

**REGULAR MEETING
ARVIN PLANNING COMMISSION**

**TUESDAY JANUARY 15, 2019 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

CALL TO ORDER

Vice Chairperson Zavala

PLEDGE OF ALLEGIANCE

ROLL CALL:

[Vacant]
Janett Zavala
Yesenia Martinez
Miguel Rivera
Gerardo Tinoco

Chairperson
Vice Chairperson
Planning Commissioner
Planning Commissioner
Planning Commissioner

STAFF:

Jake Raper
Shannon L. Chaffin
Cecilia Vela

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.

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 Rivera _____ PC Martinez _____ VC Zavala _____

2. 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. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Regular Meeting of December 11, 2018.

Staff recommends approval of the Minutes of the Regular Meeting of December 11, 2018.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____

4. PUBLIC HEARING(S)

A. A Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Adopt Text Amendment No. 2019-01 to Add Section 17.02.505 and Amend Section 17.02.185, Section 17.02.260, and Section 17.02.655 of Chapter 17.02 of Title 17; Amend Section 17.05.020, Section 17.05.030 and Sections 17.05.050 through 17.05.080 of Chapter 17.05 of Title 17; Amend Section 17.10.080 of Chapter 17.10 of Title 17; Amend Section 17.12.020, Section 17.12.025, and Section 17.12.070 of Chapter 17.12 of Title 17; Amend Section 17.14.020 and Section 17.14.070 of Chapter 17.14 of Title 17; Amend Section 17.50.150 of Chapter 17.50 of Title 17; and Amend Section 17.60.010, Section 17.60.040, Section 17.60.050, and Section 17.60.060 of Chapter 17.60 of Title 17 of the Arvin Municipal Code; and Adopt an Exemption Pursuant to the California Environmental Quality Act.

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

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____

- B.** A Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Amend the General Plan by Amending the Land Use Element Consistent with the 2013-2023 Housing Element Work Programs Including A Recommendation to Adopt an Exemption Pursuant to California Environmental Quality Act Guidelines Section 15061(B)(3).

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

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. 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 72 hours prior to the meeting. Dated: January 11, 2019.



Cecilia Vela, Secretary

**REGULAR MEETING MINUTES
ARVIN PLANNING COMMISSION**

DECEMBER 11, 2018

CALL TO ORDER @ 6:01 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: PC Tinoco absent; All others present. Chair seat vacant.

1. Approval of Agenda As To Form.

Motion to approve the agenda.

Motion PC Rivera Second PC Martinez Vote 3-0

2. 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. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Regular Meeting of August 14, 2018.

B. Approval of A Resolution of the Planning Commission of the City of Arvin Adopting A Meeting Schedule.

Resolution No. APC 2018-15

Staff recommends approval of the Consent Agenda.

Motion to approve Consent Agenda Items 3A and 3B.

Motion PC Rivera Second PC Martinez Vote 3-0

4. PUBLIC HEARING(S)

A. Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Recommending the City Council Amend the General Plan by Adopting an Updated Safety Element Consistent with the 2013-2023 Housing Element Work Programs, Including A Recommendation to Adopt an Exemption Pursuant to California Environmental Quality Act Guidelines Section 15061(B)(3).

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

Hearing opened.

No testimony.

Hearing closed.

Motion to approve the Resolution.

Motion PC Rivera Second PC Martinez Vote 3-0

Resolution No. APC 2018-16

- B.** Public Hearing to Consider and Approve A Resolution of the Planning Commission of the City of Arvin Recommending the City Council I) Adopt the Uncodified Ordinance of the City Council of the City of Arvin, Approving Development Agreement 2018-1 Between the City of Arvin and Aaron Coppelson, M.D., Inc., for the Development of Certain Cannabis Operations located at 100 Sycamore Road, Arvin, CA, and II) adopt an exemption pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) and 15301 (Existing Facilities).

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

Hearing opened.

Public Testimony for Public Hearing Items 4B & 4C: Rick Pumphrey from Reeds Extruded Products, Arvin provided comments regarding safety and guarding of the facility and concerned regarding interference in the property he owns that is located adjacent to the project property.

Jason Nicoli, representing the Applicant Aaron Coppelson MD, provided comments regarding their requirement to provide on-site security and 24-hour surveillance at the facility in addition to other compliance requirements and regulations required similar to pharmaceutical businesses.

Hearing closed.

Motion to approve the Resolution.

Motion PC Rivera Second PC Martinez Vote 3-0

Resolution No. APC 2018-17

- C.** Public Hearing to Consider and Adopt a Resolution of the Planning Commission of the City of Arvin Approving a Conditional Use Permit for Type 3b Cultivation, Type 11 Distribution, and Type 9 Non-Store Front Delivery and Site Development Plan/Permit (CUP 2018-001SS/SDP No. 2018-110SR) for Commercial Cannabis Operations located at 100 Sycamore Road, Arvin, CA. (Subject to approval of Development Agreement No. 2018-01.)

Staff recommends the Planning Commission open the hearing, allow for public testimony; close the hearing and approve the following Resolution(s).

Hearing opened.

No additional testimony.

Hearing closed.

Motion to approve the Resolution.

Motion PC Rivera

Second PC Martinez

Vote 3-0

Resolution No. APC 2018-18

5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNED @ 6:34 PM

Respectfully submitted,

Cecilia Vela, Secretary

DRAFT



PLANNING COMMISSION STAFF REPORT

Meeting Date: January 15, 2019

TO: Planning Commission

FROM: Jerry Breckinridge, City Manager
Jake Raper, City Planner – Contract JAS Consultant

SUBJECT: **Public Hearing –To Consider Amending the Arvin Municipal Code by Approving a Resolution Recommending the City Council Adopt Text Amendment No. 2019-01 To Add Section 17.02.505 and Amend Section 17.02.185, Section 17.02.260, And Section 17.02.655 Of Chapter 17.02 Of Title 17; Amend Section 17.05.020, Section 17.05.030, and Sections 17.02.050 Through 17.05.080 Of Chapter 17.05 Of Title 17; Amend Section 17.10.080 Of Chapter 17.10 Of Title 17; Amend Section 17.12.020, Section 17.12.025, And Section 17.12.070 Of Chapter 17.12 Of Title 17; Amend Section 17.14.020 And Section 17.14.070 Of Chapter 17.14 Of Title 17; Amend Section 17.50.150 Of Chapter 17.50 Of Title 17; And Amend Section 17.60.010, Section 17.60.040, Section 17.60.050, And Section 17.60.060 Of Chapter 17.60 Of Title 17 Of The Arvin Municipal Code; And Adopt An Exemption Pursuant To The California Environmental Quality Act.**

RECOMMENDATION

Approve a Resolution recommending the City Council adopt Text Amendment No. 2019-01, which updates the zoning ordinance by adding or amending the following sections of the Arvin Municipal Code:

- Add Section 17.02.505; and Amend Section 17.02.185, Section 17.02.260, Section 17.02.655, Section 17.05.020, Section 17.05.030, Sections 17.05.050 through 17.05.080, Section 17.10.080, Section 17.12.020, Section 17.12.025, Section 17.12.070 Section 17.14.020, Section 17.14.070, Section 17.50.150, Section 17.60.010, Section 17.60.040, Section 17.60.050, and Section 17.60.060.

The Resolution also recommends adoption of a California Environmental Quality Act (CEQA) finding under CEQA Guidelines Section 15061(b)(3).

BACKGROUND

The City of Arvin recently updated its Housing Element. The adopted Housing Element has established a number of work programs which require amendments to the City's zoning ordinance. These updates include definitions, elimination of unit size in the R-2-7.5 zone district, establishment of minimum housing unit densities for the R-3 and R-4 Zone Districts, clarifying the role of decision makers roles in reviewing projects, etc. In conjunction with the Housing

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Element work programs, the Planning Commission has also reviewed, or is currently reviewing, updates to the Safety Element and Land Use Elements of the General Plan, which address Fire Safety Hazards and SB 244 Disadvantage Communities.

On September 19, 2017, the City Council authorized the City Manager and/or Community Development Director to initiate code amendments to Title 17 to accomplish the proposed update.

CEQA REVIEW

Staff has conducted initial assessment of the project, concluded it is exempt pursuant to CEQA Guidelines, Section 15061(b)(3), as here is no possibility that the amendments to the Title 17 of the Municipal Code as proposed by Text Amendment No. 2019-01 may have a significant effect on the environment because of the following reasons:

- The amendments relate to the establishment, modification, and implementation of the various work programs implements and is consistent with the updated Housing Element, Land Use Element and Safety Element. As these updates have already been assessed, no further environmental assessment is required.
- The amendments will not have a significant effect or physical change to the environment, because they relate to and implements various Governmental Codes which implements the 2013-2023 Housing Element work programs ensuring the City's zoning ordinance is in compliance with state-mandated criteria and policy.

EXHIBITS AND ATTACHMENTS

Resolution – Resolution Recommending The City Council Adopt Text Amendment No. 2019-01 To Add Section 17.02.505, Amend Section 17.02.185, Section 17.02.260, And Section 17.02.655 Of Chapter 17.02 Of Title 17; Amend Section 17.05.020, Section 17.05.030, and Sections 17.02.050 Through 17.05.080 Of Chapter 17.05 Of Title 17; Amend Section 17.10.080 Of Chapter 17.10 Of Title 17; Amend Section 17.12.020, Section 17.12.025, And Section 17.12.070 Of Chapter 17.12 Of Title 17; Amend Section 17.14.020 And Section 17.14.070 Of Chapter 17.14 Of Title 17; Amend Section 17.50.150 Of Chapter 17.50 Of Title 17; And Amend Section 17.60.010, Section 17.60.040, Section 17.60.050, And Section 17.60.060 Of Chapter 17.60 Of Title 17 Of The Arvin Municipal Code; And Adopt An Exemption Pursuant To The California Environmental Quality Act.

Exhibit “A” to the Resolution: ORDINANCE NO. 2018 -XXX -An Ordinance Of The City Council Of The City Of Arvin, Adopting Text Amendment No. 2019-01 To Add Section 17.02.505, Amend Section 17.02.185, Section 17.02.260, And Section 17.02.655 Of Chapter 17.02 Of Title 17; Amend Section 17.05.020, Section 17.05.030, and Sections 17.02.050 Through 17.05.080 Of Chapter 17.05 Of Title 17; Amend Section 17.10.080 Of Chapter 17.10 Of Title 17; Amend Section 17.12.020, Section 17.12.025, And Section 17.12.070 Of Chapter 17.12 Of Title 17; Amend Section 17.14.020 And Section 17.14.070 Of Chapter 17.14 Of Title 17; Amend Section 17.50.150 Of Chapter 17.50 Of Title 17; And Amend Section 17.60.010, Section 17.60.040, Section 17.60.050, And Section 17.60.060 Of Chapter 17.60 Of Title 17 Of The Arvin Municipal Code; And Adopt An Exemption Pursuant To The California Environmental Quality Act.

Attachment 1 - 2013-2023 Housing Element Update – Work Program.

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RESOLUTION NO. APC 2018-XX

A RESOLUTION OF THE CITY OF ARVIN PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. 2019-01 TO ADD SECTION 17.02.505 AND AMEND SECTION 17.02.185, SECTION 17.02.260, AND SECTION 17.02.655 OF CHAPTER 17.02 OF TITLE 17; AMEND SECTION 17.05.020, SECTION 17.05.030 AND SECTIONS 17.05.050 THROUGH 17.05.080 OF CHAPTER 17.05 OF TITLE 17; AMEND SECTION 17.10.080 OF CHAPTER 17.10 OF TITLE 17; AMEND SECTION 17.12.020, SECTION 17.12.025, AND SECTION 17.12.070 OF CHAPTER 17.12 OF TITLE 17; AMEND SECTION 17.14.020 AND SECTION 17.14.070 OF CHAPTER 17.14 OF TITLE 17; AMEND SECTION 17.50.150 OF CHAPTER 17.50 OF TITLE 17; AND AMEND SECTION 17.60.010, SECTION 17.60.040, SECTION 17.60.050, AND SECTION 17.60.060 OF CHAPTER 17.60 OF TITLE 17 OF THE ARVIN MUNICIPAL CODE; AND ADOPT AN EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on September 19, 2017, the City Council adopted Resolution No. 2017-92 Initiating Code Amendments to Title 17 –Zoning, which authorized the City Manager and/or Community Development Director to initiate code amendments to Title 17 to accomplish updates to the Municipal Code; and

WHEREAS, the City of Arvin adopted the 2013-2023 Housing Element on March 27, 2018 by Resolution Number 2018-23; and

WHEREAS, the 2013-2023 Housing Element adopted Work Programs of which updates and amendments to the General Plan and Zoning Ordinances are required; and

WHEREAS, Text Amendment No. 2019-01, consisting of zoning code amendments to Title 17 of the Arvin Municipal Code, has been initiated to address density bonus, transition and supportive housing, definition of “family,” establish minimum units per acre and units per site, removal of minimum unit size, establish no net loss program for high density residential zones, establishing approval of high density residential by Site Development Permit, and related items; and

WHEREAS, said amendments are consistent with the goals, policies and objectives of the General Plan, including the recently approved 2013-2023 Housing Element, and updates the Safety and Land Use Elements of the General Plan which are currently being considered for approval by the City; and

WHEREAS, on January 15, 2019 the Planning Commission held a public hearing at a regular Planning Commission meeting and considered whether to recommend the adoption of the proposed updates to Title 17 of the Arvin Municipal Code; and

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WHEREAS, the public hearing was duly noticed in accordance with local requirements and state requirements;

WHEREAS, after consideration of all items before it, the Planning Commission now desires to recommend that the City Council adopt Text Amendment No. 2019-01, consisting of zoning code amendments to Title 17 of the Arvin Municipal Code, and further desires to recommend the City Council adopt a finding under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

NOW THEREFORE BE IT RESOLVED by the Planning Commission of the City of Arvin as follows:

1. The Planning Commission of the City of Arvin finds that the above recitals are true and correct and incorporated herein by reference.
2. The Planning Commission recommends the City Council adopt a finding pursuant to CEQA Guidelines, Section 15061(b)(3) as here is no possibility that the amendments to the Title 17 of the Municipal Code as proposed by Text Amendment No. 2019-01 may have a significant effect on the environment because of the following reasons:
 - The amendments relate to the establishment, modification, and implementation of the various work programs implements and is consistent with the updated Housing Element, Land Use Element and Safety Element. As these updates have already been assessed, no further environmental assessment is required.
 - The amendments will not have a significant effect or physical change to the environment, because they relate to and implements various Governmental Codes which implements the 2013-2023 Housing Element work programs ensuring the City’s zoning ordinance is in compliance with state-mandated criteria and policy.

As such, this project does not require additional analysis under CEQA.

3. The Planning Commission finds that the proposed Text Amendment No. 2019-01 updates to Title 17 of the Arvin Municipal Code implement the previously approved 2013-2023 Housing Element of the General Plan and are otherwise consistent with the goals, policies and objectives the of the General Plan, including the proposed updates to the Safety and Land Use Elements of the General Plan. The Planning Commission recommends the City Council adopt the proposed Text Amendment No. 2019-01 as shown on Exhibit A of this Resolution.

