

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: October 13, 2026

FILE: 102-13 3 98
Streets and Highways
ZM #9, Map 102-13
S.D.: #3 - Flores

TITLE: Streets and Highways - Nonsummary Vacation, Map 102-13; Zone Modification No. 9, Map 102-13

PROPOSAL: (a) Nonsummary Vacation to vacate the entirety of both Wainwright Drive and MacArthur Drive totaling approximately 1,400 linear feet paved roadway (40 feet in width); and (b) Zone Modification to allow the retention of a six (6)-foot-high fence within the front-yard setback where a maximum of four (4) feet is permitted on an approximate seven (7)-acre parcel in the R-2 (Medium-density Residential) District

APPLICANT: Rio Vista RAD LP by Housing Authority of the County of Kern (PP25190)

PROJECT SIZE: Approximate seven (7)-acre parcel; totaling approximately 1,400 linear feet paved roadway (40 feet in width)

LOCATION: 1 MacArthur Drive, approximately 300 feet east of the intersection of Sequoia Drive and Roberts Lane, in the Oildale area (APN: 114-200-26)

GENERAL PLAN DESIGNATION/ZONE CLASSIFICATION: HMR (High Medium Density Residential), GC (General Commercial) (Metropolitan Bakersfield General Plan) / R-2 (Medium-density Residential) District

SURROUNDING LAND USE/ZONING: North – Apartments, single-family dwellings, medical offices / R-2 (Medium-density Residential), C-1 (Neighborhood Commercial), C-2 PD (General Commercial – Precise Development Combining); East – Medical offices, single-family dwellings / R-2 (Medium-density Residential); South – Single-family dwellings / R-1 (Low-density Residential); West – Medical offices, apartments, single-family dwellings / R-1 (Low-density Residential), R-2 (Medium-density Residential), C-2 (General Commercial)

PROJECT ANALYSIS: The project being considered is a request for a Nonsummary Vacation to vacate the entirety of both Wainwright Drive and MacArthur Drive and a Zone Modification to allow the retention of a six (6)-foot-high fence within the front-yard setback located in the Oildale area.

The proposal requests the complete vacation of both Wainwright Drive and MacArthur Drive, encompassing approximately 1,400 linear feet of paved roadway featuring a 40-foot-wide right-of-way, with a map code designations of HMR (High Medium Density Residential) and GC (General Commercial) by the Metropolitan Bakersfield General Plan and zoned R-2 (Medium-density Residential). The subject property is currently developed with a multifamily residential apartment complex. Access to the site is provided via Wainwright Drive and

MacArthur Drive. Surrounding properties to the north and west consist of apartments, single-family dwellings, and medical offices. The eastern boundary features medical offices and single-family homes, while properties to the south consist exclusively of single-family dwellings. The following **Table** is a summary of the surrounding property land uses adjacent to the project site:

Table Surrounding Land Uses

Location	Metropolitan Bakersfield General Plan	Zone Classification	Property Land Use
Project Site	<i>Mac Arthur Drive: HMR, GC Wainwright Drive: HMR</i>	R-2	Apartment complex
North	GC	R-2, C-1, C-2 PD	Apartments, single-family dwellings, medical offices
East	HMR	R-2	Medical offices, single-family dwellings
South	HMR	R-1	Single-family dwellings
West	HMR, GC	R-1, R-2, C-2	Apartments, single-family dwellings medical offices
<u>Land Use Designations:</u> GC = General Commercial HMR = High Medium Density Residential		<u>Zoning Classification:</u> R-1 = Low-density Residential R-2 = Medium-density Residential C-1 = Neighborhood Commercial C-2 = General Commercial PD = Precise Development Combining	

Proposed Project

The proposed project is a Nonsummary Vacation requesting to vacate the entirety of both Wainwright Drive and MacArthur Drive.

During the preliminary review, Staff conducted a site visit and identified an existing six (6)-foot-tall fence with automated remote control gate system constructed within the front-yard setback without prior land use authorization. To remedy this violation, the applicant submitted a Zone Modification application requesting the retention of the six (6)-foot-high fence within the front-yard setback, where a maximum height of four (4) feet is permitted.

The applicant is requesting the complete vacation of both Wainwright Drive and MacArthur Drive, which encompasses approximately 1,400 linear feet of paved roadway featuring a 40-foot-wide right-of-way. The applicant notes that these segments have long operated under private jurisdiction, with the owner managing all upkeep. To enhance on-site safety and security, the owner subsequently installed a perimeter fence equipped with access control gates. Uninterrupted pedestrian connectivity to and from the property will be maintained for all residents. Vehicular ingress and egress will be accommodated via an electronic remote gate system, with access devices distributed to tenants, essential vendors, and United States Postal Service personnel. Property staff will open the gates every Tuesday to accommodate weekly refuse collection.

Similar Request

Staff found no record of a similar request for a Nonsummary Vacation within Map 102-13. Consequently, approval of this Nonsummary Vacation request will set precedent. Moreover,

similar requests for Zone Modifications to retain over-height fencing within the front-yard setback have been previously considered and approved within Zone Map 102-13.

- (1) **Zone Modification No. 8, Map 102-13** (Notice of Decision No. 02-10; approved January 7, 2010) authorized a retention of a six (6)-foot-high masonry and iron fence within the front-yard setback where four (4) feet is the maximum allowed (Section 19.08.210.B) in the R-2 (Medium-density Residential) District.

Notification and Request for Comments

During the course of processing this request, Staff notified surrounding property owners within 1,000 feet of the project site, affected agencies, and County departments. As of this writing, four (4) comment letter(s) have been received including three (3) “no comment” **from Kern County Public Works Department – Sewer and Water Division, Floodplain Management Division, and CSA Division**. Copies of all correspondence has been attached for reference.

1. **Kern County Public Works Department/Development Review Division** has reviewed the request and supports the Nonsummary Vacation with the exception of the underground drainage facility. In addition, the Division supports the retention of the six (6)-foot-tall fence within the front-yard setback.

