise Element of the Bakersfield Metropolitan General Plan is generally thorough and addresses the requirements of Government Code Section 65302(f). However, given the age of the document, and the growth that has occurred in Bakersfield since the General Plan was prepared, the Noise Element does not include the most accurate and up-to-date information available to reflect the current noise environment and sources of noise. As part of any future update to the General Plan, a Citywide noise analysis (including measurements and modeling) should be performed to gather accurate, current data. The element should be fully updated to present this current data and implementation measures such as noise evaluation and attenuation standards for future development projects. The element could be further updated to address noise and health considerations, per the OPR General Plan Guidelines.

It should be noted that changes to the Land Use and other elements may force changes to the Noise Element to maintain internal consistency. This typically forces any updates to the Noise Element to occur relatively late in the long-range planning process, as land use and circulation maps should be prepared prior to performing the noise analysis. Updating the noise contours for the local airports, namely Meadows Field and the Bakersfield Municipal Airport, should be evaluated as well.

Based on our review, we recommend either the Policy Update or the Comprehensive Update option to update the Noise Element. While the Focused Update option will provide the opportunity to bring the Noise Element in compliance with State legislation, it will not address the need to update the element with current technical data.

Safety Element

As defined in the OPR General Plan Guidelines, the goal of a safety element is to “reduce the potential short and long-term risk of death injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards” (OPR 2017). Other locally relevant safety issues such as crime, emergency response, or the transport of hazardous materials, should also be discussed as appropriate.

It should be noted that SB 1035 requires a jurisdiction’s safety element to be revised to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city and county that was not available during the previous revision of the safety element. In addition, AB 747 requires local governments on or after Jan 1, 2022 to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. These and other pieces of legislation discussed in Appendix A will force a full update to the City’s Safety Element when other components of the general plan update are updated.



In addition to these legislative changes, the following changes are also recommended to ensure that the document is current and reflective of the vision for Bakersfield:

- Climate change adaptation and resiliency must now be addressed in jurisdictional safety elements. We recommend that the City consider preparing a Climate Action Plan (CAP) in conjunction with a general plan update to address climate change. This can streamline future development approvals.
- Safety Element relies on the Kern County Multi-Jurisdictional Hazard Mitigation Plan. This plan was revised in 2012-2014 and another update effort is currently underway. Any of the three update options provides an opportunity to amend the Safety Element to match current planning efforts.
- Current Safety Element goals and policies are broad but should be revised to address current planning topics like climate change resiliency.
- Safety Element contains outdated information, such as safety personnel ratios, that should be updated.
- Safety Element references full compliance with the Kern County Hazardous Materials Area Plan. This document has been updated since the Safety Element was prepared and should be reexamined to make sure the City complies fully with the plan, and that no potential conflicts exist. The Safety Element should be updated as required to comply with this regional plan or the regional plan should be incorporated by reference to maintain future consistency.
- Flood control discussion should be updated to ensure adequacy.
- Uniform Building Code (UBC) has changed since the Safety Element (and entire General Plan) was prepared. There may be some portions of the UBC that eliminate the need for certain policies (since they are covered in the UBC), and/or additional policies contained in the Safety Element may need to be added to address changes in UBC.

Based on our review, we recommend the Comprehensive Update option to update the Safety Element. In order to comply with state legislation and OPR's General Plan Guidelines, the Safety Element must be overhauled to address climate resiliency. This could potentially be done through the Policy Update option, although our recommendation for the development of a CAP would likely only occur during a comprehensive update.

Public Services and Facilities Element

The Public Services and Facilities Element of the General Plan addresses general utility services, including general utility service not provided by the City, water distribution, sewer and storm drain systems, street lighting, and solid waste. This element is not required by state legislation but was included as an optional element in the General Plan.



Similar to the Circulation Element, the Public Services and Facility Element segments each topic and does not provide general policies and/or action items on key issues that pertain to public services and facilities in the city. We recommend the inclusion of an introductory section that includes this information and general goals and policies. The following are examples of general goals:

- Providing the utility capacity necessary to accommodate the city's future growth
- Planning for future water demands in a competitive resource allocation environment

The following additional changes should be addressed, especially as related to changing utility consumption and development trends:

- Public services and facilities required to serve Bakersfield for the next 20 years should be analyzed and planned.
- Water source stability remains a major topic throughout the state of California. Current data and plans should be discussed.
- Utility providers and capacities are no longer accurate and potentially not currently adequate.
- Incorporate the work of the Keep Bakersfield Beautiful committee.
- The element does not include a discussion on solar or alternative means of energy generation.
- Reflecting trends in sustainable development, broad energy efficiency initiatives should be evaluated thoroughly.
- The element does not include a discussion on health and human services. The Element should be expanded to recognize the role of environmental planning and design in promoting and planning for public health.

Based on our review, we any of the three options (Focused Update, Policy Update or the Comprehensive Update) to update the Public Services and Facilities Element. All recommended changes could be addressed through any of the three options.

New General Plan Elements

If selected, the Comprehensive Update option provides Bakersfield with the chance to revisit and revitalize the long-range vision for the community. This also provides the opportunity to reconsider the organization of the general plan update and potentially add elements that address topics now important to the community that advance the City’s long-range plans. While some of these issues could be addressed through a Policy Update, it would be challenging. Thus, it would be easier to develop these elements under the Comprehensive Update.

In addition, we recommend that the contemporary elements described below should be considered as stand-alone elements in the General Plan update. These elements could help to further outline the City’s goals and guide high-quality development in the community. If undertaking the Comprehensive Update option, the elements can be prepared at the same time, and can easily be styled to match the look of the other elements to be consistent with the new, comprehensive long-range vision. We recognize that this is a long list of potential stand-alone elements, so we have also provided recommendations on topics that could be wrapped into or combined with existing elements, where appropriate.

Healthy Community/Environmental Justice

Healthy community elements are optional but have been becoming more popular as long-range planning attempts to address the link between community health and public design. Jurisdictions such as Murrieta, Santa Clara, Perris, South Gate, and Riverside County have prepared Healthy Community elements to address a range of topics such as public health, physical activity, nutrition, non-motorized travelers’ safety, hazardous materials and contamination, educational and economic opportunity, housing quality, preventive medical care, homelessness, and violence. Community health is important to Bakersfield, with City Council goals including addressing homelessness and enhancing the quality of life in Bakersfield.



As mentioned, environmental justice must be addressed in the general plan update regardless of whether this update is limited or comprehensive. We recommend that the City address this topic area by adding an Environmental Justice element. The high volume of information that would be required based on Bakersfield’s size warrants the preparation of an individual element for this topic. Presenting environmental justice as a component of community health and wellbeing is appropriate here. The regulations and guidance regarding environmental justice are continually evolving, and it is easier to amend a single element than update policies throughout the entire general plan update to keep information and practices current.