4. This Resolution shall become effective immediately.

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EXHIBIT A
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, ADOPTING TEXT AMENDMENT NO. 2019-01 TO ADD SECTION 17.02.505 AND AMEND SECTION 17.02.185, SECTION 17.02.260, AND SECTION 17.02.655 OF CHAPTER 17.02 OF TITLE 17; AMEND SECTION 17.05.020, SECTION 17.05.030 AND SECTIONS 17.05.050 THROUGH 17.05.080 OF CHAPTER 17.05 OF TITLE 17; AMEND SECTION 17.10.080 OF CHAPTER 17.10 OF TITLE 17; AMEND SECTION 17.12.020, SECTION 17.12.025, AND SECTION 17.12.070 OF CHAPTER 17.12 OF TITLE 17; AMEND SECTION 17.14.020 AND SECTION 17.14.070 OF CHAPTER 17.14 OF TITLE 17; AMEND SECTION 17.50.150 OF CHAPTER 17.50 OF TITLE 17; AND AMEND SECTION 17.60.010, SECTION 17.60.040, SECTION 17.60.050, AND SECTION 17.60.060 OF CHAPTER 17.60 OF TITLE 17 OF THE ARVIN MUNICIPAL CODE; AND ADOPT AN EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on September 19, 2017, the City Council adopted Resolution No. 2017-92 Initiating Code Amendments to Title 17 –Zoning, which authorized the City Manager and/or Community Development Director to initiate code amendments to Title 17 to accomplish updates to the Municipal Code; and

WHEREAS, the City of Arvin adopted the 2013-2023 Housing Element on March 27, 2018 by Resolution Number 2018-23; and

WHEREAS, the 2013-2023 Housing Element adopted Work Programs of which updates and amendments to the General Plan and Zoning Ordinances are required; and

WHEREAS, Text Amendment No. 2019-01, consisting of zoning code amendments to Title 17 of the Arvin Municipal Code, has been initiated to address density bonus, transition and supportive housing, definition of “family,” establish minimum units per acre and units per site, removal of minimum unit size, establish no net loss program for high density residential zones, establishing approval of high density residential by Site Development Permit, and related items; and

WHEREAS, said amendments are consistent with the goals, policies and objectives of the General Plan, including the recently approved 2013-2023 Housing Element, and updates the Safety and Land Use Elements of the General Plan which are currently being considered for approval by the City; and

WHEREAS, on January 15, 2019 the Planning Commission held a public hearing at a regular Planning Commission meeting and considered whether to recommend the adoption of the proposed updates to Title 17 of the Arvin Municipal Code; and

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WHEREAS, after consideration of all items before it, the Planning Commission _____ [did/did not] _____ recommend that the City Council adopt Text Amendment No. 2019-01, consisting of zoning code amendments to Title 17 of the Arvin Municipal Code, and adopt a finding under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3).

WHEREAS, the public hearing of this matter before the City Council was duly noticed in accordance with local requirements and state requirements;

WHEREAS, on _____, 2019 the City Council conducted a public hearing regarding the introduction and first reading of this ordinance, during which it received a staff presentation, any testimony from members of the public, and considered the recommendation of the Planning Commission;

WHEREAS, after considering all public testimony and receiving information provided to date, the City Council voted to waive the first reading and introduce Text Amendment No. 2019-01, which proposes zoning code amendments to Title 17 of the Arvin Municipal Code;

WHEREAS, on _____ the City Council then considered the proposed ordinance for final adoption at another public hearing, including an attendant California Environmental Quality Act (CEQA) finding for the project; and

WHEREAS, the public was again provided an opportunity to comment on Text Amendment No. 2019-01, and any public testimony and evidence, both written and oral, was considered by the City Council; and

WHEREAS, the City Council desires to proceed with the adoption of Text Amendment No. 2019-01; and

WHEREAS, the City Council has duly considered all information presented to it, including the Planning Commission findings, Planning Commission Resolution, written staff report(s), research, testimony and other evidence provided at the public hearings and received by the City, as well as its prior legislative approvals and enactments.

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

Section 1. The City Council finds and determines that the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council determines, and adopts a finding pursuant to CEQA Guidelines, Section 15061(b)(3), that here is no possibility that the amendments to the Title 17 of the Municipal Code as proposed by Text Amendment No. 2019-01 may have a significant effect on the environment because of the following reasons:

- The amendments relate to the establishment, modification, and implementation of the various work programs implements and is consistent with the updated Housing Element, Land Use Element and Safety Element. As these updates have already been assessed, no further environmental assessment is required.
- The amendments will not have a significant effect or physical change to the environment, because they relate to and implements various Governmental Codes which implements the 2013-2023 Housing Element work programs ensuring the City’s zoning ordinance is in compliance with state-mandated criteria and policy.

Section 3. The City Council finds that the proposed Text Amendment No. 2019-01 updates to Title 17 of the Arvin Municipal Code implement the previously approved 2013-2023 Housing Element of the General Plan and are otherwise consistent with the goals, policies and objectives the of the General Plan, including the approved, or concurrently being considered for approval, updates to the Safety and Land Use Elements of the General Plan, as well as all applicable Specific Plans. The City Council of the City of Arvin, based on its own independent judgment, further finds that Text Amendment No. 2019-01 promotes and protects the health, safety, welfare, and quality of life of City residents.

Section 4. The Arvin Municipal Code is hereby amended to read, in its entirety, as is set forth in the attached Exhibit “A” and incorporated in full by reference, which adds Section 17.02.505 and amends Section 17.02.185, Section 17.02.260, and Section 17.02.655 of Chapter 17.02 of Title 17; amends Section 17.05.020, Section 17.05.030, and Sections 17.05.050 through 17.05.080 of Chapter 17.05 of Title 17; amends Section 17.10.080 of Chapter 17.10 of Title 17; amends Section 17.12.020, Section 17.12.025, and Section 17.12.070 of Chapter 17.12 of Title 17; amends Section 17.14.020 and Section 17.14.070 of Chapter 17.14 of Title 17; amends Section 17.50.150 of Chapter 17.50 of Title 17; and amends Section 17.60.010, Section 17.60.040, Section 17.60.050, and Section 17.60.060 of Chapter 17.60 of Title 17 of the Arvin Municipal Code.

Section 5. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 6. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Arvin and shall cause this ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

Section 7. This ordinance shall be effective thirty (30) days following its adoption.

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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 ___ day of _____, 2019, and adopted the Ordinance after the second reading at a regular meeting held on the ___ day of _____, 2019, 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

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.

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EXHIBIT "A"

Section 1. Section 17.02.505 is added to Chapter 17.02 of Title 17 of the Arvin Municipal Code is added to read, in its entirety, as follows:

17.02.505 – Planning director.

“Planning director” shall refer to that person designated by the city manager as the planning director. In the absence of a planning director, the “director of administrative services” shall mean the “planning director” for all references to “planning director” in the Arvin Municipal Code. In the absence of a director of administrative services, the city manager, or designee, shall serve as the “planning director” for all references thereto in the Arvin Municipal Code.

Section 2. Section 17.02.185 of Chapter 17.02 of Title 17 of the Arvin Municipal Code is amended to read, in its entirety, as follows:

17.02.185 - Density bonuses and other incentives.

“Density bonuses and other incentives” shall have the same meaning as it is defined in Government Code, ~~section 65915(f)~~ Title 7, Planning and Land Use (sections 65000 – 66499.58), Division 1, Planning and Zoning [sections 65000 - 66103], Chapter 4.3. Density Bonuses and Other Incentives [sections 65915 - 65918], as may be amended.

Section 3. Section 17.02.260 of Chapter 17.02 of Title 17 of the Arvin Municipal Code is amended to read, in its entirety, as follows:

17.02.260 - Family.

“Family” ~~means an individual, or two (2) or more persons related by blood or marriage or legal adoption[s], or a group of six (6) or fewer unrelated persons, living in a dwelling shall be defined by the maximum number of individuals permitted in a given residential space per the standards of the Uniform Housing Code and/or the California Building Code as applicable; generally defined as an individual or a group of individuals, related or unrelated, living together as a single housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.~~

Section 4. Section 17.02.655 of Chapter 17.02 of Title 17 of the Arvin Municipal Code is amended to read, in its entirety, as follows:

17.02.655 - Transitional housing.

“Transitional housing” (per Health and Safety Code 50675.2(h)) means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six ~~(6)~~ months. Transitional housing shall be allowed in all residential zones and shall be required to conform to the requirements of any residential development standards.

Section 5: Section 17.05.020 of Chapter 17.05 of Title 17 of the Arvin Municipal Code is amended to read in its entirety as follows:

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Attachment: Staff Report, Resolution and Ordinance - Amend Title 17 Housing (Public Hearing - Title 17 Code Amendments Housing Element

- 17.05.020 - Application for approval—Review procedure.
- A. An application for administrative approval shall be submitted to the planning director on a form prescribed by the planning director. The application shall include a statement of the use proposed and a site plan prepared in accordance with, and subject to, the provisions of Section 17.60.020.
 - B. The planning director shall review the proposed use to ascertain all the facts pertinent thereto and, in writing, shall state either approval or disapproval of the proposed use, together with his findings and reasons for such decision, within ten (10) days, excluding Saturday, Sundays, and legal holidays, of the filing of the application.
 - C. In approving the use, the planning director shall impose such conditions and requirements as may be applicable as set forth in Sections 17.60.040, ~~and 17.60.050.060,~~ and [Chapter 17.70 of this Title](#).

Section 6: Section 17.05.030 of Chapter 17.05 of Title 17 of the Arvin Municipal Code is amended to read in its entirety as follows:

17.05.030 - Grant of application—Findings required.

- A. The ~~planning director~~ may grant an application for administrative approval as the permit was applied for, or in modified form, if, on the basis of the application and evidence submitted, ~~the planning director is he is~~ able to make the findings set forth in Section 17.60.~~050040~~, plus the following additional 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. That proposed signs will not by size, location or lighting interfere with traffic or limit visibility.
 4. [That the proposed use shall cause all necessary improvements of needed public facilities as identified by the city.](#)
 5. [That the proposed use shall create, join and/or participate in the formation of community facilities district\(s\), lighting and landscape maintenance district\(s\), or other mechanisms to off-set current and future long-term maintenance of physical improvements to all necessary facilities such as road improvements, storm drainage facilities, sewer facilities, etc.](#)
- B. In making such findings, the planning director shall consult with the city engineer to assure that approvals will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements.

Section 7: [RESERVED]

Section 8: Section 17.05.050 of Chapter 17.05 of Title 17 of the Arvin Municipal Code is amended to read in its entirety as follows:

17.05.050 - Appeal to the ~~P~~planning commission.

The applicant or any aggrieved person may appeal, in writing and shall pay the established appeal fee as adopted by the city council setting forth ~~the his~~reason(s) for such appeal to the commission. Such appeal shall be filed with the ~~planning director~~city clerk within fifteen (15) days after the mailing of the notice of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting after the planning director decision; provided, however, if the planning director's decision occurs within ten (10) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the decision of the planning director. The commission shall set a date for the public hearing for consideration of the appeal. The commission shall review the site plan de novo and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.05.030. The decision of commission shall be final unless appealed to the council in accordance with Section 17.54.130 Decisions- Granting or denial – Notice.

Section 9: Section 17.05.060 of Chapter 17.05 of Title 17 of the Arvin Municipal Code is amended to read in its entirety as follows:

17.05.060 - Appeals to the council.

The applicant or any aggrieved person may appeal, in writing and shall pay the established appeal fee as adopted by the council, setting forth ~~his~~reason(s) for such appeal to the council. Such appeal shall be filed with the city clerk within fifteen (15) days after the commission's decision. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall set a date for the public hearing for consideration of the appeal. The council shall review de novo the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Chapter 17.60 of this Code. The decision of the council shall be final.

Section 10: Section 17.05.070 of Chapter 17.05 of Title 17 of the Arvin Municipal Code is amended in its entirety to read as follows:

Section 17.05.070 – Building permits – Conditions

Before a building permit shall be issued for any building or structure proposed as part of an approved application for administrative approval, the building ~~division~~department shall secure written approval from the ~~planning director~~department that the proposed structure and/or building location is in conformity with the site plan and conditions approved by the ~~planning department~~ planning director. Before a building may be occupied or before final inspection, the building official/ inspector shall certify to the planning director that the site has been developed in accordance with the site plan and conditions approved by the planning director.

Section 11: Subsection C of Section 17.05.080 of Chapter 17.05 of Title 17 of the Arvin Municipal Code is amended, and new Subsection I is added to Section 17.05.080 of Chapter 17.05 of Title 17 of the Arvin Municipal Code, to read as follows:

17.05.080 - Permitted uses designated—Administrative approval.

The following uses may be permitted in accordance with the provisions of Chapter 17.60 of this title:

- ...
- C. Enclosed temporary construction materials storage yards required in connection with the development of subdivisions, [remodeling of existing structures](#), temporary subdivision sales offices and signs, and model home display areas, [and similar activities as may be determined by the planning director](#) in accordance with the regulations set forth in Chapter 17.4860 and 17.70;
- ...

[I. Other activities not listed in Chapter 17.60.](#)

Section 12: Section 17.10.080 of Chapter 17.10 of Title 17 of the Arvin Municipal Code is amended to read, in its entirety, as follows:

17.10.080 - R-2-7.5 zone.

Uses permitted in the R-2-7.5 zone are as follows:

- A. In the R-2-7.5 zone the lot sizes shall not be less than seven thousand five hundred (7,500) square feet in size;
- B. The minimum lot area per dwelling shall be not less than three thousand seven hundred fifty (3,750) square feet in size;
- ~~C. In the R-2-7.5 zone the residential dwelling area for each unit shall not be less than one thousand two hundred (1,200) square feet in size;~~
- ~~C.D.~~ Only two-family dwellings shall be allowed in the R-2-7.5 zone; **and**
- ~~D.E.~~ In the R-2-7.5 zone there shall be a rear yard behind every residential dwelling of not less than fifteen (15) feet.

Section 13: Section 17.12.020 of Chapter 17.12 of Title 17 of the Arvin Municipal Code is amended in its entirety to read as follows:

17.12.020 - Permitted uses.

Uses permitted in an R-3 zone are as follows:

- A. ~~Any use permitted in the R-1 and R-2 zones~~ Residential development with a minimum development of 16 units per acre subject to Chapter 17.05 Uses Permitted Subject to Administrative Approval and upon meeting the development criteria contained in Chapter 17.70;
- ~~B. Three family dwellings, four family dwellings, and bungalow courts;~~
- ~~B.~~ The accessory buildings and structures necessary to such use located on the same lot or parcel of land; **and**
- ~~C.D.~~ Home occupation permits by administrative approval, subject to the conditions contained in subsection 17.08.020.D.

Section 14: Section 17.12.025 of Chapter 17.12 of Title 17 of the Arvin Municipal Code is amended in its entirety as follows:

17.12.25 ~~Other Uses~~ -Permitted Uses:

~~The following uses are permitted in an R-3 zone when approved as per Chapter 17.05, Uses Permitted Subject to Administrative Approval.~~

- ~~A. Uses designated in Section 17.05.080.~~
- ~~B. Residential care facilities with seven (7) or more persons will be allowed with administrative approval (conditional use).~~
- A. Other uses may be permitted as authorized by the Municipal Code where equal to, or greater, land area is provided to replace and/or provide a residential development of at least 16 units per acre concurrent to or prior to development of the other use.
- B. Residential development over 16 units per acre shall be subject to a Conditional Use Permit or Planned Development overlay zone and shall meet other Federal, State and Municipal Code requirements.

Section 15: Section 17.12.070 of Chapter 17.12 of Title 17 of the Arvin Municipal Code is amended to read in part as follows:

17.12.070 - Area requirements.

In the R-3 zone, the minimum lot area, meeting the minimum 16 units per acre, shall be six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be ~~one thousand five hundred~~ two thousand seven hundred (2,700+1,500) square feet; provided, however, that when a lot has less area than required by this section and was recorded on March 8, 1965, such lot may be occupied by not more than one (1) dwelling unit for each one thousand five hundred (1,500) square feet. Development shall not exceed the land use density as established in the General Plan Land Use Element and/or permitted by State Law.

Section 16: Section 17.14.020, of Chapter 17.14 of Title 17 of the Arvin Municipal Code is amended, in its entirety, to read as follows:

17.14.020 - Permitted uses.

Uses permitted in an R-4 zone are as follows:

- A. ~~Any use permitted in the R-1, R-2 or R-3 zones~~ Residential development with a minimum development of 21 units per acre subject to Chapter 17.05 Uses Permitted Subject to Administrative Approval and upon meeting the development criteria contained in Chapter 17.70; B. ~~Group dwellings; multiple family dwellings and apartment houses; churches, schools, elementary, or high; day nurseries; nursery schools; boardinghouses and rooming houses; institutions of educational, philanthropic or eleemosynary nature; lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business;~~
- B. ~~C.~~ The accessory buildings and structures necessary to such use located on the same lot or parcel of land;
- C. Home occupation permits by administrative approval, subject to the conditions contained in subsection 17.08.020.D.