Environmental Review

Nonsummary Vacation

Staff reviewed the proposal in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. Pursuant to Section 15061(b)(3), a project is exempt from CEQA where it can be seen with certainty that the activity has no potential to cause a significant effect on the environment. Because the proposed right-of-way vacations will not impact necessary roadway or utility access, they will not alter the existing developed environment. Therefore, it can be determined with certainty that the vacations will not result in a significant environmental impact.

Zone Modification

The proposed Zone Modification has been reviewed and Staff concludes the project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303 of the State CEQA Guidelines. Under this section, the construction and location of limited numbers of new, small facilities or structures—expressly including fences—are exempt from the preparation of further environmental documentation. Based on the fact that a fence is part of the project proposal on the subject parcel, it is Staff’s conclusion the project qualifies as one that can be found to be categorically exempt from the requirement for preparation and review of an environmental document pursuant to Section 15303(e) of the State CEQA Guidelines.

General Plan and Zoning Consistency Summary

General Plan Consistency: HMR (High Medium Density Residential), GC (General Commercial)

The HMR (High Medium Density Residential – Less than or equal to 17.42 dwelling units / net acre) map code designation of the Metropolitan Bakersfield General Plan is primarily designed to accommodate single-family, duplex, and other medium-density, multifamily residential development.

The GC (General Commercial – Max. 1.0 FAR, 4 stories) map code designation of the Metropolitan Bakersfield General Plan is primarily designed to accommodate retail and service facilities providing a broad range of goods and services which serve the day-to-day needs of nearby residents.

The project proposal is consistent with the Land Use Element of the Metropolitan Bakersfield General Plan through the following goals and policies:

- *Goal No. 2: Accommodate new development which provides a full mix of uses to support its population (page II-5).*
- *Goal No. 3: Accommodate new development which is compatible with and complements existing land uses (page II-5).*

Staff finds the requested Zone Modification consistent with the goals and policies of the Metropolitan Bakersfield General Plan. The project preserves the existing multi-residential use without increasing density or intensity, enhances safety and privacy, and remains compatible with the surrounding neighborhood. Furthermore, the proposed six (6)-foot-tall wrought-iron fence with automated remote control gate system will provide security and privacy while blending with the varied residential design of the community.

Zoning Consistency: R-2 (Medium-Density Residential)

The purpose of the Medium-Density Residential (R-2) District is to designate areas for single-family, duplex, and other medium-density, multifamily residential uses. Approval of this request would be in accordance with required Kern County regulations and development standards, as necessary.

The subject property is currently developed as a multifamily residential apartment complex. While the proposed six (6)-foot-tall fence exceeds the standard four (4)-foot maximum height allowed within the front-yard setback, it is permissible subject to the approval of a Zone Modification pursuant to Section 19.08.210.G of the Zoning Ordinance. Should the project be approved the applicant would be required to adhere to maintaining the existing fence to ensure compatibility and aesthetic standards.

Zone Modification: Basis of Approval

In accordance with Section 19.08.210.G of the Zoning Ordinance, fence heights exceeding the maximum height otherwise permitted by Section 19.08.210 may be allowed if the following findings can be made:

- (a) *The Modification does not exceed the limits specified in Section 19.110.040 of the Zoning Ordinance.*

Staff evaluated the proposal and determined the increased fence height represents an appropriate development for the multifamily residential complex. The Zone Modification enhances tenant safety and perimeter security by establishing a controlled physical barrier. Additionally, the project site is situated within a corridor characterized by diverse commercial and residential fencing styles, heights, and designs. The requested Zone Modification aligns with these established neighborhood patterns while maintaining substantial compatibility with surrounding development standards.

- (b) *The increased fence height is compatible with development in the vicinity.*

Staff notes the surrounding vicinity and properties along Roberts Lane have similar fence styles to the applicant's proposal. The surrounding area consists of four (4) and six (6)-foot tall fences with a mixture of wrought iron and masonry walls. Therefore, the increased fence height would be compatible with fence development in the vicinity. Thus, the property would not be deprived or similar privileges enjoyed by properties in the vicinity.

- (c) *The increased fence height will not create traffic hazards in the project vicinity.*

Following consultation with Kern County Public Works, Staff received confirmation of support for the Zone Modification request. The proposed wrought-iron fence design preserves critical driver sightlines, ensuring safe ingress and egress for residents and passing motorists. Development in strict accordance with County Standards ensures the project will not be materially detrimental to the public health, safety, or welfare, nor will it injure properties or residents in the immediate vicinity. Consequently, the increased fence height will not create any foreseeable traffic or pedestrian hazards.

Conclusion

Pursuant to the California Streets and Highways Code, a "vacation" is defined as the complete or partial abandonment or termination of the public right to use a street, highway, or easement. In accordance with Section 8324 of the Code, the Board of Supervisors possesses the authority to adopt a resolution vacating Wainwright Drive and MacArthur Drive in their entirety. Under the proposed action, continuous legal and physical access to the vacated areas will be fully maintained for the Rio Vista complex residents.

Staff's analysis confirms the proposed vacation will not negatively affect surrounding properties or eliminate required property access, thereby satisfying the policy frameworks of the Metropolitan Bakersfield General Plan Circulation Element. To protect public infrastructure, the Board's action will reserve and except all required public utility easements in accordance with California Streets and Highways Code Section 8340, legally guaranteeing that all affected utility agencies retain full access rights to their infrastructure.

The proposed vacation of Wainwright Drive and MacArthur Drive in their entirety will allow the applicant to maintain operational control and maintenance of the roadways while enhancing the overall safety of the Rio Vista complex residents. Concurrently, retaining the six (6)-foot-tall fence with automated remote control gate system within the front-yard setback will serve a vital security function. This over-height perimeter fence establishes a secure residential envelope and facilitates the operation of a controlled access gate system for the tenants. Moreover, the proposed fence will enhance the safety and privacy of the site while continuing to remain compatible with the surrounding area. Therefore, Staff believes the increased fence height will not create any foreseeable traffic hazards withing the vicinity of the project site.

