

**ORDINANCE NO. 445**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, APPROVING ZONE CHANGE APPLICATION NO. 2018-01, AMENDING CITY OF ARVIN ZONING MAP ON ONE PARCEL COMPRISING OF 6.84 ACRES FROM R-3 (LIMITED MULTIPLE-FAMILY DWELLING) TO R-4 (MULTIPLE-FAMILY) LOCATED ON ASSESSOR PARCEL NUMBER (APN 190-030-48) LOCATED AT THE SOUTHWEST CORNER OF TEJON HIGHWAY AND RICHARDSON ROAD (THE EASTERLY EXTENSION OF VARSITY AVENUE) AND ADOPTION OF NEGATIVE DECLARATION FOR THE PROPOSED PROJECT.**

**WHEREAS**, on December 4, 2012 the City adopted Ordinance No. 405 which rezoned the subject property (APN 190-030-48) located at the southwest corner of Tejon Highway and the easterly extension of Varsity Avenue from R-1 to R-3; and,

**WHEREAS**, on April 21, 2016 the City adopted Resolution 2016-14 to adopt the City of Arvin 2013-2023 Housing Element which included policies and programs addressing the City's housing needs; and,

**WHEREAS**, the City has been in the process of amending the City of Arvin 2013-2023 Housing Element ("Housing Element Amendment") to comply with State law and to received State certification of the Housing Element Amendment; and,

**WHEREAS**, on January 29, 2018 the State Department of Housing and Community Development (HCD) sent a conditional certification letter indicating that the Draft Housing Element Amendment would meet the statutory requirement under State law and would be certified upon completion of the housing program to rezone a 6.8-acre parcel to R-4 in order to accommodate the shortfall of 55 units carried over from the fourth-cycle planning period, and upon adoption and resubmission of the Draft Housing Element Amendment; and,

**WHEREAS**, the City has conducted bilingual public workshop on March 7, 2017 on the Draft Housing Element Amendment and the proposed rezoning of the subject property (Zone Change 2018-01), and,

**WHEREAS**, an environmental Initial Study and a Notice of Intent to Adopt a Negative Declaration were prepared by the City, as lead agency, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City CEQA Guidelines, and sent to all responsible and trustee agencies and posted in the Office of the County Clerk; and,

**WHEREAS**, copies of the CEQA documents were made available for public inspection at the office of the City of Arvin Planning Department, 141 Plumtree Drive, Arvin, California and on the City's website; and,

**WHEREAS**, during the 20-day public review period of the Initial Study and Notice of Intent, the City received no comment letters; and,

**WHEREAS**, notice of public hearing on the proposed Zone Change 2018-01 was sent to property owners within a 300-foot radius of the subject property and was published in the Bakersfield Californian; and,

**WHEREAS**, the Planning Commission on March 13, 2018 adopted Resolution No. APC 2018-01 that recommended the City Council of the City of Arvin approve the adoption of Zone Change 2018-01 and the associated environmental Negative Declaration.

**WHEREAS**, the City Council on March 27, 2018 conducted a public hearing at a special meeting regarding the introduction and first reading of this ordinance, during which it received a staff presentation and testimony from members of the public, and after closing the public hearing and after Council deliberation voted to introduce this ordinance; and,

**WHEREAS**, on April 3, 2018 the City Council again considered this matter consistent with the requirements of the law, and desires to adopt this ordinance; and

**WHEREAS**, all legal prerequisites to the adoption of this ordinance have occurred.

**NOW, THEREFORE**, the City Council of the City of Arvin does ordain as follows:

**Section 1.** The City Council finds an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the City Council finds there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment, and that a Negative Declaration is appropriate for this project. The City Council further finds the Initial Study and Negative Declaration were timely and properly published and notices as required by CEQA, and no comments were received by the City within the 20 day comment period. As such, the Council hereby adopts the finding the Negative Declaration.

**Section 2.** The City Council finds that public necessity, convenience, general welfare, or good zoning practices justify adoptions of Zone Change 2018-1. Specifically, the change is consistent with the General Plan goals and policies, any operative plan, or adopted policy. The change implements adopted polices of the General Plan Land Use Element in that the overall density is in compliance is consistent with the General Plan. Approval of the change would assist with the implementation of the Housing Element in providing opportunity site for high density residential development. The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed housing, consistent with the General Plan any applicable operative plan, or adopted policy.

**Section 3.** The City Council adopts Zone Change 2018-01, which rezones APN 190-030-48, located at the southwest corner of Tejon Highway and the easterly extension of Varsity Avenue, from R-3 to R-4.

**Section 4.** This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.


**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council of the City of Arvin after waiving reading, except by Title, at a special meeting thereof held on the 27<sup>th</sup> day of March 2018, and adopted the Ordinance after the second reading at a regular meeting held on the 03<sup>rd</sup> day of April 2018, by the following roll call vote:

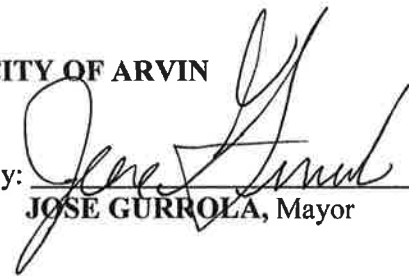
AYES: CM Robles, CM Martinez, MPT Ortiz, Mayor Gurrola

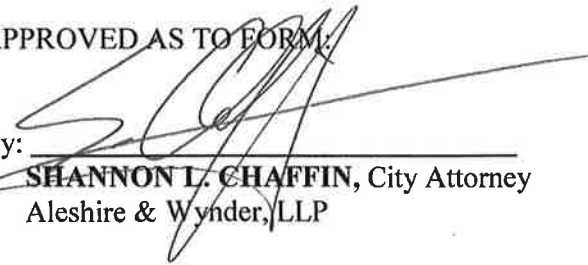
NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: CM Madrigal

**ATTEST**  
  
\_\_\_\_\_  
**CECILIA VELA, City Clerk**

**CITY OF ARVIN**  
  
By: \_\_\_\_\_  
**JOSE GURROLA, Mayor**

APPROVED AS TO FORM:  
  
By: \_\_\_\_\_  
**SHANNON L. CHAFFIN, City Attorney**  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.