

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, February 23, 2021, 7:00 p.m.

COVID-19 NOTICE

As part of the City of Arcadia's COVID-19 transmission mitigation efforts, this meeting of the Arcadia Planning Commission will be conducted virtually. Per the Brown Act, the public will still be provided the ability to make public comments. For members of the public who would like to participate virtually, the meeting will be held via Zoom.

How to Submit Public Comment:

1. **Email:** Please submit your comments via email to planning@ArcadiaCA.gov at least 30 minutes prior to the posted meeting time. Your comments should be 300 words or less.
2. **Zoom:** To join the meeting from a phone, tablet, or internet browser please select the meeting link below and enter your name and email.

Meeting Link: <https://us02web.zoom.us/j/86559297824>

You may view the meeting live via Zoom as an Attendee; however, if you wish to provide a public comment, you will need a microphone enabled device. You will remain muted until you are recognized for public comment.

3. **Phone:** A dial-in number has been also established for public comment for those without internet access. Your call will be recognized in the order it was received. You will remain muted until you are recognized for public comment.

Dial-in Number: 1(669) 900 6833

Meeting ID: 865 5929 7824

Please contact the Planning Division at planning@ArcadiaCA.gov or at (626) 574-5423 for more information.

新型冠状病毒（COVID-19）通知

作为阿凯迪亚市政府缓解 COVID-19 传播工作的一部分，本次阿凯迪亚市议会会议将以虚拟方式举行。根据《布朗法案》，仍将向公众提供发表评论意见的机会。对于希望以虚拟方式参加会议的公众，会议将在 Zoom 网站上进行现场直播。

如何提交公众评论意见：

1. **电子邮件：**请通过向 planning@ArcadiaCA.gov 发电子邮件的方式提交您的评论意见，须在公布的会议时间至少提前 30 分钟收到提交的评论意见。您的电子邮件不得超过 300 个字。
2. **Zoom：**请通过电话，电脑或网路浏览器点选下面的会议链接即可加入会议，连结后请输入您的姓名和电子邮件。

会议链接：<https://us02web.zoom.us/j/86559297824>

您将以观众身份在 Zoom 上收看会议；若您希望提供公众意见，则需要启用麦克风的设备。在公众评论时段开始以前，您将被保持静音状态。

3. **电话：**已经为公众提交评论意见设立一条会议专线。公众打来的电话按先后顺序接听。您应当将您的电话设为“静音”，直至轮到您提出评论意见。

会议专线： 1(669) 900 6833

接入代码： 865 5929 7824

详情请洽规划部，电子邮件 planning@ArcadiaCA.gov，电话号码 (626) 574-5423。

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from Planning Services at (626) 574-5423. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》的规定，需要提供残障相关调整或便利设施才能参加会议的残障人士（包括辅助器材或服务），可向规划服务部请求获得此类调整或便利设施，电话号码 (626) 574-5423。请在会前 48 小时通知规划服务部，以便作出合理安排，确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：626-574-5455），请求提供志愿或专业翻译服务，请至少在会前 72 小时提出请求。

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Marilynne Wilander, Chair
Zi Lin, Vice Chair
Kenneth Chan, Commissioner
Brad Thompson, Commissioner
Vincent Tsoi, Commissioner

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

Each speaker is limited to three (5) minutes per person, unless waived by the Planning Commission. Under the Brown Act, the Commission or Board Members are prohibited from discussing or taking action on any item not listed on the posted agenda.

PUBLIC HEARING

All interested persons are invited to appear at a public hearing and to provide evidence or testimony concerning any of the proposed items set forth below for consideration. Separate and apart from the applicant (who may speak longer in the discretion of the Commission) speakers shall be limited to **five (5) minutes per person**. The applicant may additionally submit rebuttal comments, at the discretion of the Commission.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

1. Resolution No. 2072– Text Amendment No. TA 20-01 to amend and update various sections of the City's Development Code and the Tree Preservation Ordinance with a Categorical Exemption under the California Environmental Quality Act ("CEQA")

Recommendation: Adopt Resolution No. 2072 and Recommend Approval to the City Council

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Commission, staff, or the public request that specific items be removed from the Consent Calendar for separate discussion and action.

2. Minutes of the February 9, 2021 Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIASION

MATTERS FROM PLANNING COMMISSIONERS

MATTERS FROM ASSISTANT CITY ATTORNEY

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

ADJOURNMENT

The Planning Commission will adjourn this meeting to Tuesday, March 9, 2021, at 7:00 p.m.



STAFF REPORT

Development Services Department

DATE: February 23, 2021

TO: Honorable Chair and Planning Commission

FROM: Lisa L. Flores, Planning and Community Development Administrator
By: Vanessa Quiroz, Associate Planner

SUBJECT: RESOLUTION NO. 2072– TEXT AMENDMENT NO. TA 20-01 TO AMEND AND UPDATE VARIOUS SECTIONS OF THE CITY’S DEVELOPMENT CODE AND THE TREE PRESERVATION ORDINANCE WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)
Recommendation: Adopt Resolution No. 2072 and Recommend Approval to the City Council

SUMMARY

The Development Services Department has initiated a text amendment to amend and update various sections of the City’s Development Code since the last comprehensive update in 2016 and to update the tree preservation ordinance. The text amendments do not consist of substantial changes to the existing regulations nor the format, but it is the City’s intent to make adjustments that will further amplify the Development Code to continue to make it flexible, easy to apply, and more business friendly. In general, the text amendments will result in changes to various sections in Division 1: Enactment, Applicability, and Enforcement, Division 2: Zones, Allowable Uses, and Development Standards, Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards, Division 4: Regulations for Specific Land Uses and Activities, Division 5: Subdivisions, Division 7 Permit Processing Procedures, Division 8: Development Code Administration, Division 9: Definitions, and Division 10: Tree Preservation Ordinance, a new division, will be added to the City’s Development Code.

It is recommended that the Planning Commission adopt Resolution No. 2072 (refer to Attachment No. 1) recommending approval of Text Amendment No. TA 20-01 to the City Council, and that the text amendment is Categorically Exempt under the California Environmental Quality Act (“CEQA”).

BACKGROUND

The 2016 Update of the Development Code fully reconstructed the Zoning Code, streamlined permits and application processes, codified existing policies and regulations, and brought the zoning regulations up-to-date to ensure consistency with the Arcadia General Plan. Since the adoption in 2016, the City has only processed a few other text amendments to comply with recent state legislations to accessory dwelling units, new regulations for properties within the Downtown area to coincide with the 2018 City Center Design Plan, and the design review process of the five (5) designated Homeowners Associations when the City's Design Guidelines were updated in 2019.

With the exception of the aforementioned text amendments, the Development Code has remained as an extensive and well-structured zoning code these past four years. Nevertheless, in order to maintain good zoning practices, staff has come across certain requirements and regulations in the Development Code that can benefit from minor changes and updates in order to improve the interpretation of the code and the process. Such changes include processing certain land uses under a different entitlement with a quicker turnaround, but still gives the public an opportunity to comment. Other changes includes new options for shared parking, changing the way the Downtown Parking Overlay has been administered to allow more flexibility for uses to change over time, allowing more uses on the ground floor in the downtown area (some uses were limited to the upper floors only), amend some of parking requirements to improve the site's layout and functionality, and updated the tree ordinance to provide more clarity. The proposed text amendments will allow for new opportunities to the commercial and industrial properties after the pandemic, which will be beneficial to the property owners.

DISCUSSION

There were changes were made throughout the Code, however, below are some of the more significant changes. Some of these changes will also improve the business friendly regulations that were threaded throughout the Code, and provide more flexibility, while other changes will provide clarity to a property owner and/or developer – refer to Exhibit A of Attachment No.1. for the complete list of the changes to the City's Development Code.

Business-Friendly Changes

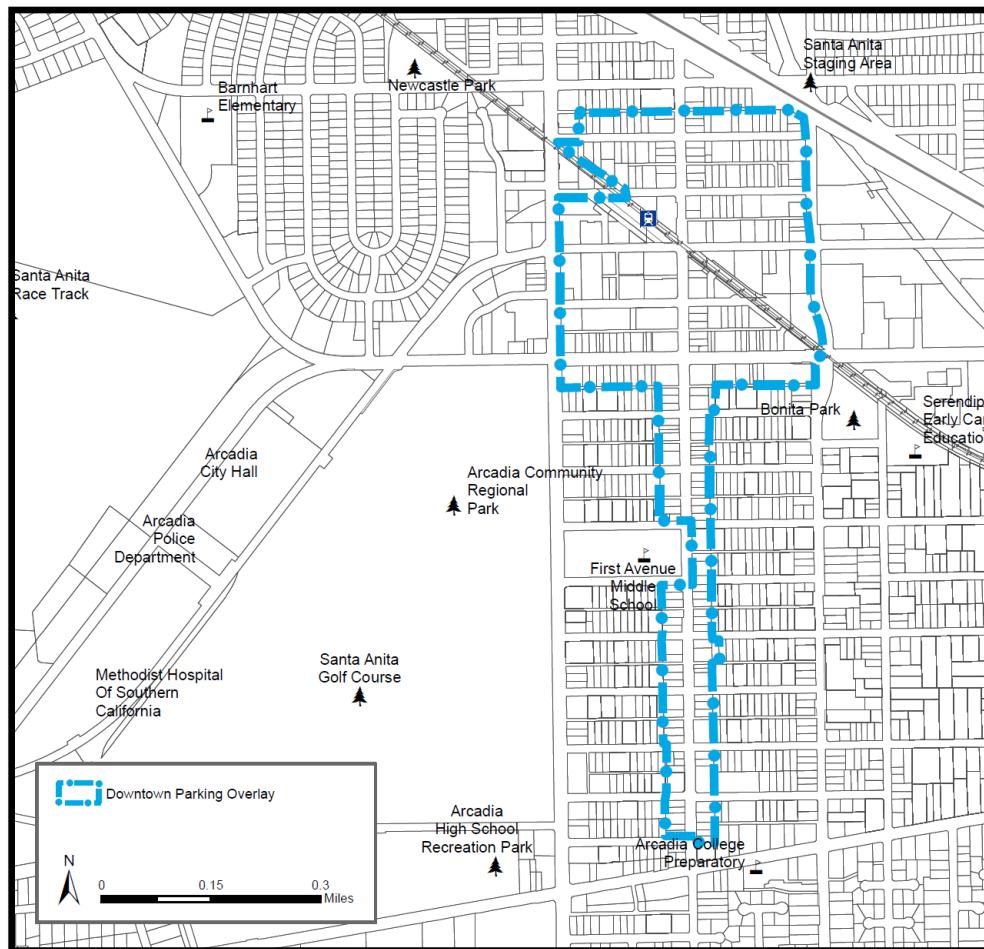
- 1. Restaurants (Alcoholic Beverages and Extended Hours):** Currently, the code requires a Conditional Use Permit (CUP) for restaurants that serve alcoholic beverages within the General Commercial (C-G) zone and Commercial Office (C-O) zone. However, serving alcoholic beverages at a restaurant is usually part of the business operation and it is considered more of an ancillary use that compliments the business than a standalone use. By changing the review process from a CUP to a Minor Use Permit (MUP), it will shorten the review process since it will be handled administratively by staff and help the restaurant owners financially to recover the

cost of an Alcoholic Beverage Control (ABC) license. The MUP process will still give the residents an opportunity to comment on the request and for Staff to place the necessary conditions to ensure it will not create any potential impacts to the surrounding uses. In the Arcadia downtown area, the sale of alcoholic beverage within a restaurant is allowed “by-right” if the site is located 300 feet away from a residential zone. Under the current proposal, the distance will be revised to 150 feet away from a residential zone. Most of the residential properties that are captured in the 300 foot distance are located on the opposite ends of a major corridor that provides a significant separation and are not impacted by the use. The reduction in distance would still capture residential properties that are located closer and will benefit from having the ability of being notified or voicing their concerns. As for late hours (after midnight), the business owner would have to apply for CUP.

2. **Breweries:** This is another use that can be handled under the MUP rather than through the CUP in the industrial zones. This type of use usually helps turn vacant warehouse building to an active use, draws out-of-towners, and it is great for the residents and the economy. By streamlining the review process, it will help lease large spaces faster for the property owner and draw new businesses into the City.
3. **Large Fitness/ Health Centers:** The proposed change will now allow large fitness facilities (3,000 sf or larger) once again on the ground floor in the Mixed-Use (MU) zone. They were originally allowed on the ground floor, but it was changed in 2016 through the Development Code Update to only be permitted on the upper floors. The Downtown Improvement Association thought it might be more ideal to free the ground floor space for more active uses to help activate the downtown area and create a nightlife. The Mixed-Use zone properties are located along S. First Avenue and on Live Oak Avenue, and in both areas the sites are developed with single-story building or smaller two-story buildings. Not much has redeveloped over the last four years and the properties on Live Oak Avenue can accommodate large fitness facilities within those single-story buildings. Therefore, it makes sense to change the restriction and process this type through a CUP.
4. **Personal Services:** Personal Service businesses are continuously changing and adapting to new beauty trends and to stay up-to-date with services in order to remain competitive. In general, new services such as permanent make-up, eyelash extensions, and facial enhancements are consistent and comparable with one another. By providing multiple complimentary services, it creates a one-stop location for customers. In order to accommodate these uses, the text amendment will expand upon these services under the definition of Personal Services to provide greater flexibility to these businesses. Additionally, desirable uses such as a Day Spa will be allowed through a CUP in the downtown zones within limited restrictions (currently a business with massage service is prohibited). However, this change does allow other uses under Personal Services – Restricted within the downtown area (refer to the List of Refinements under Exhibit A), which were all prohibited prior this text amendment but they would be subject to a CUP and Planning Commission review.

- 5. Downtown Parking Overlay:** The Downtown Parking Overlay was implemented in 2016 to help legal non-conforming properties that could not allow for a change in uses due to parking. The site either could not meet the minimum requirement or it had no available parking for their customers. The existing regulation only allows a new use to continue the non-conformity of a site in terms of parking if the previous business was under parked. The proposed change would no longer limit it to legal non-conforming properties, but to all properties within the Downtown Parking Overlay, as shown below. This would not apply to new developments or projects that were approved with an entitlement that was thoroughly reviewed and included an environmental review that analyzed the parking and traffic impacts.

Downtown Parking Overlay



The new change will allow property owners to repurpose the building for many different types of uses, bring in more active uses, and it would apply to the entire building not just the ground floor. It will not impact street parking since this Overlay has been applied to the downtown area since these sites are served by public parking lots, street parking, and public transportation such as bus lines and the

Metro Goldline. This will hopefully help the downtown area thrive after the pandemic ends.

- 6. Parking Plan for Commercial Centers:** The Code will now give the property owner the option to propose a Parking Plan that allows a commercial center with multiple uses to analyze the parking for the entire site collectively rather than individually. This option would allow commercial centers to accommodate new uses that have a higher parking requirement based on the parking supply and demand throughout the day and week.
- 7. Mobile Food Vendors on Private Property:** Currently mobile food vendors (food trucks or food pods) are only allow to operate for 14 consecutive days or six (6) two-day weekends, within a 12-month period in a year. Staff proposes to extend the permitted time to six (6) months within a 12-month year. All existing operational standards will remain in place which will require ample parking, limited hours of operation, and compliance with the California State Health Department. This change to extend the timeline will allow a new food truck vendor to establish a location and help the property owner as well who would be collecting rent. This use can also help surrounding businesses that have limited food options.

New Regulations

- 1. Detached Solar Panel Structures:** A new code regulation is proposed to limit detached solar panel structures to 6 feet in height. Within the last four years, staff has received a few inquiries and proposal to place a detached solar panel structures to help optimize the energy production on single-family zoned properties. The height is handled through design review process, and it has been challenging for both the City Staff and Homeowners Associations. Having a maximum height requirement will take the subjectivity away from the process.
- 2. Multi-Family Parking Stall Dimensions:** Under the proposed text amendment, it is recommended that the parking stall dimensions for each parking space within a multi-family development will increase from 9'x19' to 10'x20'. This is to provide adequate space for all vehicles and pedestrian access to fit properly within a two-car garage. The large majority of the new multi-family developments in the City are design as townhome or condominium units with individual attached garages. In some cases, the projects are designed to provide larger garage spaces that are consist with the single-family residential garage dimensions to increase the appeal of the unit. A survey was also conducted of the surrounding cities and found the proposed dimension are the same with the parking dimension requirements in four of the six cities surveyed – refer to Attachment No. 2 for the Parking Survey. For smaller lots with a lot width of 50 feet or less, an exception was added to the Code to allow a 23 foot back-out instead of 25 feet. The site would be more functional

with a 20'x20' two car-garage and a 23 foot back-out clearance than a smaller two-car garage (e.g. 18' x 19') since the additional foot within the garage will provide sufficient space for a vehicle to properly maneuver out onto the driveway.

3. **Parking for One-Bedroom/Studio Units:** As part of the new proposals to the Development Code, the parking requirement for a single-bedroom or studio unit within a mixed-use project will now only require one parking space for the unit instead of 1.5 parking space that is currently required for each unit. Small units such as these are design for one-occupant. Additionally, the majority of mixed use projects are developed near public transportation such as bus lines and the Metro Goldline which provide residents with other modes of transportation options other than a vehicle.

Changes to the Existing Regulations

1. **Live/Work Units:** The proposed text amendment will no longer limit live/work units to the upper floors of a mixed-use development and to 750 square feet. Instead, the change will allow live/work units on the ground floor and that the commercial area does not exceed 49% of the floor area. Live/work units were limited to the upper floor to maintain a commercial frontage on the ground floor of mixed use projects. However, as seen with the mixed-use project at 17 Las Tunas Drive, a project that was processed under a Planned Development Permit, a live/work unit on the ground floor can maintain a commercial frontage and the layout, design, and occupancy standards of a live/work unit can be managed and controlled under the Declaration of Covenants, Conditions and Restrictions (CC&Rs) of the development. The recommended changes also includes allowing live/work units in the Central Business District (CBD) zone.
2. **Historical Preservation Ordinance:** Two additional criteria are proposed to the historic landmark designation process. The new criteria's are:
 1. It is listed on the California Register of Historic Places; or
 2. It is an iconic property

This is to ensure that the potential historic resources are truly an "iconic" and of historical significance to Arcadia's history and should be protected through the environmental process. A new definition has also been added that to define what an "iconic" structure means.

3. **Tree Preservation Ordinance**

As part of the Development Code Update, the Tree Preservation Ordinance will be relocated from the Arcadia Municipal Code into the Development Code as Division 10: Tree Preservation. Extensive modifications to the format were made to this ordinance to be consistent with the Development Code. More importantly, the

proposed changes will help provide clarity to the process, regulations, and the enforcement process should a protected tree is removed illegally. Some of the major changes includes:

- a. Protective Measures: New protective measures have been included to ensure the preservation of protected trees during construction work or site improvements such as the installation of irrigation, grading, and trenching.
- b. Tree Permit Requirements: The review timeline for the removal of dead, diseased and/or hazardous have been revised from 10 working days to seven (7) calendar days. This type of application dedicates a faster review process since the majority of application are straight forward and this application is dealing with trees that can be a hazard or a liability. The tree encroachment application has been revised from 10 working days to 30 calendar days to allow staff more review time for these application that can include an extensive review of the project plans as well as a detail arborist report that includes an analysis, instructions, and mitigation measures to ensure the health of the trees. A majority of the tree encroachment permit is submitted in conjunction with a new residence, or addition that should be reviewed collectively under the same time frame. The review days were revised from working days to calendar days to be consistent with the Development Code.
- c. A new regulation for tree maintenance has been added that outlines the type of maintenance work that is permitted without the City's review and approval and additional instruction about the maintenance standards.
- d. Definitions: A total of twelve new definitions were added to the ordinance. These definitions provide additional clarity and understanding of items that are commonly mentioned in an Arborist Report but are not defined in the Code.
- e. Violations: The revisions to the section will now indicate that a penalty fee of \$1,000.00 will be imposed for all violations of the ordinance and the City can require a tree replacement fee in the amount of, or equal to the replacement value, or the actual replacement cost of the protected tree that was illegal removed or damaged.

In addition to the items discussed in the staff report, the text amendment also includes amendments throughout the City's Development Code, which includes changes to tandem parking dimensions, signage, events at the race track, new uses to the land use tables, changes to the findings for entitlements, and minor typographical errors. For a complete draft of the text amendments - refer to Exhibit "A" of Attachment No. 1 – Resolution No. 2072.

FINDINGS

Pursuant to Development Code Section 9108.03.060, the Planning Commission may recommend that the City Council approve the amendments to the Development Code, provided that the following find may be approved only if all of the following findings are made:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan(s).

Facts to Support the Finding: All of the proposed changes to the Development Code are made to provide greater flexibility, clean-up existing regulations that are in need of adjustments, and modify the review process of exiting land uses. The intent and structure of the Development Code will remain the same and will continue to be consistent with the goals and polices of the Arcadia General Plan. In general, the proposed text amendments will help maintain the City as desirable City to conduct business. The proposed text amendments to the Development Code were found to be consistent with the following General Plan Policies:

Economic Development Element:

Economic Development Goal ED- 1: “A mix of land uses and development incentives that work to retain existing business and attract new enterprises that generate tax revenues and high-quality jobs.”

Economic Development Policy ED- 2.3: “Adjust parking standards for Downtown to allow for shared parking arrangements, use of public parking lots and structures, and reduced parking requirements.”

Land Use and Community Development Element:

Land Use Goal 6: “Attractive and vibrant commercial corridors that support retail, commercial, and office needs of Arcadia with expanded opportunities for mixed-use development.”

The proposed text amendments to the Tree Preservation Ordinance will continue to reinforce the goals and visions of the City by implementing new regulations and standards for the preservation of protected trees. Additionally, the update also includes changes to text, processes, and definitions to improve the usability and applicability of the Tree Preservation Ordinance. As such, the proposed text amendment will be consistent with the provisions and goals of the Arcadia General Plan.

2. For Development Code amendments only, the proposed amendment is internally consistent with other applicable provisions of this Development Code.

Facts to Support the Finding: The proposed text amendments consists of minor adjustments and clean-ups to the existing comprehensive Development Code. The proposed text amendments do not consist of substantial changes to the format, structure nor the existing processes within the Development Code. The changes are to modify existing language and provide greater flexibility with review process for a business friendly zoning document. Therefore, the proposed amendments will not constitute major alterations to the Development Code and are internally consistent with all other existing zoning provisions.

The Tree Preservation Ordinance will be incorporated into the Development Code. The ordinance has been revised to follow the format, structure, and provisions of the Development Code. Thus, the Tree Preservation Ordinance will be internally consistent with the Development Code.

ENVIRONMENTAL ANALYSIS

The proposed text amendments to the Development Code is exempt from review under CEQA pursuant to Section 15061(b)(3) where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, therefore the project is not subject to CEQA. A Preliminary Exemption Assessment is included as Attachment No. 3.

PUBLIC NOTICE/PUBLIC OUTREACH

The public hearing notice for Text Amendment was published in the Arcadia Weekly on February 11, 2021. As of February 19, 2021, staff did not receive any concerns or comments from the public.

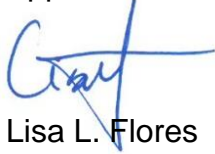
As part of the public outreach effort, the proposed changes to the Downtown area were presented to the Downtown Arcadia Improvement Association (DAIA) committee on February 11, 2021. Staff specifically discussed the changes to permit office uses and medical/dental office uses on the ground floor, and personal restricted services such as a day spa, tattoo shop, etc.

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached Resolution No. 2072 (Attachment No. 1) and recommend approval of Text Amendments No. TA 20-01 to the City Council, based on the findings listed in this staff report, and that the project is Categorical Exempt under the California Environmental Quality Act (CEQA).

If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the February 23, 2021, hearing, please contact Associate Planner, Vanessa Quiroz at (626) 574-5422 or vquiroz@Arcadiaca.gov.

Approved:



Lisa L. Flores
Planning & Community Development Administrator

Attachments:

- Attachment No. 1: Resolution No. 2072
Exhibit "A" - List of Refinements and Draft - Proposed Text
Amendments to the City's Development Code.
- Attachment No. 2: Parking Survey
Attachment No. 3: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2072

RESOLUTION NO. 2072

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. TA 20-01 TO AMEND AND UPDATE VARIOUS SECTIONS OF THE CITY'S DEVELOPMENT CODE AND THE TREE PRESERVATION ORDINANCE WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

WHEREAS, the Development Services Department initiated a text amendment to amend and update various sections of the City's Development Code and the tree preservation ordinance under Text Amendment No. 20-01 (referred to as "Text Amendment"), and

WHEREAS, the proposed Text Amendment would result in changes to various sections within the following divisions: Division 1: Enactment, Applicability, and Enforcement, Division 2: Zones, Allowable Uses, and Development Standards, Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards, Division 4: Regulations for Specific Land Uses and Activities, Division 5: Subdivisions, Division 7: Permit Processing Procedures, Division 8: Development Code Administration, Division 9: Definitions, and add a new Division 10: Tree Preservation to the City's Development Code, as shown in Exhibit "A" of this Resolution; and

WHEREAS, on February 1, 2021, Planning Services completed an environmental assessment of the proposed Text Amendment and recommends that the Planning Commission forward a recommendation to the City Council that the Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3), where it can be seen with certainty that there is no possibility that

the Text Amendment may have a significant effect on the environment, and the Text Amendment is not subject to CEQA; and

WHEREAS, on February 11, 2021, the City published the public hearing notice of the Text Amendment in a newspaper of general circulation (Arcadia Weekly) of the Planning Commission public hearing at which the Text Amendment would be reviewed with a recommendation to the City Council; and

WHEREAS, on February 23, 2021, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the Text Amendment; and,

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA HEREBY FIND, DETERMINE AND RESOLVES AS FOLLOWS:

SECTION 1. That the factual data submitted by the Development Services Department in the February 23, 2021, staff report is true and correct.

SECTION 2. This Planning Commission finds, based upon the entire record:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan(s).

FACTS: All of the proposed Text Amendment to the Development Code are made to provide greater flexibility, clean-up existing regulations that are in need of adjustments, and modify the review process of exiting land uses. The intent and structure of the Development Code will remain the same and will continue to be consistent with the goals and polices of the Arcadia General Plan. In general, the Text Amendment will help maintain the City as desirable City to conduct business. The proposed Text Amendment

to the Development Code were found to be consistent with the following General Plan Policies:

Economic Development Element:

Economic Development Goal ED- 1: “A mix of land uses and development incentives that work to retain existing business and attract new enterprises that generate tax revenues and high-quality jobs.”

Economic Development Policy ED- 2.3: “Adjust parking standards for Downtown to allow for shared parking arrangements, use of public parking lots and structures, and reduced parking requirements.”

Land Use and Community Development Element:

Land Use Goal 6: “Attractive and vibrant commercial corridors that support retail, commercial, and office needs of Arcadia with expanded opportunities for mixed-use development.”

The proposed Text Amendment to the Tree Preservation Ordinance will continue to reinforce the goals and visions of the City by implementing new regulations and standards for the preservation of protected trees. Additionally, the update also includes changes to text, processes, and definitions to improve the usability and applicability of the Tree Preservation Ordinance.

As such, the proposed Text Amendment will be consistent with the provisions and goals of the Arcadia General Plan.

2. For Development Code amendments only, the proposed amendment is internally consistent with other applicable provisions of this Development Code.

FACTS: The proposed Text Amendment consists of minor adjustments and clean-ups to the existing comprehensive Development Code. The proposed Text Amendment do not consist of substantial changes to the format, structure nor the existing processes within the Development Code. The changes are to modify existing language and provide greater flexibility with review process for a business friendly zoning document. Therefore, the proposed amendments will not constitute major alterations to the Development Code and are internally consistent with all other existing zoning provisions.

The Tree Preservation Ordinance will be incorporated into the Development Code. The ordinance has been revised to follow the format, structure, and provisions of the Development Code. Thus, the Tree Preservation Ordinance will be internally consistent with the Development Code.

SECTION 3. For the foregoing reasons the Planning Commission determines that the Text Amendment is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) which provides that, where it can be seen with certainty that there is no possibility that the Text Amendment may have a significant effect on the environment, the Text Amendment is not subject to CEQA.

SECTION 4. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission hereby recommends approval to the City Council of Text Amendment No. TA 20-01 as reflected in Exhibit "A" to this Resolution.

SECTION 4. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

Passed, approved and adopted on February 23, 2021.

Marilynne Wilander, Chair

ATTEST:

Lisa L. Flores, Secretary

APPROVED AS TO FORM:

Stephen P. Deitsch
City Attorney

[Page Intentionally Left Blank]

Exhibit “A”

List of Refinements and Draft - Proposed Text
Amendments to the City’s Development Code

Draft - Development Code and Tree Preservation Ordinance Text Amendment

Resolution No. 2072 – Exhibit “A”: List of Refinements

Dated: February 18, 2021

The revisions below reflect changes to the Development Code Amendments (Public Review Draft). Revisions are noted in **red**, with **strikethrough** for deletions and **underline** for additions.

Division	Page
Division 2: Zones, Allowable Uses, and Development Standards	
9102.01.080.B.1.C Converted Accessory Dwelling Unit in Multifamily Zones C. Converted Accessory Dwelling Unit in Multifamily Zones: Multiple accessory dwelling units within portions of <u>Portions of</u> existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, communal rooms , or garages, may be converted into an accessory dwelling unit if it complies with the state building standards for dwellings. Only one (1) converted accessory dwelling unit is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units on the lot may each have a converted accessory dwelling unit.	Pg. 6
Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards	
9103.11.040 Exempt Signs G. Signs Advertising Properties for Sale or Lease 1. Only one sign advertising properties for sale or lease shall be allowed per property per street frontage. Signs shall be limited to a total height of six feet, with a maximum face area size of four six square feet in residential zones and 24 square feet in non-residential zones. For new commercial and industrial developments, the maximum face area is 32 square feet. 2. Primary sign may have one secondary attached sign not to exceed one square foot, and one brochure box. 3. The sign may be placed in a yard, in a window, or on a wall. 4. All signs shall be removed within 14 days after the sale, lease, or rental that has been completed. For those properties that continuously advertise properties for lease, such as a commercial center or an office building, such signs shall not be required to be removed but shall be integrated into the overall site and building design. 5. Signs shall only be posted on the subject property for sale, lease, or rent. H. + Signs or emblems of a religious, civil, philanthropic, or historical markers or plaques.	Pg. 46

<p>I. J. Traffic Control and Directional Signs (with Limitations). On-site traffic control signs and signs providing directions to specific areas including, but not limited to, building entrances, parking facilities, and onsite facilities may be displayed. Such signs shall have a maximum area of four square feet and a maximum height of four feet.</p> <p>J. K. Vending Machine Signs. Signs on approved vending machines.</p>	
<p>9103.11.100 Temporary Signs</p> <p>D. Flags. Flags of the United States, the State of California, and other government entities shall be allowed in zones within subject to the following regulations:</p> <ol style="list-style-type: none"> 1. Flags mounted on a building shall allow for a minimum clearance of seven feet over a pedestrian right-of-way and 15 feet over a vehicular way. 2. A maximum of three flags shall be allowed on one flag pole on residential. 3. The maximum area of A flags shall not exceed 15 square feet per flag for residential zones. 4. The maximum height of a flagpole shall conform to Subsection 9103.01.050.C.1 (Exceptions to Height Limits in All Zones – Flagpoles). 	Pg. 62
<p>9104.01.010 9104.02.210 Live/Work Units</p> <p>A. Purpose and Applicability. The provisions in this Subsection shall apply to live/work units, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Live/Work units are considered nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.</p> <p>B. Limitations on Use. The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). A live/work unit shall not be allowed to include any of the following land uses or activities:</p> <ol style="list-style-type: none"> 1. Vehicle Repair and Service 2. Maintenance and Repair Services 3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use. 4. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work. 5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes. <p>C. Ground Floor Use. Where ground floor commercial uses are required, live/work units shall not exceed 25 percent of the ground floor building area.</p> <p>C.D. Design Standards</p> <ol style="list-style-type: none"> 1. Floor Area Requirement. A live/work unit shall have a minimum floor area of at least seven hundred fifty (750) square feet. The nonresidential portion of the live/work unit shall be at least 25 percent, but no more than 50 percent, of the area of each unit, in order to ensure that the residential commercial portion remains accessory to the primary residential commercial use 	Pg. 68

<p>and comply with California Building Code requirements. All floor area other than that reserved for living space shall be reserved and regularly used for working space.</p> <ol style="list-style-type: none"> 2. Separation and Access of Individual Units. Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage. 3. Facilities to Accommodate Commercial Activities. A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity. 4. Integration of Living and Working Space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Subsection, and living and working space may be separated by interior courtyards or similar private space. <p>D.E. Operating Requirements</p> <ol style="list-style-type: none"> 1. Occupancy. A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator. 2. Business License Required. At least one of the residents of a live/work unit shall be required to have a business license with the City of Arcadia, issued pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations). 3. Sale or Rental of Portions of Unit. No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit. 4. Non-Resident Employees. One person who does not reside in the live/work unit may work in the unit unless this employment is prohibited or limited by the minor use permit. The employment of two or more persons who do not reside in the live/work unit may be permitted, subject to minor use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other state and federal regulations. 5. Client and Customer Visits. Client and customer visits to live/work units are permitted subject to any applicable conditions of the minor use permit, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses. 	
<p>Division 9: Definitions</p>	
<p>9109.01.050 – “D” Definitions</p> <p>Day Spa. Health, beauty, and relaxation services that deal with the cosmetic, therapeutic, and/or holistic treatments, where people visit for professionally administered personal care treatments. This use can include massage services as an ancillary.</p>	<p>New</p>
<p>9109.01.170 – “P” Definitions</p>	<p>Pg. 103</p>

<p>Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:</p> <ul style="list-style-type: none"> • acupuncture and acupressure • barber shops, hair salon, blowdry bar • clothing rental shops • cryotherapy • dry cleaning pick up stores with limited on-site cleaning equipment • locksmiths • nail salon • shoe repair and maintenance (small and large appliances) shops • tailors and seamstresses • ticket services shops • Beauty services such as facials and non-surgical facial enhancements <p>Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:</p> <ul style="list-style-type: none"> • Day spa • fortune-telling and psychic services • laundromats (self-service laundries) • massage establishments (massage establishments shall only be allowed-as ancillary use within a Day Spa in CBD, MU, and DMU zones and not as a standalone use). • palm and card readers • tanning salons • tattoo and body piercing services 	
<p>Division 10: Tree Preservation Ordinance</p>	
<p>9110.01.070.A.3 Encroachment into a Protected Zone of Protected Trees</p> <p>3. C. Tree Permit for Encroachment into a Protected Zone of Protected Trees.</p> <p>1. An application for a tree permit for encroachment into a protected zone of a protected tree shall be made to the Community Development Division.</p> <p>2. A fee per the City's fee schedule.</p> <p>3. A fee, as deemed necessary by the Director, for the City to hire a Certified Arborist to evaluate the tree and potential locations for replacement trees, accompanied by appropriate photographs showing the existing tree to be removed and locations for replacement trees.</p> <p>a) A tree report is required from a Certified Arborist. The tree report shall specify the location and condition of the trees, include potential impacts of the development, recommended actions and mitigation measures in order to preserve the long-term health of the trees. The tree report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. An explanation why is it necessary to encroach upon the tree(s); 2. An explanation why is the encroachment upon the tree(s) more desirable than an alternative project design; and 	<p>Pg. 116</p>

3. An explanation of any mitigation measures.

- b) Upon the receipt of ~~the~~ an application to encroach into the protected zone of a protected tree, the Director or designee shall have ~~fourteen~~ thirty (30/44) days ~~ten (10) working days~~ to ~~action on~~ approve, conditionally approve, or deny the application, unless it is being acted upon with another application ~~discretionary permit~~.