Economic Development

The Economic Development Element would lay out a vision and goals for the future of Bakersfield’s economy. A healthy and sustainable economy is critical to the future of Bakersfield, and the Economic Development Element would include policies and actions designed to achieve and sustain

community goals, such as enhanced resident employment options, reduced commute times, and an overall higher quality of life through the generation of wealth in the community. A healthy economy also provides the City with needed revenue for infrastructure improvements, core City services, safety, and maintenance. A range of factors determine the economic health of a city, including the number and diversity of businesses, the number and diversity of jobs in relation to the resident workforce, levels of employment, resident income and wages, and resident and business spending patterns.

Historic Preservation

The adopted General Plan includes a placeholder for an Historical Resources Element that was not included in the final original General Plan document. This element would describe the local historic and cultural resources in Bakersfield and prescribe goals and policies that seek the maximum preservation feasible of historic structures and cultural landmarks. In addition to honoring and preserving the valuable historic resources of Bakersfield, this element would outline the procedures and processes for identifying, preserving, or renovating or removing a historic resource, thereby helping to mitigate future environmental impacts as analyzed under CEQA. Bakersfield features several historic and cultural resources that are cherished by the community and may be impacted by future development. Including this element would both reflect that commitment to history and provide clear guidelines for the management of those resources to accommodate development.



Sustainability

In the past several years, scientific reports, legislative requirements, and social demand have led communities to include sustainability and resiliency into their general plans. The Sustainability Element could include a variety of topics including the City's GHG and target emissions goals as required by SB 32, addressing the impacts of climate change adaptation as required by SB 379, urban greening or urban agriculture, energy efficiency, water conservation, or a number of other related topics. Because the social meaning of sustainability adapts to changing conditions and state and federal requirements continue to evolve on an ongoing basis, including a Sustainability Element would allow the City to concisely address issues pertaining to Bakersfield in an easy-to-update location. This element would be tailored to the specific needs and



interests of the community, considering the many economic, social, and political factors interacting in the City, region, and state.

If the preparation of a separate Sustainability Element is not feasible or desired, a new section on sustainability efforts and measures could be incorporated into the Conservation Element.

Urban Design

The Urban Design Element gives guidance on the physical appearance and design of the City, identifying areas with distinct neighborhood identities and providing goals and policies that guide the preservation and enhancement of the existing character. The element also outlines design goals for future development. While not as in-depth as design guidelines, this element will provide the framework should the City wish to create more detailed requirements for application review or can simply serve as visual examples of desired architecture and neighborhood character that should be sought and preserved.



If a stand-alone element is not desired, urban design standards could be established and provided in the Land Use Element. In this case, we would suggest changing the title of this element to the “Land Use and Community Design Element” to identify the inclusion of design polices within this element.

Area/Community Plans

Area or community plans can be adopted as part of the general plan update and serve as land use plans for specific areas of Bakersfield that warrant additional attention and recognition, such as historical commercial districts. Area plans typically contain a description of the history of the area, a succinct vision, directed goals, policies, programs, and land use and development standards that are unique to that particular area, and potentially design guidelines that vary from other areas of the city. During the staff survey period, Rincon found that many staff members would like to see the preparation of area/community plans and feel that in depth planning documents for areas such as the downtown core or Kern River parkway could play a valuable role in long-range planning in Bakersfield. Incorporation of DUCs could be a part of an area or community plan, tailored to that area or DUC.

If prepared, area/community plans must be internally consistent with the general plan update. To facilitate this consistency, the general plan update should provide a policy framework for the detailed treatment of specific issues in the various area/community plans. To facilitate ease of use, area/community plans should share a uniform format for land use categories, terminology, and diagrams, but can otherwise be aesthetically reflective of the area or community that they represent (OPR 2017).

2.3 Other Considerations

Climate Action Plan

CAPs are comprehensive plans that help jurisdictions reduce GHG emissions. A CAP is a technical policy document that identifies major sources of GHG emissions, sets reduction targets, sets forth measures for achieving targets, and tracks progress towards meeting local reduction goals. Strategies identified in a CAP can achieve many community climate change goals, including improving air quality, lowering energy costs, and improving public health. Although CAPs are not typically part of a general plan, or even a mandatory document, they are one way to satisfy the state's requirements for GHG analysis as part of the CEQA analysis required for a general plan update. Goals and policies contained in a CAP can also be included in updated general plan elements for consistency and to streamline future development approvals by demonstrating consistency with the CAP.

3 General Plan Requirements

State general plan legislation requires that a general plan must include seven specified elements: land use, circulation, housing, open space, conservation, noise, and safety (California Government Code Section 65302 et seq.).

- **Circulation.** Looks at City’s infrastructure and how it will meet future community needs and includes roads, water, sewer, stormwater, trails, and communication
- **Conservation.** Preserves and conserves natural resources in Bakersfield
- **Housing.** Contains strategies to supply affordable, high-quality housing options for current and future residents
- **Land Use.** Focuses on where different uses are located in City limits and the SOI. A use could be a residential home, office building, or retail shop.
- **Noise.** Ensures a community is protected from excessive noise levels
- **Open Space.** Aims to preserve spaces for recreational and aesthetic enjoyment
- **Safety.** Ensures a community is safe from short- and long-term consequence of disasters
- **Noise.** Ensures a community is protected from excessive noise levels
- **Housing.** Contains strategies to supply affordable, high-quality housing options for current and future residents

In addition, cities and counties within the San Joaquin Valley Air Pollution Control District boundaries (including Bakersfield) must also address air quality in their general plans. Air quality is currently addressed in the Conservation Element of the General Plan. Cities and counties having identified disadvantaged communities, like Bakersfield, must also address environmental justice in their general plans either through a separate element or through policies identified as environmental justice policies. Not every city or county must address these issues in the same manner, but significant information must be provided. Counties and cities may also address other topics in the general plan of community interest such as economic development, historical resources, or community design through the inclusion of optional elements. The General Plan includes all seven required elements, and two optional elements covering public services and facilities, and parks.

A general plan is both geographically and topically comprehensive. A general plan covers the territory within the City boundaries and areas outside of its boundaries that relate to its planning activities, (i.e., the SOI). The area covered by the General Plan coincides with the Bakersfield Metropolitan Priority Area of the Kern County General Plan and Bakersfield's current SOI.

The general plan update will set out the goals, policies, and programs in each of these areas that the City will use as the blueprint for future development. These goals and policies are then used by governing bodies such as a City Council and Planning Commission to base their land use and other development decisions. All City plans, zoning, and private development must be consistent with the diagrams and policies in the general plan update.