Based upon the foregoing evaluation, Staff concludes approval of the request is consistent with applicable provisions of the State Streets and Highways Code and, therefore, recommends the Board of Supervisors adopt resolution and recommended findings approving Nonsummary Vacation, excepting and reserving any easements for existing utilities; and adopt resolution and recommended findings approving the Zone Modification, subject to the recommended conditions of approval.

PUBLIC INQUIRY OR CORRESPONDENCE: Kern County Public Works Department - Development Review Division, Sewer and Water Division, Floodplain Management Division, and CSA Division

CEQA ACTION: Environmental Review: Common Sense Exemption, Section 15061(b)(3) and 15303(e)

DEPARTMENT RECOMMENDATION: Adopt resolution and recommended findings approving Nonsummary Vacation, excepting and reserving any easements for existing utilities; adopt resolution and recommended findings approving Zone Modification subject to the recommended conditions of approval

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR NONSUMMARY VACATION, MAP 102-13:

- (1) Approval of this vacation is in conformance with Section 8324 of the California Streets and Highways Code as the roadways considered are not necessary for present or prospective public use.
- (2) Reserving and excepting necessary public utility easements from this vacation action pursuant to Section 8340 of the Streets and Highways Code will ensure utility agencies adequate access to existing facilities will be retained.
- (3) Approval of the requested vacation is consistent with the Circulation Elements of the Metropolitan Bakersfield General Plan.
- (4) Approval of the requested vacation will not detrimentally affect surrounding properties or residents, as Wainwright Drive and MacArthur Drive will continue to provide secure legal access to the site. This action will neither eliminate access to any parcel nor introduce changes to existing traffic patterns.
- (5) Under Common Sense Exemption, Section 15061(b)(3) of the State CEQA Guidelines, there is no possibility that the activity in question may have a significant effect on the environment and, therefore, is not covered by the requirements set forth in the California Environmental Quality Act and the State CEQA Guidelines concerning the evaluation of projects and the preparation and review of environmental documents.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR ZONE MODIFICATION:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all previous proceedings relating to thereto.
- (2) The project is categorically exempt under Section 15303(e) of the State CEQA Guidelines.
- (3) The effect upon the environment of such a project and the activities and improvements which may be carried out thereunder will not be substantial and will not interfere with the maintenance of a high-quality environment now or in the future.
- (4) The increased wrought-iron fence height will permit appropriate development on the property. The requested design of the wrought-iron fence matches the surrounding area.

- (5) The increased wrought-iron fence height is compatible with other fence developments in the vicinity along Roberts Lane.
- (6) The proposed wrought-iron material allows the over-height fence to satisfy site security objectives without creating a solid visual barrier, thereby maintaining active natural surveillance and clear sightlines toward the residential buildings and entry access points.

RECOMMENDED CONDITIONS OF APPROVAL FOR ZONE MODIFICATION

- (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) This approval authorizes a Zone Modification for the retention of a maximum six (6)-foot-high wrought-iron fence with automated remote control gate system located within the front-yard setback where four (4) feet is the maximum height (Section 19.08.210.B) on an approximate seven (7)-acre parcel in the R-2 (Medium-density Residential) District.
 - (a) Any additions or expansions to the approved plan may be subject to a formal modification to this plan, and a new Zone Modification request, as determined by the Director of the Kern County Planning and Natural Resources Department.
 - (b) All other requirements of the R-2 (Medium-density Residential) District remain applicable.
 - (c) Said fence shall be continuously maintained in good condition.
 - (d) Material such as razor wire and electrified materials are not permitted.
 - (e) The fence shall be treated in a manner to prevent glare on the public and shall be painted /treated with non-shiny finish/ paint. The fence shall not be treated with any overly visually distracting colors, i.e., retroreflective materials/ colors.
- (3) This permit shall become null and void if the use authorized has not been activated within one (1) year of the approval and of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before the expiration of the one (1)-year period.
- (4) Noncompliance with the adopted Conditions of Approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

