

ORDINANCE NO. 2019-458

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, ADDING SUBSECTION Q OF SECTION 17.08.020 (PERMITTED USES) OF CHAPTER 17.08 (ONE-FAMILY DWELLING ZONE) OF TITLE 17 (ZONING), OF THE ARVIN MUNICIPAL CODE TO ESTABLISH STANDARDS AND CRITERIA FOR NEIGHBORHOOD SERVING COMMERCIAL USES IN CONJUNCTION WITH EXISTING AND/OR PROPOSED SINGLE FAMILY RESIDENTIAL USES, AND ADOPTING AN EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15061(B)(3).

WHEREAS, the City Council desires to amend Title 17 of the Arvin Municipal Code desires to establish neighborhood commercial uses within single family residential neighborhoods to promote walkable neighborhoods; and

WHEREAS, on February 21, 2019, at after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

WHEREAS, after the above-mentioned public hearing, the Planning Commission adopted Resolution No. APC 2019-03, which recommended that the City Council adopt this Ordinance; and

WHEREAS, on March 12, 2019, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public, and then voted to introduce this Ordinance; and

WHEREAS, after the above-mentioned City Council public hearing, the City Council conducted a duly noticed public hearing regarding this Ordinance on March 26, 2019, where the public was again provided an opportunity to provide testimony regarding the Ordinance, etc.; and

WHEREAS, the City Council now desires to amend Title 17, "Zoning," of the Arvin Municipal Code to permit neighborhood commercial servicing uses in single family residential zone by adding Subsection Q. Neighborhood Commercial Serving Uses of Section 17.08.020 Permitted Uses; and

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

Section 1. The Recitals set forth above are true and correct and incorporated herein.

Section 2. The City Council finds and determines that the amendment and addition to Title 17, as contemplated by this Ordinance, constitute a project under the California Environmental Quality Act ("CEQA"). The City Council, based upon its own independent judgment and substantial

evidence in the record of proceedings related to this project has determined, pursuant to CEQA Guidelines. This determination and recommendation is based upon the CEQA Guidelines, Section 15061(b)(3) the activity is covered under the General Rule that CEQA applies only to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA and is, therefore, exempt from CEQA, for the following reasons:

- a. This Ordinance relates to the establishment of criteria and standards for potential neighborhood commercial serving uses in single family residential zones;
- b. This Ordinance will not have a significant effect or physical change to the environment, because it relates to the creation of standards and criteria in evaluating future potential neighborhood commercial serving uses in single family residential zones which do not involve any commitment to a specific project which may result in a potentially significant physical impact upon the environment.
- c. Subsection Q of Section 17.08.020 (Permitted Uses) of Chapter 17.08 (One-Family Dwelling Zone) of Title 17 (Zoning), of The Arvin Municipal Code added to read in its entirety as follows :

Q. Neighborhood Serving Commercial Uses within Single Family Residential

Neighborhood Serving Commercial Uses are intended to introduce complimentary uses in conjunction with existing and/or proposed single family residential uses in locations where the neighborhood supports such a use and serves the neighborhood. The following standards are designed to allow Neighborhood Serving Commercial Uses to be integrated closely with existing and proposed single family residential uses on a small scale. Allowing neighborhood serving commercial uses to be integrated into neighborhoods at appropriate locations and at the same scale as the existing and proposed residential uses is intended to make more efficient use of existing infrastructure capacity and improve walking and biking accessibility to these services by nearby residents.

1. A neighborhood serving commercial use must implement and meet the following criteria: Support a compact walkable neighborhood with nearby services;
 - a. Separation of neighborhood serving commercial uses by a minimum of 1,000 feet;
 - b. Be a development of small scale neighborhood commercial uses to compliment neighborhoods and provide service destinations and jobs close to existing housing;
 - c. Must be compatible with neighborhood commercial uses and existing and/or proposed residential development; and
 - d. Utilize existing infrastructure and service capacity.
2. A neighborhood serving commercial use must implement and meet the following criteria:
 - a. Support a compact walkable neighborhood with nearby services;

- b. Separation of neighborhood serving commercial uses by a minimum of 1,000 feet;
 - c. Be a development of small scale neighborhood commercial uses to compliment neighborhoods and provide service destinations and jobs close to existing housing;
 - d. Must be compatible with neighborhood commercial uses and existing and/or proposed residential development; and
 - e. Utilize existing infrastructure and service capacity.
3. Uses Permitted: The following uses are permitted as a neighborhood serving commercial use subject to Chapter 17.60 Site Development Permit, implements and meet the criteria established above, subject to the implementation of the requirements of Chapter 17.70 Site Development Standards, and also meeting the standards as listed in this section:
- a. Other neighborhood serving commercial not listed below may be permitted by Conditional Use Permit where it can be demonstrated that the proposed use meets the criteria identified above and all requirements of this section.
 - i. Neighborhood Convenience Retail in conjunction with existing or proposed Single Family Residential uses as listed below:
 - ii. Food sales (i.e. groceries, bakeries, candy shops, delicatessens);
 - iii. Consumer Repair Services (i.e. watch, jewelry, musical instrument);
 - iv. General Retail Sales-Convenience; (i.e. convenience market (No off- or on-sale of alcoholic beverages), neighborhood takeout food preparation; and
 - v. Live-work units.
4. Design Standards for Permitted Non-Residential Uses. Uses permitted above shall conform to the following design guidelines:
- a. Architectural Standards: All new development (residential and non-residential) shall be of a design that compliments residences and/or introduces and improves on the design located on the same block and shall follow these design standards:
 - i. Building materials shall be of siding, brick, stone or other materials that are similar in composition and otherwise in common with other buildings located in the area.
 - ii. Colors shall compliment other buildings in the area.
 - iii. The primary entrance shall be from the front sidewalk, front corner entrances may satisfy this requirement. Secondary entrances may be allowed in the rear where there is rear parking.
 - iv. To support the privacy of existing residences, windows on the portion of a side wall directly opposite an existing residence shall be limited to obscure glass or similar material approved or windows that are above sightline in both buildings.
 - v. New buildings shall be compatible with the existing residential uses on the block and must use at least three design elements found in other buildings within the neighborhood on facades facing public streets.
 - b. Signage: Shall be of a scale and of materials that are compatible with the existing residential uses while allowing the business to be identified from the sidewalk and street.

