



**SPECIAL MEETING AGENDA  
OF THE  
ARVIN PLANNING COMMISSION  
(VIA TELECONFERENCE)**

**THURSDAY SEPTEMBER 03, 2020 6:00pm**

**CITY HALL COUNCIL CHAMBERS  
200 CAMPUS DRIVE, ARVIN**

This meeting is compliant with the Governor’s Executive Order N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, allowing for a deviation of teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff and the public to conduct city business, while allowing for public participation. The meeting will be held by teleconference only. **The public may participate by calling:**

**1-669-900-9128**

**Meeting ID: 814 7122 3031#**

**To join the meeting from your computer, tablet or smartphone click on the following link:**

<https://us02web.zoom.us/j/81471223031>

**The meeting agendas are available at:** <https://www.arvin.org/government/clerk/meeting-agendas-minutes/planning-commission/>

The Planning Commission will accept comments on any items on the agenda, inclusive of closed session items, in writing, and in advance of the meeting, **up until Thursday, September 03, 2020 at 3:00pm.** Comments may be mailed to City of Arvin, City Clerk’s Office, PO Box 548, Arvin, CA 93203 or emailed to [cvela@arvin.org](mailto:cvela@arvin.org). In the subject line, please provide “PUBLIC COMMENT ITEM #” (insert the item number relevant to your comment) or “PUBLIC COMMENT NON-AGENDA ITEM”. All public comments will be provided to the Arvin Planning Commission and may be read into the record or compiled as part of the record.

**CALL TO ORDER**

Chair Gerardo Tinoco

**PLEDGE OF ALLEGIANCE**

\*\*\*\*\*

**ROLL CALL:**

- |                  |                                   |
|------------------|-----------------------------------|
| Gerardo Tinoco   | Chairperson                       |
| Miguel Rivera    | Vice Chairperson                  |
| Arturo Hinojosa  | Planning Commissioner             |
| Yesenia Martinez | Planning Commissioner             |
| Cesar Moreno     | Planning Commissioner             |
| Sergio Hernandez | Planning Commissioner (Alternate) |

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## **PUBLIC COMMENTS:**

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

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

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

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

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

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

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

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

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

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

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

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



I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

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

Roll Call: PC Martinez \_\_\_\_\_ PC Hinojosa / Alt. PC Hernandez \_\_\_\_\_ PC Moreno \_\_\_\_\_ VC Rivera \_\_\_\_\_

Chair Tinoco \_\_\_\_\_

**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 18, 2020.

Staff recommends approval of the Minutes of the Regular Meeting of August 18, 2020.

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

Roll Call: PC Martinez \_\_\_\_\_ PC Hinojosa / Alt. PC Hernandez \_\_\_\_\_ PC Moreno \_\_\_\_\_ VC Rivera \_\_\_\_\_

Chair Tinoco \_\_\_\_\_

**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 I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to Add Standards for the Bear Mountain Central Business District, and Update Notice and Use Permit Findings; and III) Making CEQA Findings for the same.

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 Martinez \_\_\_\_\_ PC Hinojosa / Alt. PC Hernandez \_\_\_\_\_ PC Moreno \_\_\_\_\_ VC Rivera \_\_\_\_\_

Chair Tinoco \_\_\_\_\_

**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 24 hours prior to the meeting. Dated: September 02, 2020.

A handwritten signature in blue ink, appearing to read "Cecilia Vela", written over a horizontal line.

Cecilia Vela, Secretary

**REGULAR MEETING MINUTES  
ARVIN PLANNING COMMISSION**

**AUGUST 18, 2020**

**CALL TO ORDER @ 6:00PM**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL: PC Hinojosa, PC Martinez and PC Moreno absent; All others present.**

**1. Approval of Agenda As To Form.**

**Motion to approve the Agenda.**

Motion VC Rivera                      Second Chair Tinoco                      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.*

**NONE**

**3. CONSENT AGENDA ITEM(S)**

**A. Approval of the Minutes of the Special Meeting of July 13, 2020.**

Staff recommends approval of the Minutes of the Special Meeting of July 13, 2020.

**Motion to approve Minutes of the Special Meeting of July 13, 2020.**

Motion VC Rivera                      Second Chair Tinoco                      Vote 3-0

**4. PUBLIC HEARING(S)**

**A. A Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Recommending Denial of A Public Convenience and Necessity for A Type 20 Off-Sale License at 100 Bear Mountain Blvd. to the City Council of the City of Arvin.**

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

**Hearing opened.**

**No public testimony.**

**Hearing closed.**

Motion VC Rivera                      Second PC Hernandez                      Vote 3-0

**Resolution No. APC 2020-05**

- B.** A Public Hearing to Consider Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit 2020-CUP1416VerdeCourt, Located at 1416 Verde Court, Arvin, CA 93203, Arellano De Contreras Family Child Care (Large Day Care Facility).

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

**Hearing opened.**

**No public testimony.**

**Hearing closed.**

Motion VC Rivera

Second Chair Tinoco

Vote 3-0

**Resolution No. APC 2020-06**

**5. REPORTS FROM STAFF**

**6. PLANNING COMMISSIONER COMMENTS**

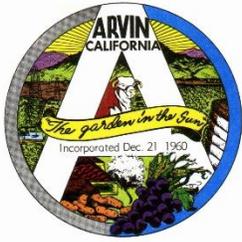
**NONE**

**7. ADJOURNED @ 6:19PM**

Respectfully submitted,

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Cecilia Vela, Secretary



**CITY OF ARVIN  
Planning Commission**

**Special Meeting Date: September 3, 2020**

<b>TO:</b>	Arvin Planning Commission Members
<b>FROM:</b>	Mitzy Cuxum, Senior Planner R. Jerry Breckinridge, City Manager
<b>SUBJECT:</b>	A Resolution of the Planning Commission of the City of Arvin Recommending the City Council I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to add standards for the Bear Mountain Central Business District, and update the Notice and Use Permit Findings; and III) Adopt the CEQA findings.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve the attached Resolution Recommending the City Council I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to add standards for the Bear Mountain Central Business District, and update the Notice and Use Permit Findings; and III) Adopt the CEQA findings.