Environmental Justice

Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity. The element also requires jurisdictions to develop policies that promote participation in public decision-making and to prioritize programs that address the needs of disadvantaged communities

Gov. Code Sec. 65302(h)(1)(A), (B), (C)

3.1 2017 Update to General Plan Guidelines

In 2017, OPR updated its State General Plan Guidelines. The guidelines are a resource for cities and counties to use as they undertake updates to general plans. The update focused on making general plans current and contemporary, covering area needed for the future, creating easy to use documents, and enhancing implementation through legislative changes, new guidance, policy recommendations, external links to resource documents, and additional resources.

In addition, the updated guidelines provide recommendations on policy themes that should be addressed throughout a general plan to address statewide environmental goals. These themes include:

- **Climate Change.** State goals include reduction of petroleum use by up to 50 percent by 2030, and an increase of renewable energy to 50 percent by 2030 through the Clean Energy and Pollution Reduction Act of 2016. California has set GHG emissions reduction requirements in numerous sectors including land use and transportation planning.
- **Economics.** Decisions regarding land use and circulation have direct and indirect fiscal implications for local economies, and, in turn, economies of urban and rural centers affect the health, climate, and equity of communities.
- **Healthy Communities.** In 2012, the Governor issued Executive Order B-19-12 and created the Governor's Let's Get Healthy California Task Force. Chronic disease, social, economic, and environmental factors influence where people live, work, and play, and affect their health and wellbeing.
- **Equitable Opportunities.** Incorporating equity into all aspects of planning will ensure that residents of a city or county benefit from reduced GHG emissions, climate change adaptation policies, active transportation options, and healthy communities with access to economic opportunity for all.

3.2 General Plan Legislation

Legislative changes often cause the need for edits and revisions to comprehensive planning documents, including general plans. Inadequate and outdated general plans that do not address current legislation can leave a city open to challenges and litigation.

Legislative changes implemented since the 2002 General Plan was approved, and have not been incorporated into the current document, are outlined in Appendix A of this report. We have not addressed legislation that just affects Housing Elements since the Housing Element is not a part of this evaluation.

4 References

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Appendix A

Recent General Plan Related Legislation

Recent General Plan Related Legislation

Year Approved	Legislative Summary
2013	<p><i>SB 743 (Steinberg) Ch. 386 – Transit Oriented Infill Projects</i></p> <p>This law amends the expedited judicial review process for Governor-certified environmental leadership projects. Removes aesthetic and parking impacts from category of significant impacts to the environment for infill projects within a transit-priority area. Creates an exemption for certain infill projects within transit-priority areas that meet specified conditions. This legislation impacts the Land Use element of the General Plan.</p>
2014	<p><i>AB 1739 (Dickenson), SB 1168 and SB 1319 (Pavley 2014 – Sustainable Groundwater Management Act)</i></p> <p>The Sustainable Groundwater Management Act (SGMA) requires local agencies to manage groundwater basins in a sustainable manner over a long-term horizon. The Act provides five to seven years for local agencies to form a Groundwater Sustainability Agency (GSA) and to create a Groundwater Sustainability Plan (GSP). SGMA requires a city or county planning agency, before adopting or substantially amending a general plan, to review and consider groundwater sustainability plans.</p> <p><i>AB 52 (Gatto) Ch. 532 – Native Americans: CEQA</i></p> <p>This requires that substantial adverse change in the significance of a tribal cultural resource be considered as a significant environmental effect for the purpose of CEQA review. Ensures that projects that do have such an impact include mitigation measures. This legislation impacts the CEQA analysis for the General Plan document and individual projects in the City.</p>
2015	<p><i>AB 744 (Chau) Ch. 699 – Planning and Zoning: Density Bonuses</i></p> <p>Requires a local government, upon the request of a developer that receives a density bonus, to reduce the minimum parking requirements for a housing development, if it meets specified criteria. This legislation impacts the Housing Element, and Land Use Element of the General Plan.</p> <p><i>SB 379 (Jackson) Ch. 608 – Safety Element</i></p> <p>Requires cities and counties to review and update their general plan safety elements to address climate adaptation and resiliency strategies applicable to the city or county. Local officials must act either the next time they revise their local hazard mitigation plans on or after January 1, 2017, or, if a local agency has not adopted a hazard mitigation plan, on or before January 1, 2022. This legislation impacts the Safety Element of the General Plan.</p>
2016	<p><i>AB 1934 (Santiago) Ch. 747 – Development Bonuses: Mixed-Use Projects</i></p> <p>This law creates a development bonus when a commercial developer enters into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing. This legislation impacts the Housing Element and Land Use element of the General Plan.</p> <p><i>AB 2180 (Ting) Ch. 566 – Development Project Review</i></p> <p>This law expedites timelines for approval or disapproval by a public agency for certain types of development projects. This legislation impacts the Land Use Element of the General Plan.</p> <p><i>SB 1000 (Leyva) Ch. 587 – Safety and Environmental Justice</i></p> <p>This law requires local governments that have one or more disadvantaged communities to address environmental justice in their general plan. A disadvantaged community is defined as a low-income area experiencing disproportionate impacts of environmental pollution and other health hazards.</p> <p><i>SB 32 (Pavley) Ch. 249 – California Global Warming Solutions Act of 2006: Emissions Limit</i></p> <p>This law requires the Air Resources Board (ARB) to ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the 1990 level by 2030.</p>
2017	<p><i>SB 166 (Skinner) Ch. 367 – Residential Density and Affordability</i></p> <p>This law amends the No Net Loss Zoning provisions to require that local governments accommodate their remaining unmet housing needs throughout the housing element planning period for all levels of income. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>