Section 17: Section 17.14.025, of Chapter 17.14 of Title 17 of the Arvin Municipal Code is amended, in its entirety, to read as follows:

17.14.025 ~~Permitted uses~~ Administrative approval Other Uses-Permitted.

~~The following uses are permitted in an R-4 zone when approved as per Chapter 17.05, Uses Permitted Subject to Administrative Approval:~~

- A. ~~Uses designated in Section 17.05.080.~~ Other uses may be permitted as authorized by the Arvin Municipal Code where equal to, or greater, land area is provided to replace and/or

meet a residential development of 21 units per acre concurrent to or prior to development of the other use.

1. Other uses permitted subject to administrative permit, it development permit and/or conditional use permit, subject to this Subsection, shall mean:

- a. Uses designated in Section 17.05.080.
- b. Residential care facilities with seven (7) or more persons will be allowed with administrative approval (conditional use).
- c. Group dwellings; multiple-family dwellings and apartment houses; churches, schools, elementary, or high; day nurseries; nursery schools; boardinghouses and rooming-houses; institutions of educational, philanthropic or eleemosynary nature; lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business;

B. Residential care facilities with seven (7) or more persons will be allowed with administrative approval (conditional use)Residential development over 21 units per acre shall require a conditional use permit or planned unit development overlay zone and shall meet other Federal, State and Municipal Code requirements.

Section 18: Section 17.14.070 of Chapter 17.14 of Title 17 of the Arvin Municipal Code is hereby amended to read in part as follows:

17.14.070 - Area requirements.

In the R-4 zone, the minimum lot area shall be six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be ~~two~~ thousand (~~2,000~~) square feet; provided, however, that when a lot has less area than required by this section and was recorded on March 8, 1965, such lot may be occupied by not more than one (1) dwelling unit for each ~~two~~ thousand (~~2,000~~) square feet. Development shall not exceed the land use density as established in the General Plan Land Use Element and/or other uses permitted by State Law, i.e such as density bonuses or residential development.

Section 21: Section 17.50.150 of Chapter 17.50 of Title 17 of the Arvin Municipal Code is hereby amended to read in its entirety as follows:

17.50.150 Density bonuses, concessions and incentives.

~~A. Purpose. The purpose of a density bonus is to encourage developers to construct affordable housing for "target households" as defined by the Government Code. A density bonus can be approved by Arvin if a housing developer agrees to construct a certain percentage of units for target households and agrees to maintain their affordability for a specific time period.~~

~~B. Density bonuses, concessions and incentives shall be granted and implemented pursuant to the terms and conditions set forth in Government Code, section 65915, as may be amended.~~

~~C. Application and Fees. An application for a density bonus, concessions and/or incentives shall be made to the planning department at the time the application for the associated development entitlement or permit is submitted on a form proseribed by the department. The application shall be accompanied by a fee set by resolution of the city council.~~

~~D. Report and Findings. The planning department shall evaluate the application to determine if the proposed development entitlement or permit qualifies for a density bonus or for one (1) or more concessions or incentives and shall notify applicant in writing of the planning department's determination. If the planning department determines the proposed development~~

~~entitlement or permit qualifies for a density bonus or for one (1) or more concessions and/or incentives, applicant shall submit to the planning department for its review and approval all legal documents, including any covenants or agreements, required by Government Code, section 65915 as conditions to the granting of the density bonus, concessions and/or incentives prior to city's consideration of approval of the associated development entitlement or permit. After the planning department receives these legal documents, from the applicant it shall complete the processing of the associated development entitlement or permit, with the incorporated density bonus, concessions and/or incentives, pursuant to the requirements set forth in the Arvin Municipal Code for such development entitlements or permits.~~

- A. Purpose. This chapter is adopted in accordance with Section 65915 et seq., of the California Government Code, as may be amended. The purpose of this chapter is to establish a density increase and incentive program to provide both density increases and other incentives for owner-occupied and rental housing developments to encourage the creation of housing affordable to moderate, low, and very low-income households, and to encourage the creation of housing for senior citizens. As used in this chapter, density bonus units are those units designated for senior citizens, or very low, low, or moderate-income households that qualified the housing project for award of a density bonus or other incentives.
- B. Applicable zoning districts. This chapter shall be applicable to all zoning districts that allow residential uses.
- C. Qualifications. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915 et seq.
- D. Density increase and other incentives. The city of Arvin shall grant qualifying housing developments and qualifying land transfers a density bonus, **consistent with** California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.
- E. An application for a density increase or other incentives under this chapter for a housing development shall be submitted in writing to the planning division of the city of Arvin to be processed concurrently with all other entitlements of the proposed housing development. The proposal must also be accompanied by a standard city application and fee in addition to the processing of any concurrent entitlements or projects.
- F. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:
1. A brief description of the proposed housing development;
 2. The total number of housing units proposed in the development project, including unit sizes and number of bedrooms;
 3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
 4. The total number of units to be made affordable to or reserved for sale, or rental to, very low, low or moderate-income households, or senior citizens, or other qualifying residents;

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- 5. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed; and
- 6. Any other information as determined by the community development director necessary to process and evaluate the proposal consistent with the provisions of California Government Code Section 65915 et seq.

E. The application shall be considered by the approving authority at the same time it considers the project for which the request is being made. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

F. Retention. Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the city of Arvin and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

Section 22: Section 17.60.10 of Chapter 17.60 of Title 17 of the Arvin Municipal Code is hereby amended to read in part as follows:

17.60.010 - Intent and purpose—Affected zones.

A. To insure that certain types of proposed developments will serve to achieve a group of facilities which will be well related one to another, and which, taken together, will result in a well-composed design, and to meet the city ordinances, site development permits shall be required for the development or expansion of the following:

- 1. Mobile home parks, travel trailer parks, airports and building complexes ~~encompassing more than one (1) acre;~~
- 2. ~~Building projects costing more than fifty thousand dollars (\$50,000) in any C commercial or M industrial or more than twenty five thousand dollars (\$25,000) in any R-3 and R-4 multiple family residential or PUD planned unit development district~~ Multi-family residential development within the R-3 and R-4 Zone District;
- ~~32.~~ 32. Use of any structure vacant for more than ninety (90) days;
- ~~43.~~ 43. Change of use from an existing use to a heretofore new use at that location;
- ~~54.~~ 54. New Development; ~~or~~
- ~~65.~~ 65. Expansion of existing structures.

B. A site development permit shall be secured prior to the issuance of a building permit for any of the items listed in 1, 2, 3, 4, 5 and 6, above.

Section 23: Section 17.60.040 of 17.60 of Title 17 of the Arvin Municipal Code is hereby amended in part to read as follows:

17.60.040- Application—Criteria for review.

A. Site development permits may be granted by the ~~city planner~~ community development director, the planning commission or the city council. Within forty-five (45) days of the receipt of any application for a site development permit, the ~~city planner~~ planning director shall review the application and render ~~his~~ his decision to approve, conditionally approve, or deny the application. In reviewing any such application, the following should be considered:

- 1. Compliance with all applicable laws and ordinances;

2. Compliance with all applicable city policies duly adopted by a majority vote of the planning commission or the city council; and
3. Conformance to latest accepted planning and engineering standards covering the following area: 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.

B. Before approving or conditionally approving any such application, the ~~city planner~~planning director shall find that under the circumstances of the particular case, the proposed use or buildings will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

C. Level of Review: The site development permit is subject to review by the council, commission or planning director as follows:

1. Planning director - Review of the following projects that do not otherwise require commission review:
 - a. Remodeling of interior and/or exterior of existing buildings;
 - b. Change of use of existing buildings where no site improvements are required;
 - c. Mobile home parks, travel trailer parks, airports and building complexes encompassing less than one (1) acre;
 - d. Existing structures vacant for more than 90 days;
 - e. New structures less than 1,000 square feet;
 - f. Expansion of existing structures of less than 50% and limited site improvements are required;
 - g. Multi-family residential development within the R-3 Zone district with a minimum development of, and not to exceed, 16 units per acre; or
 - h. Multi-family residential development within the R-4 Zone district with a minimum of, and not to exceed, 21 units per acre.
2. Planning commission - Review of the following projects:
 - a. New development of 1,001 square feet or more;
 - b. Expansion of existing structures by more than 50%;
 - c. Change of use of existing structures where site improvements are required;
 - d. Mobile home parks, travel trailer parks, airports and building complexes encompassing more than one (1) acre;
 - e. All other development requiring a site development permit not listed in Subsection C.1, above.
3. The planning director may refer review of a site development permit to the commission, or the commission may refer review of a site development permit to the council, for review and action. Such referrals may be at the discretion of the referring body or person.
4. Site development improvements are required consistent with Chapter 17.70.

Section 24: Section 17.60.050 of Chapter 17.60 of Title 17 of the Arvin Municipal Code is hereby amended to read, in its entirety, as follows:

17.50.050 - Appeals.

If the applicant or any aggrieved party is dissatisfied with the decision of the ~~city planner~~planning director, ~~he-the applicant or any aggrieved party~~ may appeal the decision in

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accordance with the procedures outlined in this chapter for the appeal of decisions on use permits.

Section 25: Section 17.60.060 of Chapter 17.60 of Title 17 of the Arvin Municipal Code is hereby amended to read, in its entirety, as follows:

17.60.060 - Attachment of conditions.

In granting a site development permit, the ~~city planner~~ planning director, planning commission or city council shall attach whatever conditions are reasonable and necessary to fulfill the intent and purposes of this chapter. Such conditions and the application as approved shall be a part of such site development permit, and all changes in the use of appearance of land or buildings permitted by such permit shall be in accordance with the specified conditions and application as approved. _Issuance of a site development permit may be made subject to guarantees and evidence that attached conditions are being or will be complied with.

[END OF EXHIBIT "A"]

ATTACHMENT 1

EXCERPT FROM ADOPTED HOUSING ELEMENT– WORK PROJECT

CITY OF ARVIN MUNICIPAL CODE TITLE 17 ZONING CODE

AMENDMENTS – DECEMBER 2018

13. Update and Amend the General Plan and Zoning Ordinance

- b) **Density Bonus.** In July 2015, the City amended its Municipal Code (Ordinance No. 421) to establish a density bonus ordinance to comply with State law. To further the City’s effort to encourage the development of affordable housing to extremely low-income households, the City will amend the density bonus ordinance to provide additional higher density incentives to developers who provide extremely low-income units, consistent with the mandates of law.

With the recent addition of anti-displacement provisions under AB 2222, and modified parking standards for transit-accessible projects under AB 744, Arvin will update their density bonus ordinances to reflect these new State requirements.

AB 2222 (effective January 2015), has made important changes to State density bonus law in an effort to help address potential displacement of existing tenants. Specifically, AB 2222 now prohibits an applicant from receiving a density bonus (and related incentives and waivers) unless the proposed housing development or condominium project would, at a minimum, maintain the number and proportion of affordable housing units within the proposed development, including affordable dwelling units that have been vacated or demolished in the five-year period preceding the application. AB 2222 also increases the required affordability from 30 years or longer to 55 years or longer for all affordable rental units that qualified an applicant for a density bonus, and requires replacement rental units to be subject to a recorded affordability restriction for at least 55 years. If the units that qualified an applicant for a density bonus are affordable ownership units, they must be subject to an equity sharing model rather than a resale restriction.

AB 744, signed into law in October 2015, further amends density bonus law to provide additional by-right reductions in parking for density bonus projects. Specifically, for density bonus projects which include the maximum percentage of low income or very low income units (20% and 11%, respectively) and located within one-half mile of a major transit stop with unobstructed access, upon the request of the developer, the jurisdiction shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. Senior rental housing (as defined in Sections 51.2 and 51.3 of the Civil Code) and housing for special needs populations (as defined in Section 51312 of the Health and Safety Code) also qualify for by-right parking reductions when either paratransit service is provided, or unobstructed access to a fixed bus route service that operates at least eight times per day is available within one-half mile. Since there are no major transit stops within Arvin or in its vicinity, this amendment to the density bonus ordinance may not apply

to Arvin at this time; however, AB 744 should be included in the City's density bonus ordinance.

Objective: Amend the current density bonus ordinance.

Agency: City of Arvin

Financing: General Fund

Time Frame: Concurrent with the adoption of the 2013-2023 Housing Element Amendment in 2017/18.

- c) **Transitional and Supportive Housing.** The adoption of Ordinance No. 421 in July 2015, also amended Chapter 17 of the Arvin Municipal Code to include provisions for both transitional and supportive housing as required by State law. Transitional housing is a type of housing for those transitioning from homelessness to permanent housing, and supportive housing is a type of housing for those with medical conditions that prevent them from living independently, and therefore, a certain level of support services is provided.

While Ordinance No. 421 permits both transitional and supportive housing in all residential zones, in order to comply with State law, the City will amend the zoning ordinance to explicitly state that both types of housing be treated as residential uses and subject to the same permitting and standards as similar residential uses of the same type in the same zone.

Objective: Amend the zoning ordinance to comply with State law on transitional and supportive housing.

Agency: City of Arvin CDD

Financing: General Fund

Time Frame: Concurrent with the adoption of the 2013-2023 Housing Element Amendment in 2017/18.

- d) **Family.** Currently, the Arvin Municipal Code Section 17.02.260 defines "Family" to mean an individual, or two or more persons related by blood or marriage or legal adoption, or a group of six or fewer unrelated person, living in a dwelling. In order to comply with State law, the City will amend the definition of "Family" to remove any reference to numerical limits on unrelated persons and occupancy standards based on familial status.

Objective: Amend the Municipal Code to redefine "Family".

Agency: City of Arvin CDD

Financing: General Fund

Time Frame: Concurrent with the adoption of the 2013-2023 Housing Element Amendment in 2017/18.

- e) **Minimum Units Per Acre and Units Per Site.** In 2012, the City adopted Resolution No. 2012-34 which included amendments to increase the maximum density permitted in the High Residential Density land use designation from 16 units/acre to 24 units/acre, and permit owner-occupied and rental multiple-family residential uses that meet the development

standards of the underlying zone (R-3 and R-4) by-right without a CUP or any other local discretionary action. In order to comply with Government Code Section 65583.2(h) and (i), the Zoning Ordinance will be amended to require:

- A minimum density of 16 residential units per acre in the R-3 zone and 21 units per acre in the R-4 zone.
- Adequate sites in the R-3 zone to be of suitable size to accommodate a minimum of 16 units per site; and
- Elimination of any vague and ambiguous requirements, and clearly define the specific role and decision making authority of the City's Community Development Department Director, Planning Commission and City Council.

Objective: Amend the development standards in the R-3 and R-4 zoning ordinances.

Agency: City of Arvin CDD

Financing: General Fund

Time Frame: Concurrent with the adoption of the 2013-2023 Housing Element Amendment in 2017/18.

- f) **Remove Minimum Unit Size.** The City will amend the development standard in the R-2-7.5. zone to remove the minimum unit size requirement of 1,200 square feet. By removing the minimum unit size require for this multi-family zone, housing costs per unit will be reduced, and thus, not constrain the development of affordable housing in the City.

Objective: Amend the development standard of R-2-7.5 zoning ordinance

Agency: City of Arvin CDD

Financing: General Fund

Time Frame: Concurrent with the adoption of the 2013-2023 Housing Element Amendment in 2017/18.

