



**SPECIAL MEETING AGENDA  
ARVIN PLANNING COMMISSION**

**TUESDAY MARCH 28, 2017 6:00p.m.  
CITY HALL COUNCIL CHAMBERS  
200 CAMPUS DRIVE, ARVIN**

**CALL TO ORDER**

Vice Chair Trujillo

**PLEDGE OF ALLEGIANCE**

\*\*\*\*\*

**ROLL CALL:** Olivia Trujillo  
Yesenia Martinez  
Miguel Rivera  
Gerardo Tinoco  
Janett Zavala

Vice Chairperson  
Planning Commissioner  
Planning Commissioner  
Planning Commissioner  
Planning Commissioner

**STAFF:** Marti Brown  
Jake Raper  
Shannon L. Chaffin  
Cecilia Vela

Community Development Director  
City Planner  
City Attorney – Aleshire & Wynder  
Secretary

## **PUBLIC COMMENTS:**

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

## **AGENDA STAFF REPORTS AND HANDOUTS:**

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

## **CONDUCT IN THE CITY COUNCIL CHAMBERS:**

### **Rules of Decorum for the Public**

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

### **Removal from the Council Chambers**

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

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### **AMERICANS with DISABILITIES ACT:**

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**1. Approval of Agenda As To Form.** Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_\_ PC Zavala \_\_\_\_\_ PC Rivera \_\_\_\_\_ PC Martinez \_\_\_\_\_ VC Trujillo \_\_\_\_\_

**PUBLIC COMMENTS**

*This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.*

**3. ELECTION OF CHAIRPERSON**

**4. PRESENTATION(S)**

**A. Planning Commissioner Orientation**

Marti Brown, Community Development Director

**5. PUBLIC HEARING ITEM(S)**

**A. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit No. 2017-02 Subject to the Conditions and Adopt the Notice of Exemption for the Proposed Project (210 Arvin Ave. – Los Primos Meat Deli and Market)**

Staff recommends to open the hearing; allow for public testimony; close the hearing and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_\_ PC Zavala \_\_\_\_\_ PC Rivera \_\_\_\_\_ PC Martinez \_\_\_\_\_ VC Trujillo \_\_\_\_\_

**B. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit No. 2017-01 Subject to the Conditions of Approval Contained Herein and Adopt the Notice of Exemption for the Proposed Project (ARCO AM/PM, APN 190-270-33 & APN 190-270-34)**

Staff recommends to open the hearing; allow for public testimony; close the hearing and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_\_ PC Zavala \_\_\_\_\_ PC Rivera \_\_\_\_\_ PC Martinez \_\_\_\_\_ VC Trujillo \_\_\_\_\_

- C. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Approving I) Modification Precise Development Plan 2007-1 –(Bear Mountain Plaza) - ARCO Project Proposes to Replace the Office Cluster of Two Buildings – Office 1 – 5,800 Square Feet and Office 2 – 7,500 Square Feet with an ARCO Service Station and Convenience Store Consisting of 3,000 Square Feet and a QSR, Quick Service Restaurant Consisting of 1,200 Square Feet and II) Adopted the Addendum to the Mitigated Negative Declaration, Adopted January 12, 2008 and Filed on June 20, 2008 for Bear Mountain Plaza, Subject to Conditions of Approval.

Staff recommends to open the hearing; allow for public testimony; close the hearing and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_ PC Zavala \_\_\_\_ PC Rivera \_\_\_\_ PC Martinez \_\_\_\_ VC Trujillo \_\_\_\_

- D. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending to the City Council I) Approve Vesting Tentative Map 7321 and Deviations of Lot Configuration and Size as Provided Under Resolution No. 02-49 as Illustrated in Exhibit “A”, Vesting Tentative Map 7321 and Subject to Exhibit “B”, Conditions of Approval, and II) Adopt Mitigated Negative Declaration for the Proposed Project.

Staff recommends to open the hearing; allow for public testimony; close the hearing and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_ PC Zavala \_\_\_\_ PC Rivera \_\_\_\_ PC Martinez \_\_\_\_ VC Trujillo \_\_\_\_

- E. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending to the City Council I) Approve the Uncodified Ordinance for Third Amendment By and Between Leora, LLC and the City of Arvin of the Development Agreement Between Sycamore Villas, LLC, and the City of Arvin, Concerning Tract 5816, Recorded on July 3, 2002 as Amended, and II) Adopt a Mitigated Negative Declaration for the Proposed Project.

Staff recommends to open the hearing; allow for public testimony; close the hearing and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_ PC Zavala \_\_\_\_ PC Rivera \_\_\_\_ PC Martinez \_\_\_\_ VC Trujillo \_\_\_\_

**F. Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending to the City Council I) Adopt Mitigated Negative Declaration for Vesting Tentative Map 7321, Deviations to Lot Configurations and Size, and Third Amendment to Development Agreement for Leora, LLC.**

Staff recommends to open the hearing; allow for public testimony; close the hearing and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_ PC Zavala \_\_\_\_ PC Rivera \_\_\_\_ PC Martinez \_\_\_\_ VC Trujillo \_\_\_\_

**6. ACTION ITEM(S)**

**A. A Resolution of the Planning Commission of the City of Arvin Approving Modification No. 2017-01 from 10'-0" to 9.7' for Lot 86 (1201 Paraiso Way) of Tract 5816 Phase 12 as Authorized by Title 17 Zoning Code, Section 17.54.050.**

Staff recommends approval of the Modification No. 2017-01 as requested by the Applicant's representative and approval of the Resolution approving the side yard setback modification from 10'-0" to 9.7' for Lot No. 86, Tract 5816 Phase 12 (1201 Paraiso Way) as shown in Exhibit A.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_ PC Zavala \_\_\_\_ PC Rivera \_\_\_\_ PC Martinez \_\_\_\_ VC Trujillo \_\_\_\_

**B. A Resolution of the Planning Commission of the City of Arvin Approving Modification No. 2017-02 from 10'-0" to 9.7' for Lot 89 (1213 Paraiso Way) of Tract 5816 Phase 12 as Authorized by Title 17 Zoning Code, Section 17.54.050.**

Staff recommends approval of the Modification No. 2017-02 as requested by the Applicant's representative and approval of the Resolution approving the side yard setback modification from 10'-0" to 9.7' for Lot No. 89, Tract 5816 Phase 12 (1213 Paraiso Way) as shown in Exhibit A.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_ PC Zavala \_\_\_\_ PC Rivera \_\_\_\_ PC Martinez \_\_\_\_ VC Trujillo \_\_\_\_

**C. A Resolution of the Planning Commission of the City of Arvin Approving Modification No. 2017-03 from 10'-0" to 9.7' for Lot 93 (1212 Celestial Way) of Tract 5816 Phase 12 as Authorized by Title 17 Zoning Code, Section 17.54.050.**

Staff recommends approval of the Modification No. 2017-03 as requested by the Applicant's representative and approval of the Resolution approving the side yard setback modification from 10'-0" to 9.7' for Lot No. 93, Tract 5816 Phase 12 (1212 Celestial Way) as shown in Exhibit A.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_\_ PC Zavala \_\_\_\_\_ PC Rivera \_\_\_\_\_ PC Martinez \_\_\_\_\_ VC Trujillo \_\_\_\_\_

**D. A Resolution of the Planning Commission of the City of Arvin Approving Modification No. 2017-04 from 10'-0" to 9.7' for Lot 96 (1200 Celestial Way) of Tract 5816 Phase 12 as Authorized by Title 17 Zoning Code, Section 17.54.050.**

Staff recommends approval of the Modification No. 2017-04 as requested by the Applicant's representative and approval of the Resolution approving the side yard setback modification from 10'-0" to 9.7' for Lot No. 96, Tract 5816 Phase 12 (1200 Celestial Way) as shown in Exhibit A.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Tinoco \_\_\_\_\_ PC Zavala \_\_\_\_\_ PC Rivera \_\_\_\_\_ PC Martinez \_\_\_\_\_ VC Trujillo \_\_\_\_\_

**7. REPORTS FROM STAFF**

**8. PLANNING COMMISSIONER COMMENTS**

**9. ADJOURNMENT**

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 24 hours prior to the meeting. Dated: March 27, 2017.



\_\_\_\_\_  
Cecilia Vela, Secretary

# **Roles and Responsibilities of the Arvin Planning Commission**



**City of Arvin**

# Roles and Responsibilities Of the Arvin Planning Commission



City of Arvin

*Prepared by*

**Collins & Schoettler**  
PLANNING CONSULTANTS

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## **An Overview of the Roles and Responsibilities of the Arvin Planning Commission**

This manual is an overview of what the Planning Commission does, its roles and responsibilities. The sheer variety of different issues that comes before the Commission can be confusing and overwhelming, especially for lay persons. In small communities like Arvin, Commissioners may come to the table with little experience or training in planning and zoning.

This guide is meant to be read along with the *“Planning Commissioner’s Handbook”*, published by the California Institute for Local Government (available through the California League of Cities). Commissioners can request a copy of the Handbook through City Hall.

Topics covered in this guide include:

### **Planning in General**

- What is the Authority of the Planning Commission?
- What is the General Plan?
- What are Arvin’s Planning Boundaries?
- What is Zoning?
- How is the Zoning Ordinance Used?
- What Zones Does Arvin Have?
- What are Key Standards of the Zoning Ordinance?

### **Planning Permits**

- What is Site Plan Review?
- What is the Difference Between Site Plan Review and a Building Permit?
- What is a Conditional Use Permit?
- What is a Public Hearing?
- What is a Variance?
- What is a Zone Change? What is a General Plan Amendment?
- What Is “Consistency” Between Zoning and General Plan?
- Do Some Projects Require More than One Planning Permit?

### **Subdivisions and Parcel Maps**

- What is the Subdivision Ordinance and How are Subdivisions Created?
- What is the Difference between a Parcel Map and a Subdivision Map?
- What Conditions May the Planning Commission Apply to a Project?
- What is a Lot Merger? What is a Lot Line Adjustment?

### **Other Planning Matters**

- What is an Annexation?
- What is the California Environmental Quality Act (CEQA) and when is it required?
- What is Redevelopment?
- Code Enforcement?



### **What is the Authority of the Planning Commission?**

The Planning Commission is made up of residents who are appointed by the City Council and serves to make decisions on various land use and development issues, including the following:

- Zone changes and general plan amendments;
- Conditional Use Permits;
- Site Plan Review;
- Variances;
- Subdivisions;
- Parcel Maps;
- Classification of Permitted Uses
- Annexations of land to the city;

Some types of projects also require a review of their potential impacts on the environment. This type of review is required by a state law called C.E.Q.A. (the California Environmental Quality Act). CEQA is a complex law that ties the environmental impacts of a project with the City's decision on the project and it is discussed further below.



### **Where Does the City's Authority to Regulate Development and Land Use Activities Come From?**

Authority for cities and counties to regulate land use in California comes from the California Planning and Zoning Law. This law is found in Section 65000 of the California Government Code. This law also lays the foundation for cities to prepare and administer the General Plan and the Zoning Ordinance. These are discussed further below.



### What is the General Plan?

The General Plan is Arvin's set of policies to guide growth and development in the future. The current General Plan was adopted by the City Council (and Planning Commission) in 2012 and is intended to guide growth through the year 2030. The General Plan is made up of the following elements (which are required by state planning law):

**Land Use Element.** This element establishes policies and maps to guide the harmonious use and development of land in the planning area.

**Circulation Element.** The element establishes a map and policies to guide the development and expansion of Arvin's circulation system, which includes roads, bike paths, sidewalks, railroad and transit (bus service)

**Conservation Element.** This element establishes policies to protect resources in the area, such as prime farm soils, air quality, water quality and endangered species, for example.

**Open Space Element.** This element provides policies to ensure that open space (typically in the form of parks and parkways along canals) is preserved.

**Air Quality Element.** This element establishes policies to ensure that air quality is protected while the City continues to grow.

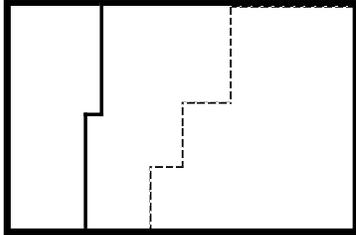
**Housing Element.** This element establishes policies to ensure the City is taking actions necessary to ensure that housing can be provided for all income groups in the community.

**Noise Element.** This element establishes policies to avoid and minimize noise conflicts as growth and development occurs in the community.

**Safety Element.** This element establishes policies to ensure the safety of the community pertaining to subjects such as earthquake hazards, flooding, crime, fires and similar hazards.

Each element generally contains a review of existing conditions, projections of future conditions, and a series of goals, objectives and action programs to guide future development in a positive fashion.

In addition to written policies, the General Plan includes several maps that lay out a physical vision of future growth in the community. The "Proposed Land Use Map" contains designations for land uses in and around the community, such as residential, commercial, industrial and public lands. This map is directly related to zoning, in that zoning of individual parcels must be consistent with the designation for that parcel as shown on the Proposed Land Use Map. The General Plan contains a matrix that shows consistency between Land Use and Zoning designations.

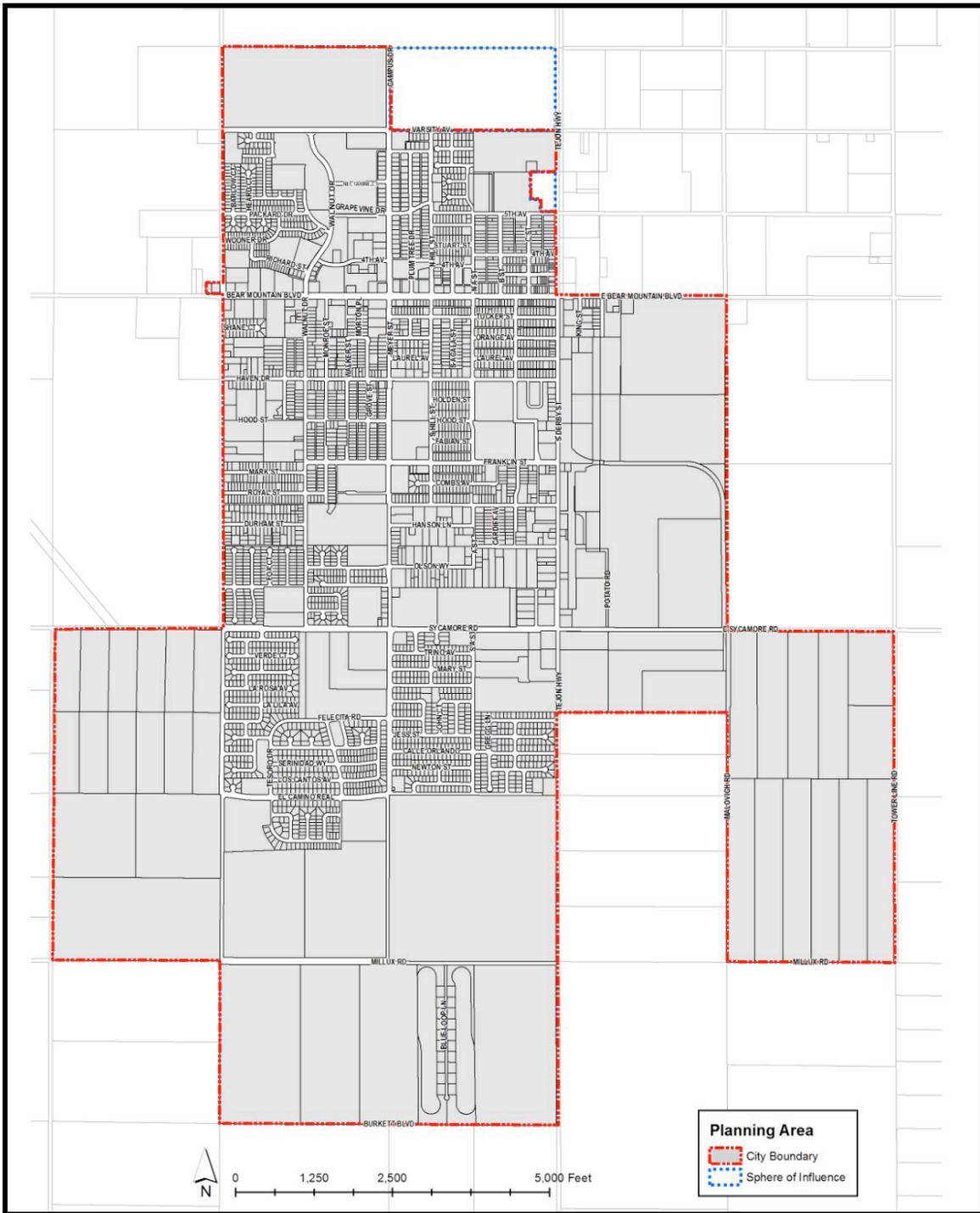


### **What Are Arvin's Planning Boundaries?**

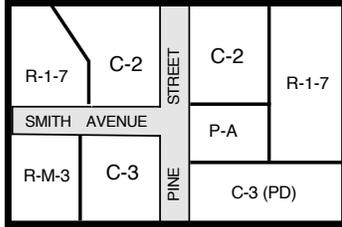
Several legal boundaries come into play in the planning and development of the city. These are shown on Map 1 (on the following page) and include:

**City Limits**. This line defines areas controlled directly by the City of Arvin. All parcels within the city limits are zoned and regulated by the Arvin Zoning Ordinance. All public streets within the city limits are maintained by the City, as are the City's infrastructure system – wastewater treatment facility, sewer, water lines, water wells and storm drainage system.

**Sphere of Influence (SOI)**. In general, the SOI defines lands that can potentially be annexed into the city. The SOI is essentially a boundary of LAFCo (the Local Agency Formation Commission). LAFCo is the quasi-jurisdictional body in Kern County that approves (or denies) annexations to cities. When the city seeks to annex land for development, that land must lie within the SOI. The SOI also defines the City's "ultimate" growth boundary under the current General Plan.



The map above shows the two key boundaries that come into play in future planning of Arvin. Areas inside the city limit boundary are shaded gray, within the red line. These lands are under direct control of the City of Arvin. The next line is the Sphere of Influence boundary (the blue dashed line). This boundary generally includes lands outside the city limits that are expected to be annexed into the City to accommodate urban development during the life of the General Plan (through the year 2030)

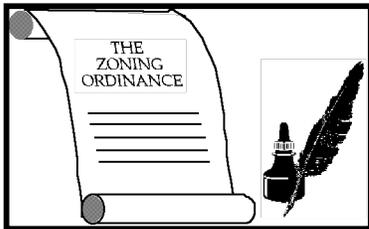


### What is Zoning?

Zoning is the City's legal mechanism for regulating the development and use of property. The Zoning Ordinance is that part of the municipal code that deals with development regulations. The Zoning Ordinance also includes a map that shows all parcels of land within the City, and these are designated with a specific zone district. For example, many residential neighborhoods are zoned R-1 (Single Family Residential). Some commercial areas are zoned "C-2" (General Commercial). There are 22 zoning districts in the City.

For each zoning district, the ordinance lists activities (or uses) that are allowed in that zone. Each zone also has a list of uses that are permitted by Conditional Use Permit (C.U.P.). Conditional uses are typically more intense in nature and the City must notify neighboring properties whenever an application is received for such a use that requires a Conditional Use Permit.

The Zoning Ordinance also contains standards to regulate the size and location of buildings, setbacks, parking, landscaping and fencing standards, among other issues.



### How is the Zoning Ordinance Used?

The City uses the Zoning Ordinance on a daily basis – often when a property owner calls City Hall to ask what they can do with their property, and what development standards apply. For example, a homeowner may wish to construct an addition to their house. They will call City Hall to ask how close they can build the addition to the adjacent property lines. The staff person at City Hall first checks the address to confirm the zoning of the property. For instance, if the property is zoned R-1 (Single Family Residential), the staff member then looks up the yard setback requirements and then informs the caller of those standards. For example, the R-1 zone has the following setback standards for a normal lot:

- Front Yard: 20 feet
- Side Yards: 5 feet
- Rear Yard: 10 feet.

## **What Zones Does Arvin Have?**

The Zoning Ordinance and Zoning Map apply the following zones to parcels in Arvin:

### Residential Zones

- R-1 (Single Family Residential – 6,000 square foot minimum lot size)
- R-1-8 (Single Family Residential – 8,000 square foot minimum lot size)
- R-1-10 (Single Family Residential – 10,000 square foot minimum lot size)
- R-2 (Two Family Residential)
- R-2-7.5 (Two Family Residential – one unit per 3,000 square feet of lot area)
- R-3 (Limited Multi Family Residential – one unit per 1,500 square feet of lot area)
- R-4 (Multiple Family Residential – one unit per 1,000 square feet of lot area)
- E (Estate zone – 10,000 square foot minimum lot size)
- E-1 (Estate zone – 12,000 square foot minimum lot size)
- E-2 (Estate zone – 18,000 square foot minimum lot size)
- E-3 (Estate zone – 24,000 square foot minimum lot size)

### Commercial Zones

- C-O (Professional Office)
- N-C (Neighborhood Commercial)
- C-1 (Restricted Commercial)
- C-2 (General Commercial)

### Industrial Zones

- M-1 (Limited Manufacturing)
- M-2 (Light Manufacturing)
- M-3 (General Manufacturing)

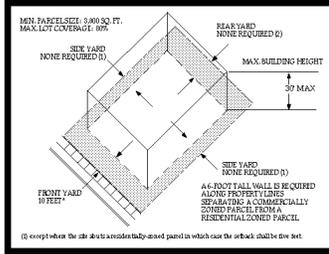
### Agricultural Zones

- A-1 (Light Agriculture)
- A-2 (General Agriculture)

### Other Zones

- P (Automobile Parking)
- D (Architectural Design)
- B (Buffer)
- P-D (Precise Development)
- P (Planned Unit Development)

It should be noted that many of the City's zones are not used. If the City undertakes an update of the zoning code it is recommended that at least some of the unused zones be eliminated.



### What Are Key Standards of the Zoning Ordinance?

Most zones have the following key development standards:

**Setback (Yard) Requirements.** Each zone has specific setback requirements. This requirement ensures that a certain amount of space remain open on a lot – typically front yard,

side yards and rear yards. Some zones (e.g. commercial) require no setbacks (with some exceptions).

**Minimum Lot Size and Dimensions.** Each zone district has minimum standards for lot size and dimensions – for newly-established lots. For example, the basic R-1 zone requires newly-created lots to contain at least 6,000 square feet. Each lot must be at least 60 feet wide and 100 feet deep. There are exceptions.

**Parking and Loading.** This section establishes requirements for how much parking is required for each development type and how parking lots are to be designed and constructed.

**Signs.** This section establishes standards for the establishment of signs, including number, size, height, appearance, etc.

**Landscaping.** This section establishes requirements that each project must meet regarding landscaping.

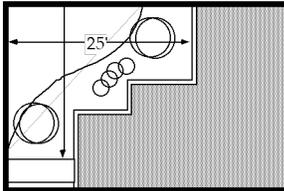
**Fencing.** This section regulates the height, location, and sometimes material of fencing that can be used on a specific parcel.

## LAND USE AND DEVELOPMENT PERMITS

There are several different types of zoning development permits in Arvin, including:

- Site Plan Review
- Conditional Use Permit
- Precise Development Plan
- Variance
- Zone Change
- General Plan Amendment
- Parcel Map
- Subdivision Map

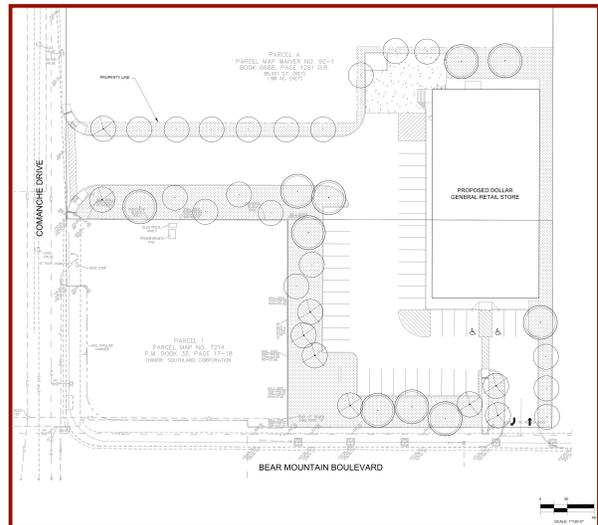
These are reviewed in more detail below:



### What is Site Plan Review?

Site Plan Review is a process established in the Zoning Ordinance that requires the Planning Commission to review and take action (approve or deny) on certain kinds of development projects. Many uses that are listed as “permitted” in the Zoning Ordinance are typically required to undergo the Site Plan Review process (when new construction is proposed (as opposed to when a use occupies an existing building)). The process normally works as follows:

1. The applicant fills out a Site Plan Review application form and submits the form, copies of the project plans and pays the required application fee at City Hall.
2. Staff reviews the application to determine whether it is complete or whether additional information is necessary. If necessary staff will contact the applicant to request additional information.
3. Once the application is complete, staff will schedule the site plan review to go before the Planning Commission. Staff will prepare a report on the project and also a resolution that lists conditions of approval.
4. The Planning Commission reviews the project and votes to approve or deny the Site Plan Review. After the site plan review is



*Typical Site Plan for the recently-approved Dollar General store.*

completed, the applicant may file an application for a building permit. The applicant normally has one year to satisfy the conditions of approval and establish the use. If the Planning Commission denies the Site Plan Review, the applicant may file an appeal and go before the City Council to request the Council overturn the Commission's decision.

### **What Should the Planning Commission Look for in a Site Plan?**

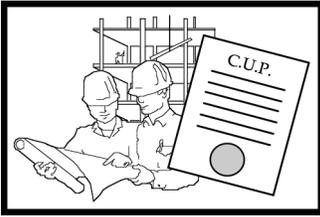
The staff will always prepare a report that reviews the proposed site plan and which highlights issues to be aware of. Staff will generally advise the Commission if there are any unusual aspects of the site plan or designs that deviate from City requirements. The Commission's job is to ensure the project complies with City standards – especially with respect to zoning requirements such as setbacks, parking, landscaping, fencing, signage and the like. The project must also comply with City requirements pertaining to utilities (water, sewer storm drainage) as well as circulation (streets, sidewalks, etc.).

### **What is the Difference Between Site Plan Review and a Building Permit?**

A site plan review allows the staff and Planning Commission the opportunity to review overall layout of a project on a site. Issues like the position of buildings, parking and landscaping are reviewed. A building permit is required to satisfy the requirements of the Uniform Building Code. This includes a review of the structural details of buildings, parking lots, light fixtures and other improvements on a site. Minute details like the type of fasteners that hold together beams, air conditioning systems, window frames, plumbing, electrical and insulation are among many details reviewed that ensure that a building will be safe and sound.

### **What is a Precise Development Plan?**

A Precise Development Plan is a type of permit that allows a developer to propose any kind of use or development project on a particular site provided the applicant gets approval for a Precise Development zone on the site. This type of permit and zoning is very unusual because it appears to allow a developer to proposed uses that otherwise would not be allowed by the existing zoning that is in place. Staff has concerns about the legality of this type of permit and have decided to preclude further applications of it in favor of using the Site Plan Review process or require a simple zone change for future projects.



### What is a Conditional Use Permit?

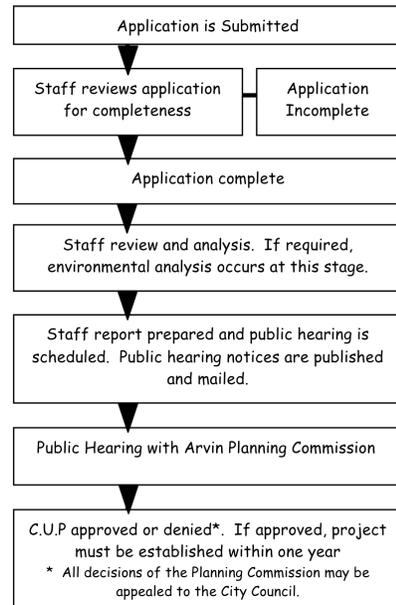
A Conditional Use Permit is a type of planning permit that requires the Planning Commission to conduct a public hearing (see “What is A Public Hearing” below). Each zone lists uses that are “permitted subject to a Conditional Use Permit”. These uses are typically more “intense” or have the potential to affect the surrounding neighborhood to a greater degree than other uses that are permitted in the same zone. For example, businesses that sell alcoholic beverages in Arvin require a Conditional Use Permit.

A key aspect of the Conditional Use Permit process is that the City is required to notify all property owners within 300 feet of the project site prior to the Planning Commission’s meeting on the permit. The City must also publish a notice of the meeting in the local newspaper. These notifications must occur at least ten days before the hearing. These notifications allow interested residents the opportunity to come to the meeting, ask questions and voice concerns. A Conditional Use Permit is distinguished from a Site Plan Review in that Site Plan Review does not require a public hearing (public notification of the Planning Commission’s meeting). A Conditional Use Permit also allows wider latitude of conditions (requirements) that are placed on a project – to ensure that it does not unduly affect the surrounding neighborhood, or city services.

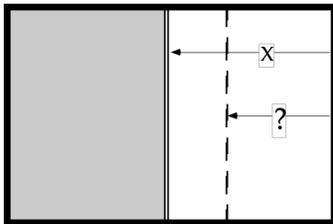
Here is how a Conditional Use Permit normally is processed:

1. The applicant fills out a Conditional Use Permit application form and submits the form with copies of the project plans and pays the required fee at City Hall.
2. Staff reviews the application to determine whether it is complete or whether additional information is necessary. If necessary staff will contact the applicant to request additional information.
3. Once the application is complete, staff will schedule the C.U.P. for a public hearing before the Planning Commission (the exception is for projects that require environmental review. In this case, staff will prepare the environmental review prior to the Commission’s public hearing. The environmental study itself undergoes public review. If no significant challenges are mounted to the environmental study, then the project is scheduled for review by the Planning Commission in a public hearing.)

#### Conditional Use Permit Process

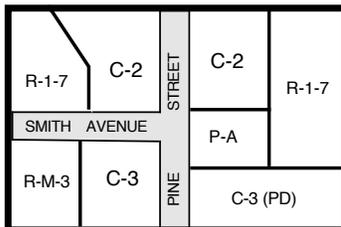


4. The City must mail notices of the hearing to the owners of all properties within 300 feet of the project site. The City must also publish a legal notice of the meeting in the newspaper. Finally the City must post a notice of the meeting at all normal posting locations, which include City Hall and the Post Office. ALL of these notifications must occur no less than ten days before the Planning Commission's meeting.
5. Staff will prepare a report on the project and also a resolution that lists conditions of approval.
6. The Planning Commission conducts its hearing on the project. The Commission receives a report from the City Planner and then opens the meeting to public comments and questions. When all comments have been taken, the Commission closes the public hearing and then votes to approve or deny the Conditional Use Permit. If new construction is involved, the applicant then may file an application for a building permit. The applicant normally has one year to satisfy the conditions of approval and establish the use. If the Commission votes to deny the permit, the applicant may file an appeal and go before the City Council to get the Commission's decision overturned.



**What is a Variance?**

A Variance is a type of planning permit that allows an applicant to deviate from a fixed standard of the zoning ordinance. For example, a person with a “small” lot may apply for a Variance to have a front yard setback that is smaller than required by the zone in which the property is located. For example, the R-1 zone requires a front yard setback of 20 feet and an applicant may wish to have a 17-foot front yard setback to be able to “fit” a dwelling on the lot. In this instance they may apply for a Variance. It is up to the Planning Commission to review the request and make several “findings” that indicate the Commission has found that something about the site makes it difficult to develop the property as required by the Zoning Ordinance. Common reasons to make these findings include unusually shaped or small parcels or parcels with steep slopes (a situation that is obviously not very common in Arvin).



**What is a Zone Change? What is a General Plan Amendment?**

All parcels in Arvin have two designations that control land use and development. These include: 1. Zoning; and 2. General Plan land use designation.

On occasion a property owner may wish to change the zoning of their property – to allow the establishment of a land use that is not permitted under the existing zoning. For example, the owner of a large vacant parcel that is zoned for residential use (e.g. “R-1”) may instead want to develop a shopping center on the site. In this case, the owner would need to apply to the

City to change the zoning to a zone district that allows for shopping centers (e.g. the “C-2” (General Commercial) zone).

In such a case the owner would also be required to apply to change the General Plan land use designation of the property.

Zoning directly controls what kinds of land uses are allowed and how the property can be developed (e.g. how large buildings can be, yard setbacks, building height, parking, etc.).

The General Plan land use designation controls what zone(s) can be applied to a particular property, and for residential zones, what range of densities are allowed (number of dwellings per acre).

Having two designations (zoning and General Plan) builds in a level of control that prevents zone changes from happening frequently and haphazardly. This is because zoning and General Plan designation must be consistent with one another – therefore someone requesting a zone change usually also has to request a General Plan amendment at the same time. State law also provides that the General Plan cannot be amended more than four times per year in a city. This further builds in stability in planning of the City (zoning can't be changed “willy-nilly”).

**What Does Consistency between Zoning and General Plan mean?**

There is a matrix in the General Plan (Table LU-2 on page LU-7 of the General Plan) – also see below) that shows consistency between zoning and general plan designations. The table shows which zone districts are compatible with land use designations on the General Plan's land use map. For example, the “Low Density Residential” land use designation is compatible with the R-S and R-1 zones, but is not consistent with any commercial or industrial zones. Therefore, in the previous example where someone wishes to change the zoning of their property from residential (R-1) to commercial (C-2) they will also need to change the General Plan designation from “Low Density Residential” to “General Commercial”.

Table LU-2 (*Land Use/Zoning Compatibility*)

Land Use Designation	Zoning
Estate Residential	E
Residential Reserve	R-1
Low Density Residential	R-S, R-1
Medium Density Residential	R-2
High Density Residential	R-3, R-4
Planned Unit Development	PUD
General Commercial	C-0, N-C, C-1, C-2
Light Industrial	M-1
Heavy Industrial	M-2, M-3
Public Facilities	P
Agricultural	A-1, A-2
Parks	P
Schools	P



### **What is a Public Hearing?**

A public hearing is a review that the Planning Commission conducts for certain types of planning permits (see the list in Table 1 below). Public hearings require that the City notify the public of the Planning Commission's meeting in three ways:

1. A notice about the hearing must be sent to all property owners within 300 feet of the project site;
2. A notice about the hearing must be published in the newspaper; and
3. A notice about the hearing must be posted at all normal posting locations, such as at City Hall and the post office.

These notifications must occur at least ten days before the meeting itself.

The following types of project always require a public hearing:

- Conditional Use Permits
- Variances
- Zone Changes
- General Plan Amendments
- Parcel Maps
- Subdivisions Maps
- Annexations
- Adoption of plans, such as General Plans, Specific Plans and Master Plans.

Projects that undergo the Site Plan Review process do not require a public hearing. These projects still go before the Planning Commission for approval or denial. The following table summarizes the level of review for various planning permits. Some projects also require review and action by the City Council.

For clarity, the following table also shows which types of project require environmental review. This can add significant time (and potentially expense) to the processing of a project.

**Table 1: Project Review List**

Permit Type	Planning Commission Review	City Council Review	Environmental Review (CEQA) required
<b>Site Plan Review</b>	Review (but not a public hearing)	None(1)	Usually not
<b>Conditional Use Permit</b>	Public hearing	None(1)	For certain projects
<b>Variance</b>	Public hearing	None(1)	Usually not
<b>Tentative Parcel Map</b>	Public hearing	None(1) (2)	Usually not
<b>Tentative Subdivision Map</b>	Public hearing	Public hearing (2)	Usually required
<b>Lot Line Adjustment</b>	Reviewed by staff(3)	None(3)	Not required
<b>Lot Merger</b>	Reviewed by staff(3)	None(3)	Not required
<b>Annexation</b>	Public hearing	Public hearing(4)	Usually required
<b>General Plan Amendment</b>	Public hearing	Public hearing	Usually required
<b>Zone Change</b>	Public hearing	Public hearing	Usually required
<b>Development Agreement</b>	Public hearing	Public hearing	Usually required
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. The City Council reviews only if someone files an appeal of the Planning Commission's action.</li> <li>2. The City Council does review Final Parcel Maps and Final Subdivision Maps.</li> <li>3. Lot Mergers and Lot Line Adjustments are reviewed and approved by staff. If an appeal of staff's decision is filed, it goes before the Planning Commission. If the Planning Commission's decision is appealed, it goes before the City Council. The City Council's decision is final.</li> <li>4. If approved by the City annexations are forwarded to the Tulare Local Agency Formation Commission (LAFCo) for consideration.</li> </ol>			

**The “Balancing Act” of Public Hearing Notices**

Projects that require a public hearing often place a time constraint on the applicant (and the City). This is because the applicant must be sure to have a complete application submitted to the City in time for the City to publish a notice (for the newspaper and mailing to neighbors). If the application is incomplete, the City cannot publish the legal notice – and the hearing is delayed to the following month.

Often staff is waiting for the applicant to submit required items and is sometimes waiting until the last possible minute to publish a legal notice. In addition, the newspaper usually has a “lead-time” by which they must receive the legal notice for publication. Coupled with the fact that the Commission only meets once per month, all of these factors can combine to create a delicate “balancing act” for the staff – who must balance the need to move a project along (and prevent delay) while ensuring that all the legal requirements are met and a project is well-designed and the application is complete. For permits that require a public hearing,

applicants are advised to submit a complete application at least four weeks before Commission meeting. Even sooner is better!

## DIVISIONS OF LAND

### What is the Subdivision Ordinance and How Are Subdivisions Created?

The subdivision ordinance is part of the laws of the Arvin Municipal Code and, among other things, establishes procedures and standards for the creation of new lots in Arvin. This is the procedure the City must follow when new subdivisions are created, or when someone wants to file a Parcel Map. Other actions that involve the Subdivision Ordinance include Lot Line Adjustments and Lot Mergers (discussed further below)

The Subdivision Ordinance gives the City the authority to require a number of various kinds of improvements and fees from developers – as a condition of approving the subdivision or parcel map. In addition to lots being created, improvements that can be required include, but are not limited to:

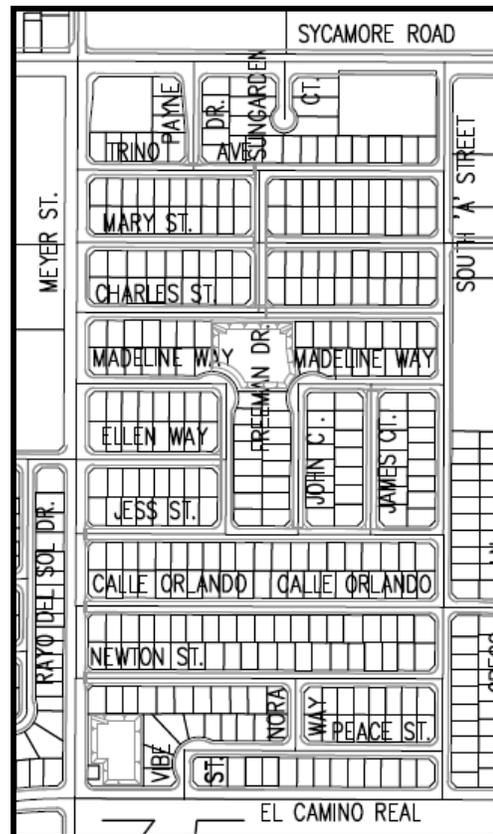
- New streets, including curbs, gutters and sidewalks
- Street lamps
- Drainage lines and stormwater ponding basins
- Water lines and wells
- Sewer lines and lift stations
- Parks and parkways

Fees that the City can collect from subdividers include:

- Circulation fees
- Sewer system fees
- Storm drainage system fees
- Park fees
- Public safety fees

In addition, the water district and school district collect impact fees on new development projects.

The impact fees that the City collects must be used by the City to make upgrades to various systems to offset impacts caused by such development. For example, sewer impact fees are typically banked until such time the City has sufficient funds to upgrade or expand the sewer treatment plant, for example.



*A typical subdivision map*

All fees are normally collected at the time when a building permit is filed for individual dwellings on lots in the subdivisions. The development impact fees are calculated on the estimated cost that it takes to provide services (e.g. water, sewer, storm drainage, police protection, etc.) for each dwelling unit.

### **What is the Difference between a Parcel Map and a Subdivision Map?**

A Parcel Map is required when 1 to 4 parcels are being created on a site. A Subdivision Map is required when five or more lots are being created. Improvements required of a developer (such as sidewalks, utilities, etc.) in a parcel map are usually allowed to be deferred until such time that the person develops the parcels. With a Subdivision Map, improvements (roads, utilities, etc.) must be installed prior to the development of units on the site. These improvements are often installed in phases.

### **What is a Lot Merger?/What is a Lot Line Adjustment?**

A lot merger is a process for combining (merging) two or more lots. This action does not occur often but may be desirable for a developer who wants to combine several vacant lots into one larger parcel in order to accommodate a development project.

A Lot Line Adjustment is required when an applicant wishes to move a property line but where no new parcels are being created. Lot Line Adjustments are most often requested when an applicant wishes to create a larger lot – usually to fit a project on the site, or to re-orient a line that runs north/south to one that would run east/west.

Both Lot Mergers and Lot Line Adjustments are reviewed and approved (or denied) by the City Planner. They do not come before the Planning Commission unless the Planner's decision is appealed.

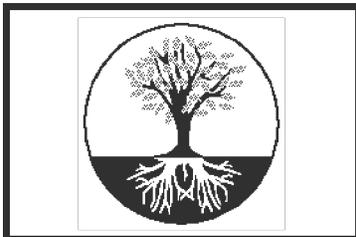
### **What Conditions May the Planning Commission Apply to a Project?**

The Planning Commission typically approves resolutions that apply conditions to a project – based on recommendations from the staff. State law limits the Commission to apply conditions that are reasonably related to the nature of the project. Sometimes cities are sued by project applicants who feel that conditions go beyond what is reasonable for the project. In general, conditions must protect the health, safety and welfare of the public and community at large. The conditions applied to a project will depend on the nature of the project itself. For example, the conditions applied to a subdivision will greatly differ from conditions applied to a Conditional Use Permit for a bar. Staff will always recommend conditions for each project. The Commission has the ability to add (or delete) conditions during a hearing, but they should always ask for staff's recommendation before doing so.

### **Do Some Projects Require More than One Planning Permit?**

Often a single project combines several permit types. For example, a subdivision might also require approval of an annexation (to bring the land into the City), a zone change change (to replace County zoning with City zoning) and also approval of an environmental study for the project.

These permits/actions are usually all reviewed at the same time by the Planning Commission. Some of the items may also require public hearings with the City Council.



### **What is the California Environmental Quality Act (CEQA) and when is it required?**

The California Environmental Quality Act (abbreviated as CEQA) is a state law that requires cities to prepare environmental studies for certain types of development projects and plans. These studies must be prepared before the city takes action (approves or denies) the project. Not all types of projects are required to under go environmental review. CEQA has a list of types of projects that are exempt from review. The following common types of projects are usually exempt from environmental review:

- Single family homes
- Accessory buildings and improvements
- Additions to existing structures and sites
- Small scale commercial, industrial and public projects – generally smaller than 10,000 square feet of building area
- Parcel Maps, lot mergers and lot line adjustments
- Projects that require only a Variance
- Projects that require only Site Plan Review
- Projects that require a Conditional Use Permit where no development is proposed, or where the amount of new development is less than 10,000 square feet

Projects that usually always require environmental review include:

- General Plan Amendments and Updates
- Zone Changes
- Tentative Subdivision Maps
- Annexations
- Projects that require a Conditional Use Permit where development is proposed, involving 10,000 square feet or more
- Specific Plans
- Municipal projects such as expansion of the Wastewater Treatment Plant, new water wells, expansion of utility systems, roadway improvements, etc.

### Are There Different Types of Environmental Review?

There are generally three levels of environmental review under the California Environmental Quality Act:

1. **Exemption:** this means that the project is exempt from any environmental review
2. **Initial Environmental Study** is prepared when staff determines that a project is not exempt from review. The study is prepared, which usually makes one of three determinations:
  - a. The project will not have any significant effects on the environment. In this case a form called a “**Negative Declaration**” is prepared and recorded upon approval of the project.
  - b. The project could have a significant effect but measures can be taken to eliminate or reduce the impacts to a level considered to be less than significant. In this case a form called a “**Mitigated Negative Declaration**” is prepared and recorded upon approval of the project.
  - c. The project will have a significant effect that likely cannot be reduced or eliminated (mitigated). In this case, the City must then prepare a more detailed study called an **Environmental Impact Report** (abbreviated as an E.I.R). In cases where staff anticipates a significant impact will occur from the beginning, the process of preparing an Initial Environmental Study can be skipped and preparation of an EIR may begin from the outset.
3. **Environmental Impact Report.** As noted above, an Environmental Impact Report, or EIR is prepared when a project is likely to have a significant impact on the environment. An EIR usually includes a more in-depth review of the issues. What is a significant impact? Keep reading:

### What is A Significant Impact?

The definition of “significant impact” is subjective, however thresholds have been established for various environmental issues. For example, a project that generates a certain amount of air pollution may be determined to have a significant impact. Impacts most commonly found to be significant for development projects in Valley communities include:

- Loss of prime farmland resulting from development
- Impacts to air quality
- Loss of endangered plant and animal species
- Exceeding capacity of infrastructure systems - local water or sewer systems
- Impacts/overdraft of groundwater
- Traffic/circulation
- Public services

- Growth-inducing impacts (an action which might result in additional urban growth – thereby resulting in even more impacts).
- Cumulative impacts

### **Why Doesn't The City Do an EIR Every Time Farmland is Developed?**

Some development projects remove active farmland from production. Normally this occurs on lands that were previously designated for development by the General Plan. In this case, the EIR that was done for the General Plan acknowledged that this farmland would eventually be converted to urban development. Whenever a previously-prepared EIR acknowledges an impact, the City is usually not required to prepare a new EIR.

### **What Types of Issues Are Examined in an Environmental Study?**

The following issues are typically reviewed in an Initial Environmental Study and/or an Environmental Impact Report.

**Aesthetics**. This is an analysis of how the project may change the visual environment, and the appearance of the project site.

**Agriculture**. An analysis of impacts the project may have on agricultural resources, in particular prime agricultural soils.

**Air Quality**. Will the project generate significant amounts of air pollution?

**Biological Resources**. Will the project have an impact on endangered plant and animal species and/or their habitat?

**Cultural Resources**. Will the project have an impact on historic and pre-historic (Native American) resources and artifacts on the site and surrounding area?

**Geology and Soils**. Are the soils and geology of the site suitable for the proposed project?

**Greenhouse Gas Emissions**. Will the project generate significant amounts of greenhouse gases, that worsen climate change?

**Hazards and hazardous materials**. Does the project utilize significant quantities of hazardous materials? Will construction disrupt hazardous materials known to exist in soils on the site?

**Hydrology and Water Quality**. Will the project result in water pollution or a significant strain on water resources in the area? Will the project exacerbate flooding conditions?

**Land Use and Planning**. Is the project consistent with the community's planning policies and standards?

**Mineral Resources**. Will the project have a negative impact on mineral resources on or near the project site?

**Noise**. Will the project generate significant amounts of noise. Conversely, could the project be impacted by an existing source of noise?

**Population and Housing**. Will the project generate a significant increase in the rate and amount of population growth? Will the project impact existing housing?

**Public Services.** Will the project have an impact on local services such as police and fire, schools and parks?

**Recreation.** How will the project impact the level of service of parks and recreation in the community?

**Transportation/Traffic.** Will the project have an impact on local and area roadways, and other modes of travel such as bicycles, walking and transit?

**Utilities and Service Systems.** How will the project impact local utilities, such as water, sewer and storm drainage and solid waste disposal/recycling systems?

### **So the City has prepared an environmental study. Now What?**

Once the city completes writing of an environmental study (whether it is an Initial Environmental Study or an Environmental Impact Report) the study must be made available to the public for review and comment. Copies of the study are usually mailed to affected local and state agencies (like Kern County, Caltrans, Valley Air District, the school district, etc.) A time period is established for agencies and the public to review and comment on the study. Normally 21 days are provided for Initial Environmental Studies, and 45 days for EIRs. At the end of the comment period, the City must prepare written responses to any comments that were made on the environmental study. A copy of the written responses must be sent to the commenting agency or individual in time for them to consider the City's response – before the City takes action on the project in public hearings.

### **What Happens Next?**

Once responses to comments on the environmental study have been completed and sent out, the City may schedule public hearings for the project itself. Normally the Planning Commission will take action (approve or deny) the project and also adopt the findings of the environmental study at the same time. Technically, the environmental study should be adopted before the Commission approves or denies the project itself. It should be noted that many projects that come before the Commission are exempt from environmental review.

## **OTHER PLANNING MATTERS**

### **What is the Redevelopment Agency?**

Redevelopment was a legal mechanism by which Cities could undertake activities to eliminate blight and blighted neighborhoods. Areas of the community considered to be blighted were placed within the redevelopment boundaries. The Redevelopment Agency (an agency of the City) was able to capture extra property taxes and by law was to use those revenues to make improvements within blighted area. Examples of such programs included housing rehabilitation, financial assistance to affordable housing projects, improvements to infrastructure like repaving streets, curbs and gutters as well as utilities. The Arvin City Council acted as the board of the redevelopment agency.

### **State Budget Actions Affecting Redevelopment**

In 2011 the State of California revised its rules to effectively disband redevelopment agencies throughout the State. The goal was to take funds from the redevelopment agencies to help balance the State's budget. Standing to lose millions of dollars in tax funds, many of the cities banded together to fight this State action in court. However the court ruled with the State and Redevelopment as it existed ended in February, 2012. This leaves many cities (including Arvin) wondering how they will fund many worthwhile projects and activities like housing rehabilitation for low income families. It is possible that redevelopment may be resurrected in some form in the future – though probably very different from the way it previously existed.

### **What is Code Enforcement?**

Code enforcement is the City's process to ensure that properties are properly maintained, consistent with City laws. The City has an established process where residents may file a complaint with the City if they feel that a city code is being violated. This may include things like farm animals being kept in a residential zone, a business being operated out of a house or junk being stored on a property.

### **How Does Code Enforcement Work?**

When the City receives a complaint, the code enforcement officer visits the property in question and tries to verify whether the complaint is valid. If the complaint is valid, the officer sends a letter to the property owner and notifies them that a complaint has been filed and that a violation appears to exist on the property. The property owner is normally given several weeks to correct the violation. If corrected the City will send a letter to the property owner confirming that the violation has been corrected. If the violation has not been

corrected in the time allocated, the City will send a second letter stating that the violation still needs to be corrected. The city will give the property owner another period of time, however the letter will note that if the violation is not corrected in that period of time, a fine will be applied. There are various levels of fines depending on the step occurring in prosecution of the case – typically the fine is greater with each advancing step.

If the third fine is assessed and the violation is still not corrected, the City can have a crew clean up the violation, and a lien (a fee for collecting cleanup costs) is placed on the deed to the property.

Normally the Code Enforcement Officer tries to work with property owners to clean up violations before it gets to the point of fines and liens. However sometimes a property owner is stubborn and simply does not want to clean up their property.

### **What is a Non-Conforming Land Use and Why Does It Matter?**

In simple terms a non-conforming land use is a property where the existing use was legally established (at some point in the past) but where the current zoning of the property does not allow that use. A common example in many cities is where a house exists in an area that is zoned for commercial use. Normally such homes were built many years ago, but commercial development occurred around them. Now, these parcels are zoned for commercial use, but the homes are still used for residential purpose. The City's zoning ordinance provides that as long as the residential use continues and does not cease for a period of at least 1 year, then the residential use may continue indefinitely.

Another key provision of the non-conforming rules is that non-conforming uses may not expand or increase in size. This is important because sometimes a property owner (using the example of a home in a commercial zone) will want to add a room, or add a front porch. This is not permitted, because it will further entrench the non-conforming use. It is important to note however, that certain improvements related to health and safety can be made to non-conforming buildings. Items such as new roofing, new wiring, plumbing, etc. can be made – as long as the building or use is not expanded in size.



### How Planning Commission Meetings Work?

The Planning Commissioner's Handbook has a clear description of the normal procedures and processes that occur during Planning Commission meetings. However the following is a summary of how a typical Planning Commission meeting runs:

1. Call to Order. The Chairperson strikes the gavel and calls the meeting to order.
2. Roll Call. The secretary will call the names of each Commissioner.
3. Approval of Minutes. The Chairperson will ask Commissioners if they have read the minutes of the previous month's meeting and if so, if one of the Commissioner's will make a motion to adopt the minutes. Once a motion is made, the Commission is asked for a second motion. When a second motion is received, the Chairperson will ask the Secretary to take roll. Commissions will then vote to approve or deny the minutes.
4. Public comments. At this time members of the public can come to the podium and comment on any items of interest to them. However, comments on items that are listed on the agenda should be held until that item is addressed.
5. Public Hearings. This is the portion of the agenda where items requiring a public hearing are addressed. In this example, a Conditional Use Permit is being considered.
  - a. The chairperson asks Planning staff to present a report on the project;
  - b. Staff presents a report on the proposed project and makes a recommendation for the Planning Commission to either approve or deny the project;
  - c. The Planning Commission members ask questions of staff;
  - d. The chairperson opens the public hearing – the applicant is allowed to explain their project and respond to any Commission questions. Other members of the public may also speak at this time;
  5. The chairperson closes the public hearing;
  6. Commissioners discuss the project further and ask additional questions of staff, if any;
  7. The chairperson asks for a motion to approve or deny the project. If a motion is received the chairperson asks for a second motion. If received, the chairperson

asks for a vote on the project. The Commission may also vote to “continue” the hearing to a future date, if they feel that more information is needed to adequately evaluate the project.

**Upon what does the Commission base its decision whether to approve or deny a project?**

There are a number of factors that are used to evaluate a project – whether it is a new store, a new subdivision, or an auto repair business that is proposing to move into a new building. The staff report will analyze each project and give the staff’s recommendation as to whether the project or request should be approved or denied. Usually the staff has worked with the applicant for weeks (or even months) to ensure that the project meets city standards. Rarely does a project come before the Commission with a recommendation for denial.

For each type of project, the Commission must make “findings” to be able to approve the project. For a Conditional Use Permit, the following findings are normally required:

1. The project is consistent with the Arvin General Plan.
2. The project is consistent with applicable zoning standards and the Official Zoning Map of the City of Arvin.
3. The project has been reviewed (as applicable) consistent with the California Environmental Quality Act.
4. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

The findings for Site Plan Review, parcel maps, subdivision maps and other types of planning permits are fairly similar, with some minor differences.

The Planning Commission takes its action by adopting a resolution that either approves or denies the project. For projects that are being approved, the resolution normally includes a list of conditions of approval. These are conditions the applicant must satisfy before the use can be established or while the use is in operation. Usually various city departments have helped to review the project and will contribute to these conditions.

For example, the City Engineer will require conditions about grading and drainage, street improvements and utility connections. The Fire Department may include conditions about fire hydrants and public safety. The Police Department may include conditions about proper outdoor lighting and security. The Commission has latitude to add conditions during the public hearing but it is important that any such conditions be reasonably related to the nature of the project and the impacts that it is creating.

TOP TEN RECOMMENDATIONS FOR BEING AN  
EFFECTIVE PLANNING COMMISSIONER



1. Be on time. Stay for the entire meeting.
2. Listen closely and pay attention to what is being said.
3. Give your full attention and respect to each person who is speaking
4. Read your staff reports before coming to the meeting. Visit project locations before the meeting if possible.
5. Speak clearly so everyone can hear
6. Explain why you are voting the way you are voting
7. Treat everyone with respect – the public, applicants, staff and other commissioners.
8. Stay informed and keep on top of what is happening in your community.
9. Do what is best for the community, not necessarily yourself or certain individuals.
10. Avoid conflicts of interest.

Add your own:

11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

**TO: Planning Commission**

**FROM: Marti Brown, Community Development Director**

**SUBJECT: Conditional Use Permit 2017- 02 - Applicant Saul Arias and Virginia Tinacof Applicants) is requesting authorization for the off-sale and on-sale of Beer and Wine accessory to the current operation of Los Primos Meat Market located at 210 Arvin Ave., Arvin, CA 93203, and Notice of Exemption per Section 15061(b)(3) General Rule per CEQA for the project..**

**RECOMMENDATION**

Motion to Approve Resolution of the City Of Arvin Planning Commission i) Approving Off-sale and On-sale of beer and wine as an accessory in association with the existing Los Primos Meat Market, located at 210 Arvin Avenue in which the existing operation sells groceries, produce and cooked foods, subject to conditions of approval as Specified in Exhibit A, and ii) approve Notice of Exemption per Section 15061 (b) (3) per CEQA,

**I. DISCUSSION:**

The applicants, Saul Arias and Virginia Tinaco, are requesting the approval of On-Sale and Off-Sale of Beer and Wine in association with the existing Los Primos Meat Market, located at 210 Arvin Avenue in which the existing operation sells groceries, produce and cooked foods. The applicants are desirous of providing beer and wine to customers when eating and shopping at the store. The proposed On-Sale and Off- Sale of Beer and Wine is to be an accessory operation to the main operation of the existing store. The applicants have completed forms for the Department of Alcoholic Beverage Control relating to the required Planned Operation (Retail) and Premises Diagram. The site is developed and no new exterior improvements are proposed on the site at this time.

## **II. PROJECT LOCATION:**

Los Primos Meat Deli is located at 210 Arvin Ave, Arvin, CA 93203, APN 190-151-3, Attachment 2, and is located on the northwest corner of C Street and Arvin Ave. The store parking and layout is shown on Attachment 1.

## **III. PUBLIC NOTIFICATION AND CONSULTATION:**

The City properly noticed the March 28, 2017 hearing before the Planning Commission for the proposed CUP 2017-02, Off-sale and On-sale of beer and wine for the Los Primos Meat Deli pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed project.

The Community Development Department consulted with the City of Arvin City Manager, Public Works Department; City Engineer; Building Division; and Police Services and sought comments and recommendations. Not comments were received regarding the proposed project.

## **III. GENERAL PLAN AND ZONING CONFORMITY:**

Project Location: 210 Arvin Ave., Arvin, CA 93203, APN 190-151-03, located at the northwest corner of "C" Street and Arvin Ave.

General Plan Land Use Designation: General Commercial

Zoning Designation: The site zoning designation is C-2, General Commercial

Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales was adopted on November 17th 2015 with an implementation date of January 1, 2016. Definitions for Off-sale and On-sale alcoholic beverage establishments were adopted (Sections 5.28 Subsection G and H). Additionally, "Section 5.28.020 Premises requiring conditional use permit" requires all Off-sale and On-sale alcoholic beverage establishments shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapter 17.56 - CONDITIONAL USE PERMITS and Chapter 17.54 - VARIANCES, MODIFICATIONS AND ZONE CHANGES. Some exception to the conditional use permit were also adopted by Section 5.28.020 (B). Ordinance No. 425 established Operational Standards for Off-sale and On-sale alcoholic beverage sales establishment, Sections 5.28.31 and 5.28.32. Ordinance 425 is on file with the City Clerk's Office.

## **IV. ENVIRONMENTAL CONSIDERATIONS**

Staff is recommending adoption of a Notice of Exemption, a Ministerial Determination as provided by CEQA – which means no possible effect on the environment resulting from this project. The project is determined to be Exempt per Section 15061(b) (3) General Rule. A Notice of Exemption, Attachment 3, has been prepared and is on file at the Community Development Department.

## **FISCAL IMPACT**

The approval of the Conditional Use Permit permitting as an accessory use to the existing Los Primos Meat Deli as requested by the applicant does not create any negative fiscal impact to the City.

## **EXHIBITS AND ATTACHMENTS**

Resolution – Planning Commission approving CUP 2017 - 02 for On-sale and Off-sale Beer and Wine as an Accessory Use to the Existing Los Rios Meat Deli and approve Notice of Exemption for said project.

### A. Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales

Attachment 1: 210 Arvin Ave, Los Primos Meat Deli store layout and parking.

Attachment 2: APN 190-151-03

Attachment 3: Notice of Exemption

Attachment 4: Public Hearing Notice

**RESOLUTION NO. APC 2017 -**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN  
APPROVING CONDITIONAL USE PERMIT NO. 2017-02 SUBJECT TO THE CONDITIONS  
AND ADOPT THE NOTICE OF EXEMPTION FOR THE PROPOSED PROJECT**

A Resolution Of The City Of Arvin Planning Commission Approving Off-sale and On-sale of beer and wine as an accessory in association with the existing Los Primos Meat Market, located at 210 Arvin Avenue in which the existing operation sells groceries, produce and cooked foods and adopt Notice of Exemption, subject to conditions of approval as specified herein:

**WHEREAS**, the Planning Commission opened the public hearing on March 28, 2017, and has received testimony and other evidence at the meeting; and

**WHEREAS**, public notice for the public hearing was published in the (Newspaper on March 15, 2017 and notices were mailed to individual property owners within 300-feet of the project site on March 14, 2017; and

**WHEREAS**, the environmental document, Notice of Exemption is adopted pursuant to CEQA and is on file at the City of Arvin Community Development Department; and

**WHEREAS**, the Planning Commission of the City of Arvin hereby finds and adopts the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. A Notice of Exemption, General Exemption per the California Environmental Quality Act, is on file at the City of Arvin Community Development Department and finds that the project as proposed will not result in any environmental impacts; and
3. The on-sale and off-sale of Beer and Wine is in compliance with the City of Arvin's General Plan GC, General Commercial Land Use Designation and Zoning Classification of C-2 is a permitted use under said designation and upon granting a Conditional Use Permit as is required by Chapter 5.28 Alcoholic Beverage Sales.

**NOW, THEREFORE, BE IT RESOLVED, that the City of Arvin Planning Commission finds that:**

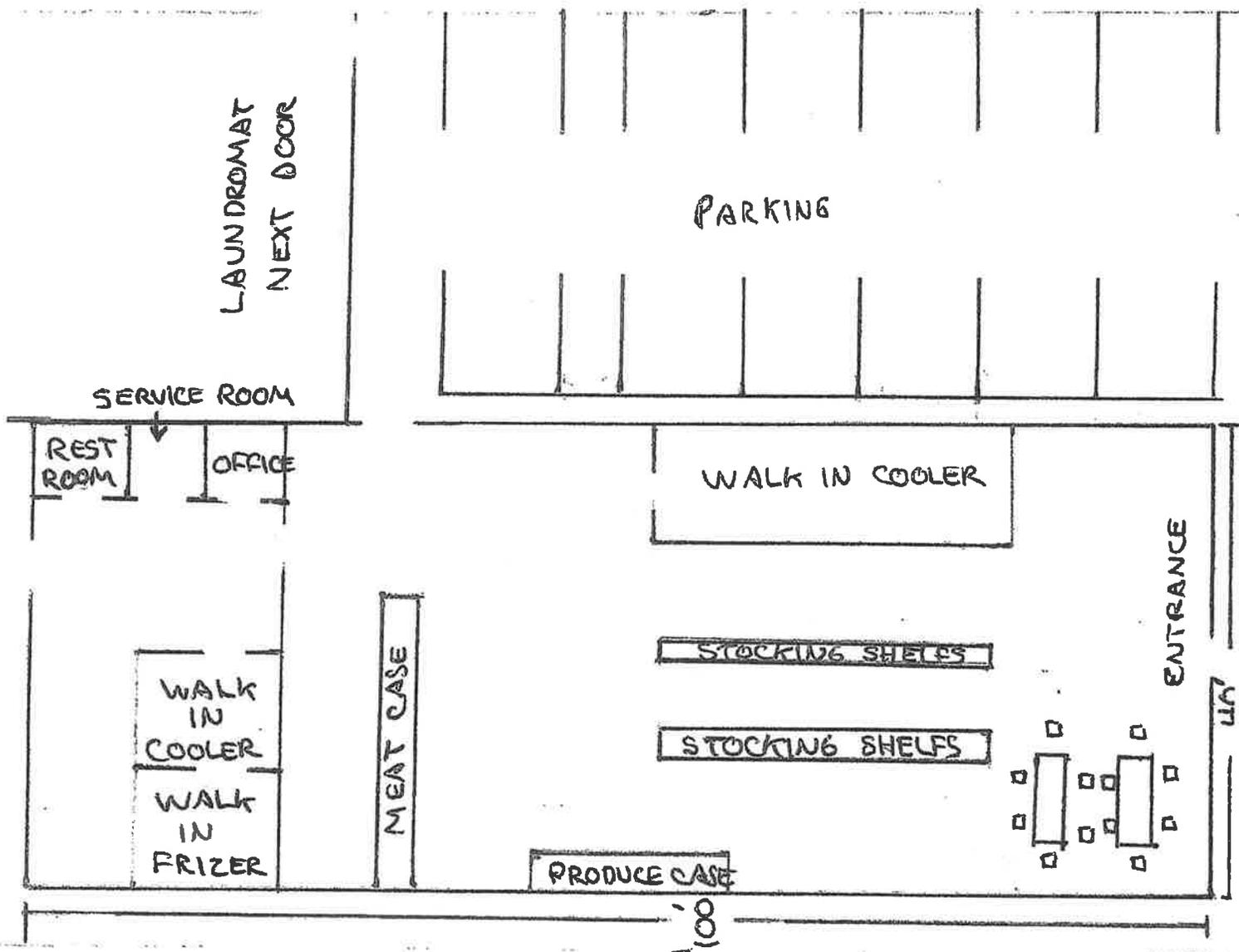
1. Approve Notice of Exemption and is on file at the City of Arvin Community Development Department and is adopted as the appropriate environmental determination; and
2. That Off-sale and On-sale of beer and wine as an accessory in association with the existing Los Primos Meat Market, located at 210 Arvin Avenue in which the existing



**ATTACHMENT 1**

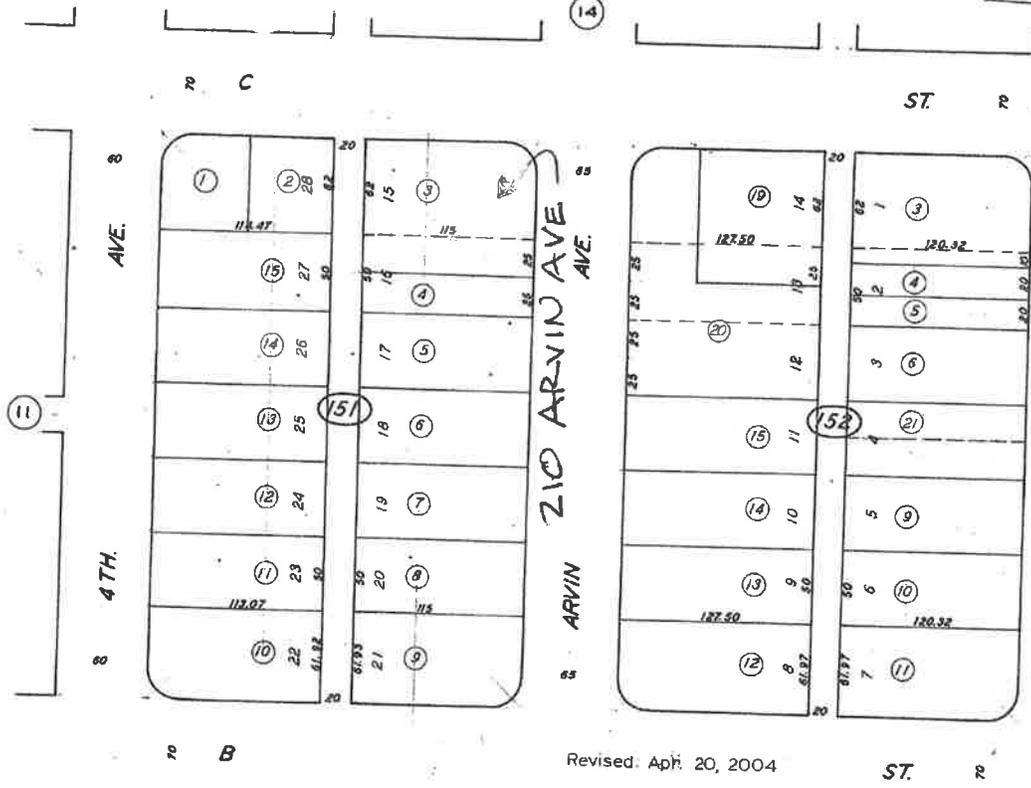
210 Arvin Ave, Los Primos Meat Deli store layout and parking.

LOS PRIMOS  
MEAT DELI  
210 ARVIN AVE  
STORE LAYOUT  
&  
PARKING



**ATTACHMENT 2**

APN 190-151-03



Revised: Apr. 20, 2004

Filed Jan. 28, 1939

ASSESSORS MAP NO. 190-15  
COUNTY OF YEMASSEE

BEAR MT. BLVD. RT. 223  
STATE HWY. 223

Note: This map is for assessment purposes only. It is not intended as a title or for legal purposes or for any other purpose.

BK.191

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**ATTACHMENT 3  
NOTICE OF EXEMPTION**

**NOTICE OF EXEMPTION**

**TO:**  Office of Planning and Research  
P.O Box 3044  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**FROM:** City of Arvin  
Community Development Department  
141 Pluntree Drive  
Arvin, Ca 93203  
Marti Brown, Community Development Director

County Assessor/Clerk-Recorder  
County of Kern  
1115 Truxtun Avenue  
1<sup>st</sup> Floor  
Bakersfield, CA 93301

PROJECT FILE ONLY

**Project Title:** Applicant Saul Arias and Virginia Tinacof Applicants) is requesting authorization for the off-sale and on-sale of Beer and Wine accessory to the current operation of Los Primos Meat Market located at 210 Arvin Ave., Arvin, CA 93203.

**Project Location - Specific:** 210 Arvin Ave., Arvin, CA 93203

**Project Location - County:** County of Kern

**Description of Nature, Purpose, and Beneficiaries of Project:** Off-sale and On-sale of Beer and Wine accessory to the existing Los Primos Meat Market.

**Beneficiaries of the Project are:** Saul Arias and Virginia Tinacof Applicants

**Name of Public Agency Approving Project:** Arvin Planning Commission- Resolution No. 2017- XX adopted on March 28, 2017,

**Name of Person or Agency Carrying Out Project:** Saul Arias and Virginia Tinacof Applicants

**Exempt Status:**

- Ministerial (Section 21080(b); 15268)
- Declared Emergency (Section 21080(b)(3); 15269(a))
- Emergency Project (Section 21080(b)(4); 15269(b)(c))
- Categorical Exemption - State type and section number (see below)
- Statutory Exemption - State type and section number (see below)
- General Rule Exemption (Section 15061(b) (3))

**Reasons why project is exempt:** Pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3), that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment. The Planning Commission or City Council therefore directs that the Notice of Exemption be filed with Kern County Clerk in accordance with the CEQA Guidelines.

**Lead Agency Contact Person:** Marti Brown, Community Development Department  
**Area Code/Telephone/Ext.:** 661- 854-2822

**Determination made by:** Marti Brown, Community Development Director \_\_\_\_\_  
Title Date

**Lead Agency:** City of Arvin  Signed by Lead Agency  Signed by Applicant Date Received for filing

**ATTACHMENT 4  
PUBLIC HEARING NOTICE**

Public Hearing Notice  
City of Arvin Planning Commission

Date: March 28, 2017

Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203

Time: 6:00 PM

**Notice is hereby given** that the Planning Commission of the City Arvin will conduct the following hearing on the date, place and time mentioned above:

- Conditional Use Permit for Off-sale and On-sale of beer and wine as an accessory in association with the existing Los Primos Meat Market, located at 210 Arvin Avenue in which the existing operation sells groceries, produce and cooked foods; and
- A determination that the project is exempt from the California Environmental Quality Act (CEQA) as there is no possibility that the activity in question, located at an existing facility with similar existing operations, may have a significant effect on the environment under CEQA Guidelines section 16061(b)(3).

**Applicant/Property Owner:** Applicants Saul Arias and Virginia Tinaco, Saul Arias, 2826 Flint Hills Drive, Bakersfield, CA 93313.

Any person wishing to address the Commission may provide oral and/or written testimony at the meeting, or submit written comments to the Community Development Department at the above said address.

**Notice Limiting Legal Challenge:** Written comments must be received at the above address at, or prior to the meeting date and time. If you challenge the City's action on these projects in court, you may be limited to raising those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at or prior to the Public Hearing (Government Code Section 65009).

Marti Brown,  
Community Development Director  
Published on March 15, 2017

**EXHIBIT A**

Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales

**ORDINANCE NO. 425**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ARVIN, CALIFORNIA AMENDING CHAPTER 5.28 OF THE  
ARVIN MUNICIPAL CODE REGULATING ALCOHOLIC  
BEVERAGE SALES ESTABLISHMENTS**

WHEREAS, the City seeks to protect residential, commercial, industrial and civic areas from the harmful effects attributable to the sale of alcoholic beverages and minimize the adverse impacts of nonconforming and incompatible uses; and,

WHEREAS, the City seeks to provide opportunities for alcoholic beverage sales establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services; and,

WHEREAS, the City seeks to provide mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, violence, vandalism, and escalated noise levels; and

WHEREAS, the City seeks to reduce the occurrence of underage drinking; and,

WHEREAS, the City seeks to provide for properly maintained alcoholic beverage sales establishments so that the secondary effects of negative impacts generated by these activities on the surrounding environment are mitigated.

**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.** Chapter 5.28 of the Arvin Municipal Code is hereby amended to read as follows:

Chapter 5.28 - ALCOHOLIC BEVERAGE SALES

Sections:

5.28.010 - Definitions.

For the purpose of this chapter only, the following terms shall be defined as follows:

[A. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, that contain one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or

when diluted, mixed or combined with other substances, the sale of which requires an license issued by the California Department of Alcoholic Beverage Control.

B. "Alcoholic beverage sales establishment" means an establishment where an alcoholic beverage sales activity occurs. Alcoholic beverage sales establishments include but are not limited to the following recognized types of establishments: liquor stores, beer and wine stores, convenience markets, markets, neighborhood specialty food markets, retail sales establishments, wine shops, service stations, taverns, clubs, cocktail lounges, ballrooms, cabarets, dance bars, piano bars, billiard or game parlors, bowling alleys, nightclubs, dance halls, cafes, bars, restaurants, with bars, full-service restaurants, fast food establishments, and breweries. For purposes, of this chapter, an "alcoholic beverage sales establishment" also includes a general retail store, a grocery store and a retail pharmacy that devotes any percentage of its gross floor area to the sale and display of alcoholic beverages.

A-[C] "Bona fide public eating place" means licensed premises which are maintained in good faith and used for the regular service of meals to patrons. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. (Business and Professions Code Section 23038).

B-[D] Conditional Use Permit. For the purpose of this chapter, "conditional use permit" shall be as defined in Chapter 17.56 of the Arvin Municipal Code.