Year Approved	Legislative Summary
	<p>SB 229 (Wieckowski) Ch. 594 – Accessory Dwelling Units (ADU) This law makes numerous changes to ADU law, including defining parking requirements, zoning for single-family dwellings, sizing floorspace, charging for utility services, distinguishing ADU renting and selling, and permitting the California Office of Housing and Community Development (HCD) to review and comment on the ordinances. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p>SB 540 (Roth) Ch. 369 – Workforce Housing Opportunity Zone This law authorizes a city or county to establish Workforce Housing Opportunity Zones, which would focus workforce and affordable housing in areas close to jobs and transit and conform to California’s GHG laws. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p>AB 1505 (Bloom) Ch. 376 – Zoning Regulations This law authorizes a city or county, as a condition of the development of residential rental units, to establish inclusionary housing ordinances that require the development to include a certain percentage of affordable housing units. It authorizes HCD to review inclusionary ordinances in specified circumstances. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p>AB 73 (Chiu) Ch. 371 – Housing Sustainability District This law allows a city or county to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the district’s ordinance. This legislation Land Use Element and Conservation Element of the General Plan.</p>
	<p>SB 732 (Stern) Ch. 434 – Agricultural Land This law allows a city or county to develop an agricultural land component of their open-space element, or a separate agricultural land element, in return for priority consideration for funding provided by the Department of Conservation (DOC). This legislation impacts the Land Use Element, Conservation Element and Open Space Element of the General Plan.</p>
2018	<p>AB 1804 (Berman) Ch. 670 – CEQA Exemption: Residential or Mixed-Use Housing Projects This law provides a statutory exemption from CEQA for infill residential and mixed-use projects occurring within an unincorporated area of a county. This legislation impacts the Land Use Element of the General Plan.</p>
	<p>SB 1227 (Skinner) Ch. 937 – Density Bonuses This law requires cities and counties to grant a density bonus when an applicant for a housing development of five or more units seeks the bonus and agrees to construct a project that will contain at least 20 percent of the total units for lower-income students in a student housing development, as specified. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>
	<p>AB 2753 (Friedman) Ch. 2753 – Density Bonus Application This law requires a city or county to provide a developer, at the time an application for a density bonus is deemed complete, a determination as to the following: (a) the amount of density bonus for which a development is eligible; (b) if the applicant requests a parking ratio, the ratio for which the applicant is eligible; and (c) if the applicant requests incentives, concessions, or waivers or reductions in development standards, whether the applicant provided adequate information for the city, county, or city and county to make a determination as to those incentives, concessions, or waivers or reductions. This legislation impacts the Land Use Element of the General Plan.</p>
	<p>SB 1333 (Wieckowski) Ch. 856 – Zoning Regulations: Charter Cities This law requires charter cities to ensure that their zoning ordinances, specific plans, and development agreements are consistent with their plans for affordable housing contained in their housing elements. This legislation impacts the Land Use Element and Housing Element of the General Plan.</p>

Year Approved	Legislative Summary
	<p><i>SB 1035 (Jackson) Ch. 733 – General Plans</i></p> <p>This law requires climate adaptation and resiliency information contained in a general plan to be regularly updated. Specifically, it requires the safety element to be revised to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city and county that was not available during the previous revision of the safety element. This legislation impacts the Safety Element of the General Plan.</p>
2019	<p><i>AB 782 CEQA Exemption: Land Transfers</i></p> <p>Creates a CEQA exemption for the acquisition, sale, or other transfer of interest in land, as well as the granting or acceptance of funds, by a public agency for conservation purposes. This legislation impacts the Land Use Element, Conservation Element and Open Space Element of the General Plan.</p>
	<p><i>AB 1515 Planning and Zoning: Community Plans Review Under CEQA</i></p> <p>Prohibits a court from invalidating a development approval that was granted based on a community plan that meets specified criteria, if the development was approved or had a complete application prior to the community plan being challenged in court over the community plan's compliance with CEQA. This legislation impacts the Land Use Element in the General Plan.</p>
	<p><i>SB 540 CEQA for Permanent Supportive Housing</i></p> <p>Creates a CEQA exemption for the conversion of a hotel, motel, apartment hotel, transient occupancy residential structure, or hostel for transitional and supportive housing. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>SB 330 Housing Crisis Act of 2019</i></p> <p>Prohibits an affected city or county (defined based on Census Bureau definitions of urbanization) from enacting a development policy or standard that would reduce intensity of land use, impose design review standards that are not objective, limiting the amount of housing (imposing development moratoriums, limiting land use approvals or permits, capping housing units, or capping population). Changes in land use intensity may occur if a reduction in intensity occurs concurrently with an equivalent increase in intensity. The bill also makes numerous changes to housing permitting. Preliminary applications for housing may be submitted and must contain specified information. Local governments are prohibited from applying ordinances to a development after a preliminary application is submitted and cannot hold more than five hearings on approval of a housing project that complies with objective standards when the preliminary application is deemed complete. Any determination that a housing project is on an historic site would need to occur at the time of the preliminary application being deemed complete, and reduced timelines for approval after completion of an EIR. If a housing development requires demolition of a residential property, the project may be approved if there is no net loss of affordable housing, the project increases housing density, existing residents may occupy their units up to six months before the start of construction, and the developer agrees to provide relocation benefits to occupants of affordable units. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>AB 747 Safety Element</i></p> <p>Requires local governments on or after January 1, 2022 to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This legislation impacts the Safety Element of the General Plan.</p>
	<p><i>AB 1100 EV Parking</i></p> <p>Requires local ordinances to count electric vehicle charging stations as parking spaces to meet minimum parking requirements applied to development projects. This legislation impacts the Land Use Element of the General Plan.</p>

Year Approved	Legislative Summary
	<p><i>AB 1255 Surplus Public Land Inventory</i></p> <p>Requires local governments to make a central inventory of surplus and excess public land on or before December 31 of each year. The inventory must include a description of each parcel and its present use. This information must be submitted to the Department of Housing and Community Development annually, beginning April 1, 2021 and be available upon request without charge. The Department of Housing and Community Development must provide this information to the Department of General Services for inclusion in a digitized inventory of all state-owned excess parcels. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>AB 1763 Affordable Housing Density Bonuses</i></p> <p>Requires a density bonus to apply to development projects that make all units affordable to lower income households with up to 20 percent of the total units authorized to be available to moderate-income households. Development projects meeting these criteria may receive four incentives or concessions under Density Bonus Law, and a height increase of up to three additional stories or 33 feet if the development is located within 0.5 mile of a major transit stop. Density bonuses of up to 80 percent could be provided and any controls on maximum density would not apply if the development is within .5 mile of a major transit stop. This legislation impacts the Land Use Element of the General Plan.</p>
	<p><i>SB 99 Emergency Evacuation Routes</i></p> <p>Requires a local government to review and update the safety element during the next revision of the housing element (on or after January 1, 2020) to identify residential developments in hazard areas that do not have at least two emergency routes. This legislation impacts the Safety Element of the General Plan.</p>
	<p><i>AB 600 Disadvantaged Unincorporated Communities</i></p> <p>Limits annexation of areas contiguous to disadvantaged communities, unless that community is also under annexation application. This legislation impacts the Land Use Element and Safety Element of the General Plan.</p>
	<p><i>AB 1628 Environmental Justice Definition</i></p> <p>Revises the definition of "environmental justice" under Cortese-Knox-Hertzberg Act to include the meaningful involvement of people of all races, cultures, incomes, and national origins with respect to the actions specified by the Act, the California Coastal Act, and the Government Code.</p>
	<p><i>AB 38 Wildfire Mitigation/Fire Safety</i></p> <p>Requires the Natural Resources Agency, in consultation with the State Fire Marshall and the Forest Management Task Force, to review the regional capacity of each county containing very high fire hazard severity zones to improve forest health and fire resilience. This review must occur by July 1, 2021, and on or after that date, a seller of property in a high or very high fire hazard severity zone must provide documentation to a buyer demonstrating compliance with wildfire protection measures. Otherwise, the buyer and seller must enter into an agreement whereby the buyer will obtain documentation of compliance. On or after January 1, 2021, a seller of property with a home constructed before January 1, 2020 in a high or very high fire hazard severity zone must provide a disclosure to a buyer containing information related to fire hardening improvements on the property and a list of features that might make the home vulnerable to wildfire and flying embers. On or after July 1, 2025, the disclosure must also include the State Fire Marshall's list of low-cost retrofits. The Office of Emergency Services and the Department of Forestry and Fire Protection must develop and administer a comprehensive wildfire mitigation grant program to encourage cost-effective retrofits and structure hardening. This program is contingent upon an appropriation by the Legislature and is repealed on July 1, 2025. This legislation impacts the Safety Element and Land Use Element of the General Plan.</p>

Documents
Presented At The
Planning & Development
Committee
June 30, 2020
Meeting

Ordinance Amendment; Dissolution of Board of Zoning Adjustment

City Council Referral
(All Wards)

City Council Committee Meeting
Planning & Development



Planning and Development Committee – June 30, 2020

This report is in response to a referral from Councilman Freeman at the May 20, 2020 City Council directing staff to review the responsibilities of the Board of Zoning Adjustment so as to streamline development.