- g) **Rezone Land to Accommodate the Shortfall of Affordable Housing from the 2008-2013 Housing Element.**

In the fourth-cycle 2008-2013 Arvin Housing Element, the objective of Housing Program 7 (Update and Amend the General Plan and Zoning Ordinance) was to create opportunities for at least 269 lower income households. In 2013, the Arvin City Council adopted Ordinance 411, which introduced a Pedestrian-Oriented Mixed-Use Overlay Zone (MUO) and changed the zoning designation of certain properties. As part of this Ordinance, the zoning on a 10.7-acre vacant parcel (APN 189-351-37) located at the southwest corner of Sycamore Road and Meyer Street was amended from R-3 to R-4. Assuming the minimum default density of 20 units per acre on this R-4 site, there would be a potential for 214 housing units. However, since the objective of Housing Program 7 under the fourth-cycle 2008-2013 Arvin Housing Element was to create 269 lower-income units, there remained a shortfall of 55 units. Therefore, the City proposes to rezone a 6.8-acre parcel (APN 190-030-48) at the southwest

corner of Tejon Highway and the easterly extension of Varsity Road from R-3 to R-4. The property owner has agreed to this zone change. Together with proposed Housing Program 13(e) Minimum Units Per Acre and Units Per Site, which establishes a minimum density of 21 units per acre in the R-4 zone, an additional 142 multi-family units could be accommodated on this parcel – exceeding the required 55 units.

- Objective:** Amend zoning for APN 190-030-48 from R-3 to R-4.
- Agency:** City of Arvin CDD
- Financing:** General Fund
- Time Frame:** Concurrent with the adoption of the 2013-2023 Housing Element Amendment in 2017/18.

Adequate Sites Monitoring Program

To ensure that the net future housing capacity can accommodate the City's RHNA figures, the City will continue to maintain an inventory of adequate housing sites for each income category, especially those properties identified in Appendices B and C of this Housing Element. This inventory will detail the amount, type, size, and location of vacant land, recyclable properties and parcels that are candidates for consolidation to assist developers identify land suitable for residential development. The City will annually update the inventory and the number of net units constructed in each income category for that year. If the inventory indicates a shortage of adequate sites to accommodate the remaining share of the City's regional housing need, the City will identify alternative sites so that there is "no net loss" of residential capacity pursuant to Government Code Section 65863.

To facilitate the annual evaluation, the City will continue to implement a formal ongoing project-by-project procedure pursuant to Government Code Section 65863 which will evaluate the identified capacity in the sites inventory relative to projects or other actions potentially reducing density and identify additional sites as necessary. This procedure and annual evaluation will address land zoned for non-residential or mixed use to determine whether these sites are being developed for uses other than residential. If the City finds non-residential uses occurring on mixed use or non-residentially zoned sites, the City will identify and establish additional sites and/or incentives within six (6) months following the annual evaluation to promote residential development, particularly on sites zoned higher density.

Further, as part of the annual evaluation, the City will monitor and evaluate the effectiveness of programs and incentives to encourage lot consolidation and residential development on non-vacant sites sufficient to accommodate the City's housing needs. The evaluation will consider criteria such as interest in development, project proposals and approvals, lot consolidations, proposed and approved densities, impacts on development costs and the development of housing affordable to lower income households. If these programs are not effective in encouraging and facilitating the redevelopment of identified sites to provide sufficient

opportunities to accommodate the City's housing needs, alternative strategies and sites will be identified and established within six months following the annual evaluation.

- Objectives:**
- 1) Maintain an up-to-date inventory of adequate housing sites for each income category on the City's website
 - 2) Perform an annual evaluation to determine whether sites are being utilized for residential development and monitor the effectiveness of programs and incentives
- Agency:** City of Arvin (City Manager and CDD)
- Financing:** General Fund
- Time Frame:** Annually evaluation during the 2017-2023 period with additional sites and/or incentives within six months of the evaluation, if needed. The annual evaluation will be conducted in February/March of each year, prior to the submittal of the annual Housing Element Progress Report to HCD at the end of March.

Local Plan and Standard Review

The City supports the use of innovative building techniques, and the use of cost-reducing ownership patterns within the City as a means of facilitating the production of affordable housing. The City will continue to review its General Plan, Zoning Ordinance, and development standards to determine if modifications are needed to accommodate such housing forms.

In addition, the City will review the Municipal Code to determine if its current development application process time hinders the feasibility of developing affordable housing. Should the City find that processing times are a constraint to affordable housing development; the City shall revise discretionary processing and approval procedures, as needed. The City shall also investigate discretionary processes that may be appropriately handled through administrative processing.

- Objectives:** Facilitate the production of affordable for-sale and rental housing
- Agency:** City of Arvin CDD
- Financing:** General Fund
- Time Frame:** Annually 2017-2023

Housing No Net Loss Program

To ensure that the housing opportunity sites identified in the 2013-2023 Housing Element are available throughout the planning period to meet the City's RHNA, the City will annually implement the following:

- Update the Housing Element adequate sites inventory to determine the amount, type and size of vacant and underutilized parcels suitable for residential development.

- Develop a formal ongoing (project-by-project, parcel-by-parcel) evaluation procedure pursuant to Government Code Section 65863.
- Report on the number of extremely low, very low, low, moderate and above moderate-income housing units constructed annually.
- Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower-income households, the City will identify and zone sufficient sites to accommodate the shortfall.

Objective: Develop an evaluation procedure to implement Government Code Section 65863.

Agency: City of Arvin CDD

Financing: General Fund

Time Frame: Annually 2017-2023

ATTACHMENT 1
PROPOSED CODE AMENDMENTS TO TITLE 17, ZONING AND
DISCUSSION – 2013-2023 HOUSING WORK PROGRAMS.

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Attachment: Attachment 2 - Working Copy of Title 17 Amendments for HE Work Program (Public Hearing - Title 17 Code Amendments Housing

DENSITY BONUS – WORK PROGRAM

1. **Density Bonus.** In July 2015, the City amended its Municipal Code (Ordinance No. 421) to

establish a density bonus ordinance to comply with State law. To further the City's effort to encourage the development of affordable housing to extremely low-income households, the City will amend the density bonus ordinance to provide additional higher density incentives to developers who provide extremely low-income units, consistent with the mandates of law.

With the recent addition of anti-displacement provisions under AB 2222, and modified parking standards for transit-accessible projects under AB 744, Arvin will update their density bonus ordinances to reflect these new State requirements.

AB 2222 (effective January 2015), has made important changes to State density bonus law in an effort to help address potential displacement of existing tenants. Specifically, AB 2222 now prohibits an applicant from receiving a density bonus (and related incentives and waivers) unless the proposed housing development or condominium project would, at a minimum, maintain the number and proportion of affordable housing units within the proposed development, including affordable dwelling units that have been vacated or demolished in the five-year period preceding the application. AB 2222 also increases the required affordability from 30 years or longer to 55 years or longer for all affordable rental units that qualified an applicant for a density bonus, and requires replacement rental units to be subject to a recorded affordability restriction for at least 55 years. If the units that qualified an applicant for a density bonus are affordable ownership units, they must be subject to an equity sharing model rather than a resale restriction.

AB 744, signed into law in October 2015, further amends density bonus law to provide additional by-right reductions in parking for density bonus projects. Specifically, for density bonus projects which include the maximum percentage of low income or very low income units (20% and 11%, respectively) and located within one-half mile of a major transit stop with unobstructed access, upon the request of the developer, the jurisdiction shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. Senior rental housing (as defined in Sections 51.2 and 51.3 of the Civil Code) and housing for special needs populations (as defined in Section 51312 of the Health and Safety Code) also qualify for by-right parking reductions when either paratransit service is provided, or unobstructed access to a fixed bus route service that operates at least eight times per day is available within one-half mile. Since there are no major transit stops within Arvin or in its vicinity, this amendment to the density bonus ordinance may not apply to Arvin at this time; however, AB 744 should be included in the City's density bonus ordinance.

Proposed Text Change:

Amend Chapter 17.02 - TITLE AND DEFINITIONS; 17.02.185 - Density bonus to read as follows:

17.02.185 - Density ~~bonus~~ **bonuses and other incentives**. "Density ~~bonus~~ **bonuses and other incentives**" shall have the same meaning as it is defined in **and to reflect the most current amendments Government Code, section 65915(f), to California Government Title 7, Planning and Land Use (65000 – 66499.58), Division 1, Planning and Zoning [65000 - 66103], Chapter 4.3. Density Bonuses and Other Incentives [65915 - 65918]**, as may be amended. (Ord. No. 421, § 1, 7-7-2015)

Amend Chapter 17.50 Miscellaneous Regulations; 17.50.150 - Density bonuses, concessions and incentives, to read as follows:

~~A. Purpose. The purpose of a density bonus is to encourage developers to construct affordable housing for "target households" as defined by the Government Code. A density bonus can be approved by Arvin if a housing developer agrees to construct a certain percentage of units for target households and agrees to maintain their affordability for a specific time period.~~

~~B. Density bonuses, concessions and incentives shall be granted and implemented pursuant to the terms and conditions set forth in Government Code, section 65915, as may be amended.~~

~~C. Application and Fees. An application for a density bonus, concessions and/or incentives shall be made to the planning department at the time the application for the associated development entitlement or permit is submitted on a form proscribed by the department. The application shall be accompanied by a fee set by resolution of the city council.~~

~~D. Report and Findings. The planning department shall evaluate the application to determine if the proposed development entitlement or permit qualifies for a density bonus or for one (1) or more concessions or incentives and shall notify applicant in writing of the planning department's determination. If the planning department determines the proposed development entitlement or permit qualifies for a density bonus or for one (1) or more concessions and/or incentives, applicant shall submit to the planning department for its review and approval all legal documents, including any covenants or agreements, required by Government Code, section 65915 as conditions to the granting of the density bonus, concessions and/or incentives prior to city's consideration of approval of the associated development entitlement or permit. After the planning department receives these legal documents, from the applicant it shall complete the processing of the associated development entitlement or permit, with the incorporated density bonus, concessions and/or incentives, pursuant to the requirements set forth in the Arvin Municipal Code for such development entitlements or permits.~~

~~(Ord. No. 421, § 8, 7-7-2015)~~

A.

B. Purpose. This chapter is adopted in accordance with Section 65915 et seq., of the California Government Code, as may be amended. The purpose of this chapter is to establish a density increase and incentive program to provide both density increases and other incentives for owner-occupied and rental housing developments to encourage the creation of housing affordable to moderate, low, and very low-income households, and to encourage the creation of housing for senior citizens. As used in this chapter, density bonus units are those units designated for senior citizens, or very low, low, or moderate-income households that qualified the housing project for award of a density bonus or other incentives.

C. Applicable zoning districts. This chapter shall be applicable to all zoning districts that allow residential uses.

D. Qualifications. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915 et seq.

E. Density increase and other incentives. The city of Arvin shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

E. An application for a density increase or other incentives under this chapter for a housing development shall be submitted in writing to the planning division of the city of Arvin to be processed concurrently with all other entitlements of the proposed housing development. The proposal must also be accompanied by a standard city application and fee in addition to the processing of any concurrent entitlements or projects.

F. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:

- 1.** A brief description of the proposed housing development;
- 2.** The total number of housing units proposed in the development project, including unit sizes and number of bedrooms;
- 3.** The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
- 4.** The total number of units to be made affordable to or reserved for sale, or rental to, very low, low or moderate-income households, or senior citizens, or other qualifying

residents;

5. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed; and

6. Any other information as determined by the Community Development Director necessary to process and evaluate the proposal consistent with the provisions of California Government Code Section 65915 et seq.

G. The application shall be considered by the approving authority at the same time it considers the project for which the request is being made. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.

H. Retention.

Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density increase or other incentives being approved for a project, the city of Arvin and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

2. TRANSITIONAL HOUSING

2. Transitional and Supportive Housing. The adoption of Ordinance No. 421 in July 2015, also amended Chapter 17 of the Arvin Municipal Code to include provisions for both transitional and supportive housing as required by State law. Transitional housing is a type of housing for those transitioning from homelessness to permanent housing, and supportive housing is a type of housing for those with medical conditions that prevent them from living independently, and therefore, a certain level of support services is provided.

While Ordinance No. 421 permits both transitional and supportive housing in all residential zones, in order to comply with State law, the City will amend the zoning ordinance to explicitly state that both types of housing be treated as residential uses and subject to the same permitting and standards as similar residential uses of the same type in the same zone.

Amend Chapter 17.02 - TITLE AND DEFINITIONS; Section 17.02.655 - Transitional housing.

to read as follows:

17.02.655 - Transitional housing.

~~"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. (Ord. No. 421, § 1, 7-7-2015)~~

"Transitional housing" (per Health and Safety Code 50675.2(h)) means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing shall be allowed in all residential zones and shall be required to conform to the requirements of any residential development standards.

3 FAMILY

3. **Family.** Currently, the Arvin Municipal Code Section 17.02.260 defines “Family” to mean an individual, or two or more persons related by blood or marriage or legal adoption, or a group of six or fewer unrelated person, living in a dwelling. In order to comply with State law, the City will amend the definition of “Family” to remove any reference to numerical limits on unrelated persons and occupancy standards based on familial status.

Amend Chapter 17.02 - TITLE AND DEFINITIONS; Section 17.02.260 Family to read as follows:

17.02.260 - Family.

"Family" ~~means an individual, or two (2) or more persons related by blood or marriage or legal adoption[s], or a group of six (6) or fewer unrelated persons, living in a dwelling.~~ **shall be defined by the maximum number of individuals permitted in a given residential space per the standards of the Uniform Housing Code and/or the California Building Code as applicable. Generally defined as an individual or a group of individuals, related or unrelated, living together as a single housekeeping unit in a dwelling unit, not including a fraternity, orority, club, or other grupo of persons occupying a hotel, lodging house, or institution of any kind.**

4. MINIMUM UNITS PER ACRE AND UNITS PER SITE

4. Minimum Units Per Acre and Units Per Site. In 2012, the City adopted Resolution No. 2012-34 which included amendments to increase the maximum density permitted in the High Residential Density land use designation from 16 units/acre to 24 units/acre, and permit owner-occupied and rental multiple-family residential uses that meet the development standards of the underlying zone (R-3 and R-4) by-right without a CUP or any other local discretionary action. In order to comply with Government Code Section 65583.2(h) and (i), the Zoning Ordinance will be amended to require:

- A minimum density of 16 residential units per acre in the R-3 zone and 21 units per acre in the R-4 zone.
- Adequate sites in the R-3 and R-4 zone to be of suitable size to accommodate a minimum of 16 units per site; and
- Elimination of any vague and ambiguous requirements, and clearly define the specific role and decision-making authority of the City's Community Development Department Director, Planning Commission and City Council.

**Amend Chapter 17.12 - R-3 LIMITED MULTIPLE-FAMILY DWELLING ZONE,
Sections to read as follows:**

17.12.020 - Permitted uses.

Uses permitted in an R-3 zone are as follows:

A. Residential development with a minimum development of 16 units per acre subject to Chapter 17.05 Uses Permitted Subject to Administrative Approval and upon meeting the development criteria contained in Chapter 17.70. Any use permitted in the R-1 and R-2 zones;

~~B. Three family dwellings, four family dwellings, and bungalow courts;~~

~~BC.~~ The accessory buildings and structures necessary to such use located on the same lot or parcel of land;

~~CD.~~ Home occupation permits by administrative approval, subject to the conditions contained in subsection 17.08.020.D.

17.12.025 – **Other Uses-Permitted:**

A. Other uses may be permitted as authorized by the Municipal Code where equal to or greater land area is provided to replace and/or meet a residential development of 16 units per acre concurrent to or prior to development of the other use.

B. Residential development over 16 units per acre shall be subject to a Conditional Use Permit or Planned Development overlay zone and shall meet other Federal, State and Municipal Code requirements.

~~The following uses are permitted in an R-3 zone when approved as per Chapter 17.05, Uses Permitted Subject to Administrative Approval.~~

~~A. Uses designated in Section 17.05.080.~~

~~B. Residential care facilities with seven (7) or more persons will be allowed with administrative approval (conditional use).~~

~~(Ord. 235 (part), 1989; Ord. 182 Exhibit A (8), 1982). (Ord. No. 397, 8-2-2011)~~

17.12.030 - Height limitation.

The maximum height for buildings in an R-3 zone shall be two and one-half (2 ½) stories and not to exceed thirty five (35) feet.