DM:MAM:an

Attachments

Maps

Nonsummary Vacation, Map 102-13; ZM #9, Map 102-13

Vicinity Map

Rio Vista RAD LP
by Housing Authority
of the County of Kern
- Attn: Stephen Pelz

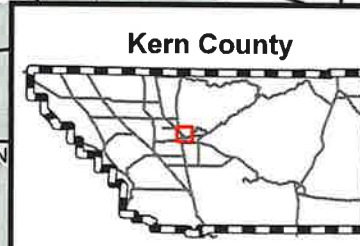
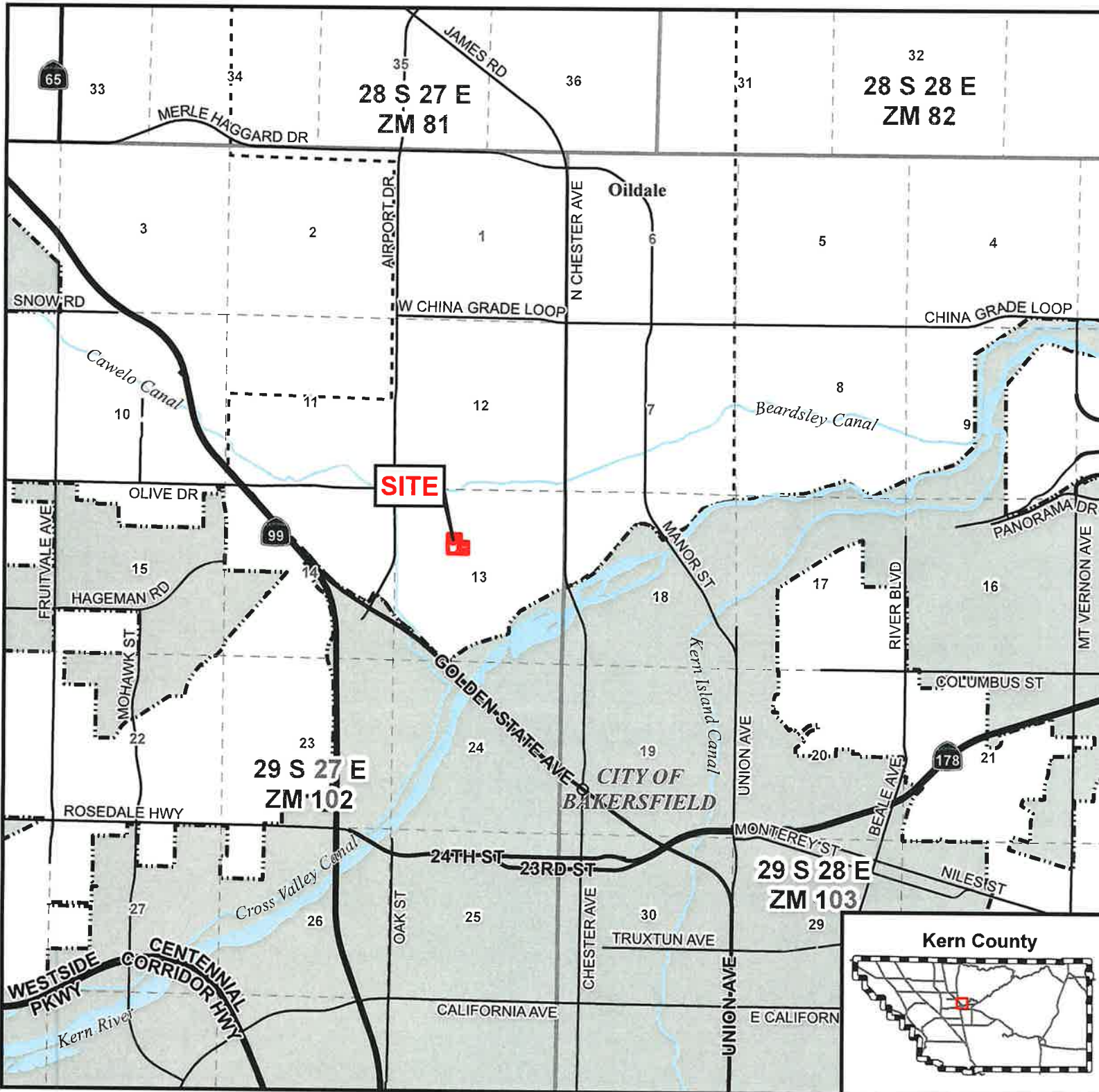
-  Site
-  Freeway
-  Named Road
-  State Hwy
-  Arterials
-  Metro Bakersfield GP Boundary
-  Township/Range
-  Sections
-  City Limits
-  Unincorporated Cities

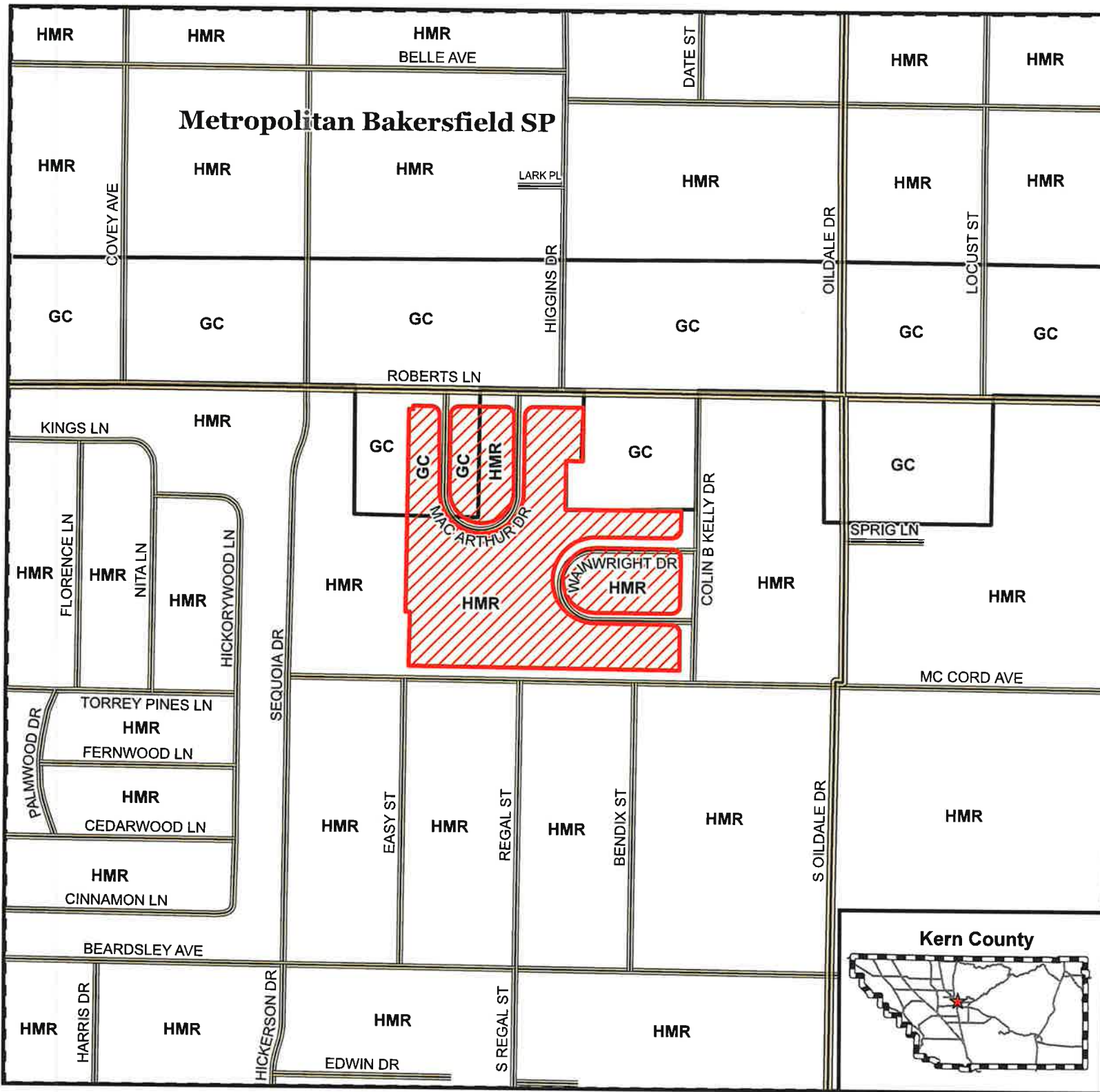
APN: 114-200-26
Sec. 13 - T29S/R27E
Created on: 8/4/2026