Draft - Proposed Text Amendments to the City's Development Code

Division 1: Enactment, Applicability, and Enforcement

9101.02.020 Rules of Interpretation

- A. Authority.** The Director has the authority to interpret provisions of this Development Code according to Subsection 9101.02.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of a Development Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. **The Director may defer authority or interpretation, reviews, and approval to a designee. This shall be applied throughout the Development Code.**
- B. Terminology.** When used in this Chapter, the following rules apply to all provisions of this Development Code:
- 1. Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
 - 2. Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 - 3. Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 - 4. Calculations**
 - a. Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. An Administrative Modification pursuant to Section 9107.05 (Administrative Modifications) may be approved to round up a fraction of a unit equal to or greater than 0.5. For projects eligible for a density bonus pursuant to Government Code Section 65915 or any successor statute and Section 9103.15 (Density Bonus for Affordable and Senior Housing), any fractional number of permitted density bonus units shall be rounded up to the next whole number.
 - b. Other Calculations.** For calculations other than residential density, the fractional/decimal results of calculations of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
 - 5. Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."
 - 6. Local Reference.** "City" as used in this Development Code means the City of Arcadia, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
 - 7. Definitions.** As defined in Division 9 (Definitions) and/or as determined/interpreted by the Director.
- C. Number of Days.** Whenever the number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days, unless otherwise specified. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

- D. **Minimum Requirements.** When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

9101.02.040 Uses Not Classified

- A. **Use Not Listed Is Not Allowed.** If a use of land is not specifically listed in Division 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.
- B. **Director's Determination.** Based on the authority granted in Subsection 9101.02.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Division 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:
1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zone;
 2. The use will meet the purpose/intent of the zone that is applied to the location of the use; and
 3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan or Planned Development Permit.
- C. **Applicable Standards and Permit Requirements.** When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- D. **Uses Not Permitted in Arcadia.** Notwithstanding the above, Bail Bonds, Boarding Houses, **short-term rental, home sharing,** Check Cashing Establishments, personal recreational use, possession, purchase, transport, or dissemination of marijuana, and any other uses determined by the Director to have equivalent characteristics and activities to these prohibited uses shall not be treated as permitted or conditionally permitted uses in any zone of the City of Arcadia.
- E. **Marijuana Cultivation, Use and Violations**
1. **Outdoor Cultivation of Marijuana.** A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
 2. **Indoor Cultivation of Marijuana**
 - a. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
 - b. To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Planning Division. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.
 - c. The Planning Division will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements.
 3. **Medical Use of Marijuana**

- a. Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Subsection 9101.020.040.D.3 (Indoor Cultivation of Marijuana).
 - b. The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
- 4. **Commercial Use of Marijuana.** The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
 - a. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
 - b. The cultivation of marijuana;
 - c. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
 - d. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.
- 5. **Marijuana Violations.** No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Section 1200 of this Municipal Code and/or under state law.

Division 2: Zones, Allowable Uses, and Development Standards

9102.01.080 Accessory Dwelling Units

Amended by Ord. No. 2347

Amended by Ord. 2369 & 2370

Accessory dwelling units and junior accessory dwelling units, as defined in Division 9 (Definition) of this Development Code, are allowed in the R-0, R-1 and R-M, R-2, ~~R-3-R~~ and R-3 zones, **developed with at least one dwelling**. ~~if the lot is currently improved with only one dwelling unit.~~ Accessory dwelling units are subject to all development standards for the underlying zoning of the property, as set forth in Table 2-2 (Development Standards for Single-Family Residential Zones) or in Table 2-6 (Development Standards for Multiple-Family Residential Zones) unless otherwise specified in Subsection 9102.01.080.B.

A. Development Standards

1. **General.** Except as identified in this Subsection, accessory dwelling units shall comply with all the development standards (setbacks, lot coverage, height, etc.). All accessory dwelling units shall be clearly subordinate in location and size to the primary structure and consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles. Accessory dwelling units shall have a **defined and** independent exterior access. An accessory dwelling unit is allowed on a site only when a primary residence exists.
2. **Location:** An accessory dwelling unit is permitted on any residentially zoned property if a single-family dwelling exists on the lot or will be constructed in conjunction with the accessory dwelling unit. An accessory dwelling unit may be either attached to the existing dwelling unit, or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. A junior accessory dwelling unit may only be located within an existing or proposed single-family structure. **One of the following are allowed:**
 - **One Attached ADU (may not be allowed with detached ADU or JADU); or**
 - **One Detached ADU; or**
 - **One Detached ADU with one Junior ADU**

~~For the purpose of this Section, "Living Area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.~~

4. **Maximum Floor Area and Lot Coverage.** No accessory dwelling unit may cause the total Floor Area Ratio (FAR) of the lot to exceed 45%. No accessory dwelling unit may cause the lot coverage of the lot to exceed 50%.
5. **Minimum Open Space.** No ADU to this Section may cause the total percentage of open space of the lot to fall below 50 percent.
6. **Maximum Size**
 - a. **Accessory Dwelling Unit.** The maximum size of detached or attached accessory dwelling unit is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
 - b. **Junior Accessory Dwelling Unit.** The maximum size within an existing or proposed single-family dwelling is 500 square feet.
 - c. An attached accessory dwelling unit that is created on a lot within an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - d. Application of other development standards, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but no application of FAR, lot coverage, or open space requirements may require the accessory dwelling unit to be less than 800 square feet.

7. Maximum Height and Story

- a. A single-story attached or detached accessory dwelling unit may not exceed 16 feet in height, measured to the top of the roof ridge.
 - b. A second story or two-story attached accessory dwelling unit may not exceed the height of the primary residence.
 - c. A detached accessory dwelling unit may not exceed one story.
8. **Required Setbacks.** A detached accessory dwelling unit shall have a minimum side and rear yard setbacks of at least four (4) feet. An attached accessory dwelling unit shall have the same setbacks as required for the primary residence.
9. **Required Parking.** An accessory dwelling unit shall be provided with a minimum of one on-site parking space (covered or uncovered). The uncovered parking space shall be located on a paved surface, and may be provided in the setback areas or as tandem parking.

When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the required parking spaces shall be replaced as specified in Table 3-3. If code compliant replacement parking cannot be provided, the replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to, covered spaces, uncovered spaces, or tandem spaces or by the use of mechanical automobile parking lifts within an enclosed garage (This section was previously in Division 3):

- a. The property is an R-M zoned property, a hillside property, located within a designated fire zone, or a non-conforming lot, or if the Director determines that such parking arrangements are not feasible based upon specific safety conditions, or that such arrangements are not permitted anywhere in the City.
10. **Fire Sprinklers.** An accessory dwelling unit is required to have sprinklers if the primary residence is also required to have fire sprinklers.

B. Permit Procedures for Accessory Dwelling Units and Junior Accessory Dwelling Units. If the an accessory dwelling unit does qualify for as a Building Permit Only, the procedures specified in Subsection 9102.01.080.B.2, shall be followed.

1. **Building Permit Only.** An accessory dwelling unit or junior accessory dwelling unit is only subject to a building permit when it is proposed on a residential or mixed use zone and meets one of the following scenarios:
 - A. **Converted Accessory Dwelling Unit in Single-Family Zones:** Only one accessory dwelling unit or junior accessory dwelling unit on a lot with a proposed or existing single family dwelling on it, where the accessory dwelling or junior accessory dwelling unit:
 1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory ~~structure-dwelling~~, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
 2. Has exterior access that is independent of that for the single-family dwelling.
 3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 4. The converted ADU shall not exceed 50% of the livable area of the primary residence ~~nor the maximum permitted size for a junior accessory dwelling unit.~~
 - B. **Detached Accessory Dwelling Unit:** One detached, new construction of an accessory dwelling unit on a lot with a proposed or existing single-family dwelling (in addition to any junior accessory dwelling unit that might otherwise be established on the lot under Subsection A), if the detached accessory dwelling unit satisfies the following limitations:

1. The side and rear yard setbacks are at least four (4) feet.
2. The total floor area is 800 square feet or less.
3. The structure does not exceed 16 feet in height and one-story.

C. Converted Accessory Dwelling Unit in Multifamily Zones: Multiple accessory dwelling units within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, communal rooms, or garages, may be converted into an accessory dwelling unit if it complies with the state building standards for dwellings. Only one (1) converted accessory dwelling unit is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units on the lot may each have a converted accessory dwelling unit.

D. Detached Accessory Dwelling Unit in Multifamily Zones: No more than two detached accessory dwelling units may be located on a lot that has an existing multifamily dwelling. Each detached accessory dwelling unit must satisfy the following requirements:

1. The side and rear yard setbacks are at least four (4) feet.
2. The total floor area is 800 square feet or less, and shall not be larger in size than the any existing multifamily unit.

2. Accessory Dwelling Unit Permit

Any construction that exceeds the requirements listed above listed in Subsection 1 above (Building Permits Only) shall require a Zoning Clearance for an Accessory Dwelling Unit pursuant to the provisions of Section 9107.27 (Zoning Clearance for Accessory Dwelling Units).

3. Process and Timing

A. A Zoning Clearance for an Accessory Dwelling Unit permit is considered and approved ministerially, without discretionary review or a hearing, unless the unit exceeds the code requirements (e.g. FAR) and is subject to an Administrative Modification.

B. The City must act on an application within 60 days from the date the City receives a completed application, unless either:

1. The Applicant requests for a delay, in which case the 60 day time period is tolled for the period of the requested delay, or
2. A junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application until the City acts on the application for the new single-family dwelling, but the application to create the junior accessory dwelling unit is still considered ministerially without discretionary review or a hearing.

4. Covenant Required. An accessory dwelling unit is not intended for sale separate from the main dwelling unit and lot or to be used as a short term rental (terms less than 28 30 days). A covenant in a form approved by the City Attorney shall be recorded for each accessory dwelling unit specifying its size, location, and attributes, and requiring that the accessory dwelling unit shall not be sold independently of the main dwelling unit and lot and that no more than one lease agreement for terms of no less than 28 30 days may be entered into at any time.

C. Impact Fees.

1. Impact Fees. No impact fee is required for an accessory dwelling unit that is less than 800 square feet in size.

2. Any impact fee that is required for an accessory dwelling unit that is 800 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new dwelling). Impact fees does not include any connection fee or capacity charge for water or sewer service.

D. Utility Fees.

1. Converted accessory dwelling units and junior accessory dwelling units on a single-family lot that were approved by a building permit only are not required to have a new or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility, Nor is a construction fee or capacity charge required unless the accessory dwelling unit is constructed with a new single-family home. All accessory dwelling units and junior accessory dwelling units require a new, separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility.

The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the accessory dwelling unit or junior accessory dwelling unit, based on either the floor area or the number of drainage-fixture (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

E. Owner Occupancy.

- a. All accessory dwelling units that were created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the accessory dwelling unit was created.
- b. An accessory dwelling unit that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
- c. All accessory dwelling units that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
- d. All junior accessory dwelling units are subject to an owner-occupancy requirement. A person with legal or equitable title to the property must reside on the property, in either the primary dwelling or junior accessory dwelling unit, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

F. Nonconforming Accessory Dwelling Units and Discretionary Approval

Any proposed accessory dwelling unit or junior accessory dwelling unit that does not conform to the objective design standards and/or exceeds the maximum size of 800 square feet for an accessory dwelling unit on a lot that already exceeds the maximum floor area, may be considered by the City with an Administrative Modification process in Section 9107.05.

G. Objective Design Standards for Accessory Dwelling Units

Architectural

1. The materials and colors of the exterior walls, roof, eaves, and windows and doors must match the appearance and architectural design of those of the primary dwelling.
2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.
5. For new detached ADUs, there must be indentations and/or projections provided that are at least 8-inches in depth on at least two of the exterior walls to break-up flat wall planes. The interior wall height shall be at least seven feet tall.
6. All windows that are located 9-feet in height above the finished floor must be clerestory windows (no dormers), and must be frosted or obscure glass.
7. A new detached ADU may not be located closer to the front property line than the primary residence.
8. On a new detached ADU, exposed gutters and downspouts are not allowed.
9. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of the Interior.

Landscape

10. Landscaping around the detached ADU must be drought-tolerant or low water-using plants that utilize a variety of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living, continuous planting area, and provide screening between the ADU and adjacent parcels. Desert landscape or rock garden designs are not allowed.
11. All landscaping utilized must be taken from the city's approved planting materials listed in the City's Single-Family Design Guidelines.

Other

12. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the Fire Department.
13. Each ~~unenclosed~~ parking space shall be at least 10 feet in width and 20 feet in length. ~~On multifamily and mixed-use zoned properties, the unenclosed parking space shall be 9 feet in width and 19 feet in length.~~ When a parking space is adjacent to a solid wall or structure, the parking space shall be 11'-6" in width and 20 feet in length.
14. Each parking space that is provided in an enclosed garage in a single-family zoned property shall be at least ten feet wide and twenty feet long and have at least seven and a half feet vertical clearance. On multifamily and mixed-use zoned properties, the parking space shall be 9 feet in width and 19 feet in length.
15. On corner lots, a separate walkway from the primary residence may be allowed to the detached ADU entrance and it must connect to the nearest public sidewalk or right-of-way.
16. ADUs must have clear addressing visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.

9102.01.100 Additional Residential Development Standards in Multifamily Zones

Amended by Ord. No. 2347

A. Exceptions to Minimum Density in R-2 and R-3

1. **Lot Width Exception.** If a lot regulated by this Division has a width of 50 feet or less, it may be developed with less than the required minimum density but not less than two dwelling units on the lot. Development of this type shall be considered through the Modification process described in Section 9107.05 (Administrative Modifications).
 2. **Lot Size Exception.** If a lot regulated by this Division has a lot size of 6,000 square feet or less, it may be developed with less than the minimum density, including one single-family dwelling unit. Development of this type shall be considered through the Administrative Modification process described in Section 9107.05 (Administrative Modifications). A new or expansion to an existing single-family dwelling shall be reviewed in compliance with the regulations applicable to the zone in which the dwelling is located.
- B. No Parking within Front and/or Street Side Setbacks.** No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.
- C. Exception to Side Setback in R-2, R-3, and R-3-R.** On lots that are less than 65 feet in width, the enclosed single-story garage portion of a dwelling unit may encroach a maximum of five feet into the required interior side setback, provided that no living space is included in the encroachment.
- D. Exception to parking dimensions in R-2, R-3, R-3-R.** On Lots that are 50 feet or less, a minimum back-up space of 23 feet shall be allowed.
- E. Open Space Requirements for R-2, R-3, and R-3-R**
1. **Type.** Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop decks, gardens, or terraces.
 2. **Minimum Dimension.** Balconies that are 30 inches or less in width or depth shall not be counted as open space.
 3. **Location.** Private open space shall be contiguous and directly accessible from the unit it serves, with a minimum dimension in all directions of 10 feet.
- F. Roof Decks.** Roof decks are permitted, subject to Site Plan and Design Review, in the R-2 and R-3 zones provided that roof decks meet the following development standards:
1. **Location.** Roof decks shall be set back five feet from all building lines of the structure. The building line shall be measured from the roof edge of the story directly below the deck.
 2. **Height Limits.** The guardrail and other objects, whether permanent or temporary, which rest upon the roof deck such as patio furniture, landscaping, swimming pool features, and storage, shall be allowed to exceed the maximum height limit specified in Subsection 9102.01.090 (Development Standards in Multifamily Residential Zones) by up to five feet. Exterior stairways and other access features such as stairwells or elevators for access to roof decks shall not exceed the residential zoning district's height limit by more than 10 feet and shall be architecturally integrated into the design of the structure.
 3. **Screening.** The roof deck area shall be appropriately designed so as not to be visible from all sides of the structure or from the grade below. Appropriate screening shall be architecturally compatible with and integrated into the existing structure as determined by the Director. The solid screening may include roofing, solid parapet walls, or other methods architecturally compatible with the design of the structure.
 4. **Architecturally Compatible.** The roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.
 5. **Furniture.** All furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

- G. Laundry.** If a laundry area is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. Such common laundry area shall be centrally located to the units to be served.
- H. Water Features in the R-2, R-3, and R-3-R Zones.** The following limitations shall apply for the installation of any water feature (including fountains and ponds, but excluding swimming pools and spas) and its mechanical equipment:
 1. **Maximum Height.** The maximum height of a water feature shall not exceed four feet six inches, as measured from the adjacent existing grade.
 2. **Minimum Front Setback.** All water features shall be at least 15 feet from the front property line.
 3. **Minimum Side and Rear Setbacks.** All water features shall comply with applicable side and rear setback requirements of the primary structure.
 4. **Maximum Depth.** The maximum water depth of a water feature shall not exceed 18 inches measured from the highest possible water level, or as required by California Building Code Chapter 31 (Special construction), Section 3119.B.5 (Pools), as it may be amended from time to time.
- I. Exception to Height Limit in R-2 and R-3 Zones.** In the R-2 and R-3 zones, the ridge of a pitched roof on a primary structure may extend up to three feet above the maximum height limit. No portion of a roof with only one sloping plane may extend beyond the maximum height limit (commonly known as "shed roof" design).
- J. Setbacks when Abutting a Single family Zoned Property**
 1. When abutting a single family zoned property, any structure shall be setback a minimum distance of 20 feet.
 2. Where a property line abuts a dedicated alley which separates the property from abutting a multi-family zoned property, the setback shall be measured from the centerline of the alley, and no portion of any structure shall encroach through a plane projected from an angle of 45 degrees, as measured at the ground level along the centerline of any alley.

9102.03.020 Land Use Regulations and Allowable Uses

- A. Allowed Uses.** Table 2-8 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) indicates the land use regulations for Commercial and Industrial zones and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses. “A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.
- B. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.
- C. Specific Use Regulations.** Where the last column in Table 2-8 includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use

Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right ⁽¹⁾				
	A	Permitted as an Accessory Use				
Land Use	M	C-O	C-G	C-R	M-1	
	C					Minor Use Permit
	--	Conditional Use Permit				
		Not Allowed				
		Specific Use Regulations				
Business, Financial, and Professional						
Automated Teller Machines (ATMs)	P	P	P	P	--	
Check Cashing and/or Payday Loans	--	--	--	--	--	
Financial Institutions and Related Services	P	P	P	P	--	
Government Facilities	P	C	C	C	C	
Office, Business and Professional	P	P	P	P	A	In M-1, accessory office uses are limited to 25% of building floor area.
Eating and Drinking Establishments						
Bars, Lounges, Nightclubs, and Taverns	--	C	M	M	--	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Outdoor Dining (Incidental and on Public Property) – 12 seats or fewer	--	P	P	P	--	See Subsection 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining-Incidental)
Outdoor Dining (Incidental and on Public Property) – more than 12 seats	M	M	P	P	--	See Subsection 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining-Incidental)
Restaurant – Small (no alcohol)	P	P	P	P	M	
Restaurant – Large (no alcohol)	M	M	P	P	M-	
Restaurant – Full or Limited Service With late hours – open between midnight and 6:00 AM	--	C	M	M	--	See Subsection 9104.02.150 (Extended Hours Uses)
Restaurant – Full or Limited Service, Serving Alcohol without late hours.	M €	M €	P	P	--	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Restaurant – Full or Limited Service, Serving Alcohol with late hours	C	C	M	M	---	
Education						
Schools, Private	C	C	C	C	--	

Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right ⁽¹⁾			
	A	Permitted as an Accessory Use			
Land Use	M	C-O	C-G	C-R	M-1
	C				
	--	Conditional Use Permit			
		Not Allowed			
		Specific Use Regulations			

Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Trade and Vocational Schools	-	C	M	C	
Tutoring and Education Centers	-	C	M	--	
Industry, Manufacturing and Processing, and Warehousing Uses					
Brewery and Alcohol Production	-	C	A	GM	Allowed as an accessory use to a restaurant in C-R zone.
Data Centers	-	--	-	CP	
Hazardous Waste Facilities	-	--	-	C	See Subsection 9104.02.160 (Hazardous Waste Facilities)
Food Processing	-	--	-	P	
Fulfillment Centers	-	--	-	P	
Light Industrial	-	--	-	P	
Heavy Industrial (under 40,000 square feet)	-	--	-	PM	
Heavy Industrial (40,000 square feet and over)	-	--	-	PC	
Recycling facilities					
Heavy processing	-	--	-	C	See Subsection 9104.02.250 (Recycling Facilities)
Large collection	-	--	-	C	
Light processing	-	--	-	GM	
Reverse Vending Machine(s)	-	P	-	P	
Small collection	-	P	-	P	
Research and Development	-	P	-	P	
Storage – Accessory	A	A	A	A	
Storage – Outdoor	-	--	-	C	
Storage – Personal	-	--	-	C	
Vehicle Storage	-	--	-	GM	
Retail Warehouse (under 40,000 square feet)	-	--	--	P	
Retail Warehouse (40,000 square feet and over)	-	--	--	M	
Wholesaling	-	--	-	P	
Medical-Related and Care Uses					
Day Care, General	A	C	C	--	See Subsection 9104.02.080 (Day Care, General)
Emergency Shelters	-	--	-	P	See Subsection 9104.02.140 (Emergency Shelters)
Hospitals	C	--	-	P	
Medical Clinics	M	PM	P	P	

Medical and Dental Offices	P	P	P	P	
Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right ⁽¹⁾			
	A	Permitted as an Accessory Use			
	M	Minor Use Permit			
	C	Conditional Use Permit			
	--	Not Allowed			
Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Residential Care Facilities – Seven or More Persons	C	C	--	--	See Subsection 9104.02.260 (Residential Care Facilities)
Supportive Housing, Residential Care Facility Large Type	C	C	--	--	
Transitional Housing, Residential Care Facility Large Type	C	C	--	--	
Recreation and Entertainment					
Arcade (Electronic Game Center)	-	C	P	--	
Commercial Recreation - Indoors	-	C	P	C	
Commercial Recreation - Outdoors	-	C	C	C	
Karaoke and/or sing-along uses	-	C	M	--	See Subsection 9104.02.190 (Karaoke and/or Sing-Along Uses)
Health/Fitness Facilities, Small	-	M	P	--	
Health/Fitness Facilities, Large	-	C	P	--	
Indoor Entertainment	C	C	P	C	
Studios – Art and Music	-	M	P	--	
Retail Uses					
Alcohol Beverage Sales					
Alcohol Sales, Off -Sale	--	C	M	--	
Alcohol Sales, Off-Sale, Accessory to Eating and Drinking Establishment Only	--	M	M	--	
Alcohol Sales, Off-Sale, Accessory to a Hotel Only	--	M	--	--	
Building Material Sales and Services	--	C	--	P	
Pawn Shop	--	--	--	--	
Pet Stores, inclusive of grooming services	--	P	P	P	No overnight animal keeping
Plant Nursery	--	P	M	P	
Recreational Equipment Rentals	P	P	P	P	
Retail Sales	P	P	P	C	
Retail Carts and Kiosks - Indoor	P	P	P	P	In C-R, indoor kiosks may be informational/unstaffed
Retail Carts and Kiosks - Outdoor	--	M	P	--	See Subsection 9104.02.110 (Displays and Retail Activities – Outdoor)
Secondhand Stores	--	C	P	C	

Swap Meets	--	C	--	C	
Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right ⁽¹⁾			
	A	Permitted as an Accessory Use			
	M	Minor Use Permit			
	C	Conditional Use Permit			
	--	Not Allowed			
Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Vehicle Rentals	--	--	--	P	
Vehicle Sales – New	--	C	P	C	In C-R zone, may not exceed 10,000 square feet for any individual vehicle sales establishment.
Vehicle Sales – Used	--	C	P	--	In C-R zone, may not exceed 10,000 square feet for any individual vehicle sales establishment.
Service Uses					
Animal Boarding/Kennels	--	--	--	C	See Subsection 9104.02.200 (Kennels; Animal Board and Care)
Animal Grooming	--	P	P	--	
Bail Bond Services	--	--	--	--	
Funeral Homes and Mortuaries	--	C	--	--	
Hotel and Motel	--	C	--	--	
Maintenance and Repair Services, Large Appliance	--	P	--	P	
Maintenance and Repair Services, Small Appliance	--	P	P	P	
Personal Services, General	P	P	P	C	
Personal Services, Restricted	--	C	C	--	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Vehicle Repair and Services					
Service/Fueling Station	C	C	C	C	See Subsection 9104.02.280 (Service/Fueling Stations)
Vehicle Washing/Detailing	--	C	A	C	
Vehicle Repair, Major	--	--	--	P	
Vehicle Repair, Minor	--	M	P	P	
Veterinary Services	--	C	C	C	See Subsection 9104.02.200 (Kennels; Animal Board and Care)
Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones	P	Permitted by Right ⁽¹⁾			
	A	Permitted as an Accessory Use			
	M	Minor Use Permit			
	C	Conditional Use Permit			
	--	Not Allowed			

Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities - Co-Location or Panel	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	--	C	C	C	
Car Sharing	P	P	P	M	Car sharing parking spaces may not occupy any space required for another use.
Off-Street Parking Facilities (not associated with a primary use)	P	P	P	C	Parking garages may front on Huntington Drive only when the ground floor adjacent to the street is constructed to accommodate commercial uses, not parking.
Recharging Stations	P	P	P	P	
Utility Structures and Service Facilities	P	P	P	P	Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).
Other Uses					
Assembly/Meeting Facilities, Public or Private	M	M	--	M	
Donation Box – Outdoor	M	M	--	M	See Subsection 9104.02.120 (Donation Box – Outdoor)
Drive-Through or Drive-Up Facilities	--	C	--	C	See Subsection 9104.02.130 (Drive-through and Drive-up Facilities)
Extended Hours Uses	C	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Places of Religious Assembly	M	M	--	M	
Stable, Public and Private	--	--	--	C	
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only
Vending Machines	P	P	P	P	Allowed indoors only

9102.05.020 Land Use Regulations and Allowable Uses in Downtown Zones

Amended by Ord. No. 2348 & 2356

Amended by Ord. No. 2369 & 2370

A. Allowed Uses. Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) indicates the land use regulations for the Downtown zones and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“UF” designates uses that are permitted on upper floors only, and are not allowed on the ground floor of a structure. “--” designates uses that are not permitted.

B. Director Determination. Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.

C. Specific Use Regulations. Where the last column in Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor				Specific Use Regulations
		CBD	MU	DMU	CM	
Business, Financial, and Professional						
Automated Teller Machines (ATMs)	P	P	P	P		
Check Cashing and/or Payday Loans	--	--	--	-		
Financial Institutions and Related Services	M	M	M	-		
Government Facilities	C	C	C	C		
Offices, Business and Professional	P (UF)	P (UF)	P	P		
Eating and Drinking Establishments						
Accessory Food Service	A	A	A	A		
Alcohol Sales (On-site Sale, Accessory Only)	M	M	M	M		
Bars, Lounges, Nightclubs, and Taverns	C	C	C	C		
Outdoor Dining (Incidental and on Public Property) – 12 seats or fewer	P	P	P	P		See Subsections 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining – Incidental)
Outdoor Dining (Incidental and on Public Property) – more than 12 seats	M	M	M	M		See Subsections 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining – Incidental)

Restaurant – Small (with no Alcohol Sales)	P	P	P	P	
Restaurant – Large (with no Alcohol Sales)	P	P	P	P	
Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor			
	Land Use	CBD	MU	DMU	CM
Restaurant – Small or Large With late hours – open between midnight and 6:00 A.M.)	M	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Restaurant – Small or Large Serving Alcohol, within 150 300 ft of residential zone	M	M	M	MG	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Restaurant – Small or Large Serving Alcohol, not within 150 300 ft of residential zone	P	M	P	MG	
Education					
Schools, Public and Private	--	--	--	--	
Trade and Vocational Schools	C (UF)	--	C (UF)	C	
Tutoring and Education Centers	C (UF)	--	--	C (UF)	
Industry, Manufacturing and Processing, and Warehousing Uses					
Brewery and Alcohol Production, with or without onsite tasting and associated retail commercial use	M	M	M	MG	
Brewery and Alcohol Production	--	--	--	P	
Data Centers	--	--	--	C	
Food Processing	--	--	--	C	
Fulfillment Centers	--	--	--	C	
Light Industrial	--	--	--	PM	
Warehouse Retail (under 40,000 square feet)	--	--	--	P	
Warehouse Retail (40,000 square feet and over)	--	--	--	C	
Recycling facilities					
Heavy processing	--	--	--	--	
Large collection	--	--	--	C	
Light processing	--	--	--	--	
Reverse Vending Machine(s)	--	--	--	P	
Small collection	--	--	C	P	
Research and Development	--	M-	MG	P	
Storage – Accessory	A	A	A	A	
Storage – Personal	--	--	--	M	
Wholesaling	--	--	--	PG	
Medical-Related and Care Uses					
Day Care, General	--	--	--	C	
Hospitals and Medical Clinics	--	--	--	C	

Medical and Dental Offices	P (UF)	P (UF)	P (UF)	P (UF)	
Recreation and Entertainment					
Arcade (Electronic Game Center)	M	M	M	MG	
Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor			
	Land Use	CBD	MU	DMU	CM
Commercial Recreation	C	C	C	C	
Karaoke and/or sing-along uses	M	M	M	MG	See Subsection 9104.02.190 (Karaoke and/or Sing-Along Uses)
Health/Fitness Facilities, Small	M	M	M	M	
Health/Fitness Facilities, Large	M (UF)	M (UF)	C (UF)	C	
Indoor Entertainment	MG	MG	MG	M	
Studios – Art and Music	M	M	M	P	
Residential Uses					
Accessory Dwelling Unit	A	A	A		If the site currently has a single-family dwelling or a multifamily dwelling.
Live/Work Unit	M--	M (UF)	M (UF)	--	See Subsection 9104.02.210 (Live/Work Units)
Multifamily Dwelling	M	M	M	--	Permitted only in conjunction with a commercial use. Residential uses are permitted above ground floor commercial or adjacent to a commercial development. Both uses must be located on the same lot or on the same project site. See Section 9102.05.010
Supportive Housing – Housing Type	M (UF)	M (UF)	M (UF)	--	
Transitional Housing – Housing Type	M (UF)	M (UF)	M (UF)	--	
Short-Term Rental	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Retail Uses					
Alcohol Beverage Sales					
Alcohol Sales (off-sale)	M	M	M	C	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Alcohol Sales (off-sale, accessory only)	M	M	M	M	
Building Material Sales and Services	--	--	--	--	
Pawn Shop	--	--	--	--	
Plant Nursery	--	--	--	--	
Pet Stores, without inclusive of grooming services	P	P	P	P	Animal grooming shall be limited to 50%

Pet Stores, inclusive of grooming services	M	M	M	P	of the business. No overnight animal keeping. See Subsection 9104.02.110 (Displays and Retail Activities – Outdoor)
Recreational Equipment Rentals	P	P	P	P	
Retail Sales	P	P	P	P	
Retail Carts and Kiosks – Indoor	P	P	P	P	
Retail Carts and Kiosks – Outdoor	M	M	M	M	
Secondhand Stores	--	--	--	M	
Swap Meets	--	--	--	--	At least 50% of the vehicles sold or leased from the applicable site during each calendar year shall be new automobiles.
Vehicle Rentals	--	--	--	P	
Vehicle Sales – New and/or Used	C	--	--	C	
Service Uses					
Animal Boarding/Kennels	--	--	--	C	
Animal Grooming	M	M	M	MP	
Bail Bond Services	--	--	--	--	
Funeral Homes and Mortuaries	--	--	--	--	
Hotels and Motels	C	C	C	C	
Maintenance and Repair Services, Large Appliance	--	--	--	P	
Maintenance and Repair Services, Small Appliance	P	P	P	P	
Personal Services, General	P	P	P	P	
Personal Services, Restricted	--C	--C	--C	C	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Veterinary Services	--	--	--	C	
Vehicle Repair and Services					
Service/Fueling Station	C	--	--	--	
Vehicle Washing/Detailing	A	--	--	C	
Vehicle Repair, Major	--	--	--	M	
Vehicle Repair, Minor	A	--	--	P	
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities - Co-location	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities – Panel	P	P	P	P	
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	C	
Car Sharing	P	P	P	P	
Off-Street Parking Facilities (not associated with a primary use)	C	C	C	C	Car sharing parking spaces may not occupy any space required for another use.

Recharging Stations	P	P	P	P	
Table 2-10 Allowed Uses and Permit Requirements for Downtown Zones	P	Permitted by Right			
	A	Permitted as an Accessory Use			
Land Use	C	Conditional Use Permit			
	M	Minor Use Permit			
	--	Not Allowed			
	(UF)	Upper Floor Permitted, Not Allowed on Ground Floor			
	CBD	MU	DMU	CM	Specific Use Regulations
Utility Structures and Service Facilities	P	P	P	P	Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).
Other Uses					
Assembly/Meeting Facilities, Public or Private	--	--	--	M	
Donation Box – Outdoor	--	--	--	M	
Extended Hours Use	M	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Places of Religious Assembly	--	--	--	M	
Drive-Through or Drive-Up Facilities	--	--	--	C	See Subsection 9104.02.130 (Drive-through and Drive-up Facilities)
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only
Vending Machines	P	P	P	P	Allowed indoors only
Urban Agriculture	A	A	A	A	

(1) Accessory dwelling units are subject to the development standards in Subsection 9102.01.080.

Section 9102.07 – Special Use Zone (Santa Anita Racetrack)

Subsections:

- 9102.07.010 Purpose and Intent
- 9102.07.020 Land Use Regulations and Allowable Uses
- 9102.07.030 Development Regulations Specific to S-1
- 9102.07.040 Site Plan and Design Review – S-1
- 9102.07.050 Other Applicable Regulations

9102.07.010 Purpose and Intent

The Special Use (S-1) zone is intended to provide for the continued operation of the Santa Anita Racetrack and to allow for horseracing, related activities, and authorized special events. This zone implements the General Plan Horse Racing designation.

9102.07.020 Land Use Regulations and Allowable Uses

- A. Allowed Land Uses.** Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) establishes the land use regulations for the Special Use zone and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for the zone are established by letter designations as follows:

“P” represents permitted (allowed)

uses. “A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

“--” designates uses that are not permitted.

For Temporary Uses, see Subsection 9102.07.020.D (Permitted Uses Exception).

- B. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.
- C. Specific Use Regulations.** Where the last column in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

<p align="center">Table 2-12 Allowed Uses and Permit Requirements for Special Purpose Zones</p>	<p>P A M C --</p>	<p>Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed</p>
<p>Land Use</p>	<p>S-1</p>	<p>Specific Use Regulations</p>
<p>Eating and Drinking Establishments</p>		
<p>Bars, Lounges, Nightclubs, and Taverns</p>	<p>P</p>	<p>Shall be located within Grandstand Structure for non-horse racing activities and not open to the public between 1:00 AM and 10:00 AM. See Subsection 9104.02.040 (Alcoholic Beverage Sales)</p>
<p>Restaurant, Large or Small, with or without On-Sale Alcohol</p>	<p>P</p>	<p>Shall be located within Grandstand Structure for non-horse racing activities. Year-round usage of the restaurant is permitted.</p>
<p>Events</p>		
<p>Assembly/Meeting Facilities, Public or Private and Places of Religious Assembly</p>	<p>P</p>	<p>Limited to conventions, assemblies, ceremonies, and receptions of less than 10,000 people at any one time and located in the infield and Grandstand Structure during a live racing event.</p>
<p>Food and Beverage Events</p>	<p>P</p>	<p>Not allowed within the northerly parking lot.</p>
<p>Filming Activities</p>	<p>P</p>	
<p>Non-profit and Public/Quasi Public Events</p>	<p>P</p>	
<p>Seasonal Sales</p>	<p>P</p>	
<p>Vehicle Sales, New</p>	<p>P</p>	<p>Limited to seven consecutive days per event.</p>
<p>Recreation</p>		

Daytime Sports and Athletic Events (live)	P	These uses are not allowed within the northernly parking lot.
Horse Breeding, Training, and Shows	P	
Ride and Drives	P	
Sporting Event Viewing (not live)	P	Subject to performance standards of Subsection 9102.07.020.F (Allowed Special Event/Temporary Uses).