(Ord. 51 §503, 1965).

17.12.040 - Front yard requirements.

In the R-3 zone, there shall be a front yard of not less than fifteen (15) feet. Where lots comprising forty percent (40%) or more of the frontage on one (1) side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building erected or structurally altered after March 8, 1965, shall project beyond the average front yard line so established. In determining such front yard

depth, buildings located more than thirty-five (35) feet from the front property line or buildings facing a side street on a corner lot shall not be counted.

B. In the R-3 zone, the front yard shall be measured from the front property line except where there is an official plan line or a future street line the front yard shall be measured from such official plan line or future street line; provided, however, that along any secondary highway, as designated by the city's highway plan, a minimum setback of forty-five (45) feet from the centerline of the highway shall be required, and along any major highway, as designated by the city's highway plan, a minimum setback of fifty-five (55) feet from the centerline of the highway shall be required.

(Ord. 51 §504, 1965).

17.12.050 - Side yard requirements.

In the R-3 zone, there shall be a side yard on each side of a main building of not less than five (5) feet, except that on the street side of corner lots there shall be a side yard of not less than ten (10) feet.

(Ord. 51 §505, 1965).

17.12.060 - Rear yard requirements.

In the R-3 zone, there shall be a rear yard behind every main building of not less than fifteen (15) feet, provided, however, the rear yard may be reduced to five (5) feet if not more than fifty-five percent (55%) of the lot is covered by buildings or structures.

(Ord. 51 §506, 1965).

17.12.070 - Area requirements.

A. In the R-3 zone, the minimum lot area, meeting the minimum 16 units per acre, shall be six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be ~~one thousand five hundred~~ two thousand seven hundred (2,700 ~~1,500~~) square feet; provided, however, that when a lot has less area than required by this section and was recorded on March 8, 1965, such lot may be occupied by not more than one (1) dwelling unit for each one thousand five hundred (1,500) square feet. **Development shall not exceed the land use density as established in the General Plan Land Use Element.**

17.12.080 - Required distance between buildings on same lot.

A. In the R-3 zone there shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes.

B. In the R-3 zone, there shall be a minimum distance of five (5) feet between a building used for dwelling purposes and an accessory building.

C. In the R-3 zone, there shall be a minimum distance of five (5) feet between accessory buildings.

(Ord. 160 §1 (part), 1981; Ord. 51 §508, 1965).

Amend Chapter 17.14 - R-4 MULTIPLE-FAMILY ZONE, Sections to read as follows:

17.14.010 - Applicability.

The regulations set forth in this chapter shall apply in the R-4 multiple-family dwelling zone unless otherwise provided in this title.

(Ord. 51 §601, 1965).

17.14.020 - Permitted uses.

Uses permitted in an R-4 zone are as follows:

A. Residential development with a minimum development of 21 units per acre subject to Chapter 17.05 Uses Permitted Subject to Administrative Approval and upon meeting the development criteria contained in Chapter 17.70; Any use permitted in the R-1, R-2 or R-3 zones;

~~B. Group dwellings; multiple family dwellings and apartment houses; churches, schools, elementary, or high; day nurseries; nursery schools; boardinghouses and rooming houses; institutions of educational, philanthropic or eleemosynary nature; lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business;~~

BE. The accessory buildings and structures necessary to such use located on the same lot or parcel of land.

C. Home occupation permits by administrative approval, subject to the conditions contained in subsection 17.08.020.D.

~~17.14.025 - Permitted uses - Administrative approval. The following uses are permitted in an R-4 zone when approved as per Chapter 17.05, Uses Permitted Subject to Administrative Approval:~~ **Other Uses-Permitted:**

~~A. Uses designated in Section 17.05.080.~~ **Other uses may be permitted as authorized by the Municipal Code where equal to or greater land area is provided to replace and/or meet a residential development of 21 units per acre concurrent to or prior to development of the other use.**

1. Other uses permitted subject to Administrative Permit, Site Development Permit and/or Conditional Use Permit, subject to Subsection A above, shall mean:

a. Uses designated in Section 17.05.080.

b. Residential care facilities with seven (7) or more persons will be allowed with administrative approval (conditional use).

c. Group dwellings; multiple-family dwellings and apartment houses; churches, schools, elementary, or high; day nurseries; nursery schools; boardinghouses and rooming-houses; institutions of educational, philanthropic or eleemosynary nature;

lodge halls; and private clubs, except clubs the chief activity of which is a service customarily carried on as a business;

B. ~~Residential care facilities with seven (7) or more persons will be allowed with administrative approval (conditional use). (Ord. 235 (part), 1989; Ord. 182 Exhibit A (9), 1982). (Ord. No. 397, 8-2-2011)~~ **Residential development over 21 units per acre shall be subject to a Conditional Use Permit or Planned Development overlay zone and shall meet other Federal, State and Municipal Code requirements.**

17.14.030 - Height limitation.

The maximum height for buildings in an R-4 zone shall be four (4) stories and not to exceed forty-five (45) feet.

(Ord. 51 §603, 1965).

17.14.040 - Front yard requirements.

A. In the R-4 zone, there shall be a front yard of not less than ten (10) feet. Where lots comprising forty percent (40%) or more of the frontage on one (1) side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building erected or structurally altered after March 8, 1965, shall project beyond the average front yard line so established. In determining such front yard depth, buildings located more than twenty-five (25) feet from the front property line or buildings facing a side street on a corner lot shall not be counted.

B. In the R-4 zone, the front yard shall be measured from the front property line except that where there is an official plan line or a future street line the front yard shall be measured from such official plan line or future street line; provided, however, that along any secondary highway, as designated by the city's highway plan, a minimum setback of forty-five (45) feet from the centerline of the highway shall be required, and along any major highway, as designated by the city's highway plan, a minimum setback of fifty-five feet from the centerline of the highway shall be required.

(Ord. 51 §604, 1965).

17.14.050 - Side yard requirements.

In the R-4 zone, there shall be a side yard on each side of a main building of not less than five (5) feet, except that on the street side of corner lots there shall be a side yard of not less than ten (10) feet.

(Ord. 51 §605, 1965).

17.14.060 - Rear yard requirements.

In the R-4 zone, there shall be a rear yard behind every main building of not less than fifteen (15) feet; provided, however, the rear yard may be reduced to five (5) feet if not more than sixty percent (60%) of the lot is covered by buildings or structures.

(Ord. 51 §606, 1965).

17.14.070 - Area requirements.

A. In the R-4 zone, the minimum lot area shall be six thousand (6,000) square feet. The minimum lot area per dwelling unit shall be **two one** thousand (**2,000** ~~1,000~~) square feet; provided, however, that when a lot has less area than required by this section and was recorded on March 8, 1965, such lot may be occupied by not more than one (1) dwelling unit for each **two one** thousand (**2,000** ~~1,000~~) square feet. **Development shall not exceed the land use density as established in the General Plan Land Use Element.** (Ord. 51 §607, 1965).

17.14.080 - Required distance between buildings on same lot.

A. In the R-4 zone, there shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes.

B. In the R-4 zone, there shall be a minimum distance of five (5) feet between a building used for dwelling purposes and an accessory building.

C. In the R-4 zone, there shall be a minimum distance of five (5) feet between accessory buildings. (Ord. 160 §1(part), 1981; Ord. 51 §608, 1965).

Amend Chapter 17.60 SITE DEVELOPMENT PERMITS to Clarify the role of the Community Development Director and Planning Commission:

Chapter 17.60 - SITE DEVELOPMENT PERMITS

Sections:

17.60.010 - Intent and purpose—Affected zones.

A. To insure that certain types of proposed developments will serve to achieve a group of facilities which will be well related one to another, and which, taken together, will result in a well-composed design, and to meet the city ordinances, site development permits shall be required for the development or expansion of the following:

- 1. Mobile home parks, travel trailer parks, airports and building complexes ~~encompassing more than one (1) acre;~~
- 2. ~~Building projects costing more than fifty thousand dollars (\$50,000) in any C commercial or M industrial or more than twenty five thousand dollars (\$25,000) in any R-3 and R-4 multiple family residential or PUD planned unit development district;~~ **Multi-family residential development within the R-3 and R-4 Zone District;**
- 3. Use of any structure vacant for more than ninety (90) days;
- 4. Change of use from an existing use to a heretofore new use at that location;
- 5. **New Development;**
- 6. **Expansion of existing structures.**

B. A site development permit shall be secured prior to the issuance of a building permit for any of the items listed in 1, 2, 3, ~~and~~ **4,5, and 6** above.
(Ord. 174 §2(part), 1982).

B. A site development permit shall be secured prior to the issuance of a building permit for any of the items listed in 1, 2, 3, and 4 above.

(Ord. 174 §2(part), 1982). 17.60.020 - Application—Filing and fee.

The owner or his agent may make application for a site development permit. Such application shall be submitted to the planning department in writing on a form prescribed by the city planner, and shall be accompanied by the required fee and such plans as required in Section 17.60.030 .

(Ord. 174 §2(part), 1982).

17.60.030 - Application—Information required.

The applicant shall submit three (3) prints of the site plan. The site plan shall contain plot plans drawn to scale, and shall indicate clearly and with full dimensions the following information, where applicable:

A. Name and address of the applicant and of all persons owning any or all of the property proposed to be used;

- B. Location of property involved (address or vicinity);
- C. Legal description of property;
- D. Proposed facility or use;
- E. The lot dimensions;
- F. All buildings and structures and their location, size, height, and proposed uses;
- G. Location and design of recreation areas;
- H. Yards and spaces between buildings;
- I. Walls and fences and their location, height, and materials;
- J. Landscaping and sprinkling system, including location, type and plant names and proposed disposition of existing trees;
- K. Off-street parking, including the location, number of stalls, dimensions of the parking facility, and internal circulation system;
- L. Access, pedestrian, vehicular, and service, points of ingress and egress, and driveway locations and dimensions;
- M. Signs and their location, size and height;
- N. Loading, including the location, dimensions, number of berths, internal circulation, and means of accessibility to structure or use served;
- O. Lighting, including the location, general nature and hooding devices, if any;
- P. Street dedication and improvements;
- Q. Location of utilities and trash collection areas;
- R. An appropriate description legend and North point;
- S. Such other data or information as may be required by the city.

(Ord. 174 §2(part), 1982).

17.60.040 - Application—Criteria for review.

A. Site development permits may be granted by the **Community Development Director** ~~city planner~~, the planning commission or the city council. Within forty-five (45) days of the receipt of any application for a site development permit, the **Community Development Director** ~~city planner~~ shall review the application and render a ~~his~~ decision to approve, conditionally approve, or deny the application. In reviewing any such application, the following should be considered:

1. Compliance with all applicable laws and ordinances;
2. Compliance with all applicable city policies duly adopted by a majority vote of the planning commission or the city council;
3. Conformance to latest accepted planning and engineering standards covering the following area: 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.

B. Before approving or conditionally approving any such application, the **Community Development Director** ~~city planner~~ shall find that under the circumstances of the particular case, the proposed use or buildings will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.

(Ord. 174 §2(part), 1982).

C. Level of Review: The Site Development Permit is subject to review by the City Council, Planning Commission, and/or Community Development Director.

1. **Community Development Director - Review of projects that:**

- **Remodeling of interior and/or exterior of existing buildings;**
- **Change of use of existing buildings where no site improvements are required;**
- **Mobile home parks, travel trailer parks, airports and building complexes encompassing less than one (1) acre;**
- **Existing structures vacant for more than 90 days;**
- **New structures less than 1,000 square feet;**
- **Expansion of existing structures of less than 50% and limited site improvements are required.**
- **Multi-family residential development within the R-3 Zone district with a minimum development of and not to exceed 20 units per acre.**
- **Multi-family residential development within the R-4 Zone district with a minimum of and not to exceed 24 units per acre.**

2. **Planning Commission - Review of projects that:**

- **New development of 1,001 square feet or more;**
- **Expansion of existing structures by more than 50%;**
- **Change of use of existing structures where site improvements are required;**
- **Mobile home parks, travel trailer parks, airports and building complexes encompassing more than one (1) acre;**
- **All other development not listed above.**

3. **The Community Development Director and/or the Planning Commission may at their own discretion refer the project to City Council for review and action.**

4. **Site Development Improvements shall at a minimum be required as specified in Chapter 17.70 Site Development -Design Review – Landscaping and Irrigation Standards.**

17.60.050 - Appeals.

If the applicant or any aggrieved party is dissatisfied with the decision of the **Community Development Director** ~~city planner~~, he may appeal the decision in accordance with the procedures outlined in this chapter for the appeal of decisions on use permits.

(Ord. 174 §2(part), 1982).

17.60.060 - Attachment of conditions.

In granting a site development permit, the **Community Development Director** ~~city planner~~, planning commission or city council shall attach whatever conditions are reasonable and necessary to fulfill the intent and purposes of this chapter. Such conditions and the application as approved shall be a part of such site development permit, and all changes in the use of appearance of land or buildings permitted by such permit shall be in accordance with the specified conditions and application as approved. Issuance of a site development permit may be made subject to guarantees and evidence that attached conditions are being or will be complied with.

(Ord. 174 §2(part), 1982).

7.60.070 - Expiration.

If the change in the use of land or buildings for which a site development permit is granted is not begun within one (1) year of the date of final approval of the permit application, such site development permit shall be deemed to be expired and of no further effect. Thereafter, before such change in the use of land or buildings may be carried out, a new site development permit shall first be secured.

(Ord. 174 §2(part), 1982).

Amend Chapter 17.05 USES PERMITTED SUBJECT TO ADMINISTRATIVE APPROVAL

Sections:

17.05.010 - Purpose of provisions.

The purpose of requiring administrative approval of certain enumerated uses is to enable the **Community Development Director** ~~planning director~~ to determine whether or not, in any particular case, a use listed under a section of district regulations entitled "permitted uses: administrative approval" should be treated as a conditional use because of the peculiar circumstances and conditions of the case. The provisions of this chapter set forth a procedure for approval of such use by an administrative act where findings can be made by the **Community Development Director** ~~planning director~~ that such use is in conformance with the intent and provisions of this chapter and take cognizance of the impracticality of listing certain uses as categorically possessing the characteristics of those listed under individual district.

17.05.020 - Application for approval—Review procedure.

A. An application for administrative approval shall be submitted to the **Community Development Director** ~~planning director~~ on a form prescribed by the **Community Development Director** ~~planning director~~. The application shall include a statement of the use proposed and a site plan prepared in accordance with, and subject to, the provisions of Section 17.60.020 - **.080**.

B. The **Community Development Director** ~~planning director~~ shall review the proposed use to ascertain all the facts pertinent thereto and, in writing, shall state either approval or disapproval of the proposed use, together with his findings and reasons for such decision, within ten (10) days, excluding Saturday, Sundays, and legal holidays, of the filing of the application.

C. In approving the use, the **Community Development Director** ~~planning director~~ shall impose such conditions and requirements as may be applicable as set forth in Sections 17.60.040 and 17.60.050 **.060** **and Chapter 17.70 of this title.**

17.05.030 - Grant of application—Findings required.

A. The **Community Development Director** ~~planning director~~ may grant an application for administrative approval as the permit was applied for, or in modified form, if, on the basis of the application and evidence submitted, s/he is able to make the findings set forth in Section 17.60.050 **.040**, plus the following additional findings:

1. That the use will not involve any process, equipment or materials which, in the opinion of the **Community Development Director** ~~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. That proposed signs will not by size, location or lighting interfere with traffic or limit visibility.

4. **That the proposed use shall cause all necessary improvements of needed public facilities as identified by the City.**

5. **That the proposed use shall create, join and/or participate in the formation of community facilities districts, lighting and landscape maintenance districts, or other mechanisms to off-set current and future long-term maintenance of physical improvements to all necessary facilities such as road improvements, storm drainage facilities, sewer facilities, etc.**

B. In making such findings, the **Community Development Director** ~~planning director~~ shall consult with the city engineer to assure that approvals will be consistent with established legislative policies relating to traffic safety, street dedications, and street improvements.

