

**ORDINANCE NO. 2025-498**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN  
ADOPTING ZONING CODE AMENDMENT 2025 AMENDS TITLE 17  
ZONING – CHAPTER 17.055 MULTIPLE FAMILY RESIDENTIAL  
DESIGN REVIEW MINISTERIAL PERMITS.**

**WHEREAS**, the City Council desires to amend Title 17 Zoning – Chapter 17.055 Multiple Family Residential Design Review Ministerial Permits as recommended by the Planning Commission.

**WHEREAS**, on February 18, 2025, at after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

**WHEREAS**, after the above-mentioned public hearing, the Planning Commission adopted a resolution which recommended that the City Council adopt this Ordinance; and

**WHEREAS**, on March 11, 2025, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public, and introduced the ordinance; and

**WHEREAS**, on March 25, 2025, the City Council conducted public hearing and conducted the second reading and adoption of Ordinance Amendments; and

**WHEREAS**, after the above-mentioned City Council public hearing, the City Council now desires to amend Title 17 Zoning Chapter 17.055 Multiple Family Residential Design Review Ministerial Permits; and

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

1. The Recitals set forth above are true and correct and incorporated herein.
2. Copies of the environmental document and full text of the deletion and addition to Title 17 Zoning – Chapter 17.055 Multiple Family Residential Design Review Ministerial Permits were made available for public inspection during public review period at the City Clerk's office and the City of Arvin Community Development Department, 141 Plumtree Drive, Arvin, California and on the City's website.
3. Based upon its own independent judgment and substantial evidence in the record of proceedings related to the Proposed Ordinance amendments, the City Council approves the Notice of Exemption and directs staff to file the Notice of Exemption with the Kern County Clerk's Office and the State of California CEQA Submit.
4. This Ordinance will allow the State of California Department of Housing and Community Development Department to certify the 2023-2031 Housing Element compliant with the State of California Housing Laws.

**Code Amendments are as follows:**

**CHAPTER 17.055 MULTIPLE FAMILY RESIDENTIAL DESIGN REVIEW  
MINISTERIAL PERMIT**

**Sections:**

**AMEND Section 17.055.010 Purpose of provisions:**

The purpose of this chapter is to regulate the ministerial review and approval of Senate Bill 35 (SB35) eligible projects and multiple family residential development in compliance with chapter 17.72, multiple family residential design review. Where projects do not meet the requirements of chapter 17.72, multiple family residential design review, the project shall be processed in accordance with chapter 17.05, uses permitted subject to administrative approval, and chapter 17.60, site development permit, and may be subject to the California Environmental Quality Act and local implementing procedures, as applicable. The provisions of this chapter set forth a procedure for approval where objective design and development standards can be applied and verified by the city planner that such use is in conformance with the intent and provisions of this chapter. Multiple family residential review shall be applicable to all zones that permit multiple family residential development, which review shall be ministerial and exempt from CEQA requirements. The typical zone districts include R-2, R-3, R-4, and MUO (where multiple family residential development is permitted). Housing development projects, whether single or multiple family residential, shall be allowed by-right as accessory to permitted religious institution uses, consistent with Assembly Bills 1851 and 2244 adopted in 2022. Housing development projects, whether single or multiple family residential, shall be allowed by-right as accessory to permitted religious institution uses, consistent with Assembly Bills 1851 and 2244 adopted in 2022. **(February 18-2025 PC Mtg.)**

**ADD**

**Section 17.055.015 – Permitted Uses Designated, is hereby added**

Allow by right the development of Assessor Parcel Number 192-170-06 currently identified to meet the lower-income RHNA requirement or any other parcel listed in the prior two cycles for the purpose of meeting the 6th cycle lower-income RHNA obligations, given that the development include 20 percent affordable units for lower-income households when meeting the criteria as established by Chapter 17.055 Multiple Family Residential Design Review Ministerial Permit and Chapter 17.72 Multiple Family Residential Design Review. (February 18, 2025)

**17.055.020 Application for approval—Review Procedure.**

- A. Application Review. Each application, as established herein Chapter 17.055 Multiple Family Residential Design Review Ministerial Permit for a multiple family residential development

project shall be reviewed to ensure that the application is consistent with any adopted objective multiple family residential development standards contained in Chapter 17.72 Multiple Family Residential Design Review.

