

**ORDINANCE NO. 2019-462**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN,  
CALIFORNIA, ADOPTING AN UNCODIFIED ORDINANCE  
AMENDING THE OFFICIAL ZONING MAP, HERETOFORE ADOPTED  
BY SECTION 17.06.020 OF THE ARVIN MUNICIPAL CODE, FOR ZONE  
CHANGE 2013-01 (ARISTON)**

**WHEREAS**, the City of Arvin (the "City") has an adopted General Plan and zoning ordinance; and

**WHEREAS**, the requested zone changes area as follows: 32.89 acres along Sycamore Road from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling; and

**WHEREAS**, the applicant, The Ariston Group, has incorporated 7 acres for high density residential at the request of City Staff to assist in the implementation of the 2013-2023 Housing Element goals, polices, and work programs; and

**WHEREAS**, the City is concurrently considering General Plan Amendment 2013 for the project site, as well as a mitigated negative declaration (MDN) for the project; and

**WHEREAS**, the project application was submitted in 2013 and has been delayed due to various factors; and

**WHEREAS**, on November 19, 2013, Land Conservation Contract #13 was cancelled for the subject site in anticipation for urban development; and

**WHEREAS**, project area was designated as Light Industrial and Heavy Industrial; in 2013; and

**WHEREAS**, the project site's 2013 zoning remained as Agricultural with portions of the site zoned as Light Agricultural (A-1) and General Agricultural (A-2); and

**WHEREAS**, the City has adopted various fees required for the City's General Plan Maintenance Program and Maintenance of Various Maps; and

**WHEREAS**, the City properly noticed the August 14, 2018 Planning Commission special meeting to consider the proposed General Plan Amendment 2013-1, Zone Change 2013-1, and associated CEQA pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

**WHEREAS**, the City Planning Commission conducted a duly noticed public hearing on August 14, 2018, at which time all interested parties were given an opportunity to be heard and

present evidence regarding the proposed Zone Change 2013-01 - Ariston Project and after which the Planning Commission adopted a Resolution recommending the City Council adopt the Ordinance; and

**WHEREAS**, the City properly noticed the December 4, 2018 hearing before the City Council for the proposed Amendment pursuant to Government Code sections 65090 and 65091 by publication in the newspaper and provided notice to all property owners within 300 feet of the proposed projects; and

**WHEREAS**, the City Clerk published the required public hearing notice in the Bakersfield Californian for the City Council meeting of October 2, 2018 and mailed the public notice to surrounding property owners within 300 feet of the project for the October 2, City Council meeting; and

**WHEREAS**, the City Council meeting of October 2, 2018 was continued to November 20, 2018 and subsequently continued to December 4, 2018 at the applicant's request; and

**WHEREAS**, the applicant requested the City Council at the December 4, 2018 meeting to continue the public hearing off-calendar in order to meet with and representatives of Grimmway, an industrial operation adjacent to and directly north of the proposed project; and

**WHEREAS**, the applicant and representatives of Grimmway industrial agreed to modifications of the proposed zone designations and the applicant has requested minor modifications for consideration of the Planning Commission recommendation of August 14, 2018 by the City Council; and

**WHEREAS**, the City Clerk published the required public hearing notice in the Bakersfield Californian on June 13, 2019 for the City Council meeting of June 25, 2019 and mailed the public notice to surrounding property owners; and

**WHEREAS**, proof of the published public hearing notice and verification of the 300-foot property owner public hearing notice is on file at the City Clerks' office.

**WHEREAS**, the City Council conducted a duly noticed public hearing on June 25, 2019, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed Zone Change 2013-01; and

**WHEREAS**, the City Council on June 25, 2019 conducted a public hearing at a meeting regarding the introduction and first reading of this ordinance, during which it received a staff presentation and provided an opportunity to the public to submit testimony, and after closing the public hearing and after Council deliberation voted to introduce this ordinance; and

**WHEREAS**, on June 25, 2019, the City Council considered this matter consistent with the requirements of the law, and referred the matter back to the Planning Commission for a recommendation on the minor modifications to the project, and then continued the City Council hearing from time to time in order to allow the Planning Commission sufficient time to consider a recommendation; and

**WHEREAS**, at its duly noticed public hearing on October 15, 2019, the Planning Commission re-assessed the modifications to the Ariston Project and recommended the City Council adopt an ordinance approving Zone Change 2013-1 for the project; and

**WHEREAS**, the City conducted another public hearing on the Ariston Project on October 22, 2019 and considered the recommendations of the Planning Commission; and

**WHEREAS**, the City Council now desires to adopt an uncodified ordinance approving Zone Change 2013-1.

**WHEREAS**, the City Council now desires to adopt Zone Change 2013-01, including the associated Mitigated Negative Declaration and Mitigation Monitoring Reporting and Applicable Programs, for the project contingent upon approval of a resolution adopting General Plan Amendment 2013-01.