**APPLICANT AND LOCATION:**

Applicant:	City of Arvin
Zoning:	C-2 Commercial
General Plan Land Use Designation	General Commercial

**BACKGROUND:**

**General Plan Amendment and Site Development Review**

The General Plan designates most of Bear Mountain Boulevard as General Commercial and this area has been Zoned C-2 Commercial. The General Plan policy is amended to:

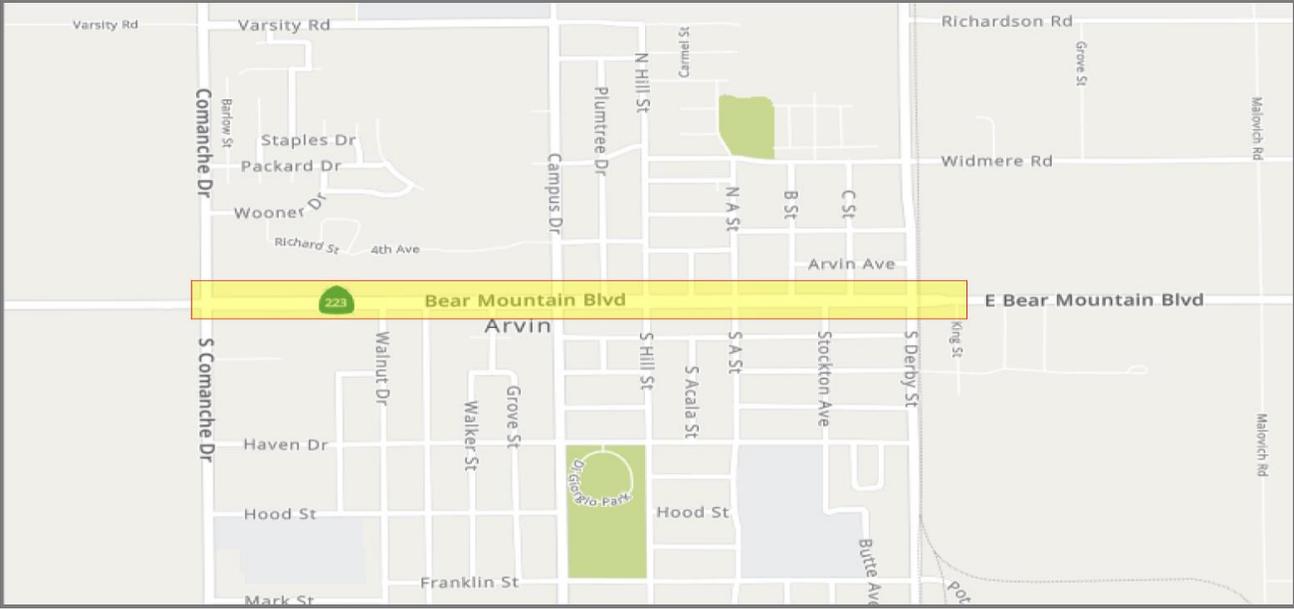
“Encourage existing commercial development along the Bear Mountain Business commercial corridor

by amending the Municipal Code to allow for certain existing uses along the Bear Mountain Boulevard commercial corridor to have additional flexibility regarding parking, landscaping, trash enclosures, and similar site improvement items related to the re-use of existing, legally conforming, commercial structures for uses having moderate parking requirements.”

This area is commonly known as the Bear Mountain Central Business District and most business are subject to Site Development Review per the Zoning Ordinance. Many Business on the District often cannot meet the requirements of the Municipal Code, due to lot size, shape, and location of existing structures, many existing uses are unable to meet the current requirements of the Municipal Code to be able to operate in the District, some of which are related to the widening of Bear Mountain Boulevard (a State Highway) to two lanes each direction when some structures were originally built. As a result, businesses which desire to use certain existing commercial buildings in the District are often times unable to do so, as the re-use of the buildings can trigger additional requirements under the Municipal Code that simply cannot be met for certain parcels. This often leads to frustration from applicants towards the City. It is for all the reason previously mentioned that the City of Arvin seeks to Amend its General Plan and parts of the Municipal Code to facilitate the re-use of the building along the Bear Mountain Central Business District.

The Bear Mountain Central Business District will start on South Comanche Drive and King Street with the purpose to Relieve certain properties located in the central business district from certain on-site parking, landscaping, trash enclosure and other site development requirements in whole or in part.

**Map of Bear Mountain Central Business District**



## **Public Hearing Notice Ordinance Update**

The City is also seeking to amend the Notice of Public Hearing section to ensure compliance with state regulations. Public Hearing Notices are important for informing the general public of formal proceedings and to inform them of the time and place of such proceeding, so that they can provide testimony on proposed issues or actions if they wish.