Residential

Caretaker Units	P	Temporary stays are permitted in caretaker units when associated with horse-racing activities.
-----------------	---	--

Transportation, Communication, and Infrastructure Uses

Antennas and Wireless Communication Facilities – Co-location or Panel	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	C	
Car Sharing	P	Car sharing parking spaces may not occupy any space required for another use.
Construction Offices	P	

Table 2-12 Allowed Uses and Permit Requirements for Special Purpose Zones		P A M C -- S-1	Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed Specific Use Regulations
Land Use			
Recharging Stations	P		
Off-Street Parking Facilities (not associated with a primary use)	P		Includes long-term parking and short-term film crew and base camp parking and other short-term private/public parking arrangements.
Other Uses			
Vending Machines	P		Allowed indoors only
Reverse Vending Machines – Consumer Goods	P		Allowed indoors only

D. Permitted Uses Exception. The Director shall review all proposed individual events and activities listed as Permitted Uses in Subsection 9102.07.020.B (Director Determination). Permitted uses listed in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) that exceed 10,000 people at any given time and/or that the Director finds to have additional impacts may be subject to a Temporary Use Permit pursuant to Section 9107.23.

E. Allowed Special Event/Temporary Uses

- 1. Temporary Use Permit Required.** Any use not listed as a permitted use in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) and not held in conjunction with live racing is required to apply for a Temporary Use Permit subject to the requirements of Section 9107.23 (Temporary Use Permits) of this Development Code. **A Temporary Use Permit is not required for any temporary uses, individual events, and activities that are held within any of the parking lot(s), infield area and/or paddock area during a live racing event.**

2. **Types of Events.** Temporary Uses allowed in the S-1 zone and subject to a Temporary Use Permit shall include, but are not limited to the following:
 - a. Circuses, carnivals, and fixed-run traveling or seasonal shows;
 - b. Concerts and outdoor entertainment;
 - c. Cultural, lifestyle, music, and technology festivals;
 - d. Sporting events and shows;
 - e. Farmers' Markets, antique shows, and craft fairs;
 - f. Movie festivals and premiers;
 - g. Planned helicopter landings and air shows;
 - h. Parades, cycling and running/walking events;
 - i. Specialty auto, truck, motorcycle and recreational vehicle shows;
 - and j. Trade shows and expos.

3. **Location.** Temporary uses are not permitted within the ~~northern~~ parking lots, unless otherwise allowed by Temporary Use Permit.

4. **Number of Events.** Temporary events on Racetrack properties are limited to two simultaneous events, regardless of whether the event is listed as a Permitted Use in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) or as an Allowed Special Event/Temporary Use by Subsection 9102.07.020.F.2 (Types of Events), unless all events are less than 5,000 persons and as otherwise approved by the Director.

5. **Conditions of Approval and Referral to Council.** The Director may place conditions on any use or event, or may refer any application for such use or event to the City Council for consideration. Conditions of approval may include, but are not limited to the following:
 - a. Additional setbacks and buffers;
 - b. Restrictions on outdoor lighting;
 - c. Restriction of points of vehicular and/or pedestrian ingress and egress;
 - d. Regulation of noise, vibration, odors, etc
 - e. Regulation of the number, height and size of structures, equipment and/or signs;
 - f. Limitation of the hours and/or days of the proposed use;
 - g. If special sales are proposed, limitations on the locations where sales may occur, the number of vendors, and the types of goods sold; and
 - h. If food sales are located outside, a requirement that all appropriate health department permits have been secured and are in good standing.

- F. **Sporting Event Viewing (not live) Performance Standards.** The following performance standards shall be applied to allowable activities using a satellite feed, as identified in Subsection 9102.07.020 (Land Use Regulations and Allowable Uses).
 1. **Hours and Number of Persons.** No persons, other than employees of the race track, shall be allowed in the unenclosed areas of the grandstand and race track between the hours of 6:00 pm and 8:00 am, except that between 6:00 pm and 8:00 am, up to 3,500 patrons of the racetrack may occupy the outside box seat, Club Court, and Turf Club areas existing at the racetrack as of May 2, 2000, in order to watch and listen to individual televisions located at tables therein or to view the big screen monitor in the infield of the racetrack.
 2. **No Outdoor Sound Amplification.** There shall be no outdoor sound amplification or use of outdoor loudspeakers between the hours of 6:00 p.m. and 8:00 a.m., unless approved by a Temporary Use Permit.
 3. **Closed Windows.** Windows in the enclosed restaurant located within the grandstand structure shall be closed between the hours of 6:00 p.m. and 8:00 a.m.

4. **Parking Fee.** There shall be no parking fee for events taking place after 6:00 p.m. The northerly parking lot shall not be utilized for patron parking.

9102.11.030 DTP - Downtown Parking Overlay Zone

- A. **Purpose and Intent.** The Downtown Parking Overlay Zone, indicated on the Zoning Map as "DTP," is intended to provide opportunities for economic development within the Downtown area through shared parking mechanisms and the reduction in certain parking requirements.
- B. **Located Onsite.** All required surface parking spaces shall be provided in a surface lot or parking garage located on the same building site or within the same development, except where allowed by Section 9102.11.030.C (Off-Site Parking), below.
- C. **Off-Site Parking.** Off-site parking for new uses or new nonresidential construction may be permitted on either a privately owned property or public property through the Site Plan and Design Review process or other applicable discretionary review permit process for an individual use or development project, subject to Section 9103.07.090 and the following regulations:
 1. **Location of Off-Site Parking.** An off-site parking facility serving a use within the Downtown Parking Overlay Zone shall be located within the Downtown Parking Overlay Zone.
 2. **Irrevocable Access and/or Parking Easement.** If parking is provided at an off-site location, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this Chapter.
- D. **Change in Use - Alterations of Use – Nonconforming Remedy.** ~~No additional parking is required when there is a change in use within the Downtown Parking Overlay Zone. This requirement does not apply to any development that was previously approved under a Conditional Use Permit or Minor Use Permit. If an immediately preceding use did not meet parking standards pursuant to Section 9103.07 (Off-Street Parking and Loading), the new use shall not be required to provide additional parking. This does not apply to new development. Exception: The nonconforming remedy does not apply to uses that are only permitted on upper floors, pursuant to Table 2-10 in Subsection 9102.05.020.~~
- E. **Parking Modifications for New Structures and Expansions.** Property owners in the Downtown Parking Overlay Area may request an Administrative Modification to reduce the required off-street parking requirement, pursuant to Section 9107.05 (Administrative Modifications).

Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards

9103.01.100 Solar Energy System

- A. Purpose and Intent.** It is the intent of this section to protect and maintain the importance of solar energy systems in implementing the environmentally sustainable goals and policies adopted by the City of Arcadia, and to implement all solar energy system regulations as appropriate per the laws of the State of California.
- B. Applicability.** The provisions set forth in this section shall not apply to Subsection 9103.01.110 (Solar Energy System, Small Residential Rooftop) as that term is defined in Division 9 (Definitions). The provisions applicable Solar Energy System, Small Residential Rooftop are set forth in Subsection 9103.01.110.
- C. Location and Performance Standards.** In any single-family, **Accessory Dwelling Units (ADU) and multifamily** ~~or two-family (duplex)~~ dwelling, solar energy shall be permitted subject to the provisions set forth below and consistent with Exceptions to Height Limits in All Zones (Subsection 9103.01.050.C).
1. The City shall not require the approval for any solar energy system permit based on the approval of the system by an association, as that term is defined in Section 4080 of the Civil Code.
 2. Ground-mounted systems **and freestanding solar structures** shall conform to the setback requirements for **any accessory structure in single-family residential zones and the same as** the main structure **in multifamily residential zones** and shall be located outside of the front yard area and to minimize their visibility from any public right-of-way.
 3. **All ground-mounted or freestanding solar structures shall not exceed a height of six (6) feet.**
 4. Where practical, solar collector panels shall be roof mounted. Solar storage tanks and associated equipment shall be ground mounted.
 5. Roof-mounted collector panels shall be flush mounted at the same or as close as possible to the pitch of the roof, and where feasible, be placed in the location least visible from public streets without reducing the operating efficiency of the collectors.
 6. Equipment appurtenant to solar collectors, including plumbing, electrical, and related fixtures, shall be installed within a structure on which the collectors are mounted, and painted to match the roof or building, where feasible, or shall be screened public view. Ground-mounted appurtenant equipment outside of a building shall comply with applicable setback requirements.
 7. A solar panel or module array shall not exceed the maximum permitted building height as set forth in this Development Code.
 8. Hot water storage tanks shall be located within an enclosed structure. If within the garage area, the storage tank(s) and other associated equipment shall not encroach into the required parking area.
 9. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City of Arcadia.
 10. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency, as defined by the California Plumbing and Mechanical Code.
 11. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories

such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

- D. **Grounds for Site Plan Review.** Certain solar energy systems, due to their specific placement or orientation on a building or lot, may have a specific, adverse impact upon public health and safety. If the Director makes a finding, based on substantial written evidence, that a solar energy system could have specific, adverse impact upon the public health and safety, the solar energy system shall require the approval of Minor Use Permit pursuant to the requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

9103.01.110 Solar Energy System, Small Residential Rooftop

- A. **Purpose and Intent.** It is the intent of this Section to protect and maintain the importance of solar energy systems in implementing the environmentally sustainable goals and policies adopted by the City of Arcadia, and to implement all solar energy system regulations as appropriate per the laws of the State of California. Further, it is the purpose of this Section to create an expedited, streamlined permitting process for small residential rooftops solar energy systems, in accordance with California Civil Code Section 714 and California Government Section 65850.5 It is also the purpose of this Section to promote and encourage the use of small residential rooftop solar energy systems and to limit obstacles to their use, in accordance with the standards adopted by the City pursuant to this Section and State law, while allowing the City to protect the public health and safety.
- B. **State Law.** Where the provisions of this Section conflict with an applicable State law or regulation, such State Law or regulation shall govern.
- C. **Location.** In any ~~single family, or two family (duplex)~~ residential dwelling, solar energy systems, as defined in Division 9 (Definitions), shall be permitted subject to the provisions set forth below.
- D. **Applicability.** This Section applies to the permitting of all small residential rooftop solar energy systems, as defined herein, in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Section are not subject to these requirements unless physical modification or alteration are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.
- E. **Duty of City to Create and Publish Application and Requirements.** A checklist of requirements, documents required for an application, and the application required for small residential rooftop solar energy systems shall be made available to the public during regular business hours within Arcadia City Hall where permitting for solar energy systems is processed, and via other methods determined by the Director. The Director may from time to time revise the checklist of requirements required for an application, documents required for an application and the required applications as long as any revisions are consistent with the most recently adopted resolution of the City Council, and are consistent with Section 65850.5 of the Government Code. Systems shall meet applicable health and safety standards and requirements imposed by State and local permitting authorities, consistent with Section 65850.5 of the Government Code.
- F. **Review.** Review of the application to install a small residential rooftop solar energy system shall be limited to an expedited administrative, nondiscretionary review by the Community Development Department. Review of the application shall be limited to the Building Official's review of whether the application meets local, State, and federal health and safety requirements. The application shall be exempt from Section 9107.19 (Site Plan and Design Review).
- G. **Inspection.** Only one inspection shall be required and performed by the ~~Building~~ **Division Department** for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be done in a timely manner and should include consolidated inspections. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

9103.01.0130 Trash Enclosures

- A. Purpose and Applicability.** This Section establishes standards for the location, development, and operations of trash enclosures to ensure that the storage of trash and recyclable materials do not have significant adverse health consequences and minimize adverse impacts on surrounding properties. The provisions in this Section shall apply to trash enclosures that are not subject to the Hazardous Materials and Recycling Facilities regulations of Division 3.
- B. When Required.** All new and expanded commercial and industrial projects with a floor area exceeding 500 square feet, all intensifications of commercial and industrial uses, all new multifamily residential projects located in any zone, all new mixed-use development projects shall be required to provide and maintain at least one trash enclosure. Trash enclosures may be located indoors or outdoors to meet the requirements of this Section. Outdoor trash enclosures shall require review and approval of Site Plan and Design Review pursuant Section 9107.19 (Site Plan and Design Review) of this Development Code.
- C. Number Required; General Standards**
1. Trash, recyclables, and other refuse materials that are temporarily stored outside a building shall be located within a trash enclosure that enables convenient collection and loading.
 2. The minimum size of a trash enclosure shall be nine feet wide by six feet deep by six feet high.
 3. A one (1) foot interior clearance shall be provided between the bin and/or carts and the trash enclosure wall.
 4. All development projects with five or more dwelling units shall provide at least one trash enclosure. If a project contains 10 dwelling units or more, at least two trash enclosures or a larger trash enclosure shall be provided, the location and size of which shall be subject to the review and approval of the Director.
 5. All commercial development with more than one tenant, all industrial developments, and all other non-residential developments shall contain at least one trash enclosure.
- D. Location**
1. Outdoor trash enclosures required under this Section for residential projects shall not be located within any front yard or street-facing yard area.
 2. No outdoor trash enclosures shall be located within any required landscaped areas, required off-street parking spaces, public rights-of-way, or in any location where it would obstruct pedestrian walkways, vehicular ingress and egress, reduce motor vehicle sightline, or in any way create a hazard to health and safety as required by the California Building Code.
- E. Maintenance.** Outdoor trash enclosures required shall be maintained in the following manner:
1. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin
 2. Trash enclosure covers shall be closed when not in use.
 3. Trash enclosures shall be easily accessible for garbage collection.
 4. Trash enclosures shall be regularly emptied of garbage.
 5. Outdoor trash enclosures shall be locked and/or sealed at the end of business day.
- F. Design of Enclosure Area**
1. Each trash enclosure shall on three sides consist of minimum six-foot-high, fully grouted, decorative masonry walls, with the fourth side consisting of a solid metal gate with latch, painted a color that is compatible with the enclosure walls. The exterior wall shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.

2. The interior dimensions of the trash, recyclable, and refuse enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and minimize scavenging, while allowing authorized persons access for disposal and collection of materials.
3. All trash enclosures shall have full roofs to reduce storm water pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible with the onsite architecture, with adequate height clearance to enable ready access to any containers.

G. Modification. Request of relief from the requirements of this section shall be processed via the Modification process defined in Section 9107.05 (Administrative Modifications) of this Development Code.

Section 9103.03 Canopy Structures

Subsections:

- 9103.03.010 Canopy Structures in Residential Zones
- 9103.03.020 Canopy Structures in All Other Zones
- 9103.03.030 Repair and Maintenance

9103.03.030 Canopy Structures in Residential Zones

The following regulations shall apply to canopies and canopy structures, as defined in Division 9 (Definitions), in all residential zones.

- A. Permanent Canopy Structures.** Permanent canopy structures are prohibited.
- B. Decorative Awnings.** Decorative awnings constructed as a component or feature of an overall architectural design are allowed as architectural projections, subject to the provisions of Section 9102.01.050 (Permitted Projections in Single-Family Residential Zones) and Section 9102.01.110 (Permitted Projections in Multifamily Zones).
- C. Temporary Tents and Canopies.** Temporary tent and canopies of any size may be erected in any location with the exception of the front setback and/or street side setback areas for a period that is not in excess of three days.

9103.03.020 Canopy Structures in All Other Zones

The following regulations shall apply to canopies and canopy structures in all other zones.

- A. Permanent Canopy Structures.** Permanent canopy structures shall be permitted in the rear yard only, subject to issuance of a **Site Plan and Design Review** ~~Minor Use Permit pursuant to Section 9107.09 (Conditional Use Permits and Minor Use Permits)~~.
- B. Decorative Awnings.** Decorative awnings constructed as a component or feature of an overall architectural design are allowed as architectural projections, subject to Section 9107.19 (Site Plan and Design Review). Awnings that project over a public right-of-way shall also be subject to approval by the City Engineer.
- C. Temporary Tents and Canopies.** Temporary canopies and canopy structures, of any size, may be erected in any non-residential zone in any location on a lot subject to the issuance of a Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits). All such canopies must be secured in a manner to prevent wind from dislocating them.

9103.07.050 Off-Street Parking for Residential Uses

- A. Number Required.** Unless off-street parking reductions are allowed in compliance with provisions identified, off-street parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses). These standards shall be considered the minimum required to preserve the public health, safety, and welfare of the community. An increase or decrease in the parking requirements may be determined by the Review Authority in particular circumstances where these requirements are inadequate for a specific project. These cases shall be determined through a parking study as outlined in this Division.
- B. Off-Street Parking Requirement Calculations.** Table 3-3 (Off-Street Parking Requirements: Residential Uses) establishes the off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply:
1. “Square feet” or “sf” shall mean “square feet of floor area” and refer to floor area as defined in Division 9 (Definitions), unless otherwise specified.
 2. Any fractional parking space greater than or equal to one-half shall be rounded to the next whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.
- C. Off-Street Residential Parking Requirements for Residential Uses**
1. **Uses Not Listed.** The number of parking spaces required for land uses not specifically listed shall be determined by the Director based on common functional, product, or compatibility characteristics and activities. The determination is considered a formal interpretation of the Development Code and shall be decided and recorded accordingly. The interpretations shall have the same force of law as the provisions of this Section. Any inclusion of land uses in this Section shall be defined and included in Division 9 (Definitions), and shall be included in the land uses in Division 2 (Zones, Allowable Uses, and Development Standards).

Table 3-3 Off-Street Parking Requirements: Residential Uses	
Land Use	Minimum Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	<ul style="list-style-type: none"> • 2 spaces per dwelling unit in a garage for units less than 5,000 square feet in size with up to 4 bedrooms • 3 spaces per dwelling unit in a garage for units 5,001 square feet or more in size and/or with 5 or more bedrooms ⁽¹⁾
Accessory Dwelling Unit	Refer to Section 9102.01.080
Multifamily Dwellings	For the R-2, R-3 and R-3-R Zones: <ul style="list-style-type: none"> • 2 covered spaces per unit, plus guest parking as follows: • 1 guest parking space for every per each 2 units
Mixed Use Units	<ul style="list-style-type: none"> • 1 space per studio or one bedroom unit • 1.5 spaces per unit with more than one bedroom • 1 guest space for every 3 units
Live/Work Units	1 space per unit and 1 space per 1,000 square feet of nonresidential floor area
Senior Housing (when restricted to age 62 and older)	For senior affordable apartment housing: 1 space per unit, and 1 guest space for every 4 units for assisted living facilities: 1.5 spaces per unit For senior market rate housing: 2 spaces per unit

Notes:

- (1) A tandem parking space may be allowed to satisfy the third required, or any non-required, parking space, subject to Design Review approval.
- (2) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:

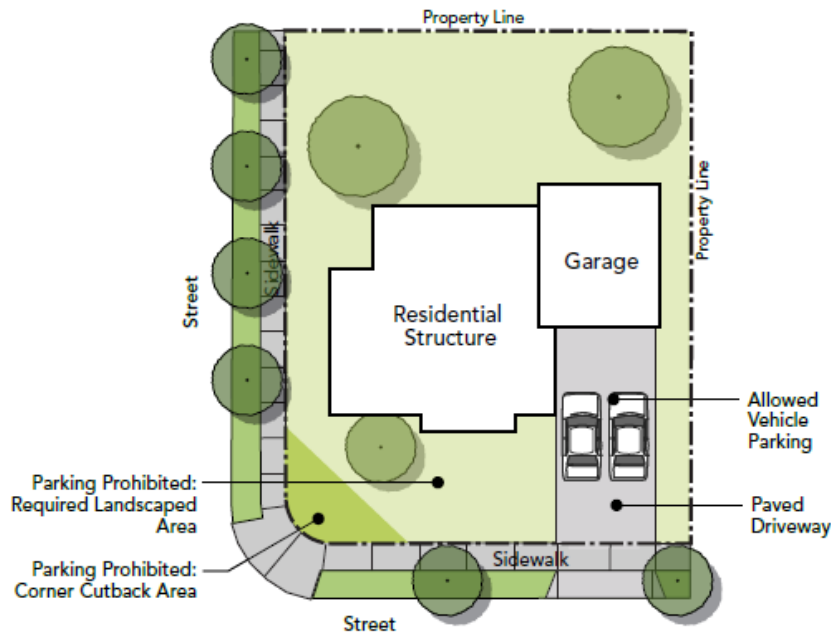
- a. The accessory dwelling unit is located within one-half mile of public transit
- b. The accessory dwelling unit is located within an architecturally and historically significant historic district
- c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit
- e. When there is a car sharing vehicle located within one block of the accessory dwelling unit

2. Residential Use: When Required Covered or Garage Parking Cannot Be Provided. Apart from the requirements for parking in a garage contained in Table 3-3 (Off-Street Parking Requirements: Residential Uses) for residential uses, wherever required covered or garage parking cannot be provided due to physical limitations on a property, an alternative parking arrangement for the remaining required parking can be arranged by the approval of an Administrative Modification subject to the requirements of Section 9107.05 (Administrative Modifications).

D. Parking Location

- 1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
- 2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.
- 3. When required off-street parking spaces are provided on a separate lot from the building or land use, Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking) shall apply.

**Figure 3-14
Single-Family Parking Location Requirements**



D. Residential Parking Location—Specific Requirements

1. R-M Zone

- a. A garage or carport opening directly upon a side street shall be located not less than 20 feet from the street side lot line.

2. R-0 and R-1 Zones

- a. Required parking spaces shall be provided on the same site as the main building in an enclosed garage. Each parking space provided beyond the minimum required shall also be within an enclosed garage.
- b. Each required parking space shall be in a garage located behind the required front setback and shall be served by a driveway no less than nine feet in width, except as a specified in Section 9103.07.050.D.
- c. Only one driveway shall lead to an enclosed garage, unless it is a circular driveway.
- d. Below grade or subterranean parking spaces shall not be allowed unless an Administrative Modification is granted pursuant to Section 9107.05 (Administrative Modifications). Not more than one story below grade shall be allowed.
- e. On lots less than 100 feet in width, no more than 16 linear feet of garage openings facing the front and/or street setback areas shall be allowed. On lots 100 feet or greater in width, no more than 24 linear feet of garage openings facing the front and/or street setback areas shall be allowed.

E. Standard Residential Parking Stall Dimensions. Required parking stalls, including guest parking spaces, within all residential zones shall meet the dimension requirements set forth in Table 3-4 (Parking Space Dimensions-Residential Zones). Dimensions shall be measured from interior building wall.

Table 3-4 Parking Space Dimensions-Residential Zones			
Zone	Size of Parking Stall (minimum)		
	Width (General)	When Adjacent to Wall or Structure	Length
R-M, R-O, and R-1	10 ft	11 ft, 6 in	20 ft
R-2, R-3, and R-3-R	10 9 ft	11 ft, 6 in	20 19 ft

F. Residential Driveways

- 1. Paving.** All parking areas and driveways shall be paved with cement concrete. Other paving materials, including brick may be substituted with review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).
- 2. Width.** The maximum width of driveways within residential zones shall be 20 feet for single-family zones and 25 feet for multifamily zones. The maximum width for all single-family and multi-family residential common driveways shall not exceed 30 feet.
- 3. Does Not Fulfill Parking Requirement.** No portion of any required driveway shall be used to fulfill any parking space requirements, except as specified in Section 9103.07.050.D
- 4. R-M, R-0 and R-1 Zones**
 - a. Only one driveway shall be allowed for each residential lot. The number may be increased to two for an approved circular driveway pursuant to Section 9103.07.050.H (Circular Driveways for Residential Zones).

- b. A driveway shall not be less than nine feet in width.
- c. Pedestrian walkways and driveways shall occupy no more than 40 percent of the required front setback or street side setback.
- a. Driveways shall have at least 10 feet of unobstructed vertical clearance.
- b. Driveway slope shall not exceed 10 percent.

5. R-2, R-3 and R-3-R Zones

- a. Each driveway to a parking space shall be at least 10 feet wide.
- b. Every driveway serving as access to more than 12 required parking spaces or which is more than 125 feet long shall have a minimum width of 18 feet. Two 10-foot wide driveways may be provided in lieu of one 18-foot driveway.
- c. Each driveway adjacent to a garage or parking space shall have a minimum width of 25 feet.
- d. "Guest Parking Only" signs with letters not less than two inches in height shall be properly located to designate guest parking spaces.
- e. Common/shared driveways shall be allowed, provided the owners of the lots show proof of a recorded easement or other legal instruments authorizing the use of a shared driveway arrangement and further provided that a covenant, in recordable form by its terms to be for the benefit of, enforceable by, and to be released only by the City, is executed by the owners of all property affected. The covenant shall state that the common/shared driveway shall be usable by the tenants and owners of the properties proposed to be served by the driveway. Recordation of this instrument shall be completed before the issuance of a Building Permit.
- f. Eaves and bay windows which are at least ~~43~~10 feet above the pavement may overhang any driveway by a distance of not more than three feet.

H. Circular Driveways for Residential Zones

- 1. Lots with street frontage of 100 feet or greater are eligible for circular driveways.
- 2. On lots with more than one street frontage, a circular driveway shall be located on the street frontage that is 100 feet or greater; provided, however, that not more than one circular driveway shall be allowed for any one lot.
- 3. The circular driveway shall not be less than nine feet in width and shall not have a width greater than 15 feet.
- 4. The inside edge of the circular driveway shall be located a minimum distance of 25 feet from the property line at the street right-of-way.

I. Tandem Parking Spaces. Tandem parking spaces may be allowed in residential and mixed-use zones in compliance with the following requirements, and subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).

- 1. For multifamily development projects, tandem spaces shall not constitute more than 20 percent of all required spaces and shall not be permitted to meet guest parking requirements.
- 2. For single-family units, tandem parking may be provided within a garage, provided that such garage has an interior space measuring at least 20 feet by 20 feet adjacent to the garage door and at least one required parking space shall be in a regular (non-tandem) format.
- 3. The size of the tandem parking space shall be 1044 feet by 19 feet, ~~6 inches~~ and shall allow adequate maneuvering room for both vehicles and pedestrians around the tandem spaces.

4. ~~Tandem parking may be used as an alternative parking approach in circumstances where physical limitations exist on a property that prevent the provision of the minimum parking requirements.~~

**9103.07.060 Off-Street Parking for Non-Residential Uses
Amended by Ord. No. 2347**

- A. Number Required.** Unless off-street parking reductions are allowed in compliance with provisions identified, off-street parking spaces shall be provided in compliance with Tables 3-5 through 3-8 (Off-Street Parking Requirements:). These standards shall be considered the minimum required to preserve the public health, safety, and welfare of the community. An increase or decrease in the parking requirements may be determined by the Review Authority in particular circumstances where these requirements are inadequate for a specific project. These cases shall be determined through a parking study as outlined in this Division.
- B. Off-Street Parking Requirement Calculations.** Tables 3-5 through 3-8 establish the off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply to Tables 3-5 through 3-8:
 1. "Square feet" or "sf" shall mean "square feet of floor area" and refer to floor area as defined in Division 9 (Definitions), unless otherwise specified.
 2. Any fractional parking space greater than or equal to one-half shall be rounded to the next whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.
- C. Off-Street Parking Requirements for Non-Residential Uses.**

The following minimum number of off-street parking spaces shall be provided as indicated in Tables 3-5 through 3-8 and shall be maintained for each of the following uses. Temporary reductions may be allowed by the Business License office for parking lot sales and for promotional entertainment events.

Table 3-5 Off-Street Parking Requirements: Hospitality and Retail Uses	
Land Use	Minimum Parking Spaces Required
Hotels/Motels	1.2 space per guest room Allowed uses within this parking ratio include banquet hall, or assembly places such as conference center are included, spas, and breakfast lounges serving only hotel guests. For restaurants, see Restaurant, within Hotel or Motel Structure
Retail Sales - General	1 space per 200 sf
Retail Sales - Multi-tenant Shopping Center	1 space per 200 sf or as established by a parking study, see Subsection 9103.07.060.E (Parking Requirement Determined By Parking Study).
Regional Shopping Centers	4.75 spaces per 1,000 sf of gross leasable area
Swap Meet - Indoor	1 space per 200 sf plus 1 space per vendor

Table 3-6 Off-Street Parking Requirements: Office, Entertainment Services, Care Services, Eating and Drinking Establishment, and Vehicle Service Uses	
Land Use	Parking Spaces Required
Business, Financial, and Professional	
Financial Institutions and Related Services	1 space per 250 sf

Offices - Professional	1 space per 250 sf
Care Uses	
Emergency Shelters	1 space per 1,000 sf
Day Care and/or preschool facilities	1 space per employee plus 1 space per 5 children or 1 space per 10 children if adequate drop-off area provided
Residential Care Facility	1 space per 3 licensed beds
Eating and Drinking Establishments	
Bars, Lounges, Nightclubs, and Taverns	1 space per 100 sf
Restaurant, Small	1 space per 200 sf
Restaurant, Large	1 space per 100 sf
Restaurant, within Hotel or Motel Structure	1 space per 200 sf
Outdoor Dining – Incidental and Outdoor Dining on Public Property with 12 seats or less or a number of outdoor seats equivalent to twenty-five (25%) percent of the number of indoor seats, whichever is greater	No additional parking required
Outdoor Dining– Incidental and Outdoor Dining on Public Property with more than 12 seats or a number of outdoor seats equivalent to twenty-five (25%) percent of the number of indoor seats, whichever is greater	1 space per 6 seats

Table 3-6	
Off-Street Parking Requirements: Office, Entertainment Services, Care Services, Eating and Drinking Establishment, and Vehicle Service Uses	
Land Use	Parking Spaces Required
Entertainment	
Arcade	1 space per every 2 machines
Karaoke	1 space per 100 sf
Medical-Related Services	
Hospitals	As determined by Conditional Use Permit, Specific Plan, or other special discretionary process
Medical and Dental Offices	6 5 spaces per 1,000 sf
Medical and Dental Offices larger than 10,000 sf	1 space per 200 sf
Service and Studio Uses – General	
Personal Services, General and Restricted	1 space per 200 sf
Studio – Art, Music, etc.	1 space per 100 sf of instructional area
Vehicle Service Uses	
Car Sharing	1 space per car available
Service/Fueling Station	1 space per 200 sf of office or service area plus 1 space per service bay, plus any required for ancillary use
Vehicle Repair	2 spaces per service bay
Vehicle Washing/Detailing	1 space per employee on largest shift, plus adequate stacking area as determined by Conditional Use Permit

Table 3-7 Off-Street Parking Requirements: Recreation, Education, and Public Assembly Uses	
Land Use	Parking Spaces Required
Health Clubs, Fitness Centers, and Indoor Athletic Facilities up to 3,000 sf	1 space per 100 sf in all workout and instructional areas
Health Clubs, Fitness Centers, and Indoor Athletic Facilities greater than 3,000 sf of gross floor area	Required parking spaces to be determined through an approved Conditional Use Permit
Live entertainment theaters - movie or live performance	1 space per 3 fixed seats
Public/Private Assembly: places of worship, recreation community structures, private clubs	1 space per 5 fixed seats; 1 space per 35 sf of floor area where no fixed seating; 1 space per 28 linear feet of bench/pew area
Trade Schools, Tutorial Schools, Learning Centers, Private Schools	Facilities for students under high school age: 1 space per employee, plus 1 space for every 5 students Trade schools/private schools, learning centers for students of high school age or older: 1 space per employee plus 1 space for every 3 students See Subsection 9103.07.060.G (Pick-up and Drop-off Area for Educational Uses)

Table 3-8 Off-Street Parking Requirements: Industry, Manufacturing, and Warehouse Uses	
Land Use	Parking Spaces Required
Manufacturing and General Industrial Uses	1 space per 333 sf for projects up to 10,000 sf 1 space per 1,000 sf for projects over 10,000 sf For office area within a manufacturing and industrial building: <ul style="list-style-type: none"> • 1 space per 500 sf for the first 25% of the office area • 1 space per 250 sf for the office area in excess of the first 25%
Warehousing and Fulfillment Centers	1 space per 1,000 sf of warehouse space, plus 1 space per 350 sf of office space

Table 3-9 Off-Street Parking Requirements: Other Uses	
Land Use	Minimum Parking Spaces Required
Other Permitted Uses	5 spaces per 1,000 sf or based on the parking standard of a similar land use as determined by the Director.

- D. Parking Reduction Near Light-Rail Station.** A 25 percent reduction will be applied to the off-street parking requirement for any commercial use that is located within 1,320 feet (1/4 mile) of a light rail station.
- E. Parking Requirement Determined by Parking Study.** Off-site parking spaces may be relied upon to serve commercial uses, provided a shared-parking study is completed by the applicant/developer and approved by the Director. In the event the proposed land use is for a multi-tenant and/or mixed use development or involves a Specific Plan or Planned Development Permit, the Director may also authorize the preparation of a parking study to determine the required number of parking spaces as an alternative to the number of off-street parking as outlined in Tables 3-5 through 3-8 (Off-Street Parking Requirement) and other applicable provisions of this Section, subject to the following conditions:
1. Off-street parking standards determined by a parking study shall be approved, modified, and/or denied in accordance to the use classification and/or required planning permit for the proposed use. If there are no planning permits required for the proposed use but the Director has determined a parking study is required, then the review and approval of parking study shall be processed pursuant to the requirements of Section 9107.05 (Administrative Modification).
 2. The City shall maintain the right to select a consultant, which will be paid for by the applicant.
 3. The study shall have been undertaken and completed by a traffic engineer registered by the State of California and shall bear the stamp of that engineer.
 4. If the required parking is determined by such a parking study, future modification or improvement to the parking area which impacts the parking space layout, configuration, and/or number of stalls or if any such building or structure in the project is enlarged or increased in capacity by floor area or seats, or at such time that a usage requiring a higher number of parking spaces than an existing or previous use is applied, a new parking study pursuant to this Section shall be provided showing that the existing and/or proposed parking is adequate for such expansion and/or increased usage. Alternative to a revised parking study, at the time of such expansion or increased usage, the applicant may comply with all provisions of this Section in effect at the time of the application.
- F. Multiple Tenants.** Except as otherwise provided in this Section, for each separate use, a site with multi-tenants, or a combination of principal uses in any one facility, the development shall provide the aggregate number of parking spaces required for each separate use unless a parking study has been prepared and approved in compliance with this Chapter or except as provided for in Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking).
- G. Parking Plan at a Commercial Center.** A Parking Plan with an associated Parking and/or Traffic Study may replace the required parking for each land use on a property that has multiple uses at a commercial center. The Plan must provide justification for a specific parking rate and format, subject to review and approval of the Review Authority pursuant to the requirements of Section 9107.05 (Modification).
- H. Pick-up and Drop-off Area for Educational Uses.** Educational uses that serve children shall be required to submit a parking plan that indicates the location of pick-up and drop-off area (separate from the driveway aisle) subject to the review and approval of the Review Authority pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).
- I. Parking Location: All Non-Residential Uses**
1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
 2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.
 3. When required off-street parking spaces are provided on a separate lot from the building or land use, there shall be recorded in the office of the County Recorder against the lot on which such parking spaces are provided, a covenant in the form approved by the City Attorney that the owner of such lot will continue to maintain such parking spaces as long as the use in the building or the land use requiring such parking is maintained.
- J. Parking Location: Commercial, Mixed Use, and Industrial Zones.** Required parking spaces shall be located either on the same lot or site as the uses served or within 250 feet of the uses served, unless otherwise allowed pursuant to Subsection

9102.11.030 (Downtown Parking Overlay Zone).

Table 3-910 Standard Vehicle Space Requirements—Commercial, Industrial, and Mixed Use Zones				
Parking Stall Angle	Stall Width ⁽¹⁾	Stall Length	Aisle Width	
			One-Way	Two-Way
Standard Parallel	10 ft	24 ft	14 ft	20 ft
30-Degree	9 ft	20 ft	16 ft	20 ft
45-Degree	9 ft	20 ft	16 ft	20 ft
60-Degree	9 ft	20 ft	20 ft	20 ft
65-Degree	9 ft	20 ft	19 ft	19 ft
90-Degree	9 ft	18 ft ⁽²⁾	25 ft	25 ft

Notes:

(1) Minimum stall width for stalls adjacent to a wall shall be 11 feet, six inches.