Currently, the BZA has discretionary authority per Section 17.64.020 of the Municipal Code, concerning the following:

A. Modification or waiver of:

1. Automobile parking space or loading requirements on private property, and
2. The height, yard, and lot area regulations of development, and
3. Fence, wall and hedge regulations as may be necessary; and

B. Conditional use permits;

C. Wireless facilities right-of-way permits pursuant to Chapter 12.30.



MUNICIPALITY	Administrative Permit	Discretionary Permit	CUP Review
Bakersfield	DRA BZA	CUP	BZA
Glendale	AUP	CUP	PC
Modesto	None	CUP	PC
Riverside	None	MCUP and CUP	PC
Stockton	AUP	CUP	PC
Fresno	None	CUP	PC
Ontario	AUP	CUP	PC
Visalia	AUP	CUP	PC
Pasadena	None	MCUP and CUP	PC
Fresno County	DRA	CUP	PC
Kern County	None	CUP	PC



Administrative and Discretionary Role

- Draft ordinance eliminates Board of Zoning Adjustment (BZA).
- For administrative review and approval, Director Review and Approval (DRA) replaces the BZAs authority.
- Modifications would be processed at the DRA level, with referral and/or appeal to the PC in certain cases.
- The concept of a DRA is already utilized within the use schedules of the ordinance.



- For discretionary review and approval, the Planning Commission replaces BZA authority.
- Where the BZA is referenced within the code as the permitting agency, such as is found in Title 15, that responsibility will be assigned to the PC.
- Where the BZA is assigned to hear appeals, that responsibility will be assigned to the PC, or the DRA, whichever is most appropriate.



MUNICIPALITY	Administrative Permit	Discretionary Permit	CUP Review
Bakersfield	DRA	CUP	PC
Glendale	AUP	CUP	PC
Modesto	None	CUP	PC
Riverside	None	MCUP and CUP	PC
Stockton	AUP	CUP	PC
Fresno	None	CUP	PC
Ontario	AUP	CUP	PC
Visalia	AUP	CUP	PC
Pasadena	None	MCUP and CUP	PC
Fresno County	DRA	CUP	PC
Kern County	None	CUP	PC



Staff received direction to prepare an ordinance which facilitates a more streamlined approach to providing services to the development community. Staff recommends:

- Forwarding the draft ordinance to the Planning Commission for action.

The Committee may provide alternative direction to staff as it deems appropriate.



rincon

RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers



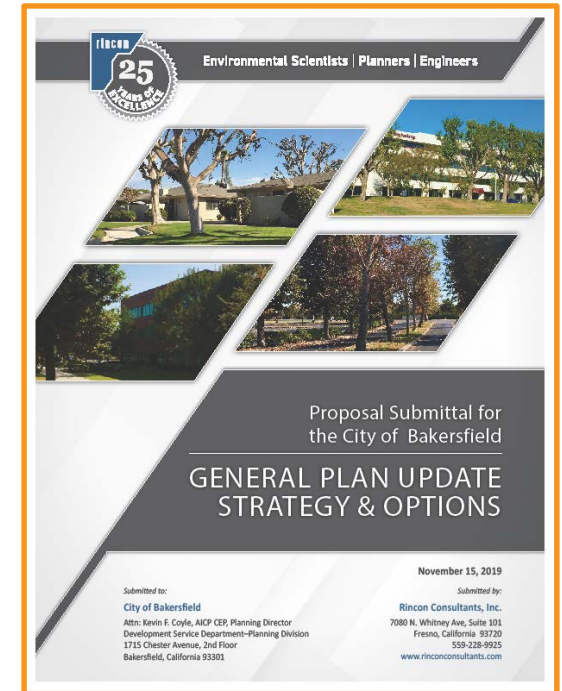
BAKERSFIELD

General Plan Update Strategy and Options

Planning Development Committee June 30, 2020

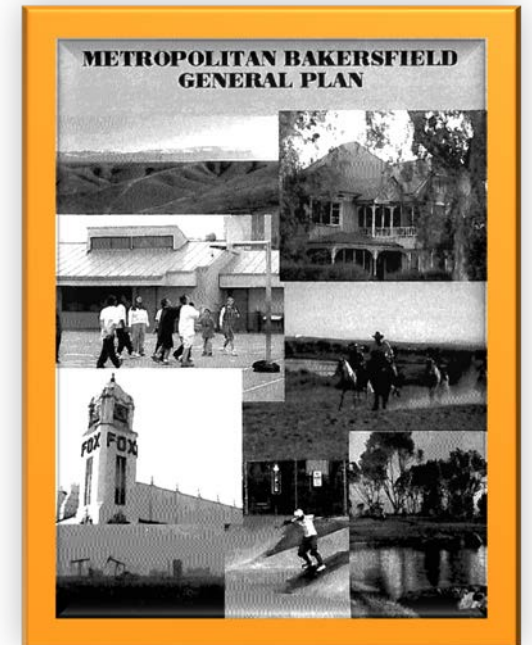
Purpose of the Study

- Review the City's General Plan, focusing on its content, clarity, and intended purpose
- Assess the completeness and ease of use associated with the City's General Plan, and where appropriate, recommend additional provisions or other improvements
- Submit a Summary Report of the consultant's findings and recommendations