## **Conditional Use Permit Findings**

Lastly, the City is seeking to include Conditional Use Permit findings to the Arvin Municipal Code, Section 17.56.025 – Conditional Use Permits. Conditional Use permits allow the City of Arvin to consider special uses which may be essential through a hearing process. The findings section is required in order to support the decisions of the hearing body to approve or deny a conditional permitted use. The findings are essential to show that the hearing body made their decision based on facts. For all of these reasons, the City of Arvin wished to add findings to Section 17.56.025 to the Arvin Municipal Code.

## **ENVIRONMENTAL CONSIDERATIONS:**

The City performed a preliminary environmental assessment pursuant to the requirements of the California Environmental Quality Act (California Public Resources Code section 21000, et seq.) and the Guidelines thereunder (14 California Code of Regulations section 15000, et seq.) (collectively, “CEQA”), and determined there is no possibility that the project will have a significant, adverse, physical effect on the environment because the C-BM (Commercial -Bear Mountain Central Business District) and associated rezones will retain the current General Plan Land use designations and maintain the existing environmental baseline for the purposes of CEQA.

## **PUBLIC NOTIFICATION:**

The City properly noticed the September 3, 2020, public hearing before the Planning Commission pursuant to Government Code sections 65090 and 65091 by publication in the newspaper on August 24, 2020. A copy of the notice is attached to this staff report. In addition, the City Clerk provided notice of the proposed conditional use permit by mailing the public notice to all property owners within the 300-foot radius.

## **ATTACHMENTS:**

1. A Resolution of the Planning Commission of the City Council of the City of Arvin Recommending the City Council I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to add standards for the Bear Mountain Central Business District, and update the Notice and Use Permit Findings; and III) Adopt the CEQA findings.
2. Copy of Published Public Hearing Notice.

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THE CITY COUNCIL I) APPROVE GENERAL PLAN AMENDMENT 2020-01; II) AMEND THE ARVIN MUNICIPAL CODE TO ADD STANDARDS FOR THE BEAR MOUNTAIN CENTRAL BUSINESS DISTRICT, AND UPDATE NOTICE AND USE PERMIT FINDINGS; AND III) MAKING CEQA FINDINGS FOR THE SAME**

**WHEREAS**, the City of Arvin (the “City”) has an adopted General Plan; and

**WHEREAS**, the General Plan designates most of Bear Mountain Boulevard as GC (General Commercial); and

**WHEREAS**, this area is commonly known as the Bear Mountain Central Business District (“District”); and

**WHEREAS**, many businesses within the District are experiencing significant adverse economic impacts, which have been further exacerbated from the economic impacts of the state of emergency associated with COVID-19; and

**WHEREAS**, under the current requirements of the Municipal Code, ceasing use of a structure for 90 days can trigger compliance with current development standards and site plan review before the building can be used; and

**WHEREAS**, the practical constraints arising response to COVID-19 make it increasingly difficult for buildings to be re-occupied by a new business within 90 days; and

**WHEREAS**, due to lot size, shape, and location of existing structures, many existing uses are unable to meet the current requirements of the Municipal Code to be able to operate in the District, some of which are related to the widening of Bear Mountain Boulevard (a State Highway) to two lanes as compared to the single lane each direction when some structures were originally built; and

**WHEREAS**, businesses which desire to use certain existing commercial buildings in the District are often times unable to do so, as the re-use of the buildings can trigger additional requirements under the Municipal Code that simply cannot be met for certain parcels; and

**WHEREAS**, this has created economic, aesthetic, and other impacts for the District that are not the intent of the Council’s goals and objectives; and

**WHEREAS**, the Planning Commission desires the City Council to amend the General Plan and Municipal Code to allow certain current users within the District that do not have a use with a higher parking demand to retain their current uses while simultaneously providing a mechanism

to allow for additional flexibility on a site-by-site basis for certain existing structures within the District; and

**WHEREAS**, certain clarifications to the City’s notice procedure and conditional use permit process are also warranted; and

**WHEREAS**, the City has performed a preliminary environmental review under the California Environmental Quality Act (CEQA) and determined there is no possibility that the project will have a significant, adverse, physical effect on the environment because the C-BM (Commercial -Bear Mountain Central Business District) and associated rezones will retain the current General Plan Land use designations and maintain the existing environmental baseline for the purposes of CEQA; and

**WHEREAS**, the City noticed the hearing before the Planning Commission for the proposed project by publication in the newspaper; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on this matter, at which time all interested parties were given an opportunity to be heard and present evidence regarding the project, including the proposed General Plan amendment and text amendment to the City’s zoning ordinance; and

**WHEREAS**, the Planning Commission now desires to recommend the City Council approve proposed General Plan Amendment 2020-01, amend the Arvin Municipal Code to add standards for the Bear Mountain Central Business District and update notice and use permit findings; and adopt a CEQA finding per CEQA Guidelines section 15061(b)(3).

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

1. Recitals. The recitals and findings set forth above are true and correct and incorporated herein by this reference.
2. CEQA. The Planning Commission recommends the City Council adopt a CEQA determination pursuant to CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that the project will have a significant, adverse, physical effect on the environment because the zoning will retain the current General Plan Land Use designations and maintain the existing environmental baseline and uses for the purposes of CEQA. Further, none of the exceptions to categorical exemptions set forth in CEQA Guidelines, section 15300.2, apply to this project.
3. General Plan Findings: The Planning Commission finds that the proposed project is consistent with the General Plan, and recommends the City Council find as follows:
  - a. General Plan Amendment 2020-01 is consistent with the intent of the General Plan goals and policies, including Land Use Goals and Policies (LU-1.1, Goal 3, Goal 4, Goal 10 and LU-10.3), Economic Development Goals and Objectives (1.0, 1.1, 1.2, 3.1, 4.0, and 4.2), and Economic Development Policies (1.1.2, 2.1.4, 4.1.1, and

1.0.1). The project does not affect the implementation of the General Plan with respect to surrounding properties and effectively maintains existing land use designations. The underlying uses contemplated in Table 41 of the Housing Element are not changing, and as such will not be affected by this project. Approval of the change would assist with providing ministerial flexibility for existing commercial structures within the District, and will promote economic development, combat blight, and provide employment opportunities. This is considered to be in the public's interest.

b. Public Health, Safety, and Welfare: Approval of the General Plan Amendment is in the best interest of the City for the reasons set forth herein, and is not detrimental to public health, safety, or welfare.