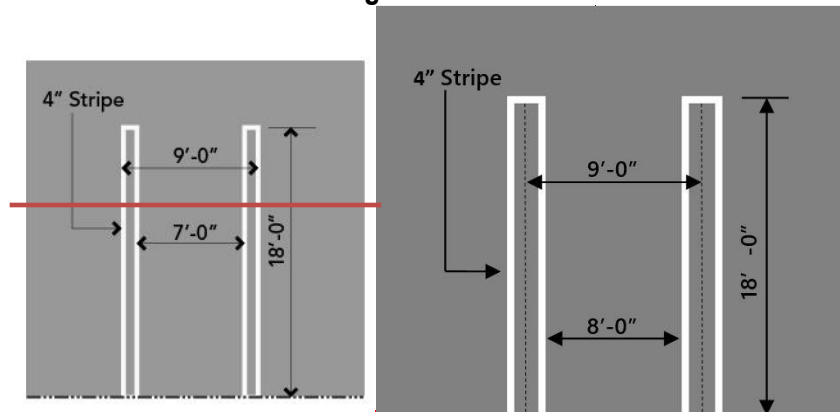
(2) Exception: Minimum stall length shall be 20 feet for each parking space adjacent to and/or facing a wall, building, walkway, utility cabinet, or structure. See also Subparagraph 9103.07.060.P (Wheel Stops or Planter Curbs).

K. Parking Location: Commercial—Adult Businesses. Parking for adult businesses shall be located with 495 feet of the use that the parking spaces serve.

L. Parking Stall and Drive Aisle Size: Commercial, Mixed Use, and Industrial Zones

1. **Commercial, Industrial, and Mixed Use Zones.** Drive aisles and parking spaces in a parking lot or parking structure commercial zones shall have the minimum dimensions listed in Table 3-109 (Standard Vehicle Space Requirements-Commercial, Industrial, and Mixed Use Zones).

**Figure 3-15
Parking Stall Standards**



M. Driveways

1. The maximum width for driveways in commercial, mixed use, and industrial zones shall be 35 feet.
 - a. All driveways shall have a minimum vertical clearance of 14 feet six five inches.

2. A driveway for one-way circulation shall have a minimum width of 12 feet six inches. A driveway for two-way circulation shall have a minimum of 25 feet.
3. No driveway shall be situated so as to create a blind intersection that would hinder public safety.

N. Circulation. No parking space backup area shall occur in the first 20 feet from the street right-of-way and a parking lot entrance or exit.

O. Marking and Signs

1. Each parking space shall be identified by four-inch-wide stripes of paint, or other durable striping material approved by the Director. All parking stalls shall be clearly outlined with double stripes to provide a parking stall with a ~~area of at least seven feet in width~~ **nine foot width, measured to the center of the lines.**
2. Drive aisles, approach lanes, and maneuvering areas shall be marked and maintained with directional arrows and striping to expedite traffic movement. Any area not intended for parking shall be signed, or in areas where curb exists, the curb may be painted red in lieu of signs.
3. The City Engineer may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
4. Compact and carpool spaces, where allowed, shall be clearly identified for compact vehicle and carpool usage, respectively.
5. Disabled parking spaces shall be striped and marked according to the applicable state standards.

P. Parking Lot Lighting

1. Lighting shall be hooded and arranged to reflect away from adjoining properties and streets.
2. Light standards within parking lots shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties. To accomplish this, a greater number of shorter light standards may be required as opposed to a lesser number of taller standards.
3. Light standards shall be a maximum of 20 feet in height. The height of the light standard shall be measured from the elevation of the adjacent pavement of the parking lot. When the subject property abuts a residentially zoned property or is within 100 feet of residentially zoned property, light standards within 100 feet of the property shall not exceed 15 feet in height.
4. Parking lots, driveways, pedestrian walkways, and building entrances/exits shall be illuminated for security and safety purposes during business hours of operation.

Q. Wheel Stops or Planter Curbs. Wheel stops or a planter curb shall be provided for each parking space adjacent to and facing a wall, building, walkway, utility cabinet, or structure. The wheel stops or planter curbs shall be set a minimum of 36 inches from the forward end of the parking stall and shall be six inches high and made of concrete or other durable material subject to the approval of the Director. If a planter curb is used in lieu of a wheel stop, the planted area contained in the required parking space shall not be considered as part of any required dimensions of landscape buffers and shall not be included in the percentage of the parking area required to be landscaped.

9103.07.070 Mixed-Use (Nonresidential and Residential Combined) Parking Standards

A. Mixed-Use with Residential. This subsection applies to mixed-use developments as defined in Division 9 (Definitions) and where allowed by Division 2 (Zones, Allowable Uses, and Development Standards).

1. The number of parking stalls provided shall be as outlined in Tables 3-3, 3-5, 3-6, 3-7, and 3-8.

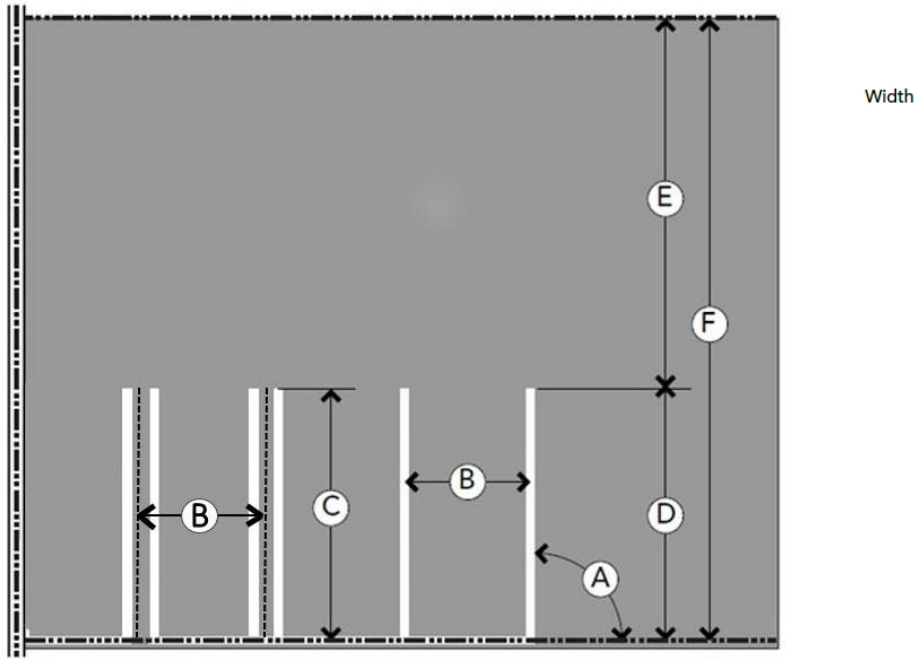
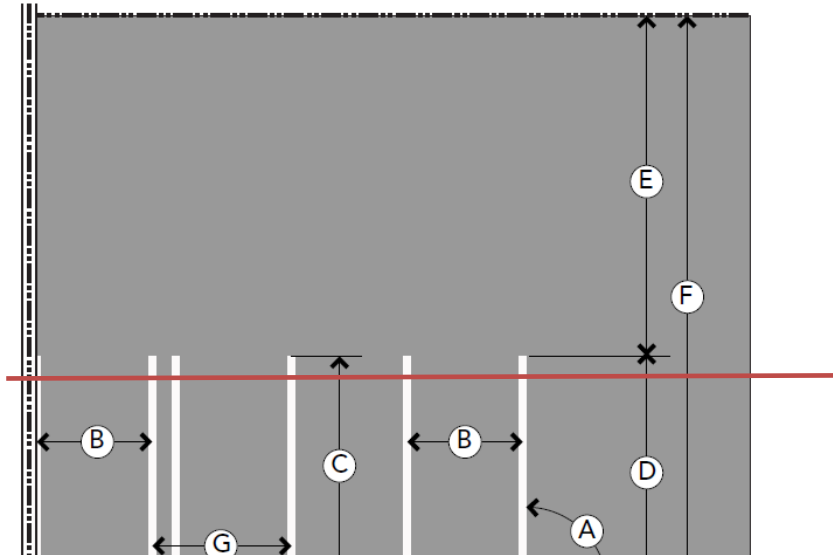
2. ~~Any residential guest parking can be provided through the required commercial parking.~~ **No more than 50 percent of the required guest parking spaces for the residential units may be shared with the required commercial parking spaces.**
3. The parking for the residential use required to be in a fully enclosed garage in compliance with Table 3-3 may be provided within an underground or aboveground parking structure rather than a garage.
4. With the exception of the guest parking, parking for the residential uses shall be provided and maintained separate and secure from the on-site public parking.
5. A 25 percent reduction may be applied to the project for all commercial uses if the parking area is located within 1,320 feet of a light rail station.

9103.07.80 Parking Area Design Standards Applicable to All Zones

B. General Requirements

1. All required off-street parking areas shall be paved. Paving materials, methods, soils compaction, and base materials shall be shown on building plans prepared by a State licensed architect, civil engineer or structural engineer.
2. All required parking spaces shall have adequate individual access and safe ingress and egress.
3. No parking space shall be arranged in a manner that requires the moving of any other vehicle on the premises in order to enter or leave any other parking space, other than as permitted by Section 9103.07.050.I (Tandem Parking Spaces). This provision shall not apply at such times as attendant parking is provided.
4. When determined necessary by the Director, painted directional signs shall be provided in each aisle or driveway.
5. No parking space backup area shall occur in the first 20 feet from the street right-of-way, parking lot entrance, or parking lot exit.
6. No driveway shall be constructed within three feet of any fire hydrant, ornamental light standards, telephone or electric pole, meter box or underground vault, or manhole.
7. All driveways and drive approaches within the public right-of-way shall be constructed of standard Portland cement concrete, six inches thick. No variations in material within the public right-of-way shall be allowed.
 - a. All required parking facilities shall be permanently maintained, free of litter and debris, potholes, obstructions and stored material.
 - b. Each parking space shall have a ~~minimum 25-foot turning radius and/or a~~ minimum of 25 feet of clear back-out space. **Alternatively, if the site does not have a back-out clearance of 25 feet straight, it may be measured from a seventy-five (75) degree angle, as measured from the garage door, or opening, in the direction of the back-up.**
8. A minimum of distance of 14 feet six inches is required between any driveway openings, unless otherwise specified in this section. The distance shall be measured from the closest points between any two driveways. Driveway openings for the purpose of this subsection shall be the first five feet along the length of the driveway measured from the point where the opening abuts the roadway.

Off-Street Parking Standards



Off-Street Parking

- A= Angle
- B= Stall Width
- C= Stall Length
- D= Perpendicular Width
- E= Aisle Width
- F= Total Width

9103.07.110 Parking Structures

- A. Parking spaces within a parking lot or structure shall be designed and located so that any required maneuvering into or out of the space will not interfere with vehicles entering or exiting the parking lot, and so that vehicles can enter an abutting street in a forward direction. The drive aisles shall be designed so that a vehicle is not required to enter a street to move from one drive aisle to another.
- B. Within a parking structure, piers and pillars shall not encroach within the minimum clearance of required parking stalls.
- C. **Subterranean parking structures and above-ground parking structures shall have a minimum vertical clearance of eight feet and six inches.**
- D. Preferential parking spaces reserved for vanpools shall be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance **as required by the California Building Code and the subsection above 9103.07.110.C. of seven feet two inches.** Each parking space shall be provided for those spaces and access ways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.
- E. Above-ground parking structures shall not be subject to the landscaping requirements applicable to parking lots.

9103.07.150 Bicycle Parking Requirements

- A. **General Provisions.** All new development, except that located in the R-M, R-0, and R-1 zones, shall be designed with the following:
 - 1. Bicycle parking shall be located within 200 feet of a building entrance, not interfere with pedestrian access, and be located in a visibly secure location adjacent to the building.
 - 2. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a user-provided six-foot cable and lock. The stationary object may be either a freestanding rack or a wall-mounted bracket.
 - 3. When bicycle parking areas are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities.
- B. **Bicycle Parking Requirements.** Bicycle parking is required for multifamily development, mixed-use development, public and civic facilities, private schools, retail commercial, industrial, hospital, and office uses in compliance with Table 3-10 (Bicycle Parking Requirements). Bicycle parking for commercial recreation and entertainment uses shall be as specified by Conditional Use Permit.

Table 3-10 Bicycle Parking Requirements		
Use	Number of Spaces Required	Dimension (minimum)
Residential: Multifamily	0.2 spaces per unit, with a minimum of 2 spaces	2 feet wide and 6 feet long per bicycle plus a 5-foot maneuvering space behind the bicycle rack area
Community/Civic Uses: Public and civic facilities Schools	Short Term Parking: 5% of the student population at capacity enrollment, with a minimum of 1 two-bicycle rack. Long Term Parking: Secure bicycle parking for 5% of employee parking lot capacity.	
Non-Residential Uses: Retail, office, industrial, hospital	Short Term Parking: 5% of vehicle parking, with a minimum of 1 two-bicycle capacity rack. Long Term Parking (Structures with 10 or more tenant vehicular parking spaces): Secure bicycle parking for 5% of spaces, with a minimum of 1 two-bicycle capacity rack.	

Note: Secure bicycle parking shall include one of the following:

- (1) Covered, lockable enclosures with permanently anchored racks for bicycles;
- (2) Lockable bike rooms with permanently anchored racks; or
- (3) Lockable, permanently anchored bicycle lockers.

Section 9103.09 - Landscaping

Subsections:

- 9103.09.010 Purpose and Intent
- 9103.09.020 Applicability
- 9103.09.030 Landscape Plan Required; What Constitutes Landscape Materials
- 9103.09.040 Landscape Requirements
- 9103.09.050 Landscape Irrigation and Maintenance

9103.09.010 Purpose and Intent

The City promotes the value and benefits of landscapes while recognizing the need to conserve water and other resources as efficiently as possible. This Section establishes minimum landscape standards for all uses in compliance with applicable state standards and guidelines and to promote sustainable development. The purpose of this Section is to establish a structure for planning, designing, installing, maintaining, and managing water-efficient landscapes in new construction and rehabilitated projects.

9103.09.020 Applicability

A. General. This Section shall supplement the Water Efficient Landscaping Ordinance (Sections 7554.2–7554.9) and shall be apply to all of the following landscape projects, as listed in Section 7554.3:

1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check, or design review;
2. Rehabilitated landscapes projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review; and
3. Existing landscape areas that are one acre or more for which a water efficient landscape worksheet shall be prepared according to the specifications for existing landscapes in the Landscape Documentation Package.

Exemptions. The provisions of this Section shall not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Botanical gardens and arboretums open to the public.

9103.09.030 Landscape Plan Required; What Constitutes Landscape Materials

A. Plan Check Requirements and Content. A Landscape Documentation Package prepared by a licensed landscape architect shall be required for all applicable projects as described in the Water Efficient Landscaping Ordinance (see Section 7554.3), and for any project involving the installation of artificial turf within the front or street side yards.

9103.09.040 Landscape Requirements

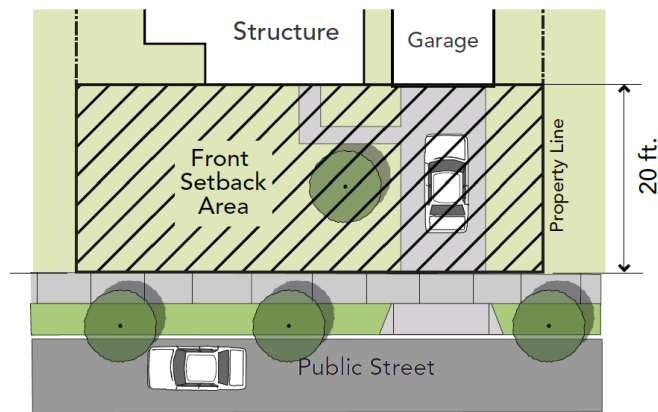
A. Applicability. The standards in this Section shall apply to residential and non-residential uses.

B. Landscape Requirement for Residential Zones. All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

1. R-M, R-0 and R-1 Zones

- a. ~~Setbacks and setback~~ **The front and street-side yard** areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
- b. Hardscape materials, of driveways and pedestrian walkways but not including **pavement, concrete, interlock pavers, and the use of artificial turf**, shall not cover more than 40 percent of the **required front setback or street side**. See Figure 3-17 (Front Setback Area-40% Landscaping Required).

Figure 3-17
Front Setback Area – 40% Landscaping Required



2. R-M Zone. All cut or fill slopes exceeding six feet six inches in vertical height between two or more contiguous lots shall be planted with adequate plant material to protect the slope against erosion. The planting shall cover the bank within two years from the time of planting. The permittee, owner, or developer shall water the planted slopes at sufficient time intervals to promote growth.

3. R-2 and R-3, and R-3-R Zones.

- a. ~~Setbacks and~~ **The front/street side yard setback** areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
- b. **Hardscape materials, of driveways and pedestrian walkways but not including pavement, concrete, interlock pavers, and the use of artificial turf**, shall not cover more than 40 percent of the **required front setback or street side**. See Figure 3-17 (Front Setback Area-40% Landscaping Required).

C. Landscape Requirement for Commercial, Mixed Use, and Industrial Zones

1. Required Areas. All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.

2. **Landscape Coverage Requirement.** Shrubs, groundcover, and other plant material shall cover all areas not occupied by structures, parking areas, storage, trash enclosures, driveways, and sidewalks at the time of issuance of a Certificate of Occupancy. Embellished pavement, fountains, and similar hardscape materials may, in part, be substituted for the required landscaping through the Site Plan and Design Review process.
3. **Parkway-adjacent Planting and Maintenance.** All landscaped pParkways areas located between the sidewalk and the edge of development shall meet the following requirements:
 - a. The ground surface shall contain low shrubbery, mulch, or ground cover to provide coverage within two years.
 - b. If a wall or fence separates the development from the street, planting vines or espalier shrubs shall be incorporated into the planting design.
4. **Required Landscaping for Loading Areas.** Loading areas shall incorporate landscaping to provide screening if visible from the public right-of-way, adjacent uses, and pedestrians.
5. **Special Requirements for Drive-through Businesses**
 - a. Five-foot-wide raised planters shall be located along the street side property line, except for curb cut openings.
 - b. Three-foot-wide raised planters shall be located along the walls of the interior property lines to a distance equal to the front building line. For this purpose, canopies and other such structural appurtenances shall not be considered the front building line.
 - c. A minimum of 150 square feet of raised planting area shall be located at the intersection of two property lines at a street corner.
 - d. A minimum of 30 square feet of raised planting area shall be located along the building facades fronting on the street.
 - e. All planting areas shall be separated from adjacent asphaltic concrete paving by six-inch minimum curb walls.

D. Artificial Turf

1. Locations Permitted

- a. **Back Yards and Interior Side Setback Areas.** Artificial turf is permitted in any zone within any back yard and/or interior side setback areas.
- b. **Front and Street-Side Yards.** In any zone, a maximum of 15 percent of the yard area within the front or street side yards may be installed with artificial turf. Artificial turf shall not be installed within 10 feet of a sidewalk or within 20 feet from the curb if there is no sidewalk.
- c. **Not Permitted in Parkways.** Artificial turf is not permitted within any parkway areas.

2. Minimum Standards.

To be used in the front or street-side yard, artificial turf must meet minimum standards for materials, installation, and maintenance.

- a. **Materials and Style.** Artificial turf must have a minimum eight-year no-fade warranty as issued by the manufacturer; be cut-pile infill and made from lead-free polypropylene, polyethylene or a blend of such fibers on a permeable backing; and, have a minimum blade length (pile height) of 1.5 inches, or as determined by the Director as manufacturing processes are updated. Nylon-based or plastic grass blades are not permitted. The use of indoor/outdoor carpeting, and artificial shrubs, flowers, trees and vines instead of natural plantings is prohibited. Infill medium must consist of ground rubber; rubber coated sand or other approved mixtures and must be brushed into the fibers of the artificial turf. The style of the fiber, color, and texture shall resemble fescue, rye, and other common natural grass blades.

- b. **Installation.** Artificial turf must be installed per all manufacturer's requirements and must include removal of all existing plant material and top three inches of soil in the installation area; placement of filter fabric or synthetic porous material over compacted and porous crushed rock or other comparable material below the turf surface to provide adequate drainage; and, the area must be sloped and graded to prevent excessive pooling, runoff, or flooding onto adjacent property. Artificial turf areas must be sufficiently drained to live planting areas to provide complete infiltration of runoff. Artificial turf must be separated from live planting areas by a barrier such as a mow strip or bender board to prevent mixing of natural plant materials and artificial turf. Artificial turf must be permanently anchored with nails and glue, and all seams must be nailed, or sewn, and glued, with the grain pointing in a single direction.
- c. **Maintenance.** Artificial turf must be maintained in a green, fadeless condition; free of weeds, stains, debris, tears, holes, depressions, ruts, odors, and looseness at edges and seams. Damaged or worn areas in the artificial turf surface must be repaired or removed and replaced in a manner that results in consistent appearance with the existing artificial turf. The artificial turf surface must be replaced once it is unable to be maintained as required. Vehicle parking on artificial turf is prohibited.

Section 9103.11 - Signs

9103.11.040 Exempt Signs

Amended by Ord. No. 2347

The signs listed in this Section are exempt from the permit requirement and do not count toward the total display area limit which is otherwise applicable. However, the signs described in this Section shall be subject to the applicable safety codes and to all other applicable laws. Any such exempt sign shall not block or interfere with the visibility triangle.

- A. **Address Signs.** Address signs made up of numbers and/or letters 12 inches high or less.
- B. **Flags.** Flags of any nation, state, or city when displayed in compliance with the Flag Code (36 USC, Section 173 et seq.).
- C. **Names of Buildings, Commemorative Tables, and the Like (with Limitations).** Names of buildings, commemorative tables, and the like when carved into stone, set in concrete or similar material, or constructed out of bronze, aluminum, or other permanent material.
- D. **Public Notices and Warnings.** Signs displayed by a public body or officer in the performance of a public duty or by any person pursuant to a governmental requirement or legal duty of function. This section applies to and includes signs whose function is to provide legal notice or functional information such as traffic signs, public transit signs, utility company signs, public restroom signs, warning signs, and signs placed by a public agency for the purpose of guiding persons to emergency centers and places of public interest.
- E. **Public Signs within a Right-of-way**
 - 1. Public signs posted by or for government agencies that provide public information, identify public property, post legal notices, or direct or regulate traffic of any kind.
 - 2. Bus or train stop signs posted by public transit agencies.
 - 3. Public utility signs that convey information about its lines, pipes, poles, or other facilities.
 - 4. Emergency warning signs posted by a governmental agency, public utility, or contractor doing authorized work in the public right-of-way.
- F. **Security and Warning Signs.** Signs established for the sole purpose of alerting the public of the presence of security personnel, cameras, or other control on a site, provided that any individual sign is not more one foot by foot in size.

G. Signs Advertising Properties for Sale or Lease

1. Only one sign advertising properties for sale or lease shall be allowed per property per street frontage. Signs shall be limited to a total height of six feet, with a maximum face area size of ~~four~~ six square feet in residential zones and 24 square feet in non-residential zones. **For new commercial and industrial developments, the maximum face area is 32 square feet.**
2. Primary sign may have one secondary attached sign not to exceed one square foot, and one brochure box.
3. The sign may be placed in a yard, in a window, or on a wall.
4. All signs shall be removed within 14 days after the sale, lease, or rental that has been completed. For those properties that continuously advertise properties for lease, such as a commercial center or an office building, such signs shall not be required to be removed but shall be integrated into the overall site and building design.
5. Signs shall only be posted on the subject property for sale, lease, or rent.

I. Signs or emblems of a religious, civil, philanthropic, or historical markers or plaques

J. Traffic Control and Directional Signs (with Limitations). On-site traffic control signs and signs providing directions to specific areas including, but not limited to, building entrances, parking facilities, and onsite facilities may be displayed. Such signs shall have a maximum area of four square feet and a maximum height of four feet.

K. Vending Machine Signs. Signs on approved vending machines.

Table 3-13 Regulation of Sign Type by Zone						
Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
E. Residential Zones (R-M, R-0, R-1, R-2, R-3, R-3-R)						
1. Detached Single-family Units						
Wall Signs	1 per single-family unit	4 sf	Must not extend above eave of roof or parapet	Near main entrance	Yes	None
2. Attached Multifamily Units						
Wall or Monument Signs	1 per frontage of development	6 sf per sign; 12 sf total	Wall sign: Must not extend above eave of roof or parapet Freestanding sign: 3 ft. high	At primary entrances to residential community	Indirect only	None
3. Places of Religious Assembly						

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
Wall or Freestanding Signs	1 per frontage of development	48 sf per sign	Monument sign: 8 ft. high Freestanding sign: 12 ft. high	Shall be located at maximum practical distance from adjacent residential uses	Yes	Electronic message signs are allowed subject to approval of a Minor Use Permit.
F. Professional Office (C-O), General Commercial (C-G), Regional Commercial (C-R), Commercial Manufacturing (C-M), Industrial (M-1), Downtown Mixed Use (DMU), Mixed Use (MU), and Central Business District (CBD) Zones						
1. Single Tenant Sites						
a. Wall Signs (business identification)	<p>1) 1 single-face wall sign per street or parking frontage, plus</p> <p>2) 1 side of building sign, plus</p> <p>3) 1 rear access sign.</p> <p>For any business located on a corner lot, no more than two such signs shall be permitted.</p>	<p>1) 1 sf of sign area per linear foot of tenant space for signs on the street front or building side; maximum 100 sf</p> <p>3) 0.5 sf per linear foot on the rear elevation, but not to exceed 75 sf for any one sign</p> <p>4) The total aggregate sign area allowed for any one business shall be 150 sf.</p> <p>5) Any sign placed on a rear building elevation shall be no larger than 50% or the area of the sign(s) on the front or side elevation.</p>	Maximum sign dimensions: Shall not exceed 470 percent of the horizontal length of the wall on which the sign is located.	<p>1) No wall sign shall be placed higher than the ground floor of the building or 20 feet, whichever is less, except that second floor retail or office spaces with access separate from the use(s) on the ground floor are permitted a sign no higher than the second floor. This requirement may be modified through the Administrative Modifications process (see Section 9407.05).</p> <p>2) For buildings over 2 stories in height, signs shall be located only on the first or top story.</p> <p>3) No sign shall project above the parapet or wall to which it is attached, nor above the roofline if attached to the roof.</p>	<p>May be internally or indirectly illuminated</p> <p>The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.</p>	<p>1) Electrical raceways shall be integrated with the overall design of the sign. Exposed raceways shall be prohibited.</p> <p>2) Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than 12 inches.</p> <p>3) Allowable aggregate of sign area does not include areas of allowed window signs.</p> <p>4) No illuminated sign shall be placed within 100 feet of a property in a residential zone or an existing place of religious assembly.</p>
b. Permanent Window Signs or Temporary (business identification)	1) 1 window sign with window area that defined to includes all glazed areas, including glass curtain walls and	Window signs shall not occupy more than 25 percent of the total window/door area on any wall or storefront. On corner lots, the	N/A	<p>1) Window lettering allowed on interior or exterior of glass window or door.</p> <p>2) Signs shall be allowed only on windows located on the</p>	Not permitted except luminous tube signs	1) Allowable aggregate of window sign(s) area does not include areas of allowed wall signs.

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	doors. of an individual storefront. 2) Interior signs within 5 ft. of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.	maximum sign area is 25 percent of the total window/door area for each street frontage.		ground floor of either a designated primary or secondary building frontage. Window signs shall not be allowed on or above the second story. 3) The placement of window signs shall allow for unobstructed observation by safety personnel (e.g., law enforcement, private security, etc.).		2) Window signs shall be constructed of permanent material, such as paint or decals, and be permanently affixed to the window.
c. Freestanding Signs – Monument and Pylon (business identification)	1 double face sign- per street frontage, but no more than 2 double face sign shall be allowed. – May be Monument or Pylon	Based upon the longest street frontage of the lot: <i>Frontage</i> <i>Max. Area</i> 0-51 ft. 100 sf 51-150 ft. 150 sf 150-250 ft. 200 sf 250-350 ft. 250 sf 350+ ft. 350 sf	1) Monument Sign - 8 ft. 2) Pylon Sign - 25 ft. high, with a minimum clearance of 8 ft. over a pedestrian way and 15 ft. over a vehicular way	1) Monument Signs a) Shall be allowed only on parcels with at least 50 feet of frontage adjoining a public right-of-way. b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway. c) Shall not block visibility for motorists at intersections or driveways. d). Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area. 2) Pylon Signs a) Shall be allowed only for parcels with at least 50 feet of frontage adjoining a public right-of-way. In addition, a pylon sign shall only be	May be internally or indirectly illuminated The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	1) For the purpose of ensuring that emergency response personnel can identify a location, the minimum letter size shall be 12 inches. 2) Where there is a center name or identification that is separate from the tenant identification, the center name or identification shall be included in the allowable sign area. 3) For the purpose of ensuring that emergency response personnel can identify a location, freestanding signs shall contain an address plate identifying the site address or range of addresses of the subject property. Numbers shall be a minimum of 8 inches in height and shall be clearly visible from the public right-of-

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
				<p>allowed when the building with which it is associated is set back from the front property line a minimum distance of 40 ft.</p> <p>b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway.</p> <p>c) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.</p> <p>d) Shall not block visibility for motorists at intersections or driveways.</p> <p>e) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.</p>		<p>way. Address plates shall not be calculated as part of the allowed sign area.</p> <p>4) Sign design shall consist of individual channel letters on a background, reverse channel letters, or push-through/through-the-face designs.</p> <p>5) No illuminated sign shall be placed within 100 ft. of a property in a residential zone or an existing place of religious assembly.</p> <p>6) A minimum distance of 50 ft. shall be provided between monument signs on adjoining sites to ensure adequate visibility for all signs.</p> <p>7) A minimum distance of 50 ft. shall be provided between pylon signs on adjoining sites to ensure adequate visibility for all signs.</p> <p>8) For monument signs, landscaping with automatic irrigation shall be provided at the base of the supporting structure and shall extend a minimum distance of 3 feet in all directions from the sign base.</p>

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
						<p>9) For pylon signs, the supporting structure shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.</p> <p>10) Electronic changeable message signs shall be allowed only for gas station price signs and places of religious assembly, subject to issuance of a Minor Use Permit.</p>
d. Blade Signs	<p>1) 1 per business</p> <p>2) May be provided in addition to allowed freestanding or wall sign.</p>	<p>8 sf</p> <p>Double-faced blade signs shall be considered a single-face sign for the purpose of calculating sign area.</p>	<p>The bottom of the sign shall maintain at least 8 feet of pedestrian clearance from the sidewalk level.</p>	<p>1) Signs may be placed perpendicular to the building façade (projecting) or mounted flat against the wall near the building entrance.</p> <p>2) For a building on a corner lot, blade signs shall be located on the corner or face of the building on the street corner.</p> <p>3) Corner-mounted blade sign shall be mounted at a 45-degree horizontal angle so that its two sides are equally visible from both streets.</p>	<p>May be internally or indirectly illuminated</p> <p>The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.</p>	<p>1) For purposes of providing for sign visibility, a minimum distance of 50 feet shall be provided between individual blade signs.</p> <p>2) Supporting arms or frames for blade signs shall be of a decorative design compatible with the design of the sign.</p> <p>3) Blade signs shall project no more than 2 feet from the face of the building wall upon which the sign is mounted.</p> <p>4) Guy wires may be used for lateral support when fully within the horizontal plane of the sign. Any angle iron or secondary support, other than</p>

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
						guy wires, shall be enclosed in a form constructed of impermeable material.
e. Awning and Canopy Signs	1 per business	Lettering, logos, symbols, and graphics are allowed on up to 50 percent of the area of a shed (slope) portion of the awning or canopy and valance portion of the awning or canopy.	The uppermost part of an awning or canopy shall not be located more than 2 feet above a window or door.	<p>1) Awning and canopy signs shall be allowed for first- and second-story nonresidential occupancies only.</p> <p>2) Signs shall be applied on the outer face of and flat against the awning or canopy surface. In the case of a barrel shaped (curved) awning or canopy, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.</p>	<p>Awnings and canopies shall not be lighted from underneath so that the awning or canopy appears internally illuminated. Lighting directed downwards that does not illuminate the awning or canopy is allowed.</p>	<p>1) Overly large awnings/canopies and awnings/canopies with unusual shapes designed for the purpose of providing additional sign area are not allowed.</p> <p>2) A minimum of 8 feet of clearance shall be provided between the lowest part of an awning or canopy and the grade below. See Figure 3-19 (Height of Awning).</p> <p>3) The design and construction of awning and canopy signs shall be compatible with the predominant architectural and visual elements of the structure.</p> <p>4) Awnings and canopies shall conform to the size and shape of the window or door they are above.</p> <p>5) Awnings and canopies shall not be patched with fabric or painted over to revise sign content.</p>
f. Marquee Signs	<p>1) 1 per business</p> <p>2) Marquees signs are only permitted in association with</p>	1) The sign area for an individual sign shall be limited to 1 sf of length of the marquee to which the sign is attached, or	1) No marquee sign shall extend more than 2 ft. above any marquee to which it is attached.	Marquee signs shall be mounted substantially parallel with the face of the marquee.	1) Any lighting of marquee signs shall be in compliance with the electrical code and shall not cause disturbing glare	

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	theaters and similar business	<p>the length of each ground floor or second-floor occupancy as applicable, whichever is least, provided the total area does not exceed 100 square feet.</p> <p>2) The area of the aggregate of all marquee signs on a building shall not exceed 4 sf per foot of length of the marquee to which the signs are attached or the length of each ground floor occupancy, whichever is least, provided the area does not exceed 300 square feet.</p>	2) Marquee signs shall not extend beyond the ends or extremities of the marquee to which they are attached, except as provided above.		<p>onto any adjacent areas due to excessive brightness or method of illumination.</p> <p>2) Any devices or structures used in conjunction with direct illumination of marquee signs shall either be concealed from general view, recessed into a building or structure, or function as a decorative element in keeping with the character of the sign and the building to which it is attached.</p> <p>3) The direct illumination of marquee signs shall be subject to approval by the Director.</p>	
g. Ground-mounted On-site Directional Signs	As approved through a Comprehensive Sign Program	4 sf per sign face	4 ft. high	May be placed anywhere that does not interfere with pedestrian or vehicular movement	May be internally or indirectly illuminated	
2. Multiple Tenant Sites						
a. Wall Signs (business identification)	<p>1) 1 single-face sign per business per street or parking lot frontage.</p> <p>2) For theaters, additional wall signage may be permitted through a Comprehensive Sign Program</p>	<p>1 sf of sign area per each linear foot of building tenant space fronting on a street or parking lot.</p> <p>The commercial site shall have a with the maximum total sign area based upon the longest street frontage of the lot.</p>	<p>Maximum sign dimensions: Shall not exceed 70 40 percent of the horizontal length of the portion of wall on which the sign is located (associated with the business being identified)</p>	1) No wall sign shall be placed higher than the ground floor of the building or 20 feet, whichever is less, except that second floor retail or office spaces with access separate from the use(s) on the ground floor are permitted a sign no higher than the second floor.	<p>May be internally or indirectly illuminated</p> <p>The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.</p>	<p>1) Electrical raceways shall be integrated with the overall design of the sign. Exposed raceways shall be prohibited.</p> <p>2) Signs shall be placed flat against the wall and shall not project from the wall more than required for normal</p>

