

## ***SUMMARY OF PROCEEDINGS***

### **DIRECTOR'S HEARINGS**

Conference Room

Date February 24, 2005

**ATTENDANCE:** Hearing Officer: James E. Ellis  
Staff: Kathe Malouf  
Roads Department: Don Turkal

The hearing convened at 10:00 a.m.

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

#### **NEW CASES**

1. (a) Precise Development Plan No. 2, Map No. 231-13; (b) Zone Modification Case No. 1, Map No. 231-13 - (a) A Precise Development Plan for 40 duplexes (Section 19.20.020.A); (b) A Zone Modification to allow a front-yard setback of 50 feet, where 55 feet is required (Section 19.20.070.A.1), and a six-foot-high fence/wall within the front-yard setback, where four feet is the maximum height allowed (Section 19.08.210.B), in an R-2 PD H FPS (Medium-density Residential - Precise Development Combining - Airport Approach Height Combining - Floodplain Secondary Combining) District - South side of Stetson Avenue, approximately 1/4 mile west of 40th Street West, Rosamond - Special Situation, Section 15182 (PD Plan) and Categorically Exempt, Section 15305 (MOD) - **Crossings at Rosamond**

George Mobayde, representing the applicant, Joe Pengilly, Paul Rosales, Victoria Rosales, and Tony Ginn were in attendance.

Mr. Mobayde of Investment Concepts was in attendance representing the applicant and stated he had reviewed the staff report and the letters of opposition. Mr. Mobayde presented an elevation drawing of the proposed units and stated the potential tenants must go through an extensive screening process and have a solid credit and rental history. Mr. Mobayde stated Investment Concepts would own and manage the apartments. Mr. Mobayde stated that they receive no State or federal funding, and the apartment complexes will be privately owned which allows the company to have a strict screening process. He stated there would be a full-time on-site manager.

Mr. Pengilly testified he was concerned the proposed density was too high for the site and expressed concern the units would have the appearance of Section 8 housing units. Mr. Pengilly also expressed concern for water runoff, noting the area has received a lot of rain recently, and there have been problems with water runoff. He said if the property is filled with housing units, it would add to the runoff problems.

Mr. Rosales spoke in opposition citing increased traffic, the density of the proposed project, airport access, and the lack of a common play area for children as his primary concerns. He testified that

the back yards are small, and there is no area designated as a common play area for children. Mr. Rosales stated three of the units would face his property and, because he keeps his airplane on his property, he is concerned for the safety of his airplane. He said the proposed complex is located across the street from the Rosamond Skypark and worries the taxiway and runway would attract children from the complex who will use the airport as a playground. He also stated the complex should be enclosed with limited access. He said there should not be access from the duplexes to Stetson Avenue and the airport. Mr. Rosales submitted a letter which was received and filed.

Mr. Ginn spoke in opposition stating the proposed density was too high for the site. He added that he was concerned the development could lead to the closure of the airport.

Ms. Rosales testified she also believed the density was a problem, but her main concern was the lack of adequate parking for tenants and guests.

Mr. Ellis read several of the conditions which require appropriate landscaping; road improvements along Stetson Avenue and Sedona Road; underground utilities; a block wall around the east, west, and southern boundary of the property; and the recordation of an avigation easement acknowledging the Rosamond Skypark. Mr. Turkal of the Kern County Roads Department stated the applicant would be required to improve the project frontage of Sedona Road and Stetson Avenue to Type A standards which include a curb, gutter, and sidewalk. Mr. Turkal stated they were not requiring any physical road widening.

In response to some of the issues raised, Mr. Mobayde stated they would have a full-time landscaping contractor and that the density of the site allowed for even more units than what they have proposed.

Mr. Ellis stated he shared the residents' concern for an adequate play area and that the Planning Department does not currently have a specific requirement relating to common play areas, but having such a requirement may be considered in the future. Mr. Ellis said he would add a condition requiring speed bumps be placed on the internal driveway to slow traffic. Addressing the issue of density, Mr. Ellis stated the number of proposed units is well within the allowed density of the site, and the site is zoned for a maximum of 120 dwelling units. Mr. Ellis also stated that the project exceeds the parking requirements and that the applicant has provided an area for guest parking. Mr. Ellis stated he was also adding a condition which would restrict the units to single-story and require the apartments be constructed as shown on the elevation drawings displayed at the hearing.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Modification (Notice of Decision #21-05), subject to conditions, and approved the Precise Development Plan (Notice of Decision #20-05) subject to the recommended conditions, with the following changes:

Add the following as Condition (2)(i) and Condition (3)(m):

- (2)(i) Duplex structures shall be limited to one story in height and shall be constructed in accordance with the design elevation considered at the Director's Hearing of February 24, 2005.

(3)(m) A minimum of three speed bumps shall be constructed on the primary internal driveway serving the development.