~~C. "On-sale beer and wine, public premises Type 42" means and authorizes the sale of beer and wine for consumption on the premises wherein no person under twenty-one (21) years of age is allowed, plus the sale of beer and wine for consumption off the premises where sold.~~

~~D. "On-sale beer Type 40" means and authorizes the sale of beer for consumption on the premises where sold and the sale of beer for consumption off the premises where sold.~~

~~E. "On-sale general public premises, Type 48" means and authorizes the sale of beer, wine and distilled spirits for consumption on the premises wherein no person under twenty-one (21) years of age is allowed, plus the sale of beer and wine only for consumption off the premises where sold.~~

D. "Deemed approved activity" means any existing permitted or conditionally permitted alcoholic beverage sales activity . Such activity shall be considered a deemed approved activity effective January 1, 2016 as long as it complies with the deemed approved performance standards set forth in Section \_\_\_\_\_ .

E. "Deemed approved status" means the permitted use of land for a deemed approved activity.

F. "Enforcement officer" means the city manager or designee, and chief of police or designee."

G. "Off-sale alcoholic beverage establishment" means an establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold. For purposes of this chapter, an "off-sale alcoholic beverage establishment" does not include a lawfully established alcohol beverage production manufacturer such as a winery, brewery, or micro-brewery that sells alcohol for off-site consumption.

H. "On-sale alcoholic beverage establishment" means an establishment that conducts retail sales of alcoholic beverages for consumption on the premises were sold.

I. "Operational standards" means regulations for the business practice activities and land use for locations with a conditional use permit issued in conformance with the regulations in this chapter on or after January 1, 2016 or those further requirements imposed on off-sale alcoholic beverage establishments to achieve the purpose of this chapter. Operational standards constitute requirements which must be complied with by an establishment in order to maintain its conditional use permit or deemed approved status.

J. "Performance standards" means regulations for the business practice activities and land use for locations with deemed approved status, in whole or in part, or those further requirements imposed to achieve the purpose of this chapter. Performance standards constitute requirements which must be complied with by an off-sale alcoholic beverage establishment in order to retain its deemed approved status.

**5.28.020 - Premises requiring conditional use permit.**

[A] The city council hereby declares that [except as provided in subsection B] all new [alcoholic beverage sales establishments] ~~on-sale retail alcoholic beverage establishments, commonly known as bars, which includes on-sale beer, Type 40; on-sale beer and wine, Type 42; and on-sale general public premises, Type 48 retail licenses,~~ shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapters 17.56 and 17.54.

[B] Unless otherwise required by this chapter, a conditional use permit shall not be required of an alcoholic beverage sales establishment consisting of a general retail store, a grocery store, or a retail pharmacy which has (1) at least 10,000 square feet of gross floor space, and (2) a maximum of 10 percent of the gross floor

area devoted to the sale and display of alcoholic beverages. A conditional use permit shall not be required of an alcoholic beverage production manufacturer with an accessory tasting room. A conditional use permit shall not be required of bona fide public eating place. An alcoholic beverage establishment exempt from the requirement of a conditional use permit pursuant to this subsection is deemed to have been approved to conduct alcoholic beverage sales commercial activity subject to the terms and conditions of a conditional use permitted required under this chapter provided, however, that if it is found to be in violation of this chapter such an exempt establishment may lose its exemption and be required to obtain a conditional use permit as set forth in Section \_\_\_\_\_.]

**5.28.030 - Continuation or reestablishment of premises—Restrictions.**

[An alcoholic beverage sales establishment]These establishments dispensing alcoholic beverages, including beer and wine, for on-site consumption [that has obtained a conditional use permit to operate] may not be continued or reestablished, if any of the following occur after the effective date of the ordinance codified in this chapter:

- A. The establishment changes its type of retail liquor license within a license classification; or
- B. The operation of the establishment is abandoned or discontinued, including the case where the license for such operation is suspended; or
- C. There is a substantial change in the mode or character of the operation of the establishment.

**5.28.031 - Operational standards—applicable to new on-sale alcoholic beverage sales activities.**

All new, modified, or redeveloped alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

- A. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- D. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- E. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- F. Training: Each on-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this

requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.

**5.28.032 - Operational standards—applicable to new, modified, or redeveloped off-sale alcoholic beverage sales activities.**

A. All new, modified, or redeveloped off-sale alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

1. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
4. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California

Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.

5. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

6. That it complies with the following alcohol sale limitations:

a. No wine shall be displayed, sold or given away in containers of less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.

b. No wine shall be displayed, sold or given away with an alcoholic content greater than 15 percent by volume unless in corked bottles and aged at least two years.

c. No distilled spirits shall be displayed, sold or given away in containers of less than 375 milliliters, except pre-mixed cocktails.

d. The display, sale or distribution of 50 milliliters "airline bottles" and 375 milliliters "hip flask" containers is prohibited.

e. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 32 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.

f. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

g. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.

h. All display of alcoholic beverages shall be no closer than five feet from the store entrance.

7. That it complies with the following public nuisance prevention measures:

a. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.

b. Litter: Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.

c. Loitering: The following measures may be required:

i. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.

ii. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

iii. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.

iv. No pay phones are permitted outside of the off-sale establishment.

d. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.

e. Signage: There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products

f. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish and the predominant language of the patrons:

i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."

ii. "No Loitering or Public Drinking."

iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

g. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.

h. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

i. Drug Paraphernalia: An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform

Controlled Substances Act commencing with California Health and Safety Code section 11000.

j. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

k. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.

l. Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.

m. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within

the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

B. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

**5.28.033 - Grounds for conditional use permit suspension, revocation or termination.**

An alcoholic beverage sales establishment's conditional use permit may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Section 17.54.130 for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in writing and shall state the grounds therefore. At least ten (10) days prior to the date of the hearing, written notices shall be mailed by first-class mail and certified mail return receipt requested to the operator at the address set forth on the operator's businesses license and to any owner of the property on which the establishment is located at the address shown on the county assessor's property tax assessment records.

**5.28.034 - Appeal from suspension, modification or revocation of conditional use permit.**

Any applicant or other person aggrieved by a decision of the planning commission to suspend, modify or revoke a conditional use permit pursuant to this chapter may appeal the decision to the city council pursuant to Section 17.54.130 of this code.

**5.28.035 - Deemed approved alcoholic beverage sales regulations.**

Except as otherwise provided in this chapter, any permitted or conditionally permitted alcoholic beverage sales establishment, and legal nonconforming alcoholic beverage sales establishment lawfully operating prior to January 1, 2016 pursuant to an ABC license that authorizes the retail sale of alcoholic beverages for off-site or on-site consumption shall thereafter be an establishment with deemed approved status in accordance with Section 5.28.036. In addition, any alcoholic beverage establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 5.28.020 that lawfully commences operations on or after January 1, 2016 shall be an establishment with deemed approved status for purposes of this chapter. Such establishment may continue to lawfully operate provided the operation is conducted in compliance with the performance standards contained in Section 5.28.037, and has satisfied the applicable training requirements.

**5.28.036 Automatic deemed approved status.**

All alcoholic beverage sales commercial activities not consistent with the standards and regulations set forth in this chapter that were conducted by permitted or conditionally permitted activities, and all legal nonconforming activities for off-sale alcohol establishments, on January 1, 2016, shall automatically become deemed approved activities as of January 1, 2016, and shall no longer be considered permitted, conditionally permitted or legal nonconforming activities. In addition, all alcoholic beverage sales commercial activities of an alcoholic beverage sales establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 5.28.020 that lawfully commence operations on or after January 1, 2016 that are not consistent with the standards and

regulations set forth in this chapter are deemed approved activities. Each deemed approved activity shall retain its deemed approved status as long as it complies with the performance standards of this ordinance.

**5.28.037 - Deemed approved performance standards for alcoholic beverage sales establishments.**

The provisions of this section shall be known as the deemed approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all deemed approved alcoholic beverage sales activities that hold deemed approved status pursuant to this chapter. An on-sale alcoholic beverage sale activity shall retain its deemed approved status only if it conforms to all of the operational standards set forth in the Section 5.28.031. An off-sale alcoholic beverage sales activity shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:

- A. The off-sale alcohol establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. The off-sale alcohol establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. The off-sale alcohol establishment shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering,

graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.

D. The off-sale alcohol establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.

E. The off-sale alcohol establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

F. A copy of these performance standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

G. The owners and all employees of the alcohol beverage sales establishment involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the passage of this ordinance or within six months of the passage of this ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police

department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.

**5.28.038 - Notification to owners of establishments conducting deemed approved activities.**

The city's police department shall notify the owner and/or operator of an on-sale or off-sale alcohol establishment of each deemed approved activity as shown on their city business license, and also, if not the same, any property owner at the address shown on the county assessor's property tax assessment records, of the activity's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested and shall include a copy of the performance standards in this chapter with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this chapter shall not affect the deemed approved status of the activity.

**5.28.039 - Grounds for deemed approved status suspension, revocation or termination.**

A. An alcoholic beverage sales establishment's deemed approved status may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Section 17.54.130 , for failure to comply with the performance standards set forth in Section 5.28.037. Notice of

such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least 10 days before the date of the hearing.

B. The occurrence of any of the following shall terminate the deemed approved status of the alcoholic beverage sales activity after notice and a hearing in front of the planning commission in accordance with Section 17.54.130 , and require the issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:

1. An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.

2. There is a substantial modification to the mode or character of operation.

3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not be limited to the following:

a. The off-sale alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.

b. The off-sale alcoholic beverage sales activity establishment extends the hours of operation.

c. The off-sale alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 180 days or greater by ABC.

d. The off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

4. A "substantial change in the mode of character of operation" shall not include:

a. Re-establishment, restoration or repair of an existing off-sale alcoholic beverage sales activity on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption.

b. Temporary closure for not more than 180 days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption, provided notice is provided to the City. The planning commission may, upon request of an owner of an alcoholic beverage sales establishment made prior to the expiration of 180 days, grant one or more extensions to the period

of temporary closure, none of which may exceed 60 days, and together not to exceed 180 days.

5. Once it is determined by the City that there has been a discontinuance of active operation for 180 consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in Sections 5.28.020 and Chapters 17.54 and 17.56. In the event that any active operation is discontinued on a property for a period of 180 consecutive days, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of 180 consecutive days or more, the City Manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. The property owner may appeal the determination to the planning commission by filing with the City Manager a written notice of appeal within fifteen (15) days of delivery of the City Manager's determination. At a public hearing noticed as provided for in Section 17.54.130, the Planning Commission may overturn the determination only upon making a finding that the evidence supports the property owner's position that the nonconforming use was not discontinued for a period of 180 consecutive days or more. The property owner shall be notified by the city of the termination of the deemed approved status and shall be informed of the property owner's right to appeal the City's decision to the planning commission.

**5.28.040 - Chapter provisions not exclusive.**

The regulations of this chapter are in addition to those set forth in the zoning provisions of Title 17 of the Arvin Municipal Code, and do not contain any rights not otherwise granted under the provisions and procedures contained in Title 17 of this code.

**5.28.045 - Appeal from suspension, modification or revocation of deemed approved status.**

Any applicant or other person aggrieved by a decision of the planning commission from a suspension, modification or revocation of an establishment's deemed approved status pursuant to this chapter may appeal the decision to the city council pursuant to Section 17.54.130 of this code.]

**5.28.050 - Alcoholic beverage warning signs.**

A. Purpose. The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects involving heart and bone structure. In order to serve the public health, safety and welfare, the declared purpose of this chapter is to educate the public by requiring that warning signs be placed at all locations where alcoholic beverages are sold to the public.

B. Duty to Post Signs or Notices.

1. Any person or entity who owns, operates, manages, leases or rents premises [that operate an alcoholic beverage sales establishment] offering ~~wine, beer or other alcoholic beverages for sale, or dispensing for consideration to the public,~~ shall cause a sign or notice to be posted on the premises as provided in this section. The sign or notice shall read as follows:

WARNING. DRINKING ALCOHOLIC BEVERAGES,  
INCLUDING BEER AND WINE, DURING PREGNANCY CAN  
CAUSE BIRTH DEFECTS.

2. It shall also contain the telephone number of the county department to call for more information.

3. The sign or notice as required herein shall not be smaller than ten inches (10") wide by ten inches (10") long, nor shall the lettering for the required wording be less than one inch (1") in height.

C. Placement of Notice. The required sign or notice shall be placed as follows:

1. Where the sale or dispensing of wine, beer or other alcoholic beverage to the public is primarily intended for consumption off the premises, at least one (1) sign shall be so placed as to assure that it is conspicuously displayed so as to be readable from all locations at which such sale or dispensing occurs.

2. Where the sale of wine, beer or other alcoholic beverages to the public is primarily provided through over-the-counter service, at least one (1) sign shall be placed to assure that it is readable from all counter locations available to the public.

3. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily provided for consumption on the premises at tables served by food or beverage service persons, at least one (1) sign shall be placed to assure it is readable by the public entering the

premises. In addition, at least one (1) sign shall be placed to assure that it is conspicuously displayed so as to be readable in each public restroom.

D. Language. In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer or other alcoholic beverages, uses a language other than English as a primary language, any sign or notice required by subsection B of this section shall be worded in both English and the primary language or languages involved.

E. Enforcement, Violation and Penalties.

1. Primary enforcement of the provisions of this section shall be with the [Chief of Police or designee] ~~local health officer~~.

2. Anyone subject to the provisions of subsection B of this section who knowingly fails to post the required warning is guilty of an infraction.

**Section 3. Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

**Section 4. Effective Date.** This Ordinance shall become effective thirty (30) days from the adoption of this Ordinance.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 03<sup>rd</sup> day of November, 2015, and adopted the Ordinance after the second reading at a regular meeting held on the 17<sup>th</sup> day of November 2015, by the following roll call vote:

**AYES:** CM Madrigal, CM Ortiz, MPT Gurrola, Mayor Flores

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

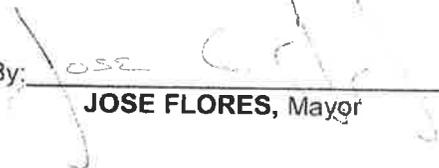
**ABSTAIN:** \_\_\_\_\_

**ABSENT:** CM Robles

ATTEST

  
\_\_\_\_\_  
CECILIA VELA, City Clerk

CITY OF ARVIN

By:   
\_\_\_\_\_  
JOSE FLORES, Mayor

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
JOHN W. FOX, 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.



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

**TO: Planning Commission**

**FROM: Marti Brown, Community Development Director**

**SUBJECT: Conditional Use Permit 2017- 01 - Applicant – MACA Organization, Mark Alexander, is requesting approval for the off-sale of Beer and Wine as accessory use to the proposed ARCO Am Pm Services Station and Convenience Store located within the Bear Mountain Plaza, APN 190-270-33 and 34, Arvin, CA 93203, and Notice of Exemption per Section 15061(b)(3) General Rule per CEQA for the project.**

**RECOMMENDATION**

Motion to Approve Resolution of the City Of Arvin Planning Commission i) Approving Off-sale and On-sale of beer and wine as an accessory in association with the proposed ARCO AmPm Service Station and Convenience Store located within the Bear Mountain Plaza, APN 190-270-33 and 34, as Specified in Exhibit A, and ii) approve Notice of Exemption per Section 15061 (b) (3) per CEQA,

**I. DISCUSSION:**

The applicants, MACA Organization, Mark Alexander, is requesting the approval of Off-Sale of Beer and Wine in association with the proposed ARCO service station and convenience store proposed within the Bear Mountain Plaza development located on the Assessor Parcel Numbers 190-270-33, and 34, or Parcels 6 and 7 located on Parcel Map 11980. The ARCO project is also proposing a modification of the previously approved Precise Development Plan 2007-1 by the City in 2008. The proposed amendment modifies the building locations, on-site parking, and parking configurations previously approved within PDP 2007-1.

The applicants are desirous of providing off-sale of beer and wine to customers when shopping at the store. The proposed Off- Sale of Beer and Wine is to be an accessory operation to the main operation of the proposed convenience store. The applicants will have to apply to the State of California Department of Alcoholic Beverage Control and the City will need to provide verification of the approval of a Conditional Use Permit as is required by City Ordinance.

## **II. PROJECT LOCATION:**

The project site is located west of Campus Drive and on the north side of Bear Mountain Blvd., APN 190-270-33 and 34, or Parcels 6 and 7 located on Parcel Map 11980, west of Auto Zone store.

## **III. PUBLIC NOTIFICATION AND CONSULTATION:**

The City properly noticed the March 28, 2017 hearing before the Planning Commission for the proposed CUP 2017-01, Off-sale of beer and wine for the proposed ARCO AmPm Service Station and Convenience Store pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed project.

The Community Development Department consulted with the City of Arvin City Manager, Public Works Department; City Engineer; Building Division; and Police Services and sought comments and recommendations. No comments were received regarding the proposed project.

## **II. GENERAL PLAN AND ZONING CONFORMITY:**

General Plan Land Use Designation: General Commercial

Zoning Designation: The site zoning designation is C-2-PD, General Commercial - Planned Development

Ordinance Compliance: Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales was adopted on November 17<sup>th</sup> 2015 with an implementation date of January 1, 2016. Definitions for Off-sale and On-sale alcoholic beverage establishments were adopted (Sections 5.28 Subsection G and H). Additionally, "Section 5.28.020 Premises requiring conditional use permit" requires all Off-sale and On-sale alcoholic beverage establishments shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapter 17.56 - CONDITIONAL USE PERMITS and Chapter 17.54 - VARIANCES, MODIFICATIONS AND ZONE CHANGES. Some exception to the conditional use permit were also adopted by Section 5.28.020 (B). Ordinance No. 425 established Operational Standards for Off-sale and On-sale alcoholic beverage sales establishment, Sections 5.28.31 and 5.28.32. Ordinance 425 is on file with the City Clerk's Office.

## **III. ENVIRONMENTAL CONSIDERATIONS**

Staff is recommending adoption of a Notice of Exemption, a Ministerial Determination as provided by CEQA – which means no possible effect on the environment resulting from this project. The project is determined to be Exempt per Section 15061(b) (3) General Rule. A Notice of Exemption, Attachment 3, has been prepared and is on file at the Community Development Department.

## **FISCAL IMPACT**

The approval of the Conditional Use Permit permitting the off-sale of beer and wine as an accessory use to the proposed ARCO Service Station and Convenience Store as requested by the applicant does not create any negative fiscal impact to the City.

## **EXHIBITS AND ATTACHMENTS**

Resolution – Planning Commission approving CUP 2017 -2 for Off-sale Beer and Wine as an Accessory Use to the proposed ARCO Service Station and Convenience Store and acceptance of the Notice of Exemption for said project.

A. Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales

Attachment 1: APN 190-270-33 and -34

Attachment 2: Notice of Exemption

Attachment 3: Public Hearing Notice

**RESOLUTION NO. APC 2017 -**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN  
APPROVING CONDITIONAL USE PERMIT NO. 2017-01 SUBJECT TO THE CONDITIONS  
OF APPROVAL CONTAINED HEREIN AND ADOPT THE NOTICE OF EXEMPTION FOR  
THE PROPOSED PROJECT**

A Resolution Of The City Of Arvin Planning Commission Approving Off-sale of beer and wine as an accessory use in association with the proposed ARCO Am Pm Services Station and Convenience Store located within the Bear Mountain Plaza, APN 190-270-33 and 34, Arvin, CA 93203, and adopt Notice of Exemption, subject to conditions of approval as specified herein:

**Whereas**, the Planning Commission opened the public hearing on March 28, 2017, and has received testimony and other evidence at the meeting; and

**WHEREAS**, public notice for the public hearing was published in the (Newspaper on March 15, 2017 and notices were mailed to individual property owners within 300-feet of the project site on March 14, 2017; and

**WHEREAS**, the environmental document, Notice of Exemption is on file at the City of Arvin Community Development Department; and

**WHEREAS**, the Planning Commission of the City of Arvin hereby finds and adopts the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. A Notice of Exemption, General Exemption per the California Environmental Quality Act, is on file at the City of Arvin Community Development Department and finds that the project as proposed will not result in any environmental impacts; and
3. The sale of off-sale of Beer and Wine is in compliance with the City of Arvin's General Plan GC, General Commercial Land Use Designation and Zoning Classification of PD-C-2 Planned Development General Commercial is a permitted use under said designation and upon granting a Conditional Use Permit as is required by Chapter 5.28 Alcoholic Beverage Sales.

**NOW, THEREFORE, BE IT RESOLVED, that the City of Arvin Planning Commission finds that:**

1. A Notice of Exemption is on file at the City of Arvin Community Development Department and is adopted as the appropriate environmental determination; and

2. That the Off-sale of beer and wine as an accessory in association with the proposed ARCO Am Pm Services Station and Convenience Store located within the Bear Mountain Plaza is hereby conditionally approved as follows:
  - a. That this conditional use permit is approved subject to the applicant(s) and property owner(s) meeting the performance conditions incorporated into the conditions of approval.
  - b. That the property owner(s) and business owners(s) shall submit affidavits of acceptance of the conditions of approval for this project
  - c. That the business shall maintain a valid State Department of Alcohol and Beverage Control (ABC) alcoholic beverage license. The business shall be in compliance with all conditions of said license at all times.
  - d. That the business shall maintain City of Arvin business licenses at all times; and
  - e. That the business shall remain in compliance with the Arvin Municipal Code, Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales at all time, Exhibit A.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Arvin Planning Commission at a special meeting thereof held on the 28<sup>th</sup> day of March 2017 by the following vote:

AYES: \_\_\_\_\_

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

ABSENT: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
**CECILIA VELA, Secretary**

**ARVIN PLANNING COMMISSION**

By: \_\_\_\_\_  
 \_\_\_\_\_, Chairperson

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**SHANNON L. CHAFFIN, General Counsel**  
 Aleshire & Wynder, LLP

I, \_\_\_\_\_, Secretary of the Planning Commission 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 Planning Commission of the City of Arvin on the date and by the vote indicated herein.

**EXHIBIT A**

Ordinance No. 425, Chapter 5.28 Alcoholic Beverage Sales

**ORDINANCE NO. 425**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ARVIN, CALIFORNIA AMENDING CHAPTER 5.28 OF THE  
ARVIN MUNICIPAL CODE REGULATING ALCOHOLIC  
BEVERAGE SALES ESTABLISHMENTS**

WHEREAS, the City seeks to protect residential, commercial, industrial and civic areas from the harmful effects attributable to the sale of alcoholic beverages and minimize the adverse impacts of nonconforming and incompatible uses; and,

WHEREAS, the City seeks to provide opportunities for alcoholic beverage sales establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services; and,

WHEREAS, the City seeks to provide mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, violence, vandalism, and escalated noise levels; and

WHEREAS, the City seeks to reduce the occurrence of underage drinking; and,

WHEREAS, the City seeks to provide for properly maintained alcoholic beverage sales establishments so that the secondary effects of negative impacts generated by these activities on the surrounding environment are mitigated.

**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.** Chapter 5.28 of the Arvin Municipal Code is hereby amended to read as follows:

Chapter 5.28 - ALCOHOLIC BEVERAGE SALES

Sections:

5.28.010 - Definitions.

For the purpose of this chapter only, the following terms shall be defined as follows:

[A. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, that contain one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or

when diluted, mixed or combined with other substances, the sale of which requires an license issued by the California Department of Alcoholic Beverage Control.

B. "Alcoholic beverage sales establishment" means an establishment where an alcoholic beverage sales activity occurs. Alcoholic beverage sales establishments include but are not limited to the following recognized types of establishments: liquor stores, beer and wine stores, convenience markets, markets, neighborhood specialty food markets, retail sales establishments, wine shops, service stations, taverns, clubs, cocktail lounges, ballrooms, cabarets, dance bars, piano bars, billiard or game parlors, bowling alleys, nightclubs, dance halls, cafes, bars, restaurants, with bars, full-service restaurants, fast food establishments, and breweries. For purposes, of this chapter, an "alcoholic beverage sales establishment" also includes a general retail store, a grocery store and a retail pharmacy that devotes any percentage of its gross floor area to the sale and display of alcoholic beverages.

A-[C] "Bona fide public eating place" means licensed premises which are maintained in good faith and used for the regular service of meals to patrons. The premises must have suitable kitchen facilities and supply an assortment of foods commonly ordered at various hours of the day. (Business and Professions Code Section 23038).

B-[D] Conditional Use Permit. For the purpose of this chapter, "conditional use permit" shall be as defined in Chapter 17.56 of the Arvin Municipal Code.

~~C. "On-sale beer and wine, public premises Type 42" means and authorizes the sale of beer and wine for consumption on the premises wherein no person under twenty-one (21) years of age is allowed, plus the sale of beer and wine for consumption off the premises where sold.~~

~~D. "On-sale beer Type 40" means and authorizes the sale of beer for consumption on the premises where sold and the sale of beer for consumption off the premises where sold.~~

~~E. "On-sale general public premises, Type 48" means and authorizes the sale of beer, wine and distilled spirits for consumption on the premises wherein no person under twenty-one (21) years of age is allowed, plus the sale of beer and wine only for consumption off the premises where sold.~~

D. "Deemed approved activity" means any existing permitted or conditionally permitted alcoholic beverage sales activity . Such activity shall be considered a deemed approved activity effective January 1, 2016 as long as it complies with the deemed approved performance standards set forth in Section \_\_\_\_\_.

E. "Deemed approved status" means the permitted use of land for a deemed approved activity.

F. "Enforcement officer" means the city manager or designee, and chief of police or designee."

G. "Off-sale alcoholic beverage establishment" means an establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold. For purposes of this chapter, an "off-sale alcoholic beverage establishment" does not include a lawfully established alcohol beverage production manufacturer such as a winery, brewery, or micro-brewery that sells alcohol for off-site consumption.

H. "On-sale alcoholic beverage establishment" means an establishment that conducts retail sales of alcoholic beverages for consumption on the premises were sold.

I. "Operational standards" means regulations for the business practice activities and land use for locations with a conditional use permit issued in conformance with the regulations in this chapter on or after January 1, 2016 or those further requirements imposed on off-sale alcoholic beverage establishments to achieve the purpose of this chapter. Operational standards constitute requirements which must be complied with by an establishment in order to maintain its conditional use permit or deemed approved status.

J. "Performance standards" means regulations for the business practice activities and land use for locations with deemed approved status, in whole or in part, or those further requirements imposed to achieve the purpose of this chapter. Performance standards constitute requirements which must be complied with by an off-sale alcoholic beverage establishment in order to retain its deemed approved status.

**5.28.020 - Premises requiring conditional use permit.**

[A] The city council hereby declares that [except as provided in subsection B] all new [alcoholic beverage sales establishments] ~~on-sale-retail-alcoholic beverage establishments, commonly known as bars, which includes on-sale beer, Type 40; on-sale beer and wine, Type 42; and on-sale general public premises, Type 48 retail licenses,~~ shall only be permitted upon the granting of a conditional use permit by the planning commission pursuant to Chapters 17.56 and 17.54.

[B] Unless otherwise required by this chapter, a conditional use permit shall not be required of an alcoholic beverage sales establishment consisting of a general retail store, a grocery store, or a retail pharmacy which has (1) at least 10,000 square feet of gross floor space, and (2) a maximum of 10 percent of the gross floor

area devoted to the sale and display of alcoholic beverages. A conditional use permit shall not be required of an alcoholic beverage production manufacturer with an accessory tasting room. A conditional use permit shall not be required of bona fide public eating place. An alcoholic beverage establishment exempt from the requirement of a conditional use permit pursuant to this subsection is deemed to have been approved to conduct alcoholic beverage sales commercial activity subject to the terms and conditions of a conditional use permitted required under this chapter provided, however, that if it is found to be in violation of this chapter such an exempt establishment may lose its exemption and be required to obtain a conditional use permit as set forth in Section \_\_\_\_\_.

**5.28.030 - Continuation or reestablishment of premises—Restrictions.**

[An alcoholic beverage sales establishment]~~These establishments dispensing alcoholic beverages, including beer and wine, for on-site consumption [that has obtained a conditional use permit to operate]~~ may not be continued or reestablished, if any of the following occur after the effective date of the ordinance codified in this chapter:

- A. The establishment changes its type of retail liquor license within a license classification; or
- B. The operation of the establishment is abandoned or discontinued, including the case where the license for such operation is suspended; or
- C. There is a substantial change in the mode or character of the operation of the establishment.

**5.28.031 - Operational standards—applicable to new on-sale alcoholic beverage sales activities.**

All new, modified, or redeveloped alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

- A. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- D. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- E. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- F. Training: Each on-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this

requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.

**5.28.032 - Operational standards—applicable to new, modified, or redeveloped off-sale alcoholic beverage sales activities.**

A. All new, modified, or redeveloped off-sale alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

1. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
4. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California

Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.

5. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

6. That it complies with the following alcohol sale limitations:

a. No wine shall be displayed, sold or given away in containers of less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.

b. No wine shall be displayed, sold or given away with an alcoholic content greater than 15 percent by volume unless in corked bottles and aged at least two years.

c. No distilled spirits shall be displayed, sold or given away in containers of less than 375 milliliters, except pre-mixed cocktails.

d. The display, sale or distribution of 50 milliliters "airline bottles" and 375 milliliters "hip flask" containers is prohibited.

e. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 32 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.

f. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

g. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.

h. All display of alcoholic beverages shall be no closer than five feet from the store entrance.

7. That it complies with the following public nuisance prevention measures:

a. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment

patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.

b. Litter: Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.

c. Loitering: The following measures may be required:

i. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.

ii. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

iii. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.

iv. No pay phones are permitted outside of the off-sale establishment.

d. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.

e. Signage: There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products

f. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish and the predominant language of the patrons:

i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."

ii. "No Loitering or Public Drinking."

iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

g. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.

h. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

i. Drug Paraphernalia: An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform

Controlled Substances Act commencing with California Health and Safety Code section 11000.

j. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

k. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.

l. Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business licensem.

m. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within

the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

B. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

**5.28.033 - Grounds for conditional use permit suspension, revocation or termination.**

An alcoholic beverage sales establishment's conditional use permit may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Section 17.54.130 for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in writing and shall state the grounds therefore. At least ten (10) days prior to the date of the hearing, written notices shall be mailed by first-class mail and certified mail return receipt requested to the operator at the address set forth on the operator's businesses license and to any owner of the property on which the establishment is located at the address shown on the county assessor's property tax assessment records.

**5.28.034 - Appeal from suspension, modification or revocation of conditional use permit.**

Any applicant or other person aggrieved by a decision of the planning commission to suspend, modify or revoke a conditional use permit pursuant to this chapter may appeal the decision to the city council pursuant to Section 17.54.130 of this code.

**5.28.035 - Deemed approved alcoholic beverage sales regulations.**

Except as otherwise provided in this chapter, any permitted or conditionally permitted alcoholic beverage sales establishment, and legal nonconforming alcoholic beverage sales establishment lawfully operating prior to January 1, 2016 pursuant to an ABC license that authorizes the retail sale of alcoholic beverages for off-site or on-site consumption shall thereafter be an establishment with deemed approved status in accordance with Section 5.28.036. In addition, any alcoholic beverage establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 5.28.020 that lawfully commences operations on or after January 1, 2016 shall be an establishment with deemed approved status for purposes of this chapter. Such establishment may continue to lawfully operate provided the operation is conducted in compliance with the performance standards contained in Section 5.28.037, and has satisfied the applicable training requirements.

**5.28.036 Automatic deemed approved status.**

All alcoholic beverage sales commercial activities not consistent with the standards and regulations set forth in this chapter that were conducted by permitted or conditionally permitted activities, and all legal nonconforming activities for off-sale alcohol establishments, on January 1, 2016, shall automatically become deemed approved activities as of January 1, 2016, and shall no longer be considered permitted, conditionally permitted or legal nonconforming activities. In addition, all alcoholic beverage sales commercial activities of an alcoholic beverage sales establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 5.28.020 that lawfully commence operations on or after January 1, 2016 that are not consistent with the standards and

regulations set forth in this chapter are deemed approved activities. Each deemed approved activity shall retain its deemed approved status as long as it complies with the performance standards of this ordinance.

**5.28.037 - Deemed approved performance standards for alcoholic beverage sales establishments.**

The provisions of this section shall be known as the deemed approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all deemed approved alcoholic beverage sales activities that hold deemed approved status pursuant to this chapter. An on-sale alcoholic beverage sale activity shall retain its deemed approved status only if it conforms to all of the operational standards set forth in the Section 5.28.031. An off-sale alcoholic beverage sales activity shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:

- A. The off-sale alcohol establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. The off-sale alcohol establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. The off-sale alcohol establishment shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering,

graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.

D. The off-sale alcohol establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.

E. The off-sale alcohol establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

F. A copy of these performance standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

G. The owners and all employees of the alcohol beverage sales establishment involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the passage of this ordinance or within six months of the passage of this ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Arvin police

department and annually to the Arvin City Clerk as a pre-condition to the City issuing the operator a new business license.

**5.28.038 - Notification to owners of establishments conducting deemed approved activities.**

The city's police department shall notify the owner and/or operator of an on-sale or off-sale alcohol establishment of each deemed approved activity as shown on their city business license, and also, if not the same, any property owner at the address shown on the county assessor's property tax assessment records, of the activity's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested and shall include a copy of the performance standards in this chapter with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this chapter shall not affect the deemed approved status of the activity.

**5.28.039 - Grounds for deemed approved status suspension, revocation or termination.**

A. An alcoholic beverage sales establishment's deemed approved status may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Section 17.54.130 , for failure to comply with the performance standards set forth in Section 5.28.037. Notice of

such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least 10 days before the date of the hearing.

B. The occurrence of any of the following shall terminate the deemed approved status of the alcoholic beverage sales activity after notice and a hearing in front of the planning commission in accordance with Section 17.54.130 , and require the issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:

1. An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.

2. There is a substantial modification to the mode or character of operation.

3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not be limited to the following:

a. The off-sale alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.

b. The off-sale alcoholic beverage sales activity establishment extends the hours of operation.

c. The off-sale alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 180 days or greater by ABC.

d. The off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

4. A "substantial change in the mode of character of operation" shall not include:

a. Re-establishment, restoration or repair of an existing off-sale alcoholic beverage sales activity on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption.

b. Temporary closure for not more than 180 days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption, provided notice is provided to the City. The planning commission may, upon request of an owner of an alcoholic beverage sales establishment made prior to the expiration of 180 days, grant one or more extensions to the period

of temporary closure, none of which may exceed 60 days, and together not to exceed 180 days.

5. Once it is determined by the City that there has been a discontinuance of active operation for 180 consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in Sections 5.28.020 and Chapters 17.54 and 17.56. In the event that any active operation is discontinued on a property for a period of 180 consecutive days, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of 180 consecutive days or more, the City Manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. The property owner may appeal the determination to the planning commission by filing with the City Manager a written notice of appeal within fifteen (15) days of delivery of the City Manager's determination. At a public hearing noticed as provided for in Section 17.54.130, the Planning Commission may overturn the determination only upon making a finding that the evidence supports the property owner's position that the nonconforming use was not discontinued for a period of 180 consecutive days or more. The property owner shall be notified by the city of the termination of the deemed approved status and shall be informed of the property owner's right to appeal the City's decision to the planning commission.

**5.28.040 - Chapter provisions not exclusive.**

The regulations of this chapter are in addition to those set forth in the zoning provisions of Title 17 of the Arvin Municipal Code, and do not contain any rights not otherwise granted under the provisions and procedures contained in Title 17 of this code.

**5.28.045 - Appeal from suspension, modification or revocation of deemed approved status.**

Any applicant or other person aggrieved by a decision of the planning commission from a suspension, modification or revocation of an establishment's deemed approved status pursuant to this chapter may appeal the decision to the city council pursuant to Section 17.54.130 of this code.]

**5.28.050 - Alcoholic beverage warning signs.**

A. Purpose. The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects involving heart and bone structure. In order to serve the public health, safety and welfare, the declared purpose of this chapter is to educate the public by requiring that warning signs be placed at all locations where alcoholic beverages are sold to the public.

B. Duty to Post Signs or Notices.

1. Any person or entity who owns, operates, manages, leases or rents premises [that operate an alcoholic beverage sales establishment] ~~offering wine, beer or other alcoholic beverages for sale, or dispensing for consideration to the public,~~ shall cause a sign or notice to be posted on the premises as provided in this section. The sign or notice shall read as follows:

WARNING. DRINKING ALCOHOLIC BEVERAGES,  
INCLUDING BEER AND WINE, DURING PREGNANCY CAN  
CAUSE BIRTH DEFECTS.

2. It shall also contain the telephone number of the county department to call for more information.

3. The sign or notice as required herein shall not be smaller than ten inches (10") wide by ten inches (10") long, nor shall the lettering for the required wording be less than one inch (1") in height.

C. Placement of Notice. The required sign or notice shall be placed as follows:

1. Where the sale or dispensing of wine, beer or other alcoholic beverage to the public is primarily intended for consumption off the premises, at least one (1) sign shall be so placed as to assure that it is conspicuously displayed so as to be readable from all locations at which such sale or dispensing occurs.

2. Where the sale of wine, beer or other alcoholic beverages to the public is primarily provided through over-the-counter service, at least one (1) sign shall be placed to assure that it is readable from all counter locations available to the public.

3. Where the sale or dispensing of wine, beer or other alcoholic beverages to the public is primarily provided for consumption on the premises at tables served by food or beverage service persons, at least one (1) sign shall be placed to assure it is readable by the public entering the

premises. In addition, at least one (1) sign shall be placed to assure that it is conspicuously displayed so as to be readable in each public restroom.

D. Language. In the event a substantial number of the public patronizing a premises offering for sale or dispensing wine, beer or other alcoholic beverages, uses a language other than English as a primary language, any sign or notice required by subsection B of this section shall be worded in both English and the primary language or languages involved.

E. Enforcement, Violation and Penalties.

1. Primary enforcement of the provisions of this section shall be with the Chief of Police or designee ~~local health officer~~.

2. Anyone subject to the provisions of subsection B of this section who knowingly fails to post the required warning is guilty of an infraction.

**Section 3. Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

**Section 4. Effective Date.** This Ordinance shall become effective thirty (30) days from the adoption of this Ordinance.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 03<sup>rd</sup> day of November, 2015, and adopted the Ordinance after the second reading at a regular meeting held on the 17<sup>th</sup> day of November 2015, by the following roll call vote:

**AYES:** CM Madrigal, CM Ortiz, MPT Gurrola, Mayor Flores

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

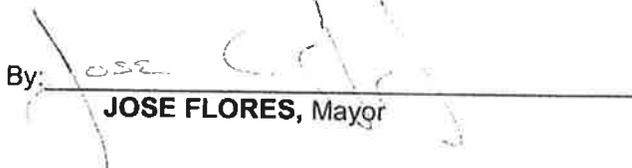
**ABSTAIN:** \_\_\_\_\_

**ABSENT:** CM Robles

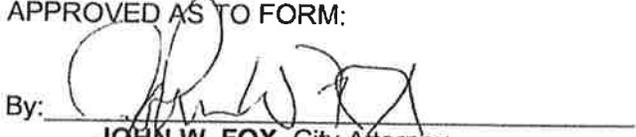
ATTEST

  
\_\_\_\_\_  
CECILIA VELA, City Clerk

**CITY OF ARVIN**

By:   
\_\_\_\_\_  
**JOSE FLORES, Mayor**

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
**JOHN W. FOX, City Attorney**  
Aleshire & Wynder, LLP

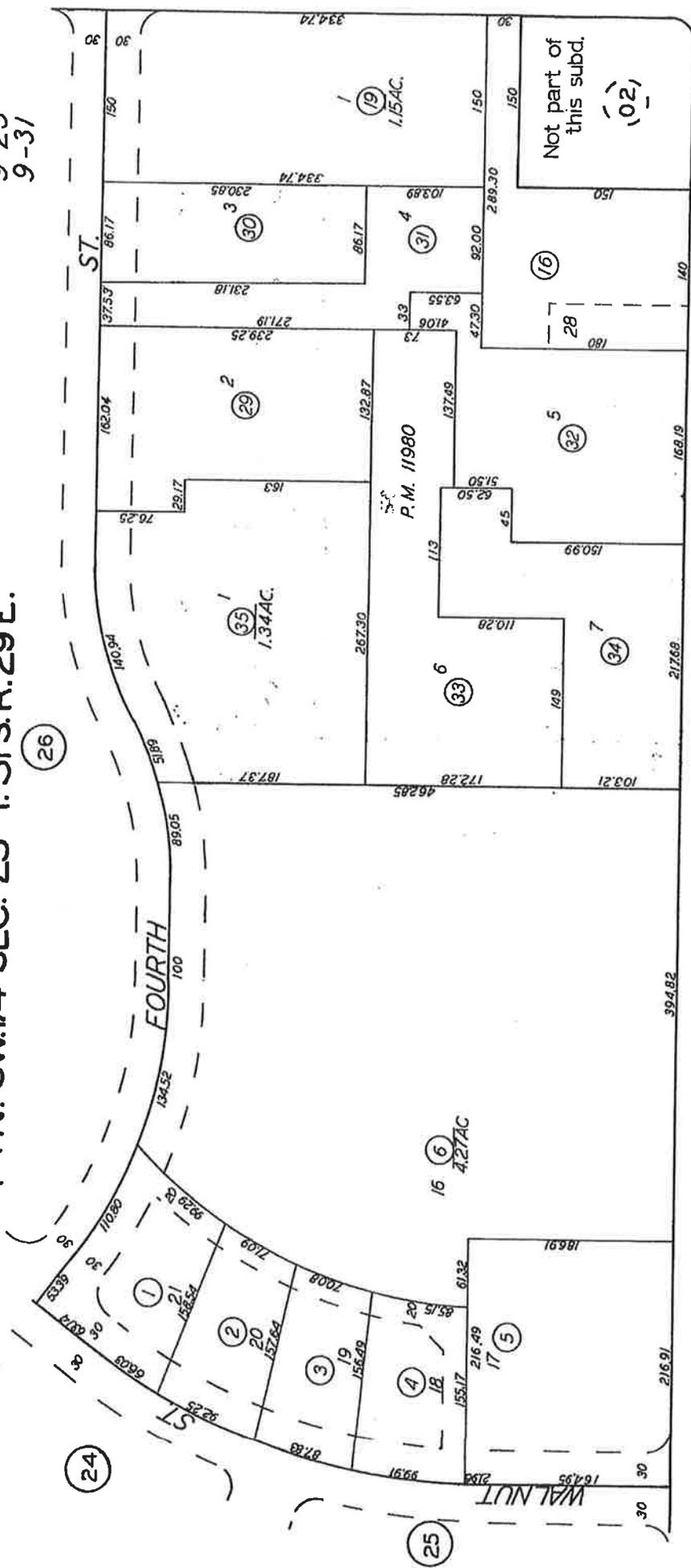
I, \_\_\_\_\_, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

**Attachment 1**  
**APN's 190-270-33 and -34,**

190-27

PARCEL MAP 7214  
PTN. SW1/4 SEC. 23 T.31S.R.29E.

SCHOOL DIST. 19  
9-28  
9-23  
9-31



55 — BEAR MTN BLVD. — STATE HWY. RT. NO. 223 — 55

BK191

# ARCO PROJECT 1 ATTACHMENT 1 APN 190.270-33 AND -34

REVISED: Feb. 14, 2012

ASSESSORS MAP NO.  
COUNTY OF KE

**ATTACHMENT 2**  
NOTICE OF EXEMPTION

**NOTICE OF EXEMPTION**

**TO:**  Office of Planning and Research  
P.O Box 3044  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**FROM:** City of Arvin  
Community Development Department  
141 Plumtree Drive  
Arvin, Ca 93203  
Marti Brown, Community Development Director

County Assessor/Clerk-Recorder  
County of Kern  
1115 Truxtun Avenue  
1st Floor  
Bakersfield, CA 93301

PROJECT FILE ONLY

**Project Title:** Off-Sale of Beer and Wine in association with the proposed ARCO service station and convenience store proposed within the Bear Mountain Plaza development located on the Assessor Parcel Numbers 190-270-33, and 34, or Parcels 6 and 7 located on Parcel Map 11980.

**Project Location - Specific:** Assessor Parcel Numbers 190-270-33, and 34, or Parcels 6 and 7 located on Parcel Map 11980.

**Project Location - County:** County of Kern

**Description of Nature, Purpose, and Beneficiaries of Project:** Off-sale of Beer and Wine accessory to the association with the proposed ARCO service station and convenience store proposed within the Bear Mountain Plaza

**Beneficiaries of the Project are:** Owners and operators of the ARCO AmPm Service Station and Convenience Store

**Name of Public Agency Approving Project:** Arvin Planning Commission- Resolution No. 2017- XX adopted on March 28, 2017,

**Name of Person or Agency Carrying Out Project:** Owners and operators of the ARCO AmPm Service Station and Convenience Store

**Exempt Status:**

- Ministerial (Section 21080(b); 15268)
- Declared Emergency (Section 21080(b)(3); 15269(a))
- Emergency Project (Section 21080(b)(4); 15269(b)(c))
- Categorical Exemption - State type and section number (see below)
- Statutory Exemption - State type and section number (see below)
- General Rule Exemption (Section 15061(b) (3))

**Reasons why project is exempt:** Pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3), that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment. The Planning Commission or City Council therefore directs that the Notice of Exemption be filed with Kern County Clerk in accordance with the CEQA Guidelines.

**Lead Agency Contact Person:** Marti Brown, Community Development Department  
**Area Code/Telephone/Ext.:** 661- 854-2822

**Determination made by:** Marti Brown, Community Development Director \_\_\_\_\_  
Title Date

**Lead Agency:** City of Arvin  Signed by Lead Agency  Signed by Applicant Date Received for filing

**ATTACHMENT 3**  
PUBLIC HEARING NOTICE

Public Hearing Notice  
City of Arvin Planning Commission

Date: March 28, 2017

Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203

Time: 6:00 PM

**Notice is hereby given** that the Planning Commission of the City Arvin will conduct a hearing on the date, place and time mentioned above, to consider the following:

- Modification of Precise Development Plan 2007-1 (Bear Mountain Plaza) – ARCO project is to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet.
- A Conditional Use Permit request to conduct off-sale of beer and wine as an accessory use to the operation.
- A Lot Line Adjustment to accommodate the proposed ARCO project.
- An addendum to the previously approved Mitigated Negative Declaration prepared for the Bear Mountain Plaza; all mitigation measures will continue to be imposed as applicable to the proposed project and entitlements.

**Applicant/Property Owner/Representative:** MACA Organization, Mark Alexander, 1925 G Street, Bakersfield, Ca 93301.

**Project Location:** The project is located on the north side of Bear Mountain Boulevard easterly of Campus Drive and adjacent to the existing Auto Zone store, 900 Bear Mountain Blvd and Burger King Restaurant. See Locational Map, APN's 190-270-33 and -34, .

Any person wishing to address the Commission may provide oral and/or written testimony at the meeting, or submit written comments to the Community Development Department at the above said address.

**Notice Limiting Legal Challenge:** Written comments must be received at the above address at, or prior to the meeting date and time. If you challenge the City's action on these projects in court, you may be limited to raising those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at or prior to the Public Hearing (Government Code Section 65009).

Marti Brown,  
Community Development Director  
Published on March 15, 2017





**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

**TO: Planning Commission**

**FROM: Marti Brown, Community Development Director**

**SUBJECT: Modification of Precise Development Plan 2007-1 - (Bear Mountain Plaza) – ARCO project propose to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station and Convenience Store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet. APN 190-270-33 and 34, Arvin, CA 93203 and Approve Addendum to the Mitigated Negative Declaration, Adopted January 12, 2008 and Filed on June 20, 2008, for Bear Mountain Plaza ,**

**RECOMMENDATION**

Motion to Approve Resolution of the City Of Arvin Planning Commission Approving i) Modification of Precise Development Plan 2007-1 - (Bear Mountain Plaza) – ARCO project proposes to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet, and ii) adopted the Addendum to the Mitigated Negative Declaration, adopted January 12, 2008 and filed on June 20, 2008 for Bear Mountain Plaza, subject to conditions of approval.

**I. PROJECT LOCATION:** The project is located on the north side of Bear Mountain Boulevard easterly of Campus Drive and adjacent to the existing Auto Zone store, 900 Bear Mountain Blvd. Burger King Restaurant, APN's 190-270-33 and -34, Attachment 1 and Aerial with project area outlined, Attachment 2, Public Hearing Notice, and Attachment 6.

**II. DISCUSSION:**

The applicants, MACA Organization, Mark Alexander, is requesting the approval of modification of Precise Development Plan 2007-1 (Bear Mountain Plaza). The ARCO project proposes to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station

and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet. The project also includes a Conditional Use Permit request to conduct Off-sale of beer and wine as an accessory use to the operation – to be considered under separate action. In order to accommodate the proposed project a Lot Line Adjustment has also been requested to eliminate the proposed building from crossing property lines, the City Engineer is reviewing this request. The City prepared an Addendum to the Mitigated Negative Declaration, Adopted January 12, 2008 and Filed on June 20, 2008, for Bear Mountain Plaza. An addendum to the Negative Declaration is permissible per (“CEQA Guidelines”) Sections 15162 and 15164. An addendum may be prepared where there are no substantial changes to the project previously considered.

### **Proposed Modification and Review:**

The proposed ARCO project is located on the Assessor Parcel Numbers 190-270-33, and 34, or Parcels 6 and 7 located on Parcel Map 11980. The proposed amendment modifies the building locations, on-site parking, and parking configurations previously approved within PDP 2007-1.

Site Layout and Orientation: The ARCO project proposes to modify the Precise Development Plan by changing the Office cluster consisting of two buildings 5,600 square feet (Office 1) and 7,500 square feet (Office 2) into a retail activity for the ARCO AmPm service station and convenience store consisting of 3,000 square feet with fueling bay consisting of 8 fueling stations and a lighted canopy and a Quick Service Restaurant (QSR), to be determined at a later date, consisting of 1200 square feet. The orientation of the buildings are changed from a facing to the west which compliments the Auto Zone Building to a north to south direction with the fueling bay canopy and fueling stations facing Bear Mountain Blvd., parking and circulation is also modified to accommodate the proposed project. Exhibit A – Proposed ARCO Project layout; Exhibit B – Site Layout for Office 1 and Office 2.

### Elevations-Exterior Treatment and Color Palate:

1. Exterior Elevations: The proposed ARCO project elevations are different than that approved by Precise Development Plan in that the ARCO project proposed rectangular windows and doorways whereas the elevations approved for Precise Development Plan have an arched design for windows and doorways.
2. Roof Lines: The ARCO project proposes a flat roof design whereas the approved Precise Development Plan establishes a pitched roof design for the buildings as well as a flat roof line for portions of the buildings.
3. Exterior Treatment and Color Palate: Section 2 of the recorded CC&R’s establish criteria for the construction of future buildings within the development. In part the CC&R’s require that future buildings within the Center be developed with a color palate to ensure uniformity as identified in the CC&R’s Section 2 – Buildings. Exhibit C – ARCO Elevations and Exhibit D – Precise Development Plan Elevations, Exhibit E – Excerpt from CC&R’s Bear Mountain Plaza.

Signage: The proposed illustration of the logo “ampm” placed on the main structure appears to be in compliance with the Master Sign Program. However, the sign package submitted does not comply, for example the ARCO ID sign proposed a 25’-0” high identification sign which is not in compliance with the Master Sign Program for the Bear Mountain Plaza. Applicant has not provided a complete signage package for the ARCO project which includes the Quick Service Restaurant. Exhibit F- Proposed ARCO ID Sign, Exhibit G – Master Sign Program

## **Comparison of Existing and Proposed Modification:**

### **Comparison:**

1. Staff believes that the ARCO AmPm and Quick Service Restaurant are compatible with the intent of the Bear Mountain Plaza Specific Development Plan 2007-1
2. However, Staff recognizes that the proposed Elevations - architectural treatment and proposed signage program are not in compliance with the approved Elevations and architectural treatment adopted for Precise Development Plan 2007-1.
3. The proposed orientation, changing from a west facing to compliant the AutoZone structure to a South facing toward Bear Mountain Blvd. will not significantly affect the uniformity of the development.
4. The Addendum to the previous Mitigated Negative Declaration had analyzed the project as to environmental impacts and the proposed ARCO project, in Staff's opinion, does not affect the conclusions of the previous study.

### **Recommendations:**

1. Find proposal to be modified as follows:
  - a. That the elevations and architectural treatment of the proposed buildings be modified to be in conformance with the approved elevations of the Precise Development Plan 2007-1;
  - b. That the ARCO signage be brought into compliance with the requirements of the Master Sign Program
  - c. That the ARCO project comply with the mitigation measures, conditions, and requirements imposed on the Precise Development Plan 2007-1 as are appropriate.

### **BACKGROUND:**

Precise Development Plan 2007-1: Bear Mountain Plaza was approved via Precise Development Plan 2007-1 on January 15, 2008 via Resolution APC08-01. The precise development plan was processed in accordance with Title 17, Chapter 17.45 Planned Unit Development and an environmental analysis was concluded with the recommendation of accepting a Mitigated Negative Declaration as the appropriate environmental document which was filed with the Kern County Clerk on June 23, 2008 with payment of the Department of California Department of Fish and Game Fees.

The Bear Mountain Plaza project was reviewed and analyzed as a Retail/Shopping Center which included three structures totaling 37,597 square feet on ±5.5 acres, The project included three building clusters including a 7,372 square foot building proposed to be an Auto Zone store (Retail 1), an Office cluster consisting of two buildings 5,600 square feet (Office 1) and 7,500 square feet (Office 2), and a retail cluster of two proposed retail buildings of 9,000 square feet (Retail 2), and 8,125 square feet (Retail 3). Attachment 3 – Key Plan Excerpt from Improvement Plans 2007. The City approved the Precise Development Plan with a number of conditions, of which, have been implemented or will be implemented as the site develops. Elevations, Attachment 4 – Elevations, have been established for the Center with a color palate to ensure uniformity as identified in the CC&R's Section 2 – Buildings. A Master Sign Program was established to insure mutual benefit of all occupants and to ensure concept uniformity. The Master Sign Program for the Bear Mountain Center is on file at the Community Development Department.

Parcel Map 11980: The applicant in 2011 recorded Parcel Map 11980 creating 6 parcels in conformance with the Precise Development Plan approved in 2008. Improvement Plans for Parcel Map 11980 was approved by the City in November 2011 at which time various site improvements were completed. Site improvements included the bonding for 4<sup>th</sup> Street extension, partial improvement of 4<sup>th</sup> Street for a secondary access to Campus Drive, storm water detention basin was constructed, street access from Bear Mountain Blvd was granted by California Department of Transportation, as well as on site paving and landscaping was completed in conjunction with the construction of Auto Zone (Retail 1), the Dollar Tree Store (Retail, 2) and DeVita Arvin Dialysis Store (Retail 3). Attachment 5 – Parcel Map 11980.

Covenants, Conditions, and Restrictions for Bear Mountain Plaza: In accordance with the Conditions of Approval for Precise Development Plan 2007-1, the city required the recording of the Declaration of Covenants, Conditions and Restrictions which in part establishes ingress and egress rights to the development, requires the property owners to maintain the pedestrian access on the easterly property line, maintenance of the storm drainage basin, maintenance of the parking lot and the common amenities of the development. The CC&R's are on file at the Community Development Department.

## **II. GENERAL PLAN AND ZONING CONFORMITY:**

Project Location: The project site is located west of Campus Drive and on the north side of Bear Mountain Blvd., APN 190-270-33 and 34, or Parcels 6 and 7 located on Parcel Map 11980. .

General Plan Land Use Designation: General Commercial

Zoning Designation: The site zoning designation is C-2-PD, General Commercial - Planned Development

## **III. ENVIRONMENTAL CONSIDERATIONS**

An Addendum to the Mitigated Negative Declaration, Adopted January 12, 2008 and Filed on June 20, 2008, for Bear Mountain Plaza compared to the proposed Modification of Precise Development Plan 2007-1 for ARCO AmPm, Service Station and Convenience Market as well as a Quick Serve Restaurant (QSR), Conditional Use Permit No. 2017-01, and Lot Line Adjustment was prepared in compliance with Public Resources Code Section 21166 and 14 California Code of Regulations (“CEQA Guidelines”) Sections 15162 and 15164. The project review establishes that only minor technical changes are proposed because no new significant environmental impacts would occur, nor would the severity of impacts previously identified substantially increase, nor would any other condition set forth in Section 15162 occur. The Addendum is attached to the Mitigated Negative Declaration and Initial Study adopted on January 12, 2008, Attachment 7.

## **FISCAL IMPACT**

The approval of Modification of Precise Development Plan 2007-1 - (Bear Mountain Plaza) – ARCO project proposes to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet and adoption of the Addendum to Mitigated Negative

Declaration for PDP 2007-1, subject to conditions of approval does not create any negative fiscal impact to the City.

## **EXHIBITS AND ATTACHMENTS**

Proposed Resolution – Planning Commission Recommending approving Modification Precise Development Plan 2007-1 ARCO Project acceptance of the previously adopted Mitigated Negative Declaration for Precise Development Plan 2007-1.

Exhibit A – Proposed ARCO Project layout  
Exhibit B – Site Layout for Office 1 and Office 2.  
Exhibit C – ARCO Elevations  
Exhibit D – Precise Development Plan Elevations  
Exhibit E – Excerpt from CC&R’s Bear Mountain Plaza.  
Exhibit F- Proposed ARCO ID Sign  
Exhibit G – Master Sign Program

Attachment 1 - APN’s 190-270-33 and -34,  
Attachment 2 - Aerial with project area outlined  
Attachment 3 – Key Plan Excerpt from Improvement Plans 2007.  
Attachment 4 – Elevations,  
Attachment 5 – Parcel Map 11980.  
Attachment 6 – Public Hearing Notice and Map  
Attachment 7 - Addendum to the Mitigated Negative Declaration, Initial Study

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF ARVIN PLANNING COMMISSION APPROVING I) MODIFICATION OF PRECISE DEVELOPMENT PLAN 2007-1 - (BEAR MOUNTAIN PLAZA) – ARCO PROJECT PROPOSES TO REPLACE THE OFFICE CLUSTER OF TWO BUILDINGS – OFFICE 1 – 5,800 SQUARE FEET AND OFFICE 2 – 7,500 SQUARE FEET WITH AN ARCO SERVICE STATION AND CONVENIENCE STORE CONSISTING OF 3,000 SQUARE FEET AND A QSR, QUICK SERVICE RESTAURANT CONSISTING OF 1200 SQUARE FEET AND II) ADOPTED THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION, ADOPTED JANUARY 12, 2008 AND FILED ON JUNE 20, 2008 FOR BEAR MOUNTAIN PLAZA, SUBJECT TO CONDITIONS OF APPROVAL.**

**WHEREAS**, the Planning Commission opened the public hearing on March 28, 2017, and has received testimony and other evidence at the meeting; and

**WHEREAS**, public notice for the public hearing was published in the (Newspaper on March 15, 2017 and notices were mailed to individual property owners within 300-feet of the project site on March 14, 2017; and

**WHEREAS**, an Addendum to the Mitigated Negative Declaration, Adopted January 12, 2008 and Filed on June 20, 2008, for Bear Mountain Plaza was prepared for the proposed Modification of Precise Development Plan 2007-1 for ARCO AmPm, Service Station and Convenience Market as well as a Quick Serve Restaurant (QSR), Conditional Use Permit No. 2017-01, and Lot Line Adjustment in compliance with Public Resources Code Section 21166 and 14 California Code of Regulations (“CEQA Guidelines”) Sections 15162 and 15164; and

**WHEREAS**, The environmental review establishes that only minor technical changes are proposed because no new significant environmental impacts would occur, nor would the severity of impacts previously identified substantially increase, nor would any other condition set forth in Section 15162 occur; and

**WHEREAS**, the Addendum is attached to the Initial Study and Negative Declaration adopted on January 12, 2008,

**WHEREAS**, the Planning Commission of the City of Arvin hereby finds and adopts the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. That the ARCO AmPm and Quick Service Restaurant is compatible with the intent of the Bear Mountain Plaza Specific Development Plan 2007-1.
3. That the proposed Elevations - architectural treatment and proposed signage program are not in compliance with the approved Elevations and architectural treatment adopted for Precise Development Plan 2007-1.
4. The proposed orientation, changing from a west facing to compliant the AutoZone

structure to a South facing toward Bear Mountain Blvd. will not significantly affect the uniformity of the development.

5. The Addendum prepared for the previous Initial Study and Negative Declaration had analyzed the project as to environmental impacts and the proposed ARCO project does not affect the conclusions of the previous study.
6. The Addendum is attached to the Initial Study and Negative Declaration as required by CEQA Guidelines, Section 15164 (c) and is on file at the Community Development Department.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Arvin Planning Commission does find:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. That the ARCO AmPm and Quick Service Restaurant is compatible with the intent of the Bear Mountain Plaza Specific Development Plan 2007-1.
3. That the proposed Elevations - architectural treatment and proposed signage program are not in compliance with the approved Elevations and architectural treatment adopted for Precise Development Plan 2007-1 and as a condition of approval said elevations and architectural treatment and proposed signage program be brought into compliance with the requirements of Precise Development Plan 2007-1 and implementing documents.
4. The proposed orientation, changing from a west facing to compliant the AutoZone structure to a South facing toward Bear Mountain Blvd. will not significantly affect the uniformity of the development.
5. The Addendum prepared for the previous Initial Study and Negative Declaration had analyzed the project as to environmental impacts and the proposed ARCO project does not affect the conclusions of the previous study.
6. The Addendum is attached to the Initial Study and Negative Declaration is adopted as required by CEQA Guidelines, Section 15164 (c) and on file at the Community Development Department.
7. Planning Commission hereby directs the Community Development Director to sign and file the Addendum for the proposed ARCO project.
8. Based on the record and findings herein, the Planning Commission approves the modification to the Precise Development Plan 2007-1 subject to the attached conditions of approval.

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Conditions of Approval – ARCO Project

1. Prior to issuance of a building permit, the applicant shall redesign the elevations to conform to the approved Precise Development Plan 2007-1 Elevations and Architectural concepts, subject to the approval of the Community Development Director.

2. Prior to issuance of a building permit, the developer shall obtain Planning Director approval of a comprehensive sign plan for the ARCO project in compliance with the Master Sign Program, subject to approval of the Community Development Director.

3. Prior to issuance of a Building Permit, the developer shall obtain Planning Director approval of the design and location for the trash enclosures.

4. Prior to issuance of a building permit the developer shall provide new Landscape and irrigation plans to the satisfaction of the Planning Director for the reconfiguration of the ARCO Project. In addition, prior to issuance of occupancy permit, the developer shall submit proof of a Landscape Maintenance Agreement from a landscape maintenance contractor.

5. All on site lighting shall be non-glare and parking lot lighting shall be solar powered clear sky lighting.

6. All roof top equipment shall be screened from view.

7. This Precise Development Plan is conditioned upon the Developer defending, indemnifying and holding harmless the City, it's agents, officers, consultants, and /or employees.

8. The safety and security of the project must satisfy Local, County, State, Federal ordinances, California Building Code, and California Occupational Safety and Health Association (CAL/OSHA).

9. All improvements must comply with current American with Disabilities Act (ADA) Standards and regulations, including the upgrade of the ramps at the main drive entrance into the Bear Mountain Plaza, along Hwy 223, Bear Mountain Blvd, .

10. Cal Trans correspondence dated March 13, 2017, requires a supplemental Traffic Impact Study. The supplemental Traffic Impact Study shall be completed and identified improvements shall be completed prior to issuance of building permit or upon approval of any improvement plans or grading plans by the City Engineer. The developer shall obtain necessary permits and/or approvals from Department of Transportation, District 6.

11. Contractors and subcontractors shall obtain a business license from the City prior to beginning work.

12. The developer shall comply with San Joaquin Valley Unified Air Pollution Control District and City regulations regarding the reduction of air emissions resulting from the project, if applicable.

13. Noise during construction shall be mitigated to the fullest reasonable extent. If complaints are received, the City may impose restrictions such as limitation of hours of operation to daylight hours or other appropriate and reasonable measures.

14. Prior to submittal of water plans, the developer shall consult with the Arvin Community Services District and the Kern County Fire Department to determine fire suppression/hydrant requirements.

15. In accordance with Section 17.60.070 of the Arvin Municipal Code, this approval shall expire and no permits shall be issued if a building permit is not issued within one year of approval of this Modification to Precise Development Plan 2007-1.

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#### CITY ENGINEER

16. Development shall comply with the requirements of the City Floodplain Ordinance.

17. Utilities shall be installed underground in accordance with each of the utility company requirements and with the City requirements.

18. The Developer shall dedicate public utility easements within the development where required by the City and affected utilities, if modified by the modification of the Precise Development Plan.

19. Developer is required to complete the Kern County NPDES Eligibility Form and the Kern County Designer Certification Form and submit them to the City Engineer.

20. . Developer shall submit an onsite drainage study for the 10-year 5-day storm event per Kern County Standards. Verify the capacity of the sump(s) where incremental drainage runoff due to the development is to be retained. Verify location of the overflow condition. All storm drainage facilities plans and pertinent calculations shall be reviewed and approved by the City Engineer.

21. Interior roads shall be developed according to City Standards. Full improvements to include, but not be limited to, roadway construction, striping, curb, gutter, sidewalk, drive approaches, wheelchair ramps, street lighting and signage.

22. The Developer shall provide for all facilities required by fire department

and law enforcement for continuous service of the development which shall include, but are not limited to, easements for vehicle turnaround areas, turnaround area full section paving, manholes, cleanouts, blowoffs, fire hydrants, valves, drainage structures, lighting and any other improvements needed to provide such services

23. Detailed plans for sewer, water, drainage; hydrology, traffic, etc. shall be submitted and approved by the City Engineer before improvement plans are approved by the City.

24. The Developer shall provide the City verification of the wastewater treatment plant capacity from the City's wastewater treatment operator and verification of domestic water availability prior to issuance of a building permit.

25. If applicable, prior to issuance of a building permit, the Developer shall request annexation into an existing Lighting and Landscape Maintenance District or cause formation of the new district, whichever is feasible under current law. Developer shall be required to maintain all landscaping, including the replacement of any trees or shrubs that do not survive within public right-of-way and landscape easements for a period of six months after final inspection of the landscape improvements; Developer shall be fully responsible for paying all costs for the improvements until the City accepts said improvements.

26. Developer's engineer to provide to the City Planning Department with an electronic copy of the Final site plan in AutoCAD format.

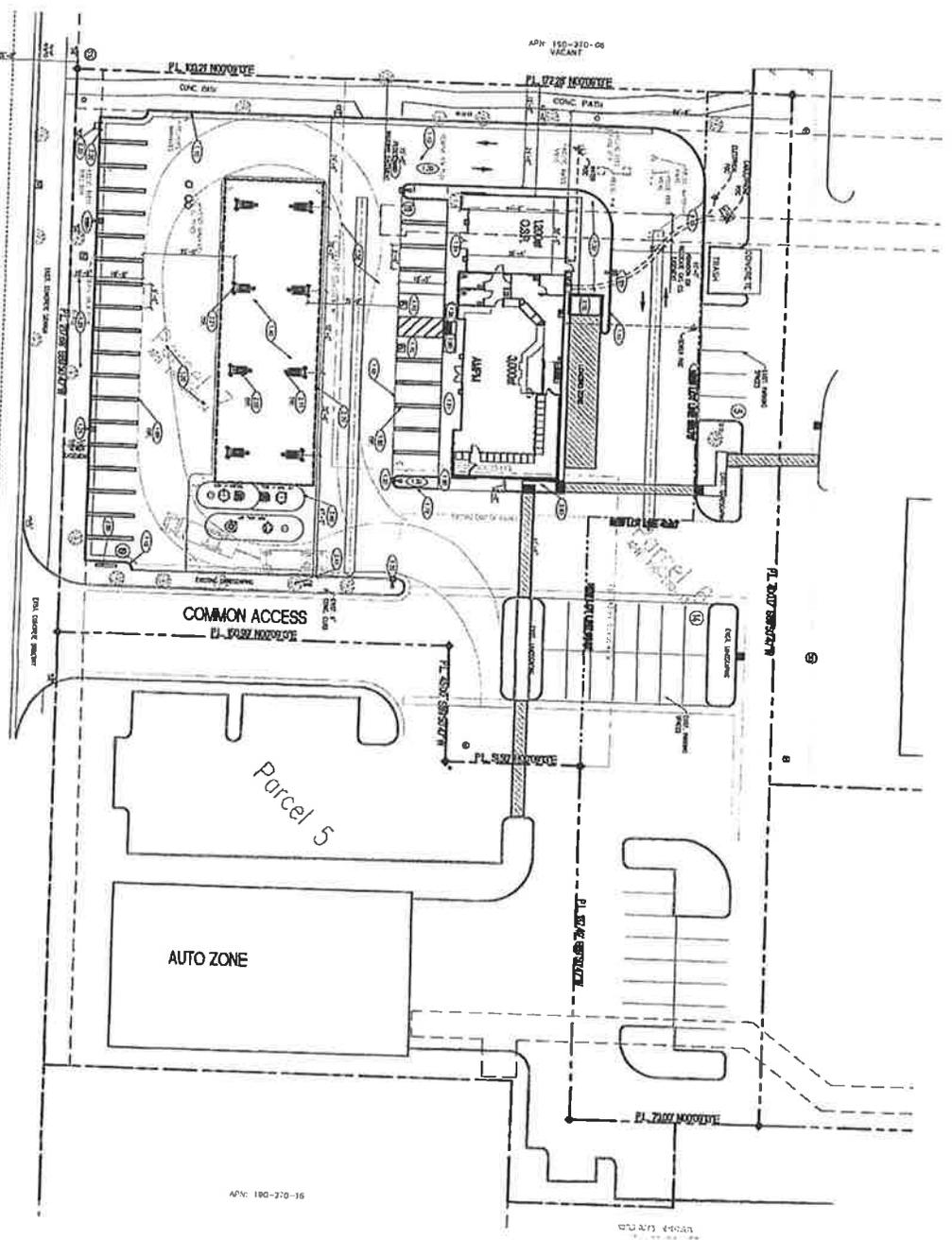
27. Supplemental Soils Report shall be provided prior to review of improvement plans.

**Exhibit A**  
**Proposed ARCO Project layout**

**BEAR MOUNTAIN BOULEVARD**

**SITE PLAN**

**EXHIBIT A. ARCO PROJECT LAYOUT**



APN: 190-270-16

**EXISTING DATA INFORMATION**

NO.	DESCRIPTION	DATE	BY
1	EXISTING SITE PLAN	1/20/00	ARCO
2	EXISTING SITE PLAN	1/20/00	ARCO
3	EXISTING SITE PLAN	1/20/00	ARCO
4	EXISTING SITE PLAN	1/20/00	ARCO
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11	EXISTING SITE PLAN	1/20/00	ARCO
12	EXISTING SITE PLAN	1/20/00	ARCO

- CONSTRUCTION NOTES**
- 1.01. SEE ALL NOTES ON SHEET 101.
  - 1.02. SEE ALL NOTES ON SHEET 102.
  - 1.03. SEE ALL NOTES ON SHEET 103.
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  - 2.00. SEE ALL NOTES ON SHEET 200.