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations												
		<table border="0"> <tr> <td><i>Frontage</i></td> <td><i>Max. Area</i></td> </tr> <tr> <td>0-51 ft.</td> <td>50 sf</td> </tr> <tr> <td>51-150 ft.</td> <td>100 sf</td> </tr> <tr> <td>150-250 ft.</td> <td>150 sf</td> </tr> <tr> <td>250-350 ft.</td> <td>200 sf</td> </tr> <tr> <td>350+ ft.</td> <td>250 sf</td> </tr> </table>	<i>Frontage</i>	<i>Max. Area</i>	0-51 ft.	50 sf	51-150 ft.	100 sf	150-250 ft.	150 sf	250-350 ft.	200 sf	350+ ft.	250 sf		<p>2) For buildings over 2 stories in height, signs shall be located only on the first or top story and shall not exceed a maximum horizontal length of 40% on the portion of the wall the sign is located.</p> <p>3) No sign shall project above the parapet or wall to which it is attached, nor above the roofline if attached to the roof.</p>		<p>construction purposes and in no case more than 12 inches.</p> <p>3) Allowable aggregate of sign area does not include areas of allowed window signs.</p> <p>4) No illuminated sign shall be placed within 100 feet of a property in a residential zone or an existing place of religious assembly.</p>
<i>Frontage</i>	<i>Max. Area</i>																	
0-51 ft.	50 sf																	
51-150 ft.	100 sf																	
150-250 ft.	150 sf																	
250-350 ft.	200 sf																	
350+ ft.	250 sf																	
b. Permanent or Temporary Window Signs (business identification)	<p>1) 1 sign per tenant space window, with window area defined to include all glazed areas, including glass curtain walls and doors of an individual storefront.</p> <p>2) Interior signs within 5 ft. of a storefront window shall be counted as window signs for the purpose of calculating total sign area and number of signs.</p>	Window signs shall not occupy more than 25 percent of the total window/door area of any tenant's wall or storefront.	N/A	<p>1) Window lettering allowed on interior or exterior of glass window or door.</p> <p>2) Signs shall be allowed only on windows located on the ground floor of either a designated primary or secondary building frontage. Window signs shall not be allowed on or above the second story.</p> <p>3) The placement of window signs shall allow for unobstructed observation by safety personnel (e.g., law enforcement, private security, etc.).</p>	Not permitted except luminous tube signs	<p>1) Allowable aggregate of window sign(s) area does not include areas of allowed wall signs.</p> <p>2) Window signs shall be constructed of permanent material, such as paint or decals, and be permanently affixed to the window.</p>												
c. Freestanding Signs – Monument and Pylon (business identification)	<p>1) 1 double face sign per street frontage. May be monument or pylon.</p>	<p>Based upon the longest street frontage of the lot:</p> <table border="0"> <tr> <td><i>Frontage</i></td> <td><i>Max. Area</i></td> </tr> <tr> <td>0-51 ft.</td> <td>100 sf</td> </tr> <tr> <td>51-150 ft.</td> <td>150 sf</td> </tr> </table>	<i>Frontage</i>	<i>Max. Area</i>	0-51 ft.	100 sf	51-150 ft.	150 sf	<p>1) Monument Sign - 8 ft.</p> <p>2) Pylon Sign - 25 ft. high, with a minimum clearance of 8</p>	<p>1) Monument Signs</p> <p>a) Shall be allowed only on parcels with at least 50 feet of frontage adjoining a public right-of-way.</p>	<p>May be internally or indirectly illuminated</p> <p>The intensity of the illumination shall be</p>	<p>1) For the purpose of ensuring that emergency response personnel can identify a location, the minimum letter size shall be 12 inches.</p>						
<i>Frontage</i>	<i>Max. Area</i>																	
0-51 ft.	100 sf																	
51-150 ft.	150 sf																	

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	2) Additional signs may be allowed per an approved Comprehensive Sign Program.	150-250 ft. 200 sf 250-350 ft. 250 sf 350+ ft. 350 sf	ft. over a pedestrian way and 15 ft. over a vehicular way	<p>b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway.</p> <p>c) Shall not block visibility for motorists at intersections or driveways.</p> <p>d). Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.</p> <p>2) Pylon Signs</p> <p>a) Shall be allowed only for parcels with at least 50 feet of frontage adjoining a public right-of-way. In addition, a pylon sign shall only be allowed when the building with which it is associated is set back from the front property line a minimum distance of 40 ft.</p> <p>b) Shall be set back a minimum of 5 ft. from a lot line and a minimum of 10 ft. from the edge of a driveway.</p> <p>c) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.</p> <p>d) Shall not block visibility for motorists at intersections or driveways.</p>	constant to avoid a pulse or flashing appearance.	<p>2) Where there is a center name or identification that is separate from the tenant identification, the center name or identification shall be included in the allowable sign area.</p> <p>3) For the purpose of ensuring that emergency response personnel can identify a location, freestanding signs shall contain an address plate identifying the site address or range of addresses of the subject property. Numbers shall be a minimum of 8 inches in height and shall be clearly visible from the public right-of-way. Address plates shall not be calculated as part of the allowed sign area.</p> <p>4) Sign design shall consist of individual channel letters on a background, reverse channel letters, or push-through/through-the-face designs.</p> <p>5) No illuminated sign shall be placed within 100 feet of a property in a residential zone or an existing place of religious assembly.</p> <p>6) A minimum distance of 50 feet shall be provided between</p>

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
				e) Shall not encroach into any public right-of-way, building, on-site driveway, or on-site vehicle circulation area.		<p>monument signs on adjoining sites to ensure adequate visibility for all signs.</p> <p>7) A minimum distance of 50 feet shall be provided between pylon signs on adjoining sites to ensure adequate visibility for all signs.</p> <p>8) For monument signs, landscaping with automatic irrigation shall be provided at the base of the supporting structure and shall extend a minimum distance of 3 feet in all directions from the sign base.</p> <p>9) For pylon signs, the supporting structure shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.</p> <p>10) Electronic changeable message signs shall be allowed only for gas station price signs and places of religious assembly, subject to issuance of a Minor Use Permit.</p>
d. Blade Signs	1) 1 per business.	8 sf	The bottom of the sign shall maintain at least 8	1) Signs may be placed perpendicular to the building	May be internally or indirectly illuminated	1) For purposes of providing for sign visibility, a minimum

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	2) May be provided in addition to allowed freestanding or wall sign.	Double-faced blade signs shall be considered a single-face sign for the purpose of calculating sign area.	feet of pedestrian clearance from the sidewalk level.	<p>façade (projecting) or mounted flat against the wall near the building entrance.</p> <p>2) For a building on a corner lot, blade signs shall be located on the corner or face of the building on the street corner.</p> <p>3) Corner-mounted blade sign shall be mounted at a 45-degree horizontal angle so that its two sides are equally visible from both streets.</p>	The intensity of the illumination shall be constant to avoid a pulse or flashing appearance.	<p>distance of 50 feet shall be provided between individual blade signs.</p> <p>2) Supporting arms or frames for blade signs shall be of a decorative design compatible with the design of the sign.</p> <p>3) Blade signs shall project no more than 2 feet from the face of the building wall upon which the sign is mounted.</p> <p>4) Guy wires may be used for lateral support when fully within the horizontal plane of the sign. Any angle iron or secondary support, other than guy wires, shall be enclosed in a form constructed of impermeable material.</p>

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
e. Awning and Canopy Signs	1 per business and required to be above door or window of the associated business	Lettering, logos, symbols, and graphics are allowed on up to 50 percent of the area of a shed (slope) portion of the awning or canopy and valance portion of the awning or canopy.	The uppermost part of an awning or canopy shall not be located more than 2 feet above a window or door.	<p>1) Awning and canopy signs shall be allowed for first- and second-story nonresidential occupancies only.</p> <p>2) Signs shall be applied on the outer face of and flat against the awning or canopy surface. In the case of a barrel shaped (curved) awning or canopy, signs shall not occupy more than 60 percent of the bottom 12 inches of the awning.</p>	Awnings and canopies shall not be lighted from underneath so that the awning or canopy appears internally illuminated. Lighting directed downwards that does not illuminate the awning or canopy is allowed.	<p>1) Overly large awnings/canopies and awnings/canopies with unusual shapes designed for the purpose of providing additional sign area are not allowed.</p> <p>2) A minimum of 8 feet of clearance shall be provided between the lowest part of an awning or canopy and the grade below. See Figure 3-19 (Height of Awning).</p> <p>3) The design and construction of awning and canopy signs shall be compatible with the predominant architectural and visual elements of the structure.</p> <p>4) Awnings and canopies shall conform to the size and shape of the window or door they are above.</p> <p>5) Signs shall be uniform in color and design for all tenant identification within the center.</p> <p>5) Awnings and canopies shall not be patched with fabric or painted over to revise sign content.</p>
f. Marquee Signs	<p>1) 1 per business</p> <p>2) Marquees signs are only permitted in</p>	1) The sign area for an individual sign shall be limited to 1 sf of length of the marquee to which	1) No marquee sign shall extend more than 2 ft. above any marquee to which it is attached.	Marquee signs shall be mounted substantially parallel with the face of the marquee.	1) Any lighting of marquee signs shall comply with the electrical code and shall not cause disturbing glare	

**Table 3-13
Regulation of Sign Type by Zone**

Allowed Sign Types ¹	Maximum Number	Maximum Sign Area	Maximum Sign Height/Dimensions	Location	Illumination Allowed?	Additional Regulations
	association with theaters and similar business	the sign is attached, or the length of each ground floor or second-floor occupancy as applicable, whichever is least, provided the total area does not exceed 100 square feet. 2) The area of the aggregate of all marquee signs on a building shall not exceed 4 sf per foot of length of the marquee to which the signs are attached or the length of each ground floor occupancy, whichever is least, provided the area does not exceed 300 square feet.	2) Marquee signs shall not extend beyond the ends or extremities of the marquee to which they are attached, except as provided above.		onto any adjacent areas due to excessive brightness or method of illumination. 2) Any devices or structures used in conjunction with direct illumination of marquee signs shall either be concealed from general view, recessed into a building or structure, or function as a decorative element in keeping with the character of the sign and the building to which it is attached. 3) The direct illumination of marquee signs shall be subject to approval by the Director.	
g. Name Plate (occupant identification)	1 per business	2 sf per sign face	N/A	At exterior entrance to tenant space	May be internally or indirectly illuminated	Intended for office uses only. No sign permit required.
h. Ground-mounted On-site Directional Signs	As approved through a Comprehensive Sign Program	4 sf per sign face	4 ft. high	May be placed anywhere that does not interfere with pedestrian or vehicular movement	May be internally or indirectly illuminated	

Notes: 1. Cabinet signs are prohibited.

9103.11.100 Temporary Signs

The following types of temporary signs are allowed subject to the standards of this section. A Temporary Sign Permit shall be obtained from the Director prior to displaying temporary signs, unless specified in Section 9103.11.404 (Exempt Signs).

A. Temporary Signs

1. **General.** The following signs described in this Section shall be allowed on a temporary basis in the zones indicated. If a wall or hedge prevents a sign from being located as provided in this Section, the sign may be placed immediately adjacent to the wall or hedge. No sign shall be placed in a location that interferes with the visibility of vehicular ingress or egress to the property or adjoining properties as per the standards provided in Subsection 9103.01.070 (Vehicular Visibility Standards) or where such signs may interfere with or be confused with any traffic signal or device.
2. **Restriction on Placement.**
 - a. Temporary signs shall not be placed on awnings or canopies.
 - b. Temporary signs shall not be placed in public rights-of-way.
3. **Residential Zones**
 - a. Table 3-14 identifies allowed temporary signs in residential zones.
 - b. Within residential zones, allowable temporary signs shall be located at least 10 feet from adjoining premises and at least five feet from a paved roadway. Where any sidewalk exists, the location shall be at least three feet from the sidewalk in the direction of the residence.

Table 3-14 Temporary Signs: Residential Zones	
Size Allowed	Not to exceed 3 ft high or 12 sf in area per face allowed Not to exceed 12 sf per face, mounted on post/arm 6 ft. maximum height
Duration	The temporary sign may be displayed as follows: 1) For an event lasting fewer than three days, the temporary sign may be erected up to seven days prior to the event and shall be removed within 48 hours following the conclusion of the event. 2) For an event lasting more than three days, the temporary sign may be erected up to 14 days prior to the event and shall be removed within 48 hours following the conclusion of the event. 3) For Federal, State, and local government elections, temporary signs may be erected up to 90 days prior to the election and shall be removed within seven days following the election.
Allowable Sign Types	Portable. All other sign types shall be prohibited.
Allowable Sign Placement	On private property At least 10 ft from adjoining premises, 3 ft from the sidewalk in the direction of the residence, or at least 5 ft from a paved road (if no sidewalk exists)
Materials	Non-illuminated, non-reflective surface. Signs may not be made of canvas, fabric, vinyl plastic, or other similar material.
Installation	Temporary signs may only be ground-mounted or attached to a fence.

4. Nonresidential Zones

Table 3-15 Temporary Signs: Non-Residential Zones	
Number and Size Allowed	Not to exceed 16 sf in area per face allowed
Duration	The temporary sign may be displayed as follows: 1) For an event lasting fewer than three days, the temporary sign may be erected up to seven days prior to the event and shall be removed within 48 hours following the conclusion of the event. 2) For an event lasting more than three days, the temporary sign may be erected up to 14 days prior to the event and shall be removed within 48 hours following the conclusion of the event. 3) For Federal, State, and local government elections, temporary signs may be erected up to 90 days prior to the election and shall be removed within seven days following the election.
Allowable Sign Types	Freestanding, banner, and portable. All other sign types shall be prohibited. See Subsection 9103.11.100.B (Temporary Banners) for regulations specific to temporary banners.
Allowable Sign Placement	On private property, except as allowed in Subsection 9103.11.100.C (Portable and A-Frame Signs). At least 10 ft from adjoining premises and in conformance with Subsection 9103.01.070 (Vehicular Visibility Standards).
Materials	Non-illuminated, non-reflective surface. Signs may not be made of canvas, fabric, vinyl plastic, or other similar material.
Installation	Temporary signs may be mounted on a pole, flush on building wall, attached to a fence, or on metal stands.

5. **Additional Conditions.** Temporary window signs that exceed the allowable maximum sign area shall be allowed to advertise special events, provided a business shall not use such temporary window signs for more than 60 cumulative days in any one calendar year. A Temporary Sign Permit shall be obtained from the Planning Division before the painting, posting, or affixing of any temporary sign. Exception: A Temporary Sign Permit is not required for temporary signs associated with Federal, State, and local government elections.

B. Temporary Banners

- Temporary banners shall only be allowed in C-O, C-G, C-M, CBD, DMU, MU, M-1, and SP zones. Exceptions shall be made for allowed institutional and public assembly uses within residential zones subject to Director approval.
- Aside from any other section of the Municipal Code, the owner or person who installs or displays a banner in violation of this Section shall remove the banner upon order of the Director or designee. For the purpose of this Section, any portion of any day in which a banner is or remains installed or displayed shall be counted as one full day.
- No banners shall be allowed other than temporary banners. The following regulations shall apply to temporary banners:

Table 3-16 Temporary Banners in Nonresidential Zones	
Number and Size	a) Max of 2 temporary banners at any time b) Maximum total surface area shall not exceed 32 sf
Location	a) Flush against the surface of the building in which the business displaying the banner(s) is located b) Freestanding and roof-mounted banners are prohibited
Timeframe	a) Total of 60 days maximum per year b) Single display period not to exceed 30 consecutive days

Table 3-16 Temporary Banners in Nonresidential Zones	
Exceptions	<ul style="list-style-type: none"> c) Minimum 2 week intervals between approved banner display periods a) Temporary banners for events or activities sponsored by nonprofit organizations may be authorized for an additional 30 cumulative days in any calendar year b) Future tenants and existing tenants whose permanent lawful signs are removed for remodeling or maintenance work may display a banner(s) advertising the name of the business for up to 60 continuous calendar days. Such banners shall be removed before installation of a permanent sign and shall be exempt from the time limits as described in timeframe above.

C. Portable and A-Frame Signs. The use of small, pedestrian-oriented, portable signs is allowed in all non-residential zones on private properties subject to the approval of a Sign Permit and the following standards:

1. Only businesses with street frontage are allowed to have portable signs. Businesses that are located along pedestrian arcades/walkways having access to the street may also use portable signs, but shall not locate such signs within the public right-of-way unless an Encroachment Permit has been issued by the Engineering Division. In addition, each group of businesses located along an arcade/walkway may use one portable directory sign listing all businesses along the arcade/walkway, which may be located within the public right-of-way.
2. No business shall be allowed to have more than one portable sign.
3. Portable signs shall be utilized only during regular business hours and shall be removed during non-business hours.
4. Portable signs shall have a maximum sign area of six square feet per face. The maximum height from ground level shall be four feet and the maximum width shall be two feet.
5. Portable signs may be located on private property, provided they do not interfere with pedestrian movement or wheelchair access to, through, and around the site. A minimum access width of five feet shall be maintained along all sidewalks and building entrances accessible to the public.
6. Portable signs shall not encroach into required off-street parking areas, public roadways, or alleys, and may not be arranged so as to create site distance conflicts or other traffic hazards. Portable signs shall not be placed within the corner curb return areas of intersections.
7. Portable signs shall have a weighted base or comparable feature capable of keeping the sign upright in a moderate wind.
8. Materials for portable signs shall be of a permanent nature. Signs shall be constructed of durable, weather-resistant materials and not be subject to fading or damage from weather. The use of paper or cloth is not allowed unless located within a glass or plastic enclosure.
9. No lighting shall be allowed on or for portable signs.
10. Portable signs shall be professionally designed in an attractive manner meeting the approval of the Director or designee subject to a Sign Permit, and present an image of quality and creativity.

D. Flags. Flags of the United States, the State of California, and other government entities shall be allowed in zones within subject to the following regulations:

1. Flags mounted on a building shall allow for a minimum clearance of seven feet over a pedestrian right-of-way and 15 feet over a vehicular way.
2. A maximum of three flags shall be allowed on one flag pole on residential.
3. The maximum area of A flags shall not exceed 15 square feet per flag for residential zones.

1. The maximum height of a flagpole shall conform to Subsection 9103.01.050.C.1 (Exceptions to Height Limits in All Zones – Flagpoles).

E. Developer-Contractor signs. A temporary sign that provides information about the project and the developer managing construction site.

1. Only one (1) developer-contractor sign is permitted on a residential property and up to two (2) on a commercial site
2. Each sign shall be a maximum of 16 square feet in area and six (6) feet in height.
3. Signs shall be set back a minimum of 10 feet from adjoining properties, and shall be placed on private property and/or directly adjacent to approved construction fencing installed parallel to a public street. Signs shall not overhang or obstruct a public sidewalk, and shall be placed in a location that does not interfere with vehicular visibility at intersections or driveways per the standards on file with Planning Services.

Section 9103.12 - Outdoor Displays

~~9103.12.010 Regulations for the C-G, C-R, C-M, CBD, DMU, and MU Zones~~

9103.12.010 Regulations for the C-G, C-R, C-M, CBD, DMU, and MU Zones

- A. Restricted.** In the C-G, C-R, C-M, CBD, DMU, and DU zones, all merchandise shall be displayed within a completely enclosed building except as otherwise provided in this Section.
- B. On Private Property.** Outdoor displays of merchandise on private property is permitted during hours that a business is open subject to the following regulations:
1. Outdoor displays are allowed only where they do not interfere with pedestrian movement or wheelchair access to, through, and around the site.
 2. Outdoor displays shall not include merchandise typically for sale on the premises, except for service stations, florist shops, and antique shops.
 3. Sales tags showing the cost of the merchandise shall be prohibited.
- C. On Public Property.** Outdoor display of merchandise on public property shall be permitted only with approval of a Minor Use Permit pursuant to Section 9107.09 (Conditional Use Permits and Minor Use Permits) and subject to the following conditions:
1. A minimum access width of five feet shall be maintained along all sidewalks and building entrances accessible to the public.
 2. Owners of the business shall provide public liability insurance in an amount approved by the City Attorney.
 3. The placement and arrangement of outdoor displays may be conditioned part of the Minor Use Permit.
- D. Temporary Outdoor Sales.** Temporary outdoor sales/promotional events may be allowed on the public right-of-way through the approval of a Temporary Use Permit pursuant to permit as outlined in Section 9107.23 (Temporary Use Permits).
- F. Exception.** Temporary outdoor sales/promotional events, including only merchandise typically for sale on the premises, may be allowed on the public right-of-way in conjunction with a farmers' market or other City or downtown business association sponsored event.

9103.17 – Historic Preservation

Subsections:

9103.17.010	Title
9103.17.020	Purpose
9103.17.030	Applicability
9103.17.040	Historic Preservation Commission
9103.17.050	Reserved
9103.17.060	Local Eligibility and Designation Criteria
9103.17.070	Designation Procedures
9103.17.080	Alterations to Historic Resources
9103.17.090	Certificates of Economic Hardship
9103.17.100	Incentives for Historic Preservation
9103.17.110	Appeals
9103.17.120	Duty to Keep in Good Repair
9103.17.130	Ordinary Maintenance and Repair
9103.17.140	Unsafe or Dangerous Conditions
9103.17.150	Enforcement Penalties
9103.17.160	Definitions

9103.17.010 Title

This Chapter shall be known as the Arcadia Historic Preservation Ordinance.

9103.17.020 Purpose

The Arcadia City Council acknowledges that the recognition, preservation, protection, and reuse of historic resources are required in the interests of the health, prosperity, safety, social and cultural enrichment, general welfare, and economic well-being of the people of Arcadia. The designation and preservation of historic resources, and the regulation of alterations, additions, repairs, removal, demolition, or new construction to perpetuate the historic character of historic resources, is declared to be a public purpose of the city.

Therefore, the purposes of this Chapter include the following:

- A. Enabling informed planning decisions regarding the treatment of properties that contribute to the city's character or reflect its historical and architectural development;
- B. Establishing priorities for preservation, restoration, and rehabilitation efforts within the city;
- C. Providing City planners with baseline information about potential historic resources from which to manage new development;
- D. Safeguarding Arcadia's heritage by protecting resources that reflect elements of the city's cultural, social, economic, architectural, and archaeological history;
- E. Deterring demolition, misuse, or neglect of designated historic landmarks, designated historic districts (and their contributing resources), and potential historic landmarks, which represent important links to the past of Arcadia, California, or the nation;
- F. Providing the public with a better understanding of and appreciation for the built environment as a tangible link to Arcadia's history;
- G. Promoting the use of historic resources, especially for the education, appreciation, and general welfare of the people of Arcadia;
- H. Protecting and enhancing the city's attractiveness to residents and visitors, and supporting economic development.

9103.17.030 Applicability

The provisions of this Chapter shall apply to all historic resources, including buildings, structures, objects, sites, and historic districts within the city.

9103.17.040 Historic Preservation Commission

The Arcadia Planning Commission is responsible for providing City Council with recommendations regarding the designation of historic resources, adoption of preservation policies, and approval of Mills Act applications. The Planning Commission, herein referred to as the Commission, is also responsible for reviewing and approving Certificates of Appropriateness in accordance with Section 9103.17.080(B) of this Chapter. The Commission shall have and exercise the powers, perform the duties, and maintain the qualifications pursuant to Part 5 (Planning Commission), Chapter 2, Article II of the Arcadia Municipal Code.

9103.17.050 Reserved

9103.17.060 Local Eligibility and Designation Criteria

A. Criteria for Designation

Historic Landmark. On the recommendation of the Commission, the City Council may designate an individual resource (building, structure, object, or site) if it meets one or more of the following local eligibility criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of Arcadia's or California's history;
2. It is associated with the lives of persons important to local or California history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of master, or possesses high artistic values;
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the city or state.

In addition to the requirements listed as 1 through 4 above in this section, an individual resource must satisfy at least one of the following requirements:

5. It is listed on the California Register of Historic Places; or
6. It is an iconic property

Historic District. On the recommendation of the Commission, the City Council may designate a historic district if it meets one or more of the four criteria in Section 9103.17.060(A) and:

1. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
2. A minimum of 60 percent of the buildings within the proposed historic district contribute to the district's significance.

B. Automatic Consideration

Any property individually listed in the National Register of Historic Places or California Register of Historical Resources shall be automatically considered designated historic resource by the City.

C. Considerations for Evaluating Properties – Age

A resource considered for listing as a local historic landmark must be at least 45 years of age, unless it can be demonstrated that the resource has achieved exceptional importance within the last 45 years.

D. Consideration for Evaluating Properties – Integrity

In order for a resource to be eligible for designation as a local landmark or historic district, the resource must retain sufficient integrity. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics that existed during the time period within which the resource attained significance. Only after significance has been established should the issue of integrity be addressed. There are seven aspects of integrity, as defined by the National Register: location, design, setting, materials, workmanship, feeling, and association. Since significance thresholds associated with local listing are generally less rigid than those associated with listing at the state or national levels, a greater degree of flexibility shall be provided when evaluating the integrity of a locally eligible historic resource, as opposed to one eligible for listing in the National or California Registers. For this reason, it is possible that a historic resource may not retain sufficient integrity to be eligible for listing in the National or California Registers, but may still be eligible for listing at the local level. Integrity shall be determined with reference to the particular characteristics that support the resource's eligibility under the appropriate criteria of significance.

9103.17.160 Definitions

"Arcadia Register of Historic Resources" means the official list of designated historic resources in the city.

"California Environmental Quality Act" (or "CEQA") refers to the statute and regulations applying to public agencies in California as codified in the California Public Resources Code Sections 21000 through 21178, and Title 14 CCR, Section 753, and Chapter 3, Sections 15000 through 15387. CEQA applies to all discretionary work proposed to be conducted or approved by a California public agency, including private projects requiring discretionary approval.

"Certificate of Appropriateness" shall refer to the required review prior to issuance of an alteration permit to ensure alterations to designated and individually eligible historic resources are in compliance with this Chapter and CEQA guidelines.

"Certificate of Demolition" shall refer to the required review prior to issuance of a demolition permit to ensure completion of a full historical evaluation of buildings, structures, and objects that are 50 years of age or older to determine historical significance. See Section 9107.07 (Certificates of Demolition), Article IX of the Arcadia Development Code.

"Character-Defining Features" refer to the visual and physical features that give a building its identity and distinctive character. They may include the overall building shape, its materials, craftsmanship, decorative details, interior spaces and features, and aspects of its site and environment.

"Commission" means the City of Arcadia Planning Commission established pursuant to the provisions of Part 5, Chapter 2, Article II of the Arcadia Municipal Code.

"Contributing Resource" (or "Contributor") means any building, structure, object, site, planning feature, sign, area, place, landscape, or natural feature within a designated historic district that contributes to the district's historic, cultural, or architectural significance.

"Designation" means the act of recognizing, labeling, and listing a historic resource in the Arcadia Register of Historic Resources by the City Council. A designation formally establishes that a historic resource has historic significance.

"Demolition" means any act or process that destroys, in whole or in part, a building, structure, object, or site or permanently impairs its structural integrity.

"Historic District" means a type of historic resource that is a geographic area comprising a significant concentration, linkage, or continuity of buildings, structures, objects, planning features, sites, natural/landscape features and any other features united historically or aesthetically by plan or physical development.

"Historic Integrity" is the authenticity of a property's historic identity evidenced by the presence of characteristics that existed during the time period in which the property attained historic significance. As defined by the National Park Service, and in accordance with the accepted standards of professional best practices, historic integrity is the conglomeration of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

“Historic Landmark” is a type of historic resource that meets the eligibility criteria established in Section 9103.17.060 of this Chapter, retains sufficient integrity, and has been formally designated by the City.

“Historic Resource” means the broad category of all historic resource types that are significant in the history or prehistory of the city, region, state, or nation. Historic Resources include resources listed in or found eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or Arcadia Register of Historic Resources. Historic resources can include buildings, structures, objects, sites, and historic districts.

“Historic Resource Evaluation/Assessment” means a detailed study of a property to determine its eligibility for national, state, or local historic landmark designation. A historic resource evaluation/assessment generally results in a report including in-depth, property-specific information about the resource. This information typically includes an ownership/occupant history; historic contexts and themes of significance; construction dates; a physical description of the resource, including its architectural style, materials, and setting; approximate dates of exterior alterations; character-defining features; and a historic integrity analysis.

“Historic Resources Survey” means a neighborhood or citywide survey to identify eligible historic resources, including buildings, structures, objects, sites, and historic districts. A historic resources survey generally results in a list of properties that are potentially eligible for national, state, or local landmark designation.

“Iconic” means a property that has been visited and photographed so often by residents and visitors to the city that it has become inextricably associated with Arcadia in the popular culture and forms part of the city’s identity to the world at large.

“Major Additions” (or “Major Enlargements”) refer to residential enlargements larger than 500 square feet or 25 percent of the existing gross floor area before the addition, and nonresidential enlargements equal to or exceeding 25 percent of the existing gross floor area before the addition. See Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code for more information regarding what constitutes a Residential/Nonresidential Enlargement.

“Major Alterations” (or “Major Modifications/Changes”) are defined in Section 9103.17.080(C) of this Chapter.

“Mills Act Historic Property Contract” (or “Mills Act Contract”) shall mean the historic property contract between the City and the property owner that provides the potential for reduced property taxes in return for the rehabilitation, restoration, and preservation of a historic resource, pursuant to California Government Code Sections 50280 through 50289, Chapter 1, Part 1, Title 5.

“Minor Alterations” (or “Minor Modifications/Changes”) are defined in Section 9103.17.080(D) of this Chapter.

“Negligible Alterations” (or “Negligible Modifications/Changes”) are defined in Section 9103.17.080(E) of this Chapter.

“Nomination” means a nomination of a historic resource for placement in the Arcadia Register of Historic Resources pursuant to this Chapter.

“Non-Contributing Resource” (or “Non-Contributor”) means any building, structure, object, site, sign, area, place, or natural feature within a historic district that does not meet the criteria for eligibility, does not contribute to the district’s historic, cultural, or architectural significance, and therefore is not a historic resource for the purposes of this Chapter.

“Qualified Professional(s)” shall mean any of the following professions/occupations:

- Archaeologist shall refer to an archaeologist who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in archaeology, as defined by the National Park Service (Code of Federal Regulations, 36 CFR Part 61).
- Architectural Historian shall refer to an architectural historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in architectural history, as defined by the National Park Service (36 CFR Part 61).
- Historian shall refer to a historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in history, as defined by the National Park Service (36 CFR Part 61).
- Historic Architect shall refer to a licensed architect who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in historic architecture, as defined by the National Park Service (36 CFR Part 61).

- Structural Engineer shall refer to any individual registered by the State of California to practice structural engineering and to use the title Structural Engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701.

“Rebuild” shall refer to any activity where more than 50 percent of the existing foundation/floor assembly or more than 50 percent of the exterior walls of a building are removed. See Section 9109.01 (Definitions), Article IX of the Arcadia Development Code.

“Relocation” shall refer to the process of physically transporting a building, structure, or object from one location to another.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” (or “Secretary of the Interior’s Standards”) means the Standards and Guidelines developed by the United States Department of the Interior, National Park Service for the preservation, rehabilitation, restoration, and reconstruction of historic resources. In accordance with California Code of Regulations Title 14, Chapter 3, Section 15064.5, 15126.4(b)(1), and 15221, physical changes to historic resources that conform with the *Secretary of the Interior’s Standards* are generally considered to be mitigated to a level of less than significant under CEQA and may be eligible for a Class 31 Categorical Exemption.

Division 4: Regulations for Specific Land Uses and Activities

9104.02.200 Kennels; Animal Board and Care

- A. **Purpose and Applicability.** The provisions in this Subsection shall apply to kennels and similar animal board and care facilities, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards).
- B. **Location Restricted.** No person shall keep more than three dogs over the age of four months in any ~~place in the City within 250 feet of any~~ dwelling in the City. ~~in use or occupied by human beings, other than a dwelling in use or occupied by the owner of such dogs.~~ **Commercial animal kennel/boarding business as permitted under Division 2 (Zones, Allowable Uses, and Development Standards) shall not be located 250 feet from a residentially zoned property.**
- C. **Permit Required.** No person shall carry on the business of keeping dogs for breeding purposes or for the purpose of medical treatment of dogs, or caring for dogs for hire, without first obtaining a permit from the Council, subject to Article VI, Chapter 1, Part 2, Division 6 (Keeping, Treating and Breeding) of the Municipal Code, to keep or maintain a kennel.

9104.02.210 Live/Work Units

- A. **Purpose and Applicability.** The provisions in this Subsection shall apply to live/work units, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). Live/Work units are considered nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- B. **Limitations on Use.** The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). A live/work unit shall not be allowed to include any of the following land uses or activities:
 - 1. Vehicle Repair and Service
 - 2. Maintenance and Repair Services
 - 3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
 - 4. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
 - 5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- ~~C. **Ground Floor Use.** Where ground floor commercial uses are required, live/work units shall not exceed 25 percent of the ground floor building area.~~
- D. **Design Standards**
 - 1. **Floor Area Requirement.** ~~A live/work unit shall have a minimum floor area of at least seven hundred fifty (750) square feet.~~ The **nonresidential** portion of the live/work unit shall be at least 25 percent, but no more than 50 percent, of the area of each unit, in order to ensure that the ~~residential~~ **commercial** portion remains accessory to the primary **residential** ~~commercial~~ use and comply with California Building Code requirements. All floor area other than that reserved for living space shall be reserved and regularly used for working space.

2. **Separation and Access of Individual Units.** Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.
3. **Facilities to Accommodate Commercial Activities.** A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.
4. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Subsection, and living and working space may be separated by interior courtyards or similar private space.

E. Operating Requirements

1. **Occupancy.** A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
2. **Business License Required.** At least one of the residents of a live/work unit shall be required to have a business license with the City of Arcadia, issued pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations).
3. **Sale or Rental of Portions of Unit.** No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.
4. **Non-Resident Employees.** One person who does not reside in the live/work unit may work in the unit unless this employment is prohibited or limited by the minor use permit. The employment of two or more persons who do not reside in the live/work unit may be permitted, subject to minor use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other state and federal regulations.
5. **Client and Customer Visits.** Client and customer visits to live/work units are permitted subject to any applicable conditions of the minor use permit, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.

9104.02.220 Mobile Food Vending

Amended by Ord. No. 2347

- A. **Purpose and Applicability.** The purpose of this Subsection is to ensure that off-street mobile food vending is compatible with surrounding and adjacent uses and does not create an adverse impact on adjacent properties by reason of noise, parking and litter. Mobile food vending in the right-of-way is subject to Arcadia Municipal Code Section 3231 et seq. (Selling and Distributing on Streets).
- B. **Special Events that Include Mobile Food Vending.** The provisions of this Subsection shall not apply to persons operating a mobile vendor vehicle as part of a certified farmer's market, or an authorized street fair or other event occurring under a special permit issued by the City of Arcadia, provided that the vehicle is part of the event and is complying with all terms of the permit or permits issued for the event.
- C. **Temporary Use Permit Required.** No mobile vendor vehicles shall operate on private property without filing for and receiving approval of a ~~Temporary~~ **Temporary** Use Permit. No Temporary Use Permit shall be issued for a mobile vendor vehicle unless it conforms to the requirements of this Subsection and the findings can be made under the Temporary Use Permit requirements.