0 3,900 7,800 ft



Kern County
Planning & Natural
Resources Department





**Nonsummary Vacation,
Map 102-13;
ZM #9, Map 102-13**

**Existing
General Plan Map**

Rio Vista RAD LP
by Housing Authority
of the County of Kern
- Attn: Stephen Pelz

- Site
- Collectors
- Metro Bakersfield GP Boundary
- Specific Plans**
 - Metropolitan Bakersfield
- General Plan Boundaries**
 - Metropolitan Bakersfield General Plan
 - GC - General Commercial
 - HMR - High Medium Density Residential

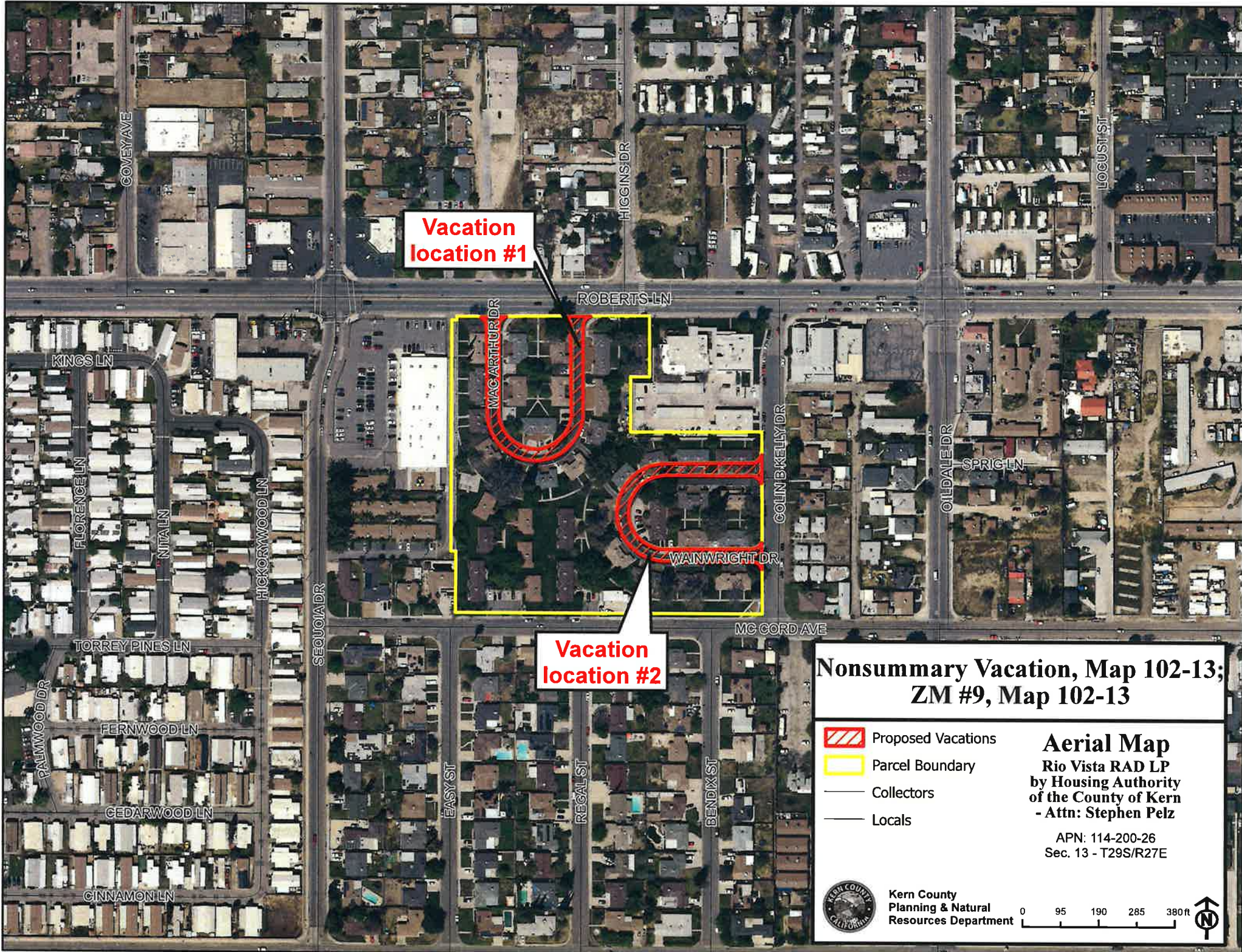
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Sec. 13 - T29S/R27E
Created on: 8/4/2026

Kern County

0 300 600 ft

**Kern County
Planning & Natural
Resources Department**





**Nonsummary Vacation, Map 102-13;
ZM #9, Map 102-13**

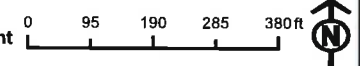
-  Proposed Vacations
-  Parcel Boundary
-  Collectors
-  Locals

Aerial Map
Rio Vista RAD LP
by Housing Authority
of the County of Kern
- Attn: Stephen Pelz

APN: 114-200-26
Sec. 13 - T29S/R27E



Kern County
Planning & Natural
Resources Department



Site Plans

MCCORD AVE.