**VICINITY MAP**

**ARCO**

**CJC Design, Inc.**

2245 La Folsom Avenue, Suite 202, Torrance, CA 90503

APPROVED FOR CONSTRUCTION

NO ADDRESS ALLOWED

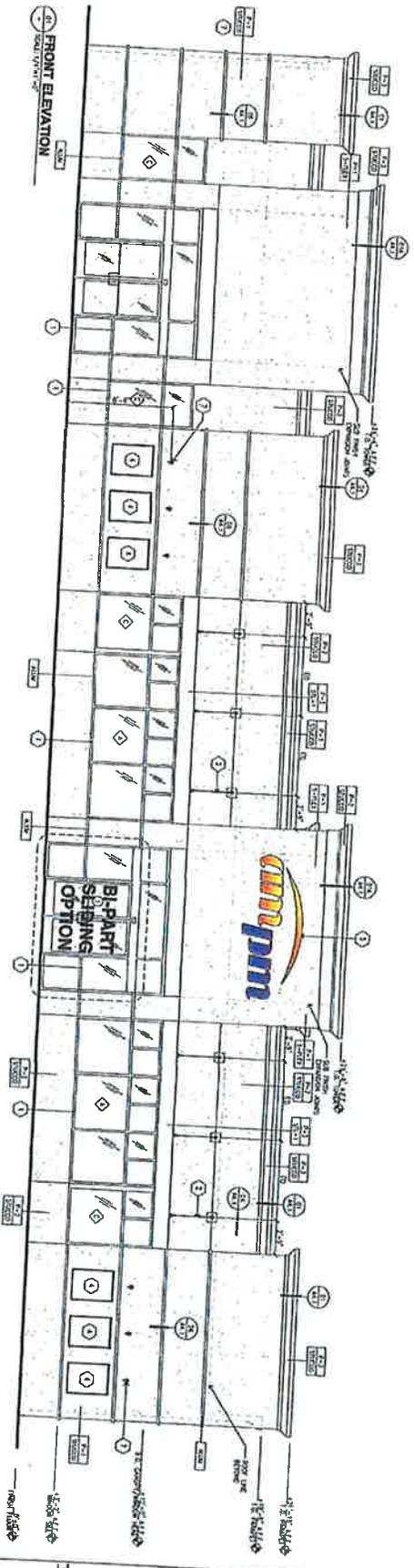
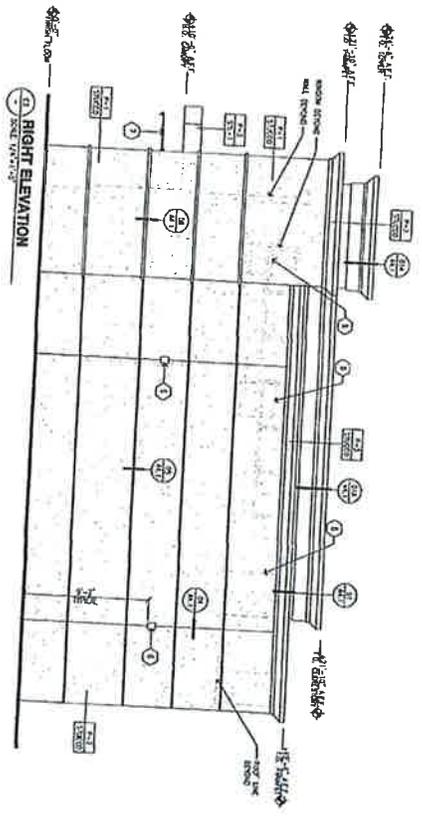
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**Exhibit B**  
**Site Layout for Office 1 and Office 2.**  
**Precise Development Plan 2007-1**

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**Exhibit C**  
**ARCO Elevations**



**GENERAL NOTES**  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.  
 2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE LOCAL BUILDING DEPARTMENT.  
 3. ALL MATERIALS SHALL BE MATCHED TO THE EXISTING FACADE.  
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**KEYED NOTES**  
 1. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE LOCAL BUILDING DEPARTMENT.  
 2. ALL MATERIALS SHALL BE MATCHED TO THE EXISTING FACADE.  
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**MATERIAL LEGEND**  
 1. WOOD STONE  
 2. METAL PANELS  
 3. BRICK  
 4. CONCRETE  
 5. STUCCO  
 6. GLASS  
 7. ALUMINUM  
 8. STEEL  
 9. COPPER  
 10. BRASS

**AR PROFILES**  
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# EXHIBIT C

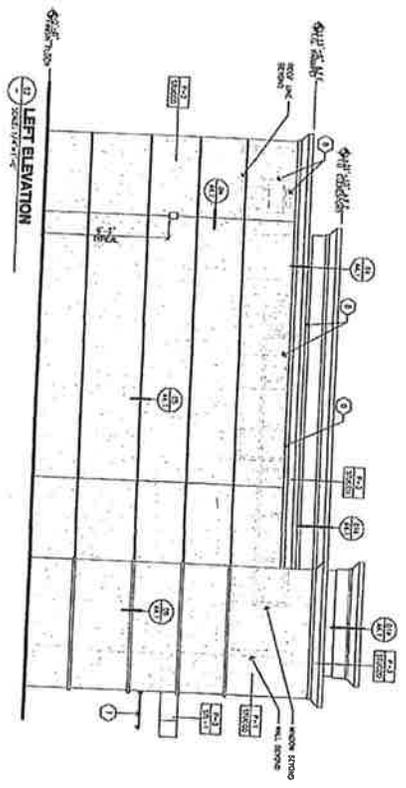
## ARCO ELEVATIONS

ARCO  
 EXTERIOR ELEVATIONS  
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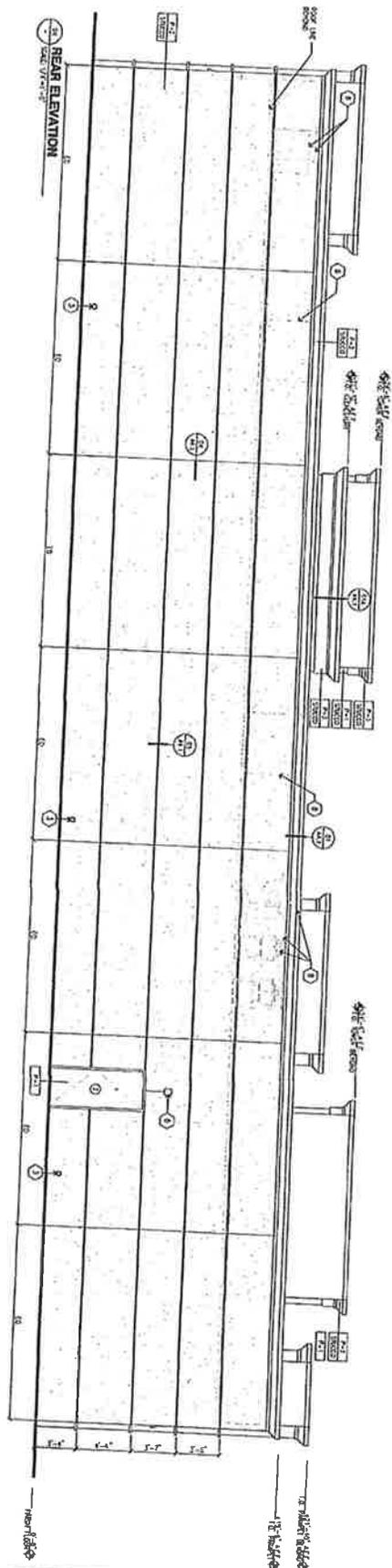


**CJC Design, Inc.**  
 Planning

PROJECT NAME AND NUMBER  
 PROJECT LOCATION  
 PROJECT DATE  
 PROJECT ARCHITECT  
 PROJECT ENGINEER  
 PROJECT CHECKER  
 PROJECT DATE



LEFT ELEVATION



REAR ELEVATION

**GENERAL NOTES**  
 1. CHECK LOCATIONS & ELEVATIONS AGAINST ALL TO BE USED AS  
 BASIS OF WORK TO BE PERFORMED.  
**KEYED NOTES**  
 1. MATERIALS CONTRACT AND SPECIFICATIONS WITHIN DRAWING TO BE  
 AS SHOWN.  
 2. SEE DRAWING FOR ALL DIMENSIONS.  
 3. SEE DRAWING FOR ALL DIMENSIONS.  
 4. SEE DRAWING FOR ALL DIMENSIONS.  
 5. SEE DRAWING FOR ALL DIMENSIONS.  
**COLOR LEGEND**  
 1. DARK CHERRY, 2. LIGHT CHERRY, 3. WOOD GRAY  
 4. DARK CHERRY, 5. LIGHT CHERRY, 6. WOOD GRAY  
**MATERIAL LEGEND**  
 1. 1/2" OSB SHEATHING  
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 64. 1/2" OSB SHEATHING  
 65. 1/2" OSB SHEATHING  
 66. 1/2" OSB SHEATHING  
 67. 1/2" OSB SHEATHING  
 68. 1/2" OSB SHEATHING  
 69. 1/2" OSB SHEATHING  
 70. 1/2" OSB SHEATHING  
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 72. 1/2" OSB SHEATHING  
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 74. 1/2" OSB SHEATHING  
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 89. 1/2" OSB SHEATHING  
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 91. 1/2" OSB SHEATHING  
 92. 1/2" OSB SHEATHING  
 93. 1/2" OSB SHEATHING  
 94. 1/2" OSB SHEATHING  
 95. 1/2" OSB SHEATHING  
 96. 1/2" OSB SHEATHING  
 97. 1/2" OSB SHEATHING  
 98. 1/2" OSB SHEATHING  
 99. 1/2" OSB SHEATHING  
 100. 1/2" OSB SHEATHING

2 of 2

ARCO

**CJC Design, Inc.**  
 Planning Permitting

2200 La Plata Avenue, Suite 202, Vallejo, CA 94591  
 Tel: (707) 835-8888  
 Fax: (707) 835-8889  
 www.cjcdesign.com

PROJECT NAME AND ADDRESS  
 SHEET NO. AND TOTAL  
 DATE  
 DRAWN BY  
 CHECKED BY  
 APPROVED BY  
 SCALE  
 TITLE

EXTERIOR ELEVATIONS  
 10003  
 A2.2

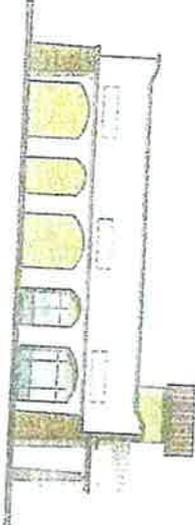
**Exhibit D**  
**Precise Development Plan Elevations**  
**PDP 2007-1**

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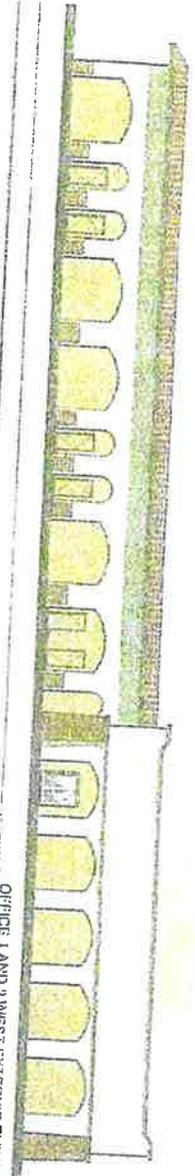
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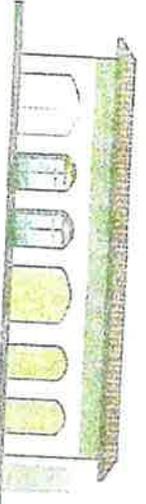
OFFICE 1 AND 2 EAST EXTERIOR ELEVATION (A)



OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION (U)



OFFICE 1 AND 2 WEST EXTERIOR ELEVATION (C)



OFFICE 1 AND 2 NORTH EXTERIOR ELEVATION (D)

ELEVATION NOTES  
1. ALL ELEVATIONS ARE TO FINISH SURFACE UNLESS NOTED OTHERWISE.  
2. ALL ELEVATIONS ARE TO BE CONFORMED TO THE ARCHITECT'S INTENT.  
3. ALL ELEVATIONS ARE TO BE CONFORMED TO THE ARCHITECT'S INTENT.  
4. ALL ELEVATIONS ARE TO BE CONFORMED TO THE ARCHITECT'S INTENT.  
5. ALL ELEVATIONS ARE TO BE CONFORMED TO THE ARCHITECT'S INTENT.

LEGEND

COLOR LEGEND

- 1.1. COLOR LEGEND
- 1.2. COLOR LEGEND
- 1.3. COLOR LEGEND
- 1.4. COLOR LEGEND
- 1.5. COLOR LEGEND
- 1.6. COLOR LEGEND
- 1.7. COLOR LEGEND
- 1.8. COLOR LEGEND
- 1.9. COLOR LEGEND
- 1.10. COLOR LEGEND

*Process Development ab: 2017-1*

**BEAR MOUNTAIN CENTER**  
BEAR MOUNTAIN BOULEVARD  
ARVIX, CALIFORNIA

**WARE MALCOMB**  
Leading Design for Commercial Real Estate

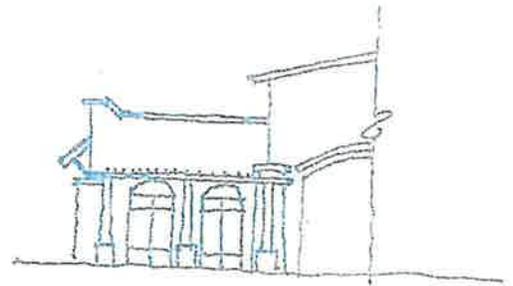
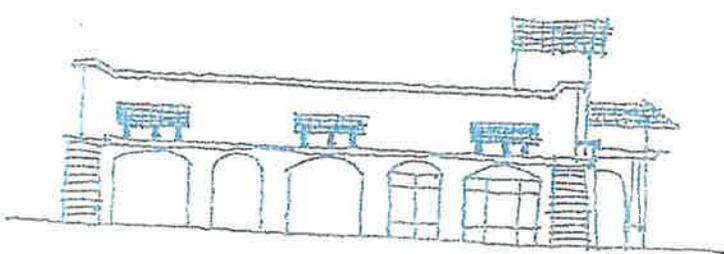
NO.	REVISION	DATE	BY	CHKD.

A4.1  
R001

**EXHIBIT D**

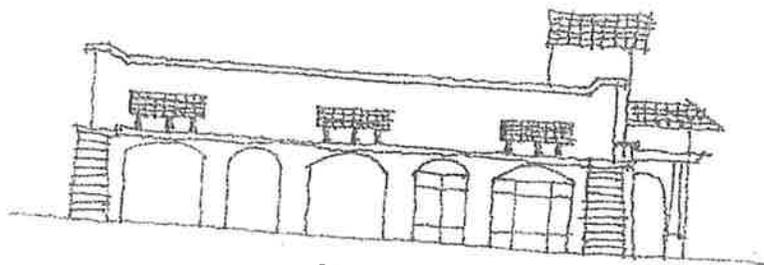
1 OF 7

2

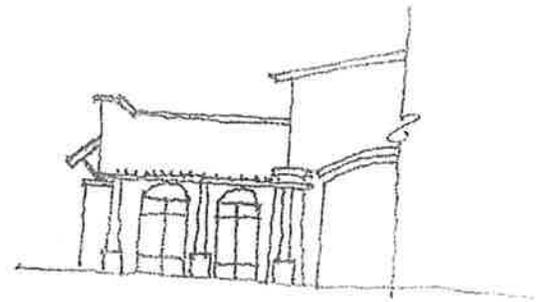


OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION

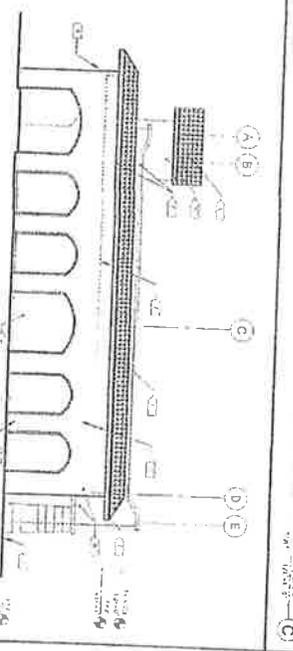
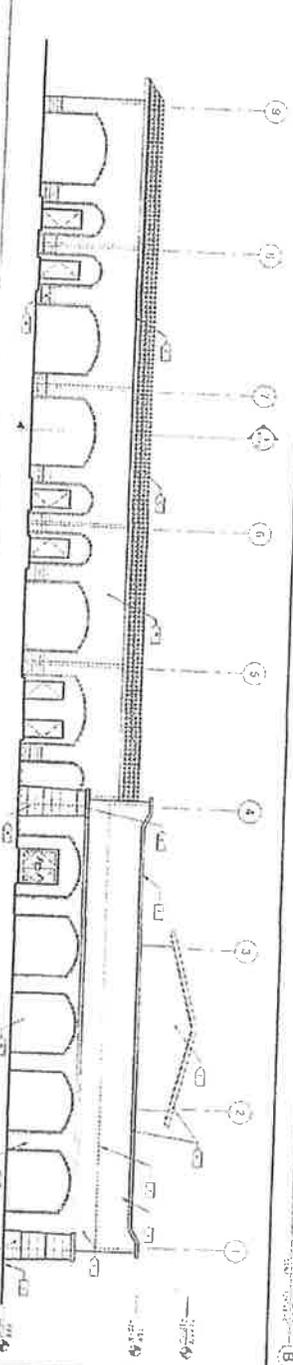
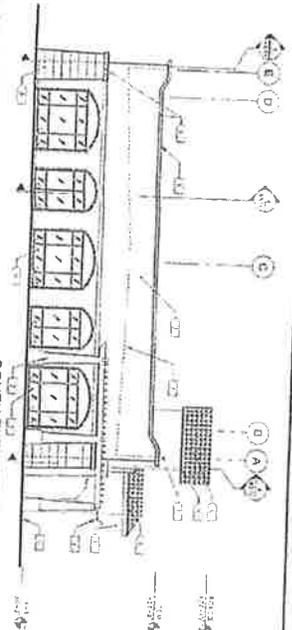
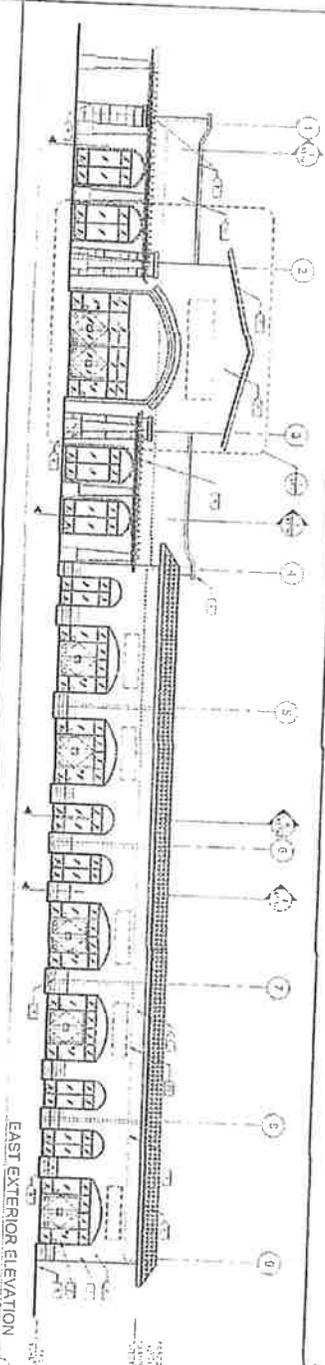




OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION



SECTION - IF THIS SHEET IS NOT USED AS A SECTION, THIS SECTION WILL BE A SECTION.



- ELEVATION NOTES**
1. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
  2. SEE ARCHITECTURAL SPECIFICATIONS FOR WINDOW SCHEDULE.
  3. SEE ARCHITECTURAL SPECIFICATIONS FOR DOOR SCHEDULE.
  4. SEE ARCHITECTURAL SPECIFICATIONS FOR ROOFING.
  5. SEE ARCHITECTURAL SPECIFICATIONS FOR EXTERIOR LIGHTING.
  6. SEE ARCHITECTURAL SPECIFICATIONS FOR SIGNAGE.
  7. SEE ARCHITECTURAL SPECIFICATIONS FOR LANDSCAPE.
  8. SEE ARCHITECTURAL SPECIFICATIONS FOR UTILITY.
  9. SEE ARCHITECTURAL SPECIFICATIONS FOR SECURITY.

*Handwritten notes:*  
 1. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.  
 2. SEE ARCHITECTURAL SPECIFICATIONS FOR WINDOW SCHEDULE.  
 3. SEE ARCHITECTURAL SPECIFICATIONS FOR DOOR SCHEDULE.  
 4. SEE ARCHITECTURAL SPECIFICATIONS FOR ROOFING.  
 5. SEE ARCHITECTURAL SPECIFICATIONS FOR EXTERIOR LIGHTING.  
 6. SEE ARCHITECTURAL SPECIFICATIONS FOR SIGNAGE.  
 7. SEE ARCHITECTURAL SPECIFICATIONS FOR LANDSCAPE.  
 8. SEE ARCHITECTURAL SPECIFICATIONS FOR UTILITY.  
 9. SEE ARCHITECTURAL SPECIFICATIONS FOR SECURITY.

- LEGEND**
- 1. SYMBOLS
  - 2. MATERIALS
  - 3. FINISHES
  - 4. WINDOW SCHEDULE
  - 5. DOOR SCHEDULE
  - 6. ROOFING
  - 7. EXTERIOR LIGHTING
  - 8. SIGNAGE
  - 9. LANDSCAPE
  - 10. UTILITY
  - 11. SECURITY
- COLOR LEGEND**
- 1. COLOR
  - 2. MATERIAL
  - 3. FINISH
  - 4. WINDOW
  - 5. DOOR
  - 6. ROOF
  - 7. LIGHTING
  - 8. SIGNAGE
  - 9. LANDSCAPE
  - 10. UTILITY
  - 11. SECURITY

**BUILDING 1 - EXTERIOR ELEVATIONS**

NO.	DESCRIPTION	DATE	BY	CHECKED
1	WEST EXTERIOR ELEVATION			
2	EAST EXTERIOR ELEVATION			
3	SOUTH EXTERIOR ELEVATION			
4	NORTH EXTERIOR ELEVATION			

**BEAR MOUNTAIN CENTER**  
 BEAR MOUNTAIN BOULEVARD  
 4RWIN, CALIFORNIA

**WARE MALCOMB**  
 Leading Design for Commercial Real Estate

A4.1  
 12-20-07

12-20-07 PLAN CHECK SUBMITTAL

5 OF 7



**ELEVATION NOTES**

- 1. SEE PLAN FOR WINDOW SCHEDULE
- 2. SEE PLAN FOR DOOR SCHEDULE
- 3. SEE PLAN FOR ROOF SCHEDULE
- 4. SEE PLAN FOR FINISH SCHEDULE
- 5. SEE PLAN FOR MATERIAL SCHEDULE
- 6. SEE PLAN FOR COLOR SCHEDULE
- 7. SEE PLAN FOR LIGHTING SCHEDULE
- 8. SEE PLAN FOR MECHANICAL SCHEDULE
- 9. SEE PLAN FOR ELECTRICAL SCHEDULE
- 10. SEE PLAN FOR PAINT SCHEDULE
- 11. SEE PLAN FOR GLASS SCHEDULE
- 12. SEE PLAN FOR METAL SCHEDULE
- 13. SEE PLAN FOR STONE SCHEDULE
- 14. SEE PLAN FOR TILE SCHEDULE
- 15. SEE PLAN FOR CARPET SCHEDULE
- 16. SEE PLAN FOR FLOORING SCHEDULE
- 17. SEE PLAN FOR CEILING SCHEDULE
- 18. SEE PLAN FOR WALL SCHEDULE
- 19. SEE PLAN FOR TRIM SCHEDULE
- 20. SEE PLAN FOR SIGNAGE SCHEDULE

**LEGEND**

- 1. MATERIAL
- 2. COLOR
- 3. FINISH
- 4. LIGHTING
- 5. MECHANICAL
- 6. ELECTRICAL
- 7. PAINT
- 8. GLASS
- 9. METAL
- 10. STONE
- 11. TILE
- 12. CARPET
- 13. FLOORING
- 14. CEILING
- 15. WALL
- 16. TRIM
- 17. SIGNAGE

**COLOR LEGEND**

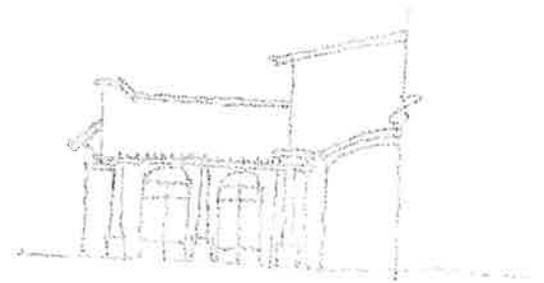
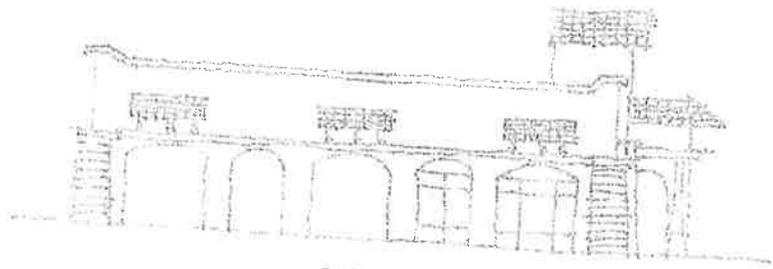
- 1. WHITE
- 2. TAN
- 3. BROWN
- 4. GREY
- 5. BLACK
- 6. RED
- 7. BLUE
- 8. GREEN
- 9. YELLOW
- 10. PURPLE
- 11. PINK
- 12. ORANGE
- 13. SILVER
- 14. GOLD
- 15. COPPER
- 16. BRASS
- 17. ALUMINUM
- 18. STEEL
- 19. IRON
- 20. ZINC
- 21. LEAD
- 22. TIN
- 23. NICKEL
- 24. CHROME
- 25. PLATINUM
- 26. RUBY
- 27. EMERALD
- 28. SAPPHIRE
- 29. DIAMOND
- 30. GEMSTONE

*Review  
2/15/11*

<b>BUILDING 1 - EXTERIOR ELEVATIONS</b> SHEET NO. A4.1 DATE 12-20-07		<b>BEAR MOUNTAIN CENTER</b> BEAR MOUNTAIN BOULEVARD ARVIN, CALIFORNIA		<b>WARE MALCOMB</b> Leading Design for Commercial Real Estate	
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12-20-07 PLAN CHECK SUBMITTAL

10 2007-1



OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATIONS

**Exhibit E**  
**Excerpt from CC&R's Bear Mountain Plaza.**

lines and mains, and other utility lines and mains, water sprinkler system lines, telephones, electrical conduits or systems, gas mains, other public or private utilities, and drainage and storage of surface water.

## 2. BUILDING

2.1 Building Location. All buildings, Service Facilities, Outside Sales Areas and other structures shall be improved and maintained in accordance with all Governmental Regulations applicable thereto.

### 2.2 Type and Design of Building.

(a) Each building in the Shopping Center, now and in the future, shall be of first-class quality construction and architecturally designed so that its exterior elevations (including, without limitation, signs and color) will be architecturally and aesthetically compatible and harmonious with all other buildings in the Shopping Center and in compliance with City requirements.

(b) No building shall be built in such a manner as to adversely affect the structural integrity of any other building in the Shopping Center.

(c) The buildings in the Shopping Center shall not exceed the lesser of the height permitted by applicable City zoning and permitting requirements or 29 feet in height (including mechanical fixtures, signage, and equipment and screening for same, architectural embellishments or telecommunications equipment), except with the prior written consent of Declarant in its sole and absolute discretion.

(d) There shall not be constructed in the Shopping Center any parking structure, whether over or under ground level.

### 2.3 Construction Requirements.

(a) All work performed in the construction, maintenance, repair, replacement, alteration or expansion of any building, Service Facilities, sign or improvements located in the Shopping Center (collectively, "**Improvements**") shall be effected as expeditiously as possible and in such a manner as not to interfere with, obstruct or delay use of any of the driveways in the Shopping Center, or unreasonably interfere with, obstruct or delay (i) customer vehicular parking in that portion of the Reciprocal Easements adjacent to any building constructed in the Shopping Center and open for business, or (ii) the receiving of merchandise by any business in the Shopping Center including, without limitation, access to Service Facilities. In addition, all Improvements performed on a Parcel shall not unreasonably interfere with, obstruct or delay the use, enjoyment or occupancy of any other Parcel. Unless otherwise specifically stated herein, the person contracting for the performance of such work ("**Contracting Party**") shall, at its sole cost and expense, promptly repair and restore or cause to be promptly repaired and restored to its prior condition all buildings, signs and improvements damaged or destroyed in the performance of such work.

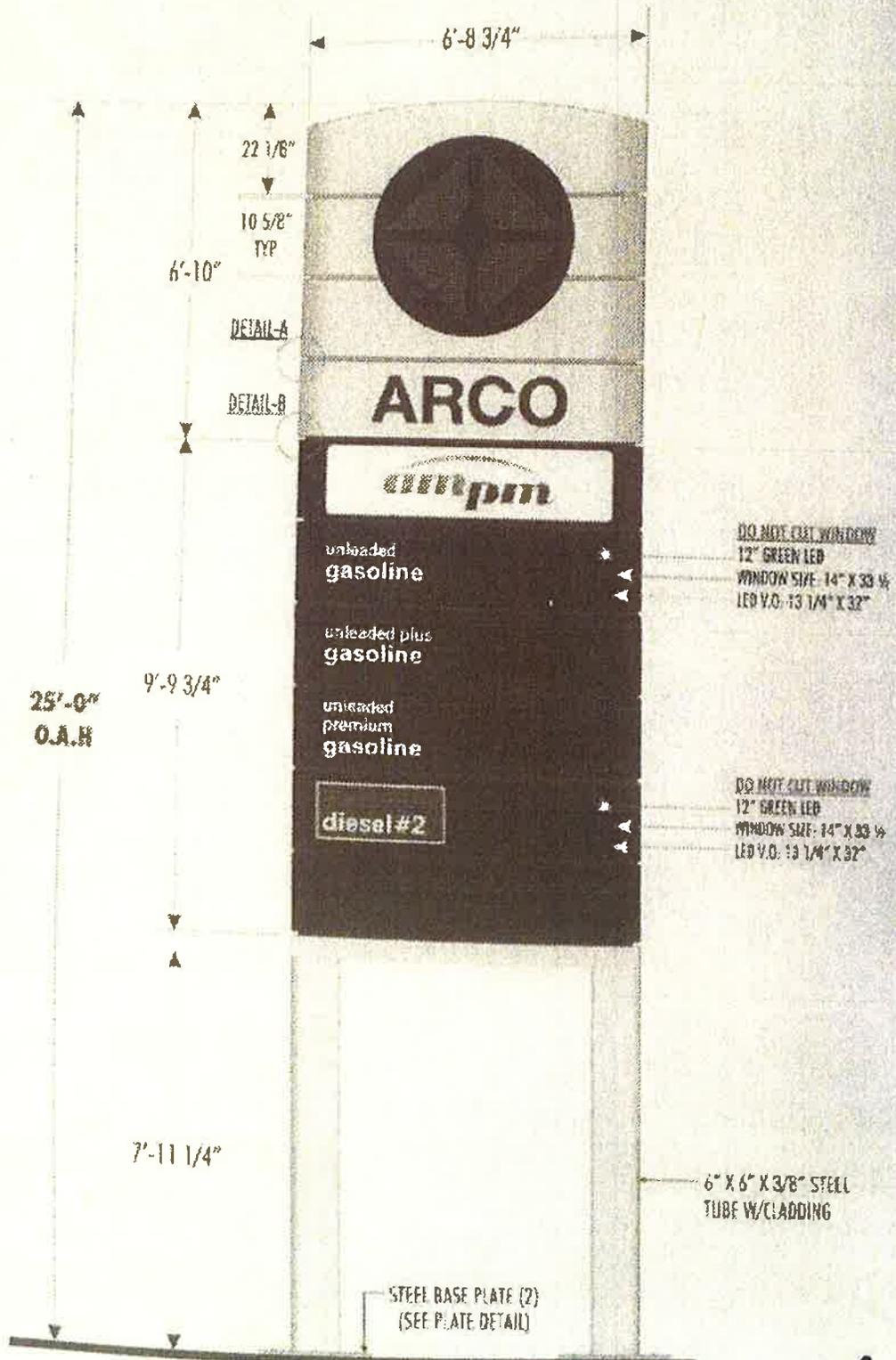
(b) The Contracting Party shall not permit any liens to stand against any Parcel for any work done or materials furnished in connection with the performance of the work described in Section 2.3(a) above; provided, however, that the Contracting Party may contest the validity of any such lien, but upon a final determination of the validity thereof, the Contracting Party shall cause the lien to be satisfied and released of record. The Contracting Party shall, within 30 days after receipt of written notice from the Owner or Prime Lessee of any Parcel encumbered by any such lien or claim of lien, (i) cause any such outstanding lien or claim of lien to be released of record or transferred to bond in accordance with applicable law, or (ii) give such assurance as would enable a title insurance company to insure over such lien or claim of lien, failing which the Owner or Prime Lessee of said Parcel shall have the right, at the Contracting Party's expense, to transfer said lien to bond. The Contracting Party shall indemnify, defend, protect and hold harmless the Owners and Occupants for, from and against any and all liability, claims, damages, losses, costs, expenses (including reasonable attorneys' fees and costs and reasonable attorneys' fees and costs on any appeal), liens, claims of lien, judgments, proceedings and causes of action, arising out of or in any way connected with the performance of such work.

(c) Staging for any construction, maintenance, repair, replacement, alteration or expansion performed on any Parcel, including the location of any temporary buildings or construction sheds, the storage of building materials and the parking of construction vehicles and equipment, shall be limited to that Parcel unless approved by the Owner of another Parcel on which the staging area is to be located, and by the Consenting Owner. At the request of the Consenting Owner, the Parcel Owner shall fence off such staging and storage areas.

(d) There shall be no interference with the established drainage pattern and system over any portion of the Parcels unless adequate provision is made for property drainage and such interference is approved by all Owners, not to be unreasonably withheld, conditioned or delayed. All drains, gutters, downspouts, berms, swales, and other drainage facilities and systems shall be maintained by the Owner of such items in a neat, orderly, safe and sanitary condition, and in such a manner as to facilitate the orderly discharge of water by means thereof.

2.4 Indemnity. In addition to the indemnification provided in Section 15.3 below, each Owner shall indemnify, defend, protect and hold every other Owner and their respective officers, directors, shareholders, employees and agents harmless for, from and against any and all causes of action, claims, liabilities, losses, damages, costs and expenses (including reasonable attorneys' fees and court costs and reasonable attorneys' fees and court costs on appeal) arising out of or related to injury to or death of any person or damage to or destruction of any property occurring on any Parcel and arising out of or resulting from any construction activities performed by or at the request of an Owner or its Occupants, unless caused solely by the negligence or willful act or omission of the indemnified Owner.

**Exhibit F**  
**Proposed ARCO ID Sign**



**EXHIBIT F ARCO ID SIGN**  
1 OF 2



**Exhibit G – Master Sign Program  
Precise Development Plan 2007-1**

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## MASTER SIGN PROGRAM

**Bear Mountain Center  
900 Bear Mountain Boulevard  
Arvin, CA 93203**

The following sign criterion ("Master Sign Program") has been established for the mutual benefit of all occupants and to ensure concept uniformity. Conformity with the Master Sign Program shall be strictly enforced and any installed nonconforming or unapproved signs shall be brought into conformity at the expense of the applicable tenant. Approval of the proposed sign shall be in accordance with provisions of the Master Sign Program. All signs must also conform to the City of Arvin Sign Ordinances, including approval by the Planning Division of the City of Arvin as part of this Master Sign Program.

The Master Sign Program has been designed to give each occupant flexibility and allow maximum creativity in sign design in personalizing its own tenant space and at the same time ensure thematic/architectural consistency.

### A. GENERAL CRITERIA

1. Prior to the installation of any sign in the Building, the applicable occupant shall submit to Owner/Landlord four (4) copies of a detailed shop drawing of its proposed sign, prepared by the sign contractor, indicating conformance with the Master Sign Program set forth herein. Such shop drawings shall include the building elevation to which the sign is to be attached, letter size, layout and color, including all copy and graphics. Approval of the proposed sign shall be in accordance with the provisions of the Master Sign Program.
2. Each occupant shall pay all costs for its signs, including installation and maintenance. Each occupant or its sign contractor shall obtain and pay for all necessary permits and approvals.
3. Each occupant shall be responsible for fulfilling all requirements of the Master Sign Program.
4. Each occupant or its sign contractor shall be responsible for and shall repair any damage to any surface caused by its work.
5. Animated, audible or flashing signs are prohibited.
6. Exposed cross-overs, conduits, neon tube conductors, transformers and other wiring are prohibited.
7. The center line of all signs shall be centered vertically and horizontally on the frontage of the premises.

10F10

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**EXHIBIT G  
MASTER SIGN PROGRAM**

8. Temporary signs are prohibited. Flags, pennants, cloth signs, and banners are prohibited, except as otherwise approved by Owner/Landlord.
9. No decals shall be visible except as required by local codes and ordinances. A U.L. label shall be affixed to at least one (1) letter of each sign.
10. Each tenant (excluding AutoZone, Dollar Tree and other National & Regional Chains) shall be allowed one (1) sign utilizing individual internally illuminated channel letters, installed on an exposed raceway, not to exceed 75% of the linear front feet of leased footage and 30" in maximum height. Tenants with pre-existing corporate logos or identification marks are allowed a maximum of 48" in logo height. Tenants having more than one storefront elevation may have one (1) additional sign for any additional storefront facing a street, up to a maximum of two (2) additional signs. All tenants including AutoZone, Dollar Tree and other National & Regional Chains must comply with all City of Arvin sign ordinances and have full Planning Director's approval with sign and building permits.

**B. SIGN CRITERIA**

1. Signs located at the rear entrance of any shop designating an individual shop location for delivery and emergency purposes only shall be in conformance with the following specifications:
  - (a) 4" in height
  - (b) Black painted or PVC letters.
  - (c) Installed on rear door.
  - (d) Maximum of one (1) sign per occupant.
2. Each occupant shall be permitted to place upon the front glass door entrance one (1) set of white or crystal vinyl lettering and logo, not to exceed 80% of the door space from left to right.
3. Channel lettering, if illuminated, shall use 6500 MA white or clear neon for required letter faces.
4. Channel lettering shall be 15" to 30" in maximum height, with a limit of two (2) rows of copy and a maximum letter height per row of 15", not to exceed the maximum allowable area as specified in A.10 above, with exceptions as follows:
  - a) AutoZone, Dollar Tree and other National & Regional Chains which may have larger letters and logos, must still comply with all City of Arvin sign ordinances and have full Planning Director's approval with sign and building permits.
5. Each occupant shall display only its established trade name or basic product name, logo, or a combination thereof, if desired.
6. The letter type and logo shall be approved by Owner/Landlord.

C. FREESTANDING SIGNS

1. There will be one (1) internally illuminated freestanding pylon sign at an overall height of not more than 8'0". Owner/Landlord will determine the location and area for each tenant on this portion of sign.

D. SIGN CONSTRUCTION

1. Freestanding sign shall be constructed as per approved design which will be submitted after approval of Master Sign Program.
2. Channel Letters.
  - a) All letters to consist of aluminum backing and 5" deep returns. Letter faces to be 3/16" acrylic or white acrylic with translucent vinyl overlay. Raceways to be painted to match the building wall they are install on.
3. Codes and Requirements.
  - a) All signage and installation methods shall comply with all applicable planning, building and electrical codes and requirements.
  - b) Each sign contractor shall be responsible for the fulfillment of all requirements and specifications, completing the installation in a workmanlike manner, clean up, patching and painting all surfaces damaged by it.
  - c) Sign installation shall be completed in accordance with the City of Arvin permit process and customary installation practices.

E. SIGN REMOVAL

1. Occupants shall remove all signage within fifteen (15) days following the termination of a business or vacancy of the premises. Failure to do so will result in the Owner/Landlord removing the sign at the occupant's expense, and occupant forfeits all further rights and interest in the sign.
2. Occupant is responsible for patching and painting the wall area, or the cost thereof, to bring the wall area back to its original condition.

F. APPROVAL

1. All signs shall be submitted in quadruple (4) for written approval prior to manufacture and installation to:

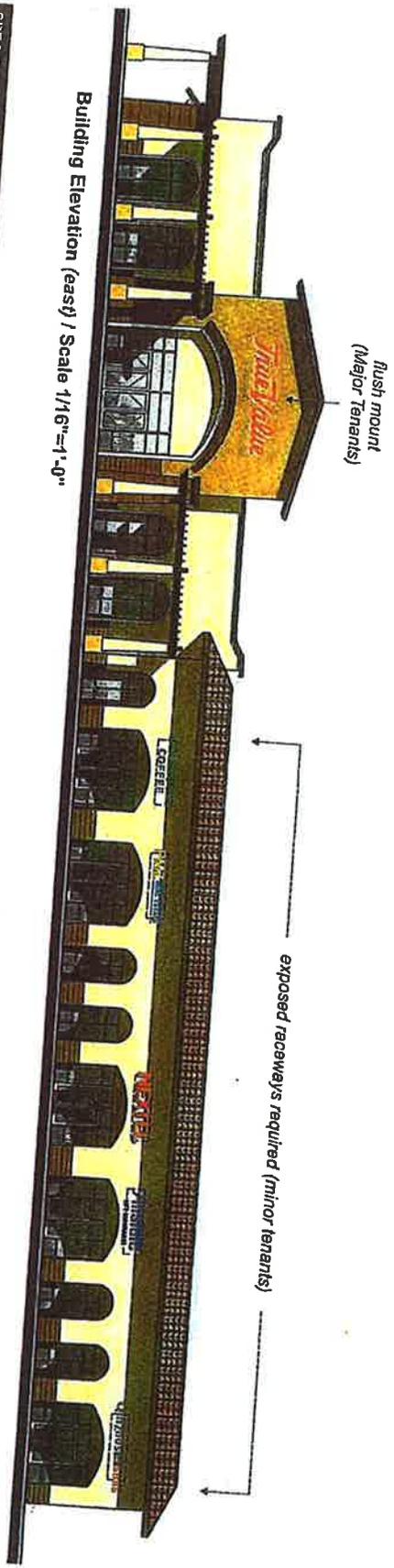
Attn: Jordan Steichen  
Skalliweg Holdings, LLC  
1400 Rocky Ridge Drive, Suite 180  
Roseville, CA 95661  
(916) 773-0700

2. Any proposed signs not complying with the Master Sign Program must be approved by Owner/Landlord and all other consenting owners in writing prior to installation, as well reviewed and approved by the Planning Director of the City of Arvin.
3. All proposed signs in the center must have a sign permit and a building permit.

**G. NATIONAL AND REGIONAL CHAINS**

1. Notwithstanding the foregoing, the provisions of this Master Sign Program shall not be applicable to the standard identification of signs and logos of National and Regional Chains, it being understood and agreed that such National and Regional Chains may have their standard identification signs and logos on the building and monument or pylon sign, as the same exist on a majority of similar buildings and monument or pylon signs constructed on similar buildings; provided, however, that the signs are designed, constructed, installed and operated in compliance with all other provisions of the Master Sign Program, and reviewed and approved by the Planning Director of the City of Arvin.

Building Elevation (east) / Scale 1/16"=1'-0"



**SPECIFICATIONS, Major & Minor Signs**  
(for use, rain channel illuminated signs)

- a) UL Approved 3/16" acrylic for letter faces & logo panels 3/4" H.P. translucent vinyl decoration (if required)
- b) 5" deep .032 aluminum sidewalls
- c) .40 aluminum letter or logo backs
- d) 3/4" trimcap edge
- e) UL Approved 13mm neon tubing
- f) 30ma Transformers

30" max letter height & 75% of bldg facade  
Minor Tenants: raceway required on pic signs  
Major Tenants: flush mounted (no trim cap)

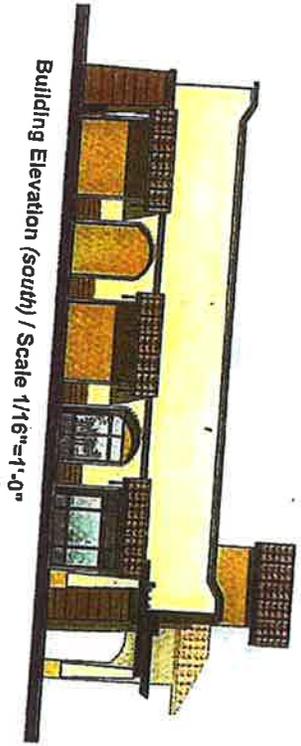
max. 30" in total letter height & 75% in total sign width  
Neon Illuminated PVC Sign (1 line of copy) / n/s

TENANT

max. 30" in total height & 75% in total sign width  
Neon Illuminated PVC Sign (2 lines of copy) / n/s

TYPICAL TENANT

exposed raceways required for minor tenants



Building Elevation (south) / Scale 1/16"=1'-0"

**USS UNITED SIGN SYSTEMS**  
5201 Pantecost Drive  
Modesto, Calif. 95356  
1-800-481-SIGN  
FAX (209) 543-1326  
DESIGN MANUFACTURING INSTALLATION MAINTENANCE

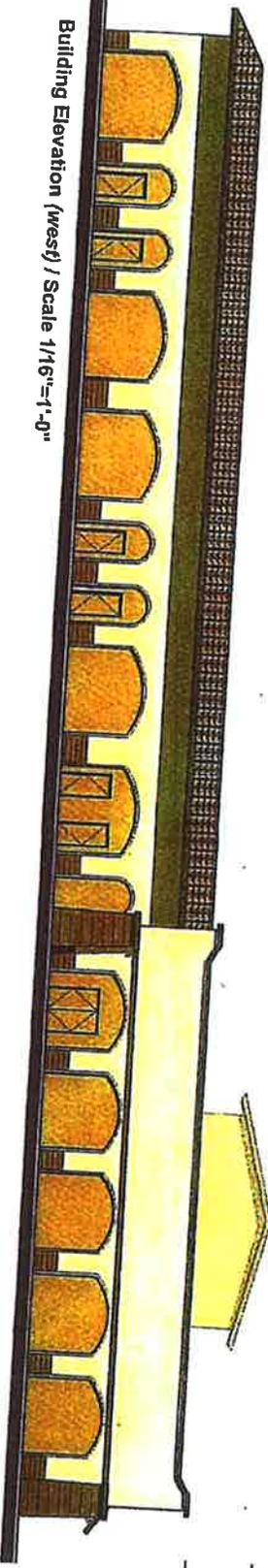
JOB # 000  
CLIENT: BEAR MOUNTAIN CENTER  
DATE: 7-25-08  
PROJECT LOCATION: 8551 MOUNTAIN BLVD AMYV, CA

**JOB INFO**  
SALESPERSON: SEAN CAMPBELL  
DRAWN BY: BMM  
PAGE 1 OF 4  
CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
LANDING APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

**FILE**  
REVISIONS: 00-00-00  
SCALE: NOTED  
FILE NAME: BEAR MTN CENTER -CHINA

See Drawing for Specifications  
**SPECIFICATIONS**

Building Elevation (west) / Scale 1/16"=1'-0"



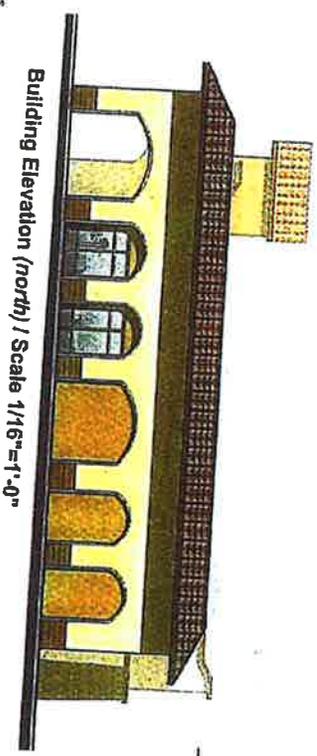
**SPECIFICATIONS: Major & Minor Signs**  
(See sign plan showing illuminated signs)

- a) UL Approved 3/16" acrylic for letter faces & logo panels 3-M.h.p. translucent vinyl decoration (if required)
- b) 5" deep .032 aluminum sidewalls
- c) .10 aluminum letter or logo backs
- d) 3/4" trimcap edge
- e) UL Approved 13mm neon tubing
- f) 30ma Transformers

30" max. letter height & 75% of bldg fascia  
Minor Tenants: recess required on pic signs  
Major Tenants: flush mounted (no r/w's)

max. 30" in total letter height & 75% in total sign width  
**TENANT**  
Neon Illuminated Pic Sign (1 line of copy) / n/s

max. 30" in total height & 75% in total sign width  
**TYPICALE**  
Neon Illuminated Pic Sign (2 lines of copy) / n/s



Building Elevation (north) / Scale 1/16"=1'-0"

**USS UNITED SIGN SYSTEMS**

5201 Pentacost Drive  
Modesto, Calif. 95336  
1-800-481-SIGN  
FAX (209) 543-1326  
CSCL # 218965  
DESIGN MANUFACTURING INSTALLATION MAINTENANCE

JOB #: 000  
CLIENT: BEAR MOUNTAIN CENTER  
CONTRACT:  
DATE: 7-23-08  
PROJECT LOCATION:  
BEAR MOUNTAIN BLVD  
ARVIN, CA

SALESPERSON: SEAN CAMPBELL  
DRAWN BY: BMM  
PAGE 2 OF 4  
CLIENT APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
LANDLORD APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

**JOB INFO**

**REVISIONS:**

00-00-00

**SCALE:**

NOTED

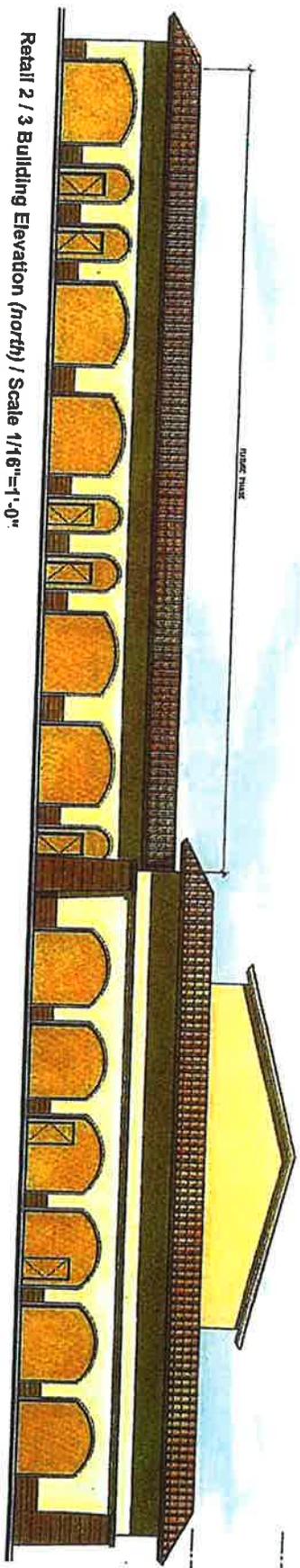
**FILE NAME:**

BEAR MNTN CENTER  
-criteria

**FILE**

See Drawing for Specifications

**SPECIFICATIONS**

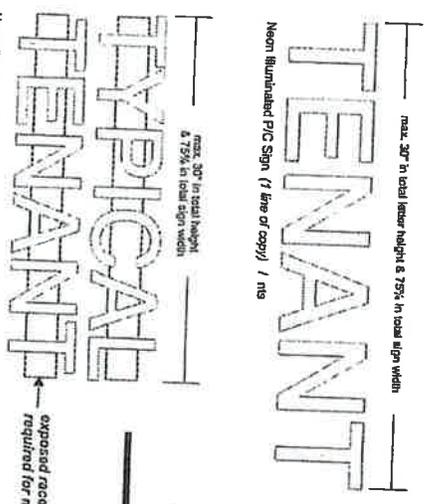


Retail 2 / 3 Building Elevation (north) / Scale 1/16"=1'-0"

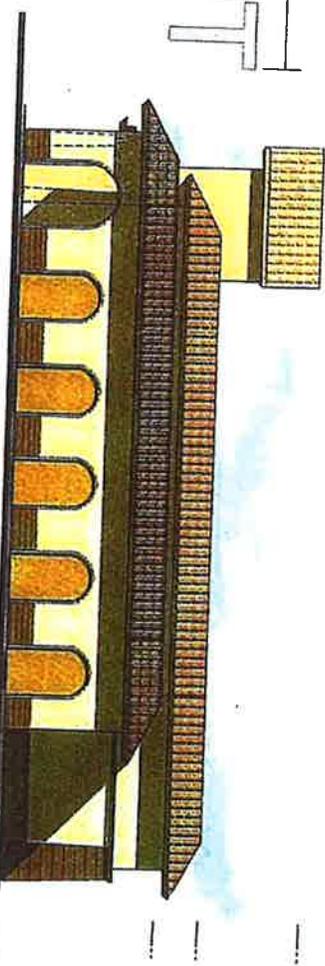
**SPECIFICATIONS - Major & Minor Signs**  
(for Year-learn changed illuminated signs)

- a) UL Approved 3/16" acrylic for letter faces & logo panels 3-M h.p. translucent vinyl decoration (if required)
- b) 5" deep .032 aluminum sidewalls
- c) .40 aluminum letter or logo backs
- d) 3/4" trimcap edge
- e) UL Approved 13mm neon tubing
- f) 30ma Transformers

30" max. letter height & 75% of bldg fascia  
Minor Tenants: recovery required on all signs  
Major Tenants: flush mounted (no W/V's)



Neon Illuminated PIC Sign (2 faces of copy) / ns



Retail 2 / 3 Building Elevation (east) / Scale 1/16"=1'-0"

**USS UNITED SIGN SYSTEMS**  
5201 Pentacost Drive  
Madesto, Calif. 95356  
1-800-481-SIGN  
FAX (209) 543-1326  
C.S.C.L. # 718965

DESIGN MANUFACTURING INSTALLATION MAINTENANCE

**JOB # : 000**  
CLIENT: BEAR MOUNTAIN CENTER  
CONTACT: DATE: 7-25-08  
PROJECT LOCATION: BEAR MOUNTAIN BLVD ARVIN, CA

**JOB INFO**  
SALESPERSON: SEAN CAMPBELL  
DRAWN BY: DAM  
PAGE 3 OF 4  
CLIENT APPROVAL: DATE  
LANDLORD APPROVAL: DATE

**FILE**  
REVISIONS: 06-06-08  
SCALE: NOTED  
FILE NAME: BEAR MTN CENTER -criteria

**SPECIFICATIONS**  
See Drawing for Specifications

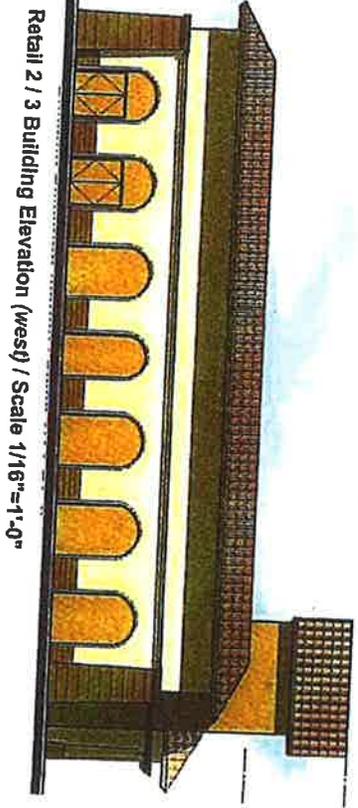
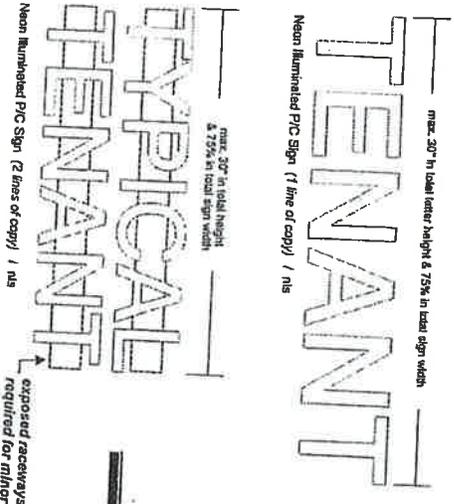


Retail 2 / 3 Building Elevation (south) / Scale 1/16"=1'-0"

**SPECIFICATIONS: Major & Minor Signs**  
(for type, size, clearance, illumination, etc.)

- a) UL Approved 3/16" acrylic for letter faces & logo panels 3-41 h.o. translucent vinyl decoration (if required)
- b) 5" deep .032 aluminum sidewalls
- c) .40 aluminum letter or logo backs
- d) 3/4" linacup edge
- e) UL Approved 13mm neon tubing
- f) 30ma Transformers

30" max. letter height & 75% of bldg fascia  
Minor Tenants: raceway required on p/c signs  
Major Tenants: flush mounted (no r/w's)



Retail 2 / 3 Building Elevation (west) / Scale 1/16"=1'-0"

**USS UNITED SIGN SYSTEMS**  
5201 Pentacrest Drive  
Modesto, Calif. 95356  
1-800-481-SIGN  
FAX (209) 543-1328  
C.S.L. #71865  
DESIGN MANUFACTURING INSTALLATION MAINTENANCE

**JOB #:** 000  
**CLIENT:** BEAR MOUNTAIN CENTER  
**CONTACT:**  
**DATE:** 7-25-08  
**PROJECT LOCATION:** BEAR MOUNTAIN BLVD ARVIN, CA  
**SALESPERSON:** SEAN CAMPBELL  
**DRAWN BY:** BAM  
**PAGE & OF:** 4  
**CREDIT APPROVAL:**  
**DATE:**  
**LABORER APPROVAL:**  
**DATE:**

**REVISIONS:**  
00-00-00  
**SCALE:**  
NOTED  
**FILE NAME:**  
BEAR MNTN CENTER  
-criteria

**FILE**  
See Drawing for Specifications  
**SPECIFICATIONS**



Notice of Public Hearing and  
Notice of Intent to Prepare Negative Declarations  
City of Arvin

Date: January 15, 2008

Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203

Time: 6:00 PM

Notice is hereby given that the Planning Commission of the City Arvin will conduct a Special Meeting to hear the following items on the date, place and time mentioned above.

1. Notice of Cancellation of Land Use Contract, dated November 27, 1970, Recorded on February 25, 1971, covering Assessor Parcels 189-352-02 and 189-352-08, under the Williamson Act.
- ➔ 2. Precise Development No. 2007-1: Request to permit development of an approx. 5.5-acre lot (Assessor Parcels: 190-270-21, 22, 23, 24, 25, 26, and 27) located west of the existing Burger King Restaurant on Bear Mountain Boulevard. Five commercial retail and office buildings are proposed to be developed with a total of 37, 600 square feet of building area.
3. Tentative Tract Map No. 6756 (Modification): Request to relocate the northerly driveway and address flood and sewer issues of a previously approved Tentative Tract Map, located in the south ½ of the northeast quarter of Section 36, T31 S, R29 E, M.D.M.

A General Exemption is being proposed for project 1 and Mitigated Negative Declarations for projects 2 and 3 per the California Environmental Quality Act.

Any person wishing to address the Commission may provide oral and/or written testimony at the above meeting, or submit written comments to the Planning & Building Department at the above said address.

Issac A. George  
Director of Planning & Building

Published on Wednesday, December 12, 2007



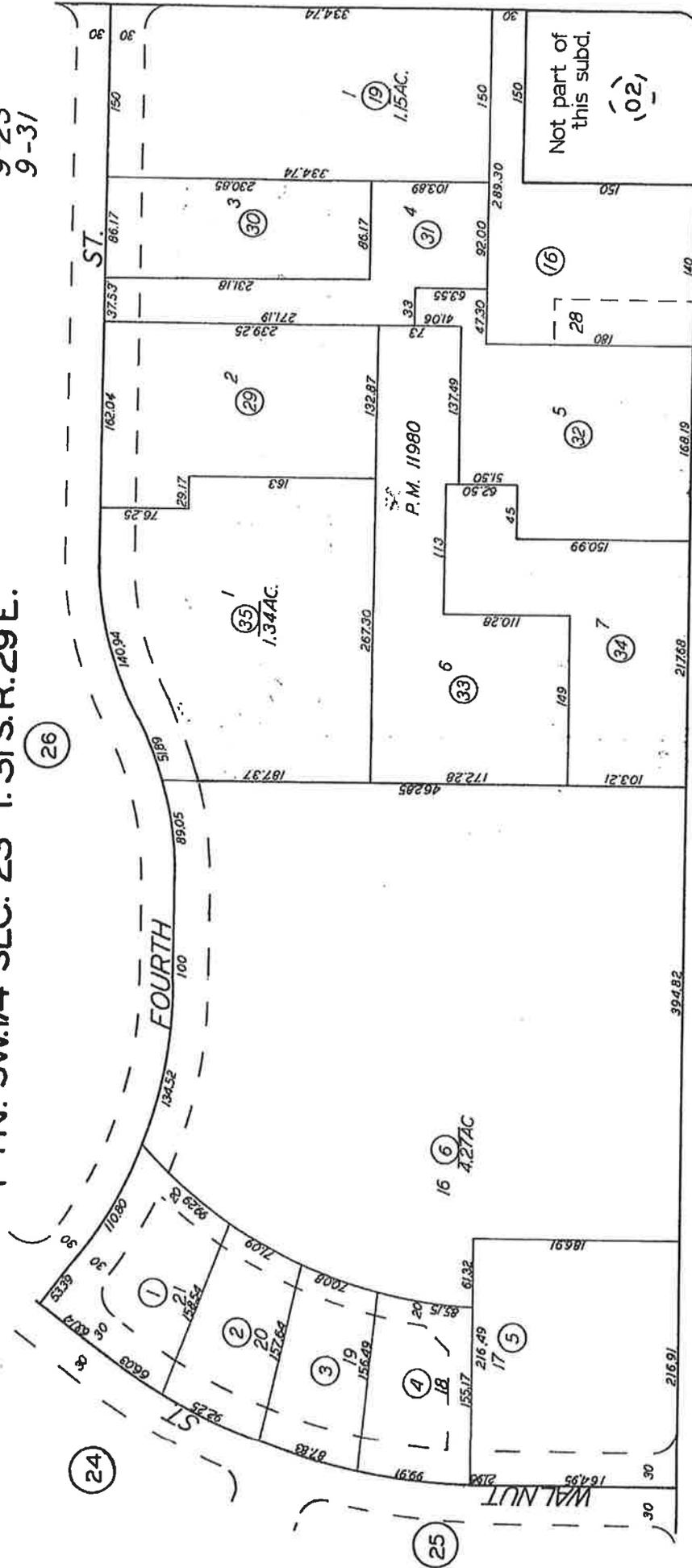
**Attachment 1**  
**APN's 190-270-33 and -34,**

190-27

PARCEL MAP 7214  
PTN. SW1/4 SEC. 23 T.31S.R.29E.

SCHOOL DIST. 9-28  
9-23  
9-31

19



BEAR MTN BLVD.

STATE HWY. RT. NO. 223

BK191

ARCO PROJECT 1  
ATTACHMENT 1  
APN 190-270-33 AND -34

Note: This map is for assessment purp only. It is not to be construed as port legal ownership or divisions of land fo purposes of zoning or subdivision law.

REVISED: Feb. 14, 2012

ASSESSORS MAP NO.  
COUNTY OF KE

**Attachment 2 – ARCO Project  
Aerial with project area outlined**

ATTACHMENT 2

4th STREET

Campus-Dr  
CAMPUS DR.

ARCO  
PROJECT  
SITE

AUTO ZONE

900 Bear Mountain Blvd

223

© 2016 Google

BEAR MT. BLVD

Bear-Moun

GOOD

1992

Imagery Date: 10/20/2016

35°12'35.52" N 118°50'03.66" W elev 441 ft eye



**Attachment 3 – Key Plan  
Excerpt from Improvement Plans 2007.**

---

# SITE DATA:

SITE AREA:

GROSS: 5.55 AC ( 241,789 SF )  
 NET: 5.09 AC ( 229,345 SF )  
 BUILDING AREA: 37,597 S.F.  
 F.A.R.: 0.164(NET)

PARKING REQUIRED:  
 RETAIL (1/150): 164 STALLS  
 OFFICE (1/250): 53 STALLS  
 TOTAL: 217 STALLS

PARKING PROVIDED: 200 STALLS

PHASE 1:

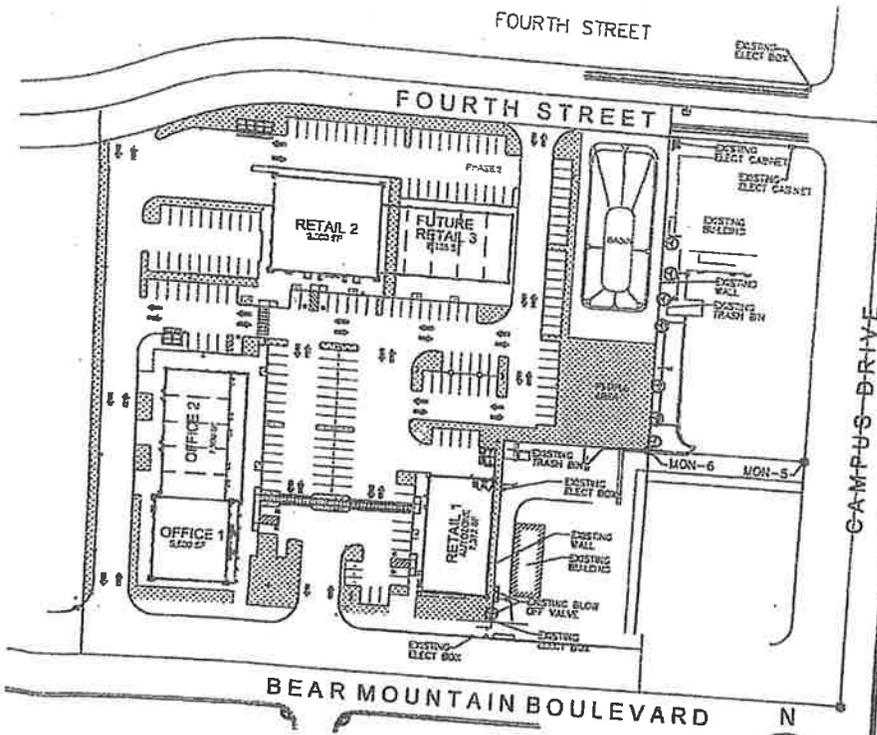
BUILDING AREA: 29,472 S.F.

PARKING REQUIRED:  
 RETAIL (1/150): 110 STALLS  
 OFFICE (1/250): 53 STALLS  
 TOTAL: 163 STALLS

PARKING PROVIDED:  
 FULL SIZE:  
 ACCESSIBLE:

TOTAL PARKING PROVIDED: 156  
 7  
 163

## KEY PLAN



2007

ATTACHMENT  
 #3  
 KEY PLAN

## EXHIBIT 4



NO SCALE

KEY PLAN 2007

Planning Commission Mtg. 01/15/08

**Attachment 4 – Elevations  
2007-1 Precise Development Plan**

---

1



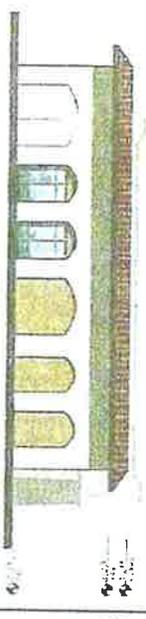
OFFICE 1 AND 2 EAST EXTERIOR ELEVATION



OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION



OFFICE 1 AND 2 WEST EXTERIOR ELEVATION



OFFICE 1 AND 2 NORTH EXTERIOR ELEVATION

ELEVATION NOTES  
1. ALL ELEVATIONS SHALL BE CONFORMANT WITH THE CALIFORNIA GREEN BUILDING CODE (CALIFORNIA GREEN BUILDING CODE 2005) AND THE CALIFORNIA GREEN BUILDING CODE (CALIFORNIA GREEN BUILDING CODE 2005) AND THE CALIFORNIA GREEN BUILDING CODE (CALIFORNIA GREEN BUILDING CODE 2005).

Preise Development No: 2007-1

LEGEND

SYMBOL	DESCRIPTION
(A)	EXISTING
(B)	NEW
(C)	ALTERED
(D)	REMOVED

COLOR LEGEND

COLOR	DESCRIPTION
Light Blue	EXISTING
Light Green	NEW
Light Yellow	ALTERED
Light Purple	REMOVED

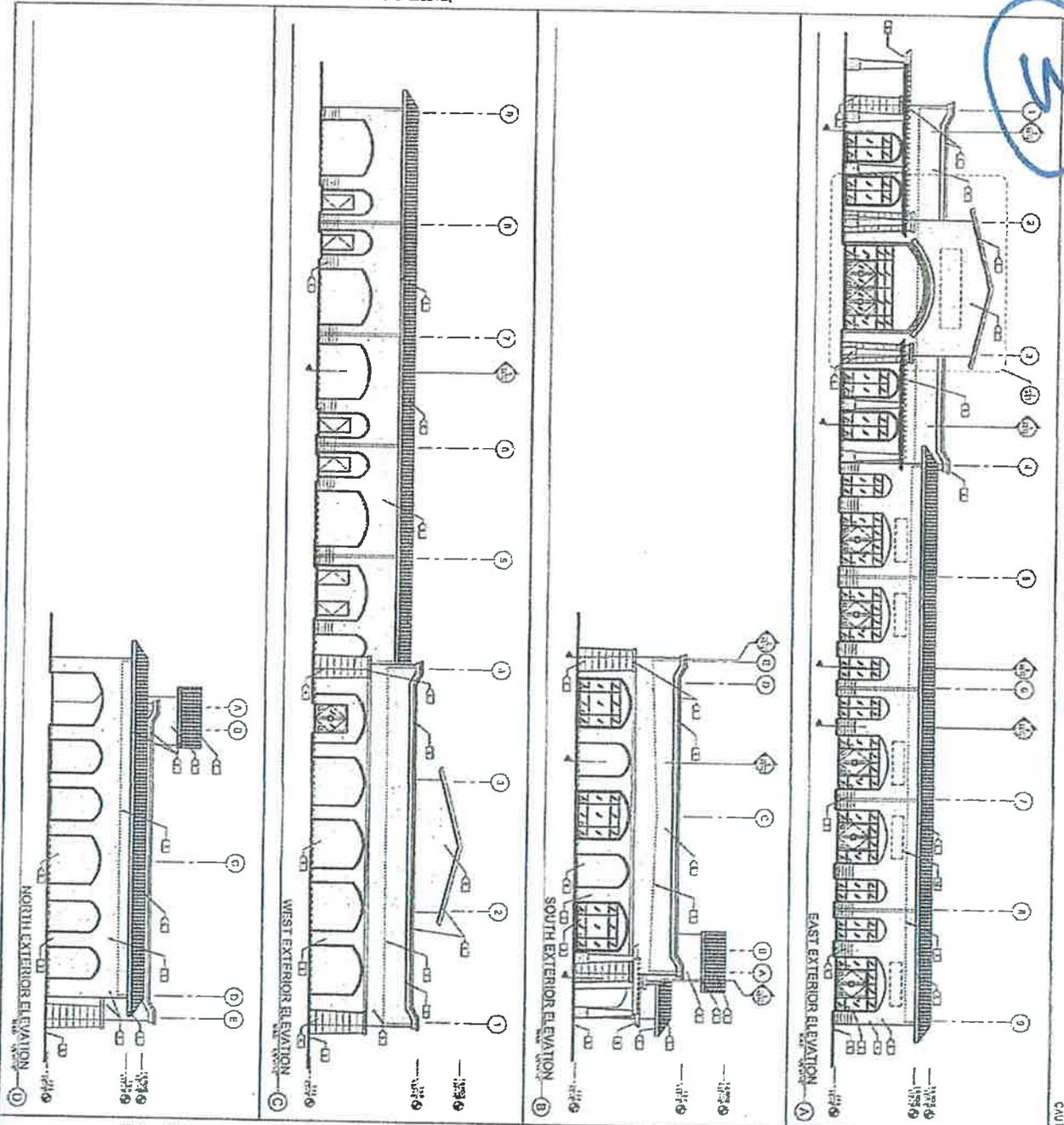
<p><b>A4.1</b> SHEET 1</p>	<p><b>BUILDING 1 - EXTERIOR ELEVATIONS</b></p>	<p><b>BEAR MOUNTAIN CENTER</b> BEAR MOUNTAIN BOULEVARD ARVING, CALIFORNIA</p>	<p><b>WARE MALCOMB</b> Landscape Design for Governmental Real Estate</p>
	<p>DATE: 10/20/07</p> <p>SCALE: AS SHOWN</p>	<p>PROJECT NO: 07-001</p> <p>DATE: 10/20/07</p>	<p>DATE: 10/20/07</p> <p>SCALE: AS SHOWN</p>

2



OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION

M



CAUTION: IF THIS SHEET IS NOT JOE 427 11 IS A REDUCED PRINT

- ELEVATION NOTES**
- (1) FINISH TO FACE
  - (2) FINISH TO FACE
  - (3) FINISH TO FACE
  - (4) FINISH TO FACE
  - (5) FINISH TO FACE
  - (6) FINISH TO FACE
  - (7) FINISH TO FACE
  - (8) FINISH TO FACE
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  - (10) FINISH TO FACE
  - (11) FINISH TO FACE
  - (12) FINISH TO FACE
  - (13) FINISH TO FACE
  - (14) FINISH TO FACE
  - (15) FINISH TO FACE
  - (16) FINISH TO FACE
  - (17) FINISH TO FACE
  - (18) FINISH TO FACE
  - (19) FINISH TO FACE
  - (20) FINISH TO FACE

- LEGEND**
- (1) FINISH TO FACE
  - (2) FINISH TO FACE
  - (3) FINISH TO FACE
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  - (16) FINISH TO FACE
  - (17) FINISH TO FACE
  - (18) FINISH TO FACE
  - (19) FINISH TO FACE
  - (20) FINISH TO FACE

**COLOR LEGEND**

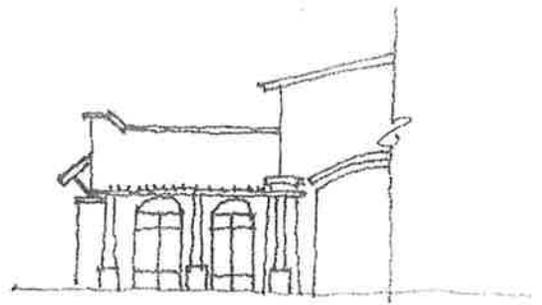
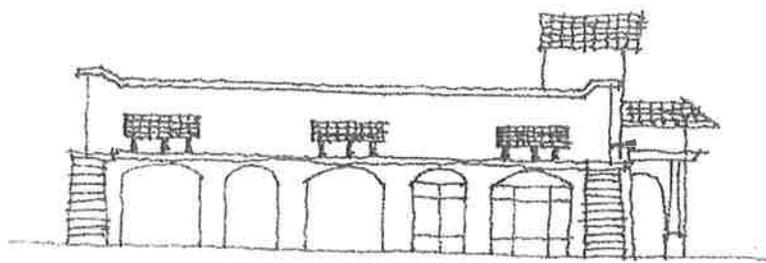
1	1/4" x 1/4" x 1/4" x 1/4"
2	1/4" x 1/4" x 1/4" x 1/4"
3	1/4" x 1/4" x 1/4" x 1/4"
4	1/4" x 1/4" x 1/4" x 1/4"
5	1/4" x 1/4" x 1/4" x 1/4"
6	1/4" x 1/4" x 1/4" x 1/4"
7	1/4" x 1/4" x 1/4" x 1/4"
8	1/4" x 1/4" x 1/4" x 1/4"
9	1/4" x 1/4" x 1/4" x 1/4"
10	1/4" x 1/4" x 1/4" x 1/4"
11	1/4" x 1/4" x 1/4" x 1/4"
12	1/4" x 1/4" x 1/4" x 1/4"
13	1/4" x 1/4" x 1/4" x 1/4"
14	1/4" x 1/4" x 1/4" x 1/4"
15	1/4" x 1/4" x 1/4" x 1/4"
16	1/4" x 1/4" x 1/4" x 1/4"
17	1/4" x 1/4" x 1/4" x 1/4"
18	1/4" x 1/4" x 1/4" x 1/4"
19	1/4" x 1/4" x 1/4" x 1/4"
20	1/4" x 1/4" x 1/4" x 1/4"

**BEAR MOUNTAIN CENTER**  
 BEAR MOUNTAIN BOULEVARD  
 ARVUD, CALIFORNIA

**WARE MALCOMB**  
 Leading Design for Commercial Real Estate

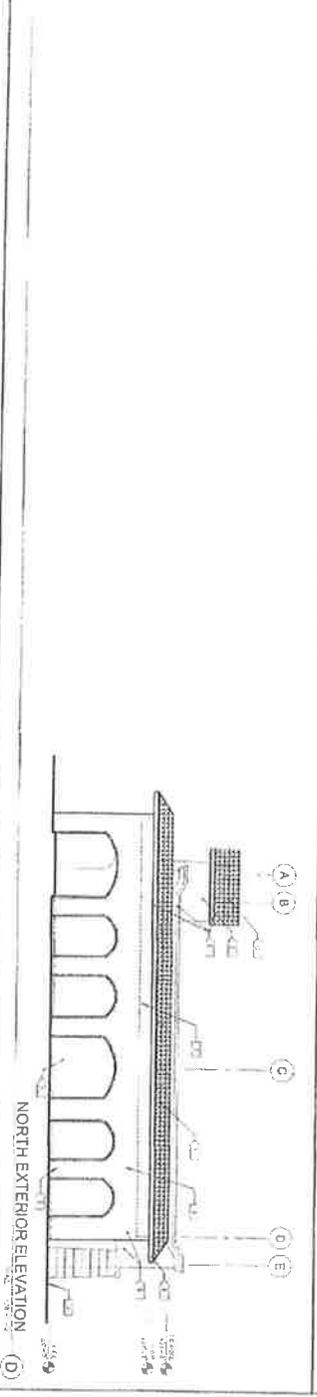
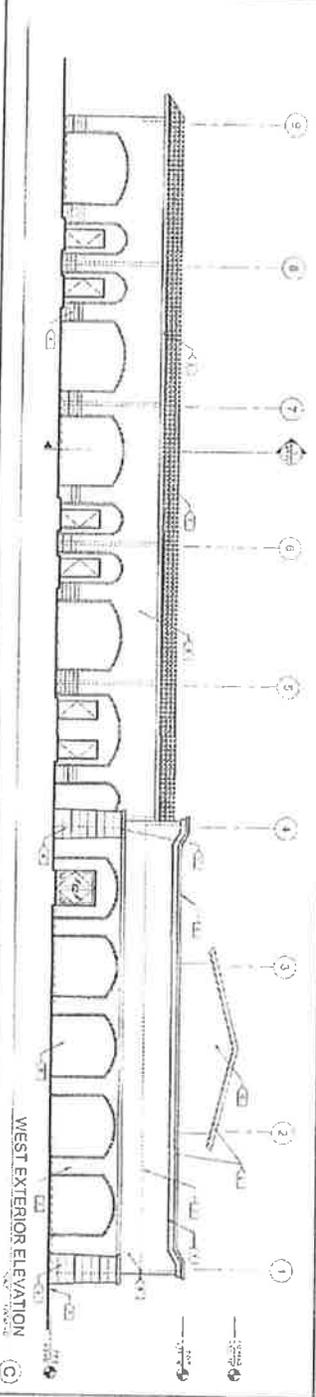
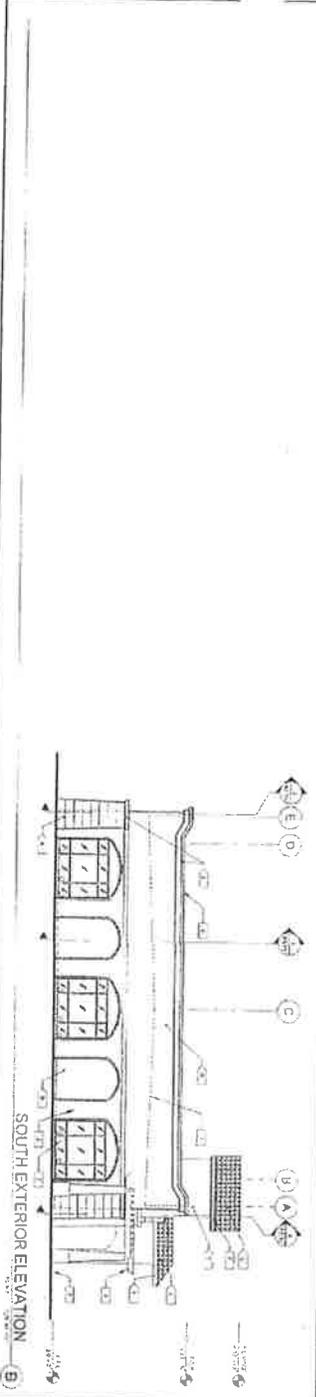
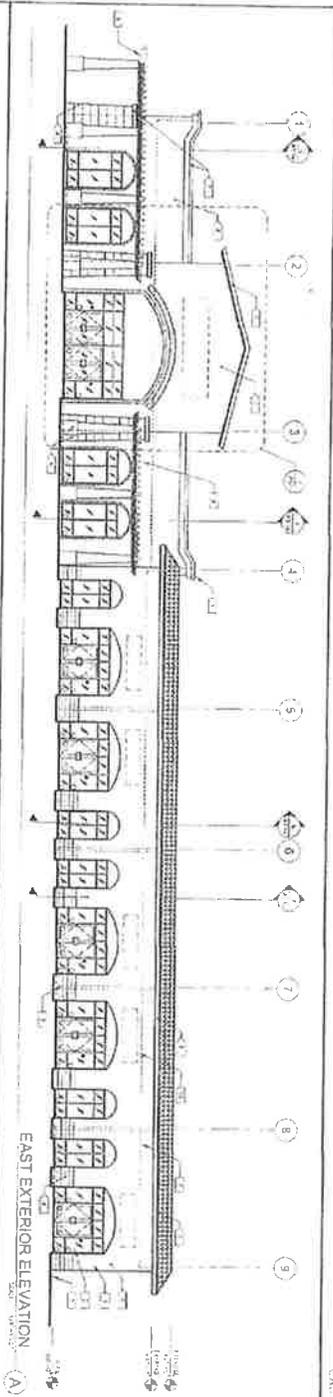
12-20-07 PLAN CHECK SUBMITTAL

30F7



OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION





**ELEVATION NOTES**

1. SEE GENERAL NOTES FOR MATERIALS AND FINISHES.
2. SEE GENERAL NOTES FOR WINDOW AND DOOR SCHEDULES.
3. SEE GENERAL NOTES FOR ROOFING AND EXTERIOR WALL FINISHES.
4. SEE GENERAL NOTES FOR SIGNAGE AND LIGHTING.
5. SEE GENERAL NOTES FOR ACCESSIBILITY REQUIREMENTS.
6. SEE GENERAL NOTES FOR VENTILATION REQUIREMENTS.
7. SEE GENERAL NOTES FOR ENERGY EFFICIENCY REQUIREMENTS.
8. SEE GENERAL NOTES FOR WEATHERING REQUIREMENTS.
9. SEE GENERAL NOTES FOR MAINTENANCE REQUIREMENTS.