D. Operational Requirements. Mobile vendor vehicles operating on private property shall comply with the following requirements:

1. **Written Approval of Owner.** The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Director with the Temporary Use Permit application, prior to operating at the location. The vendor shall maintain proof of the owner's approval in the vehicle. The person operating the mobile vendor vehicle shall present this proof upon the demand of a peace officer or city employee authorized to enforce this article.
2. **Impervious Surface Parking.** The vehicle shall only be stopped, standing or parked on surfaces paved with concrete, asphalt or another impervious surface.
3. **Litter Removal.** The mobile vendor vehicle and surrounding property shall be maintained in a safe and clean manner at all times. The mobile food vendor must remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle's location.
4. **No Discharge of Liquid.** The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
5. **Temporary Shade Structures.** Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
6. **Noise.** The mobile food vendor shall be subject to the noise provisions set forth in Article IV, Chapter 6 (Noise Regulations) of the Arcadia Municipal Code. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted.
7. **Hours of Operation.** No mobile food vending shall operate before 8:00 AM or after 11:00 PM, including set-up and clean-up.
8. **Business License Required.** The mobile food vendor must have a valid business license issued by the City pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations). As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
9. **Health Permit Required.** The mobile food vendor must have a valid permit issued by the Los Angeles County Department of Health. All required County Health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
10. **Fire Department Inspection.** All mobile food vendors' vending vehicles shall be inspected and approved by Arcadia Fire Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Arcadia Fire Department. At a minimum, all cooking equipment producing grease laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.

9104.02.290 Shopping Cart Containment and Retrieval

A. Purpose. This Subsection provides standards for the location, development, and operations of businesses that use 10 or more shopping carts in the City. Shopping carts as defined in Division 9 (Definitions), when removed from the premises of such businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health and safety of the public.

B. Unauthorized Removal of Shopping Carts from the Premises. Unauthorized removal of a shopping cart from the premises or parking area of a retail establishment is prohibited. Procedures related to removal and possession of any shopping carts shall be pursuant to Business and Professions Code, Sections 22435 et seq. In addition, all provisions of this Subsection shall apply. In the case of conflict between this Subsection and the above referenced sections of the Business and Professions Code, the Business and Professions Code shall apply.

1. **Signs Affixed to Carts.** Every shopping cart made available for use by customers shall be an identified cart as defined in this article, with permanently affixed sign(s) meeting the requirements of Business and Professions Code Section 22435.1.
2. **Business Premise.** Conspicuous signs shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by State law.

C. Containment and Retrieval Plan Required. Approval of a Containment and Retrieval Plan is required for any business with 10 or more shopping carts available for use by customers on their property, except as otherwise specifically exempted by this Subsection. The plan shall be intended to discourage removal of carts from the owner's premises and to facilitate recovery of the carts. Upon request, shopping cart owners shall provide to the director information, including but not limited to, information concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed reasonable by the director to determine the adequacy of the shopping cart containment system or control method.

D. Physical Containment Measures Required. Specific physical measures shall be implemented and maintained by the owner to prevent and deter the removal of shopping carts from the premises. The physical measures the owner will make shall be specifically identified in the cart containment plan and may include, but are not limited to, the following:

1. Disabling devices installed and maintained on carts;
2. Maintaining one or more designated employees assigned the responsibility to deter or stop customers from removing shopping carts from the premises;
3. Preventing any shopping carts from being taken outside the confines of building exits unless accompanied by an employee of the business;
4. Physical barriers, including devices placed on the carts themselves, which effectively prevent transporting shopping carts into the parking area or off the premises while maintaining accessible paths of travel compliant with state Title 24, Part 2, California Building Code and federal Americans with Disabilities Act;
5. Requiring security deposits by customers for cart use or rental or sale of carts to customers.

Written approval of the property owner shall be provided to the City for any physical measures required by the plan to be installed on the property of the retail shopping center or multi-store complex in which the retail establishment is located.

E. Cart Confinement. An owner shall install and/or implement each method of containment described in the city approved cart containment and retrieval plan. All shopping carts located on the premises of any business (other than an establishment open for business twenty-four hours per day) shall be collected at the end of each business day by employees of the retail establishment and shall be collectively confined in a secure manner in the cart confinement area, as designated in the approved cart containment plan, until the commencement of the next business day. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building. Methods of containment may include, but are not limited to, the following:

1. Electronic or other disabling devices installed on the shopping carts that prevent their removal from the business premises;
2. Bollards or other structures installed or erected on the perimeter of the business premises that restrict shopping carts to these premises, while maintaining accessible paths of travel compliant with California Title 24, Part 2, California Building Code and federal Americans with Disabilities Act;

3. Use of courtesy clerks to accompany customers to their vehicles and return shopping carts to the store;
4. Security deposit for patron's use of a shopping cart; and/or
5. Other demonstrably effective method, approved by the director, which is likely to prevent cart removal from the business premises.

F. Screening. When the shopping cart corral is located along the entry or adjacent to the building, a four foot block wall shall be installed to screen the shopping carts from public view. The block wall shall be incorporated to the design of the building and shall match the colors and material of the building.

G. Employee Training. The owner of the business establishment shall implement and maintain a periodic training program for its new and existing employees, designed to educate such employees concerning the requirements of this article and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

H. Cart Retrieval. The shopping cart owner shall secure and continuously maintain a service to retrieve shopping carts which have been removed from their store premises within 24 hours of the removal, or notice of removal. Service shall only be established with a person or business entity engaged in the business of shopping cart retrieval who possesses a valid City of Arcadia business license (pursuant to Municipal Code Article VI, Businesses, Professions, Trades, and Occupations) and any other requisite approval, license, or permit.

I. Abandoned Shopping Carts - Abatement, Removal, and Storage

1. **Impounding.** The City may impound a shopping cart that has a permanently affixed sign, in conformity with this Subsection, provided both of the following conditions have been met:
 - a. The shopping cart is located outside the business premises.
 - b. The shopping cart is not retrieved within three (3) business days from the date the shopping cart owner receives actual notice from the City of such cart's discovery and location.
2. **Immediate Retrieval.** Notwithstanding other provisions of this Subsection, the City may immediately retrieve a shopping cart from public or private property when the location of such cart will impede emergency services, as determined by the Director or his or her designee.
3. **Location of Impoundment.** Any shopping cart that has been impounded by the City pursuant to Subparagraph a. or b. (Impounding) of this Subsection shall be held at a location that is reasonably convenient to the shopping cart owner and is open for business at least six hours of each business day.
4. **Cost Recovery.** When the City has impounded a shopping cart pursuant to Subparagraph a. or b. (Impounding) of this Subsection, the City may recover its actual costs for providing such service.
5. **Fines for Impoundment.** The City may fine a shopping cart owner fifty dollars for each occurrence in excess of three during a six-month period for failure to retrieve shopping carts in accordance with this Subsection. For purposes of this paragraph, an occurrence shall include all shopping carts impounded in accordance with this Subsection during a calendar day.
6. **Unclaimed Carts.** The City or its authorized agent may sell or dispose of any shopping cart not reclaimed by the owner within 30 calendar days of receipt of actual notice from the City.
7. **No Required Signage.** Notwithstanding other provisions of this Subsection, the City may immediately impound, sell and/or dispose of any shopping cart that does not contain a permanently affixed sign required pursuant to this Subsection and whose ownership cannot otherwise be ascertained.

- J. Revocation.** An approved plan may be revoked by the Director upon his/her determination that any of the following grounds for revocation exist, and shall be subject to revocation procedures of Section 9108.09 (Permit Modifications and Revocations):
1. The owner of any retail establishment has received notice that the establishment is operating, or is permitting operation of, the retail establishment in violation of one or more of the provisions of said approved plan(s) and has failed to correct said violation(s) for a period of at least 60 calendar days following the date of receipt of written notice of such violation(s) from the City.
 2. The mandatory Cart Containment and Retrieval Plan is inadequate to reasonably prevent the removal of shopping carts from the premises of the retail establishment or to reasonably provide for the prompt retrieval of lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment.
- K. Use of Shopping Carts Following Revocation Is Prohibited.** No retail establishment owner shall provide or make available shopping carts for the use of customers following the effective date of any decision revoking a required Cart Containment and Retrieval Plan pursuant to this Subsection unless and until a new proposed Cart Containment and Retrieval Plan is approved by the City for such retail establishment.
- L. Existing Businesses.** All existing businesses that use 10 or more shopping carts shall comply with all applicable standards of this Section 9104.02.290 (Shopping Cart Containment and Retrieval) by January 1, 2020.

9104.02.330 Sports Courts in Residential Zones

- A. Purpose and Applicability.** This Subsection provides standards for the location, development, and operations of sports courts, as defined in Division 9 (Definitions), in a residential zone and where allowed in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). The purpose is to ensure that such standards and regulations reasonably restrict and minimize any detrimental effect of the location and design and use of such courts on the occupants of adjoining properties and the neighborhood. Sports courts that do not require the installation, temporarily or permanently, of nets, stands, seats, poles, lighting, fencing, windscreen, and any structure, and do not propose grading to accommodate the sport court, are exempt from the provisions of this Subsection.
- B. Site Plan and Design Review Required.** No person or persons shall construct, erect, or maintain a sports court in a residential zone without filing for and receiving approval of Site Plan and Design Review. Site Plan and Design Review shall not be approved for a sports court in a residential zone unless its use is accessory to a primary residential use of a residentially zoned parcel and is to be located on the same parcel as the primary residential use and conform to the requirements of this Subsection.
- C. Standards**
1. **Setback from Property Lines for R-M, R-0, ~~AND~~ and R-1 Zones**
 - a. Sports courts, including slabs, fences, and light standards accessory thereto, shall be subject to the same side and front setbacks required for a one-story main structure in the zone in which they are located.
 - b. Sports courts, including slabs, fences, and light standards accessory thereto, shall be located not less than five feet from the rear property line.
 2. **Setback from Property Lines for R-2 and R-3 Zones.** In the R-2 and R-3 zones, sports courts, including slabs and fences, shall be subject to the same front, side, and rear setbacks required for a two-story structure in the zone in which they are located.
 3. **Grade.** The grade for a sports court proposed on sloping terrain shall be established at the surface level of the court at the lowest elevation of the natural terrain.

4. Fencing

a. **Height.** The height of any fence enclosing any sports court shall not exceed 12 feet above the finished surface of the sports court. All portions of such fence which exceed six feet above the finished surface of the court shall consist of open fencing.

b. **Windscreens.** Windscreens of plastic, canvas, or similar material may be attached to the fence enclosing a sports court, provided such windscreens do not extend to a height greater than six feet above the finished surface of the court. However, where the entire sport court is located 25 feet or more from all property lines, the windscreens may extend to the height of the court fence.

5. Lighting

a. **Height.** Light standards shall not exceed 20 feet in height, measured from the finished surface of the sport court.

b. **Type.** ~~Lamps shall be metal halide type of not more than 1,000 watts each.~~ Lamps shall be horizontally mounted, rectilinear-type, sharp cutoff fixtures. Lamps shall not create an intensity of greater than one foot-candle above the ambient neighborhood lighting. All permitted lighting shall be so arranged as to be directed onto the property from which the light originates and not to directly reflect upon any other residentially zoned parcel.

c. **Number.** Sports courts lights shall be limited to no more than eight lamps.

e. **Hours of illumination.** No person or persons shall turn on, leave on, or allow to be left on or turned on, sports court lights between 11:00 PM Sunday through Thursday and 6:00 AM of the following day, and between 12:00 midnight Friday and Saturday and 6:00 AM of the following day.

g. **Agreement required.** Each property owner and contractor installing light fixtures shall execute an agreement available in the ~~Planning~~ **Community Development** Department agreeing that the court lights shall be installed and shielded so that the light source shall not be visible beyond the property line and that the light intensity shall not exceed one foot-candle above ambient at the property line, and that if it does, the Minor Use Permit issued subject to this Subsection may be revoked by the Director, in addition to other remedies available subject to law.

6. **Landscape Plan.** A landscape plan shall be submitted and approved by the Director for the areas between any sports court and adjacent properties.

7. **Solid Wall.** A minimum six-foot-high solid masonry wall shall be installed on the property lines between the sports court and adjacent properties. In the R-M, R-0 and R-1 zones, where the entire side of a sports court is a minimum distance of 25 feet from a property line or the sport court is located at least 12 feet below grade of the property line, a minimum six-foot-high solid masonry wall shall not be required along the property line.

8. **Commercial Use Prohibited.** A residential accessory sports court shall be used only by the occupants of the main residential dwelling(s) on the same parcel. This shall not be construed to prohibit the use of the court by invited guests. However, no sports court shall be rented nor used as a private club, nor for commercial instruction of players other than occupants of main residential dwelling(s) on the same parcel, nor used in any way for purely commercial purposes.

9. **Multiple-Family Zone Space.** No more than 30 percent of the requirement for open space shall be devoted to sports court development.

Division 5: Subdivisions

Section 9105.01 - General Provisions

9105.01.100 Processing Fees

- A. **Council Shall Set Fees.** The Council, by resolution, shall set reasonable fees in connection with this Division, including but not limited to fees and deposits for processing tentative tract and parcel maps and final and final parcel maps; fees for giving notice of public hearings; fees for copying and distributing written reports on tentative maps; fees for processing lot line adjustments, mergers, and reversions to acreage; and fees and deposits related to the other procedures and requirements specified in this Division.
- B. **Fee Schedule.** This schedule of ~~fees~~ fees shall be referred to in this Development Code as the Fee Schedule.
- C. **Payable to the City.** All required fees and deposits shall be payable to the City in compliance with the Fee Schedule established by resolution of the Council, as it may be revised from time to time.

Section 9105.03 - Tentative Map Filing and Processing

9105.03.060 Tentative Map Approval or Denial

In order to approve or recommend the approval of a tentative parcel or tract map and conditions of approval, or to deny the tentative parcel or tract map, the review authority, as designated in Table 5-1 (Designated Review Authorities), shall first make all of the findings required by this Subsection. In determining whether to approve a tentative parcel or tract map, the City shall apply only the ordinances, policies, and standards in effect on the date the Department determined that the application was complete in compliance with Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan, or Development Code amendments, and provided public notice as required by Government Code Section 66474.2.

A. Required Findings for Approval

- 1. **Mandatory Findings Required.** The review authority shall approve a tentative parcel or tract map only after first making all of the following findings, as required by Government Code Sections 66474 and 66474.6. The findings shall apply to each proposed lot as well as the entire subdivision, including any lot specified as a designated remainder in compliance with Government Code Section 66424.6.
 - a. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and this Division;
 - b. The site is physically suitable for the type, and proposed density of development;
 - c. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - d. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
 - e. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision.
 - (1) This finding may also be made if the review authority finds that alternate easements for access or use will be provided, and that they will be substantially equivalent to ones previously acquired by the public.

- (2) This finding shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the review authority to determine that the public at large has acquired easements of access through or use of property within the proposed subdivision.
- f. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board; **and**
- ~~g. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities; and~~
- gh. That** ~~The proposed subdivision, its design, density, and type of development~~ **and site improvements of the subdivision** conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law.
- 2. Additional Specific Findings Required.** If the proposed subdivision is a conversion of residential real property into a condominium, a community apartment project, or a stock cooperative, the review authority shall first make the additional finding that the proposed subdivision complies with the requirements of Government Code Sections 66427.1(a), 66451, and 66452 before approving the proposed subdivision. It is the responsibility of the applicant to comply with all of these requirements. The specific findings include all of the following:
- a. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received written notification of intention to convert at least 60 days before the filing of a tentative map in compliance with Government Code Section 66452;
- b. Each of the tenants, and each person applying for the rental of a unit in the residential real property, has, or will have, received all applicable notices and rights required in compliance with Government Code Sections 66451 and 66452; and
- c. Each of the tenants received 10-day written notification that an application for a public report will be, or has been, submitted to the State Department of Real Estate, and that the report will be available on request.
- 3. Findings under an EIR.** Notwithstanding the finding required by Subparagraph A.1.c., above, the review authority may approve a tentative map, or a parcel map for which a tentative map was not required, if an Environmental Impact Report (EIR) was prepared for the project and a finding is made in compliance with Public Resources Code Section 21081 Subdivision (a) Paragraph (3), that specific economic, social, or other considerations make the mitigation measures or project alternatives specified in the EIR infeasible.
- B. Supplemental Findings.** In addition to the findings specified in Subparagraph A, above, the review authority shall not approve a tentative parcel or tract map unless it can also make the following findings, when they are applicable to the specific subdivision proposal.
- 1. Construction of Improvements.** In the case of a tentative map for a subdivision that will require a subsequent parcel map, the construction of improvements for the subdivision within a specified time after the recordation of the parcel map is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area.
- 2. Waiver of Parcel Map.** The findings required by Subsection 9105.05.020 (Waiver of Parcel Map), if waiver of a parcel map has been requested with the tentative map application.
- C. Time Limits.** The time limits for acting and reporting on tentative parcel or tract maps and appeals, as specified in this Division and by the Act, may be extended by mutual consent of the subdivider and the applicable review authority.
- D. Appeals.** The subdivider or any interested person adversely affected by a decision of the review authority with respect to a tentative parcel or tract map may appeal, in compliance with the applicable appeals procedures specified in Government Code Section 66452.5, Section 9108.07 (Appeals), and as follows:

1. If the Commission is the review authority, then the appeal shall be to the Council which is established as the appeals board.
2. If the review authority is not the Commission, then the first appeal shall be to the Commission. The Commission's decision may be appealed to the Council.
3. Any appeal shall be filed with the applicable review authority within 10 days after the action of the review authority from which the appeal is being taken.
4. Before accepting for filing of an appeal, the City shall charge and collect an appeal fee which shall be paid in compliance with the ~~Fees~~ **Fee** Schedule.
5. Upon the filing of an appeal, the applicable review authority shall set the matter for a public hearing. The hearing shall be held within 30 days after the date of filing the appeal.
6. The hearing shall be noticed as specified in Subsection 9105.03.050 (Tentative Map Public Hearing and Action), above.
7. Within 10 days following the conclusion of the public hearing, the applicable review authority shall declare its findings based upon the testimony and documents produced before it. The review authority may sustain, modify, or overrule any recommendations or rulings of the previous review authority and may make the findings specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above.

E. Modifications to the Tentative Map

1. **Changes before Approval.** Modifications to the submitted tentative parcel or tract map may be made by the subdivider during the review and hearing process, and before subdivision approval, upon the approval of the Director or the applicable review authority. A tentative parcel or tract map modified before action by the applicable review authority need not be noticed for public hearing. If a tentative parcel or tract map has been appealed to the Council, that map shall not be modified and approved without first receiving a report and recommendation from the previous applicable review authority (i.e., Director, City Engineer, or the Commission), in compliance with Table 5-1 (Subdivision Review Authorities).
2. **Changes Following Approval.** Once a tentative parcel or tract map is approved, any changes shall be in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions).

Division 7: Permit Processing Procedures

Section 9107.03 - Application Processing Procedures

Subsections:

- 9107.03.010 Purpose and Intent
- 9107.03.020 Application Submittal
- 9107.03.030 Eligible Applicants
- 9107.03.040 Submittal Requirements
- 9107.03.050 Filing Fees and Requirements
- 9107.03.060 Initial Application Completeness Review
- 9107.03.070 Environmental Assessment
- 9107.03.080 Application Review and Determinations

9107.03.010 Purpose and Intent

Amended by Ord. No. 2347

Amended by Ord. No. 2363

- A. This Division provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by the City and specified in this Development Code.
- B. Table 7-1 (Review Authority), identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Development Code.

Table 7-1 Review Authority				
Type of Action	Applicable Code Section	Role of Review Authority ⁽¹⁾		
		Director	Commission	Council
Legislative Actions				
Development Agreements and Amendments	9107.11	Recommend ⁽¹⁾	Recommend	Decision
Development Code Amendments	9108.03	Recommend ⁽¹⁾	Recommend	Decision
General Plan Amendments	9108.03	Recommend ⁽¹⁾	Recommend	Decision
Specific Plans and Amendments	9107.21	Recommend	Recommend	Decision
Zoning Map Amendments	9108.03	Recommend	Recommend	Decision
Planning Permits and Approvals and Administrative Actions				
Administrative Modifications	9107.05	See Table 7-2 for specified thresholds		
Certificates of Demolition	9107.07	Decision	Appeal	Appeal
Conditional Use Permits	9107.09	Recommend	Decision ⁽²⁾⁽⁴⁾	Appeal
Home Occupation Permits	9107.13	Decision ⁽³⁾	Appeal	Appeal
Interpretations	9101.03	Decision ⁽³⁾	Appeal	Appeal
Minor Use Permits	9107.09	Decision ⁽³⁾	Appeal	Appeal
Planned Developments	9107.15	Recommend	Decision ⁽⁴⁾	Appeal
Reasonable Accommodations	9107.17	Decision ⁽³⁾	Appeal	Appeal
Sign Permits	9103.11	Decision ⁽³⁾	Appeal	Appeal
Site Plan and Design Review (See Table 7-3 for specified thresholds.)	9107.19	Decision ⁽³⁾	Decision/ Appeal ⁽⁴⁾	Appeal
Site Plan and Design Review: Homeowners Association Areas (See Table 7-4 for specified thresholds.)	9107.20	Decision ⁽⁶⁾	Appeal	Appeal

Temporary Use Permits	9107.23	Decision ⁽³⁾	Appeal	Appeal
Protected Tree Permits				
Tree Encroachment, Preservation, and Removal of Dead, Diseased, and Hazardous Tree	9103.18	Decision	Appeal	Appeal
Tree Encroachment	9103.18	Decision	Appeal	Appeal
Removal of Healthy Tree	9103.18	Decision	Appeal	Appeal
Variances	9107.25	Recommend	Decision ⁽⁴⁾	Appeal
Zoning Clearances (ADU)	9107.27	Issue	Appeal ⁽⁵⁾	Appeal ⁽⁵⁾

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision making body; "Decision" means that the Review Authority makes the final decision on the matter; "Issue" means that the Review Authority grants the Zoning Clearance after confirming compliance with all applicable provisions of this Development Code; and "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Section 9108.07 (Appeals).
- (2) The final Review Authority for a Conditional Use Permit granting a Density Bonus, in compliance with Section 9107.03 (Application Processing Procedures) shall be the Council, with the Commission first making a written recommendation to the Council.
- (3) The Director may defer action and refer the request to the Commission for consideration and final decision.
- (4) The Commission may defer action and provide a recommendation to the Council for consideration and final decision.
- (5) A Zoning Clearance (ADU) may only be appealed if a determination pursuant to 9103.070.050.D.4.a or 9107.27.030.D.1 has been made.
- (6) For Site Plan and Design Review: Homeowners Association Areas, the Director Review shall include reviews by the Director under the City Review process, reviews by the HOA ARB Chairperson under the Short Review process and reviews by the HOA Architectural Review Board under the Regular Review process.

9107.05.040 Allowed Modifications, Review Authority, and Noticing Requirements

Amended by Ord. No. 2347

Amended by Ord. No. 2369 & 2370

- A. **Table 7-2.** In order to secure an appropriate improvement of a parcel, prevent an unreasonable hardship, and/or to promote uniformity of development, the applicable Review Authority shall have the authority to approve, conditionally approve, or deny Administrative Modifications for those matters specified in Table 7-2 (Allowed Modifications, Review Authority, and Noticing Requirements), below. Table 7-2 also identifies the applicable Review Authority responsible for reviewing and making decisions on each type of Administrative Modification application allowed by this Section, as well as the type of notice or hearing, if any, required by this Section.

Table 7-2			
Allowed Modifications, Review Authority, and Noticing Requirements			
Type of Administrative Modification Allowed	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Accessory dwelling units – objective design standards		X	
Accessory dwelling units - unit sizes that exceeds the far FAR			X
Accessory dwelling units – Setbacks		X	
Additions to nonconforming single-family residential properties (small) (Subparagraph Subsection 9106.03.030 A.4.)		X	
Alterations and/or expansion of nonconforming uses and structures		X	
Apartment unit sizes			X
Conversions of existing attic areas within main dwellings in the R-M, R-0, and R-1 zones; provided the requests do not result in an additional structure story or any exterior alterations within required setback areas		X	
Distance between structures	X		

**Table 7-2
Allowed Modifications, Review Authority, and Noticing Requirements**

Type of Administrative Modification Allowed	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Driveway and parking stall size requirements (Residential zones)	X		
Driveway and parking stall size requirements (Commercial, Industrial, and Downtown zones)		X	
Fence, wall, and hedge regulations, except along the street side of a corner parcel	X		
Fence and landscaped buffer regulations (Subsection 9106.09.020 B.)		X	
Front lot line determination	X		
Front yard setback for additions to existing structures	X (For Special Setbacks Only)	X	
Height of noncommercial structures - Solar panels only	X		
Height of noncommercial structures			X
Interior side setbacks in the R-M, R-0, and R-1 zones for detached accessory structures		X	
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of 30 linear feet or less and maintain(s) the same or greater setback than the existing structure walls; and further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained	X		
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of more than 30 linear feet and maintain(s) the same or greater setback than the existing structure walls; and further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained		X	
Interior side setbacks		X	
Landscaping and Hardscape Standards		X	
Loading Requirements	X		
Lot Size (area, depth, and width)		X	X
Minimum Density		X	
Ornamental Features (height or number of features)		X	
Open Space Standards		X	
Nonconforming residential structures – alterations or expansions (Subsection 9106.05.020)		X	
Nonconforming residential uses – alterations or expansions (Subsection 9106.03.010)		X	
Nonconforming single-family residential properties (small additions) (Subsection 9106.03.030 A.4.)		X	
Parking Plan			X
Perimeter Parking Lot Landscaping	X		
Reduce the number of required parking spaces in a commercial, mixed-use, or industrial zoned properties	X (1-3 Spaces)	X (4-6 Spaces) (Up to and including 5 spaces)	X (6 7 spaces or greater)

**Table 7-2
Allowed Modifications, Review Authority, and Noticing Requirements**

Type of Administrative Modification Allowed	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Rear setbacks		X	
Rebuilding of single-family dwellings; provided the new portion(s) of the project comply with current Development Code requirements		X	
Setbacks for mechanical and plumbing equipment	X	X	
Setbacks for wireless communication facilities		X	
Interior side setbacks in the multifamily, commercial, downtown, and industrial zones; however, a setback from a street shall be modified only with a written declaration from the City Engineer that the modification, if granted, will not adversely affect any foreseeable need for widening the street	X (Special Setbacks Only)	X	X (All Others)
Sign regulations	X	X	
Special setbacks; provided a setback from a street shall be modified only with a written declaration of the City Engineer that the modification, if granted, will not adversely affect any foreseeable need for widening the street	X		
Street side setbacks for first floor additions to existing dwellings or for accessory structures		X	
Structure length		X	
Subdivision Design and Improvements (Section 9105.01.110)		X	
Swimming pool regulations	X		
Tennis and paddle tennis courts — Construction and operations standards		X	
Trash Enclosures in Subparagraphs 9103.01.130 C.2. relating only to the number and size of enclosures and D.2. the location of enclosures.	X		
Utility and storage space requirements	X		
When the maximum number of units allowed in the R-2 and R-3 zones has a fractional remainder of .05 or less, the Commission may allow the maximum number of units to be rounded up to the next highest whole number, but in no case greater than 30 du/acre in the R-3 zone.			X
Modifications Only to Commission			
Below-grade or subterranean parking in the R-M, R-0, and/or R-1 zones, provided the request does not result in more than one story below grade.			X
Modification to any of the setbacks for a new dwelling			X
Rebuilds			X
Second story setback on an existing dwelling			X

B. Notice Requirements for Minor Director's Review – Not Required. Neither a notice nor public hearing shall be required for a Minor Director's Review of an Administrative Modification application. The Director may defer action and refer any Administrative Modification request to the Commission for consideration and final decision.

C. Notice Requirements for Major Director's Review – Notice Required

1. Notice shall be provided in compliance with Section 9108.13 (Public Notices and Hearings) and shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of

300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property may, in the judgment of the Director, be affected by the proposed project at least 14 days before the date of the Director's consideration and final decision as stated in the notice.

2. The mailed notice shall state that the Director will consider and decide whether to approve, conditionally approve, or deny the Administrative Modification application on a date specified in the notice.
3. The Director may defer action and refer any Administrative Modification request to the Commission for consideration and final decision.

D. Notice and Hearing Requirements for Commission's Review – Notice and Hearing Required. A notice and public hearing shall be required for the Commission's decision on an Administrative Modification application. The public hearing shall be scheduled once the Director has determined the application complete. The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the Administrative Modification application. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

E. Appeal Provisions

1. **Minor and Major Director's Reviews.** The Director's Review of a Minor or Major Administrative Modification may be appealed to the Commission and then the Council in compliance with Section 9108.07 (Appeals).
2. **Commission's Review.** The Commission's Review of an Administrative Modification may be appealed to the Council in compliance with Section 9108.07 (Appeals).

9107.09.050 Findings and Decision (Conditional Use Permit)

A. Review Authority's Action. The application for a Conditional Use Permit or Minor Use Permit may be approved, approved subject to conditions, or denied by the Review Authority.

B. Required Findings. The Review Authority may approve a Conditional Use Permit or Minor Use Permit only if it first makes all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan; **and is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of this Development Code and the Municipal Code;**
- ~~2. The proposed use is allowed within the applicable zone, subject to the granting of a Conditional Use Permit or Minor Use Permit, and complies with all other applicable provisions of this Development Code and the Municipal Code;~~
- ~~2.3.~~ 3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
3. 4. The site is physically suitable in terms of:
 - a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, **site improvements and all fences, landscaping, loading, and parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;**
 - b. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;
 - c. Public protection services (e.g., fire protection, police protection, etc.); and
 - d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

~~4.~~5. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

C. Notice of Decision. Within five days following final action by the Review Authority on an application for a Conditional Use Permit or Minor Use Permit, notice of the decision in the matter shall be mailed to the applicant at the address shown on the application and to all other persons who have filed a written request for notice with the Department.

9107.11.030 Filing, Processing, and Review (Development Agreement)

A. Filing. An application for a development agreement shall be filed with the City Manager in compliance with Section 9107.03 (Application Processing Procedures).

B. Contents. The application shall be accompanied by all of the detailed data/materials identified in the most up-to-date Department handout for development agreement applications, in compliance with Section 9107.11.040 (Contents of Development Agreement), below.

C. Project Review Procedures. Following receipt of a completed application, the City Manager shall investigate the facts necessary for action consistent with the purpose of this Section and shall prepare a report and recommendation indicating the application's compliance with the General Plan, any applicable specific plan, this Development Code, and the Zoning Map. Initial review of the application, including time requirements and requests for information, shall be conducted in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

D. Notice and Hearings

1. The City Manager, upon finding the application for a development agreement complete and in compliance with the provisions of the California Environmental Quality Act (CEQA), shall set the application, together with recommendations, for public hearing before the Commission. Following conclusion of the public hearing, the Commission shall make a written recommendation to the Council that it approve, conditionally approve, or deny the application, based on the findings identified in Subsection E. (Findings and Decision), below.

2. Upon receipt of the Commission's recommendations, the City Clerk shall set the application and written report of the Commission for a public hearing before the Council.

a. Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application, based on the findings identified in Subsection E. (Findings and decision), below. It may, but need not, refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation. The Commission may, but need not, hold a public hearing on matters referred back to it by the Council.

b. The Council may not approve the development agreement unless it first finds that the provisions of the development agreement are consistent with the General Plan, any applicable specific plan, this Development Code, and the Zoning Map,

3. Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with the following.

a. Notice of the hearings identified in this Subsection shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with Government Code Section 65867 and Section 9108.13 (Public Notices and Hearings).

b. The notice requirements referred to in this Subsection are declaratory of existing State law (Government Code Sections 65867, 65090 and 65091). If State law prescribes a different notice requirement, notice shall be given in that manner. The notices required by this Subsection are in addition to any other notices required by law for other actions to be considered concurrently with a development agreement.

- c. The Commission and/or Council, as applicable, may direct that notice of the public hearings shall be given in a manner that exceeds the notice requirements specified by State law.
- d. The failure to receive notice by any person entitled to notice required by State law or these regulations does not affect the authority of the City to enter into a development agreement.
- e. The public hearings shall be conducted as nearly as may be in compliance with the procedural standards specified in Government Code Section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.
- f. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding concerning a development agreement. No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, informality, irregularity, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever, unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

E. Findings and Decision. The Commission may recommend approval and the Council may approve a development agreement only if it first makes all of the following findings:

- ~~1. The development agreement is in the best interests of the City;~~
- 1. The development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plan, this Development Code, and the Zoning Map;
- 2. The development agreement will promote the public convenience, health, interest, safety, general welfare, and good land use practice;
- 3. The project will be compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;
- 4. The project will not adversely affect the orderly development of property or the preservation of property values;
- ~~6. The project will further important Citywide goals and policies that have been officially recognized by the Council; and~~
- 5. The project will provide the City with important, tangible benefits beyond those that may be required by the City through project conditions of approval; and
- 6. For development agreements that includes a subdivision, that the tentative map prepared for the subdivision will comply with Government Code Section 66473.7.

Section 9107.19 - Site Plan and Design Review

9107.19.040 Application Filing, Processing, and Review
 Amended by Ord. No. 2347

- A. Application Filing.** An application for a Site Plan and Design Review shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Fee Schedule. Additionally, the applicant shall reimburse the City for all costs associated with Site Plan and Design Review performed by the City's architectural and landscape design consultants before final approval of the Site Plan and Design Review. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.19.050 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Review with Other Land Use Applications.** If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), then the applicant shall file the information required by Subsection A (Application filing), above, together for concurrent review with the application for the companion discretionary approval. Only the formal application and associated fee for the companion discretionary approval shall be required in order to comply with the Site Plan and Design Review filing requirements.
- C. Application Review.** Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Section; applicable development standards and regulations of this Development Code; and adopted Design Guidelines and policies that may apply.
1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable Review Authority in order to conduct a thorough review of the proposed project.
 2. Upon receipt of a complete application the applicable Review Authority shall review the location, design, site plan configuration and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable Design Guidelines and policies.
 3. During the course of the review process, the Review Authority may require the submittal of additional information or revised plans. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 90 days following the date of the notice or within the period of time designated by the Review Authority. Failure to submit the required information by the end of the business day on the 90th day, or within the period of time designated by the Review Authority, shall cause the City to consider the application withdrawn and of no further effect.
 4. After the Site Plan and Design Review application has been deemed complete, the Review Authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Section, adopted Design Guidelines, and various regulations of the City in compliance with Subsection 9107.19.050 (Findings and Decision), below.
 5. The following criteria shall be considered during the review of a Site Plan and Design Review application:
 - a. Compliance with this Section, this Development Code, and all other applicable City regulations and policies;
 - b. Efficient site layout and design;
 - c. Compatibility with neighboring properties and developments;
 - d. Efficiency and safety of public access and parking;
 - e. The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;
 - f. The compatibility in scale and aesthetic treatment of proposed structures with public areas;

- g. The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;
 - h. Appropriate open space and use of water efficient landscaping;
 - i. Consistency with the General Plan and any applicable specific plan; and
 - j. Consistency with any adopted Design Guidelines, policies, and standards.
- D. On-Site Inspection.** An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.
- E. Public Notice, Tenant Notification, Hearing, and Appeal Provisions**
- 1. Director's Site Plan and Design Reviews (Very Minor Review).** Neither a public notice nor public hearing shall be required for the Director's decision on a Site Plan and Design Review (Very Minor Review) application.
 - 2. Single-Family Dwelling Exception.** The only exception to the notice and public hearing provisions for the Director's decision specified in Subparagraph 1., above, is for Site Plan and Design Review for the construction of a new or modification (i.e., increase in floor area or the addition of a second story) of an existing single-family dwelling. In the case of a single-family dwelling, the following notice provisions shall apply:
 - a. The City shall send a mailed notice stating that the Director will decide whether to approve, conditionally approve, or deny a Site Plan and Design Review for a single-family dwelling application on a date specified in the notice.
 - b. The notice shall contain a request for comments on the application.
 - c. In order to be considered, the comments shall be received by the Director no later than 14 days following the date specified in the notice.
 - d. The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the Site Plan and Design Review application; and any other person(s) whose property might, in the judgment of the Director, be affected by the proposed project, in compliance with Section 9108.13 (Public Notices and Hearings).
 - 3. Director's Site Plan and Design Reviews (Minor Review).** A public notice shall be required for the Director's decision on a Site Plan and Design Review (Minor Review) application, in compliance with Subparagraph 9107.19.040 E. 2., above, as specified for the review of single-family dwellings.
 - 4. Tenant Notification.** The property owner shall notify the tenants of the proposed project before the City can deem the project complete. The notice must be delivered to all existing tenants by Certified Mail from the United States Postal Service. . The letter shall specify the type of development proposed and the contact information of the property owner.
 - 5. Commission's Site Plan and Design Reviews.** A public notice and hearing shall be required for the Commission's decision and the Council's decision, if an appeal of the Commission's decision has been filed, on a Site Plan and Design Review application. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).
 - 6. Appeals.** The Review Authority's decision may be appealed, in compliance with Section 9108.07 (Appeals).