(Ord. 146 §3(part), 1979).

17.05.040 - Decision on application—Notice required.

One copy of the written decision of the **Community Development Director** ~~planning director~~ approving or disapproving the application shall be signed and dated by the **Community Development Director** ~~planning director~~ and mailed to the applicant.

(Ord. 146 §3(part), 1979).

17.05.050 - Appeal to the **Planning Commission** ~~commission~~.

The applicant or any aggrieved person may appeal, in writing **and shall pay the established appeal fee as adopted by the City Council**, setting forth ~~his~~ reason(s) for such appeal to the **Planning Commission** ~~commission~~. Such appeal shall be filed with the **City Clerk** ~~planning director~~ within fifteen (15) days after the mailing of the notice of such decision. The appeal shall be placed on the agenda of the **Planning Commission's** ~~commission's~~ next regular meeting after the **Community Development Director's** ~~planning director's~~ decision; provided, however, if the **Community Development Director's** ~~planning director's~~ decision occurs within ten (10) days of the next regular meeting of the **Planning Commission** ~~commission~~, the appeal shall be placed on the agenda of the commission's second regular meeting following the decision of the **Community Development Director** ~~planning director~~. **The Planning Commission shall set a date for the public hearing for consideration of the appeal.** The **Planning Commission** ~~commission~~ shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.05.030. The decision of the **Planning Commission** ~~commission~~ shall be final unless appealed to the **City Council** ~~council~~, **in accordance with Section 17.54.130 Decisions- Granting or denial – Notice.**

17.05.060 Appeals to the **City Council** ~~council~~.

The applicant or any aggrieved person may appeal, in writing **and shall pay the established appeal fee as adopted by the City Council**, setting forth ~~his~~

reason(s) for such appeal to the City Council ~~council~~. Such appeal shall be filed with the city clerk within fifteen (15) days after the Planning Commission's ~~commission's~~ decision. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. **The City Council shall set a date for the public hearing for consideration of the appeal.** The council shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Chapter 17.60 of this Code. The decision of the City Council ~~council~~ shall be final.

(Ord. 146§ 3 (part), 1979).

17.05.070 – Building permits – Conditions

Before a building permit shall be issued for any building or structure proposed as part of an approved application for administrative approval, the building division ~~department~~ shall secure written approval from the Community Development Director ~~planning department~~ that the proposed structure and/or building location is in conformity with the site plan and conditions approved by the Community Development Director ~~planning department~~. Before a building may be occupied or final inspection, the building official/ inspector shall certify to the Community Development Director ~~planning director~~ that the site has been developed in accordance with the site plan and conditions approved by the Community Development Director ~~planning director~~.

(Ord. 146§ 3 (part), 1979).

17.05.080 - Permitted uses designated—Administrative approval.

The following uses may be permitted in accordance with the provisions of Chapter 17.60 of this title:

C. Enclosed temporary construction materials storage yards required in connection with the development of subdivisions, remodeling of existing structures, temporary subdivision sales offices and signs, and model home display areas, and similar activities as may be determined by the Community Development Director in accordance with the regulations set forth in Chapter 17.4860 and 17.70;

I. Other activities not listed in Chapter 17.60.

5. REMOVE MINIMUM UNIT SIZE – R-2-7.5

5. Remove Minimum Unit Size. The City will amend the development standard in the R-2-7.5. zone to remove the minimum unit size requirement of 1,200 square feet. By removing the minimum unit size require for this multi-family zone, housing costs per unit will be reduced, and thus, not constrain the development of affordable housing in the City.

Amend Chapter 17.10 -R-2 TWO-FAMILY DWELLING ZONE, Sections to read as follows:

17.10.080 - R-2-7.5 zone.

Uses permitted in the R-2-7.5 zone are as follows:

A. In the R-2-7.5 zone the lot sizes shall not be less than seven thousand five hundred (7,500) square feet in size;

B. The minimum lot area per dwelling shall be not less than three thousand seven hundred fifty (3,750) square feet is size;

~~C. In the R-2-7.5 zone the residential dwelling area for each unit shall not be less than one thousand two hundred (1,200) square feet in size;~~

CD. Only two-family dwellings shall be allowed in the R-2-7.5 zone;

DE. In the R-2-7.5 zone there shall be a rear yard behind every residential dwelling of not less than fifteen (15) feet.

(Ord. 199 (part), 1985).

GOVERNMENT CODE

SECTION 65915-65918

65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented.

(b) A city, county, or city and county shall grant a density bonus and incentives or concessions described in subdivision (d) when the applicant for the housing development seeks and agrees to construct at least any one of the following:

(1) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(2) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(3) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.

(4) Ten percent of the total dwelling units in a condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all lower income density bonus units for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the condominium project as defined in subdivision (f) of, or in the planned unit development as defined in subdivision (k) of, Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership. For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate-income

household was less than the fair market value of the home at the time of initial sale.

(d) (1) An applicant may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of either of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(2) The applicant shall receive the following number of incentives or concessions:

(C) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a condominium or planned development.

(D) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development.

(E) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a condominium or planned development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit.

Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites.

These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements

(e) In no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(a) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

(b) (1) For the purposes of this chapter, except as provided in paragraph (2), "density bonus" means a density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b). For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 5 or 10 percent of the total. **The density bonus shall apply to housing developments consisting of five or more dwelling units.**

(2) For the purposes of this chapter, if a development does not meet the requirements of paragraph (1), (2), or (3) of subdivision (b), but the applicant agrees or proposes to construct a condominium project as defined in subdivision (f) of, or a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, a "density bonus" of at least 5 percent shall be granted, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of

the general plan as of the date of application by the applicant to the city, county, or city and county. For each 1 percent increase above 10 percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units that is equal to 10 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.

(h) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development. For each 1 percent increase above the minimum 10 percent land donation described in paragraph (2) of this subdivision, the density bonus shall be increased by 1 percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(5) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(6) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(7) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(8) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of dedication.

(5) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(9) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(i) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(F) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(G) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(H) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(I) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(j) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For the purposes of this section, "housing development" also includes a subdivision or a planned unit development or condominium project, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(k) **The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary**

approval. This provision is declaratory of existing law.

(1) For the purposes of this chapter, concession or incentive means any of the following:

(10) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(11) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(12) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions.

This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) Nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(13) "Development standard" includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

(14) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

(J) Zero to one bedrooms: one onsite parking space.

(K) Two to three bedrooms: two onsite parking spaces.

(L) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or

concessions beyond those provided in this section, subject to subdivision (d).

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5. (a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section

shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(g) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for any purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. Any penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for childcare services or child care facilities.

(h) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(i) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998, by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(j) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.

NOTICE OF PUBLIC HEARING
Recommendation of Adoption Amendments to Arvin Municipal Code, Title 17 Zoning
Relating the 2013-2023 Housing Element

Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time you may be present and be heard to consider the following:

- Adoption of a Resolution Recommending the City Council Amend the Arvin Municipal Code, Title 17- Zoning, implementing of the 2013-2023 Housing Element Work Programs, Including a Recommendation to Adopt an Exemption Pursuant California Environmental Quality Act Guidelines Section 15061(b)(3).

Arvin Planning Commission Public Hearing Information

Date: December 11, 2018
 Time: 6:00 PM or as the Agenda permits
 Place: City of Arvin Council Chambers
 200 Campus Drive, Arvin, CA 93203

The purpose of the proposed amendments is to implement the work programs as identified in the 2013-2023 Housing Element. The code amendments will bring into compliance those code sections with state law and will implement the work programs as identified in the adopted 2013-2023 Housing Element.

Additional information on the proposed project, including a copy of the proposed environmental findings as a hard copy or in electronic format, may be obtained from the City of Arvin, City Hall, 200 Campus Drive, Arvin, California, 93203, or the City's web site at www.arvin.org.

All persons interested in this topic who have questions, would like to provide feedback, or who have comments, are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Cecilia Vela, City Clerk, at 200 Campus Drive, Arvin, CA 93203, (661) 854-3134, cvela@arvin.org.

Cecilia Vela, City Clerk
 Published: November 30, 2018, Bakersfield Californian

NOTICE OF PUBLIC HEARING

Recommendation of Adoption of Text Amendment No. 2019-01, Proposing Amendments to Arvin Municipal Code, Title 17 Zoning

Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time you may be present and be heard to consider the following:

- Adoption of a Resolution Recommending the City Council Adopt Text Amendment No. 2019-01 To Add Section 17.02.505, Amend Section 17.02.185, Section 17.02.260, And Section 17.02.655 Of Chapter 17.02 Of Title 17; Amend Section 17.05.020, Section 17.05.030, and Sections 17.02.050 Through 17.05.080 Of Chapter 17.05 Of Title 17; Amend Section 17.10.080 Of Chapter 17.10 Of Title 17; Amend Section 17.12.020, Section 17.12.025, And Section 17.12.070 Of Chapter 17.12 Of Title 17; Amend Section 17.14.020 And Section 17.14.070 Of Chapter 17.14 Of Title 17; Amend Section 17.50.150 Of Chapter 17.50 Of Title 17; And Amend Section 17.60.010, Section 17.60.040, Section 17.60.050, And Section 17.60.060 Of Chapter 17.60 Of Title 17 Of The Arvin Municipal Code; And Adopt An Exemption Pursuant To The California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3).

Arvin Planning Commission Public Hearing Information

Date: January 15, 2019
Time: 6:00 PM or as the Agenda permits
Place: City of Arvin Council Chambers
200 Campus Drive, Arvin, CA 93203

The purpose of the hearing is to consider a proposed ordinance updating the zoning ordinance of the Arvin Municipal Code consistent with the most recent adopted Housing Element of the Arvin General Plan. Among others, the updates address density bonus, transition and supportive housing, definition of “family,” establish minimum units per acre and units per site, removal of minimum unit size, establish no net loss program for high density residential zones, establish approval of high density residential by Site Development Permit, and related items. The updates to the ordinance will be city-wide, but as a practical matter will only apply to areas that are zoned residential.

Additional information on the proposed project, including a copy of the proposed environmental findings as a hard copy or in electronic format, may be obtained from the City of Arvin, City Hall, 200 Campus Drive, Arvin, California, 93203, or the City’s web site at www.arvin.org.

All persons interested in this topic who have questions, would like to provide feedback, or who have comments, are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Cecilia Vela, City Clerk, at 200 Campus Drive, Arvin, CA 93203, (661) 854-3134, cvela@arvin.org.

Cecilia Vela, City Clerk
Published: January 4, 2019, Bakersfield Californian



**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: January 22, 2019

TO:	Planning Commission
FROM:	Jerry Breckinridge, City Manager Jake Raper, City Planner – Contract JAS Consultant
SUBJECT:	Public Hearing To Consider Adoption of a Resolution Recommending the City Council Amend the General Plan by Amending the Land Use Element Consistent with the 2013-2023 Housing Element Work Program, Including a Recommendation to Adopt an Exemption Pursuant California Environmental Quality Act Guidelines Section 15061(b)(3).

RECOMMENDATION

Approve a Resolution recommending the City Council amend the General Plan by Amending the Land Use Element Consistent with the 2013-2023 Housing Element Work Program, including a Recommendation to adopt an exemption pursuant California Environmental Quality Act Guidelines Section 15061(b)(3).

BACKGROUND

The City of Arvin adopted the 2013-2023 Housing Element on March 27, 2018 by Resolution Number 2018-23. The adopted Housing Element has established several work programs which require amendments to the Land Use Element.

Overall, the various amendments address requirements of SB244 relating to disadvantaged communities within a sphere of influence, establish a minimum land use density for certain designated lands, establish programs to ensure that there is no net loss of available sites for high-density residential development, etc.. More specifically, the various amendments include:

1. Updates to the Table of Content reflecting amendments to the Land Use Element.
2. The 2012 General Plan Land Use Element, under Table LU-2 – General Plan Land Use and Corresponding Zoning, page LU-7 shows Light Industrial Land Use Designation with the Corresponding Zoning of M-1. Title 17, Zoning describes both M-1 and M-2 as Light Industrial and the M-3 zone as Heavy Industrial. The amended Table LU-2 will correct the administrative error- modification to Table LU-2 will correctly identify the M-1 and M-2 (by deleting the M-2 from the Heavy Industrial Land Use Designation) as Light Industrial.
3. The Land Use Element is updated to reflect increased density for the Low Density Residential from 6 to 10 that permits both single family and two family residential units with a zoning designation of R-1 and R-2; Medium Density Residential from 7 units to 16 and 15 to 20 units per acre, High Density Residential from 16 to 21 up to 24 units per acre.

These density ranges are mandated by the state and are in conformity with the 2013 to 2023 Housing Element.

4. Adding a note within Figure LU-2 as Follows: “Figure LU-2 General Plan Land Use Diagram Is Subject to Change – Current General Plan Land Use Diagram Is On File at the Community Development Department”.–
5. Amending Tables LU 3 Holding Capacity to reflect the changes in density for the Low, Medium and High-Density land use designations.
6. Adding Disadvantage Communities Discussion as is required by state law. As is noted under the disadvantaged community section, SB 244 required cities to recognize and address disadvantage communities in the unincorporated areas that are with a City’s sphere of influence. It is recognized that the Edmonson Tract is categorized as a disadvantage community, but it is NOT located within the City of Arvin’s Sphere of Influence. However, the City has included an excerpt from the Draft Municipal Services Review that outlines what the City would do and services that could be provided should the Edmondson Tract become located within the City’s Sphere of Influence. (See pages LU 2425 through LU-29, of the General Plan.).

Refer to Attachment 1 – Housing Element Work Program and Attachment 2 – Index for amendments to Land Use Element for specific details.

CEQA REVIEW

Staff have performed a preliminary environmental assessment of this project and pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), has determined with certainty that there is no possibility that the activities in question may have a significant effect on the environment because of the following reasons:

- These amendments to the Land Use Element relates to the establishment, modification, and implementation of the various work programs implements and is consistent with the updated Housing Element. As these updates have already been assessed, no further environmental assessment is required.
- These amendments will not have a significant effect or physical change to the environment, because they relate to and implements various Governmental Codes which implements the 2013-2023 Housing Element work programs bringing the City’s General Plan in compliance with state mandated criteria and policy.

EXHIBITS AND ATTACHMENTS

Resolution recommending the City Council Amend the General Plan by Amending the Land Use Element Consistent with the 2013-2023 Housing Element Work Program, including a Recommendation to adopt an exemption pursuant California Environmental Quality Act Guidelines Section 15061(b)(3). (Includes **Exhibit A** – 2019 Amended Land Use Element Updated General Plan Index And Land Use Element to the City of Arvin General Plan.)

Attachment 1 – 2013-2023 Housing Element Update – Work Program.

Attachment 2 – Index of Proposed Amendments Land Use Element.

RESOLUTION NO. APC 2019-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL AMEND THE GENERAL PLAN BY AMENDING THE LAND USE ELEMENT CONSISTENT WITH THE 2013-2023 HOUSING ELEMENT WORK PROGRAMS INCLUDING A RECOMMENDATION TO ADOPT AN EXEMPTION PURSUANT CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDLINES SECTIN 15061(B)(3)

WHEREAS, the City of Arvin adopted the 2013-2023 Housing Element on March 27, 2018 by Resolution Number 2018-23; and

WHEREAS, the 2013-2023 Housing Element adopted Work Programs of which updates and amendments to the General Plan and Zoning Ordinances are required; and

WHEREAS, the amendments to the Land Use Element address, among others, the mandated increase in density for Medium and High Density Residential, creates a requirement for a “No Net Loss” of Medium and/or High Density opportunity sites, and adds discussion of Disadvantage Communities as required by SB 244 upon update of the Housing Element; and

WHEREAS, the Planning Commission on January 15, 2019, held a public hearing at a regular Planning Commission meeting and considered whether to recommend the adoption of the proposed updates to the Land Use Element of the General Plan; and

WHEREAS, the public hearing was duly noticed in accordance with local requirements and state requirements;

WHEREAS, after consideration of all items before it, the Planning Commission now desires to recommend that the City Council adopt Land Use Element amendments to the General Plan and further desires to recommend the City Council adopt a finding under California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3).