*Review 2  
12/20/07*

**LEGEND**

1. TERRAZZO FLOOR

2. GRANITE

3. BRICK

4. STAINLESS STEEL

5. ALUMINUM

6. GLASS

7. CONCRETE

8. ASPHALT

9. PAINT

**COLOR LEGEND**

1. TERRAZZO FLOOR

2. GRANITE

3. BRICK

4. STAINLESS STEEL

5. ALUMINUM

6. GLASS

7. CONCRETE

8. ASPHALT

9. PAINT

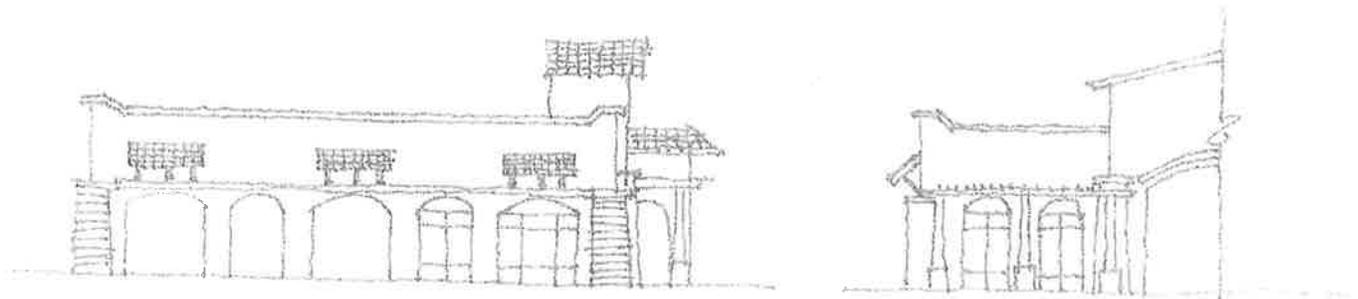
BUILDING 1 - EXTERIOR ELEVATIONS	
NO.	DESCRIPTION
1	TERRAZZO FLOOR
2	GRANITE
3	BRICK
4	STAINLESS STEEL
5	ALUMINUM
6	GLASS
7	CONCRETE
8	ASPHALT
9	PAINT

**BEAR MOUNTAIN CENTER**  
 BEAR MOUNTAIN BOULEVARD  
 ARVIN, CALIFORNIA

DATE: 12/20/07  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**WARE MALCOMB**  
 LEADING DESIGN FOR COMMERCIAL REAL ESTATE

09 2007-1



OFFICE 1 AND 2 SOUTH EXTERIOR ELEVATION

**Attachment 5 – Parcel Map 11980.**

# PARCEL MAP No. 11980

IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING A DIVISION OF PARCEL 2 OF PARCEL MAP NO. 9446 RECORDED IN BOOK 43 OF PARCEL MAPS AT PAGES 181-182 IN THE OFFICE OF THE KERN COUNTY RECORDER, ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN

7 PARCELS 0.54 GROSS ACRES



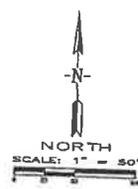
*Raymond A. Bergquist*  
RAYMOND A. BERGQUIST L.S. 5530 (Exp. 12/31/12)

### BASIS OF BEARINGS

THE BEARING IS 89°50'47" W SHOWN FOR THE CENTERLINE OF VANUITY AVENUE AND THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 23, T. 31 S., R. 29 E., M.D.M., AS SHOWN ON TRACT NO. 6447 FILED IN MAP BOOK 28 AT PAGES 66-67 IN THE OFFICE OF THE KERN COUNTY RECORDER, WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

### LEGEND

- FOUR CORNER MARKERS AS RECORDED
- SET NAIL & TAG L.S. 5880
- SET NAIL & CAP W/CD L.S. 3880
- ( ) RECORD FOR P.M. 6653, BK. 29 OF PARCEL MAPS AT PG. 141
- [ ] RECORD FOR P.M. 4954, BK. 23 OF PARCEL MAPS AT PG. 160 AND TRACT 4320, BLDG. 30 AT PG. 10
- OA. OFFICIAL RECORD
- S.F. SQUARE FEET
- /// NUMBER OF ORIENT ACCESS
- LN LAMPPOST
- ⊕ EASEMENT IN FAVOR OF SO. CAL. GAS COMPANY PER DOC. NO. 20268278, O.A.



### NOTES

THE BLUE BORDER INDICATES THE BOUNDARY OF LAND COVERED BY THIS MAP. ALL DISTANCES AND BEARINGS GIVEN ARE IN FEET AND DECIMALS THEREOF.

### RECORDER'S STATEMENT

FILED IN BOOK 52 OF MAPS AT PAGE 154 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF KERN, CALIF., THIS 17th DAY OF DECEMBER, 2011, AT 10:42 A.M., BY THE RECORDER OF RAYMOND A. BERGQUIST.

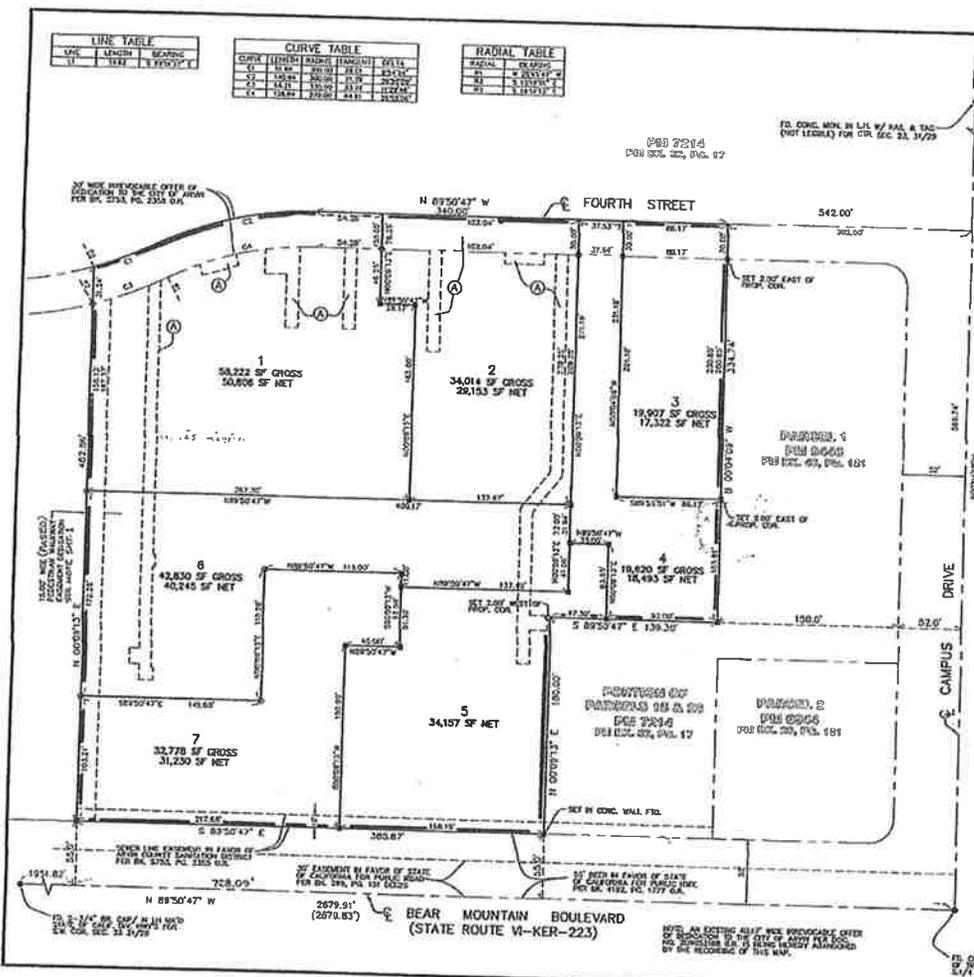
*Raymond A. Bergquist*  
RAYMOND A. BERGQUIST  
RECORDER

SHEET 2 OF 2 SHEETS

LINE TABLE		
LINE	LENGTH	BEARING
1	134.00	N 89°50'47" W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DELTA
1	134.00	200.00	112.12	83°12'48"
2	134.00	200.00	112.12	83°12'48"
3	134.00	200.00	112.12	83°12'48"
4	134.00	200.00	112.12	83°12'48"
5	134.00	200.00	112.12	83°12'48"

RADIAL TABLE		
ANGLE	CHORD	ARC
90°	1.00000	1.57080
80°	0.96594	1.51814
70°	0.93969	1.46876
60°	0.91736	1.42280
50°	0.89884	1.38013
40°	0.88414	1.34064
30°	0.87232	1.30433
20°	0.86299	1.27119
10°	0.85585	1.24113
0°	0.85070	1.21414



4-51

#2114711

154

# ATTACHMENT 5 PARCEL MAP 11980

**ATTACHMENT 6  
PUBLIC HEARING NOITCE AND MAP  
ARCO PROJECTS**

Public Hearing Notice  
City of Arvin Planning Commission

Date: March 28, 2017

Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203

Time: 6:00 PM

**Notice is hereby given** that the Planning Commission of the City Arvin will conduct a hearing on the date, place and time mentioned above, to consider the following:

- Modification of Precise Development Plan 2007-1 (Bear Mountain Plaza) – ARCO project is to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet.
- A Conditional Use Permit request to conduct off-sale of beer and wine as an accessory use to the operation.
- A Lot Line Adjustment to accommodate the proposed ARCO project.
- An addendum to the previously approved Mitigated Negative Declaration prepared for the Bear Mountain Plaza; all mitigation measures will continue to be imposed as applicable to the proposed project and entitlements.

**Applicant/Property Owner/Representative:** MACA Organization, Mark Alexander, 1925 G Street, Bakersfield, Ca 93301.

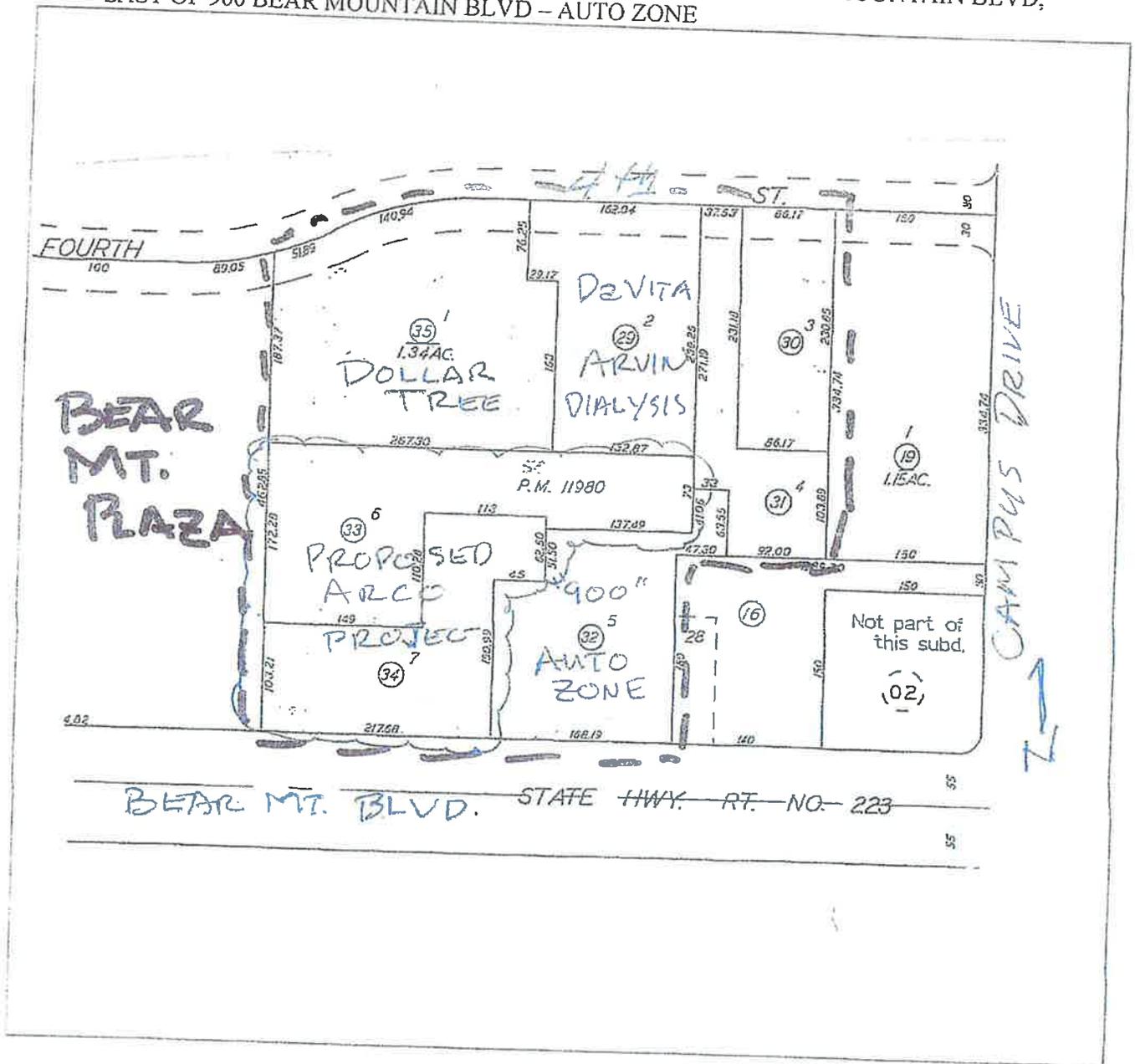
**Project Location:** The project is located on the north side of Bear Mountain Boulevard easterly of Campus Drive and adjacent to the existing Auto Zone store, 900 Bear Mountain Blvd and Burger King Restaurant. See Locational Map, APN's 190-270-33 and -34, .

Any person wishing to address the Commission may provide oral and/or written testimony at the meeting, or submit written comments to the Community Development Department at the above said address.

**Notice Limiting Legal Challenge:** Written comments must be received at the above address at, or prior to the meeting date and time. If you challenge the City's action on these projects in court, you may be limited to raising those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at or prior to the Public Hearing (Government Code Section 65009).

Marti Brown,  
Community Development Director  
Published on March 15, 2017

ASSESSOR PARCEL MAP NUMBERS 190-270-33 and -34  
 ARCO PROJECT - GENEARL LOCATION: NORTH SIDE OF BEAR MOUNTAIN BLVD,  
 EAST OF 900 BEAR MOUNTAIN BLVD - AUTO ZONE



**ATTACHMENT 7  
ADDENDUM TO INITIAL STUDY AND NEGATIVE  
DECLARATION  
FOR PRECISE DEVELOPMENT PLAN 2007-1  
JANUARY 20, 2008**

- 1. Addendum Form to be filed in project file**
- 2. Addendum dated March 10, 2017**
- 3. Initial Study and Negative Declaration for Precise  
Development Plan 2007-1**
- 4. Notice of Determination Filed on June 20, 2008 with Kern  
County Clerk**

**ATTACHMENT 7 – 1. ADDENDUM FORM TO BE FILED IN PROJECT FILE**

Addendum - Mitigated Negative Declaration  
Project Description:  
Modification of Precise Development Plan 2007-1 ARCO Project

**PLACED IN PROJECT FILE AND ATTACHED TO INITIAL STUDY/NEGATIVE DECLARATION AND NOTICE OF DETERMINATION FILED WITH THE COUNTY CLERK KERN COUNTY ON JUNE 20, 2008**

**Attach to Original Initial Study/Mitigated Negative Declaration and Place in File :**  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

**SUBJECT:** Addendum to Adopted Mitigated Negative Declaration for Bear Mountain Plaza by the City of Arvin Planning Commission on January 12, 2008. Pursuant to Title 14, Division 5, Chapter 3, Article 7, Sections 15162 and 15164.

**Project Title/ Project Description:** Modification of Precise Development Plan 2007-1 (Bear Mountain Plaza). The ARCO project proposes to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station, 8 pumping lanes, and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet. The project also includes a Conditional Use Permit request to conduct Off-sale of beer and wine as an accessory use to the proposed operation, and a Lot Line Adjustment has also been requested to eliminate the proposed building from crossing property lines.

**State Clearinghouse Number** (if Submitted to Clearinghouse): N/A  
**Contact Person:** Marti Brown, Community Development Director

**Project Location:** City of Arvin, Kern County. The project is located on the north side of Bear Mountain Boulevard easterly of Campus Drive and adjacent to the existing Auto Zone store, 900 Bear Mountain Blvd. APN's 190-270-33 and -34,

**Applicant/Property Owner:** Mark Alexander, 1925 G. Street, Bakersfield, CA 03301, Phone: 661-474-6333 Cell 805-340-4657

This is to advise that the City of Arvin, Planning Commission has considered and approves the Addendum to the previously Adopted Mitigated Negative Declaration prior to taking action on the ARCO project. The Addendum is attached to the Notice of Determination and is on file at the Community Development Department. The following findings and determinations regarding the above-described project:

1. The Modification to Precise Development Plan 2007-1 for the ARCO project herein described complies with the criteria established by Sections 15162 and 15164(b) and that the Addendum adequately addresses the environmental impacts as previously analyzed by the Adopted Mitigated Negative Declaration dated January 12, 2008 and Filed with the Kern County Clerk on June 20, 2008; and
2. The Addendum is hereby accepted as the appropriate environmental document for the proposed project.
3. The Addendum is to be attached to the Adopted Initial Study/Negative Declaration filed with the

- Kern County Clerk on June 20, 2008 and to be placed in the project file.
4. No public notice is required for the adoption of the Addendum per Section 15164 (c).
  5. The Planning Commission considered and adopted the Addendum at a public hearing on **Tuesday, March 28, 2017.**

**Marti Brown, Community Development Director**  
**City of Arvin**  
**Kern County, State of California**

BY: \_\_\_\_\_  
SIGNATURE

DATE: \_\_\_\_\_

**Note: A copy of this Addendum to the Mitigated Negative Declaration may be reviewed or obtained during normal working hours at the City of Arvin, Community Development Department at 141 Plumtree Drive, Arvin, CA 93203. The Negative Declaration includes an Initial Study on file at the Community Development Department.**

**ATTACHMENT 7 – 2. ADDENDUM DATED MARCH 10, 2017**

March 10, 2017

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## Introduction

This Addendum to the Mitigated Negative Declaration, Adopted January 12, 2008 and Filed on June 20, 2008, for Bear Mountain Plaza compared to the proposed Modification of Precise Development Plan 2007-1 for ARCO AmPm, Service Station and Convenience Market as well as a Quick Serve Restaurant (QSR), Conditional Use Permit No. 2017-01, and Lot Line Adjustment, as set forth in further detail below, is prepared in compliance with Public Resources Code Section 21166 and 14 California Code of Regulations (“CEQA Guidelines”) Sections 15162 and 15164.

As required by those Sections, this Addendum discloses to the City as the lead agency that no new environmental impacts have been identified and that only minor and/or technical changes are proposed which were not previously considered and implemented for the project analyzed.

Modification of Precise Development Plan 2007-1 (Bear Mountain Plaza). The ARCO project proposes to replace the Office Cluster of two buildings – Office 1 – 5,800 square feet and Office 2 – 7,500 square feet with an ARCO Service Station, 8 pumping lanes, and Convenience store consisting of 3,000 square feet and a QSR, Quick Service Restaurant consisting of 1200 square feet. The project also includes a Conditional Use Permit request to conduct Off-sale of beer and wine as an accessory use to the proposed operation, and a Lot Line Adjustment has also been requested to eliminate the proposed building from crossing property lines.

The proposed modification reduces the total square footage from 13,300 square foot of office development to 4,300 square foot of retail development. No new road access to Hwy 223 (Bear Mountain Blvd.) is proposed, lot coverage remains substantially the same, on-site circulation and parking complies with the City Standards, all on-site improvements common to the Plaza have been improved, CC&R’s recorded to insure maintenance of on-site improvements.

The Adopted Mitigated Negative Declaration was determined to be the appropriate environmental document after the Bear Mountain Plaza was analyzed for environmental impacts. Mitigation Measures were adopted and placed as conditions on the Project. The Bear Mountain Plaza (Project) consisted of three structures totaling 37,597 square feet on ±5.5 acres, located on the north side of Bear Mountain Boulevard easterly of Campus Drive and adjacent to the existing Burger King restaurant. The site extends northerly to the extension of Fourth Street. The Project included three building clusters including a 7,372 square foot building proposed to be an Auto Zone store (Retail 1), an Office cluster consisting of two buildings 5,600 square feet (Office 1) and 7,500 square feet (Office 2), and a retail cluster of two proposed retail buildings of 9,000 square feet (Retail 2), and 8,125 square feet (Retail 3). Special Studies included a Traffic Impact Report and Soils report. Two Mitigation Measures were included as conditions on the original project analysis and are included as conditions for the proposed modification – Compliance with the San Joaquin Air Quality District Rules and Regulations and suspension of construction and site investigation should artifacts or human remains are uncovered during site disturbance. To date, Retail 1, Auto Zone consisting of 7,372 square feet, Retail buildings 2 and 3 consisting of 9,000 and 8,125 square feet have been developed. On-site and off-site

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improvements have been completed as was required by the City of Arvin and have met the requirements of Caltrans for encroachment permit to Hwy 223.

The City, in accordance Sections 15162 and 15164, have prepared this Addendum to the previously Adopted Mitigated Negative Declaration prepared for the Bear Mountain Plaza – all mitigation measure will be imposed as applicable to the proposed project and modification to the Specific Plan 2007-1 for the ARCO project.

This Addendum finds that all previous Mitigation Measures and Conditions have been implemented and proposed Modification to PDP 2007-1 for the ARCO project will cause no new, or substantially more severe, significant impacts when compared to those identified in the Adopted Mitigated Negative Declaration for the Bear Mountain Plaza Project adopted in 2008. It finds that none of the conditions set forth in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred. Therefore, under CEQA Guidelines Sections 15162 and 15164, no subsequent or supplemental EIR or Negative Declaration is required and this Addendum to the Adopted Mitigated Negative Declaration is legally adequate review under the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.* (“CEQA”) for the proposed ARCO project as described herein.

On January 12, 2008 the City Arvin Planning Commission Adopted the Mitigated Negative Declaration for the Bear Mountain Plaza project subject to mitigation measures which were incorporated as conditions of approval. The project as approved by the Planning Commission contemplated to be constructed in phases. Implementation of conditions for the Project first phase required on-site and off-site improvements to be completed.

### **Standards**

As noted above, this Addendum to the Adopted Mitigated Negative Declaration has been prepared in accordance with CEQA, found at Public Resources Code Section 21000 *et seq.* and the CEQA Guidelines, found at 14 California Code of Regulations Section 15000, *et seq.*

Section 15164(b) of the CEQA Guidelines sets forth the standards governing an Addendum. It provides:

“(b) An addendum to an adopted Negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described Section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred.”

Section 15162 of the CEQA Guidelines describes those conditions requiring a subsequent or supplemental EIR or Negative Declaration as follows:

“(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

The project review has analyzed any potential environmental impacts of the proposed changes in accordance with CEQA Guidelines Sections 15162 and 15164(b) and compared them to the impacts found in the Adopted Mitigated Negative Declaration. The project review establishes that only minor technical changes are proposed because no new significant environmental impacts would occur, nor would the severity of impacts previously identified substantially increase, nor would any other condition set forth in Section 15162 occur.

### Findings

None of the conditions identified in CEQA Guidelines Section 15162, set forth above, and have occurred. Therefore, pursuant to Section 15164(b) of the CEQA Guidelines, set forth above, an Addendum has been prepared in compliance with CEQA.

In accordance with Section 15164 (c) the Addendum need not be circulated for public review but can be included in or attached to the adopted Negative Declaration.

In accordance with Section 15164 (d) the Planning Staff shall recommend the Planning Commission consider the addendum to the Adopted Mitigated Negative Declaration prior to making a decision on the proposed Modification of Precise Development Plan 2007-1 – ARCO project.

**ATTACHMENT 7 – 3. INITIAL STUDY AND NEGATIVE DECLARATION  
FOR PRECISE DEVELOPMENT PLAN 2007-1**



# CITY OF ARVIN

MAYOR  
Tim Tarver

MAYOR PRO TEM  
Jose Flores, Jr.

COUNCIL MEMBERS  
Raji Brar  
Steven Ojeda  
Joel Stoner

CITY MANAGER  
Enrique Medina

## INITIAL STUDY/NEGATIVE DECLARATION

To Whom IT May Concern:

Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, and the State CEQA Guidelines, the City of Taft has made an Initial Study of possible environmental impacts of the following described project:

**APPLICANT:** Red Rock Ventures

**APPLICATION:** Precise Development Plan Review (Precise Development Plan 2007-1)

**PROPOSED PROJECT:** Retail/Office shopping center consisting of ±37,600 square feet on ±5.55 acres located on the north side of Bear Mountain Boulevard and on the west side of Campus Way.

**LOCATION:** 900 Bear Mountain Boulevard, Arvin, CA

**PROJECT DESCRIPTION:** A precise development review of a proposed retail/office shopping center in a PUD (Planned Unit Development) Zone. The proposed center consists of ±37,600 square feet on ±5.55 acres.

**ENVIRONMENTAL SETTING:** The site is currently vacant, and is surrounded by vacant land zoned PUD on the north and west, and commercially developed land on the east and south (across Bear Mountain Boulevard).

**MITIGATION MEASURES:** No significant impacts are expected. Minor construction related impacts will be mitigated as per San Joaquin Valley Air Pollution Control District guidelines.

**FINDINGS:** It has been found that this project will not have a significant effect on the environment and an environmental impact report is, therefore, not required. Mitigation measures, if warranted, may be imposed by the decision making body after conducting the public hearing on the matter.

ISSAC A. GEORGE, Planning & Building Director  
City of Arvin

City of Arvin  
200 Campus Drive  
Arvin, California 93203  
(661) 854-6183

  
\_\_\_\_\_  
Issac George

**AGENCY CONSULTATION REQUIRED:**  YES  NO  
**AGENCIES CONSULTED:** See enclosed list.

P:\PLANNING DIRECTOR\Red Rock\Initial Study Negdec.doc

Phone (661) 854-3134  
Fax (661) 854-0817

200 Campus Drive  
P.O. Box 548  
Arvin, California 93203

STAPLES

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Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

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1918 H STREET  
BAKERSFIELD, CA 93301

SOUTHERN CALIFORNIA  
GAS COMPANY  
1510 N. CHESTER AVE.  
BAKERSFIELD, CA 93308

TIME WARNER CABLE  
3701 N. SILLECT AVE.  
BAEKRSFIELD, CA 93308

CAL TRANS-DISTRICT 6  
P.O. BOX 12616  
FRESNO, CA 93778

CENTRAL VALLEY REGION  
QUALITY CONTROL BOARD  
1685 E STREET  
FRESNO, CA 93706-2020

CALIFORNIA DEPT. OF CONSERVATION  
DIVISION OF OIL, GAS & GEOTHERMAL  
RESOURCES  
4800 STOCKDALE HWY., SUITE 417  
BAKERSFIELD, CA 93309

SOUTH SAN JOAQUIN VALLEY  
ARCHEOLOGICAL INFORMATION  
CENTER  
9001 STOCKDALE HIGHWAY  
BAKERSFIELD, CA 93309

ARVIN COMMUNITY SERVICES DISTRICT  
309 CAMPUS DRIVE  
ARVIN, CA 93203

CALTRANS  
Transportation Planning Division  
1352 W. Olive Avenue  
P.O. Box 12616  
Fresno, CA 93778

JERRY HELT  
HELT ENGINEERING  
2930 UNION AVE.  
BAKERSFIELD, CA 93305

ARVIN POLICE DEPARTMENT  
200 CAMPUS DRIVE  
ARVIN, CA 93203

VEOLIA WATERS  
18500 RANCHO DR  
P.O. BOX 665  
ARVIN, CA 93203

KERN COUNTY CLERK  
ADMINISTRATIVE OFFICES  
1115 TRUXTUN AVE., 5<sup>TH</sup> FLOOR  
BAKERSFIELD, CA 93301

ARVIN FIRE DEPARTMENT  
301 CAMPUS DRIVE  
ARVIN, CA 93203

ARVIN UNION SCHOOL DISTRICT  
737 BEAR MTN BLVD  
ARVIN.CA 93203

SAN JOAQUIN VALLEY UNIFIED AIR  
POLLUTION CONTROL DISTRICT  
2700 M ST., SUITE 275  
BAKERSFIELD, CA 93301

ARVIN HIGH SCHOOL  
900 VARSITY  
ARVIN, CA 93203

BEAR MTN. PARKS & RECS.  
P.O. Box 658  
LAMONT, CA 93241

BEAR MTN. ELEMENTARY SCHOOL  
737 BEAR MTN. BLVD.  
ARVIN, CA 93203

ARVIN PUBLIC WORKS

Richard Ruiz  
Kern High School District  
5801 Sundale Avenue  
Bakersfield, CA 93309

*City Mgr.*

*RED Rock Ventures  
1400 Rocky Ridge DR  
STE 180  
ROSEVILLE CA  
95661*

*Red Rock  
NEG DEC INITIAL study  
Mailing List*

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# INITIAL STUDY ENVIRONMENTAL ANALYSIS

1. **Project** (*Title & No.*): Precise Development Plan 2007-1
2. **Lead Agency** (*name and address*): City of Arvin  
200 Campus Drive  
P.O. Box 540  
Arvin, CA 93203
3. **Contact Person** (*name, title, phone*): Issac A. George  
Director of Planning & Building  
City of Arvin  
(661) 854-6183
4. **Project Location**: The project is in the City of Arvin, County of Kern, State of California, on approximately 5.5 acres located on the north side of Bear Mountain Boulevard west of Campus Drive, also being a portion of the southwest quarter of Section 23, T. 31 S., R. 29 E., MDB&M, APN's 190-270-21, 22, 23, 24, 25, 26, 27 (6312318, 2263693).
5. **Applicant** (*name and address*): Red Rock Ventures  
1400 Rocky Ridge Drive, Suite 180  
Roseville, Ca. 95661
6. **General Plan Designation**: 7 (PUD)
7. **Zoning**: C-2 PUD
8. **Description of Project** (*describe the whole action involved, including but not limited to later phases of the Project, and any secondary, support, or off-site features necessary for its implementation*):  
  
A Precise Development Plan proposing ±37,600 square feet of office/retail development on approximately 5.5 acres.
9. **Environmental setting** (*briefly describe the existing onsite conditions and surrounding land uses*):  
  
The project site is an infill lot located on the north side of Bear Mountain Boulevard, east of Campus Park Drive. The site is currently vacant with no vegetation. The property to the west and north is vacant PUD zoned property. The property to the east is zoned C-2 and C-2 PUD and is vacant and partially developed with a fast food restaurant. The property along the south side of Bear Mountain Boulevard is zoned C-2 and developed with various commercial buildings and uses.
10. **Other public agencies whose approval is anticipated to be required** (*e.g., permits, financing approval or participation agreement*):  
  
City of Arvin Planning Commission, Building Permits

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

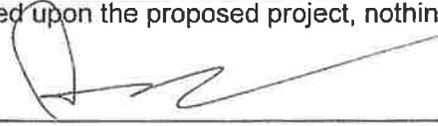
As indicated by the checklist on the following pages, the project would result in potentially significant impacts with respect to the environmental factors checked below (Impacts reduced to a less than significant level through the incorporation of mitigation are not considered potentially significant.):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality              |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**ENVIRONMENTAL DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project **could** not have a significant effect on the environment, and a **negative declaration** will be prepared.
- I find that although the proposed project **could** have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project proponent. A **mitigated negative declaration** will be prepared.
- I find that the proposed project **may** have a significant effect on the environment, and an **environmental impact report** is required.
- I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been (1) adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **environmental impact report** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project **could** have a significant effect on the environment, because all potentially significant effects have been (1) analyzed adequately in an earlier **environmental impact report or negative declaration** pursuant to applicable legal standards, and (2) avoided or mitigated pursuant to that earlier **environmental impact report or negative declaration**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

December 11, 2007  
\_\_\_\_\_  
Date

Issac A. George  
\_\_\_\_\_  
Printed name

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on this earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- (6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- (7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- (8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- (9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

**Environmental Issue**

Potentially Significant Impact      Less Than Significant With Mitigation Incorporation      Less Than Significant Impact      No Impact

**I. AESTHETICS:**      Would the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**II. AGRICULTURE RESOURCES:**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

**III. AIR QUALITY:**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

**Environmental Issue**

Potentially Significant Impact      Less Than Significant With Mitigation Incorporation      Less Than Significant Impact      No Impact

**IV. BIOLOGICAL RESOURCES:** Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**V. CULTURAL RESOURCES:** Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

**VI. GEOLOGY AND SOILS:** Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (refer to Division of Mines & Geology, Special Publication No.42).
  - ii) Strong seismic ground shaking?

**Environmental Issue**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the city's most recently adopted Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**VII. HAZARDS AND HAZARDOUS MATERIALS:** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Environmental Issue**

Potentially Significant Impact      Less Than Significant With Mitigation Incorporation      Less Than Significant Impact      No Impact

**VIII. HYDROLOGY AND WATER QUALITY:** Would the project:

- a) Violate any water quality standards or waste discharge requirements?
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?
- f) Otherwise, substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area, structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mud flow?

**IX. LAND USE AND PLANNING:**

Would the project:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**Environmental Issue**

**X. MINERAL RESOURCES:** Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site that is delineated in a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XI. NOISE:** Would the project result in:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**XII. POPULATION AND HOUSING:**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes & businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XIII. PUBLIC SERVICES:**

- |   |  |  |  |  |
|---|--|--|--|--|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |  |  |  |  |
|---|--|--|--|--|

**Environmental Issue**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>

**XIV. RECREATION:**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

**XV. TRANSPORTATION/TRAFFIC:** Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>

**XVI. UTILITIES AND SERVICE SYSTEMS:**

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
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**Environmental Issue**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of exiting facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE:**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

## EVALUATION OF ENVIRONMENTAL EFFECTS

### I. AESTHETICS

- a. The project site is not anticipated to significantly obstruct the scenic vista or create incompatible structures. The infill vacant character of the site will be changed to an urban setting and will be consistent with the land uses on the adjacent urban lands which border two sides of the project site. No impact.
- b. The project does not include the removal of trees, the destruction of rock outcroppings, or degradation of any historic building. The project is not adjacent to a state highway which is designated as "scenic". No impact.
- c. There are visual impacts with any new development, however, this project is typical of the area and no impacts are regarded as potentially significant. No impact.
- d. This project involves incremental growth of urban development typical of the area. Light from this development will not substantially affect views in this area, either at night or daytime, as the light generated is typical of urban development. Implementations of typical development standards, as required by the zoning ordinance, address the issue of light and glare. Less than significant impact.

### II. AGRICULTURE RESOURCES

- a. b & c The project is zoned for commercial urban development and is in the center of town. The site has not been utilized for agricultural production. No impact.

### III. AIR QUALITY

- a. The San Joaquin Valley Unified Air Pollution Control District encourages local jurisdictions to design all developments in ways that reduce air pollution from vehicles, which is the largest single category of air pollution in the San Joaquin Valley. The Guide for Assessing and Mitigating Air Quality Impacts promulgated by the San Joaquin Valley Unified Air Pollution Control District (page 16 and Section 6), lists various land uses and design strategies that reduce air quality impacts of new development. Local ordinance and general plan requirements, related to landscaping, sidewalks, street improvements, level of traffic service, energy efficient heating and cooling building code requirements, and location of commercial development in proximity to residential development is consistent with these listed strategies. This project is subject to the full range of local ordinances which ensure compliance with these air quality strategies. Implementation of existing ordinances, rules, and mitigation measures will reduce impacts to less than significant.
- b. The project does not violate the air quality standards set forth on page 26, table 4-1 of the Ozone Precursor Emissions thresholds for Project Operations ROG 10 tons/year, NO<sub>x</sub> 10 tons/year (Guide for Assessing and Mitigation Air Quality Impacts). The project is also not within the distance triggers noted in table 4-2, Project screening trigger levels for potential odor sources (Guide for Assessing and Mitigation Air Quality Impacts). Dust suppression measures are required for all construction in the City of Arvin and are regarded by San Joaquin Valley Air Pollution Control District as sufficient mitigation to reduce PM<sub>10</sub> impacts to less than significant.
- c. According to the *Air Quality Assessment*, the amount of ROG and NO<sub>x</sub> emissions can be considered insignificant since the emissions within the entire Air Basin would essentially

remain the same with or without the project. SO<sub>x</sub> and PM<sub>10</sub> emissions from the project are minimal. Therefore, the project will not increase any criteria pollutant (for which the San Joaquin Valley is in non-attainment) beyond the level of significance as defined by the San Joaquin Valley Air Pollution Control District. The impact is not regarded as significant.

- d. The traffic study prepared for this project by Yamabe & Horn Engineering, Inc. has determined that, based on project design and required mitigation measures, potentially impacted intersections and roadway segments are expected to operate at a level of service (LOS) that is within the GAMAQI significance criteria. In addition, the subject project's developer is expected to be charged Regional Traffic Impact Fees to improve existing roadways and intersections such that further degradation is not expected. Therefore, CO "Hotspots" Modeling was not conducted for this project and no concentrated excessive CO emissions are expected to be caused by the completed project. Should a subsequent traffic study indicate that impacted roadway segments or intersections might be adversely affected, CO "Hotspot" Modeling should be conducted at that time for the locations indicated. No impact.
- e. The land use proposed for this project does not have the potential to create objectionable odors. This proposal is not on the list of those land uses generally regarded as the type to have site odor problems (please refer to the list on page 27, table 4-2, of the San Joaquin Valley Air Pollution Control District Guide for Assessing and Mitigating Air Quality Impacts). No impact.

#### **IV. BIOLOGICAL RESOURCES**

- a. The project site is vacant with no vegetation. No native natural habitat exists. No threatened and endangered plant species or habitat exists. No threatened and endangered plant species or habitats of concern are known to be present on the site, nor generally occur in the adjacent developed and undeveloped urban areas. Impact less than significant.
- b. See answer to IV.a., above.
- c. There are no wetlands adjacent to or near the project site. The proposal would not have a significant impact on any wetlands.
- d. The record does not support a finding that the project area is a nursery site for native wildlife species. No impact.
- e. The City of Arvin General Plan addresses biological impacts within the area. The development entitled by this proposal will be required to comply with this plan and, therefore, will not be in conflict with either local biological policy or ordinance. Less than significant impact.
- f. There are no other adopted plans which are applicable to this area which relate to biological resources, see answer to IV.e., above.

#### **V. CULTURAL RESOURCES**

- a. There are no structures on the site, or there are structures/resources but no resources are listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Public Resources Code SS5024.1, Title 14 CCR Section 4850 et. Seq.). There are no resources on or near the project site that are listed in a local register of historical resources as defined in Section 5020.1 (k) of the Public Resources Code. There are no significant historical resources meeting the

requirements of Section 5024.1 (g) of the Public Resources Code. Less than significant impacts.

- b. See answer to V.a., above.
- c. See answer to V.b., above.
- d. The proposal is not anticipated to disturb any human remains. However, if human remains were discovered during grading or construction activities, further work would be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. If human remains are identified on the site at any time, work shall stop at the location of the find and the Kern County Coroner shall be notified immediately (Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code which details the appropriate actions necessary for addressing the remains) and the local Native American community shall be notified immediately. Implementation of mitigation measures would reduce impacts to less than significant impacts.

## VI. GEOLOGY AND SOILS

- a.i. A Geotechnical Engineering Investigation was prepared for this site by Krazan and Associates. Future structures proposed on the project site are required by state law and City ordinance to be constructed in accordance with the California Building Code (seismic zone 4, which has the most stringent seismic construction requirements in the United States), and to adhere to all modern earthquake construction standards, including those relating to soil characteristics. This will ensure that all seismically related hazards remain less than significant. The site is located approximately 3.5 km south southeast of the White Wolf Fault (B Fault) Zone. In addition, because of the relatively flat topography of the project site, landslides are not considered to be a potentially significant geologic hazard.
- a.ii. See answer to VI.a.i.
- a.iii. Liquefaction potential is a combination of unconsolidated soil type and high ground water combined with high potential seismic activity. This project site does not demonstrate the three attributes necessary to have a potentially significant impact. See also the answer to VI.a.i.
- a.iv. See answer to VI.a.i.
- b. The Krazan Study identified the soil type as silty sand/sandy silt (SM/ML) on the surface to approximately 1 foot deep. The characteristics of the soil type include deep, nearly level, well-drained fine sandy loam and sandy loam, on alluvial fans and alluvial plains. Due to the characteristics of the on-site soil type and the relatively flat terrain, implementation of the project will not result in significant erosion, displacement of soils or soil expansion problems or limit the use of septic systems. The project will be subject to City ordinances and standards relative to soils and geology. Standard compliance requirements include detailed site-specific soil analysis prior to issuance of building permits and adherence to applicable building codes in accordance with the California Building Code as amended. Adherence to appropriate requirements will result in less than significant impacts.
- c. See answers to VI.a.i. and VI.a.ii.
- d. See answer to VI.b.

- e. See answer to VI.b.

**VII. HAZARDS AND HAZARDOUS MATERIALS**

- a. The record does not indicate that this project (or this type of land use in general) involves the transport or use of hazardous materials in any quantity which has been identified by responsible agencies as having the potential to be a significant environmental impact. Less than significant.
- b. See answer to VII.a.
- c. The record does not support a finding that this project or this category of projects has been identified by responsible agencies as having the potential to emit hazardous emissions at a level which is potentially significant.
- d. The project is not located on any site catalogued on the most recent hazardous materials list compiled pursuant to Government Code Section 65962.5. No significant impact is identified.
- e. This project is not located within any area subject to the land use restrictions of the adopted 1996 Kern County Airport Land Use Compatibility Plan which covers all of Kern County. No impact is identified.
- f. The project is not located within 5,000 feet of the runway of any private airstrip. Therefore, the project would not result in a safety hazard for people residing or working in the project area. The adopted 1996 Kern County Airport Land Use Compatibility Plan uses this 5,000 foot distance as the maximum for land use considerations. No significant impact is identified.
- g. The proposed project would not interfere with any local or regional emergency response or evacuation plans because the project would not result in a substantial alteration to the adjacent and area circulation system. Less than significant impact.
- h. This project is not located adjacent to a wild land area nor is it within the area covered by the Hillside Development Zone (HD), which has standards required by the City of Arvin Fire Department to address the issue of wild land fires and urban development. No significant impacts are identified.

**VIII. HYDROLOGY AND WATER QUALITY**

- a. The proposed project will be implemented in accordance with all applicable water quality standards and waste discharge requirements, which will ensure that the quality and quantity of surface water flowing from the site would not be substantially affected. No significant impact is identified.
- b. The proposed development will not result in a need for significant additional systems or substantially alter the existing water utilities in the area. All water companies within the project area have been contacted regarding the proposal. The appropriate water utility company may require the project applicant to provide water system improvements to service the site, but this impact is not regarded as significant.

- c. There are no streams or rivers on the project site. Existing drainage patterns will not be significantly altered. All development within the City of Arvin is required by ordinance to comply with an approved drainage plan (for every project) which avoids on-site and off-site flooding, erosion and siltation problems. No significant impact is identified.
- d. See answer to VIII.c.
- e. See answer to VIII.c.
- f. See answer VIII.a.
- g. The site is located within a Zone A (100 year floodplain) as identifies on the FIRM Map (Community Panel Number 060076 0005 A). However, the proposed project does not propose any housing. No significant impact is noted.
- h. The project proposes the placement of structures within the 100 year floodplain, however the floodplain is a broad area and the relatively small building area will not impede nor redirect flood flows. Prior to issuance of a building permit the applicant shall provide engineering verification that the structures are elevated above the floodplain elevation. . No significant impact is noted.
- i. The proposed project is within the Lake Isabella dam failure inundation area but not the 100-year flood plain for the Kern River as depicted on the City of Arvin (Safety Element). As a result of the possible dangers associated with Isabella Dam, the City of Arvin entered the Regular Phase of the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA) on May 1, 1985. Refer to Response VIII.e, above.
- j. The project site is not located near any significantly sized body of water and is, therefore, not susceptible to a seiche or tsunami. The site is not located at the foot of any significant topographical feature with the potential to be subject to a mud flow. No significant impact is noted.

**IX. LAND USE AND PLANNING**

- a. The project is a continuation of the existing urban development pattern or is an infill development that does not physically divide the *City of Arvin General Plan Area*. No significant impact is noted. See Table 1 below.

**TABLE 1  
LAND USE/ZONING OF ADJACENT PROPERTIES**

LOCATION	LAND USE DESIGNATION	ZONE DISTRICT	EXISTING LAND USE
NORTH	7 (PUD)	C-2, PUD	vacant)
SOUTH	2 (Commercial)	C-2 & C-2 P-D	Commercial
EAST	7 (PUD)	C-2, PUD	Vacant & Commercial
WEST	7 (PUD)	C-2, PUD	Vacant

- b. The project is required to be consistent with the *City of Arvin General Plan* and the *City of Arvin Zoning Ordinance*. There are no identified conflicts or inconsistencies with said policies or zoning regulations. No significant impacts are noted.
- c. See answer to IV.a., IV.e., IV.f.

**X. MINERAL RESOURCES**

- a. The project is not located within a state designated oil field or within an area of other important mineral resources. No impact.
- b. See answer to X.a.

**XI. NOISE**

- a. Development of the project will not expose persons or generate noise in excess of those standards found in the Noise Element of the *City of Arvin General Plan*. The impact is not regarded as significant.
- b. There is no evidence in the record of any noise impacts associated with ground borne vibration or noise. No significant impacts are noted.
- c. Ambient noise levels will increase through any urban type of development of the site. Building code requirements required for energy conservation will result in a 20-decibel reduction in noise for habitable interior space. In addition, typical development standards including building setbacks, walls, and landscaping will contribute to decreasing the ambient noise levels from the adjoining area. The project is not anticipated to expose people to severe noise levels and existing ordinance requirements will reduce noise impacts to less than significant.
- d. Noise associated with construction of the project is the only temporary (or periodic) increase of ambient noise levels. This temporary change in ambient noise levels has not been found to be significant.
- e. This project is not located within any area subject to the land use restrictions of the adopted 1996 Kern County Airport Land Use Compatibility Plan which covers all of Kern County. No impact is identified.
- f. This project is not located within the vicinity (5,000 feet) of any private airstrip and therefore would not expose people residing or working in the project area to excessive noise levels.

**XII. POPULATION AND HOUSING**

- a. The project is not likely to induce population growth in this area, and this impact is regarded as less than significant as the project is the logical extension of existing urban development or is an infill project.
- b. The project would not displace any existing housing. The project site is currently vacant and designated and zoned for commercial development. No structures currently exist on-site. No significant impacts are noted.
- c. The project would not result in the displacement of any persons. See answer to XII.b. above. No significant impacts are noted.

**XIII. PUBLIC SERVICES**

- a. Fire protection services for the City of Arvin area are provided through a joint fire protection agreement between the City and County. The projected increase of 37,000 square feet of

commercial into the City through the proposal will not necessitate the addition of fire equipment and personnel to maintain current levels of service.

- b. Police protection will be provided by the City of Arvin Police Department upon project build out. Current City Police services standards require 1.32 officers for every 1,000 people in the City. The projected increase of 37,000 square feet of commercial structures into the City would not necessitate the addition of law enforcement officers to maintain current levels of service. No impact.
- c. The increase may necessitate the construction of additional school facilities. However, existing school impact fees and increased property tax revenues will reduce impacts on schools to less than significant.
- d. The project proposes no population increase and will not result in an impact upon the quality and quantity of existing recreational opportunities nor create a need for new parks or recreational facilities. The parkland requirements for the proposed project are calculated based on the General Plan and City Ordinance park standards of 2.5 acres for every 1,000 people. In addition, every residential unit must pay a park land development fee at the time of the issuance of building permits. Compliance with the park acreage dedication ordinance and the park development fee ordinance ensures that parks are dedicated and built in accordance with City standards. The impact is not considered significant.
- e. Sewer related improvements and infrastructure facilities and improvements are the responsibility of the City of Arvin. Any "off-tract" major improvement by a developer of a proposed project within the General Plan area shall be offset from the required development impact fees associated with the project. If the City Engineer's impact analysis determines that the constructed "off-tract" improvements by the developed results in a credit balance in favor of the developer. The City shall reimburse the developer under a mutually acceptable agreement until the credit balance is removed.

#### **XIV. RECREATION**

- a. See answer to Parks, (XIII.d.).
- b. See answer to Parks, (XIII.d.).

#### **XV. TRANSPORTATION AND TRAFFIC**

- a. A traffic study to determine future impacts was conducted by Yamabe & Horn Engineering, Inc. (Nov 2007). In all cases, the implementation of the mitigation would result in a class "C" Level of Service (LOS). The LOS analyses indicated that two new traffic signals would be required following the addition of the impacts of this project to the 2030 base volume.

The project shall pay its pro-rated share of the cost of the traffic management improvements noted below:

- 1. Improvement at Comanche Drive and Bear Mountain Boulevard - 8.34%  
Improvement at Bear Mountain Boulevard and Derby Street - 8.88%.

In addition, by the year 2030, the following intersections should be signalized:

- 1. Bear Mountain Boulevard and Derby Street - Install a signal and expand the intersection to provide on dedicated left lane for the Northbound and Eastbound approaches, two dedicated left turn lanes for Southbound and Westbound

- approaches. Expansion to also include two dedicated through lanes and one dedicated right turn lane for all approaches;
2. Comanche Drive and Bear Mountain Boulevard – Install a signal and expand the intersection to provide on dedicated lane for each left, through, and right turn lane on all approaches;
  3. Bear Mountain Boulevard and Campus Drive – Expand the intersection to provide on dedicated right turn lane for the Northbound and Southbound approaches, and two dedicated through lanes for the North and Southbound approaches;
- b. See answer to XV.a.
  - c. There are no air traffic issues associated with the proposal.
  - d. All road improvements are subject to compliance with accepted traffic engineering standards which are intended to reduce traffic hazards. There are no incompatible uses which have been identified with this project. No significant impact noted.
  - e. The proposal would not impact any emergency management agency's ability to access the area regarding emergency situations. No significant impact noted.
  - f. The zoning ordinance requires that parking appropriate to each type of land use be provided. No significant parking impacts specific to this project have been identified.
  - g. The project is not anticipated to be inconsistent with any policies or programs supporting alternative transportation and shall by ordinance be required to pay transportation impact fees which in part are used to support mass transit. The project is also subject to the requirements of CalTrans. Less than significant impact.

#### **XVI. UTILITIES AND SERVICE SYSTEMS**

- a. This project will be connected to sanitary sewer and will meet the requirements of the Regional Water Quality Control Board. No potential significant impacts have been identified.
- b. The proposed development would not result in the need for significant additional systems or substantially alter the existing water or wastewater facilities. Expansion of all utilities would be required to serve this development, but the impact is not considered significant.
- c. Almost all new development requires the construction of new storm water facilities, the construction of which is typically an extension of the existing system. This incremental improvement is not considered to be a significant impact.
- d. The proposed development would not result in a need for significant additional systems or substantially alter the existing water utilities in the area. The impact is not considered significant.
- e. The City of Arvin is the wastewater treatment provider and has indicated there is sufficient capacity in the existing plant to serve this project. No significant impact is noted.
- f. The landfill will not need significant new or substantially altered facilities to accommodate this project. No significant impact is noted.
- g. The project will not breach published national, state or local standards relating to waste reduction, litter control or solid waste disposal. See answer to XVI.f. No significant impact is

noted.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

- a. With mitigation measures employed, the potential significant effects of the project to wildlife and their habitats will be mitigated to less than significant. No impacts to California history or prehistory are anticipated, but if they would occur, they could be potentially significant. The mitigation to avoid and evaluate such impacts will ensure any potential impact of that type will be mitigated to less than significant.
- b. As described in the response above, the proposal has no impacts that would be defined as individually limited but cumulatively considerable. The project is only proposing a Precise Development Plan review to allow the construction of a ±37,000 square foot retail/office commercial development of property currently zoned and designated for commercial development.
- c. As described in the responses above, the proposal would not adversely impact human beings, either directly or indirectly.

## BIBLIOGRAPHY/REFERENCE LIST

1. City of Arvin, General Plan. 1988
2. Brown-Buntin Associates. 1988, City of Arvin, General Plan. 1988
3. California Department of Environmental Protection. Region 5. 2002. Facility Inventory Data Base, Hazardous Waste and Substances Sites List for Arvin, CA.
4. City of Arvin. 1987. Improvement Standards for the City of Arvin.
5. FEMA. 2003. Federal Emergency Management Agency. Flood Insurance Rate Map. Kern County California (unincorporated areas). Panel. Community-Panel Number 060076 005 A. Effective Date August 4, 1987.
6. Kern Council of Governments. 1988. Master Environmental Impact Report for the City of Arvin General Plan.
7. Yamabe & Horn Engineering, Inc. Traffic Impact Study for Arvin Market Place submitted November 2007 to the City of Arvin Planning Department.
8. *Guide for Assessing and Mitigating Air Quality Impacts*, San Joaquin Valley Air Pollution Control District: January 10, 2002 as updated, *Guide for Assessing and Mitigating Air Quality Impacts*, San Joaquin Valley Air
9. Kern County Comprehensive Airport Land Use Plan
10. Federal Emergency Management Agency – Flood Insurance Rate Maps
12. Krazan and Associates. Geotechnical Engineering Investigation project No. 022-06241).

**ATTACHMENT 7 -- 4. NOTICE OF DETERMINATION FILED ON JUNE 20,  
2008 WITH KERN COUNTY CLERK**

RECEIVED WITH FEE

RECEIPT # 367411

Notice of Determination

06-26-08 P01:02 IN

*ML*

Form C

To:  Office of Planning and Research

For U.S. Mail: Street Address:  
P.O. Box 3044 1400 Tenth Street  
Sacramento, CA 95812-3044 Sacramento, CA 95814

From: Public Agency

Agency: City of Arvin  
Address: 141 Plumtree Drive  
Arvin, CA 93203  
Contact: Issac A. George  
Telephone: 6618546183

County Clerk  
County of: Kern  
Address: 1115 Truxtun Avenue  
Bakersfield, CA 93301

Agency: Lead Agency (if different from above)  
Address: FILED  
KERN COUNTY  
Contact: JUN 20 2008  
Telephone: ANN K. BARNETT

AUDITOR CONTROLLER-COUNTY CLERK  
BY *[Signature]* DEPUTY

SUBJECT: **Filing of Notice of Determination in Compliance with Section 21108 of the Public Resources Code**

State Clearinghouse Number (if submitted to State Clearinghouse): \_\_\_\_\_

Project Title: Precise Development Plan No. 2007-1

Project Location (include county): 900 Bear Mountain Blvd. Arvin (Kern)

Project Description: A Precised Development plan consisting of 37,600 square feet of office/ retail

COPY

This is to advise that City of Arvin Planning Commission  
 Lead Agency or  Responsible Agency has approved the above-described project on January 12, 2008  
and has made the following determinations regarding the above-described project:

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan  was  was not adopted for this project.
5. A Statement of Overriding Considerations:  was  was not adopted for this project.
6. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Arvin Planning Department, 141 Plum Tree Street, Arvin, CA 93203

*[Signature]*  
Signature (Public Agency)

Director of Planning & Building  
Title

1/12/2008  
Date

Date received for filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.

1775

Notice of Environmental Document  
Posted by County Clerk on 6/23/08  
and for 30 days thereafter, Pursuant to  
Section 21152(C), Public Resources Code

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
ENVIRONMENTAL FILING FEE CASH RECEIPT



Lead Agency: City of Arvin Date: 6/23  
 County/State Agency of Filing: Kern County Document No.: 17  
 Project Title: Phase Development Plan No. 2007-1  
 Project Applicant Name: City of Arvin  
 Project Applicant Address: 141 Plumtree Drive  
 City: Arvin State: CA Zip Code: 93202 Phone Number: (661) 854-6183

Project Applicant (check appropriate box):  
 Local Public Agency  
 School District  
 Other Special District  
 State Agency  
 Private Entity

Check Applicable Fees:

- Environmental Impact Report
- Negative Declaration
- Application Fee Water Diversion (State Water Resources Control Board Only) \$2606.75
- Projects Subject to Certified Regulatory Programs \$1876.75
- County Administrative Fee \$886.25
- Project that is exempt from fees \$886.25
- Notice of Exemption \$50.00
- DFG No Effect Determination (Form Attached)

TOTAL RECEIVED \$ 19015

Signature and title of person receiving payment:  
 WHITE-PROJECT APPLICANT [Signature]  
 YELLOW-DFG/ASB [Signature]  
 PINK-LEAD AGENCY [Signature]

GOLDENROD-COUNTY CLERK DFG 753.5a (Rev. 11/07)

1:02 IN

Form C

Public Agency  
 City of Arvin  
 141 Plumtree Drive  
 Arvin, CA 93203  
 Issac A. George  
 6618546183

Lead Agency (if different from above)

FILED  
 KERN COUNTY  
 JUN 20 2008  
 ANN K. BARNETT  
 AUDITOR CONTROLLER-COUNTY CLERK  
 BY [Signature] DEPUTY

Section 21108 or 21152 of the

et of office/ retail  
 mission  
 ject on January 12, 2008  
 onment.  
 ant to the provisions of CEQA.  
 provisions of CEQA.

COPY

3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan  was  was not adopted for this project.
5. A Statement of Overriding Considerations  was  was not adopted for this project.
6. Findings  were  were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at: Arvin Planning Department, 141 Plum Tree Street, Arvin, CA 93203

[Signature] Signature (Public Agency) \_\_\_\_\_ Director of Planning & Building \_\_\_\_\_ Title \_\_\_\_\_ 1/12/2008 \_\_\_\_\_ Date

Date received for filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21000-21174, Public Resources Code.

1775

Notice of Environmental Document  
 Posted by County Clerk on 6/23/08  
 and for 30 days thereafter, Pursuant to  
 Section 21152(C), Public Resources Code

KERN COUNTY  
CLERK OFFICE  
1115 TI WEL

YOUR RECEIPT  
THANK YOU

# 1775	
CEQA-CC Fee	25.00
CEQA-BEG DEC	1876.75

# ITEMS	42
TOTAL	\$1901.75
CHECK	1901.75

DATE 2-20-08 6/23/08



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

**TO: Planning Commission**

**FROM: Marti Brown, Community Development Director**

**SUBJECT: Vesting Tentative Map 7321 proposed subdivision of 2.584 Acres (APN 189-680-30) into 20 lots with deviation to lot configuration and size and associated Mitigated Negative Declaration.**

**RECOMMENDATION**

Motion to Approve a Resolution of the Arvin Planning Commission recommending to the City Council i) Approve Vesting Tentative Map 7321 and Deviations of Lot Configuration and Size as provided under Resolution No. 02-49 as illustrated in Exhibit “A”, Vesting Tentative Map 7321 and subject to Exhibit “B”, Conditions of Approval, and ii) Adopt Mitigated Negative Declaration for the proposed project.

**BACKGROUND**

Vesting Tentative Tract Map 7321, proposed subdivision of 2.584 acres (APN 189-680-30) into 20 lots, tentatively proposed as a park site (Lot 82 of Tract 5816-9). Development proposed consist of 20 single family single story residential units consisting of floor area of 1,320 to 1,800 square feet.

Deviation to lot size and configuration, Title 17 Zoning, Section 17.08.090 identifies that lots in an R-1 zone shall not be less than 6,000 square feet in size. Title 17, Section 17.12.150 Lot Requirements identifies that all lots shall have a minimum average width of sixty (60'-0”) feet and an average area of six thousand (6,000) square feet. The applicant is requesting that the City exercise a deviation of lot width and square footage as consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated within City Limits) approved for Tract 5816 upon its approval in 1995. In reviewing the circumstances impacting the project site was proposed for an alternative use, therefore the configuration of the lot was not optimum for residential lots. Also there is a storm drain line and easement that traverses the lot east to west that limits the location, width and configuration of lot lines to the north and south of the storm drain easement.

**Project Location:** City of Arvin, 2.584 Acres located on the East of S. Comanche Drive, North of El Camino Real, West side of Tesoro Drive, East side of Hacienda Place and the South side of Sevilla Avenue (Assessor Parcel No. 189-680-30).

### **Historical Overview of Vesting Tentative Map 5816, General Plan Amendment, Rezoning and Development Agreement for Tract 5816:**

**In June of 1995,** Vesting Tentative Tract Map (VTM) 5816 was approved by the City. The VTM consisted of approx. 1,270 single family lots, one 12.47 acre lot designated as future school, park and sump site; one 2.37 acre lot designated as a future sump site, one 9.43 acre and on 10 acre site for R-4, one 8.54 future commercial site, Attachment 1 – Legal Plate of Tract 5816.

**In May of 1996,** the City approved General Plan Land Use Amendment and Rezoning for portion of the properties within Tract 5816 providing for 8.5 Acres of General Commercial and 19 acres of High Density Residential in the north eastern portion of Tract 5816, Attachment 1 – Legal Plate of 5816 and Excerpt from General Plan – Figure 3 General Plan Land Use Policy Map.

**From 1995 and 1996 to 2000,** the City at the request of the developer granted a number of Extension of Time for the approved VTM 5816.

### **Recording of Final Maps for VTM 5816:**

1. August 18, 2000, Phase 1 and Phase 2 of Tract 5816 was recorded consisting of 20 lots and 26 lots;
2. August 18, 2002, Phase 3 and 4 of Tract 5816 was recorded consisting of 20 lots and 16 lots;
3. July 3, 2003, the City entered into a Development Agreement with Sycamore Villas LLC which provided a vested right for 20 years or to the year 2023. Resolution No. 02-49 adopted December 18, 2002 provides for deviations of lot configuration and size.
4. June 15, 2005, Phases 5 and 6, consisting of 105 lots;
5. June 15, 2005, Phases 7 and 8 of Tract 5816 was recorded consisting of 114 lots and 113 lots;
6. December 5, 2006, Phase 9 of Tract 5816 was recorded consisting of 82 lots; and
7. June 26, 2007 Phase 12 of Tract 5816 was recorded consisting of 99 lots.

During this span of time, certain lots were conveyed to the Arvin School District and the City of Arvin.

### **ENVIRONMENTAL ANALYSIS.**

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. The proposed project could have a potentially significant effect on the environment. Feasible mitigation measures or alternatives have been incorporated in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur. The project specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study, which is incorporated into the Mitigated Negative

Declaration. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment. (CEQA Guidelines sections 15071(e) and 15369.5.) The Developer has, as required by CEQA, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff have determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Guidelines sections 15071(e) and 15369.5. A public notice of the attached mitigated negative declaration finding for the Initial Study and Mitigated Negative Declaration was published on February 22, 2017, with no comments received within the 20 day comment period.

### **FISCAL IMPACT**

The approval of the Vesting Tentative Map 7321 and modifications to lot configuration; and size as requested by the applicant does not create any negative fiscal impact to the City.

### **EXHIBIT**

Proposed Resolution – Planning Commission Recommending approval of VTM 7321 and Deviations and acceptance of the Mitigated Negative Declaration for said project.

- A. Vesting Tentative Map 7321;
- B. Conditions of Approval

### **ATTACHMENT:**

- 1. Resolution No. 02-49

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE ARVIN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL I) APPROVE VESTING TENTATIVE MAP 7321 AND DEVIATIONS OF LOT CONFIGURATION AND SIZE AS PROVIDED UNDER RESOLUTION NO. 02-49 AS ILLUSTRATED IN EXHIBIT “A”, VESTING TENTATIVE MAP 7321 AND SUBJECT TO EXHIBIT “B”, CONDITIONS OF APPROVAL, AND II) ADOPT MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED PROJECT.**

**WHEREAS**, The Planning Commission held a Public Hearing on Tuesday March 28, 2017 to review and consider Vesting Tentative Map No. 7321 for Assessor Parcel Number 186-68-30 consisting of 2.584 acres and deviations to lot configurations and size; and

**WHEREAS**, Notices for the public hearing were published in the Arvin Teller on March 15, 2017 for the Planning Commission and notices to individual property owners within 300 feet were mailed on March 14, 2017; and

**WHEREAS**, Tract 5816 consisted of approximately 1,270 single family lots consisting of a number of phased recordings since 1995, of which Phase 9 was recorded on December 5, 2006 consisting of 82 lots, in which Lot 82, APN 186-68-30, was created; and

**WHEREAS**, the City of Arvin (the “City”) entered into a development agreement on July 3, 2003, (“the Development Agreement”) vesting certain rights in Sycamore to develop Tract 5816 within the City of Arvin in which Resolution No. 02-49 granted deviations to lot size and configuration; and

**WHEREAS**, the Developer has also requested a modification to development standards consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated within City Limits) approved for Sycamore related to the Property, which would allow for deviation to lot configuration and size, 50 foot parcel width and 5,000 square foot lots in conjunction with the approval of Vesting Tentative Map 7321; and

**WHEREAS**, the City has environmentally assessed the entire project, including the Third Amendment, the proposed modifications to development standards consistent with Resolution No. 02-49, and Vesting Tentative Tract Map No. 7321, and has issued an Initial Study proposing adoption of a Mitigated Negative Declaration for the project; and

**WHEREAS**, LEORA, LLC has signed the Mitigation Agreement on file at the City of Arvin Community Development Department; and

**WHEREAS**, the Vesting Tentative Map 7321 and deviations to lot size and configuration does not create any significant environmental impacts as determined by the Initial Study completed by the City of Arvin; and

**WHEREAS**, pursuant to CEQA Guidelines section 15072, on or about February 21st, 2017, the City filed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration with the Kern County

Clerk, published the notice in the Arvin Tiller, posted the notice at the City Clerk's office, and made it available on the City's website; and

**WHEREAS**, the City properly noticed the March 28, 2017 hearing before the Planning Commission for the proposed Vesting Tentative Map 7321 and deviations to lot size and configurations pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on March 28, 2017, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment.

**WHEREAS**, The Planning Commission does hereby recommend that the City Council of the City of Arvin make the following findings and approve Vesting Tentative Map after Public Hearing held on March 28, 2013:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. The proposed Vesting Tentative Map with the conditions of approval, is in conformity with both the intent and provisions of the Zoning Ordinance, Title 17 of the City of Arvin Code of Ordinances, in conformity with Resolution No. 02-49 previously adopted by the City Council, and Development Agreement recorded on July 3, 2003.
3. The site is physically suitable for the proposed type and intensity of development in that the approval process for Vesting Tentative Map No. 7321 provided sufficient opportunity to review the proposed development and ensure minimal impacts on surrounding properties.
4. The approval of Vesting Tentative Map No. 7321, creating 20 residential lots with deviation to lot configuration and size as shown on the tentative map will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood in the proposed uses are similar to and compatible with neighboring uses in the area.
5. The Arvin Community Development Department has conducted an Initial Study on the proposed vesting tentative map, deviation to lot size and configuration, and Third Amendment to Development Agreement relating to Tract 5816. The Initial Study on the above project was evaluated for a potential adverse impact on the environment and has concluded that no evidence exists that the project will have an adverse effect on the environment. The following documents are recommended for adoption.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Arvin as follows:

1. The above recitals are true and correct.

2. The Planning Commission recommends to the City Council:
  - a. Find the Initial Study/Mitigated Negative Declaration reflects the Council's independent judgement and analysis.
  - b. Find, on the basis of the whole record before the Council, including the Initial Study, and any comments received and the responses to said comments, that there is not substantial evidence that the project will have a significant, adverse effect on the environment.
  - c. Find that the project mitigation imposed, as described in the Initial Study and support documents, will avoid any potentially significant effects to a point where clearly no significant adverse impact on the environment would occur.
  - d. Adopt the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed.
  - e. A Mitigated Negative Declaration was filed with the Kern County Clerk on February 21, 2017 for a 20--day public review period.
  - f. Mitigation Agreement was signed on February 23, 2017 as is required by CEQA implementing mitigation measures as identified in the initial study.
  
3. The Planning Commission recommends the City Council approve the proposed Vesting Tentative Map 7321 and deviations to lot size and configurations hereto Vesting Tentative Map 7321 attached hereto as Exhibit "A," subject to Conditions of Approval attached hereto as Exhibit "B" and recommends the City Council make the following attendant findings:
  - a. The Commission finds that the project is consistent with the policies of the City of Arvin General Plan as per the requirements of California Government Code section 65867.5(b), Resolution No. 02-49, Third Amendment to the Tract 5816 Development Agreement approved on July 3, 2003. The proposed land uses and the density are also compliant per this requirement.
  - b. The proposed Vesting Tentative Map 7321 and deviations to lot size and configuration will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended and the City's General Plan polices.
  - c. The approval of Vesting Tentative Map No. 7321, creating 20 residential lots with deviation to lot configuration and size as shown on the tentative map will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood in the proposed uses are similar to and compatible with neighboring uses in the area.