9107.19.040 Application Filing, Processing, and Review
 Amended by Ord. No. 2347

- A. Application Filing.** An application for a Site Plan and Design Review shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Fee Schedule. Additionally, the applicant shall reimburse the City for all costs associated with Site Plan and Design Review performed by the City's architectural and landscape design consultants before final approval of the Site Plan and Design Review. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.19.050 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. Review with Other Land Use Applications.** If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), then the applicant shall file the information required by Subsection A (Application filing), above, together for concurrent review with the application for the companion discretionary approval. Only the formal application and associated fee for the companion discretionary approval shall be required in order to comply with the Site Plan and Design Review filing requirements.
- C. Application Review.** Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Section; applicable development standards and regulations of this Development Code; and adopted Design Guidelines and policies that may apply.
1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable Review Authority in order to conduct a thorough review of the proposed project.
 2. Upon receipt of a complete application the applicable Review Authority shall review the location, design, site plan configuration and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable Design Guidelines and policies.
 3. During the course of the review process, the Review Authority may require the submittal of additional information or revised plans. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 90 days following the date of the notice or within the period of time designated by the Review Authority. Failure to submit the required information by the end of the business day on the 90th day, or within the period of time designated by the Review Authority, shall cause the City to consider the application withdrawn and of no further effect.
 4. After the Site Plan and Design Review application has been deemed complete, the Review Authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Section, adopted Design Guidelines, and various regulations of the City in compliance with Subsection 9107.19.050 (Findings and Decision), below.
 5. The following criteria shall be considered during the review of a Site Plan and Design Review application:
 - a. Compliance with this Section, this Development Code, and all other applicable City regulations and policies;
 - b. ~~Efficient site and layout and design;~~ Consistency with the General Plan and any applicable specific plan;
 - c. Consistency with any adopted Design Guidelines, policies, and standards.
 - d. Efficient site and layout and design. In terms of the following:
 - (1) The arrangement and relationship of proposed structures to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;
 - (2) Efficiency and safety of public access and parking;
 - (3) The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;
 - (4) Appropriate open space and use of water efficient landscaping;

- e. Compatibility with neighboring properties and developments; **in terms of in scale and aesthetic treatment of proposed structures with public areas**
- ~~d. Efficiency and safety of public access and parking;~~
- ~~e. The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;~~
- f. ~~The compatibility in scale and aesthetic treatment of proposed structures with public areas;~~
- ~~g. The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;~~
- ~~h. Appropriate open space and use of water efficient landscaping;~~
- ~~i. Consistency with the General Plan and any applicable specific plan; and~~
- ~~j. Consistency with any adopted Design Guidelines, policies, and standards.~~

D. On-Site Inspection. An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Section.

E. Public Notice, Hearing, and Appeal Provisions

- 1. Director's Site Plan and Design Reviews (Very Minor Review).** Neither a public notice nor public hearing shall be required for the Director's decision on a Site Plan and Design Review (Very Minor Review) application.
- 2. Single-Family Dwelling Exception.** The only exception to the notice and public hearing provisions for the Director's decision specified in Subparagraph 1., above, is for Site Plan and Design Review for the construction of a new or modification (i.e., increase in floor area or the addition of a second story) of an existing single-family dwelling. In the case of a single-family dwelling, the following notice provisions shall apply:
 - a. The City shall send a mailed notice stating that the Director will decide whether to approve, conditionally approve, or deny a Site Plan and Design Review for a single-family dwelling application on a date specified in the notice.
 - b. The notice shall contain a request for comments on the application.
 - c. In order to be considered, the comments shall be received by the Director no later than 14 days following the date specified in the notice.
 - d. The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the Site Plan and Design Review application; and any other person(s) whose property might, in the judgment of the Director, be affected by the proposed project, in compliance with Section 9108.13 (Public Notices and Hearings).
- 3. Director's Site Plan and Design Reviews (Minor Review).** A public notice shall be required for the Director's decision on a Site Plan and Design Review (Minor Review) application, in compliance with Subparagraph 9107.19.040 E. 2., above, as specified for the review of single-family dwellings.
- 4. Commission's Site Plan and Design Reviews.** A public notice and hearing shall be required for the Commission's decision and the Council's decision, if an appeal of the Commission's decision has been filed, on a Site Plan and Design Review application. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

5. **Appeals.** The Review Authority's decision may be appealed, in compliance with Section 9108.07 (Appeals).

9107.19.050 Findings and Decision

- A. **Meets Requirements of this Section.** The Review Authority shall determine whether or not the application meets the requirements of this Section in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- B. **Review Authority's Action within 30 days.** Within 30 days following the filing of the completed application, the Review Authority shall approve, approve with conditions, or deny the Site Plan and Design Review application.
- C. **Referral to the Commission.** If the Site Plan and Design Review application submitted is of significant consequence or magnitude or involves potential public controversy, the Director may defer action and refer the application to the Commission for review and final decision.
- D. **Next Commission Agenda.** The referral shall be placed on the agenda of the next available regular Commission meeting following the referral.
- E. **Other Review Authority.** The decision to approve or deny the Site Plan and Design Review shall be made by the authority responsible for reviewing the companion discretionary land use application (e.g., Conditional Use Permit, etc.) in compliance with the applicable review procedure for the companion discretionary review. The decision to approve or deny the Site Plan and Design Review shall be made in compliance with Subsection F. (Required findings), below.
- F. **Required Findings.** The Review Authority may approve a Site Plan and Design Review application, only if it first makes all of the following findings. The proposed development will:
 - 1. ~~Be allowed within the subject zone;~~ **Be in compliance with all applicable development standards and regulation in the Development Code;**
 - 2. ~~Be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040 C.5., above;~~ **Be consistent with the objectives and standards of the applicable Design Guidelines;**
 - 3. ~~Be in keeping with the character of the neighborhood, in terms general appearance; and~~ **Be compatible in terms of scale and aesthetic design with surrounding properties and developments;**
 - 4. **Have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping; and** ~~Not be detrimental to the harmonious and orderly growth of the City.~~
 - 5. **Be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040 C.5., above**

9107.19.080 Conditions of Approval

- A. **May Impose Conditions.** In approving a Site Plan and Design Review application, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the findings required by Subsection 9107.19.050 (Findings and Decision), above.
- B. **Requirements for Dedication and Infrastructure.** The conditions may include requirements for the offers of adequate dedication of land for public purposes and the provision of public infrastructure to the extent necessitated by the development.

9107.19.090 Issuance of Other Required Permits and Approvals

- A. **Permits or Approvals for Grading, Structures, and Uses.** No permits or approvals shall be issued for any development involved in an application for a Site Plan and Design Review or a revised Site Plan and Design Review until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).

- B. Compliance with Site Plan and Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Section, except in compliance with the approved Site Plan and Design Review and the conditions imposed on the review.
- C. Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable Review Authority.

9107.19.080 Minor Changes by Director

The Director may approve minor changes in a Site Plan and Design Review that do not involve an increase in structure area or height, an increase in the number of dwelling units, a significant architectural change, or an intensity of use in compliance with Subsection 9108.11.100 (Changes to an Approved Project).

9107.19.090 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Site Plan and Design Review application.

Section 9107.23 Temporary Use Permits

- 9107.23.010 Purpose and Intent
- 9107.23.020 Definition
- 9107.23.030 Applicability
- 9107.23.040 Exempt Temporary Uses
- 9107.23.050 Allowed Temporary uses
- 9107.23.060 Application Filing and Processing
- 9107.23.070 Action by the Review Authority
- 9107.23.080 Findings and Decision
- 9107.23.090 Conditions of Approval
- 9107.23.100 Extensions for Temporary Use Permits
- 9107.23.110 Condition of Site Following Temporary Use
- 9107.23.120 Post Decision Procedures

9107.23.010 Purpose and Intent

The purpose of this Section is to allow for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.

9107.23020. Definition

For purposes of this Section, a temporary (short-term) land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, and generally not conducted for more than 30 consecutive days in duration.

9107.23.030 Applicability

- A. Minor Short-Term Activities.** A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. Temporary Use Permit Required.** In compliance with Subsection 9107.23.050 (Allowed Temporary Uses), below, temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit approved in compliance with this Section.

- C. Categories of Land Uses.** The following three categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, location, size, and type of use:
1. **Exempt Temporary Uses.** Exempt temporary uses are identified in Subsection 9107.23.040 (Exempt Temporary Uses), below; and
 2. **Temporary Uses Requiring a Temporary Use Permit.** Temporary uses requiring a Temporary Use Permit are identified in Subsection 9107.23.050 (Allowed Temporary Uses), below.
 3. **Activities Located within the RTE (Race Track Event) Overlay and S-1 Zone**
 - a. **RTE (Race Track Event) Overlay.** All Temporary Use Permit applications for temporary activities to be conducted within the RTE (Race Track Event) Overlay, shall require action by the applicable Review Authority specified in Subsection D (Applicable Review Authority) below.
 - b. **S-1 Zone.** For every reference to activities conducted within the RTE (Race Track Event) Overlay, it shall also be understood to include activities within the S-1 zone.
- D. Applicable Review Authority.** The applicable Review Authority for Temporary Use Permits shall be in compliance with the following:
1. **Director.** Temporary Use Permits for activities to be conducted in all locations within the City, except for those activities conducted within the RTE (Race Track Event) Overlay, shall be subject to the review and determination by the Director. No notice shall be required.
 2. **Events within the RTE (Race Track Event) Overlay.** Temporary Use Permits for those activities to be conducted within the RTE (Race Track Event) Overlay shall be subject to the review and determination by the following Review Authorities:
 - a. **Director.** If the activity will host less than 10,000 people at any one time, ~~or drive thru/drive-in event and be less than 12 days total (or no more than five consecutive days for a single event)~~, the permit shall be subject to the review and determination by the Director. No notice shall be required. **For a one-day event that draws more than 10,000 people at any one time maybe approved by the Director.**
 - b. **Council.** If the activity will exceed the thresholds specified in Subparagraph a., above, the permit shall be referred to the Council for review and determination.
 3. **Events within the RTE (Race Track Event) Overlay – Recurring Events**
 - a. Temporary Use Permits for recurring activities (previously approved annually occurring activities that exceed the thresholds specified in Subparagraph a., above) to be conducted within the RTE (Race Track Event) Overlay shall be subject to the review and determination by the Director.
 - b. The Director shall have the authority to review and make a determination on an application submitted for a subsequent or recurring activity that exceeds the size and/or duration thresholds, or the Director may refer the application to the Council for their review and determination.
 - c. In order to approve a recurring activity that exceeds the thresholds specified in Subparagraph a., above, the Director shall first make all of the following findings:
 - (1) The previous activity complied with City's Noise Ordinance requirements; and
 - (2) All conditions of approval for the previously approved Temporary Use Permit were satisfactorily met and adhered to throughout and following the event.
 - d. If the findings specified in Subparagraph c., above, cannot be made, the application shall be referred to the Council for review and determination.

9107.23.040 Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with Subsection 9107.23.050 (Allowed Temporary Uses), below.

A. Construction Yards — On-Site

1. On-site contractors' construction yard(s), in conjunction with an approved construction project on the same parcel.
2. One adult caretaker may be present during non-construction hours.
3. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Yard Sales Conducted on Private Property. Yard sales conducted on private property when conducted in compliance with Section 9104.02.360 (Yard Sales).

C. Emergency Facilities. Emergency public health and safety needs/land use activities, as determined by the Council.

D. Publicly-Owned Property. Events that are to be conducted on publicly owned property and rights-of-way and are sponsored by educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.

E. Temporary Portable Storage Containers on Residential Property. Temporary Portable Storage Containers located on residential property that comply with standards listed in Subsection 9104.020.320 (Storage Containers - Temporary Portable).

9107.23.050 Allowed Temporary uses

Amended by Ord. No. 2347

The following temporary uses are allowed, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Subsection 9107.23.090 (Conditions of Approval), below. Activities conducted on sites located within the RTE (Race Track Event) Overlay or S-1 zone may be allowed longer or recurring time periods within which to operate in compliance with Subparagraph 9107.23.030 D. (Applicable Review Authority), above.

A. Car Washes. Car washes, limited to one event each month for each sponsoring organization, not exceeding three days in length. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Internal Revenue Code.

B. Contractors' Construction Yards — Off-Site. The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

C. Events

1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, non-profit fund raising, rodeos, rummage sales, second-hand sales, ~~mobile food vending as specified in Section 9104.02.220~~ and swap meets for 14 consecutive days or less, or six two-day weekends, within a 12-month period.
2. Outdoor displays and retail sales events conducted by a retail business holding a valid Business License in the City may be allowed a maximum of three outdoor retail sales events (excluding City sponsored activities) each calendar year in compliance with the standards identified in Subsection 9104.02.110 (Display and Retail Activities – Outdoor). For purposes of this Subsection an outdoor retail sales event shall be no longer than four consecutive days in duration.
3. Outdoor gatherings/meetings and group activities for seven consecutive days or less, within a 12-month period.

4. Outdoor vehicle sales events conducted by established vehicle sales facilities for 30 consecutive days or less, within a 12-month period.
 5. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sales lots) only by businesses holding a valid Business License in the City; provided the activity may only be held from October 1st through October 31st, of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th, of the same year for Christmas tree sales.
 6. **Mobile food vending in compliance with Section 9104.02.220 and up to 6-months within a 12-month period.**
 7. Any temporary use deemed appropriate by the Director, including the duration of the temporary use.
- D. On-Location Filming.** The temporary use of a specified and approved location for occasional commercial filming (e.g., commercials, movie(s), videos, etc.), in compliance with Government Code Section 65850.1. The Director shall find that the approval would not result in a frequency of use likely to create incompatibility between the temporary filming activity and the surrounding areas.
- E. Storage During Construction.** Storage of equipment during construction activities for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs;
- F. Temporary Sales Trailers**
1. A trailer may be used for temporary sales activities (e.g., model home sales, etc.).
 2. A permit for temporary sales trailer(s) may be approved for up to 12 months.
- G. Temporary Structures.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial, industrial, and downtown zones.
- H. Temporary Work Trailers**
1. A trailer or mobile home may be used as a temporary work site for employees of a business:
 - a. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
 - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 2. A permit for temporary work trailer(s) may be approved for up to 12 months.
- I. Other Similar Temporary Uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

Division 8: Development Code Administration

Section 9108.03 – Amendments

9108.03.060 Findings and Decision (Amendments: General Plan, Development Code (Text), and Zoning Map)

An amendment to this Development Code, the General Plan, or the Zoning Map may be approved only if all of the following findings are first made, as applicable to the type of amendment.

A. Findings for General Plan Amendments.

1. The amendment is internally consistent with all other provisions of the General Plan; and
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

B. Findings for Development Code and Zoning Map Amendments. ~~In addition to the findings specified in Subparagraph A. (Findings for General Plan Amendments), above, the following additional findings shall be made for all Development Code and Zoning Map amendments.~~

1. The proposed **Development Code** amendment is consistent with **the goals, policies, and objectives** the General Plan; **and any applicable specific plan(s); and**
2. ~~For Development Code amendments only, t~~The proposed amendment is internally consistent with other applicable provisions of this Development Code.

C. Findings for **Zone Change and Zoning Map Amendments.**

1. **The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;**
2. **The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments; and**
3. **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.**

D. **Failure to Make Findings.** The Review Authority shall deny the amendment when it fails to make any one or more of the required findings.

Division 9: Definitions

9109.01.060 – “E” Definitions

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Eating and Drinking Establishments

Bar, Lounges, Nightclubs, Taverns. Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. **May include food services as an accessory use.**

Outdoor Dining. A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.

Restaurant, Large. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is **greater than 2,000 square feet or more.** **Includes restaurants, gastropubs and other eating and drinking establishments that serve alcoholic beverages for consumption on the premises.**

Restaurants, Small. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is 2,000 square feet or less. **Includes restaurants, gastropubs and other eating and drinking establishments that serve alcoholic beverages for consumption on the premises.**

Eave. The extension of a roof beyond an exterior wall, with no enclosed area underneath it (see Figure 9-9: Eave).

Figure 9-9
Eave



Electronic Cigarettes and Vaping Device. An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other similar product. "Electronic smoking and vaping device" includes any such electronic smoking or vaping device, whether manufactured, distributed, marketed, or sold as an electronic cigarette (e-cigarette), an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, personal product vaporizer (i.e., liquid, dry herb, oils, wax, etc.), electronic nicotine delivery system, e-hookah, or any other similar system. "Electronic smoking and vaping device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

Electronic Submittal. The utilization of one or more of the following: email, the internet, facsimile (fax).

Electronic Game Center. See "Arcade."

Emergency Shelter. Housing with minimal supportive services for homeless persons. Occupancy is limited to a maximum of six months. See definition in Health and Safety Code (Section 50801[e]).

Enclosed. A building or structure that is surrounded by walls on all sides. "Unenclosed" shall mean a building or structure that is not enclosed.

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Establishment. See "Business and Business Activity."

Extended Hours Use. Any non-residential use that operates for at least one hour between the hours of 10:00 PM and 5:00 AM. In Downtown Zones (CBD, MU, DM, and C-M Zones), Extended Hours Use is any non-residential use that operates for at least one hour between the hours of midnight and 6:00 AM.

Extended Stay Hotel. See "Long-Term Stay Hotel."

9109.01.070 - "F" Definitions

Façade. The portion of any exterior elevation of a structure from grade to the top of the roofline and the width of the structure.

Family. A group of persons, whether related or unrelated, who live together in a nontransient and interactive manner, including the joint use of common areas of the premises which they occupy and sharing household activities and responsibilities such as meals, chores, and expenses. Notwithstanding the foregoing, any group of persons required to be considered as a "family" for zoning purposes pursuant to California Health & Safety Code Sections 1267.8, 1566.3, 1568.0831, 1569.85, 11834.23, or any other state law shall be deemed to be a family for purposes of this code.

FAR. See Floor Area Ratio (FAR).

Farmers Market. An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Farmers' Markets can also include limited sales of crafts and goods.

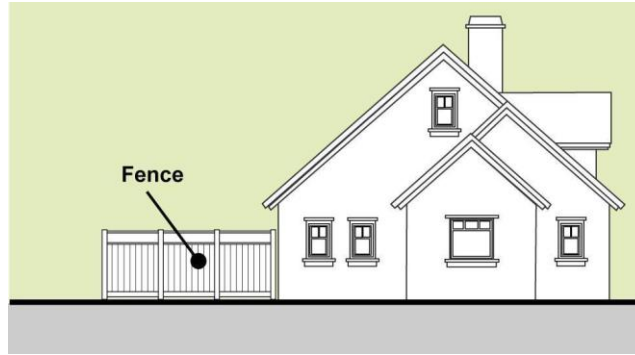
Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land (see Figure 9-10: Fence). Fences may also be walls, hedges, and screen planting. See also "Wall."

Decorative Column on Fence. A vertical supporting member with an aesthetically significant textured surface, including, but not limited to stucco, split face, stone veneer, brick veneer, wood veneer, ledgerstone, solid stone, solid brick, and solid wood.

Decorative Fence. A fence that is aesthetically significant in design and construction with a non-detracting color, and a compatible finish that is consistent with the structure(s) on the property and adjacent properties.

Fence Cap. A horizontal surface atop a column.

Figure 9-10 Fence



Filming Activities. All uses, structures and activities related to the production of motion pictures, television programming music and corporate videos, advertisements, and commercial still photography. Said activities include, but are not limited to, preparation, filming, and strike time, and the ancillary functions accessory thereto.

Final Map. A map showing a subdivision of lots prepared in compliance with the provisions of this Division and the Act (Government Code Sections 66410 et seq.) and in a manner to be filed in the office of the County Recorder. The map may be a final map, final parcel map, final vesting map, or final vesting parcel map.

Financial Institutions and Related Services. A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money. This does not include Check Cashing Shops/Payday Loans.

Fireplace. An assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid or gaseous fuels.

Fire Escape. A form of egress for emergency purpose, typically a set of stairs located on the exterior of a building.

Flood hazard. A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

Floor. See "Story."

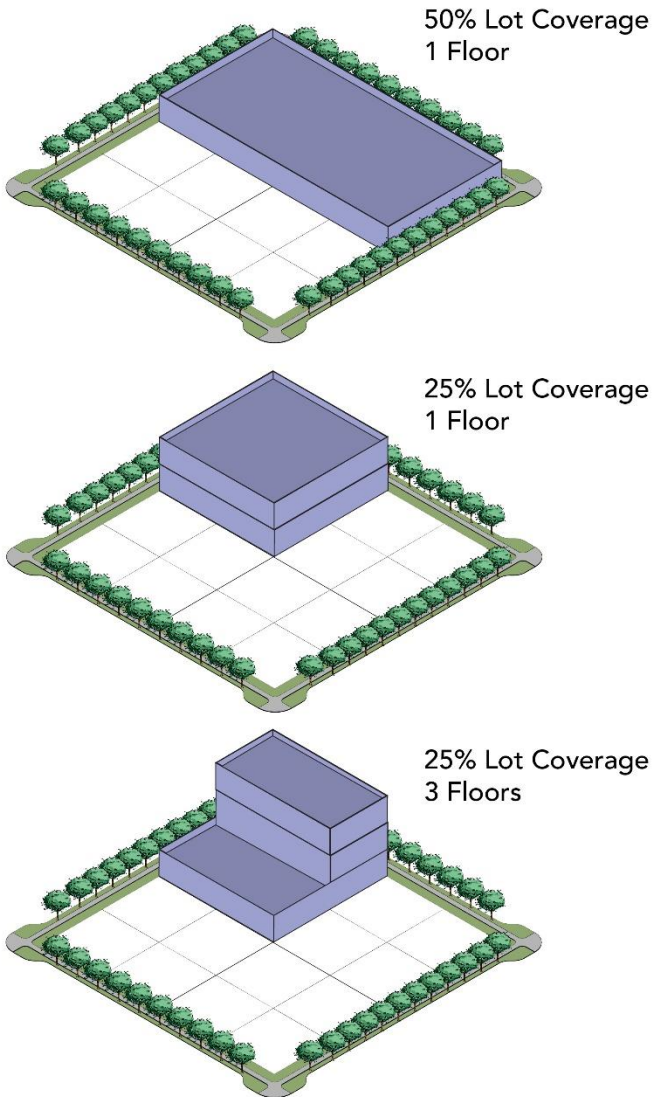
Floor Area. The total gross dimensions (in square feet) of all the floors below the roof and within the outer surface of the walls of a building or structure. See also Section 9103.01.030 (Measuring Floor Area and Floor Area Ratio). See also "Gross Leasable Area."

Floor Area Ratio (FAR). The numerical value obtained by dividing the aboveground floor area of any building(s) located on a lot by the net area of the lot. See Figure 9-11: Floor Area Ratio and Section 9103.01.030 (Measuring Floor Area and Floor Area Ratio).

Figure 9-11

Possible Building Configurations for 0.5 FAR

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Floor Area (All Floors)}}{\text{Lot Area}}$$



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage.

Floor Area Ratio

Food and Beverage Events. Festivals, events, and assemblies where the sale of food or beverages is the organizing feature. Food and beverages may be sold individually or through tickets/credits. This use may include barbeques and picnics.

Food Processing. Food processing establishment includes any room, building, or place or portion thereof, maintained, used, or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering, or otherwise preparing or handling food except restaurants.

Food Truck. See "Vending Vehicle."

Frontage. That portion of a lot which abuts a public or private street or highway to which the lot has the right of access. May also refer to that face of a building or length of a lot that is parallel to, or is at a near parallel angle to a public street or public parking area.

Fueling Station. See “Vehicle Repair and Service, Service/Fueling Station.”

Fulfillment Centers. Warehouses defined in this section in which the primary purpose of the use is the sale and shipment of goods and products stored within the warehouse to customers. **The vehicles or trucks use to transport the products and goods may be store on-site.** Alternatively known as “logistic centers”; **or a “warehouse distribution centers”.** ~~or “warehouse retail”.~~

Funeral Homes and Mortuaries. Establishments engaged in the provision of service involving the care, preparation, or disposition of human dead other than in cemeteries. May or may not include crematories and/or mortuaries. No interment is provided on site. May include areas for assembly services and living quarters for funeral home/mortuary manager.

9109.01.090 – “H” Definitions Amended by Ord. No. 2348

Habitable. A structure or property that is constructed for human occupancy. See also “Uninhabitable.”

Handicraft Industry. Establishments engaged in on-site production of goods by hand involving the use of hand tools and small-scale equipment (i.e., drills and saws, hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels, etc.) and the incidental direct sale to consumers of only those goods produced on-site.

Hardscape. Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation. Artificial turf shall not be considered hardscape.

Health Care Business. See “Hospitals and Clinics,” “Office, Medical and Dental,” and “Outpatient Surgery Facility.”

Hazardous Waste Facilities. All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units.

Health/Fitness Facilities.

Small. An indoor facility of 3,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, dance, yoga and martial arts studios.

Large. A full-service fitness center, gymnasium, or health and athletic club which is over 3,000 square feet in size and may include any of the following: sauna, spa or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; rock climbing wall, boxing ring, cheerleading, aerobic classes and other indoor sports activities; locker rooms and showers.

Hedge. See “Fence.”

Height. The vertical distance from a point on the ground below a structure to a point directly above. See Section 9103.01.020 (Height Measurement and Exceptions).

Heliport. An area used for the landing, parking, or takeoff of helicopters including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.)

Helistop. A single pad used for the landing, parking, or takeoff of one helicopter and other facilities as may be required by Federal and State regulations, but not including operations facilities (e.g., fueling, loading and unloading, maintenance, storage, terminal facilities, etc.)

Hillside. The side or slope of a hill with a slope of more than 20% grade.

Home Occupation. The conduct of a business within a legal dwelling unit, with the business activity being incidental and clearly accessory to the primary residential use of the property. See Section 9104.02.170 (Home Occupations).

Home Occupation Permit. A permit required for Home Occupations. See Section 9107.13 (Home Occupation Permits)

Home Sharing. A use in which a dwelling, or portion thereof, is rented for tourist or transient purposes for compensation for a period of less than twenty-eight (28) consecutive calendar days, and the primary resident of the dwelling continues to reside on-site, in the dwelling, during the rental period. The definition shall include any arrangement in which the rental period is less than twenty-eight consecutive days or can be reduced below 28 consecutive days, or in which the dwelling is rented multiple times within 28 consecutive days. This definition does not apply to residential care facilities or dwellings operated as a group home pursuant to the Community Care Facilities Act that are otherwise exempt from local zoning regulations.

Horse Keeping. Boarding of horses owned by the occupants of the residential property.

Horse Boarding. See "Animal Sales and Services, Animal Boarding/Kennels."

Horse Breeding, Training, and Shows. Equestrian activities including the care, breeding, boarding, rental, sale, riding or training of equines and other farm animals or the teaching of equestrian skill and open houses, clinics, and demonstrations.

Hospitals and Clinics. A State-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. Excludes sanitariums and residential care facilities.

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Medical Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, **birth center, urgent care clinics** and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Hotel. A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. A hotel or motel may include ancillary facilities such as common meeting rooms, dining facilities, and guest amenities. See also "Long-Term Stay Hotel" and "Motel".

Hotel Condominiums. A hotel, including long-term hotel as defined in this section in which as part of an approved condominium project allows for one or more of the units to be individually owned and for those units to be offered on a commercial basis for overnight visitor accommodation, but not providing the units as room rentals on an hourly basis or for permanent residency. Hotel condominiums do not include fractional ownership of any unit such as timeshares or other vacation ownership.

9109.01.100 – "I" Definitions

Indoor Entertainment. An establishment offering predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, live performance theaters, meeting halls, and dance halls, **and pop-museums, escape rooms, and interactive exhibits.**

Improvements (subdivision). Street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the subject final map. Improvement also refers to other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a

combination, is necessary or convenient to ensure compliance with or implementation of the General Plan or any applicable specific plan.

Industrial. Establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals (“Vehicle/Equipment Rentals”), vehicle repair and service (“Vehicle Repair and Service”), and vehicle sales (“Vehicle Sales”).

Light Industrial. The manufacture and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Light industries generally require limited amounts of raw materials to produce goods. Examples of light industries include, but are not limited to, the manufacture of baked goods (industrial bakeries) clothes, shoes, furniture, consumer electronics, and household items.

Heavy Industrial. The manufacture and/or processing of materials and goods utilizing large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Heavy industry often sells output to other business users rather than consumers. Characteristics of heavy industry include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of large quantities of hazardous materials as defined the U.S. Environmental Protection Agency, and requirement for specialized permits from federal and state occupational health and safety agencies.

Integrated Development. A group of two or more adjacent uses and/or lots planned and/or developed in a joint manner which may include shared structures, public spaces, landscape, and/or parking facilities. Integrated developments may be under single or multiple ownership.

9109.01.160 - “O” Definitions

Office.

Accessory. See “Use, Accessory Use.”

Business and Professional. An establishment providing direct, “over-the-counter” services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices, excluding banks, and savings and loan associations (see Banks and Financial Institutions).

Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical and Dental. An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, **physical therapy**, and medical or dental laboratories incidental to these offices and supportive of on-site patient services, but exclude inpatient services and overnight accommodation.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities. A site or portion of a site, not including any public right-of-way, devoted to the parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Open Space.

Open Space, Common. The total land area within a residential development that is not individually owned nor dedicated for public use, and that is designed, intended, and reserved exclusively for the shared use of all the residents of the development and their guests. Examples include barbecue and picnicking areas, play areas, swimming pools, tennis courts, turf areas, and other recreational or leisure features and facilities. Common Open Space does not typically include enclosed spaces/facilities such as a community center, meeting rooms, etc.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Usable or Improved. Outdoor space that serves a recreational function or provides visual relief from the building mass.

Open Space, Unimproved. Any open space that has not been landscaped or otherwise provided with amenities, and is generally kept in a natural state.

Ornamental Street Lighting. A system of street lighting composed of individual free-standing light standards.

Outdoor Charitable Donation Boxes. See "Donation Boxes."

Outdoor Dining. See "Eating and Drinking Establishments."

Outdoor Entertainment. Any activity conducted out of doors and accessory to an allowed commercial use, and conducted for the enjoyment of the commercial patrons. Does not include any activity conducted out of doors in association with an approved Temporary Use Permit pursuant to Section 9107.23 (Temporary Use Permits).

Outdoor Storage. The storage of any materials outside of a structure, either as an accessory or primary use.

Outdoor Use and Display. Any condition other than storage whereby activities are conducted and/or merchandise is placed and advertised for sale outside of a structure, either as an accessory or primary use.

9109.01.170 – "P" Definitions

Parking Area. A space dedicated to accommodate any parking and loading space/stalls, loading area, backup area, driveways, and aisles.

Parking, Joint Use. The use of a single parking facility by several related uses occupying the same or adjacent parcels. For example, the use of a single parking facility by tenants of a shopping center.

Parking, Shared. The use of a single parking facility by two distinctly different uses with distinctly different hours of operation such that the shared use of the facility can be accomplished without limiting the ability of one use to occupy the facility to the detriment of the other. For example, distinctly different uses could be a place of religious assembly which generally has weekend parking demands and an office development, which typically uses the parking facility during the week.

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

Garage Parking Space. A parking space provided within an enclosed structure, with a closing and locking door, whose primary use is the storage of vehicles.

Off-Street Parking Space. A permanent parking space for a vehicle which is designed to City standards and not located on a dedicated street right-of-way.

On-Street Parking Space. A parking space for a vehicle which is designed to City standards and located on a dedicated street right-of-way.

Parking Structure. A structure that is designed specifically for automobile parking and where there are a number of floors or levels on which automobiles park.

Parks and Recreation Facilities. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including sports courts. May include passive outdoor recreation areas that also may be located in conservation areas and/or qualify as "open space." Does not include the same facilities that are privately owned or commercial facilities ("Commercial Recreation and Entertainment").

Parkway. The area between the curb face to the property line of a road right of way and includes the area normally set aside for sidewalks and landscape improvements.

Patio. A paved unenclosed outdoor area that is used for lounging, dining, etc.

Patio Cover. A solid or open roof structure and covering a patio, platform, or deck area, and that is either detached from or attached to another structure.

Pawn Shop. A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.

Person. Any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Personal Services Business. Any business or enterprise that provides individual care to persons involving their personal health, fitness, grooming, or appearance.

Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:

- acupuncture and acupressure
- barber shops, hair salon, blowdry bar
- clothing rental shops
- cryotherapy
- dry cleaning pick up stores with limited on-site cleaning equipment
- locksmiths
- nail salon
- ~~shoe~~ repair and maintenance (small and large appliances) shops
- tailors and seamstresses
- ticket services shops
- Beauty services such as facials and non-surgical facial enhancements

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- fortune-telling and psychic services
- laundromats (self-service laundries)
- massage establishments
- palm and card readers
- tanning salons
- tattoo and body piercing services

Personal Storage. See "Storage - Personal."

Permit. A specific authorization from the City to engage in a particular type of development or activity.

Pet Stores. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Pharmacy. A place where prescription drugs are dispensed. Does not include medical marijuana dispensaries or any establishment where marijuana is bought and consumed.

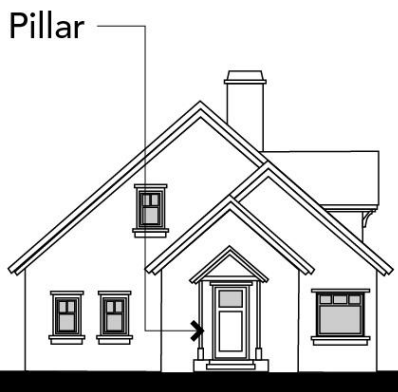
Pilasters. A rectangular column (structural or decorative) that is placed against a wall (see Figure 9-15: Pilasters).

**Figure 9-15
Pilasters**



Pillars. A column (structural or decorative) on a fixed base or pedestal (see Figure 9-16: Pillar).

**Figure 9-16
Pillar**



Places of Religious Assembly. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers or full-time or part-time schools) may be allowed as incidental uses to the primary use.

Planned Development. An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

Planned Development Permits. A discretionary permit for designing and developing land in a way that deviates from strict application of the development standards of this Development Code. See Section 9107.15 (Planned Development Permits).

Plant Nursery. A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

Pool House. See “Accessory Structure.”

Porch. Any covered area located at a building entrance, whether it is a projecting feature with a separate cover, or a recessed area behind the building wall.

Porte-Cochere. An accessory structure open on three sides and attached to the side or front of a building through which cars pass and is established for the convenient loading and unloading of passengers from an automobile. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

Postal service. An establishment that provides commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Primary Use. See “Use.”

Primary Building Line. That portion of the front setback area defined by the space between the front property line and the entire building frontage of the primary structure, whether or not all façade portions of the primary structure coincide with the front setback line (see Figure 9-17: Setbacks).

Printing and Duplicating Services. An establishment providing printing, blueprinting, photocopying, engraving, binding, three-dimensional printing, or related services.

Private Residence. A house, an apartment unit, a mobile home, or other similar dwelling.

Private Street. A thoroughfare providing recorded vehicular access to more than one property, in which any or all properties over which the access traverses are owned and maintained by a private individual(s) or agency, such as a homeowners association.

Public Assembly, Place of. See “Assembly/Meeting Facilities, Public or Private.”