- i. Maximum sign area allowed shall be the one half of the building width in square feet: building width/2 = X sq. ft.
 - ii. May not be translucent or lighted from within. They may be lighted with exterior lights during hours of operation
 - iii. Window signs may not be larger than 1 square foot.
 - iv. Lighted window signs may only be lit during hours of operation.
 - v. Lighted signs may not flash, blink or otherwise move.
 - c. Exterior Lighting: Shall be compatible with residences located on the same block and;
 - i. Exterior lighting must be hooded or shielded. There should be no disability glare and no direct light source should be visible from ground level or above across the source property line if it is adjacent to residential or vacant property.
5. Building, Lot, Location and other Standards: Uses permitted above shall conform to the following guidelines:
- a. Location and Access:
 - i. Permitted non-residential uses shall be located in a neighborhood where no similar services are provided within 1000 feet;
 - ii. Must be located on a corner lot of sufficient size to meet the requirements of Chapter 17.70 Site Development Standards;
 - iii. Must provide a minimum of 500 square feet of open space for the existing and/or proposed single family residential unit.
 - iv. Conditionally approved non-residential uses not listed in Sub-Subsection B above, must be found to be compatible with and to impose no adverse impact upon adjacent residential uses and meet all of the requirements of this Subsection.
 - b. Parking: The following vehicle parking standards shall be met:
 - i. On-street parking may be credited toward the minimum parking requirements.
 - ii. All off-street parking must be provided in the rear or side yards and screened by an opaque wall or landscaping at least three (3) feet in height. No parking is allowed in the front or side yard setback.
 - iii. No commercial vehicle may be parked on the street or on the premises overnight except in an enclosed garage.
 - c. Bicycle Parking: Shall be provided near the front entrance and covered where possible.
 - i. For each 400 square feet of neighborhood commercial use there shall be one bicycle space.
 - ii. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two (2) feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock.
 - d. Other Standards
 - i. Hours of Operation: shall be limited from 6 a.m. to 10 p.m.

- ii. Outdoor Storage: No outdoor storage shall be permitted.
 - iii. Waste containers: All waste containers larger than allowed residential containers or numbering more than two per building shall be enclosed by a wall or opaque screening.
6. Setbacks, Height Requirements for New or Enlarged Buildings. The setback and height requirements for a new or redeveloped building shall be:
- a. Yard Setback
 - i. Shall meet the minimum yard setback as required in the R-1 Zone District;
 - ii. Outdoor seating may be located in the front, rear and side yard setback but must be screened from adjacent residential uses.
 - b. Building Height: Proposed new or enlarged building shall meet the following;
 - i. When located between two existing buildings the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five (5) feet above the average height of the adjacent buildings measured in a like manner.
 - ii. When located adjacent to an existing building and on a corner lot or next to a vacant lot the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five (5) feet above the adjacent building or the average height of the adjacent building and the underlying zone measured in a like manner.
 - iii. When located on a corner lot and next to a vacant lot the maximum height measured at the highest point along a roof or highest ridge line of the proposed building may be no higher than five (5) feet above the average height of all buildings on the block measured in a like manner or of the underlying zone.

Section 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

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.

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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 regular meeting thereof held on the 12th day of March, 2019, and adopted the Ordinance after the second reading at a regular meeting held on the 26th day of March, 2019, by the following roll call vote:

AYES: CM Trujillo, CM Franetovich, MPT Robles, Mayor Gurrola

NOES: _____

ABSTAIN: _____

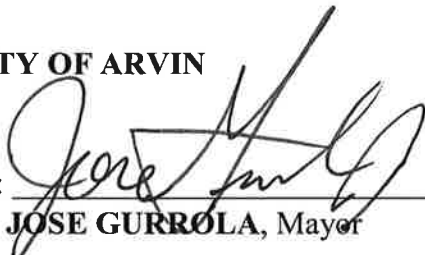
ABSENT: CM Martinez

ATTEST



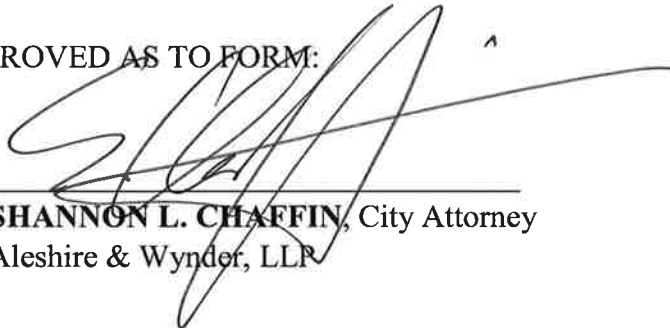
CECILIA VELA, City Clerk

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 Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.