4. Approval of General Plan Amendment 2020-01: The Planning Commission recommends the City Council approve General Plan Amendment 2020-01 as reflected in Exhibit "A."

5. Amendment of Municipal Code: The Planning Commission recommends the City Council amend the Arvin Municipal Code to add standards for the Bear Mountain Central Business District and update notice and use permit findings as set forth in Exhibit "B," which is incorporated herein as if set forth in full.

6. Effective Date: This Resolution shall become effective immediately.

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**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Arvin at its special meeting thereof held on the 03<sup>rd</sup> day of September, 2020, by the following vote:

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

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

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

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

**ATTEST:**

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

**ARVIN PLANNING COMMISSION**

By: \_\_\_\_\_  
**GERARDO TINOCO, Chairperson**

Exhibit A: General Plan Amendment 2020-01.

Exhibit B: Arvin Municipal Code Title 17.68 and Sections 17.54.100, 17.56.020, 17.56.025, 17.60.010(C) and (D), and 17.60.040(C)

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

**EXHIBIT A**  
**General Plan Amendment 2020-01**

The City of Arvin 2012 General Plan Update is amended as follows (additions in underline, deletions in ~~striketrough~~):

1. Policy LU-10.3.1 is added to page LU-24 as follows:

Policy LU-10.3 Encourage rehabilitation and development of high-quality commerce along the Bear Mountain Boulevard commercial corridor by utilizing low-cost renovation and rehabilitation programs and cost sharing for commercial façade modernization.

Policy LU-10.3.1 Encourage existing commercial development along the Bear Mountain Business commercial corridor by amending the Municipal Code to allow for certain existing uses along the Bear Mountain Boulevard commercial corridor to have additional flexibility regarding parking, landscaping, trash enclosures, and similar site improvement items related to the re-use of existing, legally conforming, commercial structures for uses having moderate parking requirements.

Policy LU-10.4 Concentrate existing and future commercial and activity center uses adjacent to high density residential areas.

[END]

## EXHIBIT B

### Arvin Municipal Code Title 17.68 and Sections 17.54.100, 17.56.020, 17.56.025, 17.60.010(C) and (D), and 17.60.040(C)

**Section 1.** Section 17.54.100 of Chapter 17.54, of Title 17 of the Arvin Municipal Code is amended to read as follows:

#### **17.54.100 - Hearing—Notice.**

A. Following the receipt in proper form of any application filed under the provisions of this chapter, the secretary of the planning commission shall fix a time and place of public hearing thereon.

~~B. Not less than ten (10) days before the date of any public hearing fixed by the secretary of the planning commission as provided in this section, the date of such public hearing, notice of the date, time, place of hearing and location of the property and the nature of the request shall be given by any two (2) of the following methods, the publishing and mailing methods to be used unless otherwise directed by the planning commission:~~

- ~~1. Publishing. By publishing once in a newspaper of general circulation in the city;~~
- ~~2. Mailing. By mailing a notice, postage prepaid, to the applicant, to each member of the planning commission, and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved, using for this purpose the last known name and address of such owners as shown upon the last assessment roll of the county;~~
- ~~3. By posting notices not more than three hundred (300) feet apart along each and every street upon which the property involved abuts, for a distance of not less than three hundred (300) feet in each direction from the exterior limits of such property.~~

B. Notices of hearings shall be provided as follows:

1. Government Code section 65090 requires notice published in at least one newspaper of general circulation within the city at least 10 days prior to the hearing. If there is no such newspaper of general circulation, the notice may instead be posted in three public places within the city.
2. Government Code section 65091 requires:
  - a. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll or the records of the county assessor or tax collector. Notice shall also be mailed to the owner's duly authorized agent, if any, and to the project applicant.

- b. When the Subdivision Map Act requires notice of a public hearing to be given, notice shall also be given to any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.
  - c. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
  - d. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of using the assessment roll, the city may use records of the county assessor or tax collector. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection B(2)(d) or (B)(2)(a) is greater than 1,000, the city, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.
  - e. If the notice is mailed or delivered pursuant to subsection B(2)(d) of this section, the notice shall also either be:
    - i. Published in at least one newspaper of general circulation within the local agency which is conducting the proceeding at least 10 days prior to the hearing.
    - ii. Posted at least 10 days prior to the hearing in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.
  - f. Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, notice procedures shall be incorporated address the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit.
3. Notices per subsection B(1) of this section (referring to the requirements of Government Code section 65090) shall apply to the following:
- a. Adoption or amendment of a general or specific plan.
  - b. Zoning ordinance or amendment. (Note additional requirements for the planning commission, below.)
  - c. Development agreements. (Note subsection B(2) also applies.)
    - a. Tentative, final, and parcel maps. (Note subsection B(2) also applies.)
4. Notices per subsection B(2) of this section (referring to the requirements of Government Code section 65091) shall apply to the following:

- a. Zoning ordinance or amendment – but only if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property. (Note this only applies to hearings of the planning commission.)
  - b. Development agreements. (Note subsection B(1) also applies.)
  - c. Tentative, final, and parcel maps. (Note subsection B(1) also applies.)
  - d. Conditional use permits.
  - e. Site plans.
  - f. Any other entitlement subject to the zoning ordinance not otherwise listed in this section.
- C. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary or desirable.
- D. If the applicable notice provisions of the Government Code are amended, the requirements shall be automatically incorporated herein, and any inconsistent or superfluous requirement of this Section shall no longer be applicable.