Options Studied

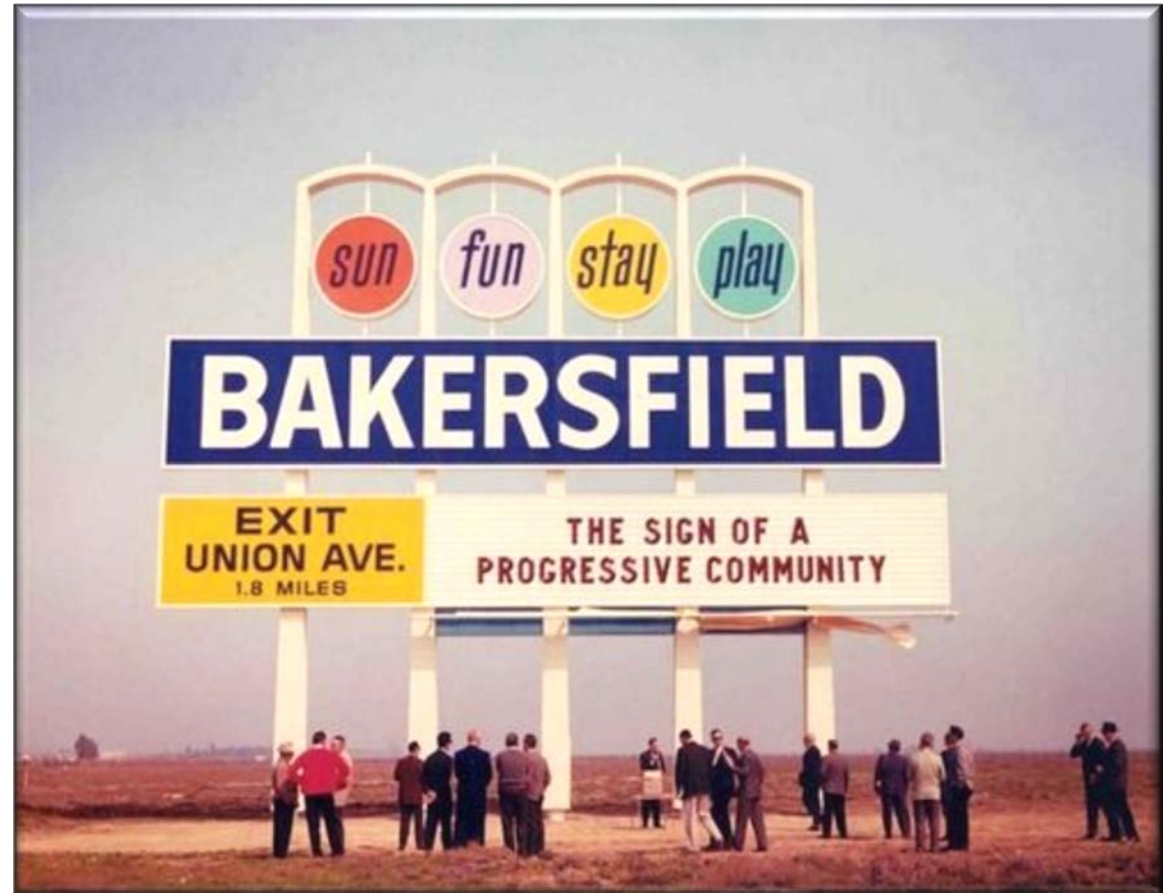
- 1. Focused Update (\$85,000 to \$175,000)**
 - Update all legally required elements but no parcel-specific land use designation updates
- 2. Policy Update (\$200,000 to \$500,000)**
 - Focused Update plus specific, locally important, policy-driven updates
 - Limited, parcel-specific, existing land use designation updates
- 3. Comprehensive Update (\$650,000 to \$3,000,000)**
 - Complete overhaul of all sections and technical information,
 - Incorporate all new State planning laws and guidance
 - Large-scale public engagement program, and
 - Updates all parcel-specific land use designations.



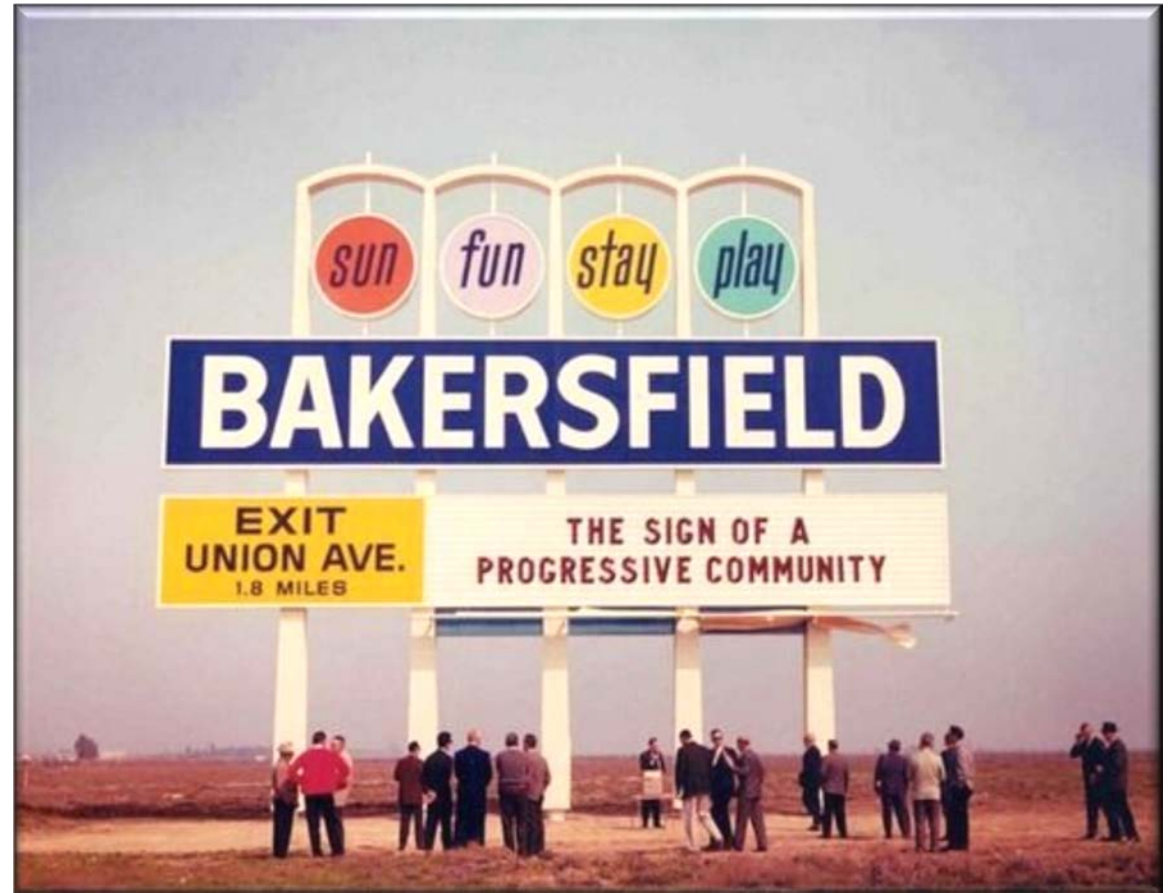
Consultant Recommendation

Comprehensive Update

1. Opportunities to Engage the Community
2. Confirm the Long-Term Vision for Bakersfield
3. Better Control of City SOI
4. Modern General Plan
5. Most Legally Defensible



So ...
how did we
get there?