1. A complete application submittal package shall be provided pursuant herein Chapter 17.055.020 Application for approval – Review Procedure in order for the application to be deemed complete and eligible for an objective multiple family residential development review. The applicant shall submit three (3) prints of site plans, plot plans, elevations (north, south, east, and west), floor plans, and landscape plans necessary to depict the required information. The submittal package shall contain plans drawn to scale and shall indicate clearly and with full dimensions the following information. The applicant may also submit the files electronically via flash drive.
  - a. Name and address of the applicant and of all persons owning any or all of the property proposed to be used.
  - b. Location of property involved (address or vicinity).
  - c. Legal description of property.
  - d. Proposed facility or use.
  - e. The lot dimensions.
  - f. All buildings and structures and their location, size, height, and proposed uses.
  - g. Location and design of recreation areas.
  - h. Yards and spaces between buildings.
  - i. Walls and fences and their location, height, and materials.
  - j. Landscaping and sprinkling system, including location, type and plant names and proposed disposition of existing trees.
  - k. Off-street parking, including the location, number of stalls, dimensions of the parking facility, and internal circulation system.
  - l. Access, pedestrian, vehicular, and service, points of ingress and egress, and driveway locations and dimensions.
  - m. Signs and their location, size and height.
  - n. Loading, including the location, dimensions, number of parking spaces, internal circulation, and means of accessibility to structure or use served.
  - o. Lighting, including the location, general nature and hooding devices, if any.
  - p. Street dedication and improvements.
  - q. Location of utilities and trash collection areas; and
  - r. An appropriate description legend and North point
  - s. And other materials may be required to demonstrate compliance with Chapter 17.72 – Multiple Family Residential Design Review.
- B. The City Planner shall determine if the application is complete within thirty (30) working days and if complete shall review the application for compliance with the provisions of Chapter 17.72 Multiple Family Residential Design Review. If the application is deemed incomplete, the City Planner shall advise the applicant of the needed information. Upon resubmittal of an incomplete application, the City Planner has an additional thirty (30) days to review the content of the resubmitted application.

- C. Upon completion the review of a completed application and consultation with appropriate City Departments and purveyors of services, the City Planner shall state in writing either approval or denial of the proposal based solely on compliance with the adopted objective standards identified in Chapter 17.72 Multiple Family Residential Design Review within forty-five (45) days of acceptance of a complete application excluding Saturday, Sundays, and legal holidays, of acceptance of a complete application.
- D. In approving or denying the proposal, the City Planner shall advise of the decision to the applicant and designated representatives and shall advise of the right to appeal the decision in accordance with Section 17.055.040 Appeals.

**17.055.030 Decision on application—Notice required.**

- A. One copy of the written decision of the City Planner approving or denying the application shall be signed and dated by the City Planner and mailed to the applicant, City Departments, and all purveyors of public services. The applicant, if in agreement with the decision of the City Planner, shall sign and certify their agreement to the findings and requirements as stated in Section 17.055.030 Grant of application—Findings required on a form provided by the City Planner.

**17.055.040 The City Planner's Decision**

- A. The City Planner's decision shall be deemed ministerial provided the following standards are complied with:
  - 1. Proposed use is SB35 compliant and meets the eligibility criteria for streamlined review.
  - 2. Proposed use is permitted in the underlying zone district and density is permitted within the underlying planned land use.
  - 3. Proposed use will be in compliance with all adopted objective multiple family residential development standards contained in Chapter 17.72 Multiple Family Residential Design Review.
  - 4. Proposed use will comply with all other applicable provisions of the Zoning Ordinance.
  - 5. Proposed use will comply with all policies and standards identified in the General Plan and any specific plan, as applicable; and
  - 6. Approval of the project will not violate any existing policy, regulation, mandate, or law.

**17.050.050 Appeals**

- A. The City Planner's decision shall be deemed final except as follows:
  - 1. An applicant may appeal against the denial of a multiple family objective review to the Planning Commission as provided within Section 17.54.100 Hearing – Notice and Payment of Fees per section 17.54.080 (D).
  - 2. Mistakes of fact may be appealed to correct the record or resubmittal of corrected information to the Director and Payment of Required Fee.

- a. An appeal to correct the record for a mistake of fact does not change the ministerial nature of the approval nor the CEQA exemption.

**17.055.060 Environmental Review**

- A. Multiple family residential development review applications in compliance with the provisions contained herein Chapter 17.055 Multiple Family Residential Design Review Ministerial Permit and Chapter 17.72 Multiple Family Residential Design Review that are approved by the City Planner are considered ministerial and are exempt from environmental review pursuant to CEQA Guidelines Section 15268.

**17.055.070 Building permits—Clearances Prior to Issuance of Certificate of Occupancy.**

- A. Before a building permit shall be issued for any building or structure proposed as part of an approved application for Multiple Family Design Review approval, the building division shall secure written clearance from the City Planner that the proposed structure and/or building location is in conformity with the ministerial review of the Multiple Family Design Review application. Before a building may be occupied or before final inspection, the building official/inspector shall certify to the City Planner that the site has been developed in accordance with the Multiple Family Residential Design Review approval.

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.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be posted at the following designated places for posting of public notices: (1) Arvin City Hall/City Council Chambers; (2) Arvin Police Department; and (3) Community Development Department; (4) City of Arvin's website at [www.arvin.org](http://www.arvin.org).

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**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 11<sup>th</sup> day of March 2025, and adopted the Ordinance after the second reading at a regular meeting held on the 25<sup>th</sup> day of March 2025, by the following roll call vote:

AYES: CM Perez, CM Horton, MPT Reyes, Mayor Calderon

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

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

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

**ATTEST**

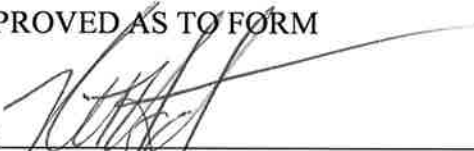


**CECILIA VELA**, City Clerk

**CITY OF ARVIN**

By:   
**OLIVIA CALDERON**, Mayor

**APPROVED AS TO FORM**

By:   
**NATHAN HODGES**, City Attorney  
Hodges Law Group

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.