**Section 2.** Section 17.56.020 of Chapter 17.56, of Title 17 of the Arvin Municipal Code is amended to read as follows:

**17.56.020 - Prohibited uses permitted when.**

- A. Certain uses may be permitted by the planning commission and the city council in zones in which they are not permitted by this title where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive general plan.
- B. Except as otherwise provided in this chapter, the procedure for filing of conditional use permit applications, payment of filing fees for such applications, and all associated investigations, notices, public hearings, ~~findings~~ and appeals shall be the same as provided in Chapter 17.54 for variances.
- C. The planning commission may waive public hearings on an application for a conditional use permit for public utility or public service uses or public buildings, when found to be necessary for the public health, safety, convenience or welfare.
- D. No conditional use permit application shall be deemed complete or processed until the filing fee (which may be in the form of a deposit), as established pursuant to resolution of the city council, has been paid in full.

**Section 3.** Section 17.56.025 of Chapter 17.56, of Title 17 of the Arvin Municipal Code is added to read as follows:

**17.56.025 – Required findings.**

A conditional use permit shall only be granted if the planning commission determines that the project as submitted or as modified conforms to all of the following criteria. If the planning commission determines that it is not possible to make all of the required findings, the application shall be denied.

- A. The use proposed by conditional use permit is consistent with the general plan, any applicable specific plan, and zoned district designation.
- B. The use proposed by conditional use permit is consistent with this Code, including the zoning ordinance.
- C. The use proposed is not detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood.
- D. The proposed use is in compliance with all applicable laws and ordinances.

**Section 4.** Subsections C and D of Section 17.60.010 of Chapter 17.60, of Title 17 of the Arvin Municipal Code is amended to read in its entirety as follows:

**17.60.010 - Intent and purpose—Affected zones.**

- C. 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. Multi-family residential development within the R-3 and R-4 Zone District;
  - 2. Use of any structure vacant for more than ninety (90) days. For structures subject to chapter 17.68 (Commercial - Bear Mountain Central Business District Standards), existing structures vacant for more than sixty (60) days, except that if unusual hardship is shown the planning director may extend that time by up to an additional one hundred and eighty (180) days;
  - 3. Change of use from an existing use to a heretofore new use at that location;
  - 4. New development; or
  - 5. Expansion of existing structures.
- D. 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, and 5 ~~and 6~~, above.

**Section 5.** Subsection C of section 17.60.040 of Chapter 17.60, of Title 17 of the Arvin Municipal Code is amended to read in its entirety as follows:

...

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 ninety (90) days. For structures subject to chapter 17.68 (Commercial - Bear Mountain Central Business District Standards), existing structures vacant for more than sixty (60) days, as may be extended for unusual hardship by the planning director pursuant to 17.60.010;
  - e. New structures less than one thousand (1,000) square feet;
  - f. Expansion of existing structures of less than fifty (50) percent 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, sixteen (16) units per acre; or
  - h. Multi-family residential development within the R-4 Zone district with a minimum of, and not to exceed, twenty-one (21) units per acre.
2. Planning commission - Review of the following projects:
  - a. New development of one thousand and one (1,001) square feet or more;
  - b. Expansion of existing structures by more than fifty (50) percent;
  - 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 6.** Chapter 17.68 (Commercial -Bear Mountain Central Business District Standards) of Title 17 of the City of Arvin Municipal Code is added to read in its entirety as follows:

**Chapter 17.68 - COMMERCIAL -BEAR MOUNTAIN CENTRAL BUSINESS DISTRICT STANDARDS**

### **17.68.010 – Findings and Purpose.**

The purpose of this chapter is to regulate commercial zoned buildings fronting Bear Mountain Boulevard (Highway 223) between South Comanche Drive and King Street (the central business district) in order to protect public health, safety, and welfare, while accommodating commercial uses with conforming or legally non-conforming structures as of January 1, 2010, including those conditions related to parking and landscaping due to the immediate proximity of Highway 223. The specific purposes of this chapter are to:

- A. Relieve certain properties located in the central business district from certain on-site parking, landscaping, trash enclosure and other site development requirements in whole or in part.
- B. Provide a pedestrian-friendly downtown environment by allowing buildings and uses to be concentrated and oriented to pedestrians.