**EXHIBIT A**

Vesting Tentative Map – 7321

**PREPARED BY:**  
 JAMES M. HARRIS, INC.  
 10000 W. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 (303) 751-1111  
 U.S. MAPS (199 22-11-142)

**OWNER & SUBMITTER:**  
 WEST INDUSTRIAL PARKS  
 10000 W. 10TH AVENUE  
 SUITE 100  
 DENVER, CO 80202

**GENERAL NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

**LEGEND**

- DIST. OF EXISTING
- ▨ EXISTING ROAD RIGHT-OF-WAY
- ▧ EXISTING ROAD RIGHT-OF-WAY
- ▩ EXISTING PROPOSED ROADMENT
- TRACT BOUNDARY

**NOTES:**

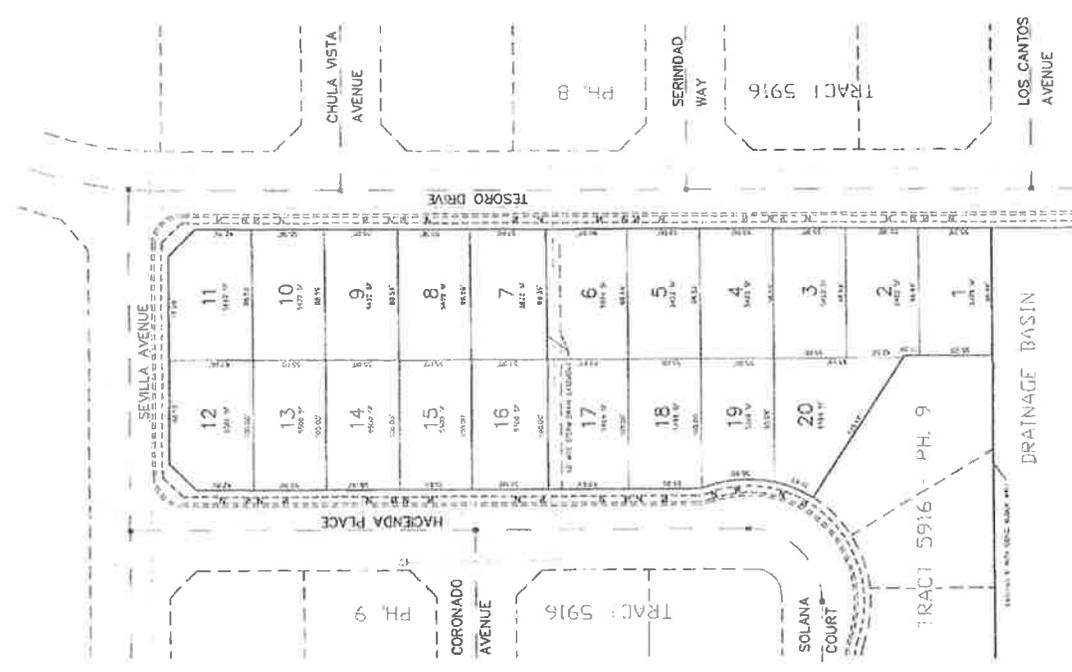
1. STREET IMPROVEMENTS ARE SHOWN INCLUDING CURB & GUTTER
2. SEWER, WATER AND SLOPE DRAIN ARE TO BE
3. UTILITY SERVICES TO BE CONSTRUCTED TO EACH LOT

**-VESTING-**

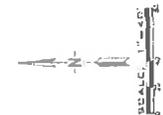
**TENTATIVE TRACT 7321**

BEING A DIVISION OF A PORTION OF LOT 69 OF TRACT 7321, BEING A PORTION OF A PORTION OF MAP RECORDED DECEMBER 5, 2006 IN MAP BOOK 56, PAGES 171-176 INCLUSIVE IN THE OFFICE OF THE CLERK OF COUNTY RECORDS, ALSO BEING A PORTION OF NORTHEAST QUARTER CORNER OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 12 WEST, MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA.

20 LOTS 2.568 GROSS ACRES



**EXHIBIT A  
 VESTING TENTATIVE MAP 7321**



**EXHIBIT B**  
Conditions of Approval  
Vesting Tentative Subdivision Map No. 7321

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**COMMUNITY DEVELOPMENT DEPARTMENT**

**GENERAL (G)**

G-1            Hold Harmless Requirement: The applicant or applicant’s successor in interest shall indemnify, defend and hold harmless the City of Arvin, its agents, officers and employees from any and all claims, actions or proceedings against the City of Arvin, its agents, officers and employees to attach, set aside, void or annul any approval by the City of Arvin and its advisory agency, appeal board or legislative body concerning this application which action is brought within applicable statutes of limitations. The City of Arvin shall promptly notify the applicant or applicants’ successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicants’ successor in interest shall not thereafter be responsible to defend, indemnify or hold the City of Arvin harmless. The condition may be placed on any plans or other documents pertaining to this application.

G-2            All exhibits and references identified in the following conditions and the resolution approving this project are conditions of approval unless otherwise waived. Therefore, all requirements, conditions, mitigation measures, standards, policies are to be implemented by the project applicant and successors in interest unless specifically waived by the City of Arvin.

G-3            There may also be conditions that are incorporated in the project approval that are not specific and are subject to interpretation, review and approval or conditional approval by City staff that are not established by City ordinance, resolution, policy, etc. Those conditions give authority to City Staff to use their judgment in the final resolution of the issue identified. City Staff identified in the condition shall interpret the compliance of those condition(s) at their discretion. This may create costs to the project that are not otherwise clearly identified.

G-4            The projects are subject to the CEQA review process and Mitigation Measures are adopted for the project, those mitigation measures are conditions of approval and are the obligation of the project applicant to fully implement and comply with the requirements established.

G-5            The approval of Vesting Tentative Map No. 7321 is contingent upon the approval of the Third Amendment to the Development Agreement between the City of Arvin and LeOra, LLC.

## **MITIGATION MONITORING PROGRAM (MMP)**

MPM-1 Implementation of the Mitigation Agreement as signed by the applicant on February 23, 2017 shall be subject to implementation prior to, concurrent with, and implementation and development of this project.

## **ARVIN MUNICIPAL CODE (AMC)**

AMC-1 Each lot, and subsequent owners of interest, shall be subject to the City of Arvin, Municipal Code entire ordinance in effect and as may be amended from time to time.

## **LANDSCAPING REQUIREMENTS AND LIGHTING AND LANDSCAPING DISTRICT FORMATION (LR)**

LR-1 The applicant shall provide front yard landscaping. Landscaping shall incorporate native species of water conserving trees and shrubs. All landscaping and planting plans shall be submitted to the Community Development Department and Public Works Department for review and approval prior to issuance of any building permits. These plans shall include all on-site landscaping specifications and details (i.e. species list, irrigation plans, soil preparation methods, etc.).

LR-2 Street trees shall be approved by the City and shall be incorporated into the landscaping of the units. One (1) fifteen (15) gallon size tree shall be utilized for each lot. Two (2) trees shall be required for corner lots. The street trees are the responsibility of the future homeowner and may not be removed without approval of the Community Development Department. Subsequent replacement shall be at the expense of the future homeowner.

LR-3 The applicant shall be required to design, install, and maintain all irrigation and landscaping that is required within the public right of way or public area until such time as a Lighting and Landscape District is functional.

LR-4 The applicant shall, at their own cost, be required to join Landscape and Lighting Maintenance District No. 1 concurrently with the recordation of the final map or prior to the issuance of the first building permit – excepting City of Arvin approved models.

## **FINAL MAP REQUIREMENTS (FMR)**

FMR-1 The final map proposed to be recorded shall be in substantial conformance with the approved tentative map.

FMR-2 The following conditions shall be satisfied prior to recordation:

1. In accordance with section 66465 of the Subdivision Map Act, a title guarantee dated within 30 days of recordation of the Tract Map shall be submitted to the City Engineer.

2. In accordance with Sections 66464, 66492 and 66493 of the Subdivision Map Act, a Tax Collectors Certificate, Assessors Tax Estimate, and security (if necessary) shall be submitted to the City Engineer prior to recordation of the final map.
3. The tract map must contain an owners' statement, signed and acknowledged by all persons having right, title or interest in and to the property being divided. A request for wavier of signatures of parties owning rights -of -way, easements, or interests which cannot ripen into fee must also accompany the final map in accordance with Section 66445 (f) of the Subdivision Map Act. Owner's statement may be recorded on a separate document rather than appear on the map, provided the recording information appears on the map.
4. In accordance with Section 66436 (A)(i) of the Subdivision Map Act, any public entity or public utility owning rights-of-way, easements, or other interests which cannot ripen into fee must be advised by certified mail of the division of the property. The City Engineer will require a letter from these parties stating that the development will not unreasonably interfere with the free and complete exercise of the right-of-way or easement within the boundaries of this development.
5. The final tract map shall show all existing easements of record on the map.
6. In accordance of Section 66434.2 of the Subdivision Map Act, Information required by the conditions of approval shall be in the form of an additional map sheet.

FMR-3 Street names have been established, however addressing shall be assigned prior to or concurrent with the recording of the final map.

FMR-4 The following requirement(s) shall appear as a note(s) on the final map:

All easements shall be kept open, clear and free from buildings and structures of any kind. All obstructions, including utility poles and lines, trees, pole signs, fences, or similar obstructions, shall be removed from the ultimate road right-of-way. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

FMR-5 Prior to recording Final Map, clearance from utility companies shall be required.

FMR-6 Prior to issuance of building permits, the applicant shall provide to the City of Arvin, Engineer two (2) copies of the final map. Two hard-copies and a computer diskette in Auto-Cad format.

FMR-7 The Final Map shall include the following Certificate:

PLANNING COMMISSION CERTIFICATE

This is to certify that this final map subsequently conforms to the tentative map recommended by the Planning Commission at a duly authorized meeting held on the March 28, 2017 and approved by the City Council at a duly authorized meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
,Secretary of the Planning Commission

CITY CLERK'S STATEMENT

I, Cecilia Vela, City Clerk of the City Council of the City of Arvin, State of California, do hereby certify That the herein embodied map entitled, "Tract Map 7321, City of Arvin, Kern County, California", was presented to the City Council of the City of Arvin at a regular meeting thereof held on \_\_\_\_\_ day of "Month", "Year": and that said Council there upon, by Resolution Number "##", approved said map.

In Witness Hereof, I have hereinto, set my hand this \_\_\_\_\_ day of "Month", "Year".

\_\_\_\_\_  
Cecilia Vela  
City Clerk and Clerk of the Council  
Of the City of Arvin, State of California

FMR-8 The final map for each phase shall be prepared in accordance with the State Subdivision Map Act and local ordinances.

FMR-9 A Current title report (less than 90 days old) shall be submitted with the final map. The title report shall include entire legal boundary of property being subdivided. ,

FMR-10 Closure calculations shall be submitted at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation printout. The points of beginning shall be clearly defined and lot areas shall be shown and verifiable from information shown on the closure calculation printout. The area of each lot shall be indicated on the final map in square feet.

FMR-11 The Subdivider shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable

FMR-12 For each phase of this project, the Subdivider shall enter into a separate subdivision improvement agreement with the City provide an engineer's estimate for public improvements with a 20% contingency approved by the City Engineer, provide securities for faithful

performance and labor and material as required by the State Subdivision Map Act and City of Arvin base on 100% of the engineer's estimate, and pay all appropriate fees at the time that such fees are due and payable.

FMR-13 The subdivider shall dedicate or cause to dedicate appropriate easements for proposed City maintained facilities if such facilities are located outside of City right-of-way.

FMR-14 The subdivider shall be required to obtain all necessary permits from all agencies having jurisdiction over property being developed.

FMR-15 A final map shall be prepared by a licensed land surveyor or engineer in conformance with the requirements of the City and the Subdivision Map Act.

FMR-16 If multiple maps are recorded a "phasing plan" showing all necessary infrastructure shall be prepared and approved by the Community Development Director and City Engineer.

FMR-17 If multiple final maps are recorded a Master Plan shall be prepared and approved by the City showing the ultimate concept for grading, storm drainage, water systems, sanitary sewer, circulation and lotting.

FMR-18 Street monuments shall be set at all intersections, beginning and ends of curves, at all changes in horizontal alignment and in all cul-de-sacs.

FMR-19 The roads, easements, rights of way and public lands shall be offered for dedication to the City of Arvin, if any, on the final map.

FMR-20 A permanent survey marker shall be set at all lot corners.

FMR-21 All phasing shall have improved irrevocable offer of dedication and rights-of-way on and off-site, meeting City Standards necessary to serve that phase(s).

### **FLOOD PREVENTION (FP)**

FP-1 The entire subdivision is within the Flood Insurance Rate Map Zone X. Improvements to comply with the requirements of the Arvin Municipal Code Title 15.32 Floodplain Management for development in an X zone.

### **FEE REQUIREMENTS (FR)**

FR-1 The project shall be subject to those fees as established by the City of Arvin Third Amendment to Development Agreement for Tract 5816 as amended between LEORA, LLC and the City of Arvin.

FR-2 All fees due and payable to the City of Arvin shall be paid prior to recording of the final map unless otherwise set forth in the Third Amendment to Development Agreement. In addition, there may be other items required in order to satisfy conditions of the map such as performance bonds and certificates of deposit to guarantee improvements, or payments as may be required by the Third Amendment to Development Agreement.

### **BUILDING DIVISION (BD)**

BD-1 All construction shall comply with the 2013 Uniform Building Code, Plumbing Code, Mechanical Code and the 2013 California Electrical Code

BD-2 The construction site shall provide on-site sanitary facilities.

BD-3 Building permits shall not be issued until clearance is received from the Kern County Fire Department and the Arvin Unified School Districts that impacts impacts have been satisfied.

BD-4 Building permits shall not be issued until clearance is received the City of Arvin City Engineer and Community Development Department.

### **BUILDING PERMIT ISSUANCE REQUIREMENTS (BPIR)**

BPIR-1 Each lot shall be tested, including at least one compaction test, by a soils engineer certifying at least 90% relative compaction prior to pouring of foundation. Test results to be provided to the Building Official. This shall be completed to the satisfaction of the Building Official or designated representative.

BPIR-2 A letter from a Licensed Land Surveyor certifying elevation of pads to the design engineer. The Engineer shall certify the pads conform to the grading plan in respect to drainage and grades. The report shall be provided to the Building Official prior to issuance of a building permit. (Modified 3-19-17)

BPIR -3 All building, grading, excavation, shall be subject to Title 15 – Buildings and Construction code entire ordinance in effect and as may be amended from time to time.

### **School District Clearance (SDC)**

SDC-1 Prior to issuance of any building permits, the developer shall provide the City with evidence of agreement between the developer and affected school districts that school impacts have been mitigated.

**PUBLIC WORKS DEPARTMENT/CITY ENGINEER (PW/CE)**

**General Requirements**

PW/CE-1 All properties shall be connected to the City of Arvin street, sewer, and storm drainage facilities.

PW/CE-2 The applicant must submit a list of subcontractors to the Public Works Director/City Engineer and Building Division prior to start of any grading, excavation, or construction.

PW/CE3 A Note shall be placed on the Improvement Plans stating that:

*The Subdivider shall indemnify, defend and hold harmless the City of Arvin it's agents, officers and employees from any and all claims, actions or proceedings against the City of Arvin, its agents, officers and employees to attack, set aside, void or annul, any approval by the City of Arvin and its advisory agency, appeal board or a legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code of the State of California. The City of Arvin shall promptly notify the Subdivider of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the Subdivider shall not thereafter be responsible for defend, indemnify or hold the City harmless.*

PW/CE-4 Developer and/or contractor shall meet the requirements of CAL-OSHA prior to construction.

PW/CE-5 Prior to installation of any improvements or beginning of any construction, the property owner shall:

- a) Obtain an encroachment permit from the City Engineer and grading permit from the Building Division.
- b) Submit evidence of liability insurance with the City of Arvin being named as additional insured in the amount as required by the City of Arvin.

**GRADING (G)**

G -1 A complete set of on and off-site grading, drainage, sewer and street improvements plans shall be prepared by a licensed Civil Engineer and submitted for reviewed and approved by the City Engineer prior to the final map being recorded.

G -2 As Built drawings shall be submitted to the City of Arvin prior to acceptance of the improvements. Erosion control measures shall be incorporated into the construction plans.

G-3 A soils report shall be prepared by a Registered Civil Engineer for the subdivision indicating suitability for construction, recommendations for pavement sections (including sufficient R-value), trenching and back-fill, grading, detention/retention basins and excavations. The Registered Civil Engineer shall provide the City Engineer and Building Official with results of the soil sampling.

G-4 Each lot shall be tested, including at least one compaction test, by a soils engineer certifying at least 90% relative compaction prior to pouring of foundation. This shall be completed to the satisfaction of the Building Official or his representative.

G-5 Prior to the issuance of any building permits, the lot grades shall conform to the approved grading plan. A letter certifying the grades shall be provided to the City of Arvin Building Division from the design engineer.

G-6 An erosion control plan shall be submitted with the grading plan for approval by the City Engineer.

G -7 The applicant shall comply with the Regional Water Quality Control Board Construction General Permit Order 2009-0009 DWQ as amended by 2010-0014 DWQ and 2012-006 DWQ. If the project requires a SWPPP or Erosivity Wavier the applicant will provide a waste discharge identification (WDID) number on the cover sheet of the grading plan.

G-8 If the finished grade of any lot or the subdivision perimeter, is more than one (1) foot lower or higher than any adjoining lot, a masonry block wall shall be constructed.

G-9 Prior to the issuance of grading permits, the plans and specifications shall include reference and conformance to the SJVUAPCD dust control measures and shall be subject to District Regulation VIII, Rule 8010, 8020, 8030, 8060 and 8070 of Regulation VII. The following notes(s) shall appear on all grading plans:

1. During grading operations, the applicant for a grading permit shall be responsible for the application of water to development sites to mitigate the impact of dust and PM10 (particulate) emissions. Spraying water should be sufficient to ensure that soils remain damp, with the frequency of spraying dependent on weather conditions.
2. During grading operations, all activity shall be restricted to periods of low wind to reduce dust emissions.
3. Construction speed limits will be posted at fifteen miles per hour (15 mph).
4. The applicant is prohibited from using any equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property between 10:00 p.m. and 7:00 a.m. (AMC §12.04.200)

G-10 A grading plan shall show that the lowest finished floor elevation within the subdivision will be at least 12-inches above the gutter elevation. The maximum elevation of the storm drainage hydraulic grade line and the detention basin shall be 12-inches below the gutter line for a 50-year storm.

G-11 Unless otherwise approved, all residential lots shall drain to the to the public street and shall be collected in a public storm drain system

G-12 Drainage swales shall not occur along the common lot lines and must be contained within each lot.

## **STREETS (STREETS)**

Streets-1 Street name signs and traffic regulatory signs shall be provided by the Subdivider as required by the City Engineer and Community Development Director. No public traffic shall be allowed on streets until regulatory signs are in place and the street improvement punch list has been signed off by the City Engineer.

Streets-2 All roads shall be designed and constructed in conformance with the City Standards and any approved alterations thereto.

Streets-3 An approved all weather fire access road with adequate turning radius shall be provided prior to building construction. Approval shall be by the City Engineer and Kern County Fire District.

Streets-4 All existing and new utilities shall be placed underground and located in easements or rights-of-way. The utility companies must be consulted as to the location of the under grounding of existing and new utilities. The required easements shall be shown on the final map.

Streets-5 Traffic Striping shall be thermo plastic.

Streets-6 The developer shall contract with a street sweeping company to keep the streets clean. The sweeper shall sweep the streets once per week at a minimum until the City has determined that all construction work is complete and the City takes over the street sweeping contract. Upon approval of the City Engineer, once per week street sweeping schedule may be adjusted based upon condition of the streets and requirements of the SWPPP and the Dust Control Plan.

Streets-7 All existing and new streets shall be improved to City of Arvin Standards. Should right of way not be obtained by the developer, the City of Arvin shall, in accordance with the provisions of the Subdivision Map Act, begin eminent domain proceedings, at the sole expense of the developer, if needed.

Streets-8 The Developer may request that a Benefit Assessment District be formed to recapture the cost of off-site road and utility improvements. The formation of the Benefit Assessment District shall be at the sole cost of the developer and said costs may be included in the repayment.

Streets-9 All streets shall be improved with curb, gutter, sidewalk and pavement as required by the City of Arvin Standards.

Streets-11 Two point access shall be implemented and improved per City Standards.

Streets-12 All construction plans shall be submitted to the City Engineer for review and approval prior to construction. All utilities to be constructed within the onsite and offsite shall be installed prior to pavement placement.

Streets-13 Since Tesoro Drive is currently paved the applicant will be required to place a 2” asphalt overlay over the section of pavement that is open trenched for sewer and water lateral. All sewer and storm drain manholes and water valves shall be raised to finish pavement grade within the overlay area by the applicant.

### **WATER (WATER)**

Water-1 The water system shall be designed and constructed in conformance with the Arvin Community Service District’s Standards and their Water System Master Plan and any approved alterations thereto. Design and construction is subject to review and approval of the Arvin Community Services District. Two copies of approved water plans to be provided to the City Engineer.

Water-2 An approved water system including fire hydrants capable of supplying the required fire flow for fire protection shall be provided prior to building construction. Approval shall be by the City Engineer and Kern County Fire District.

Water-3 An approved water supply capable of supplying the domestic flow, in accordance with Title 22 of the State of California, and required fire flow for fire protection shall be provided prior to construction of any structures.

Water-4 All existing water wells shall be accurately located on the site plan. All water wells shall be destroyed in accordance with the requirements of the Kern County Public Health Services Department/ Environmental Health Division.

Water-5 Arvin Community Services District correspondence dated February 23, 2017, approved a Will Service Application for Tentative Tract 7321, on file at the Community Development Department.

### **SANITARY SEWER (SS)**

SS-1 The sanitary sewer system shall be designed and constructed in conformance with the City Standards, and the City Sewer Master Plan and any approved alterations thereto.

SS-2 Sewer laterals for all lots shall be connected to the 8” sewer mains located in the Hacienda Place and Tesoro Drive.

SS-3 The 8” sewer mains located in Hacienda Place and Tesoro Drive shall be videoed after the laterals are completed to make sure the integrity of the mains have not been damaged. Video will be provided to the City Engineer for review prior to acceptance of the sewer improvements.

### **STORM DRAINAGE (SD)**

SD-1 The storm system shall be designed and constructed in conformance with the City Standards, the City’s Storm System Master Plan and any approved alterations thereto. The storm drainage system shall be designed to handle the runoff from a ten (10) year storm.

SD-2 All residential lots shall drain to the public street. Drainage swales shall not occur along the common lot lines and must be contained within each lot.

### **UNIFIED AIR POLLUTION CONTROL DISTRICT (UAPCD)**

UAPCD-1 Email received on Tuesday February 14, 2017, from the San Joaquin Valley Unified Air Pollution Control District, on file at the Arvin Community Development Department, reviewed the proposed project and had no comments to offer at this time. The project sponsor will be required to meet with the “District” staff and comply with the Districts’ Permit Requirements prior to construction activities. Clearance shall be required prior to issuance of grading permits or building permits.

UAPCD-2 Planting of deciduous trees on the south and westerly facing sides of Buildings, if so provided.

UAPCD-3 If fireplaces are proposed, only natural gas fireplaces, EPA-certified wood burning fireplace/stoves or pellet fueled heaters should be installed.

UAPCD-4 If transit service is available to the project site, improvements should be made to encourage residents to use it. If transit service is not currently available, but is planned for the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.

UAPCD-5 Sidewalks and bike paths should be installed throughout as much of the project as possible and should be connected to any nearby open space areas, parks, schools, commercial areas, etc.

UAPCD-6 Energy efficient design including automated control system for heating/air conditioning and energy efficiency beyond Title 25 requirements, lighting controls and energy-efficient lighting in buildings increased insulation beyond Title 24 requirements and light colored roof materials to reflect heat.

UAPCD-7 Natural gas lines and electrical outlets should be installed in patio areas to encourage the use of gas barbecues and electric yard tools.

UAPCD-8 Provide low nitrogen oxide (Nox) emitting and/or high efficiency water heaters.

### **UTILITIES (U)**

U-1 Prior to the issuance of any building permits all existing non-public facilities and/or utilities, that do not have a lawful authority to occupy the road right-of-way be relocated on private property unless there is a lawful right for them to remain in the public right-of-way.

U-2 All utility distribution facilities and lines within the interior of the subdivision shall be installed underground except transformers, pedestals or similar structures.

U-3 All existing overhead and new utilities in the interior and exterior of the subdivision shall be under grounded at the sole cost of the project sponsor.

U-4 A 10' PUE shall be provided in all street frontages or as required by the various utility companies.

U-5 Prior to recording Final Map, clearance from utility companies shall be required.

### **KERN COUNTY FIRE DISTRICT (KCFPD)**

KCFPD-1 Project shall comply with the current California Fire Code requirements.

KCFPD-2 An approved water supply (fire hydrants) capable of supplying the required fire flow for fire protection shall be provided prior to construction.

KCFPD-3 Fire flows and fire protection systems shall be as required and approved by the Kern County Fire Department. Prior to the issuance of a building permit, emergency access and fire protection facilities shall be approved in accordance with the requirements of the Kern County Fire Department/Fire Prevention Unit.

### **RIGHT TO FARM (RF)**

RF – 1 This project shall be subject to the provisions of Arvin's Right to Farm ordinance.

### **CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM - ARCHEOLOGICAL AND HISTORICAL (CHR)**

CHR-1 The City of Arvin General Plan has not identify any resources of archaeological significance identified on the site.

CHR-2 The following note shall be placed on the final map, grading and improvement plans. If during the course of project-related activities, unknown archaeological or cultural resources are discovered, work shall be stopped in the immediate vicinity. A qualified archaeologist shall be contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the City of Arvin Community Development Department and any measures recommended by the archeologist shall be implemented prior to resumption of the work in the area.

**POSTAL SERVICE (PS)**

Effective July 1, 2002, the United State Postal Service is no longer responsible for the purchase and installation of centralized box units (CBU's) in new construction areas. Single family home development with six (6) or more lots must have mail receptacles provided by the building or developer before mail delivery service can begin. The following provides the general requirements:

PS-1 The Subdivider shall confer with the local postal authorities to discuss the recommended method of mail delivery service. Upon completion of a Mode of Delivery Agreement, the developer must provide a project map to the local postmaster.

PS-2 The location of such units shall be approved by the local Postmaster and the City Engineer.

PS-3 The postmaster will review the map, group the address that will be assigned to each centralized box unit and designate a place for installation. The centralized delivery map plan will be returned to the developer as a guide for pouring cement pads and installing the units.

PS-4 After installation, please notify the local post office so that the arrow lock can be installed and the compartments can be labeled. The keys for each unit will be distributed to the homeowner by the developer's sales office or arrangements can be made to have the keys issued by the local post office.

**STATE OF CALIFORNINA – DIVISION OF OIL, GAS AND GEOTHERMAL,  
DISTRICT 4 (OGD4)**

OGD4-1 The following note shall appear on the final map and all grading and improvement plans: The Department of Conservation/Division of Oil and Gas and Geothermal Resources has identified no active or known abandoned wells within the project site; however should any plugged, abandon or unrecorded well(s) be uncovered or damaged during grading and construction actives, the Department of Conservation/Division of Oil and Gas and Geothermal Resources shall be contacted to inspect and approve any remediation required.

**END**

**ATTACHMENT 1  
RESOLUTION NO. 02-49  
ADOPTED DECEMBER 18, 2002  
DEVIATIONS FOR TRACT 5816**

RESOLUTION NO. 02-09

A RESOLUTION OF THE ARVIN CITY COUNCIL  
APPROVING MODIFICATIONS TO CITY  
ORDINANCES AND DEVELOPMENT STANDARDS  
FOR DEVELOPMENT OF REAL PROPERTY  
SITUATED WITHIN THE CITY LIMITS

WHEREAS, the city of Arvin (the "City") is a municipal body, corporate and politic, governed as a General Law city by an elected Mayor and four council members (all referred to as "City Council"); and

WHEREAS, SYCAMORE VILLAS, LLC (the "Applicant") desires to develop the real property located generally south of Sycamore Road, north of Miller Road between Meyer Street and Comanche Drive, and more specifically delineated in Exhibit A, attached hereto and incorporated herein by reference, such property situated within the CITY OF ARVIN (the "City"). To accomplish said purpose, in part, Applicant has concurrently filed for approval a development agreement (the "Development Agreement"). Further, in this regard the Applicant has requested modifications from the Municipal Code and the Development Standards of the CITY OF ARVIN; and

WHEREAS, the City Council of the CITY OF ARVIN has reviewed and considered the applications for modifications;

WHEREAS, this Council, prior to taking action on this resolution, has held a duly noticed public hearing, on the said pertaining to the Development Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the CITY OF ARVIN hereby finds, orders and resolves as follows:

SECTION 1. All public notices concerning this resolution and the public hearing for consideration of the adoption of the ordinance approving the Development Agreement have been given.

SECTION 2. All applicable provisions of the California Environmental Quality Act have been followed and the Applicant has complied with the CITY OF ARVIN's requirements concerning the application for approval of the Development Agreement.

SECTION 3. Based upon an initial environmental assessment, the City Council finds that no new information has been presented pertaining to the modification application that leads to significant impacts which have not been previously analyzed and for which mitigation has been determined to reduce the impacts to less than significant; therefore a negative declaration is required because although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR and NEGATIVE DECLARATIONS pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR and NEGATIVE DECLARATIONS, including revisions or mitigation measures that are imposed upon the proposed project. All the mitigation that would have been required has been required;

SECTION 4. The City Council further finds that in adopting the modifications subject of this resolution it does so as part of its consideration and review process for the development agreement as provided for in California Government Code Section 55864 et seq. and presented by the Applicant, and not as a grant of special privilege to the Applicant.

SECTION 5. The analysis and disposition of these modifications were performed by the City in the course of its processing of the associated and pending Development Agreement application and the City Council therefore accepts any and all fees paid by the Applicant for the Development Agreement as satisfaction in full of any and all fees due for such modifications.

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EXHIBIT C  
RESOLUTION NO. 02-09  
ADOPTED DECEMBER 18 2002 -  
DEVIATIONS FOR TRACT 5816

SECTION 6. As of the date of consideration of this resolution, the development standards in force and effect are the standards dated April 1987.

SECTION 7. The City Council does hereby approve the following modifications to City standards and ordinances including the detail sheets titled, "Arterial Street", "Collector Street", and "Local Street" attached hereto as Exhibit B and incorporated herein by this reference, for the improvement and development by the Applicant, its successors or assigns of the property situated in Exhibit A. Following each such modification is the City Council's justification for such approval.

- i) Modification of Section 16.12.040, Specification 3-3 and Plate R-1 to allow Perimeter arterial streets (Sycamore, Comanche, Mulfox) TI=8.5 Sycamore and Comanche north of El Camino in lieu of 9.0, TI=6 Mulfox and Comanche South of El Camino; 110 foot right of way with bike lanes, Center line to flow line of 47 feet with parking and center line to flow line of 41.5 feet without parking in lieu of 44 feet. Reduced median to 12 feet wide from 20 feet wide where traffic volumes allow a single left hand turn lane.

Justification: The City Standard allows Traffic Indexes to be specified. The construction of all roads to a traffic index of 9.0 is impractical. Traffic analysis shows the specified traffic index is excessive. The inclusion of bike lanes makes the flow line to centerline distance of 44 feet impossible. General Plan encourages use of bicycle lanes.

- ii) Modification of Section 16.12.040, Specification 3-3 and Plate R-1 to allow Collector streets (Meyers Street): TI=6.0 in lieu of 7.0, 90 foot right of way with bike lanes, Center line to flow line of 37 feet with parking and center line to flow line of 31.5 feet without parking in lieu of 34 feet.

Justification: The City Standard allows Traffic Indexes to be specified. The construction of all roads to a traffic index of 7.0 is impractical. Traffic analysis shows the specified traffic index is excessive. The inclusion of bike lanes makes the flow line to centerline distance of 34 feet impossible. The General Plan promotes use of bicycle lanes.

- iii) The location of "No Parking" designations on perimeter arterials and collector streets is at the option of the developer except at right hand turn bays indicated for conformity with the Development Agreement.

Justification: "No Parking" requirements have not been established in the Project area.

- iv) Modification of Section 16.12.040, Specification 3-3 to define Local Collector Streets: TI=5.0 and right of way width of 60 feet in conformance with standards, where Average Daily Traffic (ADT) is greater than 500 vehicles per day (vpd) and modification of Plate R-1 to allow 22 feet centerline to flow line width adjacent to School Site.

Justification: The City Standard allows Traffic Indexes to be specified. The City Standard is defined for clarity where the street has an ADT of more than 500. The right of way is specified for clarity. 22 feet centerline to flow line width adjacent to School Site is included for safety. The General Plan policies include redesign of Local streets for traffic safety and efficiency.

- v) A modification of Specification 3-2 to allow a 64 foot local collector street to be placed at the mid section line (El Camino Real) in lieu of a 90 foot wide "collector" street.

Justification: The General Plan does not designate this portion of El Camino Real as a 90' right of way "collector" street. The traffic study does not assign traffic to this corridor. A local collector street is better suited to the school site and the integrity of the community.

- vi) Modification of Section 16.12.040, Specification 3-3 to allow: Local Street  $TI=4.5$  in lieu of 5.0 with 60 foot right of way with a 20 foot centerline to flowline distance where the Average Daily Traffic (ADT) is less than 500 vehicles per day (vpd).

Justification: The City Standard allows Traffic Indexes to be specified. A Local street with a 60-foot right of way and a 20-foot centerline to flowline distance with an Average Daily Traffic volume of less than 500 vehicles per day is associated with a Traffic Index of 4.5. The General Plan policies include redesign of Local streets for Traffic safety and efficiency.

- vii) Modification of Specification 3-5 to allow: Street grades 0.15% in lieu of 0.20%.

Justification: Flat topography of existing improvements makes design of all streets to a 0.2% minimum gradient impossible. The City is permitted to approve a deviation from this requirement.

- viii) Streetlight staggered at 300 feet intervals with standards conforming to PG&E "coach light" mast type on local streets.

Justification: City has no design Standards being specified for local streets. Section 16.16.070.C.9 and Ordinance 122 § 6.30, 1976 does not prohibit a "coach light" mast type streetlight.

- ix) Modification of Plate R-1 and Plate R-9 and Section 16.12.040 Local Street widths: 50 feet right of way in lieu of 60 feet and 18 feet centerline to flow line width in lieu of 20 feet at Cul de sacs.

Justification: Modern cul de sac design allows for reduced centerline to flow line width to 18 feet and commensurate reduction in right of way. The reduction of width will result in improved air quality due to reduced radiant heat. The reduction in width will promote traffic safety, enhance the community environment, and lower traffic speeds in cul de sac streets.

- x) Modification Plate R-9 and Section 16.12.040 Cul de Sacs Streets: Lot depth less than 100 ft, to allow 20' min at side yard condition (Plate R-9).

Justification: Lot depths of 20 feet at double frontage lots will allow side yard condition at cul de sac ends. The lots will be more efficient and will better utilize available space and energy conservation in home design.

- xi) Modification of Specification 3-3 Cul de Sac Streets:  $TI=4.0$  in lieu of 5.0 (Plate R-1).

Justification: The City Standard allows Traffic Indexes to be specified. Cul de sacs have lower traffic volumes and no through traffic therefore the lower TI of 4.0 is applicable on cul de sac streets.

- xii) Modification of Specification 3-3 and Plate R-1 and Plate R-9 and Section 16.12.050 - Turn a Rounds (Cul de Sacs Streets): Flared cul de sacs in lieu of a 50' radius cul de sac (Plate R-9).

Justification: Flared cul de sac allows smoother egress and ingress in a cul de sac bulb and for improved parking for residences on the cul de sac.

- xiii) Modification of Plate R-3 to allow: 4.5-foot sidewalk in lieu of 5 feet for local streets, local collector streets and Cul De Sac's.

Justification: 4.5 feet is adequate for pedestrian travel the reduction of width will result in improved air quality due to reduced radiant heat.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten initials]*

- xiv) A variance of Section 16.12.140, a modification of Section 16.12.160 to allow block length no greater than 2640 feet in lieu of 700 feet, and a modification to Section 16.12.160 to allow deletion of Pedestrian Ways through the middle of blocks having a length of more than 700 feet.

Justification: Block lengths are related to necessary ingress and egress to adjacent parcels of land to provide circulation and access as the community grows. This project is unique in that along the perimeter of the project are half width Major (110-foot right of way) and Secondary (90-foot right of way) roadway alignments. The project design provides for multiple routes for ingress and egress to adjacent parks, school and commercial sites as well as up Meyers Street into the core of the community. The longest block lengths occur at the North ramp and the South ramp where lengths of 2400 and 2640 are proposed. These block lengths prohibit traffic to the South and East where the estimated traffic volumes are minimal. Additional streets if added would not enhance the circulation network and would serve to degrade the integrity of the bicycle path system by removing long stretches of unopposed roadways. The other long blocks provide for uniformity of circulation patterns and improvements within the project area. The request to eliminate pedestrian ways near the midpoint of long blocks is based on safety concerns. Pedestrian ways impede the activities of the police department during patrols, the pedestrian access provides a means of access and escape to pedestrians, prohibits the patrol vehicle from pursuit, and causes the officer to leave the patrol car. Lighting of pedestrian ways is difficult because of problems of lighting private properties; graffiti removal, trash collection and sweeping are difficult for City maintenance workers to accomplish.

- xv) Modification of Specification 4-1 to allow Storm Drain made of HDPE, PVC or CL III RCP RGJ with rubber gasket joints and a HDPE and PVC with an N=0.011 in lieu of RCP N=0.015 and a modification to plate D-2 & D-3 to allow a high capacity gated drop inlet in lieu of side opening catch basin.

Justification: Industry has developed new materials for storm drains conforming to City Standards for flexible pipe. City Specification allows the City to specify different design criteria including other materials and construction techniques.

- xvi) Modification of Specification 2-3 for sewer mains made of HDPE or PVC with rubber gaskets and a N=0.011 with minimum slopes of 8" = 0.24% (in lieu of 0.30%), 10" = 0.18% (in lieu of 0.22%), 12" = 0.14% (in lieu of 0.17%) and 15" and 18" = 0.09% or better (in lieu of 0.12%) and 3.0 feet of cover in lieu of 6 feet of cover.

Justification: Industry has developed new materials for storm drains conforming to City Standards for flexible pipe. The slopes specified do not compare for a N 0.011; minimum cover over the main line for a truckload is less than 2.5 feet, use of 3.0 feet will allow for protection of the sewer system. City Standard 2-3 allows the City to consider special circumstances, the tie in elevations for the North half of the Subdivision are fixed and the topography is flat.

- xvii) Modification of Plate S-1 to allow 4 inch PVC sewer laterals constructed with Y's at 45 degrees and 2% minimum gradient, except where minimum cover of 36 inches at the gutter flow line in lieu of 48 inches at property line cannot be achieved, then the special design criteria is sewer Y's may be laid at 25 degrees and sewer laterals may be laid at 1% as required to achieve 36 inches minimum cover at flow line in lieu of 48" of cover. If 36" of cover cannot be achieved then cast iron pipe or concrete encasement may be used in conformance with above; the minimum cover at flowline shall be 18 inches.

Justification: Existing sewer tie in elevations necessitate special design of sewer laterals near the ends of sewer main runs.

- xviii) A modification of Section 16.12.150 and Section 17.05.090A to allow a minimum lot size of 5,000 square feet in lieu of 6,000 square feet and a lot width of 50 feet in lieu of 66 feet.

Justification: This project is a master planned community that will provide for a variety of sustainable appropriate uniform housing needs to the people of the City of Arvin. One of the major housing opportunities provided by this project is an affordable home. This affordability is appropriate to meet the needs of the community for housing. This request is uniform in that in order to create a sustainable inventory of housing for the community's future needs a sustainable amount of inventory of lots must be available.

- xix) Modification to Section 17.02.380 to allow key lots, where the drive approach at the front of the lot affected by an adjacent rear lot is moved to the opposite side of the lot.

Justification: Most single family residential lots within the project are North-South facing. Where lots must be turned East and West to make use of available land key lots will be created. While backing out of the residential driveway serving the lot whole side yard is common to a rear yard site distance would be impaired if the driveway was located next to the side yard / rear lot line condition. To negate the effect of the sight distance concern the drive approach may be moved to the opposite side of the lot.

- xx) Modification of Section 16.12.150E and Section 16.12.140B to allow double frontage lots of a depth of 100 feet in lieu of 240 feet for a rear lot condition, a width of 50 feet for a side yard condition, and one tier of lots instead of two. Where an access control barrier (concrete masonry wall or chain link fence as appropriate) landscaping and dedication of vehicular access rights is provided.

Justification: Lot depths of 240 feet are impractical and have not been used within the city of Arvin for an extended period of time. 100-foot deep lots have been allowed through the community. Double frontage side yards condition has been commonly allowed within the City of Arvin. A width of 50 feet provides consistency with other requested modifications. One tier of lots is required to accomplish the design of double frontage lots. Where double frontage lots are allowed a physical barrier maintained by the City is recommended. The barrier may be either a City maintained 6' concrete masonry block wall or a City maintained 3' high chain link fence and privately maintained decorative wood fence on private property. Landscaping will be provided in every case where double frontage lots are requested along arterial and collector streets. Relinquishment of access rights is also recommended so that the City may deny an encroachment permit request for an opening in the city maintained barrier and a drive approach to connect the rear or side yard to a City street.

- xxi) Modification of Plate R-1 to allow cut and fill slopes adjacent to streets, which are designated for landscaping not to exceed five to one in lieu of 2%. Double frontage lots, except along Sycamore Road, and side yards of lots on a collector (90' right of way) or major (110' right of way) streets shall have a decorative wood fence, permanent barrier at the rear or side yard property line, dedication of vehicular access rights and landscaping. The permanent barrier shall consist of a three- (3) foot high City maintained chain link fence and landscaping. Decorative wood fence shall be durable, constructed adjacent to the chain link fence on private property and shall be maintained by the property owner. Sycamore Road shall have landscaping, dedication of vehicular access rights and a 6' high concrete masonry wall.

Justification: The inclusion of landscaping and access control barriers have not been included in the city Standards. City Specification 1-4 allows the City to set different design criteria including material types and construction techniques.

xxii) A modification to Section 17.08.040 to allow: In lieu of 25 foot front yard setback, minimum front yard setback for the garage shall be 20 feet measured from the road right of way if a roll up garage door is used, if a swing garage door is used the setback to the garage door shall be 25 feet measured from the road right of way, and the minimum set back to the front of the house not including a garage or for a side loaded garage shall be 18.75 feet from the road right of way. Minimum set back to front of house not including garage shall be 10 feet.

Justification: Adjustment of the front yard setback requirement as requested allows for the front yard setback to vary depending on home design and garage door option selected. This approach to set back enables the homes to stagger and be non-linear in set back. This modification will enhance the appearance of the street scene by alternating the set back. The appearance enhancement will be aesthetically pleasing in appearance and enhance people's lives within the community.

xxiii) A modification to Section 17.08.040 to allow: 6 foot high Standard Fences for storm water sumps maybe set at the right of way in lieu of 25 feet from the right of way.

Justification: Storm water sump fences are placed in the road right of way to maximize use of the lot. Sump fences placed at this location will not pose a sight distance problem because the fence will have suitable set backs for sight distance.

xxiv) A modification to Section 17.12.030 to allow: 3 story structures in an R-3 zone in lieu of 2 1/2 stories per the code.

Justification: Construction of the lowest floor elevation below ground conflicts with the requirements of the Flood Plain Ordinance of the Arvin Municipal Code. It is impossible to comply with the zoning ordinance requirement for 2 1/2 stories and the flood plain ordinance simultaneously. In order to meet all requirements of the code three stories is required to provide uniformity of improvement and compliance with the allowable density.

xxv) A modification of Plate R-9 to allow a modified Bulb Intersection to conform to the attached detail.

Justification: The standard bulb design provides an excessive amount of width in a bulb. The excessive width promotes diagonal and perpendicular parking in the bulbs. In this design instance adequate maneuvering room and curb side parking is provided for the two locations of a bulb within this project.

xxvi) A modification to permit all lots to be graded with swales at a minimum of 1/4% and maybe located at common property lines in accordance with the Uniform Building Code and shall be graded from rear to front unless otherwise.

Justification: Soils at the site are well drained sandy loam therefore gradients of 1% are not required. The depth of fill are less than five feet therefore 1/4% swales are acceptable for surface drainage. 1/4% swales have been allowed in Arvin in other developments with no apparent adverse effect.

xxvii) A modification to 16.12.150.C to allow non-radial lot lines in lieu of lot lines at a right angle or radial if the street is curved.

Justification: The ordinance section states, "... so far as possible and approximately radial ..." indicating some deviation from this standard is expected. The lot design proposed provides for the most efficient utilization of available space and to provide an esthetic design to the home.

ADOPTED ON THIS 18<sup>th</sup> DAY OF DECEMBER, 2002 BY THE FOLLOWING VOTE:

AYES: OLIVARES, ACEVEDO, OJEDA, TARKIER, MORRIS

NOES:

ABSTAIN:

ABSENT:



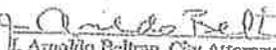
Juan M. Olivares, Mayor

ATTEST:



Gabriel A. Godínez, City Clerk

APPROVED AS TO FORM



J. Arnaldo Beltrán, City Attorney

I, Gabriel A. Godínez, City Clerk of the City of Arvin, California DO HEREBY CERTIFY that the foregoing is a true and accurate copy of Resolution #02-49 passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

Gabriel A. Godínez, City Clerk





**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

**TO: Planning Commission**

**FROM: Marti Brown, Community Development Director**

**SUBJECT: Recommendation Regarding Third Amendment to Development Agreement entered into by or between LEORA, LLC and the CITY OF ARVIN, and associated Mitigated Negative Declaration.**

**RECOMMENDATION**

Motion to Approve a Resolution of the Arvin Planning Commission Recommending the City Council i) Approve the Uncodified Ordinance for Third Amendment by and Between LEORA, LLC and the City of Arvin of the Development Agreement Between Sycamore Villas, LLC, and The City of Arvin, Concerning Tract 5816, Recorded on July 3, 2003 as Amended; and ii) Adopt Mitigated Negative Declaration for the Proposed Project.

**BACKGROUND**

The City of Arvin previously entered into a Development Agreement with Sycamore Villas, LLC, in July 3, 2003. The Development Agreement was amended, and LEORA, LLC (“Developer”) subsequently acquired Sycamore Villa LLC’s remaining portion of the property subject to the Development Agreement. The remaining portion of the property includes phases 5, 9 and 10 of Tract 5816. The property is located in the southwest portion of the city, and depiction of the location of the property is attached to this staff report.

With a new property owner in place, City Staff and the Developer assessed the project and its requirements. As a result, the Developer requested an amendment to the Development Agreement related to its property (“Third Amendment”). The proposed Third Amendment would:

- Relieve the City of obligations to reimburse the Developer up to a pro-rata portion of \$350,000 for certain road improvements along Comanche Drive south of El Camino Real, and clarify the parties’ intent regarding the scope of road improvements.

- Require the Developer to pay the City \$200,000 (this money is anticipated to be used for construction of a park).
- Allow for additional subdivision of Lot 82 of Tract 5816, Phase 9, into 20 single-family lots (“Vesting Tentative Tract Map No. 7321”). This land was previously planned for park space.<sup>1</sup>
- Require transfer by Developer of a certain sump (temporary ponding basin) located at 1400 El Camino Real of Tract 5816, Phase 9, Lot 8, to the City at no cost.
- Give the Developer a first right of refusal for certain surplus dirt on a nearby piece of City property at no cost. (This will save the City the cost of hauling the dirt away in order to expand a stormwater drainage basin to reduce the potential for flooding in Arvin.)
- Confirm the fee of \$2,300 per lot as was previously approved and set by prior amendments to the Development Agreement.
- Provide for early payment of \$223,100 of these fees to the City within 30 days of approval of Vesting Tentative Tract Map No. 7321.
- Provide expedited review and inspections for the property and Vesting Tentative Tract Map No. 7321.
- Extend the term of the Development agreement from 2023 to 2026, with tolling for any moratoriums that may affect the property.
- Provide for a mutual release of all past claims related to the property, and acknowledgement the City and the Developer are not currently in default of the Development Agreement as amended.
- Require the Developer to comply with its Annual Review and other requirements of the Development Agreement as amended.

The proposed Third Amendment complies with the policies of the City's General Plan and is consistent with all applicable provisions of the General Plan. The proposed Third Amendment also complies with the requirements of California Government Code Sections 65865 through 65869.5. Staff have reviewed the Third Amendment, and found it will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the project will be substantially constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended. Finally, the proposed Third Amendment does not alter the clear and substantial benefit to the residents of the City of the project, since the proposed amendment makes no substantive changes to the project or to the Development Agreement.

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<sup>1</sup> Developer has also requested a modification to development standards consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated within City Limits) approved for Sycamore related to the Property, which would allow for deviation to lot configuration and size, 50 foot parcel width and 5,000 square foot lots. The modification and Vesting Tentative Tract Map items are not part of the consideration of the Third Amendment, but will be considered by the Planning Commission as a separate item at the same meeting.

## **ENVIRONMENTAL ANALYSIS.**

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. The proposed project could have a potentially significant effect on the environment. Feasible mitigation measures or alternatives have been incorporated in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur. The project specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study, which is incorporated into the Mitigated Negative Declaration. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment. (CEQA Guidelines sections 15071(e) and 15369.5.) The Developer has, as required by CEQA, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff have determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Guidelines sections 15071(e) and 15369.5. A public notice of the attached mitigated negative declaration finding for the Initial Study and Mitigated Negative Declaration was published on February 22, 2017, with no comments received within the 20 day comment period.

## **FISCAL IMPACT**

The approval of the Third Amendment as proposed would create a substantial cost savings and revenue estimated in excess of \$500,000.

## **ATTACHMENT**

1. Resolution of the Arvin Planning Commission Recommending the City Council i) Approve the Uncodified Ordinance for Third Amendment by and Between LEORA, LLC and the City of Arvin of the Development Agreement Between Sycamore Villas, LLC, and The City of Arvin, Concerning Tract 5816, Recorded on July 3, 2003 as Amended; and ii) Adopt Mitigated Negative Declaration for the Proposed Project (with attached draft Ordinance and proposed Third Amendment).
2. Mitigated Negative Declaration (with incorporated Initial Study).

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE ARVIN PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL I) APPROVE THE UNCODIFIED ORDINANCE FOR THIRD AMENDMENT BY AND BETWEEN LEORA, LLC AND THE CITY OF ARVIN OF THE DEVELOPMENT AGREEMENT BETWEEN SYCAMORE VILLAS, LLC, AND THE CITY OF ARVIN, CONCERNING TRACT 5816, RECORDED ON JULY 3, 2003 AS AMENDED; AND II) ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED PROJECT**

**WHEREAS**, California Government Code Section 65864 *et seq.* authorizes cities to enter into development agreements with private property owners; and

**WHEREAS**, the City of Arvin City Council (the "City Council") previously entered into a Development Agreement with Sycamore Villas, LLC, pursuant to the authority of Government Code Sections 65864 through 65869.5 which was recorded on July 3, 2003, in the Kern County Official Records as Document Number 0203133456, ("Development Agreement"); and

**WHEREAS**, under the Development Agreement, Sycamore Villas, LLC had the right to sell, assign or transfer the Development Agreement, and all of its rights, duties and obligation thereunder, to any person, including a portion thereof; and

**WHEREAS**, Sycamore Villas, LLC, sold a portion of the property subject to the Development Agreement to K. Hovnanian at Ceilo, LLC, and transferred its obligations and rights to K. Hovnanian at Ceilo, LLC, thereunder, and K. Hovnanian at Ceilo, LLC, is a successor in interest to that portion of the property; and

**WHEREAS**, pursuant to Government Code Section 65868, development agreements may be amended; and

**WHEREAS**, the Development Agreement was subsequently amended, some amendments with Sycamore Villas, LLC, or K. Hovnanian at Ceilo, LLC as a party, and some without, depending on the portion of the property subject to the Development Agreement being affected; and

**WHEREAS**, LEORA, LLC obtained the development rights previously held by Sycamore Villas, LLC, for Tract 5816, Phases 5, 9 and 10 along with the rights and obligations as established by the Development Agreement established for Tract 5816; and

**WHEREAS**, the City and LEORA, LLC, desire to establish mutually beneficial obligations and benefits subject to the Third Amendment to the Development Agreement, and to do so by an amendment of the Development Agreement; and

**WHEREAS**, for the purposes of reference only, this amendment to the Development Agreement has been identified as the "Third Amendment to Development Agreement" ("Third Amendment") relating to LEORA, LLC; and

**WHEREAS**, in conjunction with this Third Amendment, LEORA, LLC has filed an application to subdivide a 2.584 acres parcel (APN 186-68-030), consisting of Lot 82 of Tract 5816-9, into 20 single-family lots ("Vesting Tentative Tract Map No. 7321") that was previously proposed as a park; and

**WHEREAS**, LEORA, LLC has also requested a modification to development standards consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated within City Limits) approved for Sycamore Villas, LLC, related to the Property, which would allow for deviation to lot configuration and size, 50 foot parcel width and 5,000 square foot lots; and

**WHEREAS**, the City has environmentally assessed the entire project, including the Third Amendment, the proposed modifications to development standards consistent with Resolution No. 02-49, and Vesting Tentative Tract Map No. 7321, and has issued an Initial Study proposing adoption of a Mitigated Negative Declaration for the project; and

**WHEREAS**, LEORA, LLC has signed the Mitigation Agreement on file at the City of Arvin Community Development Department; and

**WHEREAS**, the Third Amendment does not create any significant environmental impacts as determined by the Initial Study completed by the City of Arvin; and

**WHEREAS**, pursuant to CEQA Guidelines section 15072, on or about February 21st, 2017, the City filed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration with the Kern County Clerk, published the notice in the Arvin Tiller, posted the notice at the City Clerk's office, and made it available on the City's website; and

**WHEREAS**, the City properly noticed the March 28, 2017 hearing before the Planning Commission for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on March 28, 2017, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Arvin as follows:

1. The above recitals are true and correct.

2. The Planning Commission recommends to the City Council:

- a. Find the Initial Study/Mitigated Negative Declaration reflects the Council's independent judgement and analysis.
- b. Find, on the basis of the whole record before the Council, including the Initial Study, and any comments received and the responses to said comments, that there is not substantial evidence that the project will have a significant, adverse effect on the environment.
- c. Find that the project mitigation imposed, as described in the Initial Study and support documents, will avoid any potentially significant effects to a point where clearly no significant adverse impact on the environment would occur.
- d. Adopt the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed.

3. The Planning Commission recommends the City Council approve the proposed Third Amendment and uncodified ordinance attached hereto as Exhibit "A," and recommends the City Council make the following attendant findings:

- a. The proposed Third Amendment to the Development Agreement complies with the policies of the City's General Plan. The proposed land uses and the density are also compliant per this requirement. Accordingly, the revision to the Development Agreement is consistent with all applicable provisions of the General Plan.
- b. The proposed Third Amendment to the Development Agreement establishes mutual beneficial obligations and benefits for applicant and city. The amendment establishes obligations of the developer for infrastructure improvements as specified in the Development Agreement, payment to the City, transfers a drainage basin to the city which enhances the Storm Drainage Master Plan, provides first right of refusal to the developer for excess dirt from the development, and relieves developer of certain obligations for park improvements.
- c. The proposed Third Amendment to the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.
- d. The proposed Third Amendment to the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended.
- e. The proposed Third Amendment to the Development Agreement does not alter the clear and substantial benefit to the residents of the City of the Project, since the proposed amendment makes no substantive changes to the Project or to the Development Agreement.



**ORDINANCE NO.**

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN FOR A THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LEORA, LLC**

**WHEREAS**, California Government Code Section 65864 *et seq.* authorizes cities to enter into development agreements with private property owners; and

**WHEREAS**, the City of Arvin City Council (the "City Council") previously entered into a Development Agreement with Sycamore Villas, LLC, pursuant to the authority of Government Code Sections 65864 through 65869.5, which was recorded on July 3, 2003, in the Kern County Official Records as Document Number 0203133456, ("Development Agreement"); and

**WHEREAS**, under the Development Agreement, Sycamore Villas, LLC, had the right to sell, assign or transfer the Development Agreement, and all of its rights, duties and obligation thereunder, to any person, including a portion thereof; and

**WHEREAS**, Sycamore Villas, LLC, sold a portion of the property subject to the Development Agreement to K. Hovnanian at Ceilo, LLC, and transferred its obligations and rights to K. Hovnanian at Ceilo, LLC, thereunder, and K. Hovnanian at Ceilo, LLC, is a successor in interest to that portion of the property; and

**WHEREAS**, pursuant to Government Code Section 65868, development agreements may be amended; and

**WHEREAS**, the Development Agreement was subsequently amended, some amendments with Sycamore Villas, LLC, or K. Hovnanian at Ceilo, LLC as a party, and some without, depending on the portion of the property subject to the Development Agreement being affected; and

**WHEREAS**, LEORA, LLC obtained the development rights previously held by Sycamore Villas, LLC, for Tract 5816, Phases 5, 9 and 10 along with the rights and obligations as established by the Development Agreement established for Tract 5816; and

**WHEREAS**, the City and LEORA, LLC, desire to establish mutually beneficial obligations and benefits subject to the Third Amendment to the Development Agreement, and to do so by an amendment of the Development Agreement; and

**WHEREAS**, for the purposes of reference only, this amendment to the Development Agreement has been identified as the "Third Amendment to Development Agreement" ("Third Amendment") relating to LEORA, LLC; and

**WHEREAS**, in conjunction with this Third Amendment, LEORA, LLC has filed an application to subdivide a 2.584 acres parcel (APN 186-68-030), consisting of Lot 82 of Tract

5816-9, into 20 single-family lots (“Vesting Tentative Tract Map No. 7321”) that was previously proposed as a park; and

**WHEREAS**, LEORA, LLC has also requested a modification to development standards consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated within City Limits) approved for Sycamore Villas, LLC, related to the Property, which would allow for deviation to lot configuration and size, 50 foot parcel width and 5,000 square foot lots; and

**WHEREAS**, the City has environmentally assessed the entire project, including the Third Amendment, the proposed modifications to development standards consistent with Resolution No. 02-49, and Vesting Tentative Tract Map No. 7321, and has issued an Initial Study proposing adoption of a Mitigated Negative Declaration for the project consistent with the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, LEORA, LLC has signed the Mitigation Agreement on file at the City of Arvin Community Development Department; and

**WHEREAS**, the Third Amendment between LEORA, LLC and the City of Arvin does not create any significant environmental impacts as determined by the Initial Study completed by the City of Arvin; and

**WHEREAS**, pursuant to CEQA Guidelines section 15072, on February 22, 2017, the City filed a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration with the Kern County Clerk, published the notice in the Arvin Tiller, posted a copy of the notice at the City Clerk’s office, and posted a copy on the City’s website; and

**WHEREAS**, the City also properly noticed the March 28, 2017 hearing before the Arvin Planning Commission for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on March 28, 2017, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment; and

**WHEREAS**, after closing public testimony and giving due consideration of all the evidence before it, the Planning Commission subsequently recommended the City Council \_\_\_\_\_ [adopt/not adopt] the Mitigated Negative Declaration and \_\_\_\_\_ [approve/not approve] the Third Amendment; and

**WHEREAS**, the City also properly noticed the \_\_\_\_\_, 2017 hearing before the City Council for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on \_\_\_\_\_, 2017, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Third Amendment, and after which this Ordinance was introduced by the City Council.

**WHEREAS**, the City Council conducted a second duly noticed public hearing on \_\_\_\_\_, 2017, at which time all interested parties were given another opportunity to be heard and present evidence regarding the proposed Third Amendment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARVIN DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council finds as follows:

- a. Initial Study/Mitigated Negative Declaration reflects the Council's independent judgement and analysis;
- b. On the basis of the whole record before the Council, including the Initial Study, and any comments received and the responses to said comments, that there is not substantial evidence that the project will have a significant effect on the environment; and
- c. The project mitigation imposed, as described in the Initial Study and supporting documents, will avoid any potentially significant effects to a point where clearly no significant adverse impact on the environment would occur.

**Section 2.** Based on the foregoing, the City Council hereby adopts the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The Department of Community Development located at \_\_\_\_\_ shall serve as the custodian of all documents or other material which constitutes the record of proceedings upon which the Council's adoption of this Mitigated Negative Declaration is based. The Council authorizes and directs the Director of the Department of Community Development, or designee, to execute and file with the Kern County Clerk, within five business days of the adoption of this Ordinance, an approval of the project a Notice of Determination that complies with CEQA Guidelines, section 15075.

**Section 3.** The City Council finds the proposed Third Amendment to the Development Agreement complies with the policies of the City's General Plan. Accordingly, the revision to the Development Agreement is consistent with all applicable provisions of the General Plan. The proposed land uses and the density are also compliant per this requirement.

**Section 4.** The City Council finds the proposed Third Amendment to the Development Agreement establishes mutual beneficial obligations and benefits for LEORA, LLC and the City. The amendment establishes obligations of the LEORA, LLC for infrastructure improvements as specified in the Development Agreement, payment of to the

City, transfers a drainage basin to the city which enhances the Storm Drainage Master Plan, provides first right of refusal to the developer for excess dirt from the development, and relieves developer of certain obligations for park improvements.

**Section 5.** The City Council finds the proposed Third Amendment to the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.

**Section 6.** The City Council finds proposed the Third Amendment to the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be constructed in accordance with the plans and entitlements that were approved previously by the City, and development of any future phases will be subject to further review and consistency with the Development Agreement as amended.

**Section 7.** The City Council finds the proposed Third Amendment to the Development Agreement does not alter the clear and substantial benefit to the residents of the City of the Project, since the proposed amendment makes no substantive changes to the Project or to the Development Agreement.

**Section 8.** For the foregoing reasons, and based on the information contained in the staff reports, supporting documentation, minutes and other records of the proceedings, all of which are incorporated herein by this reference, the City Council hereby adopts this Ordinance and approves the proposed Third Amendment to the Development Agreement, which amendment is attached hereto as Exhibit "A" and incorporated herein by this reference.

**Section 9.** The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933.

**Section 10.** This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_ 2017, and adopted the Ordinance after the second reading at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2017, by the following roll call vote:

AYES: \_\_\_\_\_

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

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

ABSENT: \_\_\_\_\_

**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

Exhibit A: Third Amendment To Development Agreement

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.

**EXHIBIT A**

**THIRD AMENDMENT TO DEVELOPMENT AGREEMENT**

RECORDED AT THE REQUEST OF  
AND WHEN RECORDED RETURN TO  
(Document exempt from recording fees  
pursuant to Cal. Gov. Code §27383)

CITY OF ARVIN  
Attn: City Clerk  
200 Campus Drive  
Arvin, CA 93203

(Space Above This Line for Recorder's Office Use Only)

**AGREEMENT NO. 2017-\_\_\_\_\_**

**THIRD AMENDMENT TO DEVELOPMENT AGREEMENT**

This Third Amendment to Development Agreement ("Third Amendment") is made and entered into effective as of \_\_\_\_\_, 2017, and entered into by or between LEORA, LLC, a California limited liability company ("Developer"), and the CITY OF ARVIN, a municipal corporation ("the City"). Developer and the City are collectively referred to herein as ("Parties").

**RECITALS**

A. The City previously entered into a Development Agreement with Sycamore Villas, LLC, ("Sycamore") pursuant to the authority of Government Code Sections 65864 through 65869.5 which was recorded on July 3, 2003, in the Kern County Official Records as Document Number 0203133456, ("Development Agreement").

B. Thereafter, K. Hovnanian at Cielo LLC represented it acquired title for a certain portion of the property from Sycamore Villas, LLC that was subject to the Development Agreement on November 11, 2005 ("KHAC Property"). The KHAC Property is not subject to this Third Amendment.

C. The Development Agreement was subsequently amended effective July 24<sup>th</sup>, 2007, by document entitled "Amendment To The Development Agreement," Agreement No. 2007-18, which was recorded on October 9, 2007, in the Kern County Official Records as Document Number 0207204984 ("First Amendment").

D. The Development Agreement was again subsequently amended and entered into as the June 12, 2009, by document entitled "Second Amendment To Development Agreement," Agreement No. 2009-26, which was recorded on December 18, 2009, in the Kern County Official Records as Document Number 0209185187 ("Second Amendment").

E. Thereafter, Developer subsequently obtained the rights and obligations under the Development Agreement for all remaining portions of the property legally described in Exhibit "A" attached hereto ("Property") and previously owned by Sycamore Villas, LLC that was not KHAC Property.

F. Effective November 1, 2016, the City and K. Hovnanian at Cielo LLC amended the Development Agreement by document entitled for the sake of reference "Third Amendment to Development Agreement," (Agreement No. 2016-42), which was recorded on December 8, 2016, in the Kern County Official Records as Document Number 0216176492 ("Hovnanian Third Amendment"). The Hovnanian Third Amendment is not subject to this Third Amendment, nor does this Third Amendment affect the Hovnanian Third Amendment, as each involves separate property subject to the Development Agreement.

G. The Parties now desire to enter into this Third Amendment to the Development Agreement. For reference purposes only, the Parties have identified this amendment as the "Third Amendment to Development Agreement" ("Third Amendment").

H. This Third Amendment specifically applies only to the real property legally described in Exhibit A to this Third Amendment.

I. In conjunction with this Third Amendment, Developer has filed an application to subdivide a 2.584 acres parcel (APN 189-68-030), consisting of Lot 82 of Tract 5816, Phase 9, into 20 single-family lots ("Vesting Tentative Tract Map No. 7321"). Lot 82 was previously proposed as a potential park site. Developer has also requested a modification to development standards consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated Within City Limits) approved for Sycamore related to the Property, that would allow for reduction of the street frontage by five (5) feet per parcel and a reduction of parcel sizes to less than 6,000 square feet.

J. The City has determined that this Third Amendment furthers the public health, safety and general welfare, and that the provisions of this Agreement are consistent with the goals and policies of the General Plan. For the reasons recited herein, the City and Developer have determined that the project is a development for which an amendment to the Development Agreement is appropriate. It is also the intent of the Parties to clarify obligations for the Property and to resolve any potential claims against the City.

#### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals are incorporated into this Agreement as if set forth in full herein.
2. Expedited Review and Inspections. Any newly submitted improvement plans, architectural plans and structural plans for Tract 5816, Phases 5, 9 and 10, and Vesting Tentative Tract Map No. 7321, shall receive expedited review by the City, as more fully set forth on Exhibit "B" attached hereto. The City shall also hire or retain a building inspector to be available Tuesdays and Thursdays (unless otherwise mutually arranged by the Parties) for inspections for those periods of time when construction is actively occurring in Tract 5816, Phases 5, 9 and 10, and Vesting Tentative Tract Map No. 7321. Developer acknowledges that in some circumstances (such as an official holiday, unexpected illness, family emergency, etc.) the building inspector may not be available on the designated days; the City will use reasonable efforts to provide a building inspector so that such absence will not be extended. This requirement for expedited review and inspections shall not be required for any other property other than Tract 5816, Phases 5, 9 and 10, and Vesting Tentative Tract Map No. 7321.
3. Reimbursement for Road Improvements. Section 13.10 of the Development Agreement (added by the First Amendment, and modified by the Second Amendment) is amended to read as follows:

13.10 Reimbursement for Road Improvements. Pursuant to the First Amendment, Sycamore was entitled reimbursement for certain road improvements upon its completion in a manner satisfactory to City. These road improvements were (1) Comanche Drive from El Camino Real to Millux Road (The "**Original Comanche Improvements**"); (2) Millux Road from Comanche Drive to Meyer Street (the "**Millux Improvements**"); and (3) Meyer Street from Millux to El Camino Real (the "**Meyer Improvements**"). With Sycamore's sale of APN 189-351-71 and 189-351-73 to the City of Arvin, under the Second Amendment Sycamore Developer will no longer be required to complete the Millux Improvements or the Meyer Improvements. Sycamore Developer will only be obligated to complete, ~~and only be entitled to reimbursement for,~~ construction and installation of ~~a portion of the Original Comanche Drive Improvements from El Camino Real to the property line of APN 189-351-71 southern boundary line of Phase 10, per the street improvement plans for said Phase~~ (the "**New Comanche Improvements**"). The City shall not have any reimbursement obligations for construction of the New Comanche Improvements. Reimbursement shall be for the amount actually incurred, provide such amounts were reasonable and necessary, to design and construct such road improvements, subject to a reimbursement cap. Under the First Amendment, the total cap for reimbursement of the entire construction of the Original Comanche Improvements was \$350,000. Under this Second Amendment, the cap for reimbursement for the New Comanche

~~Improvements shall be equal to the pro-rata portion of the original \$350,000 cap that is equal to the ration that the total number of lineal feet required to be completed as the New Comanche Improvements bears to the total number of lineal feet originally required by the Original Comanche Improvements.~~

Nothing in this ~~Second~~ Amendment is intended to exempt the Conveyed Property from those requirements imposed, or that may be generally imposed from time to time, upon development, land use, building and similar activities within the City of Arvin by virtue of the City of Arvin's General Plan, ordinances, codes and policies.

4. Additional Subdivision of Land. Developer has filed an application to subdivide a 2.584 acres parcel (APN 189-68-30), consisting of Lot 82 of Tract 5816, Phase 9, into 20 single-family lots ("Vesting Tentative Tract Map No. 7321"). Notwithstanding any other provision in the Development Agreement, Developer i) may subdivide said land for an additional 20 single-family residential lots by an approved tract map; ii) is deemed to have satisfied, and is relieved from, any obligation to dedicate or build parkland related to Tract 5816, Phases 9 and 10; and ii) Developer shall pay City \$200,000 as unrestricted funds. Said payment shall be due and payable on a pro-rated basis of \$2,062 ( $\$200,000/97 \text{ lots} = \$2,062$ ) per lot subject to this Third Amendment before issuance of a certificate of occupancy for a structure on that lot.

5. Surplus Dirt. The City anticipates the potential for surplus dirt from its property as generally depicted on Exhibit "C". City grants Developer a right of first refusal to acquire any portion of surplus dirt for a term ending upon the expiration of the Development Agreement as amended herein. If Developer exercises Developer's right of first refusal within 15 days of notice from City, the surplus dirt shall be made available by City to Developer at no cost to Developer. Said surplus dirt is in "AS-IS" condition, and City makes no representation or warranty, express or implied, as to its condition or suitability for Developer's purposes. If Developer exercises Developer's first right of refusal, Developer shall be responsible for all costs associated with transporting the Developer's dirt to the suitable area and coordinating with City regarding the same to ensure City's construction on the surplus dirt site is not delayed. Developer is not authorized to enter the City's construction site without express written consent by the City Manager. The Parties anticipate Developer will bring suitable earth moving equipment to the site to receive the surplus dirt at the property line from loaders and equipment operating on the surplus dirt site. City shall have no obligation to spread, grade or otherwise distribute the surplus dirt in any fashion. Only if Developer fails to exercise its right of first refusal within the period provided herein, City shall have the right to sell or otherwise transfer the surplus dirt to a third party.

6. Sump. Developer owns a certain sump (temporary ponding basin) located at 1400 El Camino Real of Tract 5816, Phase 9 Lot 81. Within 90 days of the approval of this Third Amendment by City, Developer shall transfer said sump to City in fee simple at no cost to City.

7. Fees.

(a) The total cost for all permits, inspections, checks, fees and other charges associated in any way with the development of real property or the construction of improvements on lots thereon (collectively, "Fees") for single family residential lots within the Property shall remain capped at \$2,300 per lot in accordance with Section 5 of the First Amendment and shall not be affected by this Third Amendment. To the extent fees have not been addressed by the First Amendment, such as those related to non-single family residential lots, the Fees shall remain as set forth in the Development Agreement, Paragraph 3.6 (Exactions).

(b) The Fees related to the development of Tract 5816, Phase 9, Lots 35-39, 64,65 and 69 of Phases 5, and Vesting Tentative Tract Map No. 7321 shall be paid by Developer to City in advance within 30 days of receiving final approval of Vesting Tentative Tract Map No. 7321. The total prepaid Fees paid in advance to City shall be \$223,100 ( $\$2,300 \text{ per lot} \times 97 \text{ lots}$ ).

8. Term. Section 2.2 of the Development Agreement shall be amended to extend the term by an additional three (3) year period to July 3, 2026. Should a moratorium or any similar restriction on the issuance of building permits be imposed by any municipal or government agency that is applicable to the

Property, the term of the Development Agreement shall be extended for a period equal to the length of the moratorium or restriction.

9. Remainder Unchanged. Except as specifically modified and amended in this Third Amendment, the Development Agreement as amended by the Parties remains in full force and effect and is binding upon the Parties.

10. Release. Parties, individually, and on behalf of its successors, trustees, creditors, and assigns, completely releases, acquits, and forever discharges the other Party, its agents, officers, employees, attorneys, successors, predecessors, insurers, and members of the governing board or council, from any and all claims, rights, demands, obligations, liabilities, claims or causes of action of any and every kind, nature and character, whether known or unknown, whether in law or in equity, which it may have had, or ever had, or could in the future have against the other Party for any act or omission that occurred prior to entering into the Third Amendment, and which are in any way related to the Development Agreement as amended. This release contained herein is made notwithstanding Section 1542 of the California Civil Code which provides:

**A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.**

The Parties expressly acknowledges that this release is intended to include without limitation, all claims and causes of action that a Party does not know or suspect to exist in his favor and that this release contemplates the extinguishment of all such claims and causes of action for any acts, omissions or events which are in any way related to the Development Agreement as previously amended and occurred prior to the effective date of the Third Amendment. To be clear, and notwithstanding any other language in this Third Amendment, this release only applies to claims, etc., related to i) the Development Agreement as amended; and ii) the Property. Further, no claims arising after the date of this Third Amendment (i.e., future claims) are being released by either Party.

11. No Default. The Parties each represent and warrant to the other that, as of the date of this Third Amendment, neither Party is aware of any breach or default (or with the giving of notice or the passage of time, of any event that could constitute a breach or default) of the other Party under the Development Agreement. Nothing in this Paragraph shall constitute a waiver of Developer's obligations to comply with the Development Agreement, including obligations to install any improvements that may be required by the Development Agreement as amended by the Parties, notwithstanding the passage of time.

12. Continuing Obligations. Developer shall comply with its Annual Review and other requirements of the Development Agreement as amended by the Parties.

13. No Admission of Liability. This Third Amendment and compliance with it, shall not operate or be construed as an admission by the City of any liability, misconduct, or wrongdoing whatsoever.

14. Counterparts. This Third Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same agreement.

15. Successors. This Third Amendment shall be binding upon and inure to the benefit of the heirs, executors, successors and assigns of the Parties hereto.

IN WITNESS WHEREOF, the Parties have duly executed this Third Amendment on the day and year first above written.

**CITY OF ARVIN,**  
a municipal corporation

By: \_\_\_\_\_  
Jose Gurrola, Mayor

**LEORA, LLC**  
a California limited liability company

By: \_\_\_\_\_  
Michael F. Hair, Managing Member

\_\_\_\_\_, 2017

ATTEST:

\_\_\_\_\_  
Cecilia Vela, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_  
Shannon Chaffin, City Attorney

\_\_\_\_\_, 2017

**Note:** Developer's signature shall be notarized, and appropriate attestations shall be included as may be required by the bylaws, articles of incorporation, or other rules or regulations applicable to developer's business entity.

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Name:  
Title:

Exhibit A  
Legal Description of Developer Property

The land referred to herein below is situated in the City of Arvin, County of Kern, State of California, and is described as follows:

LOTS 1 TO 20, 31 THROUGH 67 AND 69 THROUGH 82 OF TRACT 5816-PHASE 9 IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA AS PER MAP RECORDED DECEMBER 5, 2006 IN BOOK 56, PAGES 171 THROUGH 176, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

(APN'S 189-671-01 THROUGH 09, 189-672-01 THROUGH 06, 189-672-17 THROUGH 20, 189-673-01 THROUGH 23, 189-680-01 THROUGH 15 AND 17 THROUGH 30)

PORTION OF PARCEL 3 SOUTH OF EL CAMINO REAL, OF PARCEL MAP 11401 IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA AS PER MAP RECORDED MAY 16, 2006 IN BOOK 54, PAGES 192 THROUGH 194, INCLUSIVE, OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. A CERTIFICATE OF CORRECTION RECORDED MAY 23, 2007 DOCUMENT NUMBER 0207109743, OF OFFICIAL RECORDS.