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

1. The above recitals are true and correct, and are incorporated by reference.
2. The City Council finds that public necessity, convenience, general welfare, or good zoning practices justify adoptions of Zone Change 2013-01. Specifically, the change is consistent with the General Plan goals and policies, any operative plan, or adopted policy. The change implements adopted polices of the General Plan Land Use Element in that the overall density complies is consistent with the General Plan. Approval of the change would assist with the implementation of the 2013-2023 Housing Element Goals and Policies in providing opportunity site for high density residential development. The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed housing, consistent with the General Plan any applicable operative plan, or adopted policy. Additionally:
  - a. Zone Change 2013-01 is consistent with the General Plan in that the rezoning directly implements adopted polices of the General Plan Land Use Element in that the overall density is in compliance.
  - b. Zone Change 2013-01, assists in the implementation of the Housing Element in providing opportunity site for high density residential development, provides for additional housing stock, and provides for additional affordable housing.
  - c. The area subject to Zone Change 2013-01 is physically suitable for the proposed type of and intensity of development in that the site is flat with no unique geologic characteristics visible.
3. The City Council adopts Zone Change 2013-01, which rezones APN 189-35202 and -08, located on the south side of Sycamore Road, East of Tejon Highway (Derby Street) and West of Malovich Road, and amends the Official Zoning Map, for Zone Change 2013-01 (Ariston). The Ordinance would establish a Zone Change from 32.89 acres along Sycamore

Road from A-1 Light Agricultural and A-2 General Agricultural to M-2 Light Industrial; 8.01 Acres at the southeast corner of Sycamore Road and Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to C-2 General Commercial; 13.46 Acres at the along the easterly side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-2 - Two-family Dwelling; and 7.0 Acres east side of Tejon Highway from A-1 Light Agricultural and A-2 General Agricultural to R-4 Multiple Family Dwelling as shown on Exhibit A and described therein.

4. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise authorized by law.

5. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Notwithstanding, this Ordinance shall not take effect until the City Council has approved General Plan Amendment 2013-1, and applicant has paid all fees including the City's General Plan Maintenance Program, Maintenance of Various Maps, and Implementation of the Mitigation Monitoring and Reporting Program. If either said approval or payments have not occurred within sixty (60) days of the date of the adoption of this Ordinance, this Ordinance shall not take effect and will be null and void.

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**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council of the City of Arvin after waiving reading, except by Title, at a regular meeting thereof held on the 22<sup>nd</sup> day of October 2019, and adopted the Ordinance after the second reading at a regular meeting held on the 12<sup>th</sup> day of November 2019, by the following roll call vote:

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

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

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

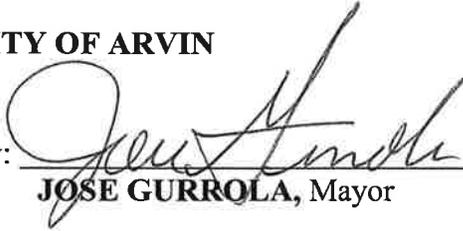
ABSENT: CM Martinez

**ATTEST**



**CECILIA VELA, City Clerk**

**CITY OF ARVIN**

By:   
**JOSE GURROLA, Mayor**

APPROVED AS TO FORM:

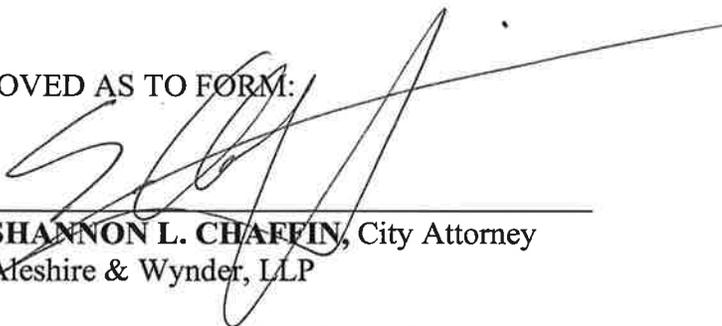
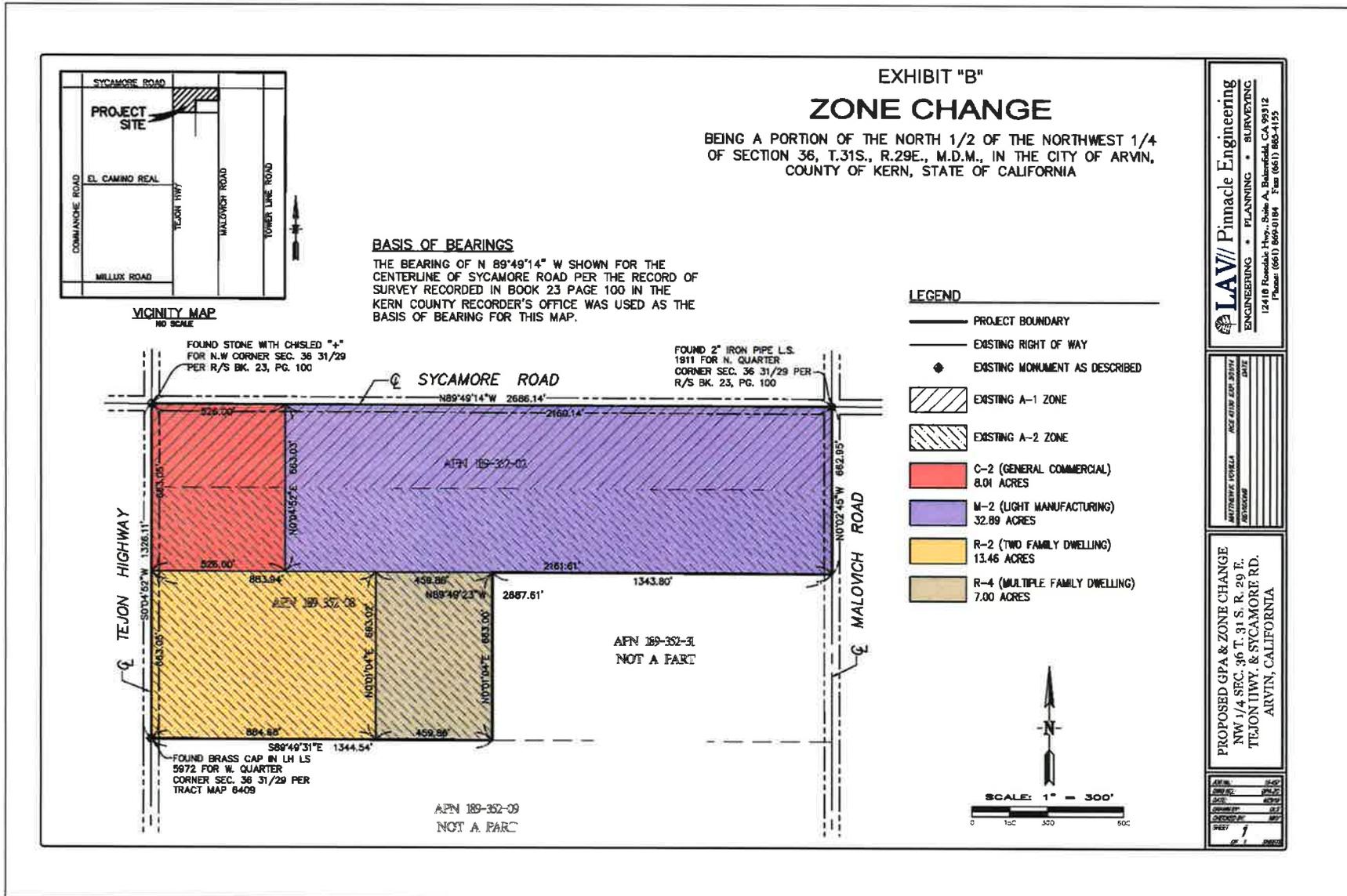
By:   
**SHANNON L. CHAFFIN, City Attorney**  
Aleshire & Wynder, LLP

Exhibit A: Land Use Designation and Zoning Designation Map for GPA/ZC 2013-01 Ariston Project.