### **17.68.020 – Applicability.**

Regulations established by this chapter shall be in addition to the regulations of the zoning district, and in the event of a conflict between the two, the provisions of the this chapter shall prevail. This title only applies to properties, buildings, and uses meeting all of the following requirements:

- E. Property fronting Bear Mountain Boulevard (Highway 223) between South Comanche Drive and King Street.
- F. Property zoned as one of the following:
  - 1. C-O (Professional office zone).
  - 2. N-C (Neighborhood commercial zone).
  - 3. C-1 (Restricted commercial zone).
  - 4. C-2 (General commercial zone).
- G. All buildings or uses must either be conforming or legally nonconforming. This chapter shall expressly not apply where new development or the expansion of more than twenty percent (20%) of the gross floor area of a building in existence as of January 1, 2010.
- H. This chapter shall not apply to regulations regarding the following uses:
  - 1. Apartment hotels
  - 2. Automobile Service, and auto repair garages (including tire shops)

3. Bars (or other uses having an on-sale license from the California Department of Alcoholic Beverage Control)
4. Billiard or pool halls or bowling alleys,
5. Bottling plants,
6. Bowling facilities,
7. Churches, (exceeding two thousand (2,000) square feet in area)
8. Dance clubs, dance halls
9. Department stores (exceeding six thousand (6,000) square feet in area)
10. Funeral services
11. Garage, Public
12. Hotels
13. Hospitals or sanitariums
14. Markets (exceeding six thousand (6,000) square feet in area)
15. Medical clinics
16. Motels
17. Recycling Facilities and other similar uses
18. Rental Halls
19. Theaters or auditoriums
20. Wedding chapels
21. Similar restricted commercial activities and facilities not specifically listed in the Arvin Municipal Code, as determined by the planning director.

**17.68.030 – Additional Development Standards.**

Notwithstanding any other requirement of chapter 17.20 (C-O professional office zone), 17.22 (N-C neighborhood commercial zone), 17.24 (C-1 restricted commercial zone), 17.26 (C-2 general commercial zone), 17.48 (Automotive parking requirements), 17.60 (Site development permits), 17.62 (Sign regulations), 17.70 (Site development standards), the entirety of Title 15 (Buildings and Construction), and the entirety of title 16 (Subdivisions), the following site development standards shall apply to those uses subject to this chapter:

## A. Parking Standards.

1. Priority. When it is not possible for parking, landscaping, and other requirements such as trash receptacles and drainage to be met due to shape, size, and location of the site, priority shall be focused on meeting parking requirements first as outlined by chapter 17.48, and then any remaining land shall be used to meet landscape requirements followed by using land to meet other applicable requirements.
2. Hardship. The planning director may waive up to fifty percent (50%) of parking spaces required by parking where a documented hardship, not involving economics, exists or where there are unusual circumstances that prevent compliance with any of the development standards that would otherwise be required by the zoning ordinance in exchange for other improvements to the property that will generally benefit the public. However, existing parking spaces shall be preserved and in no circumstances shall existing parking spaces be reduced or eliminated. (*Example:* The site can only accommodate sixty (60%) of the required parking spaces. The planning director may waive the remaining 40% with the requirement for existing on-site parking area improvements, façade or other exterior enhancements occur to the property.)
3. Off-site parking. Required parking may be located off-site when located within 300 feet from the property from a receiving property having excess parking capacity, and as secured by a covenant for the same as approved by the planning director.
  - a. Some properties have benefited from shared off-site parking lots between or adjacent to each property with no previous parking covenant in place. In such cases, the party benefiting from parking capacity in a lot they do not own must secure such a parking covenant.
4. Parking on separate legal parcel with common ownership. If a property benefits from parking located on a separate adjacent legal parcel owned by the same party, and the separate legal parcel includes any number of required parking capacity, a lot line adjustment or lot merger shall be required as outlined under the provisions or Title 16 (Subdivisions).
5. For conforming and legally nonconforming buildings built before January 1, 2010 additional parking shall not be required for structural alterations, repairs, or for building additions less than 400 square feet in area, as long as existing parking spaces are preserved and the expansion is not twenty percent (20%) or more of the existing use.

6. If minimum site development standards cannot otherwise be met except under a hardship or other exceptions and standards set by this chapter, the planning director shall have the authority to review any existing on-site parking areas and facilities, and to make determinations on their general appearance and condition. If the condition is determined to be unacceptable either in part or entirely, the planning director shall have the authority to require measures to reduce impact or to otherwise provide for safe and aesthetically pleasing parking facilities including, but not limited to, removal and replacement of existing pavement surfaces found to be in a state of disrepair, grading modifications to provide for a relatively flat walking and driving surface, placement of an asphalt or concrete surface if none currently exists, restriping if existing stripes are found to be faded or missing, installation of wheel stops and or protective railings, reconstruction of drive approaches determined to be in a state of disrepair, and the installation or repair of ADA striping and signage.
7. Change of land use. A change in the use of an existing building shall not require the provision of any additional parking spaces unless the new use would require twenty percent (20%) or more additional parking spaces as compared to what would be required for the existing use as calculated in the manner specified by Chapter 17.28.

#### B. Landscape Standards.

1. Priority of parking. Landscape requirements may be reduced by the director of planning or building in order to preserve or add additional parking spaces where parking spaces are required in order to meet minimum parking requirements. (*Example: A site has enough parking spaces, but cannot meet the minimum requirement that ten percent (10%) of the developed area shall be landscaped as only two percent (2%) of the remaining area is available. The planning director may reduce the landscaping requirement to two (2%) in order to preserve parking spaces.*)
2. Hardship. The planning director may waive or defer landscaping standards where a documented hardship, not involving economics, exists or where there are unusual circumstances that prevent compliance with any of the required development standards.

#### C. Trash Receptacle Standards.

1. Priority of parking and landscaping. The City desires to assure that parking and landscaping requirements are met to the greatest extent feasible, and then an appropriate location and enclosure for trash receptacles should be considered.

