

**ORDINANCE NO. 2020-471**

**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**

**WHEREAS**, a main component of the City’s established business district is located along Bear Mountain Boulevard between South Comanche Drive and King Street, and often referred to as the Bear Mountain Central Business District (“District”)

**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**, updates to the City’s zoning ordinance are also needed to refresh key portions of the zoning ordinance, including noticing and findings for conditional use permits, in an effort to help clarify and streamline the process for applicants

**WHEREAS**, to address this issue the City has proposed General Plan Amendment 2020-01 (Bear Mountain Central Business District) and updates to the City’s zoning ordinance through a Zoning Ordinance Amendment (collectively “project”); and

**WHEREAS**, the Planning Commission of the City of Arvin held a public hearing on September 3, 2020, and recommend the Council approve General Plan Amendment 2020-10, the Zoning Ordinance Amendment, and the associated CEQA for the project; and

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

**WHEREAS**, the City Council 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 as well as the Zoning Ordinance Amendment being concurrently considered; and

**WHEREAS**, the City Council has concurrently heard General Plan Amendment 2020-01 and has approved the same along with the CEQA finding for the project on September 8, 2020; and

**WHEREAS**, the City Council introduced this Ordinance on the same date; and

**WHEREAS**, after a second public hearing on the same, the City Council now desires to adopt the Zoning Ordinance Amendment.

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

1. Recitals. The recitals and findings set forth above are true and correct and incorporated herein by this reference.

2. CEQA. This project has already been environmentally assessed, and no further action is required under the California Environmental Quality Act (CEQA).

3. General Plan Consistency. The City Council has already determined that the project, including the Zoning Ordinance Amendment, is consistent with the General Plan, and affirms the same herein.

4. Zoning Ordinance Amendment: The Zoning Ordinance Amendment is adopted as to those specific provisions of the Arvin Municipal Code as amended to read, in its entirety, as is set forth in the attached Exhibit "A" and incorporated in full by reference, which is 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).

5. Severability. 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.

6. Notice of Adoption: 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.

7. Effective Date: This Ordinance shall become effective thirty (30) days from the

adoption of this Ordinance.

**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 08th day of September 2020, and adopted the Ordinance after the second reading at a regular meeting held on the 22<sup>nd</sup> day of September 2020, by the following roll call vote:

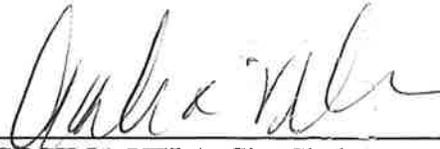
AYES: CM Martinez, CM Trujillo, CM Franetovich, Mayor Gurrola

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

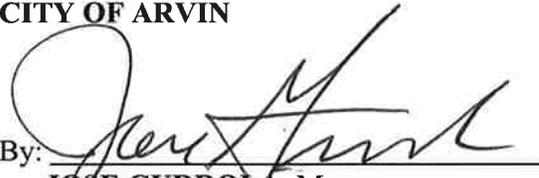
ABSTAIN: \_\_\_\_\_

ABSENT: MPT Robles

**ATTEST**

  
\_\_\_\_\_  
**CÉCILIA 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.

**EXHIBIT A**  
**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, in its entirety, 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, in its entirety, 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, in its entirety, 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]