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Arvin as follows:

1. The Planning Commission of the City of Arvin finds that the above recitals are incorporated herein and are true and correct.

2. The Planning Commission recommends the City Council adopt a finding pursuant to CEQA Guidelines, Section 15061(b)(3) as here is no possibility that the amendments to the Land Use Element to the General Plan may have a significant effect on the environment because of the following reasons:

- The amendments to the Land Use Element relates to the establishment, modification, and implementation of the various work programs implements and is consistent with the updated Housing Element. As these updates have already been assessed, no further environmental assessment is required.

**EXHIBIT A
2019 AMENDED LAND USE ELEMENT
TO THE CITY OF ARVIN GENERAL PLAN**

Attachment: 2 - Resolution LUE Update - HE Work Program (Public Hearing - Land Use Element Update)



City of Arvin General Plan 2012

Adopted by the Arvin City Council on August 21, 2012

Resolution No. 2012-34

Land Use Element Amendment January XX, 2019

Resolution No. 2019-XX

**City of Arvin
200 Campus Drive
Arvin, California 93203**



City of Arvin

General Plan Update

City Council

Jose Gurrola, Mayor

Jess Ortiz, Mayor Pro Tem

Jazmin Robles, Council Member

Erika Madrigal, Council Member

Gabriela Martinez, Council Member

Planning Commission

Olivia Trujillo, Chairperson

Janett Zavala, Vice Chairperson

Miguel Rivera

Yesenia Martinez

Gerardo Tinoco

City of Arvin

R. Jerry Breckinridge – City Manager

Cecilia Vela, City Clerk

Jake Raper, AICP – City Planner – JAS Consultants

Issac A. George, Director of Planning & Building (Former)

Greg Collins, Contract Planner, Collins & Schoettler Planning Consultants (Former)

Karl C. Schoettler, Contract Planner, Collins & Schoettler Planning Consultants (Former)

Rachel H. Richman, City Attorney, Burke, Williams & Sorensen, LLP (Former)

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Land Use Designations

Land Use Element identifies how future development will occur in type and intensity and where it will occur within the City over the next 20 years. This Element separates the city into 12 distinct designations: Estate Residential, Residential Reserve, Low Density Residential, Medium Density Residential, High Density Residential, General Commercial, Light Industrial, Heavy Industrial, Parks, Public Facilities, Schools, and Agricultural. Each land use designation is described with the type of permitted uses and a quantitative measure of permitted intensity. The distribution of land uses is presented in Table LU-1.

Table LU-1
GENERAL PLAN LAND USE

Land Use Designations	Acres	Percent of Total
Estate Residential	294.8	9.6%
Residential Reserve	179.1	5.8%
Low Density Residential	950.7	30.9%
Medium Density Residential	18.0	0.6%
High Density Residential	158.3	5.1%
General Commercial	151.4	4.9%
Light Industrial	291.9 643	9.5% 20.9%
Heavy Industrial	512.5 160	16.7% 5.2%
Parks	45.2	1.5%
Public Facilities	19.7	0.6%
Schools	129.9	4.2%
Agricultural	1.0	<0.1%
Streets/ROW	325.0	10.6%
City Total	3,077.5	100.0%

Source: City of Arvin

Table LU-2 shows General Plan Land Use designations and the corresponding zoning. The General Plan Land Use [Map Diagram](#) identifies a land use designation for each parcel in the City and guides the City's desired future development patterns.

**Table LU-2
GENERAL PLAN
LAND USE AND CORRESPONDING ZONING**

Land Use Designation	Zoning Districts
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-O, N-C, C-1, C-2
Light Industrial	M-1, M-2
Heavy Industrial	M-2 , M-3
Public Facilities	All Zones w/ CUP
Agricultural	A-1, A-2
Parks	All Zones w/ CUP
Schools	All Zones w/ CUP

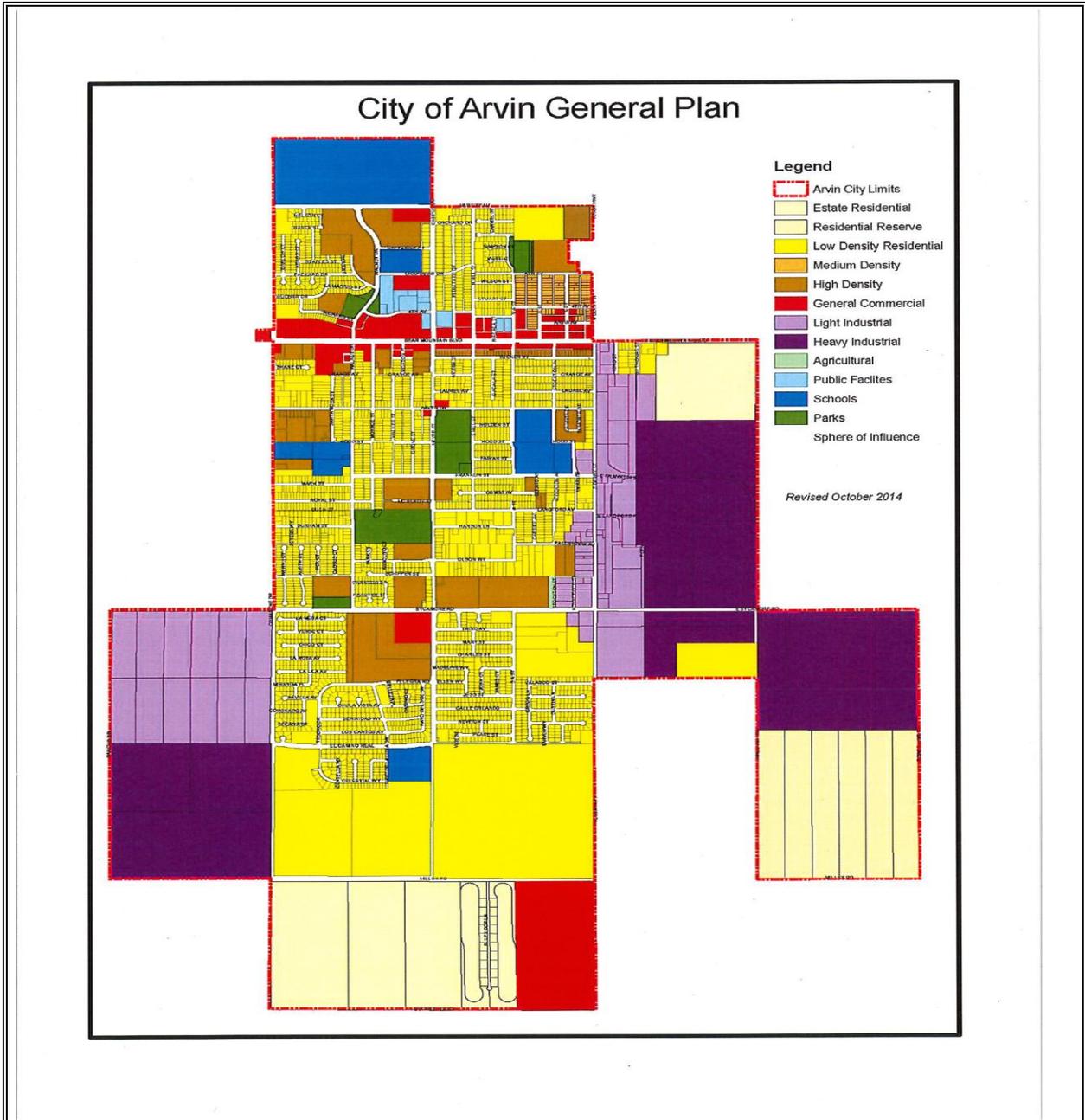
Note: Specific Plans are allowed in all land use categories.

Measuring Density and Intensity

State law requires a clear and concise description of land use categories, which includes specified population and intensity standards. To describe the intensity of use, land use planners have developed quantitative measures called density and intensity.

Density describes the population and development capacity of residential land. The General Plan describes density in terms of dwelling units per net acre of land (du/ac), exclusive of present or planned streets and other public rights-of-way.

Development **intensity** refers to the extent of development on a parcel of land or lot. The General Plan's method of defining intensity is the relationship between the total floor area of a building and the total area of the lot. This quantification is known as the Floor Area Ratio



Arvin General Plan

Figure LU-2

GENERAL PLAN LAND USE DIAGRAM is Subject to ChangeAmendment – Current General Plan Land Use Map is on file at the Community Development Department.

Low Density Residential

(Maximum Density: 6 units to 10 units per acre)

The Low Density Residential land use designation allows traditional single-family and two family homes in the City of Arvin with one to six-ten dwelling units per acre. This type of use is recognized as the backbone of the community and is the largest land use designation in the City. Residences in this category consist generally of single-family detached houses with private yards.

The two-family homes are typically a duplex with shared front yard and either common drive approach or two separate drive approach to the off-street parking.

Primary access must be from secondary, collector and local streets. Access from major streets or major highways should be considered only when special design features are included. The typical zoning designation is R-1 and R-2.



Low Density Single Family Housing

Medium Density Residential

(Density Range: 7-16 to 15-21 units per acre)

The Medium Density Residential land use designation is established to allow for quality multi-family living environment. This category typically includes higher density single-family residential developments, two-family residential development, or lower density multi-family units, such as duplexes, apartments, or ~~and~~ condominium units.

A minimum residential density development shall be 16 units per acre. Should development be

proposed at a lower minimum density, it shall be the responsibility of the developer to add additional lands to the Medium Density Residential Land Use Designation and rezone alternative sites to offset the loss of housing opportunities for affordable housing. The replacement of the site(s) for housing opportunity shall occur prior to or concurrent with the development of lower density residential or alternative land use development. Typical zoning designation is R-3.



Medium Density Duplex Housing

High Density Residential

(Density Range: ~~16~~21 to 24 units per acre)

High Density Residential developments consist typically of multi-family housing projects such as apartments and condominiums. Areas designated High Density Residential are to be integrated thorough the community adjacent to transportation, community services, and commercial developments. A minimum residential density development shall be 21 units per acre. Should development be proposed at a lower than minimum density, it shall be the responsibility of the developer to add additional lands to the High Density Residential Land Use Designation and rezone alternative sites to offset the loss of housing opportunities for affordable housing. The replacement of the site(s) for housing opportunity shall occur prior to or concurrent with the development of lower density residential or alternative land use development. Typical zoning designation is R-4



High Density Residential Apartments

Agriculture

The Arvin community is situated in the Greater San Joaquin Valley, which is recognized as one of the most fertile agriculture regions in the nation. The land possesses prime soils, which, in combination with a desirable climate condition and sufficient water supply, create an almost ideal environment for agricultural production. Almost one-half of Arvin's labor force population is employed in agriculture or agriculture-related industries. This designation includes lands identified as having natural resource amenities or characteristics.



Agricultural Uses

Holding Capacity

Residential Capacity

Holding capacity identifies the anticipated distribution of land use acreage and population resulting from implementation of the Land Use Element policies. In Arvin, there are approximately 670 acres of vacant land currently zoned residential and available for development. Over time, as properties make the transition from one use to another and as property owners rebuild, land uses and intensities will gradually shift to align with the intent of the Land Use Element. Table LU-3 summarizes the land use distribution for residential property, typical level of development anticipated, and the levels of development that can be expected from full implementation of land use policies established by the updated General Plan. Arvin's estimated population and housing capacity, based on the General Plan land use, is estimated at ~~40,355~~ 54,413 residents and ~~9,232~~ 12,209 housing units.

Non-Residential Capacity

Table LU-4 estimates the potential future development in building square feet of commercial, industrial and public uses within the City. These estimates are based on assumptions of future dwelling unit densities and commercial/industrial building intensities. According to Table LU-4 estimates, there is a potential for approximately ~~15.7~~ 17.2 million square feet of non-residential building space in the City.

Table LU-3
RESIDENTIAL CAPACITY

Residential Designation (Max. Density)	Realistic Density	Acres	Dwelling Units	Total HHs ^a	HH Size	Total Pop.
Estate Development (1 du/1.25 acre)	0.8 du/acre	294.8	236	230	4.64	1,067
Residential Reserve (6 du/acre)	5 du/acre	179.1	896	874	4.64	4,055
Low Density (6 10 du/acre)	5 8 du/acre	950.7	4,754 7,605	4,635	4.64	21,506 34,983
Medium Density (15 20 du/acre)	12 17 du/acre	18.0	180 306	171	4.31	737 1,318
High Density (24 du/acre)	20 du/acre	158.3	3,166	3,014	4.31	12,990
City Total		1,600.9	9,232 12,209	8,924		40,355 54,413

^a Assumes vacancy rates of 2.5% for Lower Density Residential and 4.8% for Medium and High Density Residential uses

Table LU-4
COMMERCIAL, INDUSTRIAL AND PUBLIC USE CAPACITY

Land Use and Max. Intensities (Max. FAR)	Realistic Intensity (FAR)	Acres	Square Footage Capacity
General Commercial (FAR 0.5)	0.3	151.4	1,978,495
<u>Light Industrial (FAR 1.0)</u>	<u>0.4</u>	291.9 643	5,086,066 11,203,632
<u>Heavy Industrial (FAR 0.5)</u>	<u>0.3</u>	512.5 160	6,697,350 2,090,880
Public/Institutional (FAR 0.5) ^a	0.3	149.6	1,954,973
City Total		1,105.4 1,104	15,716,884 17,227,980

Land use designated Schools and Public Facilities

A. Disadvantaged Unincorporated Communities (DUC)

IV.B.1 City of Arvin

The purpose of SB 244, (Wolk, 2011) is to address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities. Including these communities in the long-range planning of a city or county, as required by SB 244, will result in a more efficient delivery system of services and infrastructure including but not limited to sewer, water, and structural fire protection. In turn, investment in these services and infrastructure will result in the enhancement and protection of public health and safety for these communities. More relevant description and requirements of SB 244 are discussed below.

There is no record nor identified disadvantaged unincorporated communities within the current city limits or sphere of influence of Arvin. However, the DUC of Edmundson Acres is located approximately 0.5 mile to the northeast. If the City expands its SOI and annexes lands in that direction, consultation between the City, LAFCo, the County, and residents will need to occur to help the parties determine the feasibility and appropriateness of bringing Edmundson Acres into the city limits as well. As mentioned, the City is open to the idea of annexing Edmundson Acres, which would require that it increase levels of service as follows:

IV.B.1.1 Fire Protection

The Kern County Fire Department currently provides service from Station No. 54 in Arvin. No additional service requirements are anticipated.

IV.B.1.2 Law Enforcement

The Arvin Police Department would become the primary entity responsible for law enforcement services. As a result of its existing mutual aid agreement with the Kern County Sheriff and the proximity of the Arvin Police headquarters to Edmundson Acres, the City is already involved in law enforcement activities in the area. While the Police Department is striving to increase its existing ratio of sworn officers to population, it is unlikely that annexation of Edmundson Acres would require specific actions to increase service levels.

IV.B.1.3 Solid Waste

Mountainside Disposal (Mountainside) currently provides solid waste services to Edmundson Acres. It would continue to do so if the community were annexed into Arvin, although administrative activities (i.e. billing) would be addressed by City staff instead of directly by Mountainside.

IV.B.1.4 Wastewater

Since the population of Edmundson Acres currently disposes of wastewater via private septic systems, annexation of the area into Arvin would ultimately require installation of public wastewater facilities and abandonment of the septic systems. City ordinance requires connection when a public sewer is available.

IV.B.1.5 Storm Drainage

Similarly, annexation of Edmundson Acres would require an analysis of the City's ability to provide storm drainage, a possible update to the adopted Storm Drainage Master Plan, and potentially installation of conveyance and disposal facilities.

IV.B.1.6 Streets

Kern County currently provides road maintenance within Edmundson Acres. If the area were annexed into Arvin, the City would take over those activities. Since county roads generally see less frequent improvement and maintenance, it is likely that the City would need to perform street repairs for reasons of health and safety. Further, the area would benefit from inclusion in the City's capital street improvement program, resulting over time in more sweeping improvements to the street system.