Current General Plan Assessment

- 1. Lacks a unified vision and guiding principles**
- 2. Does not address current conditions**
- 3. Joint plan with Kern County**
- 4. Lacks modern elements**
- 5. Does not consider recent general plan laws**
- 6. Does not address contemporary planning issues**
- 7. Not user friendly**
- 8. Goals & Policies no longer fit Bakersfield**
- 9. Technical data out of date**
- 10. Missing linkage between Policies and Implementation programs**
- 11. Lacks CEQA Streamlining opportunities**

Current General Plan Assessment

#	Issue	Solution	General Plan Update Options		
			Focused Update	Policy Update	Comprehensive Update
1	The General Plan lacks a unified vision and guiding principles.	Undertake visioning efforts. Develop a unified vision and guiding principles that resonate throughout the General Plan update.			X
2	The General Plan does not address current conditions.	Update all technical analyses for information on current conditions. Update all figures, tables, and graphics so they reflect current conditions.		X	X
3	The General Plan is a joint planning document with Kern County.	Prepare a general plan update that focuses on Bakersfield and prioritizes City issues. Provide clear direction for development to City standards in the City's SOI. Eliminate reliance on the joint planning document.			X
4	The General Plan lacks modern elements.	Reexamine topics that are important to Bakersfield. Consider the addition of other elements to address topics of importance, such as an Economic Development or Sustainability Element.			X
5	The General Plan does not consider recent laws affecting general plans.	Update all elements for compliance with state, regional, and local legislation.	X	X	X
6	The General Plan does not address contemporary planning issues.	Examine contemporary planning issues such as healthy communities/public health, economic development, GHG emissions reduction, alternative forms of energy, and sustainability. Develop goals and policies relative to these topics and/or consider the inclusion of new elements to address.			X
7	Goals and policies contained in the General Plan no longer fit Bakersfield.	Reexamine existing goals and policies. Revise where appropriate and/or develop new policies to address the City's long-term vision.		X	X
8	The General Plan is not user friendly.	Create an aesthetically pleasing and easy to use document. Ensure that the document is searchable and organized with digital bookmarks and other newer electronic document technologies.		X	X
9	Technical data and appendices are out of date.	Update all technical analyses for information on current conditions. Update all figures, tables, and graphics so they reflect current conditions.		X	X
10	There is no link between policies and implementation programs.	Reexamine policies and implementing programs. Revise where appropriate and/or develop new programs to carry out the policies that address the City's long-term vision.			X
11	The General Plan EIR does not provide for development streamlining.	Prepare a new EIR that addresses all current issue areas, as outlined by Appendix G of the CEQA Guidelines.	X	X	X
	Issues Addressed		2	6	11

General Recommendations

- Data Updates
- Graphic Design and Document Layout
- Vision and Guiding Principles
- Goal, Policy, and Implementation Program Development
- Legislative Compliance
- CEQA Streamlining



General Recommendations

Issue	Solution	General Plan Update Options		
		Focused Update	Policy Update	Comprehensive Update
Data Updates	Update all technical data and incorporate throughout the General Plan with maps, tables, and supporting text.		X	X
Graphic Design and Document Layout	Migrate the General Plan to a page layout program; utilize a more streamlined, graphic-focused layout and easy to follow format.		X	X
Vision and Guiding Principles	Establish a strong, clear vision statement. Develop guiding principles to establish broad performance benchmarks.			X
Goal, Policy and Implementation Program Development	Update all goals and policies to consider contemporary planning issues and new technological considerations. Update or develop implementation programs to provide for execution of goals and policies.			X
Legislative Compliance	Update all elements for compliance with State, regional, and local legislation.	X	X	X
CEQA Streamlining	Prepare a new EIR that addresses all current issue areas, as outlined by Appendix G of the CEQA Guidelines.	X	X	X
Issues Addressed		2	4	6

Recommendations for Individual Elements

Mandatory Elements

- **Land Use Element**
 - Disadvantaged Unincorporated Communities
 - SOI and Annexation Coordination
- **Circulation Element**
 - Update to reflect new construction/TRIP
 - Complete Streets
- **Conservation Element**
 - New Bakersfield Habitat Conservation Plan
- **Open Space Element**
 - Open space Inventory
 - Implementation Program

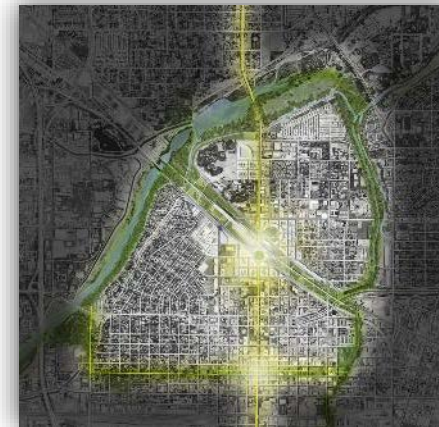


Recommendations for Individual Elements

New General Plan Elements

- **Healthy Community/Environmental Justice Element**
 - Integrated into other elements
- **Economic Development Element**
- **Historic Preservation Element**
- **Sustainability Element**
- **Urban Design**

Area/Community Plans



Discussion / Q&A

Next Steps





BAKERSFIELD
THE SOUND OF *Something Better*

OFFICE OF THE CITY MANAGER

Date: June 30, 2020

To: Planning and Development Committee

From: Jacqui Kitchen, Assistant City Manager

**Subject: Committee Meeting of June 30, 2020
Public Comments**

A total of three emails received providing public comments for items related to the Planning and Development Committee meeting.

Agenda Item 4A – 2 comments

Agenda Item 5A – 2 comments

Michelle Cruz

From: City_Clerk
Sent: Monday, June 29, 2020 2:16 PM
To: Pilar Avalos; Michelle Cruz
Subject: FW: Planning & Development Agenda Item 4. A.

Categories: Committees

FYI - Comments below from Renee Nelson, another one coming.

-----Original Message-----

From: renee nelson <rdnelson12@gmail.com>
Sent: Monday, June 29, 2020 1:08 PM
To: City_Clerk <City_Clerk@bakersfieldcity.us>
Cc: renee nelson <rdnelson12@gmail.com>
Subject: Planning & Development Agenda Item 4. A.

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

Thank you for accepting electronic submissions for comments for the Planning & Development Committee meeting on 6.30.2020. Please do me the courtesy of acknowledging receipt of this email.

My comments pertain to Agenda Item 4.A. New Business ~ Rezoning Policies

Support R-1 Zoning for Backyard hens

Dear Councilmen Freeman, Smith & Rivera,

I am writing in support of expanding the existing zoning ordinance to allow for hens in the R-1 zone. Although I'm not sure this is the topic at hand I did want to convey support at the committee hearing on Tuesday, June 30, 2020.