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

EXHIBIT A GENERAL PLAN LAND USE DESIGNATION AND ZONING DESIGNATIONS - AMENDMENTS GPA-ZC 2013-01 ARISTON PROJECT - ASSESSOR PARCEL NUMBERS: 189-352-02 AND 189-352-08



**M-2 ZONE (LIGHT MANUFACTURING)  
LAND USE – LIGHT INDUSTRIAL**

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEBINNING AT THE NORTHWEST CORNER OF SECTION 36, SAID POINT MARKED WITH A CHISLED “+” ON A STONE PER THE RECORD OF SURVEY BOOK 23, PAGE 100 AND BEING THE CENTERLINE INTERSECTION OF SYCAMORE ROAD AND TEJON HIGHWAY; THENCE SOUTH 89°49’14” EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 526.00 FEET; THENCE (1) CONTINUING ALONG SAID NORTH LINE SOUTH 89°49’14” EAST, A DISTANCE OF 2160.14 FEET TO AN ENCASED 2” IRON PIPE MARKED L.S. 1911 PER RECORD OF SURVEY BOOK 23, PAGE 100 MARKED AS NORTH QUARTER CORNER OF SECTION 36; THENCE (2) DEPARTING FROM SAID NORTH QUARTER CORNER SOUTH 0°02’45” EAST, 662.95 FEET ALONG THE MID SECTION LINE; THENCE (3) NORTH 89°49’23” WEST, 2161.61 FEET; THENCE (4) NORTH 0°04’52” EAST, 663.03 FEET TO THE POINT OF BEGINNING.

CONTAINS 32.89 ACRES MORE OR LESS

**C-2 ZONE (COMMERCIAL)  
LAND USE - GENERAL COMMERCIAL**

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SECTION 36, SAID POINT MARKED WITH A CHISLED “+” ON A STONE PER THE RECORD OF SURVEY BOOK 23, PAGE 100 AND BEING THE CENTERLINE INTERSECTION OF SYCAMORE ROAD AND TEJON HIGHWAY; THENCE (1) SOUTH 89°49’14” EAST ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 526.00 FEET;  
THENCE (2) SOUTH 0°04’52” WEST, 663.03 FEET;  
THENCE (3) NORTH 89°49’23” WEST, 526.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION;  
THENCE (4) NORTH 0°04’52” EAST, 663.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING;

CONTAINS 8.01 ACRES MORE OR LESS

**R-2 ZONE (TWO FAMILY DWELLING)  
LAND USE – MEDIUM DENSITY RESIDENTIAL**

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY

**R-4 ZONE (MULTIPLE FAMILY DWELLING)  
LAND USE – HIGH DENSITY RESIDENTIAL**

BEING A PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 SOUTH, RANGE 29 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF ARVIN, COUNTY OF KERN, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

DESCRIBED AS FOLLOWS;  
BEGINNING AT THE WEST QUARTER CORNER OF SECTION 36, SAID POINT MARKED WITH A BRASS CAP MONUMENT MARKED L.S. 5972 PER TRACT MAP 6409 AND BEING ON THE CENTERLINE OF TEJON HIGHWAY;  
THENCE (1) SOUTH 89°49'31" EAST, 884.68 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36;  
THENCE (2) NORTH 0°01'04" WEST, 663.02 FEET;  
THENCE (3) NORTH 89°49'23" WEST, 883.94 FEET TO A POINT ON THE WEST LINE OF SECTION 36;  
THENCE (4) SOUTH 0°04'52" WEST, 663.05 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

CONTAINS 13.46 ACRES MORE OR LESS

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 36, SAID POINT MARKED WITH A BRASS CAP MONUMENT MARKED L.S. 5972 PER TRACT MAP 6409 AND BEING ON THE CENTERLINE OF TEJON HIGHWAY; THENCE SOUTH 89°49'31" EAST, 884.68 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 36 TO THE POINT OF BEGINNING;  
THENCE (1) CONTINUING ALONG SAID SOUTH LINE SOUTH 89°49'31" EAST, 459.86 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36;  
THENCE (2) NORTH 0°01'04" EAST, 663.00 FEET;  
THENCE (3) NORTH 89°49'23" WEST, 459.86 FEET;  
THENCE (4) SOUTH 0°01'04" WEST, 663.02 FEET TO THE POINT OF BEGINNING.

CONTAINS 7.00 ACRES MORE OR LESS