IV.B.1.7 Transit

In order to provide transit services to Edmundson Acres, the City of Arvin would have to add a route or routes to its operations. To maintain acceptable levels of service, it would be necessary to purchase one or more additional transit vehicles.

IV.B.1.8 Parks

It is likely that residents of Edmundson Acres currently utilize some or all of the four existing City parks as well as the Bear Mountain Recreation & Park District's pool at DiGiorgio Park. Annexation of the area would not be likely to increase use of those facilities.

IV.B.1.9 Building & Planning

Any lands annexed into Arvin would then fall under the City's jurisdiction. Any building permits inspections or development-related activities would be addressed by City staff.

IV.B.1.10 Other Service Providers

The boundaries of all other districts discussed within this MSR report currently encompass Edmundson Acres. Annexation of the community into Arvin would not materially affect the level of services they provide.

Senate Bill 244: Land Use, General Plans, and Disadvantaged Communities

Background/Purpose of SB 244

Implementing Senate Bill 244 (Wolk, 2011) a new law addressing disadvantaged unincorporated communities. According to legislative findings in SB 244, hundreds of unincorporated communities in California lack access to basic community infrastructure like sidewalks, safe drinking water, and adequate waste processing. These communities range from remote settlements throughout the state to neighborhoods that have been surrounded by, but are not part of, California's fast-growing cities. This lack of investment threatens residents' health and safety and fosters economic, social, and education inequality. Moreover, when this lack of attention and resources becomes standard practice, it can create a matrix of barriers that is difficult to overcome.

The purpose of SB 244 is to begin to address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities. Including these communities in the long-range planning of a city or county, as required by SB 244, will result in a more efficient delivery system of services and infrastructure including but not limited to sewer, water, and structural fire protection. In turn, investment in these services and infrastructure will result in the enhancement and protection of public health and safety for these communities.

Requirements of SB 244

Under SB 244, there are procedural requirements for both local governments and local agency formation commissions (LAFCo's). These requirements are summarized and the relevant terms are defined below.

Requirements of Local Agency Formation Commission's (LAFCo's)

SB 244 requires LAFCos to make determinations regarding "disadvantaged unincorporated communities." A "disadvantaged community" is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income (Water Code Section 79505.5). Disadvantaged unincorporated communities (DUCs) are defined as "a territory that constitutes all or a portion of a "disadvantaged community" including 12 or more registered voters or some other standard as determined by the commission.

The bill affects LAFCo's operations in three areas:

1. Municipal Service Reviews (MSR) Determinations.
2. Sphere of Influence (SOI) updates on or after July 1, 2012.
3. Annexation approval restrictions of territory adjacent to DUCs.

Municipal Service Reviews

The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency in the county or other area designated by the commission. It also requires the LAFCOs to prepare a municipal service review (MSR), which is a written statement of the commission's determinations with respect to the growth and population projections for the affected area and the present and planned capacity of public facilities and adequacy of public services, financial ability to provide services, opportunities for shared facilities, and accountability for community service needs.

Government Code (GC) Section 56430, as amended by SB 244, now requires LAFCOs to include in the MSR a description of the "location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence." (Gov. Code, § 56430(a)(2).) The MSR must also contain specific written determinations on infrastructure needs or deficiencies related to public facilities and services, including but not limited to sewer, water, and fire protection services in any disadvantaged unincorporated communities within or contiguous to the sphere of influence of a city or special district that provides those services.

Sphere of Influence Updates

In addition to the new requirements for MSRs, GC Section 56425 also requires commissions on or after July 1, 2012, to adopt additional determinations for an update of a sphere of influence (SOI) of a city or special district that provides public facilities and services related to sewer, water, and fire protection. The commission must make determinations regarding the present and probable need for those public facilities and services in any DUCs within the existing sphere of influence.

NOTICE OF PUBLIC HEARING
Recommendation of Adoption of Amendments to Land Use Element of the City of
Arvin's General Plan

Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time you may be present and be heard to consider the following:

- Adoption of a Resolution Recommending the City Council Amend the General Plan by Amending the Land Use Element to be consistent with the 2013-2023 Housing Element Work Programs including a recommendation to adopt an exemption pursuant California Environmental Quality Act Guidelines Section 15061(b)(3).

Arvin Planning Commission Public Hearing Information

Date: January 15, 2019
Time: 6:00 PM or as the Agenda permits
Place: City of Arvin Council Chambers
200 Campus Drive, Arvin, CA 93203

The purpose of the proposed amendments is to implement the work programs as identified in the approved 2013-2023 Housing Element of the General Plan. Among others, the amendments address the requirements of SB244 relating to disadvantaged communities within a sphere of influence, establish minimum land use densities for land uses, and establish programs designed to ensure that there is no net loss of available sites for high-density residential development. The amendments to the Land Use Element of the General Plan are consistent with the approved 2013-2023 Housing Element and state law. Updates to the Land Use Element of the General Plan will be applicable city-wide.

Additional information on the proposed project and proposed environmental finding may be obtained from the City from the City of Arvin, City Hall, 200 Campus Drive, Arvin, California, 93203, or the City's web site at www.arvin.org.

All persons interested in this topic who have questions, would like to provide feedback, or who have comments are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Cecilia Vela, City Clerk, at 200 Campus Drive, Arvin, CA 93203, (661) 854-3134, cvela@arvin.org.

Cecilia Vela, City Clerk
Published: January 4, 2019, Bakersfield Californian

ATTACHMENT 1 – WORK PROGRAM GENERAL PLAN LAND USE AMENDMENTS – DECEMBER 2018

VI. 2013-2023 Housing Plan

In accordance with State Housing Element law, this section presents a statement of goals, policies and priorities. The statement is intended to convey to the community at large Arvin's plan to provide a variety of housing types for all economic segments of the community. In addition, the goals, policies and priorities also serve as a framework or foundation for the evolution, initiation and implementation of specific programs and actions to improve the existing housing stock, produce new housing, provide financial assistance and to mitigate the adverse impacts of economic and market constraints.

C. Housing Element Programs

This section of the Housing Element defines the actions the City will implement to achieve the identified housing policies during the 2013-2023 planning period. Arvin's housing programs address the following five major areas:

- Maintaining and preserving the existing affordable housing stock;
- Assisting in the provision of housing;
- Removing governmental constraints, as necessary;
- Providing adequate sites to achieve a variety and diversity of housing; and
- Promoting equal housing opportunity.

The housing plan for addressing unmet needs, removing constraints, and achieving quantitative objectives is described in this section according to the above five areas. The housing programs discussed in this section include existing programs as well as new programs that have been added to address the unmet housing needs.

13. Update and Amend the General Plan and Zoning Ordinance

- a) **Sphere of Influence.** A high priority of the City is to promote economic development in and around its boundaries. To accommodate the anticipated economic growth and the housing and public service/facility needs of the community, the City is currently proposing the expansion of its Sphere of Influence (SOI).

As required by the Kern County Local Agency Formation Commission (LAFCO) and to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), the City has

prepared a Municipal Service Review (MSR) for the SOI area, which has not yet been adopted by LAFCO. The MSR evaluates the adequacy of existing and future public services provided by the City and other service districts. It is envisioned the SOI will include retail commercial, residential, mixed-use, parks and schools, and industrial uses. The proposed Arvin SOI expansion is anticipated to total as much as 4.75 square miles or 3,040 acres.

With the expansion of the SOI, the enactment of SB 244 requires LAFCO to make determinations regarding disadvantaged unincorporated communities -- a community with an annual median household income of less than 80 percent of the statewide annual median household income. Disadvantaged unincorporated communities are defined as "a territory that constitutes all or a portion of a disadvantage community including 12 or more registered voters or some other standard as determined by the commission." SB 244 requires LAFCO to include in the MSR a description of the location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

The community of Edmundson Acres, which is located northeast of the Sunset Boulevard and Tejon Highway intersection in the unincorporated area north of the City of Arvin, includes approximately 65 residential units. Although Edmundson Acres is not located in the proposed SOI, it is adjacent to SOI boundaries and it meets the standards of disadvantaged unincorporated communities.

The MSR must also contain specific written determinations on infrastructure needs or deficiencies related to public facilities and services in any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

SB 244 also requires local governments on or before the next adoption of its housing element to review and update the land use element of its general plan, based on available data, all unincorporated island, fringe (inhabited territory that is within a City's SOI), or legacy (geographically isolated community that is inhabited and has existed for at least 50 years) communities inside or near its boundaries. Arvin's current SOI totals approximately five and one-half acres and is located in the northeastern portion of the City along Tejon Highway. There are no unincorporated islands within the existing City boundaries. There are also no fringe or legacy communities within or adjacent to its existing SOI.

In addition, as part of the City's effort to expand economic develop, the City will examine the impact it may have on affordable housing. If the study determines that displacement of affordable units may occur, then recommendations will be identified to ensure that there is no net loss to Arvin's affordable housing stock.

- Objective:** 1) Adoption of the MSR by LAFCO and expansion of Arvin's SOI to accommodate future economic and housing development.
- 2) Assess potential impacts of expanding the SOI and economic development on Arvin's affordable housing stock.
- 3) Update General Plan and Zoning Map to reflect SOI expansion.

Agency: City of Arvin and LAFCO

Financing: General Fund (if available)

Time Frame: Expansion of the SOI is anticipated within five years of adoption of the Housing Element Amendment and updates of the General Plan and Zoning Maps to occur one year after the SOI expansion.

e) **Minimum Units Per Acre and Units Per Site.** In 2012, the City adopted Resolution No. 2012-34 which included amendments to increase the maximum density permitted in the High Residential Density land use designation from 16 units/acre to 24 units/acre, and permit owner-occupied and rental multiple-family residential uses that meet the development standards of the underlying zone (R-3 and R-4) by-right without a CUP or any other local discretionary action. In order to comply with Government Code Section 65583.2(h) and (i), the Zoning Ordinance will be amended to require:

- A minimum density of 16 residential units per acre in the R-3 zone and 21 units per acre in the R-4 zone.
- Adequate sites in the R-3 zone to be of suitable size to accommodate a minimum of 16 units per site; and
- Elimination of any vague and ambiguous requirements, and clearly define the specific role and decision making authority of the City's Community Development Department Director, Planning Commission and City Council.

Objective: Amend the development standards in the R-3 and R-4 zoning ordinances.

Agency: City of Arvin CDD

Financing: General Fund

Time Frame: Concurrent with the adoption of the 2013-2023 Housing Element Amendment in

18 Adequate Sites Monitoring Program

To ensure that the net future housing capacity can accommodate the City’s RHNA figures, the City will continue to maintain an inventory of adequate housing sites for each income category, especially those properties identified in Appendices B and C of this Housing Element. This inventory will detail the amount, type, size, and location of vacant land, recyclable properties and parcels that are candidates for consolidation to assist developers identify land suitable for residential development. The City will annually update the inventory and the number of net units constructed in each income category for that year. If the inventory indicates a shortage of adequate sites to accommodate the remaining share of the City's regional housing need, the City will identify alternative sites so that there is “no net loss” of residential capacity pursuant to Government Code Section 65863.

To facilitate the annual evaluation, the City will continue to implement a formal ongoing project-by-project procedure pursuant to Government Code Section 65863 which will evaluate the identified capacity in the sites inventory relative to projects or other actions potentially reducing density and identify additional sites as necessary. This procedure and annual evaluation will address land zoned for non-residential or mixed use to determine whether these sites are being developed for uses other than

residential. If the City finds non-residential uses occurring on mixed use or non-residentially zoned sites, the City will identify and establish additional sites and/or incentives within six (6) months following the annual evaluation to promote residential development, particularly on sites zoned higher density.

Further, as part of the annual evaluation, the City will monitor and evaluate the effectiveness of programs and incentives to encourage lot consolidation and residential development on non-vacant sites sufficient to accommodate the City's housing needs. The evaluation will consider criteria such as interest in development, project proposals and approvals, lot consolidations, proposed and approved densities, impacts on development costs and the development of housing affordable to lower income households. If these programs are not effective in encouraging and facilitating the redevelopment of identified sites to provide sufficient opportunities to accommodate the City's housing needs, alternative strategies and sites will be identified and established within six months following the annual evaluation.

- Objectives:** 1) Maintain an up-to-date inventory of adequate housing sites for each income category on the City's website
- 2) Perform an annual evaluation to determine whether sites are being utilized for residential development and monitor the effectiveness of programs and incentives

Agency: City of Arvin (City Manager and CDD)

Financing: General Fund

Time Frame: Annually evaluation during the 2017-2023 period with additional sites and/or incentives within six months of the evaluation, if needed. The annual evaluation will be conducted in February/March of each year, prior to the submittal of the annual

ATTACHMENT 2 - INDEX OF PROPOSED AMENDMENTS
 LAND USE ELEMENT AMENDMENTS IMPLEMENTING THE 2013-2023 HOUSING ELEMENT
 NOVEMBER – DECEMBER 2018

Item Number	Description	Page Number
1.	Cover Page – Added Land Use Element Amendment January XX 2019 Resolution No. 2019- XX	
2.	Updated City Council Member Names, Planning Commission Names, City Arvin Staff	
3.	Land Use Element Contents – <ul style="list-style-type: none"> • Description of Land Use Designations, Updated January 2019 • Added – Disadvantage Community and SB 244 – Updated January 2019 	
4	Safety Element – <ul style="list-style-type: none"> • Noted under separate report - Safety Element (adopted 1988) added section High Risk Fire Hazard January 2019 	
5	Table LU-1 General Plan Land use <ul style="list-style-type: none"> • Amended Table LU-1 Changed Light Industrial and Heavy Industrial percentages 	LU-6
6	Table LU-2 General Plan Land Use and Corresponding Zoning <ul style="list-style-type: none"> • Amended Table LU-2 Added M-2 with M-1 to Light Industrial and Deleted Light Industrial from Heavy Industrial • Noted change from Map to Diagram 	LU-7
7	Figure LU-2 General Plan Land Use Diagram <ul style="list-style-type: none"> • Changed Map to Diagram -Updated City of Arvin General Plan Land Use Diagram (note; deleting Map and renaming as Diagram) Reflecting 2018 Updates and added note that the Land Use Diagram is subject to change and the most current diagram is on file at the Community Development Department 	LU-9
8	Text Amendment - Low Density Residential – R-1 and R-2 Zoning <ul style="list-style-type: none"> • Modified Density range 6 units to 10 units per acre Text Amendment - Low Density Residential 	LU-11
9	Text Amendment - Medium Density Residential <ul style="list-style-type: none"> • Modified density as noted “16 to 21 units per acre” • Established minimum development density of 16 units per acre • Established requirement of the applicant to replace lands should the property be developed less than the minimum density of 16 units per acre 	LU-11

10	Text Amendment -High Density Residential – R-4 Zoning <ul style="list-style-type: none"> • Modified Density Range 21 to 24 units per acre • Established minimum development density of 21 units per acre • Established requirement of the applicant to replace lands should the property be developed less than the minimum density of 21 units per acre 	LU-11a
11	Text Amendment - Holding Capacity <ul style="list-style-type: none"> • Modified to reflect Tables LU-3 and LU-4 	LU- 14
12	Table LU-3 Residential Capacity, Updated January 2019 <ul style="list-style-type: none"> • Modified Residential Density, Dwelling Units, and Estimated Total Population Estimate up to 54,413 	LU-15
14	Table LU-4 – Commercial, Industrial and Public Use Capacity – Updated January 2019 <ul style="list-style-type: none"> • Changed acreage as modified under Table LU-1 and recalculated square footage capacity for Light Industrial and Heavy Industrial – resulting in a change for 15,716,884 sq. ft. to 17,227,980 sq. ft. 	LU-15
15	Text Amendment - Added Subsection A. Disadvantaged Unincorporated Communities (DUC) as is required by SB 244 with the Housing Element Update.	LU-23 to LU - 27