LEGEND

- BLDG. TYPE A INDICATES BUILDING TYPE
- UNIT 1 INDICATES UNIT NUMBER
-  (L) STREET LAMP
-  (H) FIRE HYDRANT
-  PROUGH IRON FENCING
-  CHAIN LINK FENCING
-  DOMESTIC COLD WATER LINE
-  SECURITY CAMERA
-  SOLAR LAMP POST

PROVIDE PROUGH IRON FENCING ABOVE EXISTING CONCRETE BLOCK WALL. SEE DETAIL AS SHOWN.

ADD ALTERNATE ONE. PROVIDE ROLLING ENTRY GATES AT DRIVE ANGLES, TYP. FOR FORM.

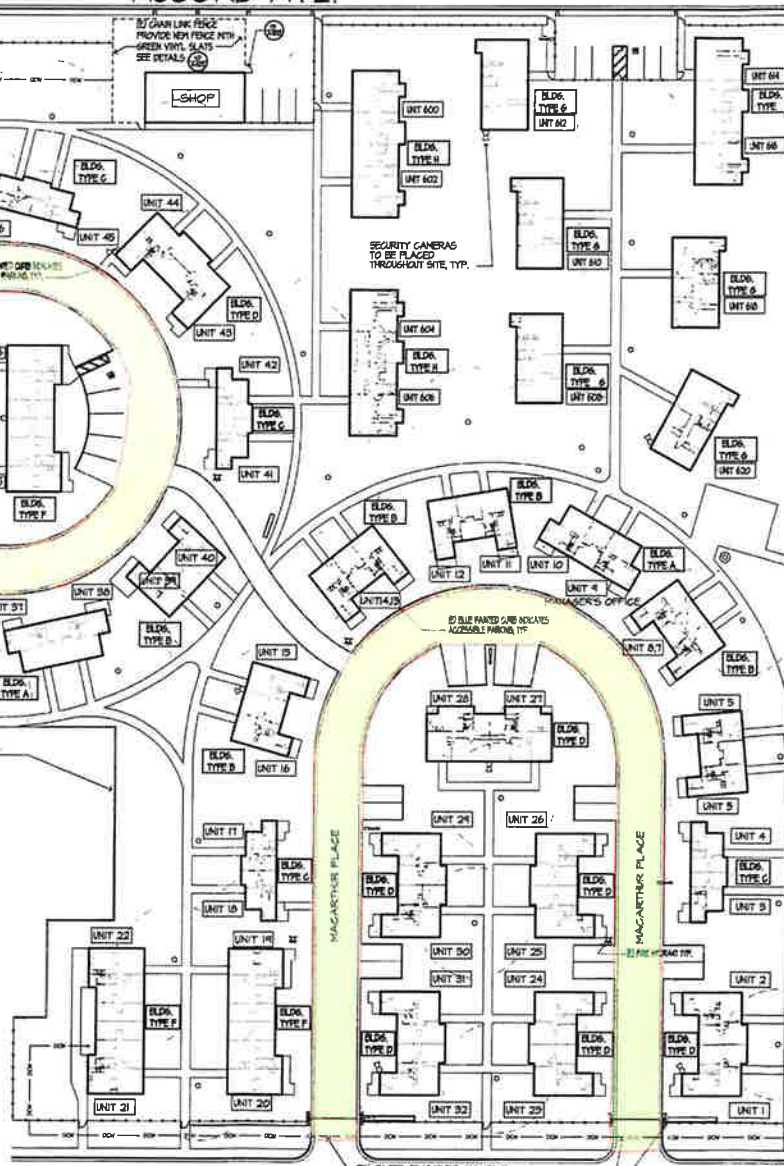
(R) SLEEVE UNDER PAVING

LINE OF 6' HIGH PROUGH IRON FENCING IN COLUMNS AT 6'-0" O.C. REFER TO DETAIL AS SHOWN.

COLIN P KELLY DR.