One issue that may come up will be people who currently live in neighborhoods governed by Home Owner's Associations (HOA) and hen ownership will obviously be constrained by the By-laws of the said association and the ordinance will not change their conditions of use. That will be up to the members themselves to change and ratify their by-laws if they so choose.

I hope you will support this amendment to the Zoning Ordinance and include hens in the R-1 zone! Thank you for your consideration on this issue!

Sincerely,

Renee Donato Nelson
12430 Backdrop Court
Bakersfield, California 93306

Find your Light & Love
Sent from my iPhone

Michelle Cruz

From: City_Clerk
Sent: Tuesday, June 30, 2020 7:24 AM
To: Pilar Avalos; Michelle Cruz
Subject: FW: June 30, 2020 CC Planning & Development Committee Meeting

Public comments for the Planning and Development meeting can be found below. This comment was stuck in the spam folder and I released it this morning.



Julie Drimakis, CPMC, CMC | City Clerk

City of Bakersfield
email: jdrimakis@bakersfieldcity.us
web: www.bakersfieldcity.us
phone: 661-326-3073



From: David Dmohowski <dave.d@kernhomebuilders.com>
Sent: Monday, June 29, 2020 12:10 PM
To: City_Clerk <City_Clerk@bakersfieldcity.us>
Subject: June 30, 2020 CC Planning & Development Committee Meeting

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

The Home Builders Association of Kern County would like to submit comments on the following agenda items:

4. Rezoning Policies. The proposed Municipal Code amendments appear to us to be an appropriate way to cover the functions now performed by the BZA. We are happy to see that this approach preserves over-the-counter or administrative reviews for minor modifications and findings of compliance. Good background research conducted by staff on these issues.

5. General Plan Update. We appreciate the very thorough update on the status of the General Plan Update program. Point of clarification--a July 13, 2020 Planning Commission meeting on this subject is cited in the staff report. July 13 is a Monday. Is that the correct date?

Your consultants strategy report was well presented, although we find it ironic that they would cite a community vision example from the hideously anti-housing, exclusionary Bay Area.

Please keep us informed as to plans for GPA Update community outreach and stakeholder group meetings. Thanks.

The HBA of Kern County looks forward to the time when we can participate more directly with your committee. As we have said previously, our Association is grateful for the high level of service afforded to our industry by your staff during this Covid-19 emergency.

Best regards,

Dave Dmohowski

Executive Officer

Home Builders Association of Kern County

661.510.8311

Michelle Cruz

From: City_Clerk
Sent: Monday, June 29, 2020 2:58 PM
To: Michelle Cruz; Pilar Avalos
Subject: FW: Planning & Development committee Item 5.A.

Categories: Committees

[Here is another one.](#)

From: renee nelson <rdnelson12@gmail.com>
Sent: Monday, June 29, 2020 2:49 PM
To: City_Clerk <City_Clerk@bakersfieldcity.us>
Cc: renee nelson <rdnelson12@gmail.com>
Subject: Planning & Development committee Item 5.A.

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

Thank you for accepting electronic submissions for comments for the Planning & Development Committee meeting. Please do me the courtesy of acknowledging receipt of this email.

My comments pertain to Agenda Item 5.A. Deferred Business
General Plan update

Dear Councilmen Freeman, Smith & Rivera,

I am writing to request inclusion within the City of Bakersfield's update to the General Plan to include, but not be limited to, the following areas, in addition to other mandated sections.

1. Climate Action Plan
2. Transportation Element to include multi-modal scenarios for both the downtown area and outlying sections of the city. Additionally, both civic and privately operated electric charging stations should be addressed at the policy level.
3. Air Quality mitigation measures to include, but not be limited to, on site mitigation as a best practice. Support for public entity "clean" fleets.
4. Water conservation and ground water banking as ongoing efforts.
5. Environmental Justice using community planning for inclusion and access to services.
6. Stated coordination with the County of Kern for developments within the Metropolitan Bakersfield General Plan area. This should include staff comments as pertinent to development projects within the boundaries of the sphere of influence regardless to status of property via annexation or otherwise.
7. Any development agreements shall be included with DEIR's, including, but not limited to, agreements with the city or Voluntary Emission Reduction Agreements (VERA) with the San Joaquin Valley Air Pollution Control District.

Thank you for your consideration of this issues! If you could be so kind to forward to me any staff reports and

later, the minutes prepared for this item, I would be grateful, as I will not be attending in person due to Covid19 concerns! Also, perhaps you could hold the meeting next time in the council chambers and broadcast them?

Sincerely,

Renee Donato Nelson
12430 Backdrop Ct
Bakersfield, California 93306

Find your Light & Love
Sent from my iPhone

PUBLIC STATEMENTS SPEAKER'S CARD

Council Meeting Date: 6/30/2020

You may address the Council under Public Statements on any matter related to City Business. Comments regarding **hearing matters** will be heard under the Hearing portion of the agenda and a Speaker's Card is not necessary for those items.

Public statements are limited to three (3) minutes per speaker with a maximum of fifteen (15) minutes, for any one subject. Council may, by simple majority vote, waive the time limit.

No action will be taken other than to refer the issue to a Committee or Staff member. A person who has not notified the Clerk or filled out a Speaker's Card may not be allowed to address the Council during Public Statements, unless a motion by the City Council is approved after the name of the person and the subject matter is acknowledged.

Please complete the Speaker's Card and present it to the City Clerk before the Meeting.

Name: MT Merickel

Address: _____

Telephone: _____

Subject or Item No. Backyard Hens (in support of)

"Speaker's cards become a part of the Public Record, in accordance with the Public Records Act. Any information you provide on this form is available to the Public. Addresses and telephone numbers are optional information."

M.C. 2.04 100, G.C. Section 54954 3 (a) & (b)

PUBLIC STATEMENTS SPEAKER'S CARD

Council Meeting Date: 6/30/2010

You may address the Council under Public Statements on any matter related to City Business. Comments regarding hearing matters will be heard under the Hearing portion of the agenda and a Speaker's Card is not necessary for those items.

Public statements are limited to three (3) minutes per speaker with a maximum of fifteen (15) minutes, for any one subject. Council may, by simple majority vote, waive the time limit.

No action will be taken other than to refer the issue to a Committee or Staff member. A person who has not notified the Clerk or filled out a Speaker's Card may not be allowed to address the Council during Public Statements, unless a motion by the City Council is approved after the name of the person and the subject matter is acknowledged.

Please complete the Speaker's Card and present it to the City Clerk before the Meeting.

Name: Bruce Bagwell

Address: _____

Telephone: _____

Subject or Item No. chickens Hens

"Speaker's cards become a part of the Public Record, in accordance with the Public Records Act. Any information you provide on this form is available to the Public. Addresses and telephone numbers are optional information."