(APN 189-351-81)

LOTS 35 THROUGH 39, INCLUSIVE; AND LOTS 64, 65 AND 69 OF TRACT NO. 5816 PHASE 5 & 6, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED JUNE 15, 2005, IN BOOK 53 PAGES 115 AND 116 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

(APN'S 189-571-01-00-2, 189-571-02-00-5, 189-571-03-00-8, 189-571-04-00-1, 189-571-05-00-4, 189-574-01-00-3, 189-574-05-00-5, 189-574-06-00-8)

Exhibit B  
Expedited Review

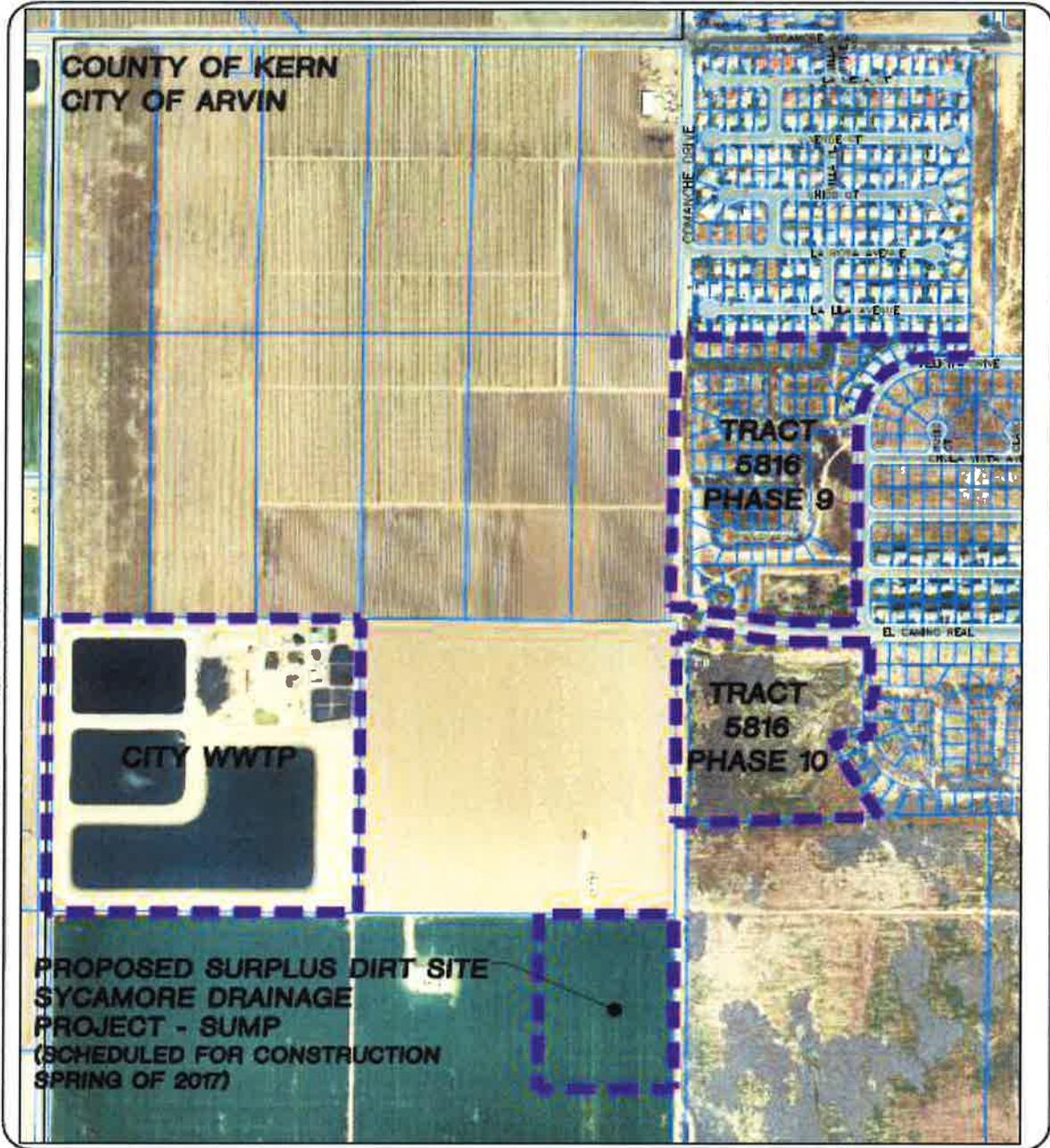
**A. Improvement Plans:**

The City will use reasonable efforts to turn around newly submitted plan checks within three weeks from the first submittal date and two weeks from each additional plan check. These deadlines shall not apply unless a complete plan check packet is submitted with all required information.

**B. Architectural & Structural Plans.** The City will also use reasonable efforts to turn around newly submitted architectural and structural plans within three weeks from the first submittal date and two weeks from each additional plan check. These deadlines shall not apply unless a complete plan check packet is submitted with all required information.

**C. Building Permits.** The City shall issue building permits to Developer within one week from an application date. These deadlines shall not apply unless a complete packet is submitted with all required information.

**EXHIBIT "C"**  
**Surplus Dirt Property**



DATE: E.T. NO. 4-60012  
 DRAWN BY: J. VELASCO  
 CHECKED BY: R. CICKERSON  
 SCALE: NOT TO SCALE  
 SHEET NO. 1 OF 1

**EXHIBIT C**  
**PROPOSED SURPLUS DIRT SITE**

QK  
 QUANTUM KINEMATICS  
 10000 W. STATE ST. SUITE 100 TEL: (805) 471-1111  
 10000 W. STATE ST. SUITE 100 TEL: (805) 471-1111  
 © COPYRIGHT BY QK KINEMATICS, INC. UNAUTHORIZED USE PROHIBITED

**EXHIBIT B**  
**MITIGATED NEGATIVE DECLARATION**  
**FILED FEBRUARY 21, 2017**

Mitigated Negative Declaration  
**Posting Requested by:** City Of Arvin  
Project Description:  
Vesting Tentative Map 7321; 3<sup>rd</sup> Amendment  
Development Agreement, and Deviations to Lot  
Sizes and Configurations per Resolution 02-49

**When Removed from Posting Return To:**  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

County Clerk Kern County

**FILED  
KERN COUNTY**

**FEB 21 2017**

MARY B. BEDARD  
AUDITOR CONTROLLER-COUNTY CLERK  
BY  DEPUTY

**AFFIDAVIT OF FILING AND POSTING**  
I declare that I received and posted the Proposed Negative Declaration as  
required by California Public Resources Code Section 21092.3. Said  
notice will remain posted for 20 days.

**TO: KERN COUNTY CLERK**  
1115 Truxtun Ave.  
1<sup>st</sup> Floor  
Bakersfield, CA 993301

**FROM: COMMUNITY DEVELOPMENT DEPARTMENT**  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203  
661-854-2822 (Bus) 661-854-2969 (Fax)

**SUBJECT:** Proposed Mitigated Negative Declaration, Filing Pursuant To Title 14, Division 5, Chapter 3, Article 7, Sections 15070, 15071, And 15072 Of The California Administrative Code.

**Project Title:** Vesting Tentative Map 7321 proposed the creation of 20 single family lots on 2.58 acres; Development Agreement Amendment (3<sup>rd</sup> Amendment), and Deviations to Lot Configuration width and depth of 5,000 square feet.

**State Clearinghouse Number (if Submitted to Clearinghouse):** N/A

**Contact Person:** Marti Brown, Community Development Director

**Project Location:** City of Arvin, Kern County. Assessor's Parcel Number(s): APN(s): 189-68-30

**Applicant/Property Owner:** Applicant Representative: Randall Bergquist, PCS Land Services, 650 Fruitvale Ave., Bakersfield, CA 93308 Property Owner: Le Ora LLC (Michael Hair) 6501 Fruitvale Avenue, Bakersfield, CA 93308

**Project Description:**

**Vesting Tentative Map 7321** proposes to create 20 single family residential lots on 2.584 acres. Lot sizes are approximately 5,000 square feet, Exhibit A of the project Initial Study.

**Development Agreement Amendment:** 3<sup>rd</sup> Amendment of Development Agreement amendment by and between the City of Arvin and Le Ora LLC (Michael Hair) -- Amending Development Agreements previously adopted by the City of Arvin, between the City of Arvin and Sycamore Villas LLC. As well as others. The amendment provides unrestricted funds to the City of Arvin and proposes to construct certain road improvement along Comanche Drive from El Camion Real to the property line of APN 189-351-71, in exchange for the proposed development of a 2.584 acre site into 20 single-family residential lots.

**Deviations to Lot Sizes** from the 6,000 square foot lot areas to 5,000 square feet lot areas as previously approved by Resolution No. 02-49 adopted on December 18, 2002 by the City Council as described in Exhibit C of the project Initial Study.

This is to advise that the City of Arvin, has provided a public review and comment period from **February 22, 2017 to March 14, 2017** on the above project. The Community Development Department, Community Development Director has made the following findings and determinations regarding the above-described project:

1. The initial study identified potentially significant effects but:
  - (a.) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Negative Declaration is released for public review and adoption would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
  - (b.) There is no substantial evidence before the agency that the project as revised may have a significant effect on the environment.
2. No mandatory findings of significance have been identified pursuant to Section 15065.
3. The required public review period is provided in accordance with Section 15071; **Twenty (20) days.**
4. The Proposed Mitigated Negative Declaration was distributed to Responsible and Trustee Agencies as well as other public agencies with jurisdiction by law over resources affected by the project, Section 15073.
5. The Proposed Negative Declaration was delivered to the Kern County Clerk for posting on Tuesday, **February 21, 2017** as required by Public Resources Code, Section 21092.3.
6. The Planning Commission shall at a hearing on **Tuesday, March 28, 2017** at 6:00 PM and the City Council shall consider the recommendation of the Planning Commission on **Tuesday, April 18, 2017** at 6:00 P.M. Both the Planning Commission hearing and City Council hearing shall be conducted at City Hall, Council Chambers located at 100 Campus Drive, Arvin, CA 93203 as the agenda permits.

**Marti Brown, Community Development Director**  
City of Arvin  
Kern County, State of California

BY: 

SIGNATURE

**Note:** A copy of this Mitigated Negative Declaration or Negative Declaration and its supporting documents may be reviewed or obtained during normal working hours at the City of Arvin, Community Development Department at 141 Plumtree Drive, Arvin, CA 93203. The Negative Declaration includes an Initial Study on file at the Community Development Department.

#6888

20DAYS

Notice of Environmental Document  
Posted by County Clerk on 2/21/17  
and for ~~30~~ days thereafter, Pursuant to  
Section 21152(C), Public Resources Code



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

**TO: Planning Commission**

**FROM: Marti Brown, Community Development Director**

**SUBJECT: Initial Study and Mitigated Negative Declaration for Vesting Tentative Map 7321, Deviations to Lot Configurations and Size, and Third Amendment to Development Agreement for LEORA, LLC.**

**RECOMMENDATION**

Motion to Approve a Resolution of the Arvin Planning Commission Recommending the City Council i) Adopt Mitigated Negative Declaration for Vesting Tentative Map 7321, Deviations to Lot Configurations and Size, and Third Amendment to Development Agreement for LEORA, LLC.

**BACKGROUND**

An Initial Study, Exhibit A, was prepared and completed by the City of Arvin Community Development Department for the proposed projects as described herein:

**Vesting Tentative Map 7321:** Request to establish a twenty (20) –lot single family residential subdivision on (2.584 acres);

**Deviations to Lot Configurations and Size:** Deviations proposed as to lot size and configurations (60’0” X 100’-0” or 6,000 square feet) to lot configurations of 50’-0” X 100’-0” or 5,000 square feet with some deviations to front yard setbacks as described in and authorized by Resolution No. 02-49 adopted on December 18, 2002, Exhibit C, for the planned development of Tract 5816 which includes residential parcels less than 6,000 square feet, parcel width and depths are also granted deviations.

**Development Agreement Amendment:** Agreement No. 2017-XX – Third Amendment to Development Agreement – on file at the City of Arvin, Community Development Department –

the Amended Development Agreement provides advancement of unrestricted monies to the City and improvement of certain road improvements as specified in the Development Agreement, in general the area from El Camino Real to the property line of APN 189-351-71. In consideration of the agreement, the City proposes to expedite processing of building permits and other entitlements associated with Tracts 5, 9, 10, and VTM 7321, relieves developer of certain improvements as noted in the Development Agreement.

### **Environmental – Initial Study:**

The preparation of the Initial Study utilized a number of resources which included but not limited to previous environmental documents prepared for various projects. Outreach and consultation with responsible agencies and interested persons and incorporation of appropriate comments and requirements into the document. Reference documents are on file at the Community Development Department and may be reviewed during normal business hours. All reference documents are cited in the Initial Study. Some documents cited are: an Environmental Impact Report for the Annexation No. 16 consisting of 1,690 acres of which included the area currently identified as Tract 5816; Initial Studies and Mitigated Negative Declarations for the General Plan, Circulation Element, Arvin's Enterprise Zone, Housing Element, Wastewater Treatment Plant, etc. Upon completion of the Initial Study and incorporating comments received during the consultation and opportunities for comment, Staff concluded that the projects would not have a significant effect on the environment by incorporating existing standards and criteria as well as proposing mitigation measures into the project(s).

### **ENVIRONMENTAL ANALYSIS – CONCLUSION:**

The 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. The proposed project could have a potentially significant effect on the environment. Feasible mitigation measures or alternatives have been incorporated in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur. The project specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study, which is incorporated into the Mitigated Negative Declaration. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment. (CEQA Guidelines sections 15071(e) and 15369.5.)

The Developer has, as required by CEQA, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff have determined the project will not have a significant impact on the environment

and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Guidelines sections 15071(e) and 15369.5.

A public notice of the attached mitigated negative declaration finding for the Initial Study and Mitigated Negative Declaration was published on February 22, 2017, with no comments received within the 20 day comment period.

The proposed projects, the Third Amendment to the Development Agreement, Vesting Tentative Map 7321, deviations to lot size and configurations do not create any significant environmental impacts.

- i) The Initial Study and Proposed Mitigated Negative Declaration identifies issues that are mitigated below the threshold of significant impact to the environment.
- ii) The project applicant has, as required by the California Environmental Quality Act, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

Staff is recommending that the Planning Commission and City Council accept the Mitigated Negative Declaration, Exhibit B, as the appropriate environmental document for the proposed projects.

#### **Public Review and Comment Opportunity:**

Prior to concluding that a Mitigated Negative Declaration was the appropriate environmental document, a number of consultation steps were completed as is required by the California Environmental Quality Act and state law. Noted below are the steps taken to assist in and support of the determination of no significant environmental impact on the environment.

- On January 26, 2017, the Community Development Department distributed “Request for Comments, Conditions, Environmental Assessment, and Entitlement Application Review of” the proposed projects to the appropriate lead agency, responsible agency, and interested persons for their review and comments. The review period provided was from January 16, 2017 to February 14, 2017, a 20 calendar day period was provided to receive comments, on file at the City of Arvin, Community Development Department.
- On February 21, 2017, staff mailed to those previously contacted a Notice of Intent to Adopt a Mitigated Negative Declaration advising that the comments and/or concerns were included in the Initial Study as mitigation measures as were appropriate. In addition, another review and comment period was provided from February 22, 2017 to March 14, 2017 in regards to the proposed adoption of the Mitigated Negative Declaration for the proposed projects. Also within the notice, the Planning Commission meeting date of March 28, 2017 was advertised for those whom may wish to attend and comment on the proposals - on file at the City of Arvin, Community Development Department.
- On February 21, 2017, City Staff filed with the Kern County Clerk, 1115 Truxtun Ave., Bakersfield, CA the Initial Study and supporting documents along with the Proposed Mitigated Negative Declaration as is required by the Californian Environmental Quality

Act for a 20 day review period. Also within the notice, the Planning Commission meeting date of March 28, 2017 was advertised for those whom may wish to attend and comment on the proposals. In addition, the City Council meeting of April 18, 2017 was also advertised so that those whom wish to attend the City Council meeting may do so as well, on file at the City of Arvin, Community Development Department.

- On February 22, 2017, the City Clerk provide a Public Notice in the Arvin Teller, providing a 20 day review and comment period as to the Intent to Adopt the Mitigated Negative Declaration for the projects. In addition, the Public Notice identified that the supporting documents may be reviewed the City of Arvin's website at [www.arvin.org](http://www.arvin.org). Also within the notice, the Planning Commission meeting date of March 28, 2017 was advertised for those whom may wish to attend and comment on the proposals, on file at the City of Arvin, Community Development Department.
- On March 14, 2017, the Planning Commission hearing date of March 28, 2017 for the proposed projects and the intent to adopt the Mitigated Negative Declaration was mailed to property owners within 300 feet of the proposed projects, on file at the City of Arvin, Community Development Department..
- On March 15, 2017, the Planning Commission hearing date of March 28, 2017 was noticed in the Arvin Teller, for the proposed projects and the intent to adopt the Mitigated Negative Declaration for the proposed projects, on file at the City of Arvin, Community Development Department..

Prior to the Planning Commission and City Council taking action on the proposed projects, California Environmental Quality Act requires the applicant to agree to the implementation of mitigation measures identified in the Initial Study and acceptance of the Mitigated Negative Declaration as the appropriate Environmental Document for the project(s).

- On February 22, 2017, the applicant signed and returned the Mitigation Agreement and is on file at the Community Development Department, Exhibit C.

#### **ENVIRONMENTAL ANALYSIS – CONCLUSION:**

The 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. The proposed project could have a potentially significant effect on the environment. Feasible mitigation measures or alternatives have been incorporated in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur. The project specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study, which is incorporated into the Mitigated Negative Declaration. With the project specific

mitigation imposed, there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment. (CEQA Guidelines sections 15071(e) and 15369.5.)

The Developer has, as required by CEQA, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

Therefore, based on the attached environmental assessment and the list of identified mitigation measures, staff have determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Guidelines sections 15071(e) and 15369.5.

A public notice of the attached mitigated negative declaration finding for the Initial Study and Mitigated Negative Declaration was published on February 22, 2017, with no comments received within the 20 day comment period.

The proposed projects, the Third Amendment to the Development Agreement, Vesting Tentative Map 7321, deviations to lot size and configurations do not create any significant environmental impacts.

- iii) The Initial Study and Proposed Mitigated Negative Declaration identifies issues that are mitigated below the threshold of significant impact to the environment.
- iv) The project applicant has, as required by the California Environmental Quality Act, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

Staff is recommending that the Planning Commission and City Council accept the Mitigated Negative Declaration as the appropriate environmental document for the proposed projects.

## **EXHIBIT**

Resolution accepting and recommending acceptance of a Mitigated Negative Declaration

- A. Initial Study and Exhibits
- B. Mitigated Negative Declaration – Filed with Kern County Clerk on February 21, 2017
- C. Mitigation Agreement Signed February 22, 2017

## **ATTACHMENT:**

- 1. Public Hearing Notices to Newspaper and Property Owners

**RESOLUTION NO. APC 2017 -**

**A RESOLUTION OF THE ARVIN PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL D) ADOPT MITIGATED NEGATIVE DECLARATION FOR VESTING TENTATIVE MAP 7321, DEVIATIONS TO LOT CONFIGURATIONS AND SIZE, AND THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEORA, LLC.**

**WHEREAS**, an Initial Study with exhibits, Exhibit 1-A, was prepared and completed by the City of Arvin Community Development Department for the proposed projects; and as described herein:

**WHEREAS**, the proposed projects include:

- Vesting Tentative Map 7321- Request to establish a twenty (20) –lot single family residential subdivision on (2,584 acres);
- Deviations to Lot Configurations and Size - deviations proposed as to lot size and configurations (60’0” X 100’-0” or 6,000 square feet) to lot configurations of 50’-0” X 100’-0” or 5,000 square feet with some deviations to front yard setbacks as described in and authorized by Resolution No. 02-49 adopted on December 18, 2002, for the planned development of Tract 5816; and
- Development Agreement Amendment - Agreement No. 2017-XX – Third Amendment to Development Agreement LEORA, LLC – on file at the City of Arvin, City Clerk’s Office; and

**WHEREAS**, the preparation of the Initial Study utilized a number of resources which included but not limited to previous environmental documents prepared for various projects and those resource documents are on file at the Community Development Department and may be reviewed during normal business hours; and

**WHEREAS**, the environmental assessment initial study was prepared for the projects 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.

**WHEREAS**, preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. The proposed project could have a potentially significant effect on the environment. Feasible mitigation measures or alternatives have been incorporated in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

**WHEREAS**, the project specific mitigation measures included in the project to avoid potentially significant effects are set forth in the attached Initial Study, which is incorporated into the Mitigated Negative Declaration.

**WHEREAS**, with the project specific mitigation imposed, there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment. (CEQA Guidelines sections 15071(e) and 15369.5.)

**WHEREAS**, the Developer has, as required by CEQA, signed the Mitigation Agreement relating to Air Quality compliance and action plan should cultural resources be discovered during construction.

**WHEREAS**, based on the attached environmental assessment and the list of identified mitigation measures, staff have determined the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Guidelines sections 15071(e) and 15369.5.

**WHEREAS**, prior to concluding that a Mitigated Negative Declaration was the appropriate environmental document, a number of consultation steps were completed as is required by the California Environmental Quality Act and state law. Noted below are the steps taken to assist in and support of the determination of no significant environmental impact on the environment:

- On January 26, 2017, the Community Development Department distributed “Request for Comments, Conditions, Environmental Assessment, and Entitlement Application Review of” the proposed projects to the appropriate lead agency, responsible agency, and interested persons for their review and comments. The review period provided was from January 16, 2017 to February 14, 2017, a 20 calendar day period was provided to receive comments.
- On February 21, 2017, staff mailed to those previously contacted a Notice of Intent to Adopt a Mitigated Negative Declaration advising that the comments and/or concerns were included in the Initial Study as mitigation measures as were appropriate. In addition, another review and comment period was provided from February 22, 2017 to March 14, 2017 in regards to the proposed adoption of the Mitigated Negative Declaration for the proposed projects. Also within the notice, the Planning Commission meeting date of March 28, 2017 was advertised for those whom may wish to attend and comment on the proposals.
- On February 22, 2017, the City Clerk provide a Public Notice in the Arvin Teller, providing a 20 day review and comment period as to the Intent to Adopt the Mitigated Negative Declaration for the projects. In addition, the Public Notice identified that the supporting documents may be reviewed the City of Arvin’s website at [www.arvin.org](http://www.arvin.org). No comments were received within the 20 day comment period. Also within the notice, the Planning Commission meeting date of March 28, 2017 was advertised for those whom may wish to attend and comment on the proposals.
- On February 21, 2017, City Staff filed with the Kern County Clerk, 1115 Truxtun Ave., Bakersfield, CA the Initial Study and supporting documents along with the Proposed Mitigated Negative Declaration, Exhibit B, as is required by the Californian Environmental Quality Act for a 20 day review period. Also within the notice, the Planning Commission meeting date of March 28, 2017 was advertised for those whom may wish to attend and comment on the proposals. In addition, the City Council meeting

of April 18, 2017 was also advertised so that those whom wish to attend the City Council meeting may do so as well.

- On March 14, 2017, the Planning Commission hearing date of March 28, 2017 for the proposed projects and the intent to adopt the Mitigated Negative Declaration was mailed to property owners within 300 feet of the proposed projects.
- On March 15, 2017, the Planning Commission hearing date of March 28, 2017 was noticed in the Arvin Teller, for the proposed projects and the intent to adopt the Mitigated Negative Declaration for the proposed projects.

**WHEREAS**, prior to the Planning Commission and City Council taking action on the proposed projects, California Environmental Quality Act requires the applicant to agree to the implementation of mitigation measures identified in the Initial Study and acceptance of the Mitigated Negative Declaration as the appropriate Environmental Document for the project(s); and

**WHEREAS**, on February 22, 2017, the applicant signed and returned the Mitigation Agreement, Exhibit C, and is on file at the Community Development Department.

**WHEREAS**, the City properly noticed the March 28, 2017 hearing before the Arvin Planning Commission for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Arvin as follows:

1. The above recitals are true and correct.
2. The Planning Commission recommends to the City Council:
  - a. Find the Initial Study/Mitigated Negative Declaration reflects the Council's independent judgement and analysis.
  - b. Find, on the basis of the whole record before the Council, including the Initial Study, and any comments received and the responses to said comments, that there is not substantial evidence that the project will have a significant, adverse effect on the environment.
  - c. Find that the project mitigation imposed, as described in the Initial Study and support documents, will avoid any potentially significant effects to a point where clearly no significant adverse impact on the environment would occur.
  - d. Adopt the Mitigated Negative Declaration for the project as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed.
  - e. Authorize and direct the Community Development Director to file the Notice of Determination with the Kern County Clerk noting actions taken by the City.



**EXHIBIT A**  
**INITIAL STUDY, EXHIBITS AND ATTACHMENTS**

**HAIR PROJECTS**

Initial Study – Vesting Tentative Map 7321, Amendment No. 3 to Development Agreement known as the Sycamore Villas LLC dated February 6, 2003 and deviation to City Standards per Resolution No. 02-49 adopted December 16, 2002

**City of Arvin Community Development Department  
141 Plumtree Drive, Arvin, CA 93203  
(661) 854-6183 Office  
(661)854-2969 FAX**

**Initial Study – VTM 7321, Agreement No. 2017- XX, Third Amendment to Development Agreement, and Deviations to Lot Design and Standards**

**A. BACKGROUND**

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Project Title: VTM 7321, Exhibit A, Agreement No. 2017-XX – Third Amendment to Development Agreement – on file at the City of Arvin, Community Development Department Exhibit B, and Deviations to lot design – size and configuration as granted by Resolution No. 02-49 adopted December 18, 2002 for Tract 5816 a planned development consisting of twelve (12) phases, Exhibit C.

Lead Agency Name and Address: City of Arvin, Community Development Department, City of Arvin, 141 Plumtree Drive, Arvin, CA 93203

Contact Person and Phone Number: Marti Brown, Community Development Director, (661) 854-6183 Bus; 661-854-2969 Fax; or mbrown@arvin.org E-Mail

Study Prepared By: Community Development Department, Marti Brown, Community Development Director, [mbrown@arvin.org](mailto:mbrown@arvin.org) JAS Contract Planner, Jake Raper Jr., AICP Community Development Department, City of Arvin, 141 Plumtree Drive, Arvin, CA 93203 [jraper@arvin.org](mailto:jraper@arvin.org) Email

Date Prepared: February 21, 2017

Project Location: City of Arvin, 2.584 Acres located on the East of S. Comanche Drive, North of El Camino Real, West side of Tesoro Drive, East side of Hacienda Place and the South side of Sevilla Avenue (Assessor Parcel No. 189-68-30, Figure No. 1. Locational Map Figures 2 and 2a.

Project Sponsor's Name and Address: Randall Bergquist, PCS land services, 650 Fruitvale Ave., Bakersfield, CA 93308.

General Plan Designation: Low Density Residential – Figure 3 Land use Policy Map

Zoning: R-1 Single Family Residential Zone District - Figure 4 Zoning Map

Description of Project:

**Vesting Tentative Map 7321:** Request to establish a twenty (20) –lot single family residential subdivision on (2,584 acres), Exhibit A;

**Development Agreement Amendment:** Agreement No. 2017-XX – Third Amendment to Development Agreement – on file at the City of Arvin, Community Development Department Exhibit B – the Amended Development Agreement provides advancement of unrestricted monies to the City and improvement of certain road improvements as specified in the Development Agreement, in general the area from El Camino Real to the property line of APN

Initial Study - Vesting Tentative Map 7321, Amendment No. 3 to Development Agreement known as the Sycamore Villas LLC dated February 6, 2003 and deviation to City Standards per Resolution No. 02-49 adopted December 16, 2002

189-351-71, Exhibit B. In consideration of the agreement, the City proposes to expedite processing of building permits and other entitlements associated with Tracts 5, 9, 10, and VTM 7321.

**Deviations to Lot Configurations and Size:** Deviations proposed as to lot size and configurations (60'0" X 100'-0" or 6,000 square feet) to lot configurations of 50'-0" X 100'-0" or 5,000 square feet with some deviations to front yard setbacks as described in and authorized by Resolution No. 02-49 adopted on December 18, 2002, Exhibit C, for the planned development of Tract 5816 which includes residential parcels less than 6,000 square feet, parcel width and depths are also granted deviations.

Surrounding Land Uses and Setting – Refer to Arvin Zoning Map – Figure 4,

North: Residential  
South: Residential and Drainage Basin  
East: Residential  
West: Residential and vacant lands (designated as residential)

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) NONE

EXHIBITS AND FIGURES FOR VTM 73211 AND AMENDMENT TO DEVELOPMENT AGREEMENT AND DEVIATIONS

Exhibit A -VTM 7321

Exhibit B – Development Agreement Amendment (On file at the City of Arvin, Community Development Department, 141 Plumtree Drive, Arvin, CA 93203.

Exhibit C – Resolution No. 02-49 adopted December 18, 2002 for Tract 5816 a planned development consisting of twelve (12) phases

Figure 1 - Assessor Parcel No. 189-68-30

Figures 2 and 2a – Locational Maps

Figure 3 - General Plan Land Use Policy Map

Figure 4 – Zoning Map - R-1 Single Family Residential Zone District

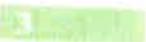
Figure 5 -Tract Map No. 5816 Phase 9, which is one of 12 phases of land divisions previously approved by City Council in the mid-1980.

Figure 6 - Active Faults.

Figure 7 - Aerial location of El Camino Real Elementary School.

Figure 8- FEMA Flood Map – City of Arvin

Attachment 1 – Background Discussion - Air Quality



**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                               |                                    |                        |
|-------------------------------|------------------------------------|------------------------|
| Aesthetics                    | Agriculture                        | Air Quality            |
| Biological Resources          | Cultural Resources                 | Geology/Soils          |
| Hazards & Hazardous Materials | Hydrology/Water Quality            | Land Use/Planning      |
| Mineral Resources             | Noise                              | Population/Housing     |
| Public Services               | Recreation                         | Transportation/Traffic |
| Utilities/Service Systems     | Mandatory Findings of Significance |                        |

**C. DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

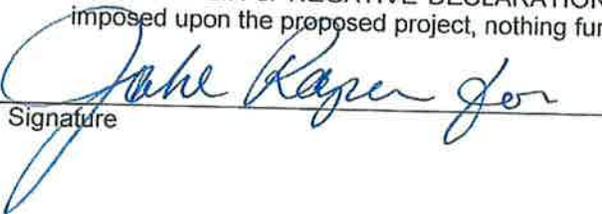
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have significant effect on the environment, because all potentially significant effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standard, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

Marti Brown,  
Community Development Director  
Printed Name

  
Date  
February 21, 2017

City of Arvin

For

**D. EVALUATION OF ENVIRONMENTAL IMPACTS:**

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**Notes:**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site, as well as on-site, cumulative, as well as project-level, indirect, as well as direct, and construction, as well as operational impacts.
3. Once a determination has been made that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impact Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist references. Reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This initial study format is the format suggested in the CEQA Guidelines.
9. The explanation of each issue identifies:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant

**1. AESTHETICS** – Would the Project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Have a substantial adverse effect on a scenic vista?

**X**

Comments: VTM 7321 proposes to subdivide Lot 82 of Tract Map No. 5816 Phase 9 into 20 single family lots, Exhibit 1, with deviations to lot standards as approved by the City Council on December 18, 2002 via Resolution No. 02-49, Exhibit 3. Lot 82, also identified as APN189-68-29, Figure 1, is a remaining parcel from the recorded map Tract Map No. 5816 Phase 9, which is one of 12 phases of land divisions previously approved by City Council in the mid-1980, Figure 5.

The southern Sierra, Tehachapi, and San Emigdio mountain ranges surround the eastern and southern sides of the San Joaquin Valley around the City of Arvin. The project site is surrounded by single family residential homes and drainage basin and is not anticipated to significantly obstruct the scenic vista or create incompatible structures. The proposed land division will not have an impact on scenic vistas in the Arvin area. The proposed project is not located within any designated scenic corridor.

Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**X**

Comments: There are no trees, rock outcroppings, and/or historic building located within or on the project site. The nearest highway to the proposed project area is Highway 223, Bear Mountain Blvd. The California Department of Transportation does not designate Hwy. 223 as a State Scenic Highway.

Substantially degrade the existing visual character or quality of the site and its surroundings?

**X**

Comments: The visual character and quality of the site will not be impacted. The proposed 20 single family lot land division is in harmony with surrounding and proposed residential development.

Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

**X**

Comments: All street lighting installed as a result of the proposed project will be done so in accordance with the City of Arvin Standards and Specifications. Overall lighting will be increased; however, street lighting will be consistent with City standards and should further the reduce night glare.

**2. AGRICULTURE RESOURCES:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring program of the California Resource Agency, to non-agricultural use?

**X**

Comments: The City of Arvin General Plan and Zoning designations established the site for residential development and has a land use designation of Low Density Residential with the corresponding zoning classification of R-1 Single Family. Surrounding properties are being developed in that manner. Properties to the west are active agricultural lands.

Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

**X**

Comments: The proposed project area is not under the provisions of a Williamson Act Contract - The City of Arvin General Plan designates the site for residential development and has a land use designation of Low Density Residential with the corresponding zoning classification of R-1 Single Family.

Involve other changes in the existing environment which, due to their location or nature, could result on conversion of Farmland, to non-agricultural use?

**X**

Comments: See item 2-b above.

**3. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Conflict with or obstruct implementation of the applicable air quality plan?

**X**

Comments: Email received on Tuesday February 14, 2017, from the San Joaquin Valley Unified Air Pollution Control District, on file at the Arvin Community Development Department, reviewed the proposed project and had no comments to offer at this time. The project sponsor will be required to meet with the "District" staff and comply with the Districts' Permit Requirements prior to construction activities. Clearance shall be required prior to issuance of grading permits or building permits. See Attachment 1 for background information on Air Quality. See d) below.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**X**

Comments: Refer to a) above.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursor)?

**X**

Comments: See answer to 3(b) above.

- d) Expose sensitive receptors to substantial pollutant concentrations?

**X**

Comments: MM AQ 1: The project will be required to fully comply with San Joaquin Valley Air Pollution Control District Rules and Regulations including but not limited to Regulation VIII concerning fugitive dust emissions and Rule 9510 Indirect Source Review.

- e) Create objectionable odors affecting a substantial number of people?

**X**

Comments: The project site is proposed to be developed as Single Family residential units – similar to adjacent uses.

**4. BIOLOGICAL IMPACTS: Would the Project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			<b>X</b>	
<u>Comments:</u> The site is a fallow 2.584 acre site previously created via Tract Map 8615 Phase 9 recorded on December 5, 2006. The site is dominated by typical ruderal vegetation abundant in fallow lands. No native natural habitat exists. No threatened and endangered plant species or habitats of concern are known to be present on the site, nor general occur in the adjacent properties within the vicinity of the project.				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
<u>Comments:</u> See Item 4(a) above.				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				<b>X</b>
<u>Comments:</u> The site is void of any protected wetlands.				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				<b>X</b>
<u>Comments:</u> See Item 4(a) above.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			<b>X</b>	
<u>Comments:</u> The proposed project will not conflict with any local policies or regulations protecting biological resources.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			<b>X</b>	
<u>Comments:</u> No such plans exist that govern the project.				

**5. CULTURAL RESOURCES** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?

**X**

Comments: The City of Arvin General Plan does not identify any resources of historical significance to be located on the site. Previous environmental documents, such as the EIR for redevelopment projects in the city indicated that there were no listed historic properties or archaeological sites within the project area which represented the major portion of the city's development area.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?

**X**

Comments: The City of Arvin General Plan does not identify any resources of archaeological significance identified on the site. However, to mitigate any potential impacts to significant archaeological resources identified during project construction, an archaeological assessment shall be conducted for the site if archaeological resources are identified. The site shall then be formally recorded, and archaeologist's recommendations shall be made to the City regarding further site investigations or site avoidance/preservation measures.

**MM –CR 1:** All Construction is to be stopped within 50'-0" of the uncovered site to avoid and to mitigate any potential impacts to significant archaeological resources identified during project construction. Prior to commencement of work at the site, an archaeological assessment shall be conducted for the site. If archaeological resources are identified, the site shall then be formally recorded, and archaeologist's recommendations shall be made to the City regarding further site investigations or site avoidance/preservation measures.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**X**

Comments: The City of Arvin General Plan does not identify any unique paleontological resources or unique geological features to be located within the proposed project area. Should an undetermined site be uncovered, the project sponsor shall implement the mitigation measure listed in 5 b) above.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

**X**

Comments: Not Applicable. It is not anticipated that the proposed project will disturb human remains.

However, if during construction human remains are identified, the Kern County Coroner shall be contacted immediately. If the remains or other archaeological materials are possible of Native American in origin, the Native American Heritage Commission shall be contacted immediately.

**MM-CR 2:** If during construction human remains are identified, all work within 50'-0" of the find shall be stopped. The Kern County Coroner shall be contacted immediately. If the remains or other archaeological materials are possible of Native American in origin, the Native American Heritage Commission shall be contacted immediately. Work shall not be continued until such time as clearance is received by the City.

**6. GEOLOGY AND SOILS – Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			<b>X</b>	
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			<b>X</b>	

Comments: The Initial Study for the City of Arvin General Plan Update, 2012, Section VI. Geology and Soils provides the overview of potential risks associated with earth quakes and liquefaction seismic related risk. To lessen this potential impact, all new construction must meet earthquake safety standards set forth in the Uniform Building Code and geotechnical engineering, and soils engineering investigations shall be required. No structures intended for human habitation shall be constructed over or within 50 feet of an identified fault. See Figure 6, Active Faults.

2) Strong seismic ground shaking?			<b>X</b>	
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Comments: See Item 6(a) (1) above.

3) Seismic-related ground failure, including liquefaction?			<b>X</b>	
--	--	--	----------	--

Comments: See Item 6(a) (1) above. In addition, the City of Arvin General Plan indicates there is no history of land subsidence within the City of Arvin.

4) Landslides?			<b>X</b>	
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Comments: The proposed project area and surrounding areas are relatively flat and therefore, any chances of landslides are minimal.

b) Result in Substantial soil erosion or the loss of topsoil?			<b>X</b>	
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Comments: The City of Arvin General Plan 2012, "The potential for soil erosion is low to moderate. New development in the City may require some grading to provide for building pads, parking facilities, utilities and drainage. Lose of top soil is slight, due to the low degree of slope of the land and to the highly permeable nature of the soil.

**6. GEOLOGY AND SOILS CONT'D-** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			<b>X</b>	

Comments: There is no history of land subsidence within the City of Arvin. The shall require all construction and development to adhere to the California Building Code and standard building practices, policies, and guidelines to ensure that any geologic impacts including on- and off-site landslides, lateral spreading, subsidence and expansive soils are less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			<b>X</b>	
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Comments: See comments in c) above.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?			<b>X</b>	
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Comments: The proposed project does not include the installation of septic tanks or alternative wastewater disposal systems. All infrastructure improvements, including storm, sewer, and water services will be served by the City of Arvin or Special Districts.

**7. GREENHOUSE GAS EMISSIONS** – Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<b>X</b>	

Comments: The General Plan Update 2012, Section VII Greenhouse Gas Emissions examined the effects of Greenhouse Gas Emissions for the City upon build out.

Mitigations are listed as previously adopted: While the analysis indicates there will be an increase of GHG emissions resulting from the buildout capacity of the General Plan, (General Plan Buildout), there are currently no GHG emission thresholds adopted by the City, State or SJVAPD and, therefore, the level of impact cannot be determined. In the absence of regulatory standards for GHG emissions, and to ensure that project impacts are minimized and to exercise an abundance of caution, it is recommended that the capacity buildout of the General Plan include mitigation measures, such as those recommended by the California Air Pollution Control Officers Association (CAPCOA) and the California Office of the Attorney General. See Section 3 Air Quality for further comments.

The City of Arvin adopted a Climate Action Plan for municipal projects. No plan has been adopted for private projects. The Climate Action Plan establishes strategies to guide the City's efforts for reducing GHG emissions.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			<b>X</b>	
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Comments: The environmental assessment for the General Plan Update 2012, Section VII Greenhouse Gas Emissions examined the effects of Greenhouse Gas Emissions for the City upon build out. See Comments in a) above..

**8. HAZARDS AND HAZARDOUS MATERIALS** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**X**

Comments: The transport of any hazardous materials will comply with all Federal, State, and local policies and regulations.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**X**

Comments: The only foreseeable upset and accident condition that may occur as a result of the proposed project may or may not occur during construction. However, it is anticipated that all safety procedures and policies will occur in full compliance with Federal, State, and local policies and regulations.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**X**

Comments: The proposed project is not within one-quarter mile of a school. The closest school is approximately one-half mile from the project site – El Camino Real Elementary School located at El Camino Real and Meyer Street to the south east of the project site. Refer to Figure 7 - Aerial location of El Camino Real Elementary School.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environments?

**X**

Comments: Site research on Envirostor, Department of Toxic Substance Control concluded the site is not located on a hazardous site as defined by Section 65962.5 of the Government Code. Report on file at Arvin Community Development Department, 141 Plumtree Drive, Arvin, CA 93203.

**8. HAZARDS AND HAZARDOUS MATERIALS CONT'D**

– Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**X**

Comments: The nearest public use airport is the Bakersfield Municipal Airport which is located approximately 18 miles to the northwest, and the nearest private airport is the agricultural (crop dusting) landing strip located approximately on quarter mile to the southwest of the city limits. The City is not located within the limits of the airport impact zone.

**CMLUCA NOTIFICATION:** Government Code Sections 65352, 65404, 65940, and 65944 requires local planning agencies to notify the military whenever a propose development project or general plan amendment meets criteria requiring notification. Website research and resulting information from the CMLUCA determined that all of Kern County is not subject to the required notification(s) to the military as noted in the above Government Code sections.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**X**

Comments: See Item 8(e) above.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**X**

Comments: The proposed project does not propose any changes to the roadway system or evacuation routes designed by the City that will interfere or have a negative impact on emergency response. Evacuations of people will proceed according to the City's policies related to emergency preparedness. In addition, the City will coordinate emergency response and relief services with the county, state, federal and volunteer agencies, when needed. In addition, recommendations from the Kern County Fire Department and Arvin's Police Department are established as conditions imposed on the Tentative Map approval. The installation of improvements per City Standards, and upon the issuance of building permits meeting current building and fire codes, further reduce the potential for conflicts.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**X**

Comments: 2012 General Plan Update environmental assessment, identified the entire City is shown as "unzoned" on the Fire Hazard Severity Zone map for Kern County. This document was produced by the California Department of Forestry and Fire Protection (CalFire) and is not identified as a high risk area. Furthermore, the existing General Plan Safety Element includes a policy which ensures the safety of the residents of the City through proper consideration of location of earthquakes faults and their relationship to development, natural flooding hazards from storm runoff slope development and related problems of earth slippages and hazards for fire in brush or grasslands. See Item 7(g) above.

**9. HYDROLOGY AND WATER QUALITY** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Violate any water quality standards or waste discharge requirements?

**X**

Comments: The proposed project will comply with all Federal, State, and local policies and regulations related to water quality.

- b) Substantially deplete groundwater supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**X**

Comments: The General Plan Update 2012 identified the depletion of ground water as Less Than Significant Impact as a result of the efforts of Arvin-Edison Water Storage District engagement in programs of groundwater replenishment, which resolved any depletion of ground water supply or quality of ground water.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in *substantial erosion or siltation on- or off-site*?

**X**

Comments: The proposed project will alter the existing drainage pattern of the site by the construction of single-family residential units. The necessary improvements to support such development will be constructed by the project sponsor and those improvements will be constructed in accordance with the City of Arvin's Standards and Specifications, and therefore, impacts to the existing drainage patterns are less than significant.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in *flooding on- or off-site*?

**X**

Comments: See Comment c) above.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

**X**

Comments: The proposed project will contribute runoff water due to new streets and land coverage. This will in turn contribute additional storm water to the City of Arvin's storm water system. The implementation of the storm water master plan will lessen the impact to less than significant.

**9. HYDROLOGY AND WATER QUALITY – CONT'D –**  
 Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f) Otherwise substantially degrade water quality?

**X**

Comments: The proposed project will comply with all Federal, State, and local policies and regulations related to water quality.

- g) Place within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?

**X**

Comments: The proposed project is within Zone X as identified by the FEMA Flood Map of the City. The City is in the 100-year flood zone with designation zones A, AO, and X. Figure 8-FEMA Flood Map of the City. The Flood Zones are defined as:

Zone A – Areas subject to flooding by the one percent annual change flood (100-year storm) with no base flood elevation determined.

Zone AO - Areas subject to flooding by the one percent chance flood with flood depths of one to three feet with an average depth and flood velocity determined.

Zone X (Shaded) – Areas of aa 0.2 percent annual chance flood, areas subject to the one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile, and areas protected by levees for the one percent annual chance flood.

Because the City is in the 100-year flood zone, mandatory flood insurance purchase requirements and floodplain management standards apply.

Chapter 15.32 (Floodplain Management) of the Arvin Municipal Code establishes flood-resistant standards for building anchoring, construction materials and methods, storage of materials, utilities and land subdivisions. All new development must comply with the City's Floodplain Management Requirements.

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**X**

Comments: See Comments g) above.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

**X**

Comments: The nearest dam, Isabella Dam, is located approximately 55 miles to the southwest. The City of Arvin General Plan indicates that failure of the Isabella Dam would not have a significant impact on the City of Arvin.

**9. HYDROLOGY AND WATER QUALITY – CONT'D –**

Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- j) Inundation by seiche, tsunami, or mudflow?

**X**

Comments: Two manmade lakes located in the southern portion of the City are relatively small in size and any seiche-related phenomena (A seiche is a standing wave in and enclosed or partially enclosed body of water) and due to relatively small size of the lakes, seiche would not cause a significant impact on the homes in the area.

Arvin is located in the Central Valley, hundreds of miles from the California coastline (Pacific Ocean), and due to the city's location a tsunami event is less than significant.

The possibility of mudflows is extremely low, given the absence of hillside and mountainous terrain with the City

**10. LAND USE AND PLANNING** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Physically divide an established community?

**X**

Comments: The proposed project will not physically divide the established community by proposing new residential development. The project site is surrounded by existing and proposed single family development as planned for and to facilitate anticipated growth in this area by designating the site for residential land uses. Therefore this impact is less than significant.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**X**

Comments: The proposed project does not conflict with the City of Arvin's General Plan. The City's General Plan currently designates the site for Low Density Residential land use and is zoned as R-1, Single Family Residential uses. The City of Arvin approved a planned development in the mid-1980 consisting of approximately 1200 new single family units. Development proposed will further implement the goals and policies of the General Plan.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**X**

Comments: No such plan governs the proposed project.

**11. MINERAL RESOURCES** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**X**

Comments: The City of Arvin is located within the Division of Oil, Gas, and Geothermal Resources' (DOGGR) Mountain View Oil Field Boundaries (DOGGR, 2007, Map 433), "one of the most highly productive oil fields in Kern County", (Master Environmental Impact Report for the City of Arvin General Plan, 1988, November). According to the Master Environmental Impact report for the City of Arvin General Plan (November 1988), petroleum is the principal mineral resource in the Planning area and proposed build-out will impact present production and potential exploration. Such development restricts future oil operations, requires additional unanticipated expenditures, and creates safety and public nuisance problems (City of Arvin 1988).

The project has been reviewed by the DOGGR and as per letter dated February 6, 2017, "there are no active or plugged-and-abandoned wells located with project boundaries. Figure 9- Locational Map for VTM 7321

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**X**

Comments: See Comments a). The City of Arvin General Plan does not identify any mineral resources of local importance within the proposed project area.

**12. NOISE** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**X**

Comments: The project and future residences will be exposed to noise from construction activities and traffic on the City's roadway system. Future development will be subject to the following General Plan Noise Element policy: Preserve and ensure a safe and quiet environment in residential neighborhoods. Noise levels will adhere to the noise standards for residential properties in the City's Municipal code and presented in the following table.

Residential Noise Standards	
Noise Level	Time Period
55 dB(A)	7:00 a.m. – 10:00 p.m.
50 dB(A)	10:00 p.m. - 7:00 a.m.

Construction-related noise is generally short-term and temporary and is acceptable provided it is limited to the hours established in Municipal Code Chapter 9.08 (Noise Disturbance Ordinance), which states the times allowed for construction to be between 6:00 a.m. and 9:00 p.m. except with urgent cases of health and safety of the public, which would need approval by the City Manager.

Development brought about by the project will be consistent with the existing General Plan Noise Element policies and the noise ordinance in the Municipal Code, which will minimize noise exposure for sensitive land uses.

- b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

**X**

Comments: See Item 12(a) above.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**X**

Comments: See Item 12(a) above. The proposed project will increase permanent ambient noise levels upon buildout of the project. Ambient noise levels will increase due to increased residential activity.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**X**

Comments: See Item 12(a) above.

**12. NOISE - CONT'D** - Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**X**

Comments: The nearest public use airport to the proposed project area is the Bakersfield Municipal Airport which is located approximately 18 miles to the northwest and the nearest private airport is the agricultural (crop dusting) landing strip located approximately one quarter mile to the southwest of the city limits.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**X**

Comments: See Item 11(e) above.

**13. POPULATION AND HOUSING** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**X**

Comments: The proposed project does induce population growth in the City of Arvin by proposing the construction of new single-family residential units. However, the City of Arvin's General Plan identified the site for future development by designating the area for Low Density Residential and is zoned for single family units. Therefore, it is not anticipated that the proposed project will substantially induce population growth, not anticipated by the General Plan.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**X**

Comments: The proposed project will not displace any existing residences, in as much as the site is devoid of any structures.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**X**

Comments: The proposed project will not displace residents. As indicated above in Item 13(b), the site is devoid of any structures. However, the proposed project includes the construction of approximately 20 single-family residential units, which upon completion, will add new residents to the area.

**13. PUBLIC SERVICES**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

1) Fire protection?

**X**

Comments: The proposed project will not create the need for additional City of Arvin Fire Stations. The General Plan Update 2012 adequately addresses the need for and planned facilities to meet the buildout of the general plan holding capacity.

2) Police protection?

**X**

Comments: The proposed project will not create the need for additional police stations within the City of Arvin. However, the population increase will incrementally increase the City's need for additional police services. The General Plan Update 2012 adequately addresses the need for and planned facilities to meet the buildout of the general plan holding capacity.

3) Schools?

**X**

Comments: The proposed development may impact school facilities within the City of Arvin by bringing new residents and/or students to the area. However, in accordance with Section 17620 of the State Education Code, payment of appropriate school impact fees by the developer shall be deemed full mitigation.

4) Parks?

**X**

Comments: The proposed project does replace a proposed park site that was anticipated in 1986 via the project approval of Tract 5816 Phase 9 and 10. Tract 5816 consisted of twelve (12) phases of which all tract maps have been recorded. The Development Agreement Amendment identifies the payment of funds to the City of Arvin. The funds paid by the developer per the Development Agreement relieves the necessity of constructing a park as originally anticipated in 1986. In addition, project will assist in the maintenance of the existing parks with the development through joining the Landscape and Lighting District (LLD), which will provide the financing structure to pay for such maintenance.

5) Other public facilities?

**X**

Comments: None identified.

**14. RECREATION**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

X

Comments: The proposed project includes the contribution of unrestricted funds to the City of Arvin.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

X

Comments: No proposed recreational facilities or recreational development is to occur as a result of this project.

**15. TRANSPORTATION/TRAFFIC** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**X**

Comments: The proposed project is to create 20 single family residential lots within the Tract 5816 approved in the mid 1980's. The previous EIR and the 2012 Circulation Element has identified needed infrastructure to accommodate the General Plan build out capacity. The project will complete the internal infrastructure surrounding the project site. In addition, the proposed project is to complete Comanche Drive from El Camino Real to the property line of APN 189-351-71, as specified in the Development Agreement Amendment.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

**X**

Comments: The project will not further degrade the level of service standard as established by the county congestion management agency for designated roads or highways.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**X**

Comments: See 15 a) above.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**X**

Comments: The construction of all improvements will be done in accordance with the City of Arvin's Standards and Specifications and in compliance with Resolution 02-49 adopted December 18, 2002.

- e) Result in inadequate emergency access?

**X**

Comments: Emergency access into the proposed development will be maintained. In addition, prior to the issuance of building permits and recording of the Final Map, the Kern County Fire Department shall review the proposed Improvement Plans and Vesting Tentative Map and make recommendations. It is the City's policy to include such recommendations into the "Conditions of Approval" for approval of the Final Map.

**15. TRANSPORTATION/TRAFFIC – CONT'D – Would the project:**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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f) Result in inadequate parking capacity?

X

Comments: The proposed project does include on and off street parking that will accommodate new residents within the proposed development.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

X

Comments: The proposed project does not conflict with the City of Arvin General Plan Circulation Element.

**16. UTILITIES AND SERVICE SYSTEMS** – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**X**

Comments: The City of Arvin, in partnership with Veolia Water Inc., is responsible for sewer service in the City. Wastewater treatment will be met in accordance with all Federal, State, and local policies and regulations.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**X**

Comments: The project will be required to fund design and construction of sewer, water, and storm drainage infrastructure to City of Arvin's and the appropriate special district standards for domestic use and for fire services standards. The Arvin Community Services District provides domestic water for the City of Arvin.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**X**

Comments: The proposed project will be required to fund, design and construction of water drainage infrastructure to City Standards. The City of Arvin maintains existing drainage facilities and as development occurs, the project sponsor are required to fund, design, and construct needed facilities to accommodate the project service needs.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**X**

Comments: Arvin Community Services District has indicated that sufficient water supplies are available to the project.

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**X**

Comments: The project has been reviewed by representatives of the Veolia Water (sewer) and has indicated that sufficient capacity exists to serve the project. The project will be required to fund, design, and construct infrastructure to service the projects service needs.



**16. UTILITIES AND SERVICE SYSTEMS - CONT'D -**  
 Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**X**

Comments: The City of Arvin's solid waste is picked up by Mountainside Disposal, a private solid waste disposal company. The General Plan Update 2012, Section 17 environmental assessment provides an appropriate analysis of the solid waste disposal and the capacity to service the capacity for the City of Arvin's build out.

- g) Comply with federal, state, and local statutes and regulations related to solid waste?

**X**

Comments: All Federal, State, and local policies and regulations related to solid waste will be complied with.

**MANDATORY FINDINGS OF SIGNIFICANCE**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

**X**

Comments: Based upon the findings of the initial study and documented through previous environmental documents as noted in the reference list, the project will not degrade the quality of the environment nor reduce the habitat of a fish or wildlife species, nor cause a fish or wildlife population to drop below self-sustaining levels, nor other degradation as identified above.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

**X**

Comments: Based upon the findings of the initial study the project will have incremental effects however with mitigation measures as identified those impacts are less than significant.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**X**

Comments: Based upon the findings of the initial study and documented through previous environmental documents as noted in the reference list, the project will not cause substantial adverse effects on human beings.

**E. REFERENCES**

1. City of Arvin General Plan – Land Use Element, Conservation and Open Space Element, Air Quality Element Community Health Element, and Implementation Plan – 2012
- 1a. City of Arvin General Plan – Land Use Element, Conservation and Open Space Element, Air Quality Element Community Health Element, and Implementation Plan – 2012 – Initial Study and adopted Mitigated Negative Declaration.
2. City of Arvin General Plan – Circulation Element adopted August 21, 2012
- 2a. City of Arvin General Plan – Circulation Element adopted August 21, 2012 - Initial Study and adopted Mitigated Negative Declaration - 2010.
3. City of Arvin Housing Element adopted March 20, 2012,
- 3a. City of Arvin Housing Element adopted March 20, 2012, - Initial Study and adopted Mitigated Negative Declaration.
4. City of Arvin General Plan – Noise Element adopted 1988, Safety Element adopted 1988, and Economic Development Element adopted 1988
- 4a. City of Arvin General Plan – Noise Element adopted 1988, Safety Element adopted 1988, and Economic Development Element adopted 1988 – Master Environmental Impact Report.
5. City of Arvin Zoning Ordinance
6. City of Arvin Standards and Specifications
7. City of Arvin Drainage Master Plan Update – August 2009
8. Previous Environmental Documents:
  - 8a. Enterprise Zone EIR dated 2009;
  - 8b. Initial Study and Mitigated Negative Declaration for the City of Arvin Wastewater Treatment Plant Expansion Project August 2007;
  - 8c. Final Environmental Impact Report – Annexation Number Sixteen SCH # 92062021,
  - 8d. Administrative Draft Environmental Impact Report for the Arvin Redevelopment Agency – SCH# 95122037 dated February 1996.
9. Initial Study for Vesting Tentative Tract Map 667, General Plan Amendment, and Zone Change (Pre-Zone) 2008

All reference material may be reviewed at the City of Arvin, Community Development Department, 141 Plumtree Drive, Arvin, CA 93203

**EXHIBIT A – VESTING TENTATIVE MAP 7321**



**Exhibit B – Development Agreement Amendment on  
File at Arvin Community Development Department,  
141 Plumtree Drive, Arvin, CA 93203**

**Exhibit C – Resolution No. 02-49 adopted December 18, 2002 for Tract 5816  
a planned development consisting of twelve (12) phases**

RESOLUTION NO. 02-49

A RESOLUTION OF THE ARVIN CITY COUNCIL  
APPROVING MODIFICATIONS TO CITY  
ORDINANCES AND DEVELOPMENT STANDARDS  
FOR DEVELOPMENT OF REAL PROPERTY  
SITUATED WITHIN THE CITY LIMITS

WHEREAS, the city of Arvin (the "City") is a municipal body, corporate and politic, governed as a General Law city by an elected Mayor and four council members (all referred to as "City Council"); and

WHEREAS, SYCAMORE VILLAS, LLC (the "Applicant") desires to develop the real property located generally south of Sycamore Road, north of Millar Road between Meyer Street and Comanche Drive, and more specifically delineated in Exhibit A, attached hereto and incorporated herein by reference, such property situated within the CITY OF ARVIN (the "City"). To accomplish said purpose, in part, Applicant has concurrently filed for approval a development agreement (the "Development Agreement"). Further, in this regard the Applicant has requested modifications from the Municipal Code and the Development Standards of the CITY OF ARVIN; and

WHEREAS, the City Council of the CITY OF ARVIN has reviewed and considered the applications for modifications;

WHEREAS, this Council, prior to taking action on this resolution, has held a duly noticed public hearing, on the said pertaining to the Development Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the CITY OF ARVIN hereby finds, orders and resolves as follows:

SECTION 1. All public notices concerning this resolution and the public hearing for consideration of the adoption of the ordinance approving the Development Agreement have been given.

SECTION 2. All applicable provisions of the California Environmental Quality Act have been followed and the Applicant has complied with the CITY OF ARVIN's requirements concerning the application for approval of the Development Agreement.

SECTION 3. Based upon an initial environmental assessment, the City Council finds that no new information has been presented pertaining to the modification applications that leads to significant impacts which have not been previously analyzed and for which mitigation has been determined to reduce the impacts to less than significant; therefore a negative declaration is required because although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR and NEGATIVE DECLARATIONS pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR and NEGATIVE DECLARATIONS, including revisions or mitigation measures that are imposed upon the proposed project. All the mitigation that would have been required has been required;

SECTION 4. The City Council further finds that in adopting the modifications subject of this resolution it does so as part of its consideration and review process for the development agreement as provided for in California Government Code Section 65864 et seq. and presented by the Applicant, and not as a grant of special privilege to the Applicant.

SECTION 5. The analysis and disposition of these modifications were performed by the City in the course of its processing of the associated and pending Development Agreement application and the City Council therefore accepts any and all fees paid by the Applicant for the Development Agreement as satisfaction in full of any and all fees due for such modifications.

180  
2  
EXHIBIT C  
RESOLUTION NO. 02-49  
ADOPTED DECEMBER 18 2002 -  
DEVIATIONS FOR TRACT 5816

SECTION 6. As of the date of consideration of this resolution, the development standards in force and effect are the standards dated April 1987.

SECTION 7. The City Council does hereby approve the following modifications to City standards and ordinances including the detail sheets titled, "Arterial Street", "Collector Street", and "Local Street" attached hereto as Exhibit B and incorporated herein by this reference, for the improvement and development by the Applicant, its successors or assigns, of the property situated in Exhibit A. Following each such modification is the City Council's justification for such approval.

- i) Modification of Section 16.12.040, Specification 3-3 and Plate R-1 to allow: Perimeter arterial streets (Sycamore, Comanche, Mullux)  $TI=8.5$  Sycamore and Comanche north of El Camino in lieu of 9.0,  $TI=6$  Mullux and Comanche South of El Camino; 110 foot right of way with bike lanes, Center line to flow line of 47 feet with parking and center line to flow line of 41.5 feet without parking in lieu of 44 feet. Reduced median to 12 feet wide from 20 feet wide where traffic volumes allow a single left hand turn lane.

Justification: The City Standard allows Traffic Indexes to be specified. The construction of all roads to a traffic index of 9.0 is impractical. Traffic analysis shows the specified traffic index is excessive. The inclusion of bike lanes makes the flow line to centerline distance of 44 feet impossible. General Plan encourages use of bicycle lanes.

- ii) Modification of Section 16.12.040, Specification 3-3 and Plate R-1 to allow: Collector streets (Meyers Street):  $TI=6.0$  in lieu of 7.0, 90 foot right of way with bike lanes, Center line to flow line of 37 feet with parking and center line to flow line of 31.5 feet without parking in lieu of 34 feet.

Justification: The City Standard allows Traffic Indexes to be specified. The construction of all roads to a traffic index of 7.0 is impractical. Traffic analysis shows the specified traffic index is excessive. The inclusion of bike lanes makes the flow line to centerline distance of 34 feet impossible. The General Plan promotes use of bicycle lanes.

- iii) The location of "No Parking" designations on perimeter arterials and collector streets is at the option of the developer except at right hand turn bays indicated for conformity with the Development Agreement.

Justification: "No Parking" requirements have not been established in the Project area.

- iv) Modification of Section 16.12.040, Specification 3-3 to define Local Collector Streets:  $TI=5.0$  and right of way width of 60 feet in conformance with standards, where Average Daily Traffic (ADT) is greater than 500 vehicles per day (vpd) and modification of Plate R-1 to allow 22 feet centerline to flow line width adjacent to School Site.

Justification: The City Standard allows Traffic Indexes to be specified. The City Standard is defined for clarity where the street has an ADT of more than 500. The right of way is specified for clarity. 22 feet centerline to flow line width adjacent to School Site is included for safety. The General Plan policies include redesign of Local streets for traffic safety and efficiency.

- v) A modification of Specification 3-2 to allow a 64 foot local collector street to be placed at the mid section line (El Camino Real) in lieu of a 90 foot wide "collector" street.

Justification: The General Plan does not designate this portion of El Camino Real as a 90' right of way "collector" street. The traffic study does not assign traffic to this corridor. A local collector street is better suited to the school site and the integrity of the community.

- vi) Modification of Section 16.12.040, Specification 3-3 to allow: Local Street  $TI=4.5$  in lieu of 5.0 with 60 foot right of way with a 20 foot centerline to flowline distance where the Average Daily Traffic (ADT) is less than 500 vehicles per day (vpd).

Justification: The City Standard allows Traffic Indexes to be specified. A Local street with a 60-foot right of way and a 20-foot centerline to flowline distance with an Average Daily Traffic volume of less than 500 vehicles per day is associated with a Traffic Index of 4.5. The General Plan policies include redesign of Local streets for Traffic safety and efficiency.

- vii) Modification of Specification 3-5 to allow: Street grades 0.15% in lieu of 0.20%.

Justification: Flat topography of existing improvements makes design of all streets to a 0.2% minimum gradient impossible. The City is permitted to approve a deviation from this requirement.

- viii) Streetlight staggered at 300 feet intervals with standards conforming to PG&E "coach light" mast type on local streets.

Justification: City has no design Standards being specified for local streets. Section 16.16.070.C.9 and Ordinance 122 § 6.30, 1976 does not prohibit a "coach light" mast type streetlight.

- ix) Modification of Plate R-1 and Plate R-9 and Section 16.12.040 Local Street widths: 50 feet right of way in lieu of 60 feet and 18 feet centerline to flow line width in lieu of 20 feet at Cul de sacs.

Justification: Modern cul de sac design allows for reduced centerline to flow line width to 18 feet and commensurate reduction in right of way. The reduction of width will result in improved air quality due to reduced radiant heat. The reduction in width will promote traffic safety, enhance the community environment, and lower traffic speeds in cul de sac streets.

- x) Modification Plate R-9 and Section 16.12.040 Cul de Sacs Streets: Lot depth less than 100 ft, to allow 20' min at side yard condition (Plate R-9).

Justification: Lot depths of 20 feet at double frontage lots will allow side yard condition at cul de sac ends. The lots will be more efficient and will better utilize available space and energy conservation in home design.

- xi) Modification of Specification 3-3 Cul de Sacs Streets:  $TI=4.0$  in lieu of 5.0 (Plate R-1).

Justification: The City Standard allows Traffic Indexes to be specified. Cul de sacs have lower traffic volumes and no through traffic therefore the lower TI of 4.0 is applicable on cul de sac streets.

- xii) Modification of Specification 3-3 and Plate R-1 and Plate R-9 and Section 16.12.050 - Turn a Rounds (Cul de Sacs Streets): Fluted cul de sacs in lieu of a 50' radius cul de sac (Plate R-9).

Justification: Fluted cul de sac allows smoother egress and ingress in a cul de sac bulb and for improved parking for residences on the cul de sac.

- xiii) Modification of Plate R-3 to allow: 4.5-foot sidewalk in lieu of 5 foot for local streets, local collector streets and Cul De Sac's.

Justification: 4.5 feet is adequate for pedestrian travel the reduction of width will result in improved air quality due to reduced radiant heat.

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Handwritten initials JP

- xiv) A variance of Section 16.12.140, a modification of Section 16.12.160 to allow block length no greater than 2640 feet in lieu of 700 feet, and a modification to Section 16.12.160 to allow deletion of Pedestrian Ways through the middle of blocks having a length of more than 700 feet.

Justification: Block lengths are related to necessary ingress and egress to adjacent parcels of land to provide circulation and access as the community grows. This project is unique in that along the perimeter of the project are half width Major (110-foot right of way) and Secondary (90-foot right of way) roadway alignments. The project design provides for multiple routes for ingress and egress to adjacent park, school and commercial sites as well as up Meyers Street into the core of the community. The longest block lengths occur at the North sump and the South sump where lengths of 2400 and 2640 are proposed. These block lengths prohibit traffic to the South and East where the estimated traffic volumes are minimal. Additional streets if added would not enhance the circulation network and would serve to degrade the integrity of the bicycle path system by removing long stretches of unopposed roadways. The other long blocks provide for uniformity of circulation patterns and improvements within the project area. The request to eliminate pedestrian ways near the midpoint of long blocks is based on safety concerns. Pedestrian ways impair the activities of the police department during patrols, the pedestrian access provides a means of access and escape to pedestrians, prohibits the patrol vehicle from pursuit, and causes the officer to leave the patrol car. Lighting of pedestrian ways is difficult because of problems of lighting private properties; graffiti removal, trash collection and sweeping are difficult for City maintenance workers to accomplish.

- xv) Modification of Specification 4-1 to allow Storm Drain made of HDPE, PVC or CL III RCP RGI with rubber gasket joints and a HDPE and PVC with an N=0.011 in lieu of RCP N=0.013 and a modification to plate D-2 & D-3 to allow a high capacity grated drop inlet in lieu of side opening catch basin.

Justification: Industry has developed new materials for storm drains conforming to City Standards for flexible pipe. City Specification allows the City to specify different design criteria including other materials and construction techniques.

- xvi) Modification of Specification 2-3 for sewer mains made of HDPE or PVC with rubber gaskets and a N=0.011 with minimum slopes of 8" = 0.24% (in lieu of 0.30%), 10" = 0.18% (in lieu of 0.22%), 12" = 0.14% (in lieu of 0.17%) and 15" and 18" = 0.09% or better (in lieu of 0.12%) and 3.0 feet of cover in lieu of 6 feet of cover.

Justification: Industry has developed new materials for storm drains conforming to City Standards for flexible pipe. The slopes specified do not compute for a N 0.011; minimum cover over the main line for a truckload is less than 2.5 feet, use of 3.0 feet will allow for protection of the sewer system. City Standard 2-3 allows the City to consider special circumstances, the tie in elevations for the North half of the Subdivision are fixed and the topography is flat.

- xvii) Modification of Plate S-1 to allow 4 inch PVC sewer laterals constructed with Y's at 45 degrees and 2% minimum gradient, except where minimum cover of 36 inches at the gutter flow line in lieu of 48 inches at property line cannot be achieved, then the special design criteria is sewer Y's may be laid at 23 degrees and sewer laterals may be laid at 1% as required to achieve 36 inches minimum cover at flow line in lieu of 48" of cover. If 36" of cover cannot be achieved then cast iron pipe or concrete encasement may be used in conformance with above; the minimum cover at flowline shall be 18 inches.

Justification: Existing sewer tie in elevations necessitate special design of sewer laterals near the ends of sewer main runs.

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- xviii) A modification of Section 16.12.150 and Section 17.08.000A to allow a minimum lot size of 5,000 square feet in lieu of 6,000 square feet and a lot width of 50 feet in lieu of 60 feet.

Justification: This project is a master planned community that will provide for a variety of sustainable appropriate workforce housing needs to the people of the City of Arvin. One of the major housing opportunities provided by this project is an affordable home. This affordability is appropriate to meet the needs of the community for housing. This request is uniform in that in order to create a sustainable inventory of housing for the community's future needs a sustainable amount of inventory of lots must be available.

- xix) Modification to Section 17.02.380 to allow key lots, where the drive approach at the front of the lot affected by an adjacent rear lot is moved to the opposite side of the lot.

Justification: Most single family residential lots within the project are North-South facing. Where lots must be turned East and West to make use of available land key lots will be created. While backing out of the residential driveways serving the lot whole side yard is common to a rear yard site distance would be impaired if the driveway was located next to the side yard / rear lot line condition. To negate the effect of the sight distance concern the drive approach may be moved to the opposite side of the lot.

- xx) Modification of Section 16.12.150E and Section 16.12.140B to allow double frontage lots of a depth of 100 feet in lieu of 240 feet for a rear lot condition, a width of 50 feet for a side yard condition, and one tier of lots instead of two. Where an access control barrier (concrete masonry wall or chain link fence as appropriate) landscaping and dedication of vehicular access rights is provided.

Justification: Lot depths of 240 feet are impractical and have not been used within the city of Arvin for an extended period of time. 100-foot deep lots have been allowed through the community. Double frontage side yards condition has been commonly allowed within the City of Arvin. A width of 50 feet provides consistency with other requested modifications. One tier of lots is required to accomplish the design of double frontage lots. Where double frontage lots are allowed a physical barrier maintained by the City is recommended. The barrier may be either a City maintained 6' concrete masonry block wall or a City maintained 3' high chain link fence and privately maintained decorative wood fence on private property. Landscaping will be provided in every case where double frontage lots are requested along arterial and collector streets. Relinquishment of access rights is also recommended so that the City may deny an encroachment permit request for an opening in the city maintained barrier and a drive approach to connect the rear or side yard to a City street.

- xxi) Modification of Plate R-1 to allow cut and fill slopes adjacent to streets, which are designated for landscaping not to exceed five to one in lieu of 2%. Double frontage lots, except along Sycamore Road, and side yards of lots on a collector (90' right of way) or major (110' right of way) streets shall have a decorative wood fence, permanent barrier at the rear or side yard property line, dedication of vehicular access rights and landscaping. The permanent barrier shall consist of a three- (3) foot high City maintained chain link fence and landscaping. Decorative wood fence shall be durable, constructed adjacent to the chain link fence on private property and shall be maintained by the property owner. Sycamore Road shall have landscaping, dedication of vehicular access rights and a 6' high concrete masonry wall.

Justification: The inclusion of landscaping and access control barriers have not been included in the city Standards. City Specification 1-4 allows the City to set different design criteria including material types and construction techniques.

- xxii) A modification to Section 17.08.040 to allow: In lieu of 25 foot front yard setback, minimum front yard setback for the garage shall be 20 feet measured from the road right of way if a roll up garage door is used, if a swing garage door is used the setback to the garage door shall be 23 feet measured from the road right of way, and the minimum set back to the front of the house not including a garage or for a side loaded garage shall be 18.75 feet from the road right of way. Minimum set back to front of house not including garage shall be 10 feet.

Justification: Adjustment of the front yard setback requirement as requested allows for the front yard setback to vary depending on home design and garage door option selected. This approach to set back enables the homes to stagger and be non-linear in set back. This modification will enhance the appearance of the street scene by alternating the set back. The appearance enhancement will be aesthetically pleasing in appearance and enhance people's lives within the community.

- xxiii) A modification to Section 17.08.040 to allow: 6 foot high Standard Fences for storm water sumps maybe set at the right of way in lieu of 25 feet from the right of way.

Justification: Storm water sump fences are placed in the road right of way to maximize use of the lot. Sump fences placed at this location will not pose a sight distance problem because the fence will have suitable set backs for sight distance.

- xxiv) A modification to Section 17.12.030 to allow: 3 story structures in an R-3 zone in lieu of 2 1/4 stories per the code.

Justification: Construction of the lowest floor elevation below ground conflicts with the requirements of the Flood Plain Ordinance of the Arvin Municipal Code. It is impossible to comply with the zoning ordinance requirement for 2 1/4 stories and the flood plain ordinance simultaneously. In order to meet all requirements of the code three stories is required to provide uniformity of improvement and compliance with the allowable density.

- xxv) A modification of Plate R-9 to allow a modified Bulb Intersection to conform to the attached detail.

Justification: The standard bulb design provides an excessive amount of width in a bulb. The excessive width promotes diagonal and perpendicular parking in the bulbs. In this design instance adequate maneuvering room and curb side parking is provided for the two locations of a bulb within this project.

- xxvi) A modification to permit all lots to be graded with swales at a minimum of 1/4% and maybe located at common property lines in accordance with the Uniform Building Code and shall be graded from rear to front unless otherwise.

Justification: Soils at the site are well drained sandy loam therefore gradients of 1% are not required. The depth of fill are less than five feet therefore 1/4% swales are acceptable for surface drainage. 1/4 % swales have been allowed in Arvin in other developments with no apparent adverse effect.