2. Hardship. The planning director may waive or defer trash receptacle standards where a documented hardship, not involving economics, exists or where there are unusual circumstances that prevent compliance with any of the required development standards. Such hardship can include the need to provide or maintain parking spaces or to meet landscaping standards in whole or in part as contemplated by this section.
3. Intent. Trash receptacles shall be designed to promote the 1) screening of areas where refuse (trash) including recycled items from being visible from vehicles and pedestrians on Bear Mountain Boulevard and from other businesses also fronting Bear Mountain Boulevard; and 2) the limiting of access by animals, whether phenomenon, and unauthorized people to trash receptacles including trash/recycle cans, bins, and dumpsters, in an attempt to prevent unauthorized dumping or movement of refuse.
4. Alleys. Where alleys are present, trash receptacles must be located such that the trash collection company can reasonably access the trash receptacle from within the alley. Said location should be located behind an existing building, and, if feasible as determined by the planning director, they should be surrounded on all four sides by a permanent opaque enclosure not less than five feet in height with a lockable door or gate that shall be locked at all times other than when refuse is being added to the receptacles and at the time of collection.
5. Location when alleys not present. Where alleys are not present, an enclosure as described above must be provided in a location, subject the approval by the planning director, to minimize aesthetic, odor, and similar impacts of the enclosures and trash receptacles on the public taking into account existing site conditions.

#### D. Drainage Standards.

1. Flooding risk. Uses must limit the amount of runoff allowed to drain from the site to the sidewalk, street, or alley as in all cases, the runoff goes south.
2. Standards. The following standards shall apply:
  - a. Existing sites must capture runoff and either retain it on site or to detain it on site before it is allowed to overflow to the street or alley.
  - b. Existing buildings shall be required to install roof gutters or other means of capturing runoff which must be directed to landscaped areas, planter boxes, underground detention structures or other types of Low Impact Development (LID)

improvements. In no case shall roof runoff be allowed to drain directly to a pedestrian walkway including sidewalks along Bear Mountain Boulevard.

- c. Existing roof gutters and downspouts determined by the planning director to be in a state of disrepair must be repaired or replaced to the satisfaction of the planning director.
- d. Existing parking lots that that are reconstructed must either direct runoff to an appropriately sized sump or drainage swale, install dry well catch basins to allow the runoff water to permeate into the soil, or otherwise limit storm drainage as approved by the city engineer. Drainage sumps or swales shall not be required unless adequate space is available.

E. Building design. Notwithstanding section L of section 17.70.010, the following building design standard shall apply:

1. Architectural design of all proposed buildings shall be Mediterranean or other approved architectural look and style determined by the planning director to be acceptable.
2. Legally non-conforming buildings that were designed in an architectural style other than Mediterranean prior to January 1, 2020, may retain that style. Any subsequent changes to architectural design shall be Mediterranean.

F. Floodplain Standards.

1. No waivers given. The requirements shown in chapter 15.32 shall apply in their entirety to all existing and proposed buildings in the district. The entirety of the district is located within an “AO” special flood hazard zone as determined by the Federal Emergency Management Agency (FEMA) which corresponds to a flood depth of 1 foot within a 100-year occurrence interval. The City of Arvin is a participant in the National Flood Insurance Program (NFIP) through FEMA which requires certain non-compliant older structures to be appropriately modified to achieve compliance. Refer to chapter 15.32 for more information, and communicate with the Floodplain Administrator for the City for more information.

G. Sewer Lateral and Main Connection Standards.

1. Applicability. The entirety of chapter 13.08 is applicable to any property located within the district as well as any additional requirements and provisions provided for under this section.
2. Grease interceptors.

- a. Any building with an existing kitchen, food preparation areas, or disposal systems including floor and ground sink drains connected to the municipal sanitary sewer system must have a grease interceptor as specified in article VIII of Chapter 13.08.
  - b. Any building with any new devices or facilities as described above must have a grease interceptor as specified in article VIII of Chapter 13.08.
  - c. The planning director or their designee shall have the authority to inspect existing facilities, to review proposed modifications to existing or proposed facilities, and to determine whether a grease interceptor must be provided.
  - d. If an existing building sewer lateral has an existing grease interceptor, the building owner and or tenant shall allow the planning director or their designee to inspect the condition and capacity of the device, and shall have the authority to require modifications to the device, cleaning of the device, or replacement of the device if it is determined to be damaged or undersized given the nature of the proposed business or activity. The planning director or their designee shall have discretion as to whether an existing undersized interceptor must be replaced.
  - e. If an existing building sewer lateral has an existing grease interceptor that the planning director or their designee determines is not necessary given the nature of the proposed business or activity within a building, the interceptor may remain in place provided that it is properly abandoned or removed per article VIII of Chapter 13.08. Alternatively, the interceptor may remain in place and in working order, but shall be subject to the same maintenance and inspection requirements provided for under article VIII of Chapter 13.08 in perpetuity.
  - f. Item “f” above shall be inapplicable, and the provisions of 13.08.160 shall apply in the event that an existing building with a grease interceptor is razed or demolished.
3. Existing sewer laterals. If the existing sewer lateral for an existing facility is determined by the planning director or their designee to be noncompliant with the provisions of chapter 13.08, the lateral(s) must be brought into compliance per applicable standards. Potential reasons for noncompliance may include but shall not be limited to undersized pipes, insufficient pipe slope, unacceptable pipe material, blind connections to a main with no wye, damaged lateral pipe, and multiple connections to the same lateral from different legal parcels. Additionally, existing sewer laterals shall not traverse any other legal

parcel not owned by the property owner which condition must be remedied either by an exclusive easement granted by the property owner(s) or by the realignment of the sewer lateral such that it flows directly from the property in question to the public right-of-way.