2. Zone Variance Case No. 12, Map No. 238 - A Zone Variance to allow an additional dwelling unit (mobilehome) during a temporary period of medical hardship (Section 19.16.060) in an E (5) RS (Estate - 5 acres - Residential Suburban Combining) District - 1301 Luttge Lane, Cuddy Valley - Categorically Exempt, Section 15303 - **Donald A. and Sally Erikson**

Donald and Sally Erikson were in attendance and stated they had reviewed the recommended conditions of approval and had no questions or comments.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Zone Variance (Notice of Decision #22-05) subject to the recommended conditions.

### **TEMPORARY EVENT PERMIT**

3. Temporary Event Permit No. 2, Map No. 53 - A Temporary Event Permit authorizing five separate field dog trial events to be held on the weekends of March 4 through 6, March 11 through 13, April 23 and 24, May 14 and 15, and May 28 and 29, 2005 (Section 19.08.340), in an A (Exclusive Agriculture) District - 15077 Main Drain Road, south of Lost Hills - Categorically Exempt, Section 15304 - **California Conservation Fund by Zeiders Consulting**

Bill Zeiders was in attendance representing the applicant and stated he had read the recommended conditions and had no comments.

There being no one else wishing to be heard, pro or con, hearing closed. The Hearing Officer approved the Temporary Event Permit (Notice of Decision #23-05) subject to the recommended conditions.

Meeting adjourned at 11:20 a.m.



JAMES E. ELLIS, Planning Operations Division Chief

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**BEFORE THE HEARING OFFICER**  
**COUNTY OF KERN, STATE OF CALIFORNIA**

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**FILE: MOD #1, Map #231-13**  
Notice of Decision #21-05

**NOTICE OF DECISION**

In accordance with the provisions of Section 19.102.100 of the Ordinance Code of Kern County, a public hearing was held in the office of the Kern County Planning Department on **February 24, 2005**, to consider a Zone Modification submitted by:

Crossings at Rosamond

South side of Stetson Avenue, approximately 1/4 mile west of 40th Street West, Rosamond

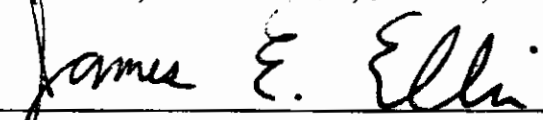
APN: 252-161-40, 41, and 48

**Project:** (a) A Precise Development Plan for 40 duplexes (Section 19.20.020.A); (b) A Zone Modification to allow a front-yard setback of 50 feet, where 55 feet is required (Section 19.20.070.A.1), and a six-foot-high fence/wall within the front-yard setback, where four feet is the maximum height allowed (Section 19.08.210.B), in an R-2 PD HFPS (Medium-density Residential - Precise Development Combining - Airport Approach Height Combining - Floodplain Secondary Combining) District.

At the conclusion of the hearing, during which all persons wishing to be heard were heard and further consideration given to all written evidence, the Zone Modification was **CONDITIONALLY APPROVED**, as set forth on the attachment.

Actions by the Hearing Officer are subject to appeal to the Kern County Board of Supervisors. Such appeal may be filed with this Department, at the address shown below, on a form available for this purpose and must be accompanied by a filing fee of \$420. Any appeal from the decision in this case must be filed by **March 9, 2005**. If no appeal is received, the action of the Hearing Officer will become final.

For further information, please contact the Planning Operations Section of the Kern County Planning Department, 2700 "M" Street, Suite 100, Bakersfield, CA 93301. Telephone: (661) 862-8600.

  
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JAMES E. ELLIS, AICP, Hearing Officer

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Attachment

**CONDITIONS OF APPROVAL:**

- (1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (2) All necessary building permits must be obtained.
- (3) This modification authorizes a 50-foot 0-inch front-yard setback from Sedona Street for Building 14 as shown on Precise Development Plan 2, Map 231-13. All other setback requirements shall be adhered to.
- (4) This modification authorizes a six-foot-high masonry wall and wooden fence within the front-yard setback of Sedona Street as shown on Precise Development Plan 2, Map 231-13.
- (5) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (6) This permit shall run concurrently with Precise Development Plan 2, Map 231-13. Should Precise Development Plan 2, Map 231-13 expire or be withdrawn, this permit shall become null and void.
- (7) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

**BASIC FINDINGS:**

- (1) The modification does not exceed the limits specified in Section 19.110.040 of the Zoning Ordinance.
- (2) The granting of the modification will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.
- (3) The modification would promote uniformity in development on the lot or in the area.
- (4) The modification would alleviate an unreasonable hardship on the property owner or applicant imposed by the strict application of the requirements of this chapter.
- (5) The proposed increase in fence and wall height will permit appropriate development on the property.
- (6) The proposed increase in fence and wall height is compatible with development in the vicinity.

- (7) The proposed increase in fence and wall height will not create traffic hazards in the project vicinity.
- (8) The Hearing Officer finds that based upon the project site's proximity to an airport, the potential for subsequent development to encroach into recognized airspace and the need to acknowledge the right of aircraft above the property, recordation of an avigation easement is warranted.
- (9) Approval of this project is consistent with the requirements of the Airport Land Use Compatibility Plan.
- (10) The Hearing Officer has found the project to be categorically exempt from the requirement for preparation of environmental documents pursuant to Section 15305 of the State CEQA Guidelines.

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