- xxvii) A modification to 16.12.150.C to allow non-radial lot lines lieu of lot lines at a right angle or radial if the street is curved.

Justification: The ordinance section states, "... so far as possible and approximately radial ..." indicating some deviation from this standard is expected. The lot design proposed provides for the most efficient utilization of available space and to provide an esthetic design to the home.

ADOPTED ON THIS 18<sup>th</sup> DAY OF DECEMBER, 2002 BY THE FOLLOWING VOTE:

AYES: OLIVARES, ACEVEDO, OJEDA, TARVER, FLORES

NOES:

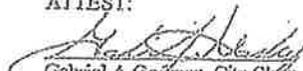
ABSTAIN:

ABSENT:



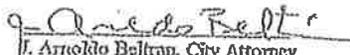
Juan M. Oliveras, Mayor

ATTEST:



Gabriel A. Godínez, City Clerk

APPROVED AS TO FORM



J. Arnaldo Beltrán, City Attorney

I, Gabriel A. Godínez, City Clerk of the City of Arvin, California DO HEREBY CERTIFY that the foregoing is a true and accurate copy of Resolution #02-49 passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

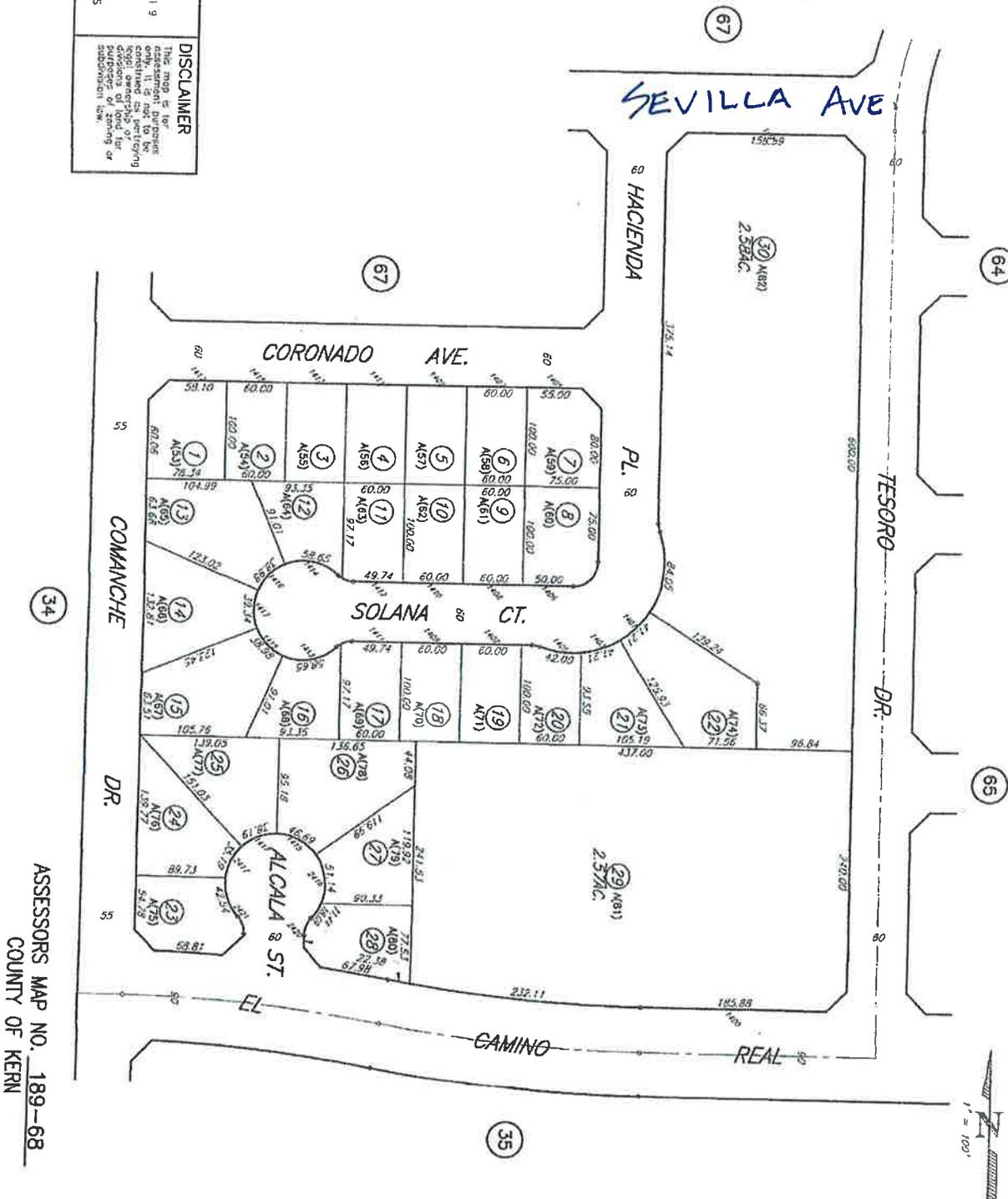
Gabriel A. Godínez, City Clerk



**Figure 1 - Assessor Parcel No. 189-68-30**

FIGURE 1  
ASSESSOR PARCEL MAP NO.  
189-68 FOR PARCEL 30

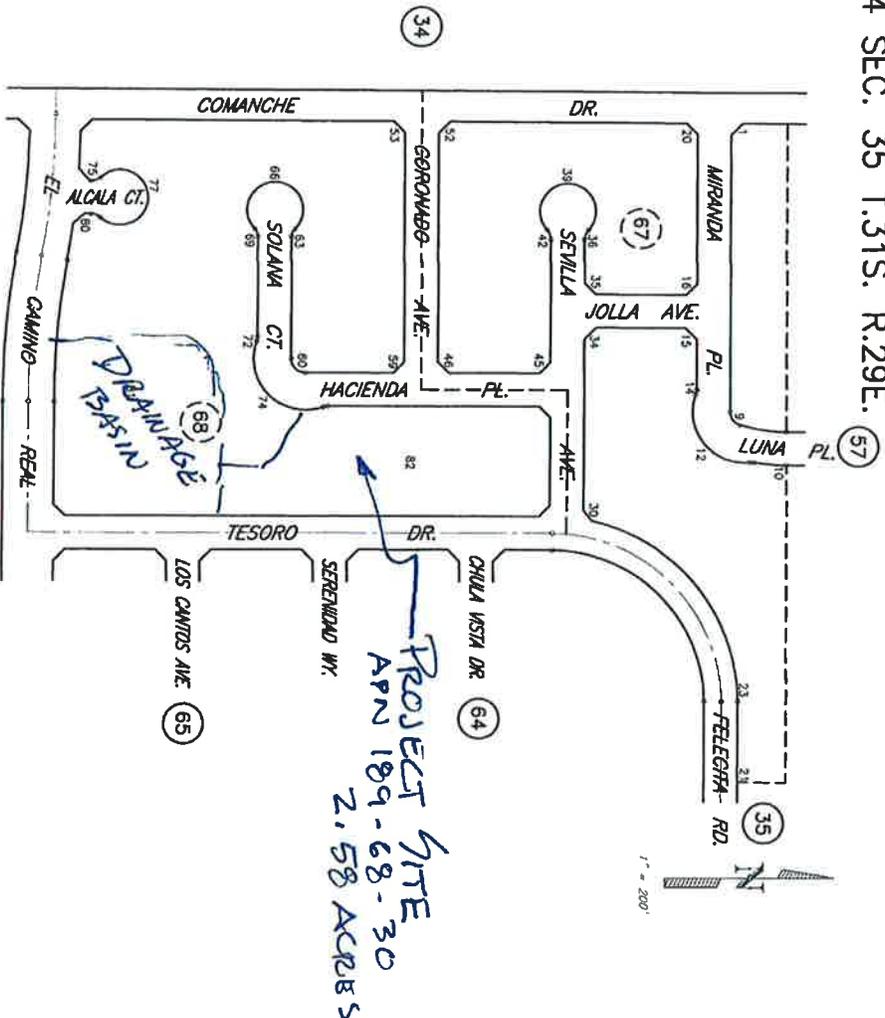
<b>LEGEND</b>	<b>SUBD. KEY</b>	<b>DISCLAIMER</b>
REVISED May 23, 2003	REF. SUBD. A TR 5816 PH 9	This map is for information only. It is not to be construed as part of any decision of land use or zoning or subdivision law.
<b>JURISDICTION</b> CITY OF ARVIN	(LOT DESIGNATIONS IN PARENTHESES)	



# **Figures 2 and 2a – Locational Maps**

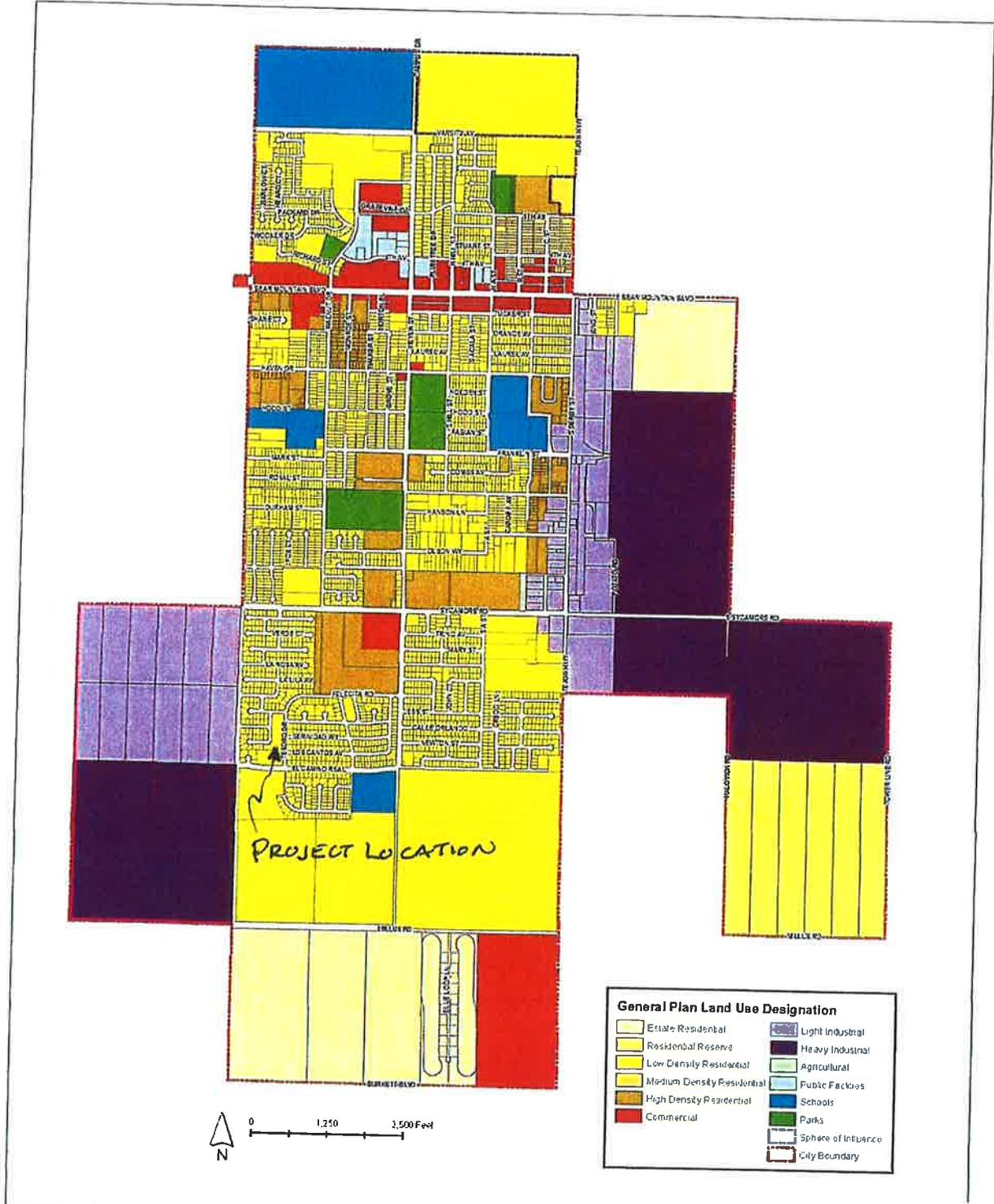


TRACT 5816 PH. 9  
PTN. NW1/4 SEC. 35 T.31S. R.29E.



LEGEND		
DRAWN	SUBD. KEY	DISCLAIMER
December 13, 2006	REF. SUBD A. TR 5816 PH 9	This map is for informational purposes only and is not intended to be used as a legal instrument. It is not intended to be used for the purpose of creating or conveying an interest in real property.
JURISDICTION	(LOT DESIGNATIONS IN PARENTHESES)	
CITY OF ARVIN		

**Figure 3 - General Plan Land Use Policy Map**



City of Arvin General Plan Update  
Initial Study

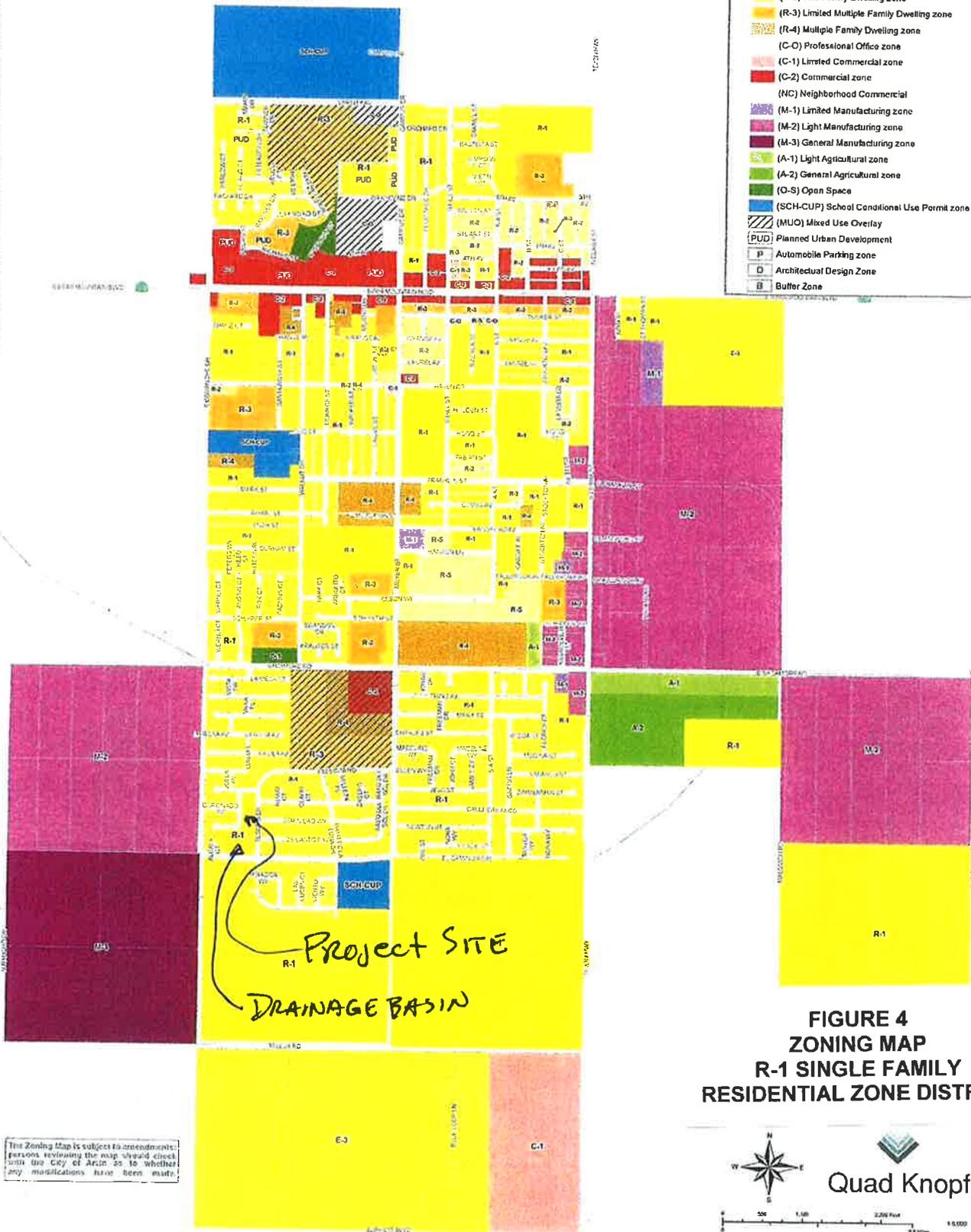
**FIGURE 3**  
**GENERAL PLAN LAND USE**  
**POLICY MAP**

**Figure 4 – Zoning Map - R-1 Single Family Residential Zone District**

# Arvin Zoning Map

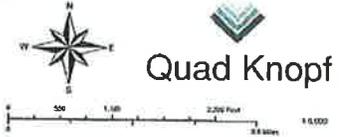
CITY OF ARVIN

Zoning Description	
	(E-3) Estate zone
	(R-S) Suburban Residential zone
	(R-1) Single Family Dwelling zone
	(R-2) Two Family Dwelling zone
	(R-3) Limited Multiple Family Dwelling zone
	(R-4) Multiple Family Dwelling zone
	(C-O) Professional Office zone
	(C-1) Limited Commercial zone
	(C-2) Commercial zone
	(NC) Neighborhood Commercial
	(M-1) Limited Manufacturing zone
	(M-2) Light Manufacturing zone
	(M-3) General Manufacturing zone
	(A-1) Light Agricultural zone
	(A-2) General Agricultural zone
	(O-S) Open Space
	(SCH-CUP) School Conditional Use Permit zone
	(MUO) Mixed Use Overlay
	(PUD) Planned Urban Development
	P Automobile Parking zone
	D Architectural Design Zone
	B Buffer Zone

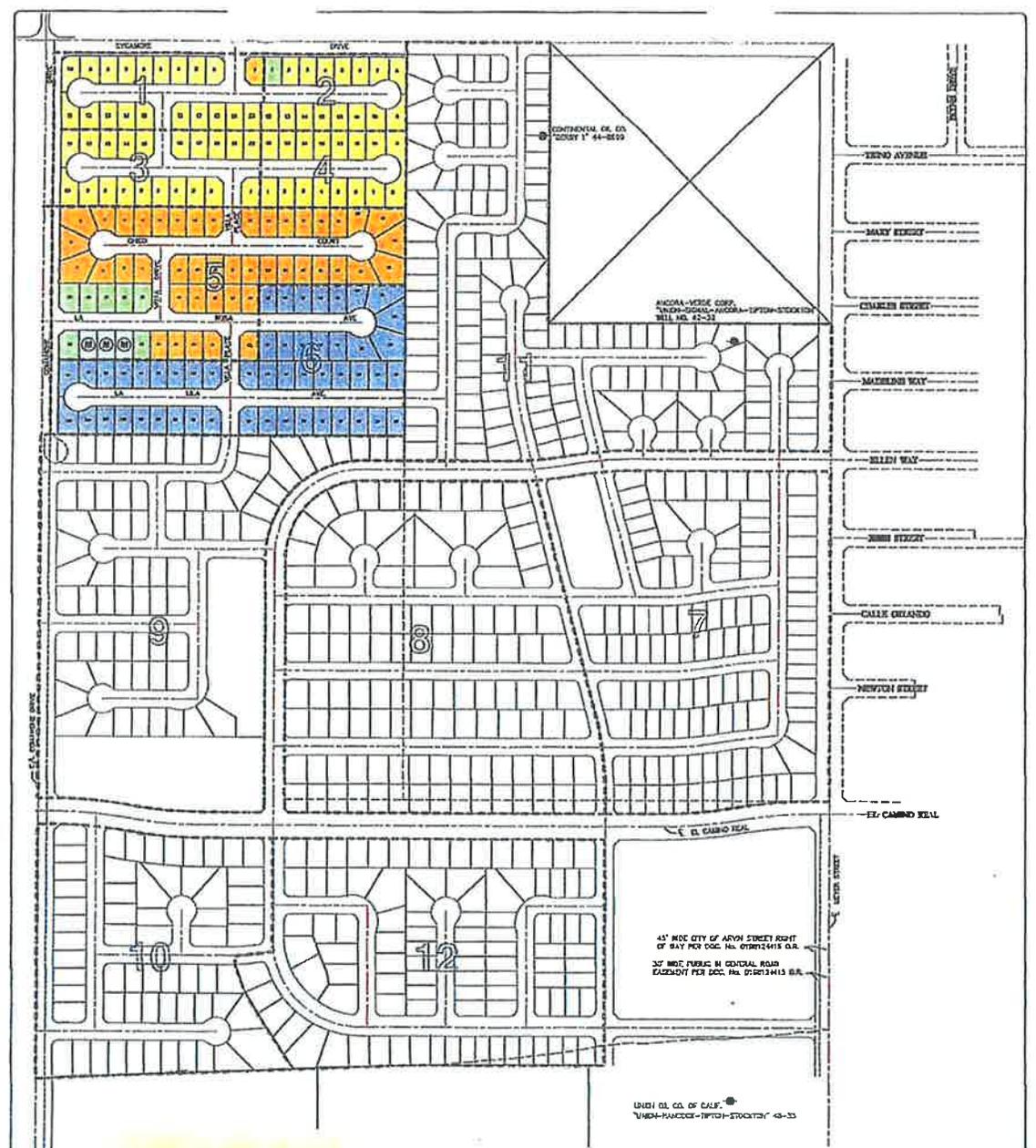


**FIGURE 4  
ZONING MAP  
R-1 SINGLE FAMILY  
RESIDENTIAL ZONE DISTRICT**

The Zoning Map is subject to amendments; persons reviewing the map should check with the City of Arvin to see whether any modifications have been made.



**Figure 5 – Tract Map 5816 Phases 1 through 12 Approved Mid 1980**



**FIGURE 5**  
**TRACT MAP NO. 5816 PHASES**  
**1 THROUGH 12**

*look up  
phase*

**LEGEND:**

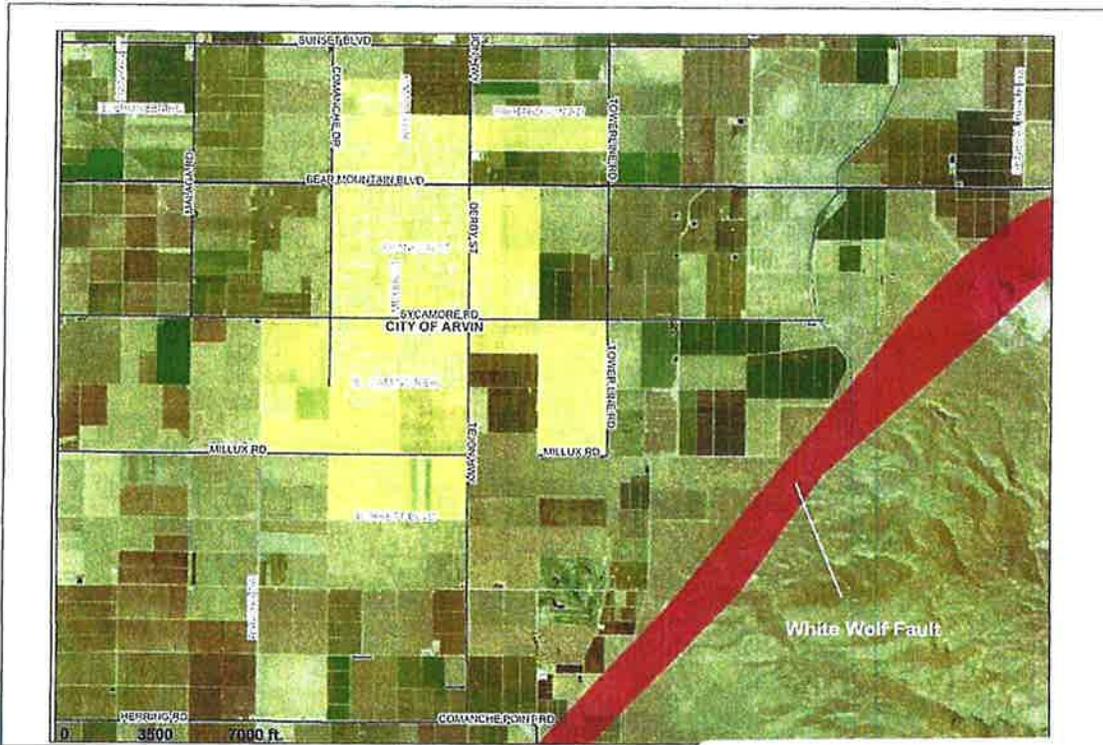
	HOUSES BUILT
	HOUSES UNDER CONSTRUCTION
	STREETS PAVED - NO HOUSES UNDER CONSTRUCTION
	LOT IMPROVEMENTS
	MODELS - BUILT



*189-69*

**Figure 6 - Active Faults.**

slope of the land and to the highly permeable nature of the soil. Policy 1.1.3 of the General Plan Safety Element requires all proposed development to adhere to safe and accepted practices for minimizing hazards from adverse soil, subsidence or erosion conditions.



*City of Arvin General Plan Update  
Initial Study*

**FIGURE 6  
ACTIVE FAULTS**

**Items (c) and (d): Less Than Significant Impact.** All construction and development in the City will adhere to the California Building Code and standard building practices, policies and guidelines to ensure that any geologic impacts including on- and off-site landslides, lateral spreading, subsidence and expansive soils are less than significant.

**Item (e): Less Than Significant Impact.** Currently there are approximately 30 parcels within the City that are still dependent on septic tanks for sewer disposal. According Veolia Water, the existing system is adequate to meet the needs of the City and any future housing development will connect to the existing wastewater disposal system.

**Figure 7 - Aerial location of El Camino Real Elementary School.**



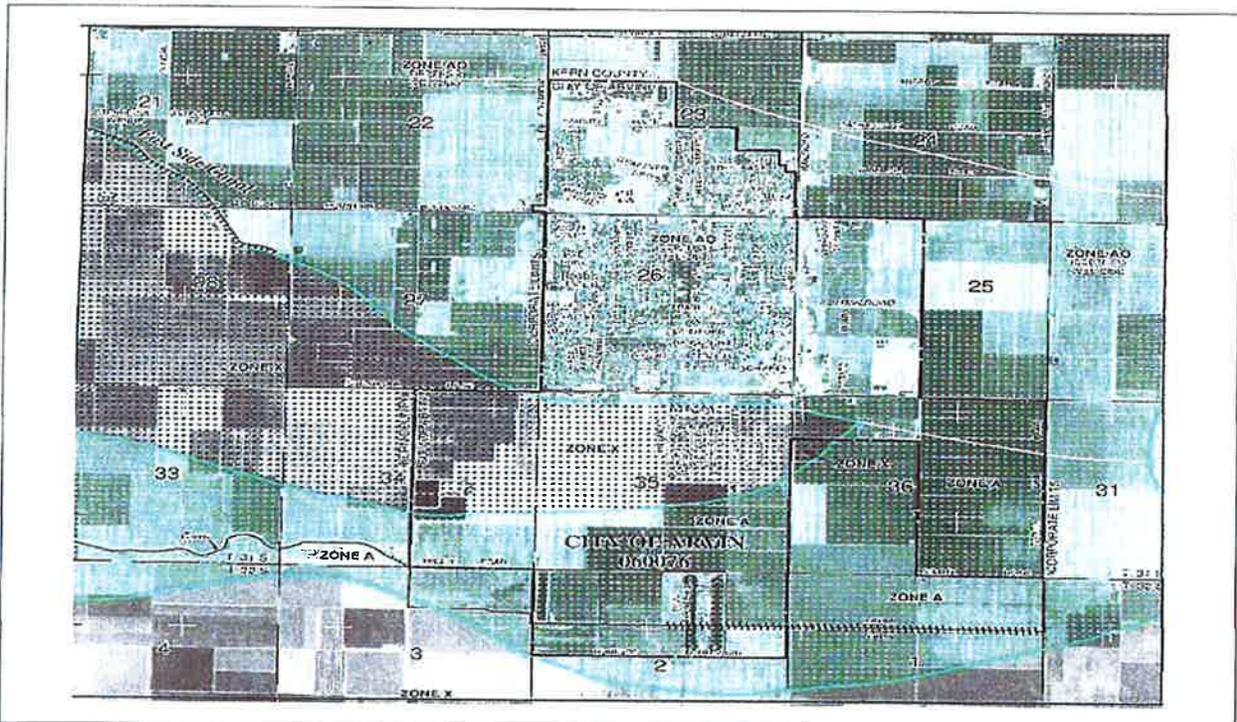
Google Earth



**FIGURE 7  
AERIAL LOCATION OF EL  
CAMINO REAL ELEMENTARY  
SCHOOL**

EL CAMINO REAL  
ELEMENTARY  
SCHOOL

**Figure 8- FEMA Flood Map – City of Arvin**



City of Arvin General Plan Update  
Initial Study

**FIGURE 8**  
**FEMA FLOOD MAP FOR CITY**  
**OF ARVIN**

**Figure 9- Mountain View Oil Field – VTM 7321 And Response letter dated February 6, 2017 from Division of Oil, Gas, and Geothermal Resources – District 4**





Department of Conservation  
**Division of Oil, Gas, and Geothermal Resources – District 4**  
4800 Stockdale Highway • Suite 100  
Bakersfield, CA 93309  
(661) 322-4031 • FAX (661) 861-0279

February 6, 2017

Marti Brown, Community Development Director  
City of Arvin  
P.O. Box 548  
Arvin, California 93203

Subject: Vesting Tentative Tract No. 7321  
In a Portion of the NW/4 of Section 35, T.31S., R.29E.

Dear Ms. Brown,

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

Vesting Tentative Tract No. 7321 is situated within the administrative boundaries of the Mountain View Oil Field. There are no active or plugged-and-abandoned wells located within project boundaries. Please refer to the attached *Location Map*.

The Division recommends that no structure be built over or in proximity to an abandoned well location. According to Section 3208.1 (a) of the Public Resources Code (PRC), the supervisor or district deputy may order the reabandonment of any previously abandoned well if the supervisor or district deputy has reason to question the integrity of the previous abandonment. The costs of well reabandonment operations, depending on the situations described in PRC 3208.1 (a) (1) (2) and (3) could be the responsibility of the owner or developer and can be significant. The Division should be consulted for an opinion regarding well reabandonment responsibility for the owner or developer.

For additional information, please check the Division's website at:

[http://www.conservation.ca.gov/doq/for\\_operators/Pages/construction\\_site\\_review.aspx](http://www.conservation.ca.gov/doq/for_operators/Pages/construction_site_review.aspx).

Thank you for the opportunity to comment on this project. Should any questions arise, please call Associate Oil & Gas Engineer **Dayne L. Fray** in the Bakersfield district office at **(661) 334-4601**.

Sincerely,

Michael Toland  
Senior Oil and Gas Engineer  
Environmental Unit Supervisor

# **Attachment 1 – Air Quality Background**

### Air Quality Discussion

The City of Arvin is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD) which covers eight (8) counties, including the valley portions of Kern and Merced County, Kings, Tulare, Fresno, Madera, San Joaquin and Stanislaus. The SJVAPCD is responsible for the management of air pollution emissions in the valley portion of Kern County, including the City of Arvin. The District regulates air quality through its permit authority for most types of stationary emission sources, and through its planning review activities for other sources.

In general, air pollutant emissions sources typically fall under four (4) major categories: mobile sources, which include on-road and off-road vehicles; stationary sources, including emissions from power plants and other commercial or industrial uses; area sources, which are emissions generated from human activity over a wide geographic area; and natural sources, which include petroleum seeps and emissions from plants. It is motor vehicles that account for a significant portion of regional gaseous and particulate emissions. Local large employers, such as industrial plants, can also generate substantial regional gaseous and particulate emissions. In addition, construction, agricultural activities and the burning of wood in fireplaces for residential heat can generate significant temporary gaseous and particulate emissions (dust, ash, smoke, etc.)

Federal and California ambient air quality standards have been established for the following six critical pollutants: particle pollution or particulate matter, ozone, carbon monoxide, sulfur oxides, nitrogen oxides and lead. Applicable Federal and State standards for each regulated pollution category are provided in Table 3.3-1. The applicable standard for each pollution category, for environmental document purposes is whichever is more stringent of the Federal or State standards.

#### Ozone Emissions:

Ozone (O<sub>3</sub>) is the major component of the San Joaquin Valley's summertime smog and it affects human health and vegetation. Ozone is not emitted directly into the air, but is created by a series of chemical reactions between reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) that take place in the presence of sunlight. ROG and NO<sub>x</sub> are typically generated by local emissions from agricultural and industrial uses. High levels of ozone adversely affect the human respiratory system and aggravate cardiovascular disease and many respiratory ailments.

Ozone often affects areas downwind of the original source of precursor emissions. Ozone precursor transport depends on daily meteorological conditions such as wind speed and air temperature. Ozone levels become unhealthy when the precursor emissions react with warm temperatures and light winds. In addition, stagnant air and hot temperatures also favor ozone formation. These conditions occur in the San Joaquin Valley between May and September.

#### Nitrogen Dioxide (NO<sub>2</sub>):

The major sources of nitrogen dioxide (NO<sub>2</sub>), essential to the formation of photochemical smog, are vehicular, residential, and industrial fuel combustion. NO<sub>2</sub> is the brown colored gas evident during period of heavy air pollution. NO<sub>2</sub> increases respiratory disease and irritation and may reduce resistance to certain infections.

#### Particulate Matter:

Particulate matter (PM) also known as particle pollution, is a complex mixture of extremely small particles and liquid droplets. Particle pollution is made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. The size of the

particle is directly linked to their potential for causing health problems. EPA is concerned about particles that are ten (10) micrometers in diameter or smaller because those are the particles that generally pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. EPA groups particle pollution into three (3) categories based on their size and where they are deposited:

- “Inhalable coarse particles (PM<sub>2.5-10</sub>)” such as those found near roadways and dusty industries, are between 2.5 and 10 micrometers in diameter. PM<sub>2.5-10</sub> is deposited in the thoracic region of the lungs.
- “Fine particles (PM<sub>2.5</sub>)”, such as those found in smoke and haze, are 2.5 micrometers in diameter or smaller. These particles can be directly emitted from sources such as forest fires, or they can form when gasses emitted from power plants, industries and automobiles react in the air. They penetrate deeply into the thoracic and alveolar regions of the lungs.
- “Ultrafine particles (UFP)”, are very small particles less than 0.1 micrometers in diameter largely resulting from the combustion of fossil fuels, meat, wood and other hydrocarbons. While UFP mass is a small portion of PM<sub>2.5</sub>, its high surface area, deep lung penetration, and transfer into the bloodstream can result in disproportionate health impacts relative to their mass.

PM<sub>10</sub>, PM<sub>2.5</sub> and UFP include primary pollutants (emitted directly into the atmosphere) as well as secondary pollutants (formed in the atmosphere by chemical reactions among precursors). Generally speaking, PM<sub>2.5</sub> and UFP are emitted by combustion sources like vehicles, power generation, industrial processes, and wood burning, while PM<sub>10</sub> sources include those same sources plus roads and farming activities. Fugitive windblown dust and other area sources also represent a source of airborne dust in the Valley.

Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, coughing, bronchitis and respiratory illnesses in children.

#### Carbon Monoxide (CO):

Carbon Monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels and is emitted directly into the air (unlike ozone). The main source of CO in the San Joaquin Valley is on-road motor vehicles. Other CO sources in the Valley include other mobile sources, miscellaneous processes and fuel combustion from stationary sources.

Because of the local nature of CO problems, ARB and EPA designate urban areas as CO nonattainment areas instead of the entire basin as with ozone and PM<sub>10</sub>. Motor vehicles are by far the largest source of CO emissions. Emissions from motor vehicles have been declining since 1985, despite increases in vehicle miles travelled (VMT), with the introduction of new automotive emission controls and fleet turnover.

#### Sulfur Dioxide (SO<sub>2</sub>):

Sulfur Dioxide (SO<sub>2</sub>) is a colorless, irritating gas with a rotten egg smell formed primarily by the combustion of sulfur-containing fossil fuels. The SJVAB is in attainment of both Federal and California standards for SO<sub>2</sub>. However, like airborne NO<sub>x</sub>, suspended SO<sub>x</sub> particles contribute to poor visibility that sometimes occurs in the Valley. These SO<sub>x</sub> particles can also combine with other pollutants to form PM<sub>2.5</sub>. The prevalence of low-sulfur fuel use in the Valley has minimized problems from this pollutant.

**Lead (Pb):**

Lead (Pb) is a metal that is a natural constituent of air, water and the biosphere. Lead is neither created nor destroyed in the environment, so it essentially persists forever. The health effects of lead poisoning include loss of appetite, weakness, apathy and miscarriage; it can also cause lesions of the neuromuscular system, circulatory system, brain and gastrointestinal tracts.

Gasoline-powered automobile engines were a major source of airborne lead through the use of leaded fuels. The use of leaded fuel has been mostly phased out, with the result that ambient concentrations of lead have dropped dramatically. Lead concentrations were last systemically measured in the SJVAB in 1989, when the average concentrations were approximately five percent of the State lead standard. Lead levels remain well below applicable standards, and the SJVAB is designated in attainment for lead.

**Air Quality Standards****Federal:**

The 1977 Federal Clean Air Act (CAA) required the U.S. Environmental Protection Agency (EPA) to identify National Ambient Air Quality Standards (NAAQS) to protect the public health and welfare. NAAQS's have been established for the seven criteria pollutants (see Table 3-3.1)

In addition to the federal National Ambient Air Quality Standards (NAAQS), the Clean Air Act requires individual states to develop and implement air pollution control plans designed to achieve and maintain the NAAQS's established by the EPA, however states can establish their own standards, provided the state standards are at least as stringent as the NAAQ's.

**NATIONAL AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Concentration
Ozone	8 Hour (1997)	0.08 ppm
	8 Hour (2008)	0.075 ppm
	1 Hour (1979)	(revoked)
Carbon Monoxide	8 Hour	9 ppm
	1 Hour	35 ppm
Nitrogen Dioxide	1-hour	100 ppb
	Annual	53 ppb
Sulfur Dioxide	1-hour	75 ppb
	3-hour	0.5 ppm
PM 10	Annual	(revoked)
	24 Hour	150 $\mu\text{g}/\text{m}^3$
PM 2.5 (1997 Standard)	Annual	15 $\mu\text{g}/\text{m}^3$
	24 Hour	65 $\mu\text{g}/\text{m}^3$

PM 2.5 (2006 Standard)	Annual	15 $\mu\text{g}/\text{m}^3$
	24 Hour	35 $\mu\text{g}/\text{m}^3$
PM 2.5 (2013 Standard)	Annual	12 $\mu\text{g}/\text{m}^3$
	24 Hour	35 $\mu\text{g}/\text{m}^3$
Lead	Rolling three-month period, evaluated over a three-year period	0.15 $\mu\text{g}/\text{m}^3$

ppm=parts per million

ppb=parts per billion

 $\mu\text{g}/\text{m}^3$ =micrograms per cubic meter**State:**

States are required to develop and implement air pollution control plans designed to achieve and maintain the NAAQS's established by the PA. As a result of this requirement, the State of California, in 1988 passed the California Clean Air Act (CCAA) that established more stringent State ambient air quality standards, and set forth a program of achievement. State air basins are established by the California Air Resources Board (CARB). Carb implements State ambient air quality standards, as required in the State CCAA, and cooperates with the Federal government in implementing pertinent sections of the federal Clean Air Bill and associated amendments. Further, CARB has responsibility for controlling stationary and mobile source air pollutant emissions throughout the State. Like its Federal counterpart, the CCAA designates areas as attainment or non-attainment with respect to the CCAAQS's.

**CALIFORNIA AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Concentration
Ozone	8 Hour	0.070 ppm (137 $\mu\text{g}/\text{m}^3$ )
	1 Hour	0.09 ppm (180 $\mu\text{g}/\text{m}^3$ )
Carbon Monoxide	8 Hour	9 ppm (10 $\text{mg}/\text{m}^3$ )
	1 Hour	20 ppm (23 $\text{mg}/\text{m}^3$ )
Nitrogen Dioxide	Annual Arithmetic Mean	0.030 ppm (56 $\mu\text{g}/\text{m}^3$ )
	1 Hour	0.18 ppm (338 $\mu\text{g}/\text{m}^3$ )
Sulfur Dioxide	24 Hour	0.04 ppm (105 $\mu\text{g}/\text{m}^3$ )
	1 Hour	0.25 ppm (655 $\mu\text{g}/\text{m}^3$ )
PM 10	Annual Arithmetic Mean	20 $\mu\text{g}/\text{m}^3$
	24 Hour	50 $\mu\text{g}/\text{m}^3$

PM 2.5	Annual Arithmetic Mean	12 µg/m <sup>3</sup>
	24 Hour	none
Sulfates	24 Hour	25 µg/m <sup>3</sup>
Lead	30 Day Average	1.5 µg/m <sup>3</sup>
	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )
Vinyl Chloride (chloroethene)	24 Hour	0.010 ppm (26 µg/m <sup>3</sup> )
Visibility Reducing particles	8 Hour	see below <sup>b)</sup>

ppm=parts per million

mg/m<sup>3</sup>=milligrams per cubic meter

µg/m<sup>3</sup>=micrograms per cubic meter

**Ambient Air Status Designations**

The Air Resources Board (ARB) and EPA have established criteria air pollutant standards in an effort to protect human health and welfare. Geographic areas are deemed in “attainment” if pollutant concentrations did not violate these standards. A “non-attainment” designation indicates that the pollutant concentration violated the standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. An “Unclassified” designation signifies that data do not support either an attainment or non-attainment status. Non-attainment areas are divided into moderate, serious and severe air pollution categories, with increasingly stringent control requirements

mandated for each category. The attainment status designations for the project area within the San Joaquin Valley Air Basin are summarized in Table 3.3-2.

SAN JOAQUIN VALLEY ATTAINMENT STATUS		
Pollutant	Designation/Classification	
	<u>Federal Standards<sup>a</sup></u>	<u>State Standards<sup>b</sup></u>
Ozone - One hour	Revoked in 2005	Nonattainment/Severe
Ozone - Eight hour	Nonattainment/Extreme	Nonattainment
PM 10	Attainment	Nonattainment
PM 2.5	Nonattainment/Moderate	Nonattainment

Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

#### **DISCUSSION OF IMPACTS**

The proposed project is for a 20 single family land division on 2.58 acres of land. Pursuant to the guidance provided by the San Joaquin Valley Air Pollution Control District on determining CEQA applicability for certain development projects, the proposed project falls below the minimum thresholds of significance for criteria pollutants. This determination is based on the fact that the proposed project is less than 152 units in size. Furthermore, the project does not require Ambient Air Quality Analysis.

There will be short term and temporary construction related air quality impacts associated with the construction phase of the project. To reduce the impacts associated with this construction to a level less than significant the project shall be required to adhere to the District's Rules and Regulations including but not limited to Regulation VIII, Fugitive PM10 Prohibitions and District Rule 9510 Indirect Source Review.

- a) **Less Than Significant.** The proposed project does not meet the minimum thresholds for criteria pollutants.
- b) **Less Than Significant.** See item (a) above.
- c) **Less Than Significant.** See item (a) above.
- d) **Less Than Significant.** There will be temporary short term construction related air quality impacts however implementation of the following mitigation measures will reduce the level to less than significant:

**MM AQ 1: The project will be required to fully comply with San Joaquin Valley Air Pollution Control District Rules and Regulations including but not limited to Regulation VIII concerning**

**fugitive dust emissions and Rule 9510 Indirect Source Review.**

- e) **No impact.** It is not anticipated that the new residential dwelling units will create objectionable odors.

**EXHIBIT B**  
**MITIGATED NEGATIVE DECLARATION**  
**FILED FEBRUARY 21, 2017**

Mitigated Negative Declaration  
**Posting Requested by:** City Of Arvin  
Project Description:  
Vesting Tentative Map 7321; 3<sup>rd</sup> Amendment  
Development Agreement, and Deviations to Lot  
Sizes and Configurations per Resolution 02-49

County Clerk Kern County

**FILED  
KERN COUNTY**

**FEB 21 2017**

MARY B. BEDARD  
AUDITOR CONTROLLER-COUNTY CLERK  
BY  DEPUTY

**When Removed from Posting Return To:**  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

**AFFIDAVIT OF FILING AND POSTING**

I declare that I received and posted the Proposed Negative Declaration as required by California Public Resources Code Section 21092.3. Said notice will remain posted for 20 days.

**TO: KERN COUNTY CLERK**  
1115 Truxtun Ave.  
1<sup>st</sup> Floor  
Bakersfield, CA 993301

**FROM: COMMUNITY DEVELOPMENT DEPARTMENT**  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203  
661-854-2822 (Bus) 661-854-2969 (Fax)

**SUBJECT:** Proposed Mitigated Negative Declaration, Filing Pursuant To Title 14, Division 5, Chapter 3, Article 7, Sections 15070, 15071, And 15072 Of The California Administrative Code.

**Project Title:** Vesting Tentative Map 7321 proposed the creation of 20 single family lots on 2.58 acres; Development Agreement Amendment (3<sup>rd</sup> Amendment), and Deviations to Lot Configuration width and depth of 5,000 square feet.

**State Clearinghouse Number (if Submitted to Clearinghouse):** N/A

**Contact Person:** Marti Brown, Community Development Director

**Project Location:** City of Arvin, Kern County. Assessor's Parcel Number(s): APN(s): 189-68-30

**Applicant/Property Owner:** Applicant Representative: Randall Bergquist, PCS Land Services, 650 Fruitvale Ave., Bakersfield, CA 93308 Property Owner: Le Ora LLC (Michael Hair) 6501 Fruitvale Avenue, Bakersfield, CA 93308

**Project Description:**

**Vesting Tentative Map 7321** proposes to create 20 single family residential lots on 2.584 acres. Lot sizes are approximately 5,000 square feet, Exhibit A of the project Initial Study.

**Development Agreement Amendment:** 3<sup>rd</sup> Amendment of Development Agreement amendment by and between the City of Arvin and Le Ora LLC (Michael Hair) -- Amending Development Agreements previously adopted by the City of Arvin, between the City of Arvin and Sycamore Villas LLC. As well as others. The amendment provides unrestricted funds to the City of Arvin and proposes to construct certain road improvement along Comanche Drive from El Camion Real to the property line of APN 189-351-71, in exchange for the proposed development of a 2.584 acre site into 20 single-family residential lots.

**Deviations to Lot Sizes** from the 6,000 square foot lot areas to 5,000 square feet lot areas as previously approved by Resolution No. 02-49 adopted on December 18, 2002 by the City Council as described in Exhibit C of the project Initial Study.

This is to advise that the City of Arvin, has provided a public review and comment period from **February 22, 2017 to March 14, 2017** on the above project. The Community Development Department, Community Development Director has made the following findings and determinations regarding the above-described project:

1. The initial study identified potentially significant effects but:
  - (a.) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Negative Declaration is released for public review and adoption would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
  - (b.) There is no substantial evidence before the agency that the project as revised may have a significant effect on the environment.
2. No mandatory findings of significance have been identified pursuant to Section 15065.
3. The required public review period is provided in accordance with Section 15071; **Twenty (20) days.**
4. The Proposed Mitigated Negative Declaration was distributed to Responsible and Trustee Agencies as well as other public agencies with jurisdiction by law over resources affected by the project, Section 15073.
5. The Proposed Negative Declaration was delivered to the Kern County Clerk for posting on Tuesday, **February 21, 2017** as required by Public Resources Code, Section 21092.3.
6. The Planning Commission shall at a hearing on **Tuesday, March 28, 2017** at 6:00 PM and the City Council shall consider the recommendation of the Planning Commission on Tuesday, **April 18, 2017** at 6:00 P.M. Both the Planning Commission hearing and City Council hearing shall be conducted at City Hall, Council Chambers located at 100 Campus Drive, Arvin, CA 93203 as the agenda permits.

**Marti Brown, Community Development Director**

City of Arvin  
Kern County, State of California

BY: 

SIGNATURE

Note: A copy of this Mitigated Negative Declaration or Negative Declaration and its supporting documents may be reviewed or obtained during normal working hours at the City of Arvin, Community Development Department at 141 Plumtree Drive, Arvin, CA 93203. The Negative Declaration includes an Initial Study on file at the Community Development Department.

Notice of Environmental Document  
Posted by County Clerk on 4/21/17  
and for ~~30~~ days thereafter, Pursuant to  
Section 21152(C), Public Resources Code

#6888

20DAYS

**EXHIBIT C**  
**MITIGATION AGREEMENT**  
**SIGNED FEBRUARY 22, 2017**



**CITY OF ARVIN  
MITIGATION AGREEMENT  
141 Plumtree Drive, P.O. Box 548  
Arvin, California 93203  
661-854-2822 Office  
661-854-2969 Fax**

Property owners or applicants with projects requiring mitigation measures, as typically identified in an initial study, resulting in the preparation of a Mitigated Negative Declaration or an EIR, for projects with potential impacts that are less than significant, **must sign this form and submit it prior to project consideration**, in order for the City to process the environmental document for the project.

I, **Randall Bergquist, PCS land services, 650 Fruitvale Ave., Bakersfield, CA 93308,**  
Representing **Le Ora LLC (Michael Hair), 6501 Fruitvale Avenue, Bakersfield, CA 93308,**  
Am applying to the City of Arvin for **VTM 7321** to subdivide **2.584** acres into **20** single family lots with deviation to lot size and configuration and an amendment to an existing Development Agreement.

**Project Location:** City of Arvin, 2.584 Acres located on the East of S. Comanche Drive, North of El Camino Real, West side of Tesoro Drive, East side of Hacienda Place and the South side of Sevilla Avenue (Assessor Parcel No. 189-68-30).

Check one of the following and complete, if applicable:

My application materials specifically identify impacts and mitigation as identified in the Initial Study resulting in the issuance of a Mitigated Negative Declaration or EIR.

**Air Quality compliance with San Joaquin Valley Air District and action plan should cultural resources are discovered during construction.**

*(Refers to Initial Study, Mitigated Negative Declaration or EIR - Mitigation/Monitoring Program.)*

I hereby agree to incorporate all of the mitigation measures referenced in the materials identified above and from any other applicable environmental documents into this project.

  
Project Owner's Signature

2/23/17  
Date

**NOTE:** In order for your project to be advertised and set for hearing, an environmental document, in a properly executed form, must be submitted, along with the application, to the City by the City. **Although you may sign and submit this form with your application, it is not required until such time during processing when mitigation has been identified and will be required to become part of the project.** Staff can provide further assistance and advice regarding this document as the project moves forward.

References: Sections 21 & 22, Public Resources Code and Section 15076(b) of the California Environmental Quality Act (CEQA).

**ATTACHMENT 1  
PUBLIC HEARING NOTICES**

- 1- MARCH 15, 2017 PUBLISH FOR MARCH 28 2017 PC HEARING AND MAILED TO PROPERTY OWNERS WITHIN 300 FEET**
  
- 2- FEBRUARY 21 2017 – NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION – MAILED TO AGENCIES**
  
- 3. FEBRUARY 22, 2017 PUBLISHED IN NEWSPAPER**

**Notice To City Clerk on: Thursday February 16, 2017**  
**Publish on: Wednesday, February 22, 2017**

**Notice of Intent to Adopt a Mitigated Negative Declaration**

For: Vesting Tentative Map 7321 propose the creation of 20 single family lots on 2.58 acres; Development Agreement Amendment (3<sup>rd</sup> Amendment), and Deviations to Lot Configuration width and depth of 5,000 square feet.

City of Arvin, CA 93203

The City of Arvin, in its capacity as the Lead Agency for this project under the environmental Quality Act (CEQA), evaluated the potential environmental impacts of the project under CEQA. The City of Arvin has determined through the preparation of an Initial Study that the project will not have the potential to result in adverse environmental effects. As a result, the City of Arvin, pursuant to Section 15064 of the State CEQA Guidelines is proposing to prepare a Negative Declaration for this project.

Furthermore, as required by Section 15073 of the State CEQA Guidelines, the City of Arvin is submitting the proposed Negative Declaration to all responsible agencies for consideration. Thus consultation is requested to ensure that the environmental decision by this Department will reflect the concerns of responsible agencies involved with the project. This constitutes a Notice of Intent (NOI) to adopt the Negative Declaration.

**Project Location:**

City of Arvin, 2.58 Acres located on the East of S. Comanche Drive, North of El Camino Real, West side of Tesoro Drive, East side of Hacienda Place and the South side of Sevilla Avenue (Assessor Parcel No. 189-68-30).

**Project Description:**

**Vesting Tentative Map 7321:** Request to establish a twenty (20) –lot single family residential subdivision on (2,584 acres).

**Development Agreement Amendment:** 3<sup>rd</sup> Amendment of Development Agreement Amendment by and between the City of Arvin and Le Ora LLC (Michael Hair) – Amending Development Agreements previously adopted by the City of Arvin, between the City of Arvin and Sycamore Villas LLC. As well as others. The amendment provides unrestricted funds to the City of Arvin and proposes to construct certain road improvements along Comanche Drive from El Camino Real to the property line of APN 189-351-71, in exchange for the proposed development of a 2.584-acre site into 20 single family residential lots; and

**Deviations to Lot Configurations and Size:** Deviations proposed as to lot size and configurations (60'0+ X 100'-0" or 6,000 square feet) to lot configurations of 50'-0" X 100'-0" or 5,000 square feet with some deviations to front yard setbacks as described

in and authorized by Resolution No. 02-49 adopted on December 18, 2002 for a planned development of Tract 5816 which includes residential parcels less than 6,000 square feet, parcel width and depths are also granted deviations.

**Public Review and Comment Period:**

The **20 day** public review and comment period is from **February 22, 2017 to March 14, 2017**. The Initial Study/Mitigated Negative Declaration is available for review during regular business hours at Arvin Community Development Department, located at 141 Plumtree Drive, Arvin, CA, 93202. Written comments must be submitted prior to the close of the public review period.

The Planning Commission is tentatively scheduled to conduct a public hearing on Tuesday, March 28, 2017. The meeting will start at 6:00 pm and the items will be considered as the agenda permits. Meeting location is in the Arvin City Council Chambers located at 100 Campus Drive, Arvin, CA.

Any comments should be directed to:

City of Arvin, Community Development Department  
141 Plumtree Drive, Arvin, CA 93203  
Attn: Marti Brown, Community Development Director  
Telephone (661) 7854-2822, FAX (661) 854-2969



**City of Arvin**  
141 Plumtree Drive, Arvin, CA 93203  
Marti Brown, Community Development Director  
E-mail: [mbrown@arvin.org](mailto:mbrown@arvin.org)  
661-854-2822 Office 661-854-2969 Fax

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION for  
VTM 73211, 3rd Amendment to Development Agreement, and Deviations to lot  
configurations and lot sizes.**

**DATE: February 21, 2017**

You have previously received an Early Consultation Notice, mailed on January 26, 2017 in which comments were due on February 14, 2017, regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, the City of Arvin anticipates adopting a Mitigated Negative Declaration for this project.

This referral provides notice of a 20-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the proposed Mitigated Negative Declaration.

**Review Period:** The City of Arvin on February 21, 2017, acting as lead agency, has filed with the Kern County Clerk Recorder a Proposed (Mitigated) Negative Declaration for this project. A Twenty (20) day review period is provided from February 22, to March 14, 2017 to receive comments on the proposed action.

**Contact Person:**

Marti Brown, Community Development Director

All applicable project documents are available for review at: City of Arvin, Community Development Department, 141 Plumtree Drive, Arvin, CA 93203 during normal business hours. The documents may also be reviewed at the City of Arvin's web site; [www.arvin.org](http://www.arvin.org). Please provide any additional comments to the above address or call us at (661) 854-2822, if you have any questions. Thank you.

---

**Project Title:** VTM 7321, 3rd Amendment to Development Agreement, Deviations to lot size and lot configuration

**Project Location:** APN 189-68-30, located East of Comanche Drive, North of El Camino Real, West side of Tesoro Drive, and East side of Hacienda Place and the South side of Sevilla Avenue.

**Description of Project:** Subdivide 2.584 acres into 20 single family lots, amend existing Development Agreement providing certain assurances and receipt of public improvements and payment of unrestricted monies to the City of Arvin.

---

**Lead Agency:** City of Arvin, Community Development Department

**Address Where Copy of Proposed Mitigated or Negative Declaration is Available:**

City of Arvin, Community Development Department, 141 Plumtree Drive, Arvin, Ca 93203

OR City's website: [www.arvin.org](http://www.arvin.org).

Public Hearing Notice  
City of Arvin Planning Commission

Date: March 28, 2017

Place: City of Arvin Council Chambers, 200 Campus Drive, Arvin, CA 93203

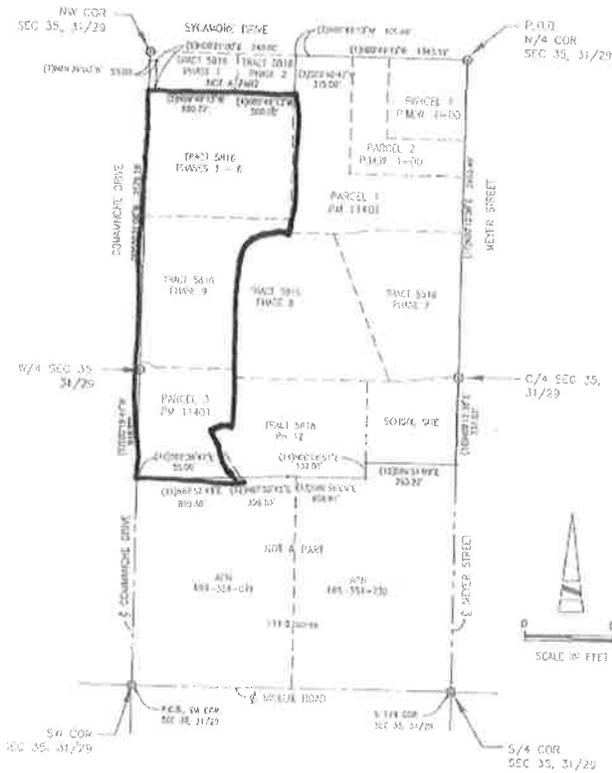
Time: 6:00 PM

Notice is hereby given that the Planning Commission of the City Arvin will conduct the hearings at the date, place and time mentioned above for the following items:

1. Third Amendment to Development Agreement (“Third Amendment”) between Leora, LLC and the City of Arvin. This is an amendment to the original Development Agreement recorded July 3, 2003, and affects the property generally depicted in the diagram below. Planning Commission will provide a recommendation to the City Council as to this item.
2. Vesting Tentative Tract Map 7321, which is a proposed subdivision of 2.584 acres of Lot 82 of Tract 5816 phase 9, which is located within a portion of the property depicted in the diagram below. Vesting Tentative Tract Map 7321 would subdivide property to allow 20 single family single story residential units consisting of floor area of 1,320 to 1,800 square feet, which would developed concurrently with existing lots within Tract 5816 phase 9.
3. A deviation to lot size and configuration proposing a modification to development standards consistent with Resolution No. 02-49 (A Resolution of the Arvin City Council Approving Modifications to City Ordinances and Development Standards for Development of Real Property Situated within City Limits) previously approved for Sycamore Villas, LLC, related to the property, which would allow for deviation to lot configuration and size, 50 foot parcel width and 5,000 square foot lots.
4. Adoption of a proposed Mitigated Negative Declaration per the California Environmental Quality Act (“CEQA”) for the above items as they will not individually or collectively result in any significant, adverse, environmental impacts with the mitigation imposed.

The Vesting Tentative Tract Map and modification items will be heard as separate items from the Third Amendment, but all items will be considered by the Planning Commission at the same meeting as noted above.

**Project Location/Diagram:** The Third Amendment covers the property generally depicted here, located South of Sycamore Drive on the East Side of S. Comanche Drive :



Vesting Tentative Tract Map 7321 is located in the City of Arvin, consisting of 2.584 acres on the East of S. Comanche Drive, North of El Camino Real, West side of Tesoro Drive, East side of Hacienda Place and the South side of Sevilla Avenue (Assessor Parcel No. 189-68-30).

**Applicant/Property Owner:** Applicant Representative: Randall Bergquist, PCS Land Services, 650 Fruitvale Ave., Bakersfield, CA 93308 Property Owner: Leora LLC (Michael Hair) 6501 Fruitvale Avenue, Bakersfield, CA 93308

Any person wishing to address the Commission may provide oral and/or written testimony at the meeting, or submit written comments to the Community Development Department at the above said address.

**Notice Limiting Legal Challenge:** Written comments must be received at the above address at, or prior to the meeting date and time. If you challenge the City's action on these projects in court, you may be limited to raising those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at or prior to the Public Hearing (Government Code Section 65009).

Marti Brown,  
Community Development Director  
Published on March 15, 2017



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

<b>TO:</b>	<b>Planning Commission</b>
<b>FROM:</b>	<b>Marti Brown, Community Development Director</b>
<b>SUBJECT:</b>	<b>Modification No. 2017-01 - Side Yard Setback from 10'-0" (120") to 9.7' (116.4") or a 3.6 inch reduction for Lot 86 of Phase 12, Track 5816 (1201 Paraiso Way)</b>

**PROPOSAL AND BACKGROUND**

K. Hovnanian Homes, K. Hovnanian at Cielo, LLC has requested approval of a Modification of a side yard setback from 10'-0" to (120") to 9.7' (116.4"), for Lot 86 of Phase 12, Track 5816, Attachment 1. The applicant is requesting less than a 3% or 3.6 inch modification. Maximum permitted by code is 5% or 6 inches

The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area. The applicant is requesting less than a 3% or 3.6 inch modification, Exhibit A – Site Plan.

Further, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object. K. Hovnanian has provided the No Objection letters for this request, Attachment 2.

As is required by the City of Arvin zoning code, applications for single family residential construction is required to receive approval of a Site Development Permit prior to issuance of a building permit. Site Development Permit (SDP) 2017-69 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0". Correspondence January 27, 2017 noted this need minor adjustment was to be addressed prior to issuance of a building permit, Attachment 3. Staff and representative of K. Hovnanian Homes did agree that the Modification process was the appropriate means to allow the reduction in the side yard setback.

**FISCAL IMPACT**

The approval of the Modification as requested by the applicant does not create any negative fiscal impact to the City.

## **RECOMMENDATION**

That the Planning Commission Approve the Modification No. 2017-01 as requested by the applicant's representative and adopted Resolution Approving the Side Yard Setback Modification from 10'-0" to 9.7 feet for Lot No. 86, Tract 5816 Phase 12 (1201 Paraiso Way) as shown in Exhibit A.

Attachment 1 – K. Hovnanian Request for Modification dated February 15, 2017

Attachment 2 – No Objection Letter for Modification

Attachment 3 – Site Development Permit 2017-69 dated January 27, 2017

Exhibit A – Site Plan for Lot 86, Tract 5816, Phase 12 (SDP 2017-69)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVING MODIFICATION NO. 2017-01 FROM 10-0" TO 9.7' FOR LOT 86 (1201 PARAISO WAY) OF TRACT 5816 PHASE 12 AS AUTHORIZED BY TITLE 17 ZONING CODE, SECTION 17.54.050**

WHEREAS, at a special meeting of the Planning Commission of the City of Arvin duly called and held on March 28, 2017, at 6:00 p.m. as the agenda permitted, it was moved by Commissioner Member \_\_\_\_\_ and second by Commissioner Member \_\_\_\_\_ and carried that the following resolution be adopted:

WHEREAS, K. Hovnanian Homes on February 15, 2017 requested approval of Modification for reduction of side yard setback for Lot 86 of Tract 5816 Phase 12; and

WHEREAS, the City of Arvin zoning code, requires applications for single family residential construction to receive approval of a Site Development Permit prior to issuance of a building permit; and

WHEREAS, Site Development Permit (SDP) 2017-69 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0"; and

WHEREAS, Correspondence dated January 27, 2017 noted the need for a minor adjustment to be addressed prior to issuance of a building permit; and

WHEREAS, The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area; and

WHEREAS, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object which K. Hovnanian has provided the No Objection letters for this request; and

WHEREAS, the requested Modification meets the requirements of the City of Arvin zoning code, Section 17.54.050 and Section 17.54.060.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering the request of the applicant and recommended support of city staff, hereby approves the Modification as requested.

/////

/////

/////





**CITY OF ARVIN**  
Application Form

File No. \_\_\_\_\_  
(Office Use Only)

Planning & Building Department  
141 Plumtree Dr.  
P.O. Box 548  
Arvin, Ca 93203  
Phone: (661)854-6183  
Fax: (661)854-2969

**Attachment 1 - Modification No.**  
**2017- 01**  
**Application for Deviation**  
**Dated February 15, 2017 - Lot 86**

**APPLICATION TYPE**  
(Please check all that apply)

**General Plan & Zone Changes**

- General Plan Amendment (\$1,100 deposit)
- Specific Plan Amendment (\$1,100 deposit)
- New Specific Plan (\$1,100 deposit)
- Zone Change (\$1,750 deposit)
- Concurrent GPA/ZC (\$2,850 deposit)
- PUD Zone Changes (\$1,750 deposit)
- Other \_\_\_\_\_

**Zoning Applications-Site Plan Reviews**

- Conditional Use Permits (\$1,350 deposit)
- Variances/Modifications (\$1,105 (or \$250 when combined with other permits))
- Site Plan Review (\$1,250 deposit)
- PD Plan Review (New) (\$1,250 + \$25/lot)
- Sign Plan Application (\$85)
- Temporary Use Application (\$270)
- Administrative Approval Sec 17.05
- Other \_\_\_\_\_

**Land Divisions**

- Tract Map (\$2,300 per phase deposit)
- Revised Tract Map (\$2,000)
- Parcel Map (\$1,400 deposit)
- Revised Parcel Map (\$2,000)
- Parcel Map Waiver/Merger (\$1,100 deposit)
- Lot Line Adjustment (\$580)
- Certificate of Compliance (\$350)
- Final Tract Map (\$1,500)
- Final Parcel Map (\$750)

**Miscellaneous**

- Annexation (\$3,767)
- Initial Env. Study (\$2,000 deposit)
- EIR (\$10,000 deposit)
- Development Agreement (\$2,000 deposit)
- Site Development Permit Sec 17.60
- Other \_\_\_\_\_

**APPLICANT/OWNER INFORMATION**

**APPLICANT CONTACT**

Name: K. Hovnanian Homes  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

**PROPERTY OWNER OF RECORD**

Name: K. Hovnanian at Cielo, LLC  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

<b>FOR OFFICE USE ONLY</b>	
Fee Paid: _____	Cash/Check: _____
Date Paid: _____	Processed By: _____

PROJECT INFORMATION

(Please fill out completely-put N/A if the item is not applicable)

- A. Description of proposal (explain in detail; attach additional or supporting information as necessary):  
Request to reduce side yard setback from 10' to 9.7' on lot 86. See attached lot exhibit.
- B. Reason for request (explain in detail, attach additional or supporting information as necessary; if this is an extension of time, explain why the extension is necessary and why the project cannot be commenced within the allocated time):  
Recorded tract map that established the lots and streets in 2007 left this area .6' narrower than it needed to be (.3' on the side of each corner lot.)
- C. Site Address (if none, general location): Lot 86 Tract 5816-12  
1201 Paraiso Way
- D. Assessor's Parcel Number(s): 189-694-01  

Please include with your application, a copy of the Assessor's map(s) that show the entire project boundary. These maps may be obtained from the Kern County Assessor, 1115 Truxton Ave, Bakersfield, CA (661-868-3485)
- E. Zoning: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_
- F. Project site size (acreage or square footage): ~19
- G. If this is a division of land, number of lots being created: Buildable 84 Nonbuildable \_\_\_\_\_  
 Is a modification or optional design being requested?  Yes  No  
 If yes, describe the modification: \_\_\_\_\_
- H. Will the project (or map) be phased?  Yes  No  
 If yes, what is the anticipated schedule of development? (explain):  
January 2017 - rough grading begins  
May 2017 - home construction begins  
September 2018 - lot home finished
- I. List and describe any other permits or other public agency approvals required for this project:  
ACSD approval  
building permits  
Kern County Fire
- J. List any associated projects or relationship to a larger project or series of projects:  
Tract 5816 -7 and -8 - our previous tracts

K. **Proposed Use** (Check use being proposed and provide all necessary information, attach additional sheets if necessary):

1. **Residential:** (Check type)       Single Family       Multiple Family  
 Number of units: 84      Number of floors: 1-2  
 Building height (feet from grade to highest point): 25'  
 Square footage of units: 1763-1995  
 Number of bedrooms per unit: 4-5  
 Density (units per acre): .23

2. **Commercial:** (Check type)       Retail       Office       Other (identify) \_\_\_\_\_  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

3. **Industrial:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

4 **Institutional:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

5. **Other:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

L. Hazardous waste verification:

California law requires that person applying for development projects review a listing of all hazardous waste sites. As part of this application, you must indicate whether or not your project site is included on the list of hazardous waste sites. Please review the list of hazardous waste sites and check the appropriate confirmation below (note: a copy of this list and the law is available at the Planning Department). By signing this application, you or your agent is verifying that the most current hazardous waste and substance site list from the State Environmental Protection Agency – Department of Toxic Substances Control has been reviewed in accordance with the California Government Code (§ 65962.5).

I or my agent confirms that the project site is (check one)  **included**  **not included** on this list.

M. Other Information:

List any other information or notes that you feel are necessary for review of this application (you may also attach additional sheets or information as needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZED SIGNATURES**

*I/We certify that any statements contained in this application packet and any information attached as part of this application are true and correct to the best of my/our knowledge. I/We agree to comply with all city ordinances, state and other applicable laws relating to the development requested in this application.*

*The undersigned acknowledges that they are responsible for submitting required information on the most current City of Arvin planning application form. Any permit or approval issued by the city as a result of false information on this application, or, use of an altered, or out-of-date planning application, shall be void and subject to all penalties/remedies allowed by law.*

**Applicant:**

Jared Aronowitz  
Print Name  
Jared Aronowitz  
Signature  
2/9/17  
Date

**Property Owner:**

Douglas Woodward  
Print Name  
Douglas Woodward  
Signature  
2/13/17  
Date

*Note: In order for this application to be considered complete for processing, signatures of both the current property owner and applicant are required. A letter from the property owner authorizing or acknowledging that the applicant is acting on their behalf is acceptable in lieu of the owner signing this application; however, this acknowledgement must be included with the project information submitted to the City.*

### Indemnification Agreement

In consideration by the City of Arvin of a project, including any related environmental documents,

for a Setback variance  
(Identify the type of project from page 1)

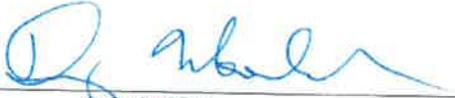
located at tract 5816-12  
(Print name of property owner or authorized representative/applicant)

I/We, Douglas Woodward  
(Print name of property owner or authorized representative/applicant)

agree to indemnify, defend, and hold harmless the City of Arvin, its officers, officials, council members, agents, employees, departments, commissioners or boards ("City" herein) 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, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions, whether imposed by the City or not, except for any liability, claims, actions, causes of action or demands arising out of the City's sole active negligence or willful misconduct.

This indemnification agreement does not prevent the property owner from challenging any decision by the City related to this project and the indemnity shall not apply to any conditions imposed by the City but challenged by property owner.

The City will promptly notify property owner of any such claim. Action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its reasonable discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the reasonable cost and expense of the property owner and the City is not obligated to use any law firm or attorney chosen by the property owner and/or applicant.

  
Authorized Signature

2/13/17  
Date

*(If the owner is not an individual, the corporation name goes above and authorized signature goes below.)*

By: \_\_\_\_\_

Title: \_\_\_\_\_

**IMPORTANT NOTE:**

*In order for your project to be considered complete for processing, this properly executed form must be included with your project application. Please note that this agreement can only be signed by the property owner of record at the time this application is submitted to the City.*

DR. MICHELLE McLEAN  
DISTRICT SUPERINTENDENT

GEORGIA RHETT  
ASSISTANT SUPERINTENDENT

# ARVIN UNION SCHOOL DISTRICT

*"Every Child Learning, Every Day, No Matter What It Takes!"*



DISTRICT OFFICE  
737 Bear Mountain Blvd.  
Arvin, CA 93203

(661) 854-6500  
FAX (661) 854-2362

Sierra Vista  
Elementary School  
300 Franklin St.  
Arvin, CA 93203

(661) 854-6560  
FAX (661) 854-7523

Bear Mountain  
Elementary School  
1501 Hood St.  
Arvin, CA 93203

(661) 854-6590  
FAX (661) 854-6599

El Camino Real  
Elementary School  
911 El Camino Real  
Arvin, CA 93203

(661) 854-6661  
FAX (661) 854-2474

Haven Drive  
Middle School  
341 Haven Dr.  
Arvin, CA 93203

(661) 854-6540  
FAX (661) 854-1440

Family Resource Center  
205 So. A St.  
Arvin, CA 93203

(661) 854-6533  
(661) 854-6559

Family Resource  
Center Annex  
207 So. A St.  
Arvin, CA 93203

(661) 854-6525  
FAX (661) 854-6585

February 10, 2017

Jared Aronowitz  
Land Planning Manager  
K. Hovnanian Homes  
400 Exchange, Suite 200  
Irvine, CA 92602

Re: Side yard setback variance for lots 86 and 96 of tract 5816-12

Dear Mr. Aronowitz:

In connection with K. Hovnanian's development of Tract 5816-12 to the West of El Camino Real Elementary School, Arvin Unified School District has no objection to K. Hovnanian's variance request to reduce the side yard setback for the above mentioned lots from 10' to 9.7' as measured from the property line along Rayo Del La Luna Drive to the house foundation.

Sincerely,

Chris Davis  
Chief Business Official

Attachment 2  
No Objection Letters for  
Modification No. 2017-01 - Lot  
86



Distinguished Achievement Award  
2011 AIR Health Awards  
California Department of Public Health



February 13, 2017

Marti Brown  
Community Development Director  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

Re: Side yard setback variance for lots 86, 89, 93 and 96 of tract 5816-12

Dear Ms. Brown:

In connection with the development of Tract 5816-12, K. Hovnanian has no objection to the variance request to reduce the side yard setback for the above mentioned lots from 10' to 9.7' as measured from the property line to the house foundation at the corner condition.

Best regards,

A handwritten signature in blue ink, appearing to read 'Douglas Woodward'.