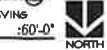


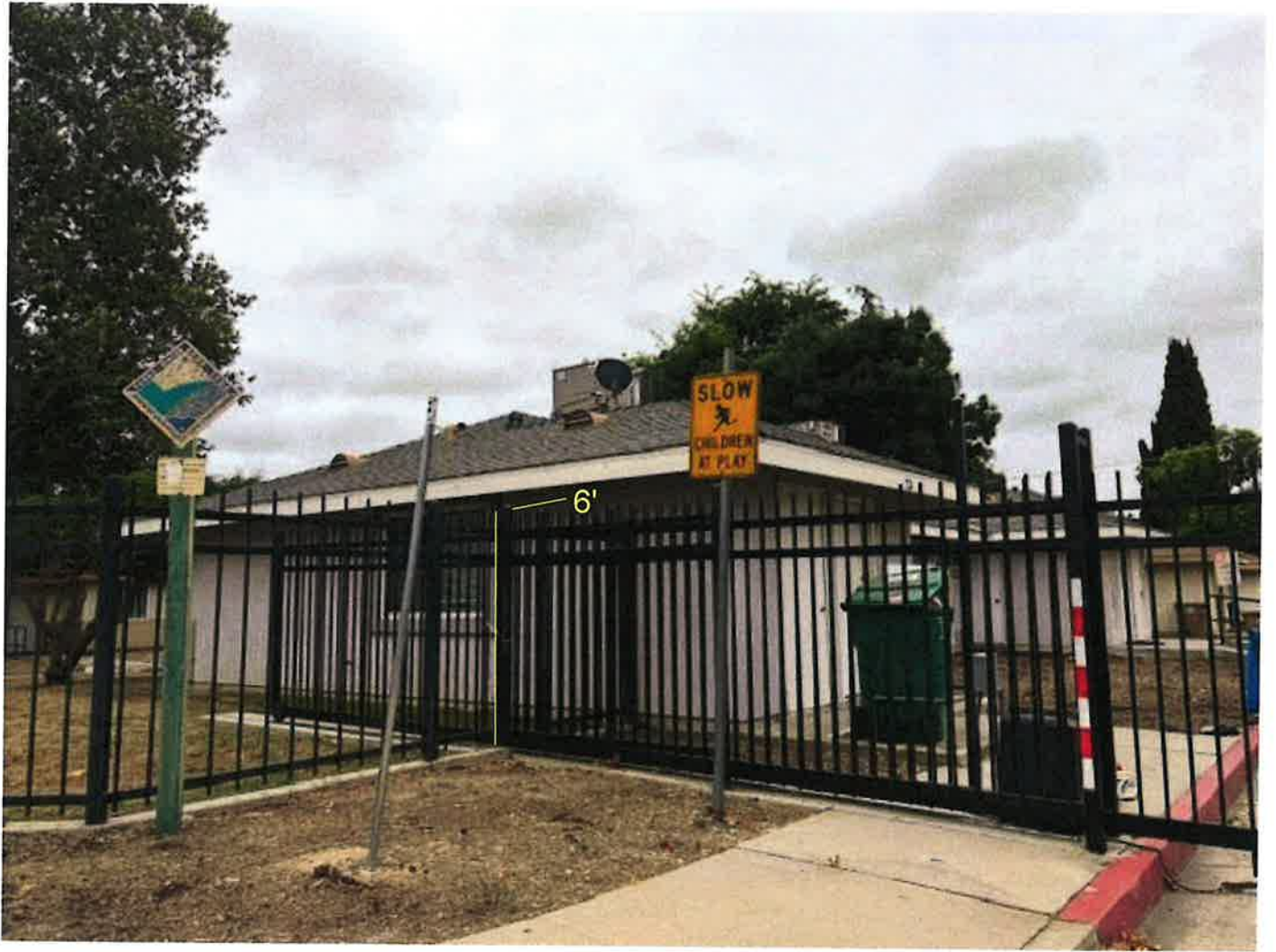
AERIAL PHOTO



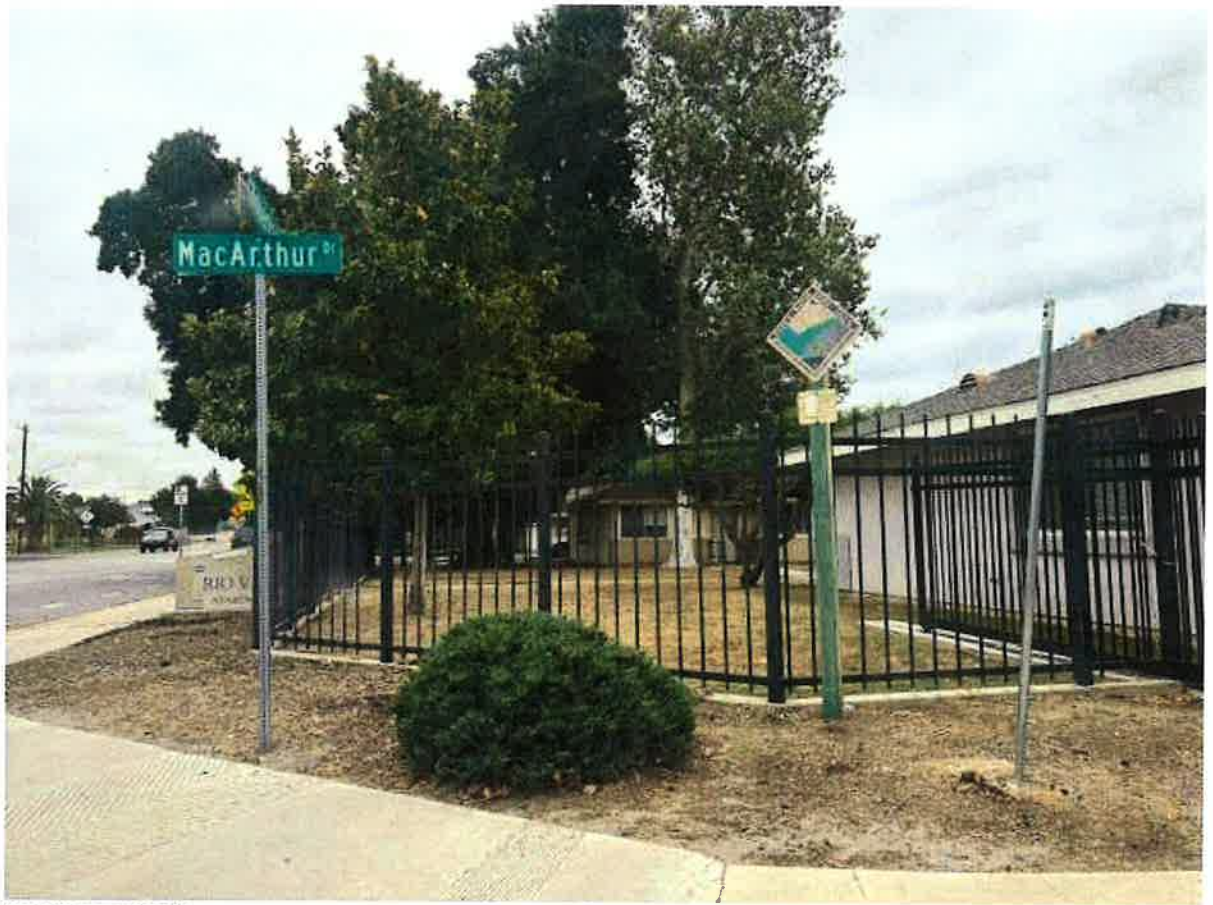
OVERALL SITE PLAN

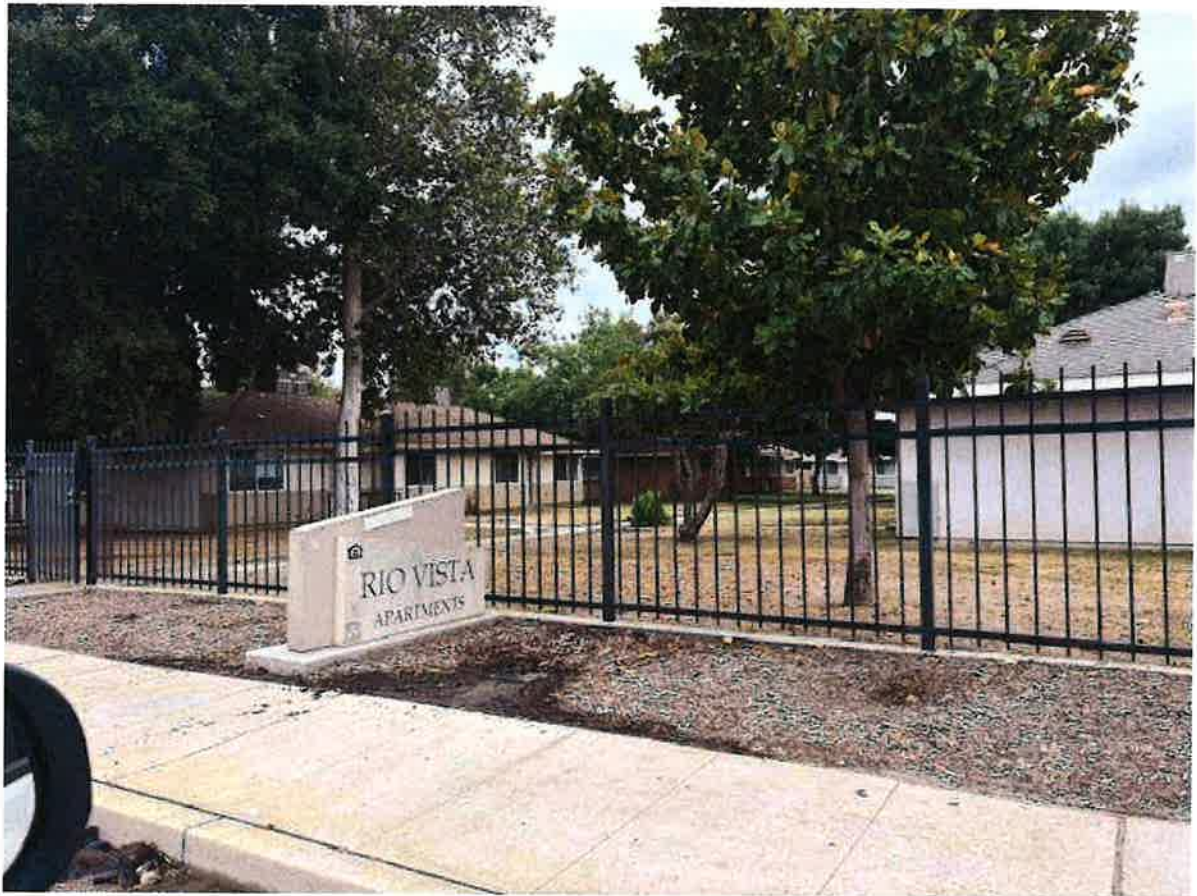
ROBERTS LANE





Photographs







Legal Description

EXHIBIT 'A'
LEGAL DESCRIPTION
STREET VACATION OF COUNTY ROAD NO. 2174

ALL OF PARCEL **I** AND A PORTION OF PARCEL **II** OF THAT DEED OF DEDICATION RECORDED MAY 3, 1961 IN BOOK 3375, PAGE 267 OF OFFICAL RECORDS AT THE KERN COUNTY RECORDER'S OFFICE AND ACCEPTED AS COUNTY ROAD NO. 2174 BY THE ORDER OF THE BOARD OF SUPERVISORS OF SAID COUNTY ON APRIL 25, 1961. ALSO, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 29 SOUTH, RANGE 27 EAST, M.D.M., IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF SAID PARCELS **I** AND **II** OF SAID DEED OF DEDICATION.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL **II** LYING IN PARCEL **III** OF SAID DEED OF DEDICATION.

CONTAINING 1.24 ACRES MORE OR LESS



For Review Only

A handwritten signature in dark ink, appearing to read "R. J. Nelms", written over a horizontal line.

RONALD J. NELMS P.L.S. 5804

DATE: 6/19/20

Comments

**Office Memorandum**

To: Craig Murphy, Director
Planning and Natural Resources Department
Attn: Mayra Martinez, Planner II

September 22, 2026

From: Cesar Ayon, Engineering Manager 
Public Works Department/Development

Subject: Non-Summary Vacation, Map 102-13; Zone Modification 9, Map 102-13
Location: 18 MacArthur Drive, approximately 300' east of the intersection of Sequoia Drive and Roberts Lane in the Oildale area.

Development Review Division

This Division has reviewed the subject project and recommends the following:

1. Support the Non-Summary Vacation of MacArthur Drive, with the exception of the underground drainage facility.
2. Support the Zone Modification for the retention of a six-(6)-foot-tall fence within the front-yard setback where four (4) feet is the maximum height permitted.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Rodd Parke of this Division at (661) 862-8848.

Sewer and Water Division

This Division has reviewed the subject project and has no comment.

Floodplain Management Division

From the information supplied with the Notice of Public Hearing, we have no comments or recommendations regarding the above project.

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Ravidu Wijesekare of this Division at (661) 862-8937.

CSA Division

This Division has reviewed the subject project and has no comments:

Thank you for the opportunity to comment on this project. If you have any questions or comments, please contact Miguel Munoz of this Division at (661) 862-8908.

GROUNDING & BOUNDLESS