4. Permits. All work required by this section or chapter 13.08 that occurs within the public right-of-way must not be performed unless an encroachment permit is first obtained through the Community Development Department.

**SECTION 7.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 8.** The provisions of these Sections shall be liberally construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety and convenience.

[END]

## NOTICE OF PUBLIC HEARINGS

### STANDARDS FOR THE BEAR MOUNTAIN CENTRAL BUSINESS DISTRICT AND PROCEDURAL UPDATES TO THE ARVIN MUNICIPAL CODE

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

- A Resolution of the Planning Commission of the City of Arvin recommending the City Council I) Approve General Plan Amendment 2020-01; II) Amend the Arvin Municipal Code to add Standards for the Bear Mountain Central Business District, and update Notice and Use Permit Findings and III) making CEQA findings for the same.

#### **Arvin Planning Commission Public Hearing Information**

**Date:** September 3, 2020

**Time:** 6:00 PM

**Place:** City of Arvin Council Chambers (by telephone\*)  
200 Campus Drive, Arvin, CA 93203

**Call In Number:** 1-669-900-9128; Access Code 814 7122 3031#

**Join on-line:** <https://us02web.zoom.us/j/81471223031>

Notice is further given that the City Council of the City of Arvin, California, will conduct a public hearing at special meeting, at which time you may be heard, to consider the following:

- Adoption of a Resolution of the City Council of the City of Arvin Approving General Plan Amendment 2020-01 (Bear Mountain Central Business District) and making CEQA findings; and
- Adoption of an Ordinance of the City Council of the City of Arvin Amending the Arvin Municipal Code to add Standards for the Bear Mountain Central Business District, Update Notice Provisions, and Add Use Permit Findings.

#### **Arvin City Council Public Hearing Information**

**Date:** September 8, 2020

**Time:** 6:00 PM

**Place:** City of Arvin Council Chambers (by telephone or video streaming\*)  
200 Campus Drive, Arvin, CA 93203

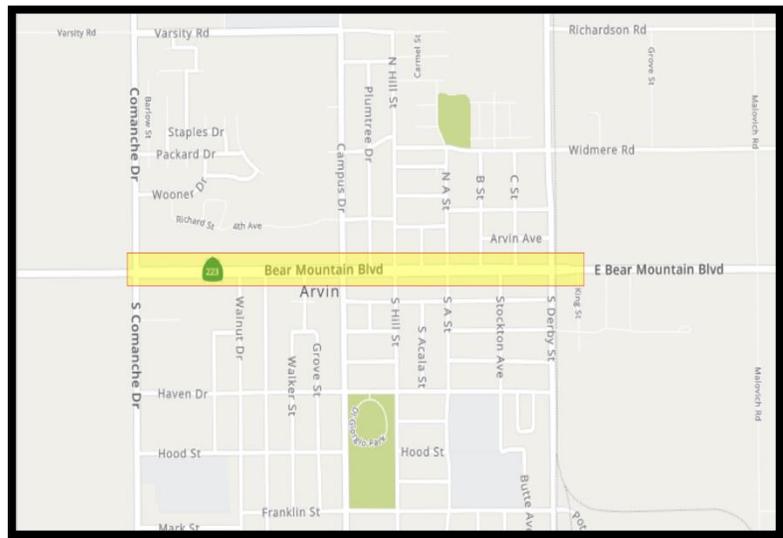
**Call In Number:** 1-669-900-9128; Access Code 814 7122 3031#

**Join on-line:** <https://us02web.zoom.us/j/81471223031>

**Description of the Project:** The City of Arvin is initiating a General Plan Amendment and Amending the Arvin Municipal Code. The amendments will allow additional flexibility for future uses of existing commercial development along the Bear Mountain Boulevard commercial corridor. This corridor consists of those commercial zoned buildings fronting Bear Mountain Boulevard (Highway 223) between South Comanche Drive and King Street. The additional flexibility for this area includes standards for parking, landscaping, storm flow, exterior trash receptacles, and similar site improvement items related to the re-use of existing, legally conforming, commercial structures for uses having moderate parking requirements. The amendments to the Arvin Municipal Code will also address clarifications for noticing requirements for the approval of entitlements subject to the City’s zoning ordinance, as well as update findings required for conditional use permits. The proposed General Plan Amendment and Municipal Code amendments will not require changes to any qualifying uses within the Bear Mountain Boulevard commercial corridor that are currently legally operating or legally non-conforming uses.

The City has performed a preliminary assessment of this project and, pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), proposes to determine with certainty that there is no possibility this project will have a significant adverse effect on the environment.

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](http://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](mailto:cvela@arvin.org).

**\*COVID-19 NOTE:** These meetings will held remotely consistent with the Governor’s Executive Order N-25-20 and N-29-20 issued on March 18, 2020. The purpose of this is to provide a safe environment for staff and the public to conduct City business, while allowing for public participation. These meetings will be held by teleconference only unless the emergency has been lifted before the meeting date or as otherwise specified in the Agenda. Members of the public are encouraged to participate by phone or email at [cvela@arvin.org](mailto:cvela@arvin.org) or by

submitting written comments at City Hall prior to the hearing. At least 24 hours before the Planning Commission meeting and 72 hours before the City Council meeting the Agenda will be posted at <https://www.arvin.org/government/clerk/meeting-agendas-minutes/documents-page/>. Please check the Agenda for additional ways to participate in this matter.

Cecilia Vela, City Clerk

Published: August 24, 2020, Bakersfield Californian