Douglas Woodward  
Division President  
400 Exchange Street, Suite 200  
Irvine, CA 92602



**CITY OF ARVIN**  
**141 Plumtree Drive, P.O. Box 548**  
**Arvin, California 93203**  
**661-854-2822 Office**  
**661-854-2969 Fax**

January 27, 2017

K. Hovnanian Homes  
Douglas Woodward  
Owner  
400 Exchange Street  
Irvine, CA 92694  
Contact Number: 714-368-4500

K. Hovnanian Homes  
Jared Aronowitz,  
Land Planning Manager  
Southern California Division  
400 Exchange Suite 200  
Irvine, CA 92602  
Contact Number: 714-368-4520

**Reference: Administrative Permit Approval/SDP 2017-69**

**Address: 1201 Pariso Way, Arvin, CA 93203 APN: 189-694-01 Lot 86**

**Project Description:** Clearance per Section 17.05 Administrative Permit Approval for Construction of Single Family home identified within Aspire At Arvin, Tract 5816 -12 Phase 38

Dear Messrs.' Aronowitz and Woodward;

Please be advised that the proposed administrative permit for the construction of a single family home as described above and shown on site plan prepared by K. Hovnanian, Draft Landscape Architectural Construction Documents for Aspire At Arvin, Tract 5816-12 for K. Hovnanian prepared by Arichiterra Design Group, floor plans and elevations prepared by Kevin L. Crook, Architect Inc., has been cleared by the Community Development Department in accordance with Section 17.05 and 17.60 may proceed for the submittal of application for a building permit, **subject to correction as noted.** There will 84 lots that are proposed to be developed in accordance with the submitted documents as noted herein and are on file at the Community Development Department.

**Note: Side yard setbacks are a minimum of 10'-0" plot plan shows 9.7' – Need to be resolved prior to issuance of building permit.**

---

Reference: Administrative Permit Approval/SDP  
2017-69 Address: 1201 Pariso Way Arvin, CA  
93203 APN: 189-694-01 Lot 86

As is required by Section 17.05 and Section 17.60 the following action and findings are made:

The Community Development Director makes the following findings:

1. That the use will not involve any process, equipment or materials which, in the opinion of the planning director, will be objectionable to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any hazard of fire or explosion; and
2. That the proposed use will be harmonious with existing structures and uses of land in the vicinity;
3. No signs are proposed – therefore there will be not conflict with nor interfere with traffic or limit visibility.
4. The subdivision improvement standards and circulation system, including traffic control will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements.

Further, The Community Development Director finds that the proposed project will be in compliance with all applicable laws and ordinances; in conformance to latest accepted planning and engineering standards covering the site layout, building appearance and structural design, landscaping, water and sewer service and other utilities, surface drainage and erosion control, fire protection, access, traffic circulation and parking, and will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jake Raper Jr., AICP  
JAS Contract Planner for  
Marti Brown - Community Development Director

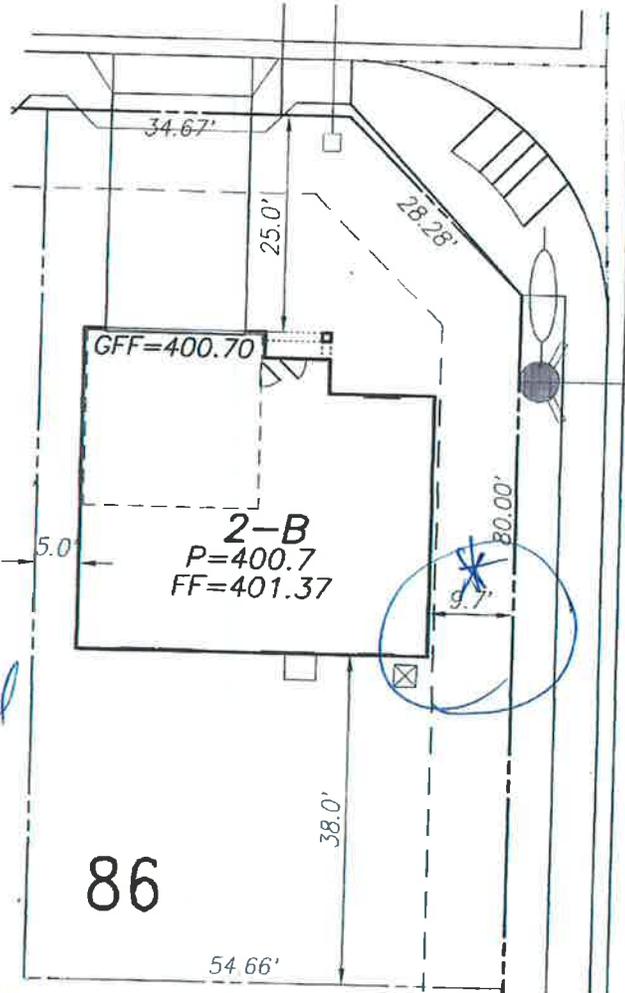
CC: Building Official  
City Engineer  
w/o attachments.

Attachments: Site Plan prepared by K. Hovnanian for the above lot.

---

Reference: Administrative Permit Approval/SDP  
2017-69 Address: 1201 Pariso Way Arvin, CA  
93203 APN: 189-694-01 Lot 86

1201  
PARAISO WAY



RAYO DE LA LUNA DRIVE

\* NOTE:  
 Sideyard Min.  
 10'-0" Need  
 to be restored  
*[Signature]*

SDP 2017-69  
 Com/Approved  
 1/27/17  
*[Signature]*

PREPARED BY:  
**HUNSAKER & ASSOCIATES**  
 IRVINE, INC.  
 PLANNING • ENGINEERING • SURVEYING  
 Three Hughes • Irvine, CA 92618 • P/E (949) 583-1010 • F/C (949) 583-0759

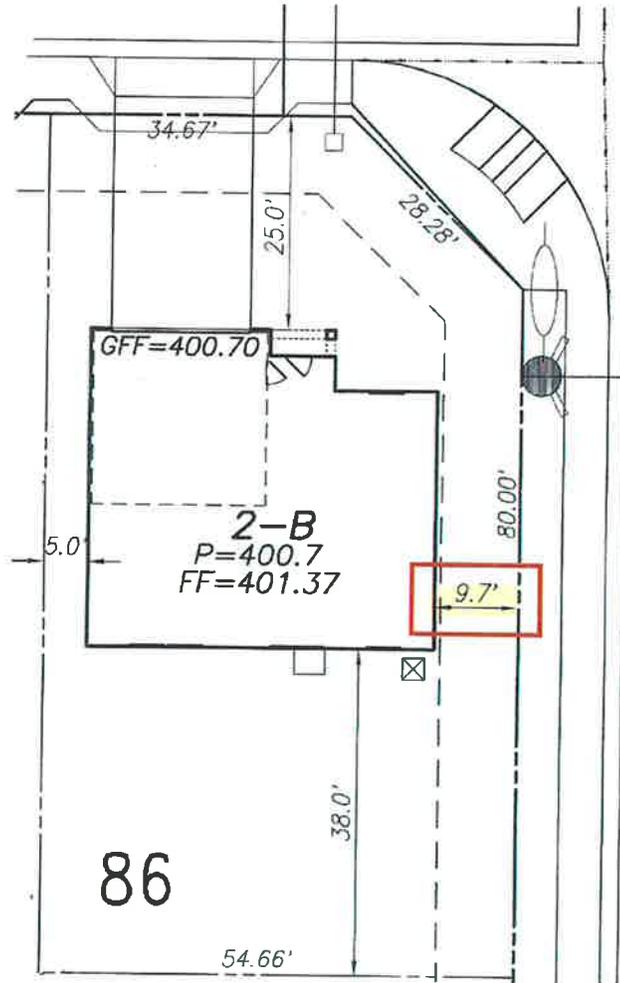
PREPARED FOR:  
**K. HOVNANIAN**  
 400 EXCHANGE, SUITE 200  
 IRVINE, CA 92602



APN  
 189-694-01

**ASPIRE AT ARVIN**  
**TRACT NO. 5816-12 PHASE 38**  
**LOT 86**

PARAISO WAY



RAYO DE LA LUNA DRIVE

Exhibit A -  
Site Plan for Lot # 86



PREPARED BY:



**HUNSAKER & ASSOCIATES**  
IRVINE, INC.  
PLANNING • ENGINEERING • SURVEYING  
Three Hughes • Irvine, CA 92618 • P/E (949) 383-1070 • E/E (949) 583-0759

PREPARED FOR:

**K. HOVNANIAN**  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602



GRAPHIC SCALE: 1"=20'

**ASPIRE AT ARVIN**  
**TRACT NO. 5816-12 PHASE 38**  
**LOT 86**



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

<b>TO:</b>	<b>Planning Commission</b>
<b>FROM:</b>	<b>Marti Brown, Community Development Director</b>
<b>SUBJECT:</b>	<b>Modification No. 2017-02 of Side Yard Setback from 10'-0" (120") to 9.7' (116.4") or a 3.6 inch reduction for Lot 89 of Phase 12, Track 5816 (1213 Paraiso Way)</b>

**PROPOSAL AND BACKGROUND**

K. Hovnanian Homes, K. Hovnanian at Cielo, LLC has requested approval of a Modification of a side yard setback from 10'-0" to (120") to 9.7' (116.4"), for Lot 89 of Phase 12, Track 5816 – (1213 Paraiso Way), Attachment 1. The applicant is requesting less than a 3% or 3.6 inch modification. Maximum permitted by code is a 5% or 6 inches.

The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area. The applicant is requesting less than a 3% or 3.6 inch modification, Exhibit A-Site Plan.

Further, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object. K. Hovnanian has provided the No Objection letters for this request, Attachment 2.

As is required by the City of Arvin zoning code, applications for single family residential construction is required to receive approval of a Site Development Permit prior to issuance of a building permit. Site Development Permit (SDP) 2017-65 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0". Correspondence January 27, 2017 noted this need minor adjustment was to be addressed prior to issuance of a building permit, Attachment 3. Staff and representative of K. Hovnanian Homes did agree that the Modification process was the appropriate means to allow the reduction in the side yard setback.

**FISCAL IMPACT**

The approval of the Modification as requested by the applicant does not create any negative fiscal impact to the City.

## **RECOMMENDATION**

That the Planning Commission Approve the Modification No. 2017-02 requested by the applicant's representative and adopted Resolution Approving the Side Yard Setback Modification from 10'-0" to 9.7 feet for Lot No. 89 Tract 5816 Phase 12 (1213 Paraiso Way) as shown in Exhibit A.

Attachment 1 – K. Hovnanian Request for Modification dated February 15, 2017

Attachment 2 – No Objection Letter for Modification

Attachment 3 – Site Development Permit 2017-65 dated January 27, 2017

Exhibit A – Site Plan for Lot 89, Tract 5816 Phase 12 (SDP 2017-65)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVING MODIFICATION NO. 2017-02 FROM 10'-0" TO 9.7' FOR LOT 89 OF TRACT 5816 PHASE 12 - 1213 PARAISO WAY AS AUTHORIZED BY TITLE 17 ZONING CODE, SECTION 17.54.050**

WHEREAS, at a special meeting of the Planning Commission of the City of Arvin duly called and held on March 28, 2017, at 6:00 p.m. or as the agenda permitted, it was moved by Commissioner Member \_\_\_\_\_ and second by Commissioner Member \_\_\_\_\_ and carried that the following resolution be adopted:

WHEREAS, K. Hovnanian Homes on February 15, 2017 requested approval of Modification for reduction of side yard setback for Lot 89 of Tract 5816 Phase 12 – 1213 Paraiso Way; and

WHEREAS, the City of Arvin zoning code, requires applications for single family residential construction to receive approval of a Site Development Permit prior to issuance of a building permit; and

WHEREAS, Site Development Permit (SDP) 2017-65 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0"; and

WHEREAS, Correspondence dated January 27, 2017 noted the need for a minor adjustment to be addressed prior to issuance of a building permit; and

WHEREAS, The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area; and

WHEREAS, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object which K. Hovnanian has provided the No Objection letters for this request; and

WHEREAS, the requested Modification meets the requirements of the City of Arvin zoning code, Section 17.54.050 and Section 17.54.060.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering the request of the applicant and recommended support of city staff, hereby approves the Modification as requested.

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**CITY OF ARVIN**  
Application Form

File No. \_\_\_\_\_  
(Office Use Only)

Planning & Building Department  
141 Plumtree Dr.  
P.O. Box 548  
Arvin, Ca 93203  
Phone: (661)854-6183  
Fax: (661)854-2969

**Attachment 1 - Modification No.**  
**2017- 02**  
**Application for Deviation**  
**Dated February 15, 2017 - Lot 89**

**APPLICATION TYPE**  
(Please check all that apply)

General Plan & Zone Changes

- General Plan Amendment (\$1,100 deposit)
- Specific Plan Amendment (\$1,100 deposit)
- New Specific Plan (\$1,100 deposit)
- Zone Change (\$1,750 deposit)
- Concurrent GPA/ZC (\$2,850 deposit)
- PUD Zone Changes (\$1,750 deposit)
- Other \_\_\_\_\_

Zoning Applications-Site Plan Reviews

- Conditional Use Permits (\$1,350 deposit)
- Variances/Modifications (\$1,105 (or \$250 when combined with other permits))
- Site Plan Review (\$1,250 deposit)
- PD Plan Review (New) (\$1,250 + \$25/lot)
- Sign Plan Application (\$85)
- Temporary Use Application (\$270)
- Administrative Approval Sec 17.05
- Other \_\_\_\_\_

Land Divisions

- Tract Map (\$2,300 per phase deposit)
- Revised Tract Map (\$2,000)
- Parcel Map (\$1,400 deposit)
- Revised Parcel Map (\$2,000)
- Parcel Map Waiver/Merger (\$1,100 deposit)
- Lot Line Adjustment (\$580)
- Certificate of Compliance (\$350)
- Final Tract Map (\$1,500)
- Final Parcel Map (\$750)

Miscellaneous

- Annexation (\$3,767)
- Initial Env. Study (\$2,000 deposit)
- EIR (\$10,000 deposit)
- Development Agreement (\$2,000 deposit)
- Site Development Permit Sec 17.60
- Other \_\_\_\_\_

**APPLICANT/OWNER INFORMATION**

**APPLICANT CONTACT**

Name: K. Hounanian Homes  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

**PROPERTY OWNER OF RECORD**

Name: K. Hounanian at Cielo, LLC  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

<b>FOR OFFICE USE ONLY</b>	
Fee Paid _____	Cash/Check: _____
Date Paid: _____	Processed By: _____

PROJECT INFORMATION

(Please fill out completely-put N/A if the item is not applicable)

- A. Description of proposal (explain in detail; attach additional or supporting information as necessary):  
Request to reduce side yard setback from 10' to 9.7'  
on lot 89. See attached lot exhibit.
- B. Reason for request (explain in detail, attach additional or supporting information as necessary; if this is an extension of time, explain why the extension is necessary and why the project cannot be commenced within the allocated time):  
Recorded tract map that established the lots and streets in 2007  
left this area .6' narrower than it needed to be (.3' on  
the side of each corner lot.)
- C. Site Address (if none, general location): Lot 89 Tract 5816-12  
1213 Pargiso Way
- D. Assessor's Parcel Number(s): 189-694-04  

Please include with your application, a copy of the Assessor's map(s) that show the entire project boundary. These maps may be obtained from the Kern County Assessor, 1115 Truxton Ave, Bakersfield, CA (661-868-3485)
- E. Zoning: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_
- F. Project site size (acreage or square footage): ~19
- G. If this is a division of land, number of lots being created: Buildable 84 Nonbuildable \_\_\_\_\_  
 Is a modification or optional design being requested?  Yes  No  
 If yes, describe the modification: \_\_\_\_\_
- H. Will the project (or map) be phased?  Yes  No  
 If yes, what is the anticipated schedule of development? (explain):  
January 2017 - rough grading begins  
May 2017 - home construction begins  
September 2018 - lot home finished
- I. List and describe any other permits or other public agency approvals required for this project:  
AGSD approval  
building permits  
Kern County Fire
- J. List any associated projects or relationship to a larger project or series of projects:  
Tract 5816 -7 and -8 - our previous tracts

K. **Proposed Use** (Check use being proposed and provide all necessary information, attach additional sheets if necessary):

1. **Residential:** (Check type)       Single Family       Multiple Family  
 Number of units: 84      Number of floors: 1-2  
 Building height (feet from grade to highest point): 25'  
 Square footage of units: 1763-1995  
 Number of bedrooms per unit: 4-5  
 Density (units per acre): .23

2. **Commercial:** (Check type)     Retail       Office       Other (identify) \_\_\_\_\_  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

3. **Industrial:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

4 **Institutional:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

5. **Other:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

**L. Hazardous waste verification:**

California law requires that person applying for development projects review a listing of all hazardous waste sites. As part of this application, you must indicate whether or not your project site is included on the list of hazardous waste sites. Please review the list of hazardous waste sites and check the appropriate confirmation below (note: a copy of this list and the law is available at the Planning Department). By signing this application, you or your agent is verifying that the most current hazardous waste and substance site list from the State Environmental Protection Agency – Department of Toxic Substances Control has been reviewed in accordance with the California Government Code (§ 65962.5).

I or my agent confirms that the project site is (check one)     **included**     **not included** on this list.

**M. Other Information:**

List any other information or notes that you feel are necessary for review of this application (you may also attach additional sheets or information as needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZED SIGNATURES**

*I/We certify that any statements contained in this application packet and any information attached as part of this application are true and correct to the best of my/our knowledge. I/We agree to comply with all city ordinances, state and other applicable laws relating to the development requested in this application.*

*The undersigned acknowledges that they are responsible for submitting required information on the most current City of Arvin planning application form. Any permit or approval issued by the city as a result of false information on this application, or, use of an altered, or out-of-date planning application, shall be void and subject to all penalties/remedies allowed by law.*

**Applicant:**

Jared Aronowitz  
Print Name

Jared Aronowitz  
Signature

2/9/17  
Date

**Property Owner:**

Douglas Woodward  
Print Name

[Signature]  
Signature

2/13/17  
Date

*Note: In order for this application to be considered complete for processing, signatures of both the current property owner and applicant are required. A letter from the property owner authorizing or acknowledging that the applicant is acting on their behalf is acceptable in lieu of the owner signing this application; however, this acknowledgement must be included with the project information submitted to the City.*

### Indemnification Agreement

In consideration by the City of Arvin of a project, including any related environmental documents,

for a setback variance  
(Identify the type of project from page 1)

located at tract 5816-12  
(Print name of property owner or authorized representative/applicant)

I/We, Douglas Woodward  
(Print name of property owner or authorized representative/applicant)

agree to indemnify, defend, and hold harmless the City of Arvin, its officers, officials, council members, agents, employees, departments, commissioners or boards ("City" herein) 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, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions, whether imposed by the City or not, except for any liability, claims, actions, causes of action or demands arising out of the City's sole active negligence or willful misconduct.

This indemnification agreement does not prevent the property owner from challenging any decision by the City related to this project and the indemnity shall not apply to any conditions imposed by the City but challenged by property owner.

The City will promptly notify property owner of any such claim. Action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its reasonable discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the reasonable cost and expense of the property owner and the City is not obligated to use any law firm or attorney chosen by the property owner and/or applicant.

  
Authorized Signature                      2/13/17  
Date

*(If the owner is not an individual, the corporation name goes above and authorized signature goes below.)*

By: \_\_\_\_\_

Title: \_\_\_\_\_

**IMPORTANT NOTE:**

*In order for your project to be considered complete for processing, this properly executed form must be included with your project application. Please note that this agreement can only be signed by the property owner of record at the time this application is submitted to the City.*



February 13, 2017

Marti Brown  
Community Development Director  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

Re: Side yard setback variance for lots 86, 89, 93 and 96 of tract 5816-12

Dear Ms. Brown:

In connection with the development of Tract 5816-12, K. Hovnanian has no objection to the variance request to reduce the side yard setback for the above mentioned lots from 10' to 9.7' as measured from the property line to the house foundation at the corner condition.

Best regards,

A handwritten signature in blue ink, appearing to read 'Douglas Woodward'.

Douglas Woodward  
Division President  
400 Exchange Street, Suite 200  
Irvine, CA 92602

**Attachment 2  
No Objection Letters for  
Modification No. 2017- 02 - Lot  
89**



**CITY OF ARVIN**  
141 Plumtree Drive, P.O. Box 548  
Arvin, California 93203  
661-854-2822 Office  
661-854-2969 Fax

January 27, 2017

K. Hovnanian Homes  
Douglas Woodward  
Owner  
400 Exchange Street  
Irvine, CA 92694  
Contact Number: 714-368-4500

K. Hovnanian Homes  
Jared Aronowitz,  
Land Planning Manager  
Southern California Division  
400 Exchange Suite 200  
Irvine, CA 92602  
Contact Number: 714-368-4520

**Reference: Administrative Permit Approval/SDP 2017-65**

**Address: 1213 Pariso Way, Arvin, CA 93203 APN: 189-694-04 Lot 89**

**Project Description:** Clearance per Section 17.05 Administrative Permit Approval for Construction of Single Family home identified within Aspire At Arvin, Tract 5816 -12 Phase 39

Dear Messrs. Aronowitz and Woodward;

Please be advised that the proposed administrative permit for the construction of a single family home as described above and shown on site plan prepared by K. Hovnanian, Draft Landscape Architectural Construction Documents for Aspire At Arvin, Tract 5816-12 for K. Hovnanian prepared by Architerra Design Group, floor plans and elevations prepared by Kevin L. Crook, Architect Inc., has been cleared by the Community Development Department in accordance with Section 17.05 and 17.60 may proceed for the submittal of application for a building permit, **subject to correction as noted.** There will 84 lots that are proposed to be developed in accordance with the submitted documents as noted herein and are on file at the Community Development Department.

**Note: Side yard setbacks are a minimum of 10'-0" plot plan shows 9.7' – Need to be resolved prior to issuance of building permit.**

---

Reference: Administrative Permit Approval/SDP  
2017-65 Address: 1213 Pariso Way Arvin, CA  
93203 APN: 189-694-04 Lot 89

As is required by Section 17.05 and Section 17.60 the following action and findings are made:

The Community Development Director makes the following findings:

1. That the use will not involve any process, equipment or materials which, in the opinion of the planning director, will be objectionable to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any hazard of fire or explosion; and
2. That the proposed use will be harmonious with existing structures and uses of land in the vicinity;
3. No signs are proposed – therefore there will be not conflict with nor interfere with traffic or limit visibility.
4. The subdivision improvement standards and circulation system, including traffic control will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements.

Further, The Community Development Director finds that the proposed project will be in compliance with all applicable laws and ordinances; in conformance to latest accepted planning and engineering standards covering the site layout, building appearance and structural design, landscaping, water and sewer service and other utilities, surface drainage and erosion control, fire protection, access, traffic circulation and parking, and will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jake Raper Jr., AICP  
JAS Contract Planner for  
Marti Brown - Community Development Director

CC: Building Official  
City Engineer  
w/o attachments.

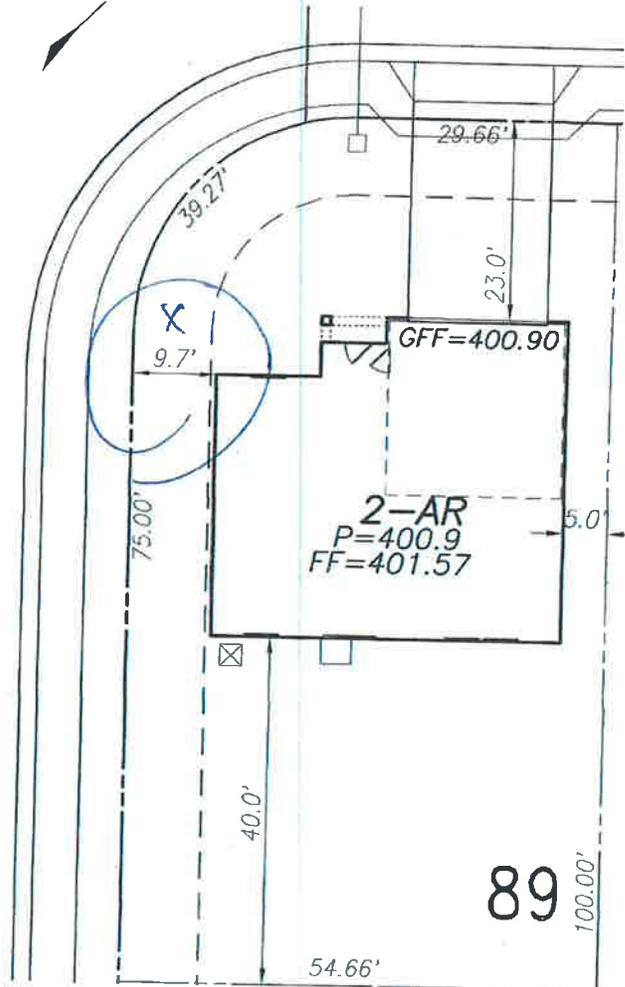
Attachments: Site Plan prepared by K. Hovnanian for the above lot.

---

Reference: Administrative Permit Approval/SDP  
2017-65 Address: 1213 Pariso Way Arvin, CA  
93203 APN: 189-694-04 Lot 89

1213  
PARAISO WAY

VIENTO PARKWAY



X NOTE:  
SIDEYARD - MIN 10'-0"  
Need to be  
resolved  
JK

SDP 2017-64  
Con/Approved  
1/27/17  
Jake Ray



PREPARED BY:  
**HUNSAKER & ASSOCIATES**  
IRVINE, INC.  
PLANNING • ENGINEERING • SURVEYING  
Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759

PREPARED FOR:  
**K. HOVNANIAN**  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602

APN  
189-694-04 **ASPIRE AT ARVIN**  
**TRACT NO. 5816-12 PHASE 39**  
**LOT 89**

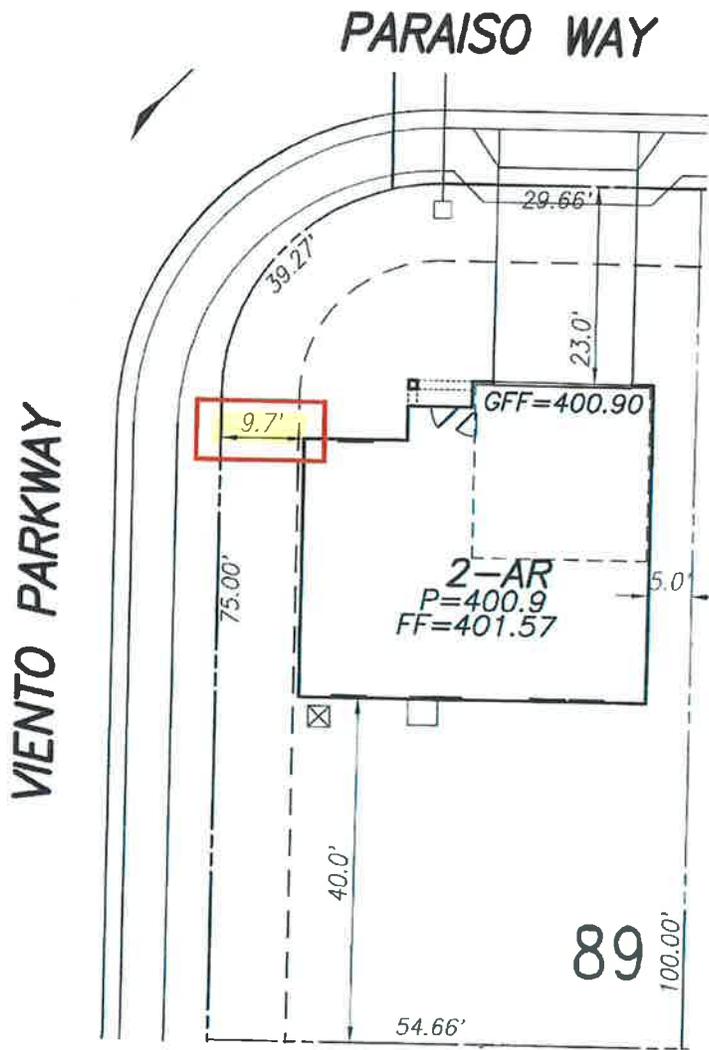
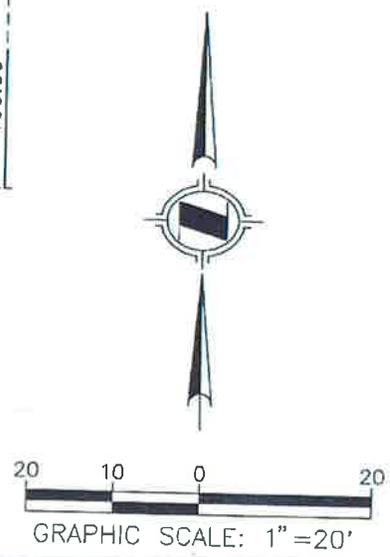


Exhibit A –  
Site Plan for Lot # 89

PREPARED BY:  

**HUNSAKER & ASSOCIATES**  
 IRVINE, INC.  
 PLANNING • ENGINEERING • SURVEYING  
 Three Hughes • Irvine, CA 92618 • P: (949) 583-7010 • F: (949) 583-0759

PREPARED FOR:  
**K. HOVNANIAN**  
 400 EXCHANGE, SUITE 200  
 IRVINE, CA 92602



**ASPIRE AT ARVIN**  
**TRACT NO. 5816-12 PHASE 39**  
**LOT 89**



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

<b>TO:</b>	<b>Planning Commission</b>
<b>FROM:</b>	<b>Marti Brown, Community Development Director</b>
<b>SUBJECT:</b>	<b>Modification No. 2017-03 Side Yard Setback from 10'-0" (120") to 9.7' (116.4") or a 3.6 inch reduction for Lot 93 of Phase 12, Track 5816 (1212 Celestial Way)</b>

**PROPOSAL AND BACKGROUND**

K. Hovnanian Homes, K. Hovnanian at Cielo, LLC has requested approval of a Modification of a side yard setback from 10'-0" to (120") to 9.7' (116.4"), for Lot 93 of Phase 12, Track 5816 – 1212 Celestial Way, Attachment 1. The applicant is requesting less than a 3% or 3.6 inch modification. Code permits a modification of 5% or 6 inches.

The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area. The applicant is requesting less than a 3% or 3.6 inch modification, Exhibit A.

Further, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object. K. Hovnanian has provided the No Objection letters for this request, Attachment 2.

As is required by the City of Arvin zoning code, applications for single family residential construction is required to receive approval of a Site Development Permit prior to issuance of a building permit. Site Development Permit (SDP) 2017-58 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0". Correspondence January 27, 2017 noted this need minor adjustment was to be addressed prior to issuance of a building permit, Attachment 3. Staff and representative of K. Hovnanian Homes did agree that the Modification process was the appropriate means to allow the reduction in the side yard setback.

**FISCAL IMPACT**

The approval of the Modification as requested by the applicant does not create any negative fiscal impact to the City.

## **RECOMMENDATION**

That the Planning Commission Approve the Modification No. 2017-03 requested by the applicant's representative and adopted Resolution Approving the Side Yard Setback Modification from 10'-0" to 9.7 feet for Lot No. 93, Tract 5816, Phase 12 – 1212 Celestial Way as shown in Exhibit A – Site Plan.

Attachment 1 – K. Hovnanian Request for Modification dated February 15, 2017

Attachment 2 – No Objection Letter for Modification

Attachment 3 – Site Development Permit 2017-58 dated January 27, 2017

Exhibit A – Site Plan for Lot 93, Tract 5816, Phase 12 (SDP 2017-58)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVEING MODIFICATION NO. 2017-03 FROM 10'-0" TO 9.7' FOR LOT 93 OF TRACT 5816, PHASE 12 – 1212 CELESTIAL WAY AS AUTHORIZED BY TITLE 17 ZONING CODE, SECTION 17.54.050**

WHEREAS, at a special meeting of the Planning Commission of the City of Arvin duly called and held on March 28, 2017, at 6:00 p.m. or as the agenda permitted, it was moved by Commissioner Member \_\_\_\_\_ and second by Commissioner Member \_\_\_\_\_ and carried that the following resolution be adopted:

WHEREAS, K. Hovnanian Homes on February 15, 2017 requested approval of Modification for reduction of side yard setback for Lot 93 of Tract 5816, Phase 12 – 1212 Celestial Way; and

WHEREAS, the City of Arvin zoning code, requires applications for single family residential construction to receive approval of a Site Development Permit prior to issuance of a building permit; and

WHEREAS, Site Development Permit (SDP) 2017-58 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0"; and

WHEREAS, Correspondence dated January 27, 2017 noted the need for a minor adjustment to be addressed prior to issuance of a building permit; and

WHEREAS, The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area; and

WHEREAS, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object which K. Hovnanian has provided the No Objection letters for this request; and

WHEREAS, the requested Modification meets the requirements of the City of Arvin zoning code, Section 17.54.050 and Section 17.54.060.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering the request of the applicant and recommended support of city staff, hereby approves the Modification No. 2017-03 as requested.

/////

/////

/////





**CITY OF ARVIN**  
Application Form

File No. \_\_\_\_\_  
(Office Use Only)

Planning & Building Department  
141 Plumtree Dr.  
P.O. Box 548  
Arvin, Ca 93203  
Phone: (661)854-6183  
Fax: (661)854-2969

**Attachment 1 – Modification No.**  
**2017- 03**  
**Application for Deviation**  
**Dated February 15, 2017 –**  
**Lot 93**

**APPLICATION TYPE**  
(Please check all that apply)

**General Plan & Zone Changes**

- General Plan Amendment (\$1,100 deposit)
- Specific Plan Amendment (\$1,100 deposit)
- New Specific Plan (\$1,100 deposit)
- Zone Change (\$1,750 deposit)
- Concurrent GPA/ZC (\$2,850 deposit)
- PUD Zone Changes (\$1,750 deposit)
- Other \_\_\_\_\_

**Land Divisions**

- Tract Map (\$2,300 per phase deposit)
- Revised Tract Map (\$2,000)
- Parcel Map (\$1,400 deposit)
- Revised Parcel Map (\$2,000)
- Parcel Map Waiver/Merger (\$1,100 deposit)
- Lot Line Adjustment (\$580)
- Certificate of Compliance (\$350)
- Final Tract Map (\$1,500)
- Final Parcel Map (\$750)

**Zoning Applications-Site Plan Reviews**

- Conditional Use Permits (\$1,350 deposit)
- Variances/Modifications (\$1,105 (or \$250 when combined with other permits))
- Site Plan Review (\$1,250 deposit)
- PD Plan Review (New) (\$1,250 + \$25/lot)
- Sign Plan Application (\$85)
- Temporary Use Application (\$270)
- Administrative Approval Sec 17.05
- Other \_\_\_\_\_

**Miscellaneous**

- Annexation (\$3,767)
- Initial Env. Study (\$2,000 deposit)
- EIR (\$10,000 deposit)
- Development Agreement (\$2,000 deposit)
- Site Development Permit Sec 17.60
- Other \_\_\_\_\_

**APPLICANT/OWNER INFORMATION**

**APPLICANT CONTACT**

Name: K. Hounanian Homes  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

**PROPERTY OWNER OF RECORD**

Name: K. Hounanian at Cielo, LLC  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

<b>FOR OFFICE USE ONLY</b>	
Fee Paid: _____	Cash/Check: _____
Date Paid: _____	Processed By: _____

PROJECT INFORMATION

(Please fill out completely-put N/A if the item is not applicable)

- A. Description of proposal (explain in detail; attach additional or supporting information as necessary):  
Request to reduce side yard setback from 10' to 9.7'  
on lot 93 See attached lot exhibit.
- B. Reason for request (explain in detail, attach additional or supporting information as necessary; if this is an extension of time, explain why the extension is necessary and why the project cannot be commenced within the allocated time):  
Recorded tract map that established the lots and streets in 2007  
left this area .6' narrower than it needed to be (.3' on  
the side of each corner lot.)
- C. Site Address (if none, general location): Lot 93 Tract 5816-12  
1212 Celestial Way
- D. Assessor's Parcel Number(s): 189-694-08  

Please include with your application, a copy of the Assessor's map(s) that show the entire project boundary. These maps may be obtained from the Kern County Assessor, 1115 Truxton Ave, Bakersfield, CA (661-868-3485)
- E. Zoning: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_
- F. Project site size (acreage or square footage): ~19
- G. If this is a division of land, number of lots being created: Buildable 84 Nonbuildable \_\_\_\_\_  
 Is a modification or optional design being requested?  Yes  No  
 If yes, describe the modification: \_\_\_\_\_
- H. Will the project (or map) be phased?  Yes  No  
 If yes, what is the anticipated schedule of development? (explain):  
January 2017 - rough grading begins  
May 2017 - home construction begins  
September 2018 - lot home finished
- I. List and describe any other permits or other public agency approvals required for this project:  
AGSD approval  
building permits  
Kern County Fire
- J. List any associated projects or relationship to a larger project or series of projects:  
Tract 5816 -7 and -8 - our previous tracts

K. **Proposed Use** (Check use being proposed and provide all necessary information, attach additional sheets if necessary):

1. **Residential:** (Check type)       Single Family       Multiple Family  
 Number of units: 84      Number of floors: 1-2  
 Building height (feet from grade to highest point): 25'  
 Square footage of units: 1763-1995  
 Number of bedrooms per unit: 4-5  
 Density (units per acre): .23

2. **Commercial:** (Check type)       Retail       Office       Other (identify) \_\_\_\_\_  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

3. **Industrial:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

4 **Institutional:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

5. **Other:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

L. **Hazardous waste verification:**

California law requires that person applying for development projects review a listing of all hazardous waste sites. As part of this application, you must indicate whether or not your project site is included on the list of hazardous waste sites. Please review the list of hazardous waste sites and check the appropriate confirmation below (note: a copy of this list and the law is available at the Planning Department). By signing this application, you or your agent is verifying that the most current hazardous waste and substance site list from the State Environmental Protection Agency – Department of Toxic Substances Control has been reviewed in accordance with the California Government Code (§ 65962.5).

I or my agent confirms that the project site is (check one)     included     not included on this list.

M. **Other Information:**

List any other information or notes that you feel are necessary for review of this application (you may also attach additional sheets or information as needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZED SIGNATURES**

*I/We certify that any statements contained in this application packet and any information attached as part of this application are true and correct to the best of my/our knowledge. I/We agree to comply with all city ordinances, state and other applicable laws relating to the development requested in this application.*

*The undersigned acknowledges that they are responsible for submitting required information on the most current City of Arvin planning application form. Any permit or approval issued by the city as a result of false information on this application, or, use of an altered, or out-of-date planning application, shall be void and subject to all penalties/remedies allowed by law.*

**Applicant:**

Jared Aronowitz  
Print Name

Jared Ar  
Signature

2/9/17  
Date

**Property Owner:**

Douglas Woodward  
Print Name

[Signature]  
Signature

2/13/17  
Date

*Note: In order for this application to be considered complete for processing, signatures of both the current property owner and applicant are required. A letter from the property owner authorizing or acknowledging that the applicant is acting on their behalf is acceptable in lieu of the owner signing this application; however, this acknowledgement must be included with the project information submitted to the City.*

### Indemnification Agreement

In consideration by the City of Arvin of a project, including any related environmental documents,

for a setback variance  
(Identify the type of project from page 1)

located at tract 5816-12  
(Print name of property owner or authorized representative/applicant)

I/We, Douglas Woodward  
(Print name of property owner or authorized representative/applicant)

agree to indemnify, defend, and hold harmless the City of Arvin, its officers, officials, council members, agents, employees, departments, commissioners or boards ("City" herein) 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, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions, whether imposed by the City or not, except for any liability, claims, actions, causes of action or demands arising out of the City's sole active negligence or willful misconduct.

This indemnification agreement does not prevent the property owner from challenging any decision by the City related to this project and the indemnity shall not apply to any conditions imposed by the City but challenged by property owner.

The City will promptly notify property owner of any such claim. Action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its reasonable discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the reasonable cost and expense of the property owner and the City is not obligated to use any law firm or attorney chosen by the property owner and/or applicant.



Authorized Signature

2/13/17

Date

*(If the owner is not an individual, the corporation name goes above and authorized signature goes below.)*

By: \_\_\_\_\_

Title: \_\_\_\_\_

**IMPORTANT NOTE:**

*In order for your project to be considered complete for processing, this properly executed form must be included with your project application. Please note that this agreement can only be signed by the property owner of record at the time this application is submitted to the City.*

*KHovnanian  
Flowers*

February 13, 2017

Marti Brown  
Community Development Director  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

Re: Side yard setback variance for lots 86, 89, 93 and 96 of tract 5816-12

Dear Ms. Brown:

In connection with the development of Tract 5816-12, K. Hovnanian has no objection to the variance request to reduce the side yard setback for the above mentioned lots from 10' to 9.7' as measured from the property line to the house foundation at the corner condition.

Best regards,



Douglas Woodward  
Division President  
400 Exchange Street, Suite 200  
Irvine, CA 92602

Attachment 2  
No Objection Letters for  
Modification No. 2017- Lot 93



**CITY OF ARVIN**  
**141 Plumtree Drive, P.O. Box 548**  
**Arvin, California 93203**  
**661-854-2822 Office**  
**661-854-2969 Fax**

January 27, 2017

K. Hovnanian Homes  
Douglas Woodward  
Owner  
400 Exchange Street  
Irvine, CA 92694  
Contact Number: 714-368-4500

K. Hovnanian Homes  
Jared Aronowitz,  
Land Planning Manager  
Southern California Division  
400 Exchange Suite 200  
Irvine, CA 92602  
Contact Number: 714-368-4520

**Reference: Administrative Permit Approval/SDP 2017-58**

**Address: 1212 Celestial Way, Arvin, CA 93203 APN: 189-694-08 Lot 93**

**Project Description:** Clearance per Section 17.05 Administrative Permit Approval for Construction of Single Family home identified within Aspire At Arvin, Tract 5816 -12 Phase 41

Dear Messrs.' Aronowitz and Woodward;

Please be advised that the proposed administrative permit for the construction of a single family home as described above and shown on site plan prepared by K. Hovnanian, Draft Landscape Architectural Construction Documents for Aspire At Arvin, Tract 5816-12 for K. Hovnanian prepared by Arichiterra Design Group, floor plans and elevations prepared by Kevin L. Crook, Architect Inc., has been cleared by the Community Development Department in accordance with Section 17.05 and 17.60 may proceed for the submittal of application for a building permit, **subject to correction as noted**. There will 84 lots that are proposed to be developed in accordance with the submitted documents as noted herein and are on file at the Community Development Department.

**Note: Side yard setbacks are a minimum of 10'-0" plot plan shows 9.7' – Need to be resolved prior to issuance of building permit.**

---

Reference: Administrative Permit Approval/SDP  
2017-58 Address:1212 Celestial Way, Arvin, CA  
93203 APN: 189-694-08 Lot 93

As is required by Section 17.05 and Section 17.60 the following action and findings are made:

The Community Development Director makes the following findings:

1. That the use will not involve any process, equipment or materials which, in the opinion of the planning director, will be objectionable to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any hazard of fire or explosion; and
2. That the proposed use will be harmonious with existing structures and uses of land in the vicinity;
3. No signs are proposed – therefore there will be not conflict with nor interfere with traffic or limit visibility.
4. The subdivision improvement standards and circulation system, including traffic control will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements.

Further, The Community Development Director finds that the proposed project will be in compliance with all applicable laws and ordinances; in conformance to latest accepted planning and engineering standards covering the site layout, building appearance and structural design, landscaping, water and sewer service and other utilities, surface drainage and erosion control, fire protection, access, traffic circulation and parking, and will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jake Raper Jr., AICP  
JAS Contract Planner for  
Marti Brown - Community Development Director

CC: Building Official  
City Engineer  
w/o attachments.

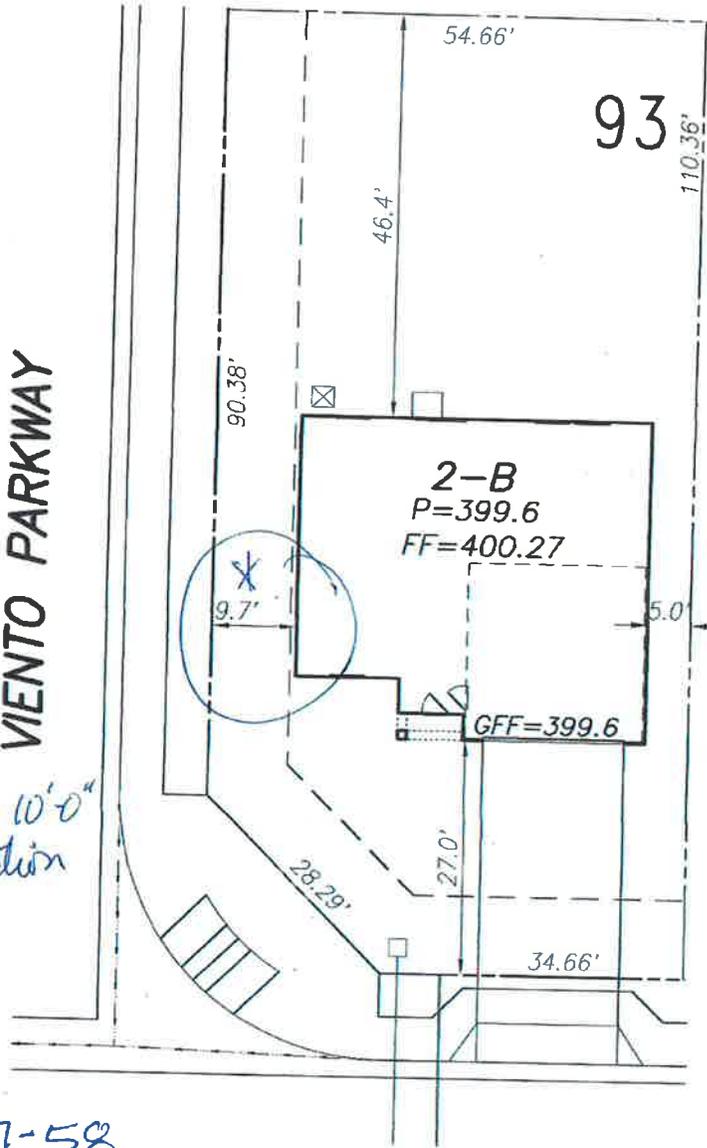
Attachments: Site Plan prepared by K. Hovnanian for the above lot.

---

Reference: Administrative Permit Approval/SDP  
2017-58 Address: 1212 Celestial Way, Arvin, CA  
93203 APN: 189-694-08 Lot 93

VIENTO PARKWAY

NOTE: Side Yards - MIN 10'-0" Need Connection for



CELESTIAL WAY

1212



GRAPHIC SCALE: 1" = 20'

PREPARED BY:



**HUNSAKER & ASSOCIATES**  
IRVINE, INC.  
PLANNING ■ ENGINEERING ■ SURVEYING  
Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759

PREPARED FOR:

**K. HOVNANIAN**  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602

APN

189-694-08

**ASPIRE AT ARVIN**

**TRACT NO. 5816-12 PHASE 41**

**LOT 93**

VIENTO PARKWAY

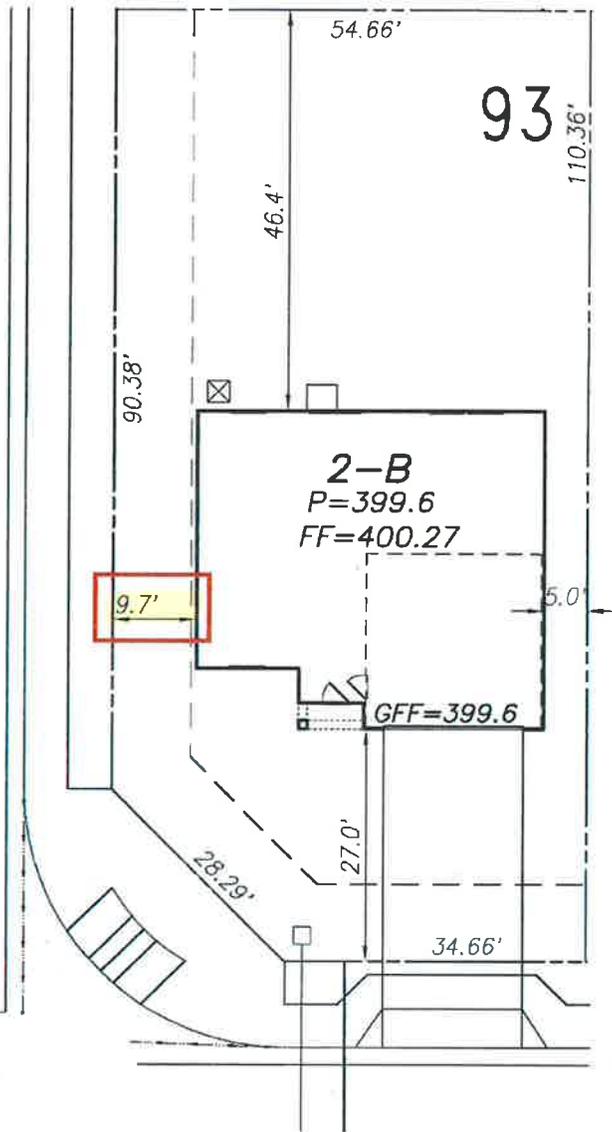


Exhibit A -  
Site Plan for Lot # 93

CELESTIAL WAY

PREPARED BY:



HUNSAKER & ASSOCIATES  
IRVINE, INC.  
PLANNING • ENGINEERING • SURVEYING  
Three Hughes • Irvine, CA 92618 • PH (949) 583-1010 • FX (949) 583-0759

PREPARED FOR:

K. HOVNANIAN  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602



GRAPHIC SCALE: 1" = 20'

**ASPIRE AT ARVIN**  
**TRACT NO. 5816-12 PHASE 41**  
**LOT 93**



**CITY OF ARVIN  
Agenda Report**

**Meeting Date: March 28, 2017**

<b>TO:</b>	<b>Planning Commission</b>
<b>FROM:</b>	<b>Marti Brown, Community Development Director</b>
<b>SUBJECT:</b>	<b>Modification No. 2017-04 of Side Yard Setback from 10'-0" (120") to 9.7' (116.4") or a 3.6 inch reduction for Lot 96 of Phase 12, Track 5816 (1200 Celestial Way)</b>

**PROPOSAL AND BACKGROUND**

K. Hovnanian Homes, K. Hovnanian at Cielo, LLC has requested approval of a Modification of a side yard setback from 10'-0" to (120") to 9.7' (116.4"), for Lot 96 of Phase 12, Track 5816 1200 Celestial Way, Attachment 1. The applicant is requesting less than a 3% or 3.6 inch modification. Code provides for a 5% or 6 inch modification.

The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area. The applicant is requesting less than a 3% or 3.6 inch modification, Exhibit A-Site Plan.

Further, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object. K. Hovnanian has provided the No Objection letters for this request, Attachment 2.

As is required by the City of Arvin zoning code, applications for single family residential construction is required to receive approval of a Site Development Permit prior to issuance of a building permit. Site Development Permit (SDP) 2017-46 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0". Correspondence January 27, 2017 noted this need minor adjustment was to be addressed prior to issuance of a building permit, Attachment 3. Staff and representative of K. Hovnanian Homes did agree that the Modification process was the appropriate means to allow the reduction in the side yard setback.

**FISCAL IMPACT**

The approval of the Modification as requested by the applicant does not create any negative fiscal impact to the City.

## **RECOMMENDATION**

That the Planning Commission Approve the Modification No. 2017-04 requested by the applicant's representative and adopted Resolution Approving the Side Yard Setback Modification from 10'-0" to 9.7 feet for Lot No. 96, Tract 5816, Phase 12 – 1200 Celestial Way as shown in Exhibit A.

Attachment 1 – K. Hovnanian Request for Modification dated February 15, 2017

Attachment 2 – No Objection Letter for Modification

Attachment 3 – Site Development Permit 2017-46 dated January 27, 2017

Exhibit A – Site Plan for Lot 96, Tract 5816, Phase 12 (SDP 2017-46)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN APPROVEING MODIFICATION NO. 2017-04 FROM 10'-0" TO 9.7' FOR LOT 96 OF TRACT 5816, PHASE 12 – 1200 CELESTIAL WAY AS AUTHORIZED BY TITLE 17 ZONING CODE, SECTION 17.54.050**

WHEREAS, at a special meeting of the Planning Commission of the City of Arvin duly called and held on March 28, 2017, at 6:00 p.m. or as the agenda permitted, it was moved by Commissioner Member \_\_\_\_\_ and second by Commissioner Member \_\_\_\_\_ and carried that the following resolution be adopted:

WHEREAS, K. Hovnanian Homes on February 15, 2017 requested approval of Modification for reduction of side yard setback for Lot 96 of Tract 5816, Phase 12 1200 Celestial Way; and

WHEREAS, the City of Arvin zoning code, requires applications for single family residential construction to receive approval of a Site Development Permit prior to issuance of a building permit; and

WHEREAS, Site Development Permit (SDP) 2017-46 was completed on January 27, 2017 with the notation that the side yard setback was noted as 9.7 feet instead of the required 10'-0"; and

WHEREAS, Correspondence dated January 27, 2017 noted the need for a minor adjustment to be addressed prior to issuance of a building permit; and

WHEREAS, The City of Arvin Title 17 Zoning Code, Section 17.54.050 Modifications – Permitted, subsection (A) permits a 5% reduction for setbacks, yard or lot area; and

WHEREAS, Section 17.54.060 allows these Modifications to be considered without a public hearing, provided that adjacent property owners do not object which K. Hovnanian has provided the No Objection letters for this request; and

WHEREAS, the requested Modification meets the requirements of the City of Arvin zoning code, Section 17.54.050 and Section 17.54.060.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering the request of the applicant and recommended support of city staff, hereby approves the Modification No. 2017-04 as requested.

/////

/////

/////





**CITY OF ARVIN**  
Application Form

File No. \_\_\_\_\_  
(Office Use Only)

Planning & Building Department  
141 Plumtree Dr.  
P.O. Box 548  
Arvin, Ca 93203  
Phone: (661)854-6183  
Fax: (661)854-2969

**Attachment 1 - Modification No.**  
**2017- 04**  
**Application for Deviation**  
**Dated February 15, 2017 -**  
**Lot 96**

**APPLICATION TYPE**  
(Please check all that apply)

**General Plan & Zone Changes**

- General Plan Amendment (\$1,100 deposit)
- Specific Plan Amendment (\$1,100 deposit)
- New Specific Plan (\$1,100 deposit)
- Zone Change (\$1,750 deposit)
- Concurrent GPA/ZC (\$2,850 deposit)
- PUD Zone Changes (\$1,750 deposit)
- Other \_\_\_\_\_

**Zoning Applications-Site Plan Reviews**

- Conditional Use Permits (\$1,350 deposit)
- Variances/Modifications (\$1,105 (or \$250 when combined with other permits))
- Site Plan Review (\$1,250 deposit)
- PD Plan Review (New) (\$1,250 + \$25/lot)
- Sign Plan Application (\$85)
- Temporary Use Application (\$270)
- Administrative Approval Sec 17.05
- Other \_\_\_\_\_

**Land Divisions**

- Tract Map (\$2,300 per phase deposit)
- Revised Tract Map (\$2,000)
- Parcel Map (\$1,400 deposit)
- Revised Parcel Map (\$2,000)
- Parcel Map Waiver/Merger (\$1,100 deposit)
- Lot Line Adjustment (\$580)
- Certificate of Compliance (\$350)
- Final Tract Map (\$1,500)
- Final Parcel Map (\$750)

**Miscellaneous**

- Annexation (\$3,767)
- Initial Env. Study (\$2,000 deposit)
- EIR (\$10,000 deposit)
- Development Agreement (\$2,000 deposit)
- Site Development Permit Sec 17.60
- Other \_\_\_\_\_

**APPLICANT/OWNER INFORMATION**

**APPLICANT CONTACT**

Name: K. Hounanian Homes  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

**PROPERTY OWNER OF RECORD**

Name: K. Hounanian at Cielo, LLC  
Address: 400 Exchange  
Suite 200  
Irvine, CA 92602  
Phone: 714-368-4500

<b>FOR OFFICE USE ONLY</b>	
Fee Paid: _____	Cash/Check: _____
Date Paid: _____	Processed By: _____

PROJECT INFORMATION

(Please fill out completely-put N/A if the item is not applicable)

- A. Description of proposal (explain in detail; attach additional or supporting information as necessary):  
Request to reduce side yard setback from 10' to 9.7'  
on lot 96 see attached lot exhibit.
- B. Reason for request (explain in detail, attach additional or supporting information as necessary; if this is an extension of time, explain why the extension is necessary and why the project cannot be commenced within the allocated time):  
Recorded tract map that established the lots and streets in 2007  
left this area .6' narrower than it needed to be (.3' on  
the side of each corner lot.)
- C. Site Address (if none, general location): Lot 96 Tract 5816-12  
1200 Celestial Way
- D. Assessor's Parcel Number(s): 189-694-11  

Please include with your application, a copy of the Assessor's map(s) that show the entire project boundary. These maps may be obtained from the Kern County Assessor, 1115 Truxton Ave, Bakersfield, CA (661-868-3485)
- E. Zoning: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_
- F. Project site size (acreage or square footage): ~1.9
- G. If this is a division of land, number of lots being created: Buildable 84 Nonbuildable \_\_\_\_\_  
 Is a modification or optional design being requested?  Yes  No  
 If yes, describe the modification: \_\_\_\_\_
- H. Will the project (or map) be phased?  Yes  No  
 If yes, what is the anticipated schedule of development? (explain):  
January 2017 - rough grading begins  
May 2017 - home construction begins  
September 2018 - 1st home finished
- I. List and describe any other permits or other public agency approvals required for this project:  
ACSD approval  
building permits  
Kern County Fire
- J. List any associated projects or relationship to a larger project or series of projects:  
Tract 5816 -7 and -8 - our previous tracts

K. **Proposed Use** (Check use being proposed and provide all necessary information, attach additional sheets if necessary):

1. **Residential:** (Check type)       Single Family       Multiple Family  
 Number of units: 84      Number of floors: 1-2  
 Building height (feet from grade to highest point): 25'  
 Square footage of units: 1763-1995  
 Number of bedrooms per unit: 4-5  
 Density (units per acre): .23

2. **Commercial:** (Check type)       Retail       Office       Other (identify)  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

3. **Industrial:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

4 **Institutional:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

5. **Other:**  
 Describe in detail: \_\_\_\_\_  
 \_\_\_\_\_  
 Gross square footage of floor area: \_\_\_\_\_ Number of floors \_\_\_\_\_  
 Building Height (feet from grade to highest point): \_\_\_\_\_  
 Total number of employees: \_\_\_\_\_ Number of employees on largest shift: \_\_\_\_\_  
 Hours of operation: \_\_\_\_\_  
 Describe size and type of loading facilities: \_\_\_\_\_  
 \_\_\_\_\_

L. Hazardous waste verification:

California law requires that person applying for development projects review a listing of all hazardous waste sites. As part of this application, you must indicate whether or not your project site is included on the list of hazardous waste sites. Please review the list of hazardous waste sites and check the appropriate confirmation below (note: a copy of this list and the law is available at the Planning Department). By signing this application, you or your agent is verifying that the most current hazardous waste and substance site list from the State Environmental Protection Agency – Department of Toxic Substances Control has been reviewed in accordance with the California Government Code (§ 65962.5).

I or my agent confirms that the project site is (check one)  **included**  **not included** on this list.

M. Other Information:

List any other information or notes that you feel are necessary for review of this application (you may also attach additional sheets or information as needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZED SIGNATURES**

*I/We certify that any statements contained in this application packet and any information attached as part of this application are true and correct to the best of my/our knowledge. I/We agree to comply with all city ordinances, state and other applicable laws relating to the development requested in this application.*

*The undersigned acknowledges that they are responsible for submitting required information on the most current City of Arvin planning application form. Any permit or approval issued by the city as a result of false information on this application, or, use of an altered, or out-of-date planning application, shall be void and subject to all penalties/remedies allowed by law.*

**Applicant:**

Jared Aronowitz  
Print Name

Jared Aronowitz  
Signature

2/9/17  
Date

**Property Owner:**

Douglas Woodward  
Print Name

[Signature]  
Signature

2/13/17  
Date

*Note: In order for this application to be considered complete for processing, signatures of both the current property owner and applicant are required. A letter from the property owner authorizing or acknowledging that the applicant is acting on their behalf is acceptable in lieu of the owner signing this application; however, this acknowledgement must be included with the project information submitted to the City.*

### Indemnification Agreement

In consideration by the City of Arvin of a project, including any related environmental documents,

for a setback variance  
(Identify the type of project from page 1)

located at tract 5816-12  
(Print name of property owner or authorized representative/applicant)

I/We, Douglas Woodward  
(Print name of property owner or authorized representative/applicant)

agree to indemnify, defend, and hold harmless the City of Arvin, its officers, officials, council members, agents, employees, departments, commissioners or boards ("City" herein) 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, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions, whether imposed by the City or not, except for any liability, claims, actions, causes of action or demands arising out of the City's sole active negligence or willful misconduct.

This indemnification agreement does not prevent the property owner from challenging any decision by the City related to this project and the indemnity shall not apply to any conditions imposed by the City but challenged by property owner.

The City will promptly notify property owner of any such claim. Action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its reasonable discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the reasonable cost and expense of the property owner and the City is not obligated to use any law firm or attorney chosen by the property owner and/or applicant.

  
Authorized Signature

2/13/17  
Date

*(If the owner is not an individual, the corporation name goes above and authorized signature goes below.)*

By: \_\_\_\_\_

Title: \_\_\_\_\_

**IMPORTANT NOTE:**

*In order for your project to be considered complete for processing, this properly executed form must be included with your project application. Please note that this agreement can only be signed by the property owner of record at the time this application is submitted to the City.*

## SUPPLEMENTAL INFORMATION CHECKLIST

It may be necessary for your application to include supplemental information such as site plans or special studies to ensure that the application can be adequately reviewed and processed. This information is necessary so that untimely delays may be avoided. Please review the following and include any additional items as directed to ensure that the application can be deemed complete for processing (check those that apply):

- A. Land Divisions:**
- If you are making a land division application, you must also complete any required items in the "Land Division Supplement" which is a separate packet from this application.  
*(Please obtain from the Planning Department)*
- B. Zone Changes** *(including those associated with General Plan Amendments):*
- Attach with this application packet a specific map and legal description for each zone district proposed on the project site. The legal description must be stamped and signed by a licensed land surveyor or registered civil engineer.
- C. Street Renaming:**
- Meet with Planning staff to review proposed name change and go through review process
  - Identify new street name with alternatives if required by Planning staff
- D. Development Agreement** (discuss each on a separate attachment):
- Featured or amenities unique to the project;
  - Provisions for the reservation and dedication of land for public purposes;
  - Explain what conditions, terms, restrictions and requirements are being requested for the project; include any request to modify existing rules, regulations and policies applicable to the project and how subsequent changes to them will be applied to the project over the life of the agreement;
  - Explain what public improvements, facilities, services or other public benefit would occur as a direct result of the City entering into a development agreement for this project;
  - Explain the period of time the development agreement is to be affective and how that time frame relates to when the project will commence, when it will be completed and how it will be phased;
  - Explain how the development agreement will promote investment in and commitment to comprehensive planning at the least economic cost to the public and the developer;
  - Explain how the development agreement will promote the orderly development of the property and reduce the economic costs of development in a manner that is mutually beneficial to the City and the developer.
- E.** Items A-D are not applicable to this application.

DR. MICHELLE McLEAN  
DISTRICT SUPERINTENDENT

GEORGIA RHETT  
ASSISTANT SUPERINTENDENT

# ARVIN UNION SCHOOL DISTRICT

*"Every Child Learning, Every Day, No Matter What It Takes!"*



DISTRICT OFFICE  
737 Bear Mountain Blvd.  
Arvin, CA 93203

(661) 854-6500  
FAX (661) 854-2362

Sierra Vista  
Elementary School  
300 Franklin St.  
Arvin, CA 93203

(661) 854-6560  
FAX (661) 854-7523

Bear Mountain  
Elementary School  
1501 Hood St.  
Arvin, CA 93203

(661) 854-6590  
FAX (661) 854-6599

El Camino Real  
Elementary School  
911 El Camino Real  
Arvin, CA 93203

(661) 854-6661  
FAX (661) 854-2474

Haven Drive  
Middle School  
341 Haven Dr.  
Arvin, CA 93203

(661) 854-6540  
FAX (661) 854-1440

Family Resource Center  
205 So. A St.  
Arvin, CA 93203

(661) 854-6533  
(661) 854-6559

Family Resource  
Center Annex  
207 So. A St.  
Arvin, CA 93203

(661) 854-6525  
FAX (661) 854-6585

February 10, 2017

Jared Aronowitz  
Land Planning Manager  
K. Hovnanian Homes  
400 Exchange, Suite 200  
Irvine, CA 92602

Re: Side yard setback variance for lots 86 and 96 of tract 5816-12

Dear Mr. Aronowitz:

In connection with K. Hovnanian's development of Tract 5816-12 to the West of El Camino Real Elementary School, Arvin Unified School District has no objection to K. Hovnanian's variance request to reduce the side yard setback for the above mentioned lots from 10' to 9.7' as measured from the property line along Rayo Del La Luna Drive to the house foundation.

Sincerely,

Chris Davis  
Chief Business Official

**Attachment 2  
No Objection Letters for  
Modification No. 2017- Lot 96**



Distinguished Achievement Award  
2011 AIR Health Awards  
California Department of Public Health



February 13, 2017

Marti Brown  
Community Development Director  
City of Arvin  
141 Plumtree Drive  
Arvin, CA 93203

Re: Side yard setback variance for lots 86, 89, 93 and 96 of tract 5816-12

Dear Ms. Brown:

In connection with the development of Tract 5816-12, K. Hovnanian has no objection to the variance request to reduce the side yard setback for the above mentioned lots from 10' to 9.7' as measured from the property line to the house foundation at the corner condition.

Best regards,

A handwritten signature in blue ink, appearing to read 'Douglas Woodward', with a stylized flourish at the end.

Douglas Woodward  
Division President  
400 Exchange Street, Suite 200  
Irvine, CA 92602



**CITY OF ARVIN**  
**141 Plumtree Drive, P.O. Box 548**  
**Arvin, California 93203**  
**661-854-2822 Office**  
**661-854-2969 Fax**

January 27, 2017

K. Hovnanian Homes  
Douglas Woodward  
Owner  
400 Exchange Street  
Irvine, CA 92694  
Contact Number: 714-368-4500

K. Hovnanian Homes  
Jared Aronowitz,  
Land Planning Manager  
Southern California Division  
400 Exchange Suite 200  
Irvine, CA 92602  
Contact Number: 714-368-4520

**Reference: Administrative Permit Approval/SDP 2017-46**

**Address: 1200 Celestial Way, Arvin, CA 93203 APN: 189-694-11 Lot 96**

**Project Description:** Clearance per Section 17.05 Administrative Permit Approval for Construction of Single Family home identified within Aspire At Arvin, Tract 5816 -12 Phase 42

Dear Messrs. Aronowitz and Woodward;

Please be advised that the proposed administrative permit for the construction of a single family home as described above and shown on site plan prepared by K. Hovnanian, Draft Landscape Architectural Construction Documents for Aspire At Arvin, Tract 5816-12 for K. Hovnanian prepared by Arichiterra Design Group, floor plans and elevations prepared by Kevin L. Crook, Architect Inc., has been cleared by the Community Development Department in accordance with Section 17.05 and 17.60 may proceed for the submittal of application for a building permit, **subject to noted corrections**. There will 84 lots that are proposed to be developed in accordance with the submitted documents as noted herein and are on file at the Community Development Department.

**Note: Corner lots – side yard requires a minimum of 10'-0" – Plot Plan shows 9.7' – Need to resolve prior to issuance of building permit.**

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Reference: Administrative Permit Approval/SDP  
2017-46 Address: 1200 Celestial Way Arvin, CA  
93203 APN: 189-694-11 Lot 96

As is required by Section 17.05 and Section 17.60 the following action and findings are made:

The Community Development Director makes the following findings:

1. That the use will not involve any process, equipment or materials which, in the opinion of the planning director, will be objectionable to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, or unsightliness, or to involve any hazard of fire or explosion; and
2. That the proposed use will be harmonious with existing structures and uses of land in the vicinity;
3. No signs are proposed – therefore there will be not conflict with nor interfere with traffic or limit visibility.
4. The subdivision improvement standards and circulation system, including traffic control will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements.

Further, The Community Development Director finds that the proposed project will be in compliance with all applicable laws and ordinances; in conformance to latest accepted planning and engineering standards covering the site layout, building appearance and structural design, landscaping, water and sewer service and other utilities, surface drainage and erosion control, fire protection, access, traffic circulation and parking, and will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



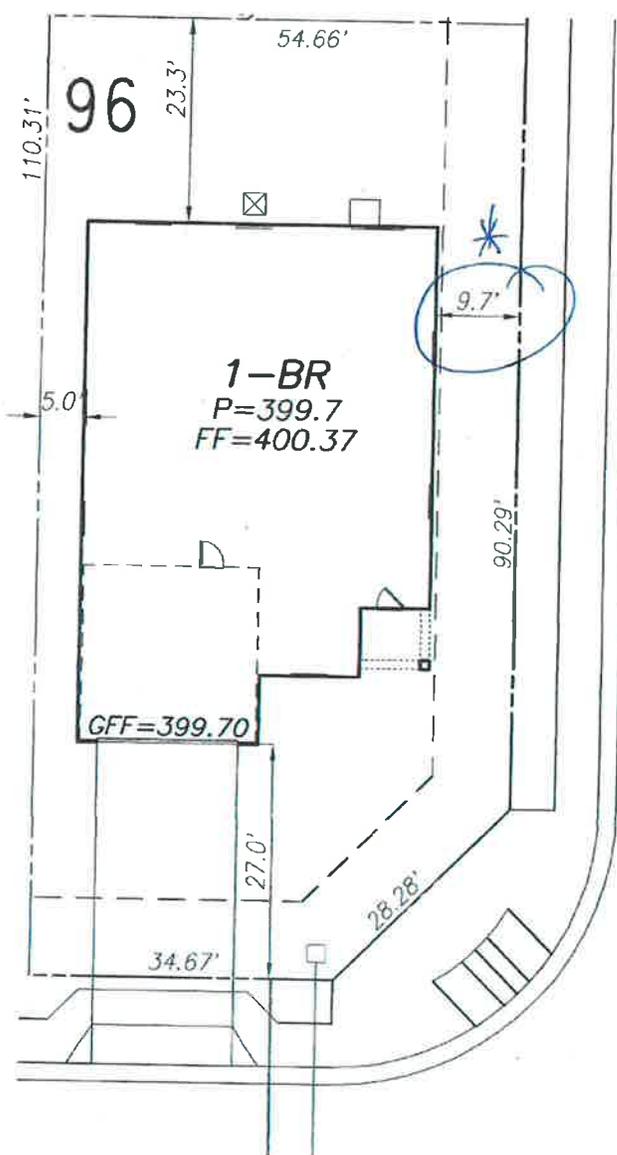
Jake Raper Jr., AICP  
JAS Contract Planner for  
Marti Brown - Community Development Director

CC: Building Official  
City Engineer  
w/o attachments.

Attachments: Site Plan prepared by K. Hovnanian for the above lot.

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Reference: Administrative Permit Approval/SDP  
2017-46 Address: 1200 Celestial Way Arvin, CA  
93203 APN: 189-694-11 Lot 96



\* Side Yard  
10'-0" Min.  
Need to resolve  
gr

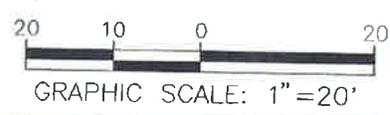
RAYO DE LA LUNA DRIVE

CELESTIAL WAY  
1200

SDP 2017-46  
Cont approved  
1-27-17  
*John Ray*

PREPARED BY:  
**HUNSAKER & ASSOCIATES**  
IRVINE, INC.  
PLANNING ■ ENGINEERING ■ SURVEYING  
Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759

PREPARED FOR:  
**K. HOVNANIAN**  
400 EXCHANGE, SUITE 200  
IRVINE, CA 92602



APN  
189-694-11

**ASPIRE AT ARVIN**  
**TRACT NO. 5816-12 PHASE 42**  
**LOT 96**

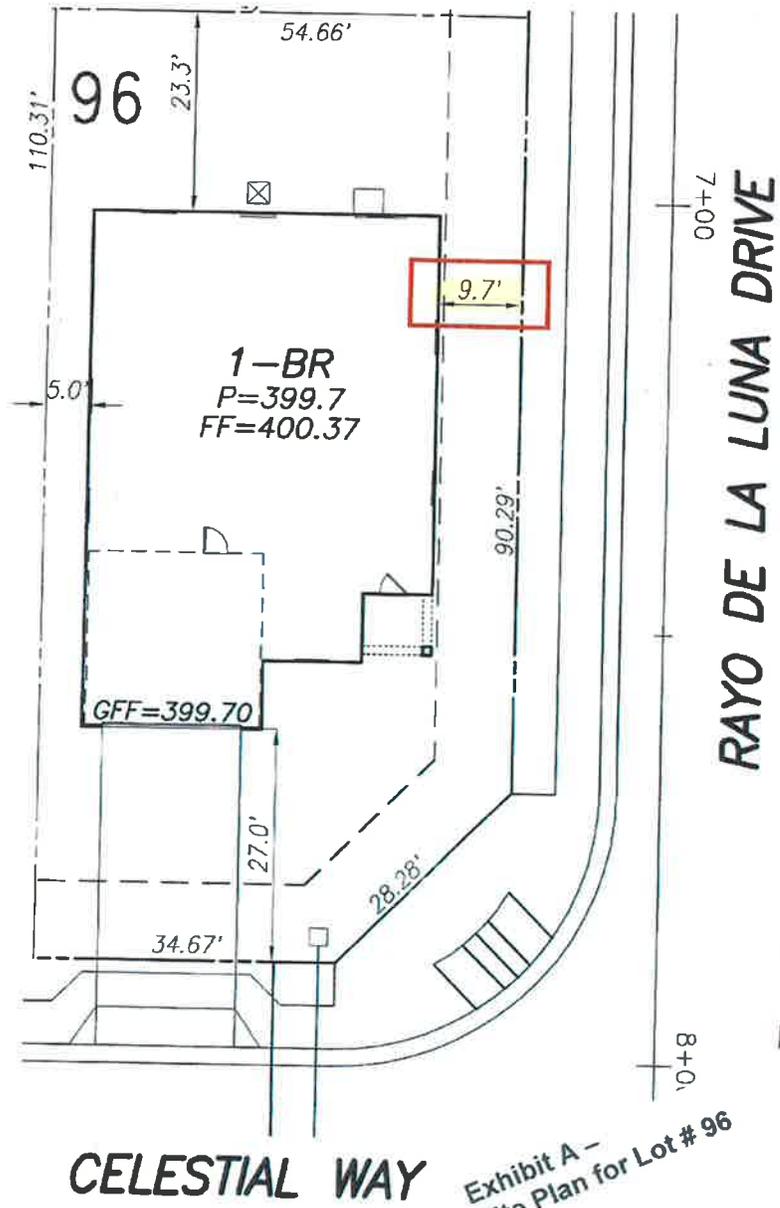


Exhibit A -  
Site Plan for Lot # 96

PREPARED BY:  

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**LOT 96**