Public Facility. A site or structure owned and operated by the City of Arcadia, or other public agencies, for the purpose of providing one or more services to residents of the City, and/or to support other City functions.

Public Parking Lots and Structures.

Public Transit. An officially designated, permanent location for a public bus stop, train or light rail station or car sharing service.

9109.01.190– “R” Definitions

Railroad Transportation Facilities. Facilities owned and/or operated by a rail transit system, including but not limited to track and right-of-way, rail storage, and maintenance facilities.

Reasonable Accommodation. Providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. See Section 9107.17 (Reasonable Accommodation).

Rebuild. A term to describe an activity where more than 50 percent of the existing foundation/floor assembly or more than 50 percent of the exterior walls of a building are removed.

Recharging Station. A location that supplies electricity for the recharging of electric vehicles (including plug-in hybrids).

Recreational Equipment Rental. Rental of bicycles, scooters, skate board, ice skate, snow boards, surf boards, and similar recreational vehicles and equipment that are manpowered and do not include a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, camping trailer, pop-up campers, or boat or other water sport vehicle, with or without motive power, designed for recreational purposes. The definition includes any empty trailer on which an RV may be transported or stored. In no cases shall a RV be classified as a mobile home or dwelling unit.

Recycling Facilities. A center for the collection and/or processing of recyclable materials. A "recycling facility" does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

Collection facility (small). A facility that occupies an area of 500 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

1. A mobile unit;
2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.
3. Kiosk-type units that may include permanent structures.
4. Unattended containers placed for the donation of recyclable materials.

Collection facility (large). A facility that occupies an area of more than 500 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Reverse vending machine. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value of not less than the container's redemption value as determined by the state. A "reverse vending machine" may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following: light processing and heavy processing facilities.

Religious Assembly, Place(s) of. See "Places of Religious Assembly."

Regional Shopping Center. A planned, integrated commercial development comprising not less than 750,000 square of gross leasable area, occupied by primarily (at least 80 percent) retail uses.

Remodel. An activity that alters an existing building where less than or equal to 50 percent of the building is removed, repaired or altered, excluding the interior finish wall coverings.

Research and Development. Establishments engaged in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, or medical testing and analysis.

Residential Care Facility. Any facility, place, or building which is maintained and operated to provide 24-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Convalescent facilities, rest homes, and board and care facilities are included. May include ancillary medical services for facility residents. See also "Supportive Housing and Transitional Housing".

Residential Use. The occupation of a structure that provides permanent housing for one or more households.

Residential Zone. A zone that is intended primarily for dwellings and related accessory uses. Residential Zones include R-M, R-0, R-1, R-2, R-3, and R-3-R, but do not include Mixed Use Zones or Residential Flex Overlay zones.

Responsible Review Authority. The designated City of Arcadia party responsible for reviewing and approving or denying the permits and actions, generally the Director, Commission, or Council.

Restaurants. See “Eating and Drinking Establishments.”

Retail Carts and Kiosks. The retail sale or viewing of merchandise located in a non-motorized pushcart or stand, designed to be portable and not permanently affixed to a structure or location.

Retail Sales. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments including but not limited to department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small item repairs. Does not include swap meet, pawn shop, or secondhand stores.

Reverse Vending – Consumer Goods. An automated mechanical device which accepts a consumer goods item such as coins or at least one or more types of small electronic devices including, but not limited to, cellular phones, tablets, and MP3 players, and issues monetary compensation.

Ride and Drives. Automobile and truck testing and demonstrations. Also may include safety and defensive driving schools and clinics.

Ridge. A long narrow hilltop or mountain range.

Ridgeline. The highest contour elevation of a landform when viewed from a public street.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Roof Deck. The walkable or otherwise usable open space area (including any swimming pools) located above the roof framing of the building, the only access to which is from the floors below.

9109.01.240 – “W” Definitions

Wall. A physical barrier constructed largely of masonry, brick, concrete, stucco, concrete block, or any combination thereof and intended to mark a boundary. See also “Fence.”

Wall, Retaining. A wall not laterally supported at the top, that resists lateral soil load and other imposed loads.

Warehouse or Warehousing. An establishment engaged in providing facilities for the storage of furniture, household goods, products, or other commercial goods of any nature. Includes cold storage **and construction/contractor offices**. Does not include personal storage (mini storage) facilities offered for rent or lease to the general public (“Personal Storage-Mini-Storage”); or warehouse facilities in which the primary purpose of storage is for wholesaling (“Wholesaling”).

Warehouse Retailor or Retail Warehouse. A retail establishment that provides goods and services related to construction, home repair, building material supplies, furniture, etc. Showrooms are allowed.

Water-efficient Landscape. Landscaping materials that are designed and maintained to function in a healthful and visually pleasing manner with limited water use, including plants which have minimal water requirements for subsistence, plants native to hot/dry environments, and xeriscape plants.

Wholesaling. The sale of commercial goods at or near production cost.

Windscreen. Any fence, wall, structure, or device material used to shield an area from the wind. Generally associated with sports courts.

Wireless Communications Facilities (WCF). See “Antenna and Wireless Communications Facilities”.

Division 10: Tree Preservation

Table of Contents

	Page
Section 9110.01	
9101.01.010 Purpose and Intent.....	10-1
9110.01.020 Applicability.....	10-1
9110.01.030 Protected Trees.....	10-1
9110.01.040 Unprotected Trees.....	10-2
9110.01.050 Tree Maintenance.....	10-3
9110.01.060 Exemptions.....	10-3
9110.01.070 Tree Permit Requirements.....	10-4
9110.01.080 Tree Replacement.....	10-5
9110.01.090 Protective Measures.....	10-6
9110.01.100 Violations and Enforcement.....	10-6
9110.01.110 Liability.....	10-7
9110.01.120 Definitions.....	10-7

Division 1: Purpose, Scope, and General Terms

9701.01 PURPOSE AND SCOPE

9110.01.010—Intent and Purpose. Purpose and Intent

This **Tree Preservation** Chapter is established to recognize oaks, sycamores and mature trees as significant aesthetic and ecological resources **as well as valuable environmental assets**, and to create favorable conditions for the preservation and propagation of irreplaceable plant heritage for the benefit of the current and future residents of the City. It is the intent of this Chapter to maintain and enhance the public health, safety and welfare through the mitigation of soil erosion and air pollution. It is also the intent of this Chapter to preserve and enhance property values through conserving and enhancing the distinctive and unique aesthetic character of many areas in the City.

9110.01.020 —Scope.—Applicability

~~A. No protected trees as herein defined shall be removed, damaged or have its protected zone encroached upon except in conformance with the provisions of this Chapter. The provisions of this Chapter shall apply to all protected trees on all public and private property whether vacant, undeveloped, in the process of development or developed. Protected trees shall not be topped or trimmed except as allowed in the Exceptions. Pruning shall not be subject to a tree permit unless or in the opinion of the Development Services Director or designee, the work is so extensive as to constitute trimming, topping, or otherwise damage the tree, or a Protected Tree Report or Certified Arborist opinion determines that a tree is of a sensitive species or condition such that pruning under the supervision of an Arborist is required to prevent damage.~~

~~B. Exceptions. The following are exempt from the provisions of this Chapter: **[Moved to Section 9110.01.060 Exemptions]**~~

- ~~1. Combined Permit. A Tree Permit is not required where tree removal and/or encroachment has been specifically approved as part of a development permit.~~
 - ~~2. Emergency Situation. Cases of emergency where the Development Services Director or the Director of Public Works Services or their designees, or any member of a law enforcement agency or Fire Department, in the performance of his or her duties, determines that protected tree poses an imminent threat to the public safety, or general welfare.~~
 - ~~3. Visual Barriers. Removal or relocation of protected trees necessary to obtain adequate line-of-sight distances as required by the Development Services Director or the Director of Public Works Services or their designees.~~
 - ~~4. Public Utility Damage. Actions taken for the protection of existing electrical power or communication lines or other property of a public utility.~~
 - ~~5. City Property. Removal of protected trees on City owned property, which in the opinion of the Director of Public Works Services or designee, will cause damage to existing public improvements, or which are in a location that does not permit the development of the site for public purposes.~~
 - ~~6. Mature trees, as defined herein, shall not be subject to encroachment permit requirements if they are not located on the property where development is proposed.~~
1. The provisions of this Chapter shall apply to all protected trees on all public and private property whether vacant, undeveloped, in the process of development or developed.
 2. No protected trees as herein defined shall be removed, topped, trimmed, damaged or have its protected zone encroached upon except in conformance with the provisions of this **section Chapter**, except as allowed in the **Exceptions under Exemptions**.
 3. **Tree valuations shall be established as provided in the tree evaluation formula, as prepared by the International Society of Arboriculture "Guide to Establishing Value for Trees and Shrubs." This shall be applied to those trees damaged, topped, trimmed or removed without a permit as well as those removed with a permit when an alternative replacement fee is required.**

4. Any person, property owner, and contractor who violates or permits the violation of any provisions of this Ordinance shall be subject to the enforcement remedies set forth in the subsection 9110.01.100 Violations and Enforcement.

9701.02 DEFINITIONS. [Moved under 9110.01.120 Definition]

9701.02.010—General.

This Section provides definitions of the technical and other terms and phrases used in this Chapter as a means of providing consistency in its interpretation. Where any definition in this Section may conflict with definitions in other titles of the Arcadia Municipal Code, these definitions shall prevail for the purposes of this Code. If a word is not defined in this Section or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

9701.02.020—Definition.

A. ~~Damage. Damage shall mean any action undertaken which causes injury, death, or disfigurement to a protected tree. This includes, but is not limited to, cutting, poisoning, overwatering, topping, trimming, relocating or transplanting a protected tree, or trenching, excavating or paving within the protected zone of a protected tree. A Protected Tree Report or Certified Arborist opinion determines that a tree is of sensitive species or condition such that pruning under the supervision of an Arborist is required to prevent damage.~~

B. ~~Director. In a matter involving private property, "Director" shall mean the Director of Development Services of the City of Arcadia or appointed designee. In the matter involving public property, "Director" shall mean the Director of Public Works Services of the City of Arcadia or appointed designee.~~

C. ~~Drip Line. Drip line shall mean a series of points formed by the vertical dripping of water, on any property, from the outward branches and leaves of a protected tree.~~

D. ~~Encroachment. Encroachment shall mean any intrusion into the protected zone of a protected tree including, but not limited to, grading, landscaping, hardscape, excavation, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.~~

F. ~~Lacing. See Pruning.~~

G. ~~Multi-Trunk. Multi-trunk means any tree with multiple trunks attributed to a single tree. For purposes of determining the diameter of a multi-trunk tree, the diameter of each trunk shall be measured at a point four and one-half (4½) feet above the root crown, and the sum of the diameters shall be the diameter of the tree.~~

H. ~~Private Property. Private property shall mean land owned by individuals, partnerships, corporations, firms, churches, and the like to which land access by the public is generally restricted.~~

I. ~~Protected Trees. Protected trees shall include the following:~~

1. ~~Quercus Engelmannii (Engelmann oak), or quercus agrifolia (coast live oak, California live oak) with a trunk diameter larger than four (4) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring three (3) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.~~
2. ~~Any other living oak tree with a trunk diameter larger than twelve (12) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring ten (10) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.~~
3. ~~Plantanus racemosa (Sycamore) with a trunk diameter larger than six (6) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring four (4) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.~~
4. ~~Any tree, with the exception of the trees listed as Unprotected Trees, that have a trunk diameter larger than twelve (12) inches measured at a point four and one-half (4 1/2) feet above the root crown, or two (2) or more trunks measuring ten (1) inches each or greater in diameter, measured at a point of four and one-half (4 1/2) feet above the root crown and the tree is located within a required front, side, street-side, or rear yard setback.~~

J. ~~Private Property. Private property shall mean land owned by individuals, partnerships, corporations, firms, churches, and the like to which land access by the public is generally restricted.~~

K. ~~Protected Zone. Protected zone shall mean a specifically defined area totally encompassing a protected tree within which work activities are strictly controlled. When depicted on a map, the outermost edge of the protected zone will appear as an irregular shaped circle that follows the contour of the dripline of the protected tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of a protected tree, or exclude the known root structure in the case of irregularly shaped trees.~~

L.— Pruning. Pruning, also known as lacing, means the removal of selected branches that are dead, a hazard to public or property, or are otherwise selected for removal while preserving the overall form of the tree. Pruning can be done to give a tree a more balanced appearance, to reduce the weight on one side of a tree in order to prevent the tree from toppling, or to remove branches that are at risk of breaking and injuring people or damaging property. Utilities may use pruning to selectively remove branches that interfere with overhead lines. Pruning is distinct from topping or trimming a tree.

M.— Public Property. Public property shall mean land owned by a public or governmental entity and generally accessible to the public.

N.— Removal. Removal shall mean the uprooting, cutting, or severing of the main trunk, of a protected tree.

O.— Root Crown. Root crown shall mean that portion of a protected tree trunk from which roots extend laterally into the ground.

P.— Topping. The removal of the uppermost branches of a tree, or cutting the trunk, in order to reduce its height without regard to the overall form of the tree. Typically results in a horizontal cut across the trunk or a roughly spherical cut centered on the trunk.

Q.— Trimming. Trimming means the alteration of the outward shape of a tree without regard to which branches are to be trimmed. Typically results in a geometric rather than natural shape. Hedges are trimmed to preserve a particular, frequently rectangular, shape. Topping a tree would be an extreme example of trimming.

R.— Undeveloped Property. Undeveloped property shall mean land which is in its natural, original, or pristine state.

S.— Unprotected Trees. Unprotected trees shall mean trees that are not subject to the regulations stated in the Chapter. Unprotected trees shall include any non-oak and non-sycamore tree located outside a required front, side, street-side, or rear yard setback and any of the following trees located anywhere on a property:

1. Fruit and Nut trees
2. Fraxinus uhdei (Shamel Ash)
3. Ficuses—Exception: Ficus Macrophylla (Moreton Bay Fig)
4. Eucalyptus
5. Ailanthus altissima (Tree of Heaven)
6. Arecaceae (Palm tree)
7. Schinus terebinthifolius (Brazilian Pepper)
8. Ceratonia siliqua (Carob)
9. Betula pendula (European White Birch)
10. Grevillea robusta (Silk Oak)
11. Morus (Mulberry)
12. Acer saccharinum (Silver Maple)
13. Cupressus sempervirens (Italian Cypress)
14. Populus Fremontii (Western Cottonwood)
15. Alnus rhombifolia (White Alder)
16. Populus trichocarpa (Black Cottonwood)
17. Populus 'Highland' hybrid
18. Salix lasiolepis (Arroyo Willow)
19. Liquidambar (Sweet Gum)

T.— Vacant Property. Vacant property shall mean land on which no buildings or improvements have been erected or orchards planted but which may have been graded for drainage or other purposes.

9110.01.030 Protected Trees [Moved from 9701.02.020 Definitions and revised to common name first per the consultant's recommendation.]

Protected Trees are recognized as valued environmental assets and significant aesthetic and ecological resources. Any proposed removal or encroachment upon the canopy or protected zone of a protected tree shall be subject to the provisions set forth in subsection 9110.01.070 Tree Permit Requirements. Protected trees shall include the following:

1. **Engelmann Oak (*Quercus Engelmannii*)** ~~Quercus Engelmannii (Engelmann oak) or Coast Live Oak (*Quercus Agrifolia*)~~ ~~quercus agrifolia (coast live oak, California live oak)~~ with a trunk diameter larger than four (4) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring three (3) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.
2. Any other living oak **California native or non-California native Oak** tree with a trunk diameter larger than twelve (12) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring ten (10) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.

3. **California, or western, Sycamore (*Platanus Racemose*)** with a trunk diameter larger than six (6) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring four (4) inches each or greater in diameter, measured at a point four and one-half (4½) feet above the root crown.
4. **Mature Tree.** Any tree, with the exception of the trees listed as Unprotected Trees, that have a trunk diameter larger than twelve (12) inches measured at a point four and one-half (4½) feet above the root crown, or two (2) or more trunks measuring ten (10) inches each or greater in diameter, measured at a point of four and one-half (4½) feet above the root crown and the tree is located within a required front, side, street-side, or rear yard setback.

9110.01.040 Unprotected Trees [Moved from 9701.02.020 Definitions and revised to common name first per the consultant's recommendation]

Unprotected trees shall mean trees that are not subject to the regulations stated in this chapter. Unprotected trees shall include any non-oak and non-sycamore trees located outside a required front, side, street-side, or rear yard setback and any of the following trees located anywhere on a property:

1. Fruit and Nut trees
2. Shamel Ash (*Fraxinus uhdei*)
3. Ficuses, except Moreton Bay fig (*Ficus macrophylla*)
4. Eucalyptus
5. Tree of Heaven (*Ailanthus altissima*)
6. Palm Tree
7. Brazilian Pepper (*Schinus terebinthifolius*)
8. Carob (*Ceratonia siliqua*)
9. European White birch (*Betula pedula*)
10. Silk Oak (*Grevillea robusta*)
11. Mulberry (*Morus*)
12. Silver Maple (*Acer saccharinum*)
13. Italina Cypress (*Cupressus sempervirens*)
14. Western Cottonwood (*Populous fremontii*)
15. White Alder (*Alnus rhombifolia*)
16. Black Cottonwood (*Populus trichocarpa*)
17. All other varieties and/or hybrids of cottonwood (*Populus sp.*)
18. Arroyo willow (*Salix lasiolepis*)
19. Sweet Gum (*Liquidambar*)

9110.01.050 Tree Maintenance

1. Any portion of a tree that encroaches into the City's public right-of-way shall be maintained to prevent any visibility issue or pose any imminent danger to a person or property.
2. Any pruning or trimming of a protected tree shall not require a tree permit but shall be completed in accordance with the industry standards as set forth by the International Society of Arboriculture or the American National Standards Institute (ANSI), and in consultation with a Certified Arborist. All property owners shall be required to obtain a written recommendation from a Certified Arborist for any pruning and trimming work to a protected tree.

3. The removal of a tree limb from a protected tree shall not require a tree permit, but must be done in consultation with a Certified Arborist. The Certified Arborist shall be required to be on-site while the work is being performed and if necessary, the property owner shall provide proof to the City that this work was completed with a tree report detailing the need for removal.

9110.01.060 Exemptions [Moved from 9701.01.020 – Scope]

The following are exempt from the provisions of this Chapter:

- ~~1. Combined Permit. A Tree Permit is not required where tree removal and/or encroachment has been specifically approved as part of a development permit.~~
1. Emergency Situation. ~~Cases of emergency where the~~ A permit is not required where a protected tree is damaged by a storm, fire, or other natural disaster, the Development Services Director or the Director of Public Works Services or their designees, or any member of a law enforcement agency or Fire Department, in the performance of his or her duties, determines that protected tree poses an imminent threat to the public safety, or general welfare.
2. Visual Barriers. Removal or relocation of protected trees necessary to obtain adequate line-of-sight distances as required by the Development Services Director or the Director of Public Works Services or their designees.
3. Public Utility Damage. Actions taken for the maintenance, and/or protection of existing electrical power or communication lines or other property of a public utility.
4. City Property. Removal, cutting, or pruning of protected trees on City owned property, which in the opinion of the Director of Public Works Services or designee, will cause damage to existing public improvements, pose danger to persons or property, or which are in a location that does not permit the development of the site for public purposes.
5. Public Property. Actions taken by local agencies for the maintenance of protected and unprotected trees located on property under their jurisdiction.
6. Mature trees, as defined herein, shall not be subject to encroachment permit requirements if they are not located on the property where development is proposed

Division 2: Tree Regulations and Permitting

9702.01 PERMITS AND REQUIRED PROTECTIVE MEASURES.

~~9702.01.010 – Tree Permit Required.~~

9110.01.070 Tree Permit Requirements

A tree permit is required for all protected trees, as defined by this Chapter.

- ~~A. A tree permit shall be obtained prior to the removal of any protected tree.~~
- B. A tree permit shall be obtained prior to any encroachment into the canopy and/or protected zone of any protected tree.

~~9702.01.020 – Required Protective Measures~~ **[Moved to 9110.01.090 Protective Measures]**

~~The following protective measures are hereby established for protected trees during development or construction activity “~~

- ~~1. No building, structure, wall or impervious paving shall be located within the protected zones of any protected tree.~~
- ~~2. No construction related activities shall occur within the protected zone of any protected tree, including but not limited to, building construction, storage of materials, grade changes, or attachment of wire to or around tree trunks, stems, or limbs.~~
- ~~3. Each and every protected tree shall be shielded from damage during construction by a four (4) foot high barrier composed of wooden stakes, chicken wire, or chain link fencing material, which shall enclose the entire dripline area on the~~

~~construction site. Such barriers shall be installed prior to the commencement of any development on the site and shall remain in place throughout the construction period.~~

~~4. Branches that may be injured by vehicles or that interfere with construction shall be pruned carefully.~~

9702.01.030 – Application and Fees.

A. Tree Permits [Combined with portions of 9702.01.030 – Application and Fees and 9702.01.040 – Action on Application]

1. A. Tree Permit for the Removal of Dead, Diseased and/or Hazardous Protected Trees.

- ~~1. An application for a tree permit for the removal of a dead, diseased or hazardous protected tree shall be made to the Community Development Division.~~
- ~~2. There is no fee for a tree permit for the removal of a diseased or hazardous protected tree; however, the applicant shall pay a fee to the Community Development Division, as deemed necessary by the Director, for the City to hire a qualified arborist to evaluate the tree.~~
 - a) **If the Director or designee determines that the tree is dead or hazardous, a tree report is not required and removal may be authorized.**
 - b) **In all other cases, a tree report is required from a Certified Arborist. The report must include an evaluation of the health of the protected tree and a recommendation.**
 - c) **Upon the receipt of an a complete application, the Director or his/her designee shall have seven ten (7 10) working days to take action on approve, conditionally approve, or deny the application, unless it is being acted upon with another discretionary permit.**

2. B. Tree Permit for the Removal of A Healthy Protected Tree

- ~~1. An application for a tree permit for the removal of a healthy protected tree shall be made to the Community Development Division. The content, form, instructions, procedures, and requirements of the application package deemed necessary and appropriate for the proper enforcement of this Chapter shall be established by the Community Development Division. The application shall include, but not be limited to the following:~~
 - a) **A tree report shall be required from a Certified Arborist. The tree report must include an evaluation of the health of the protected tree, and the following information, at a minimum, the following:**
 - ~~(1) (a) An explanation as to why the tree's removal is necessary.~~
 - ~~(2) (b) An explanation as to why tree removal is more desirable than alternative project designs.~~
 - ~~(3) (c) An explanation of any mitigation measures.~~
 - ~~(d) A fee per the City's fee schedule.~~
 - ~~(e) A fee, as deemed necessary by the Director, for the City to hire a Certified Arborist to evaluate the tree and potential locations for replacement trees, accompanied by appropriate photographs showing the existing tree to be removed and locations for replacement trees.~~
 - b) **Upon the receipt of a complete application to remove a healthy protected tree, the Director or designee shall have thirty (30) days to take action on the application, unless it is being acted upon with another discretionary permit.**
 - c) **A Notice of Pending Decision shall be required for the Removal of a Healthy Tree application and shall be provided in compliance with Development Code Section 9108.13 (Public Notices and Hearings). The notice shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the subject property. parcel that is the subject of the hearing; and any other person whose property may, in the judgment of the Director, be affected by the proposed project. Surrounding residents shall have up to at least 14 days to submit any comments before the date of the Director's consideration and final decision as stated in the notice.**

3. ~~C. Tree Permit for Encroachment into a Protected Zone of Protected Trees.~~

- ~~1. An application for a tree permit for encroachment into a protected zone of a protected tree shall be made to the Community Development Division.~~
- ~~2. A fee per the City's fee schedule.~~
- ~~3. A fee, as deemed necessary by the Director, for the City to hire a Certified Arborist to evaluate the tree and potential locations for replacement trees, accompanied by appropriate photographs showing the existing tree to be removed and locations for replacement trees.~~

d) A tree report is required from a Certified Arborist. The tree report shall specify the location and condition of the trees, include potential impacts of the development, recommended actions and mitigation measures in order to preserve the long-term health of the trees. The tree report shall include, at a minimum, the following:

1. An explanation why is it necessary to encroach upon the tree(s);
2. An explanation why is the encroachment upon the tree(s) more desirable than an alternative project design; and
3. An explanation of any mitigation measures.

e) Upon the receipt of ~~the an application to encroach into the protected zone of a protected tree,~~ the Director ~~or designee~~ shall have ~~fourteen (14) days~~ **fourteen (14) days** ~~ten (10) working days to~~ **action on** approve, conditionally approve, or deny the application, unless it is being acted upon with another application ~~discretionary permit.~~

9702.01.040 – Action on Application.

~~A. Tree Permit for the Removal of Diseased and Hazardous Protected Trees.~~

- ~~1. Upon the receipt of an application to remove a diseased or hazardous protected tree, the Director or his/her designee shall have ten (10) working days to approve, conditionally approve, or deny the application.~~
- ~~2. If the Director or his/her designee denies such application, the decision may be appealed to the Planning Commission. Such appeal shall be processed pursuant to the appeal regulations. The fee for an appeal shall be the same as for an appeal of an Architectural Design Review decision.~~
- ~~3. The privileges granted an applicant in this Section shall become null and void if not utilized within six (6) months from the date of the approval.~~

~~B. Tree Permit for the Removal of Healthy Protected Trees.~~

- ~~1. The application for a tree permit for the removal of a healthy protected tree or trees shall be subject to the approval, conditional approval, or denial of the Director or his/her designee or the Planning Commission (on appeal) or City Council (on appeal).~~
- ~~2. Notice shall be provided in compliance with Arcadia Municipal Code Section 9108.13 (Public Notices and Hearings) and shall be mailed to all owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property may, in the judgment of the Director, be affected by the proposed project at least 14 days before the date of the Director's consideration and final decision as stated in the notice.~~

~~The mailed notice shall state that the Director will consider and decide whether to approve, conditionally approve, or deny the Removal of A Healthy Protected Tree application on a date specified in the notice.~~

~~The Director may defer action and refer the request to the Commission for consideration and final decision.~~

- ~~3. If the subject property is within a Homeowners Association area established pursuant to the Arcadia Municipal Code, the applicant shall submit their tree removal plans to the Architectural Review Board of said Homeowners Association for review and approval, conditional approval or denial, prior to filing an application with the City.~~
- ~~4. The Architectural Review Board's review and comment are not required if the Homeowners Association has filed a letter with the Community Development Division stating that their Association does not wish to perform such review.~~
- ~~5. The privileges granted an applicant in this Section shall become null and void if not utilized within one (1) year from the date of the approval or conditional approval.~~

~~C. Tree Permit for Encroachment into a Protected Zone of Protected Trees.~~

- ~~1. Upon the receipt of an application to encroach into the protected zone of a protected tree, the Director or his/her designee shall have ten (10) working days to approve, conditionally approve, or deny the application, unless it is being acted upon with another application.~~
- ~~2. If the Director denies such application or approves said application with conditions, the applicant may appeal the denial or the conditions of approval to the Planning Commission. Such appeal shall be processed pursuant to the appeal regulations. The fee for an appeal shall be the same as for an appeal of an Architectural Design Review decision.~~
- ~~3. The privileges granted an applicant in this Section shall become null and void if not utilized within one (1) year from the date of the approval.~~

B. Application Requirements [*Portions from 9702.01.030 – Application and Fees*]

All applications shall be completed using a form provided by the City and shall contain all required information, including:

1. A complete evaluation of the tree and a tree report;
2. Required fees per City's Fee Resolution; and
3. The City may require additional information based on each individual situation and application related to the health of the tree(s).

C. City's Designated Homeowners' Associations [*Originally under 9702.01.040 – Action on Application*]

If the subject property is within a Homeowners Association area established pursuant to the Arcadia Municipal Code, and a project is being submitted to the Architectural Review Board, the applicant property owner shall submit their tree removal request and project plans along with their architectural plans, to the Architectural Review Board of said Homeowners Association for review and approval, conditional approval or denial, prior to filing an application with the City for tree encroachment and/or healthy tree removal permit.

- ~~4. The Architectural Review Board's review and comment are not required if the Homeowners Association has filed a letter with the Community Development Division stating that their Association does not wish to perform such review.~~

D. Expirations of Permit or Approval

Unless otherwise stated in the approval, the privileges granted under these applications shall become null and void if not utilized within twelve (12) months from the date of the final approval, unless otherwise specified in the permit or approval, or an extension is approved by the applicable Review Authority, in compliance with Development Code Section 9108.11.080 Expirations and Subsection 9108.11.090 (Time Extensions).

E. Appeals

~~If the Director's or designee denies such application, the decision may be appealed. The fee for an appeal shall be the same as for an appeal of an Architectural Design Review decision.~~ The Review Authority's decision may be appealed, in compliance with Development Code Section 9108.07 (Appeals). The appeal shall be filed with the Department or City Clerk, within 10 days following the actual date the decision was rendered and accompanied with the filing fee identified in the City's Fee Schedule.

9702.01.050 – Conditions

9110.01.080 Tree Replacement

Conditions may be imposed on the issuance of a Tree Permit including, but not limited to, the following:

- ~~a) Relocating of protected trees on-site, or the planting of new protected trees.~~
- ~~b) Planting of additional trees, other than the required trees, which may be more appropriate to the site.~~
 1. Tree Replacement. For every protected tree that was approved to be removed, it shall be replaced with two new (2) new 24-inch box trees. The Director may modify, waive, increase, or reduce the tree replacement requirement.
 2. Follow-up Report. The Certified Arborist, at the expense of the property owner, shall submit a follow-up report to the City that the work was completed, and to the satisfaction of the Director.

9110.01.090 Protective Measures *[Moved from 9702.01.020 – Required Protective Measures]*

The following protective measures are hereby established for protected trees during development or construction activity to minimize any damage to the root system:

1. No building, structure, wall or impervious paving shall be located within the protected zone of any protected tree.
2. No construction related activities shall occur within the protected zone of any protected tree, including but not limited to, building construction, storage of materials, grade changes, or attachment of wires to or around tree trunks, stems, or limbs.
3. Each and every protected tree shall be shielded from damage during construction by a ~~four~~ **six (4 6)** foot high barrier ~~composed of wooden stakes, chicken wire or chain link fence material, which shall enclose the entire dripline area on the site.~~ **surrounding the entire dripline. The fence shall be supported by two-inch galvanized poles driven into the ground at appropriate distances. Such barrier Fencing shall be installed prior to the commencement of any development on the site and remain in place throughout the construction and landscape period.**
4. Branches that may be injured by vehicles or that interfere with construction shall be pruned carefully.
5. ~~The root protection zone should be irrigated with clean potable water to keep the tree in good health and vigor before, during, and after construction.~~
6. ~~All work conducted in the ground within the root protection zone of any protected tree should be completed with hand tools.~~
7. ~~Any required trenching should occur outside of the dripline or protected zone of a protected tree.~~
8. ~~Cutting of roots should be avoided.~~
9. ~~"Natural" or pre-construction grade should be maintained in the root protection zone.~~

9110.01.100 Violations and Enforcement

Division 3: Enforcement and Liability

9703.01 – ENFORCEMENT AND LIABILITY

9703.01.010 – Enforcement

- A. The Development Services Department, through its Code Services Officers, shall enforce the provisions of this Chapter. Additionally, Police Officers, planners, inspectors from Building Services and the Public Works Services Department, in the course of their duties, will monitor construction activities for compliance with the provisions of this Chapter. Any irregularities or suspected violations will be reported immediately to the Community Development Division for follow-up action.
- B. Whenever any construction or work is being performed contrary to the provisions of this Chapter, any tree permit, or any conditions of the appropriate development permit, a City inspector may issue a notice to the responsible party to "stop work" on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation or danger and no work shall be allowed until the violation has been rectified and approved by the Director of Development Services or designee.
- C. Criminal and Civil Remedies.
 1. Criminal.

Any person who violates any provisions of this Chapter including violations of inspector's orders shall be subject to the following remedies in addition to misdemeanor penalties for violation of the Municipal Code.
 2. Restitution-Civil Penalties.
 - a) It has been determined that the protected trees within the City are valuable environmental assets to the citizens of this community and as a result of the loss of any of these protected trees, the public should be

recompensed, and penalties applied to assure the primary goal of conservation, protection, and preservation of protected trees as set forth in this Chapter.

- (b) Accordingly, any person violating the provisions of this Chapter shall be responsible for proper restitution including but not limited to the following or any combination thereof: (1) payment of a fine of up to \$1,000.00 or the amount set forth in a schedule of fines, in accordance with Chapter 4A of the Arcadia, (2) an order to pay to the City an amount equal to the replacement value or the actual replacement cost of the tree (3) replacement the protected tree, which has been removed, and/or (4) planting new protected trees or other trees which may be more appropriate to the site. Replacement shall be made based on the value or the actual replacement cost, whichever is higher, plus the cost of planting the replacement trees. The type, number, size and location of said equivalent replacement trees shall be determined by the Director of Development Services or designee.
- (c) Tree values shall be established as provided in the tree evaluation formula, as prepared by the International Society of Arboriculture "Guide to Establishing Value for Trees and Shrubs."
- (d) The City Attorney is authorized to take whatever legal steps are necessary for recovery of civil penalties.

D. Administrative Remedies.

- 1. A suspension of any building permits until all mitigation measures specified by the City are satisfactorily completed.
- 2. Completion of all mitigation measures as established by the City.

~~9703.01.120~~ — Liability

9110.01.110 Liability

Nothing in this chapter shall be deemed to impose any liability upon the City, its officers, or employees. No duty of care or maintenance is imposed upon the City, its officers or employees with reference to private property, and no private property owner or other person in possession of private property is relieved from the duties to keep protected trees in a safe condition on their property. This Ordinance does not relieve the owner or possessor of private property from the duty to keep protected trees subject to this chapter in such a condition as to prevent the protected tree from constituting a hazard or dangerous condition to persons or property.

9110.01.120 Definitions [Moved from 9701.02 DEFINITIONS]

This Section provides definitions of the technical and other terms and phrases used in this Chapter as a means of providing consistency in its interpretation. Where any definition in this Section may conflict with definitions in other titles of the Arcadia Municipal Code, these definitions shall prevail for the purposes of this Code. If a word is not defined in this Section or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

Branch/Limb. A secondary outward growing stem that grows from the main trunk of a tree.

Canopy/Crown. Upper part of the tree consisting of branches, leaves, and foliage.

Certified Arborist. An individual who has demonstrated knowledge and competency through obtainment of the current International Society of Arboriculture arborist certification, or who is a member of the American Society of Consulting Arborists.

Damage. Damage shall mean any action undertaken that goes beyond industry pruning standards that is done without consultation of Certified Arborist which causes injury, death, or disfigurement to a protected tree. This includes, but is not limited to, severe pruning, cutting, poisoning, overwatering, topping, trimming, relocating or transplanting a protected tree, or trenching, excavating or paving within the protected zone of a protected tree.

Dead tree. A tree that exhibits no signs of life whatsoever (e.g. green leaves or live limbs) during a period of the year when they should be present.

Diameter-at-breast-height (DBH). The standard measurement of the size of a tree. The diameter shall be measure at four and one-half (4½) feet above the root crown.

Director. In a matter involving private property, "Director" shall mean the Director of Development Services of the City of Arcadia or appointed designee. In the matter involving public property, "Director" shall mean the Director of Public Works Services of the City of Arcadia or appointed designee.

Dripline. Dripline shall mean a series of points formed by the vertical dripping of water, on any property, from the outward branches and leaves of a protected tree.

Encroachment. Encroachment shall mean any intrusion into the protected zone of a protected tree including, but not limited to, grading, fencing, landscaping, hardscape, excavation, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.

Multi-Trunk. Multi-trunk means any tree with multiple trunks attributed to a single tree. For purposes of determining the diameter of a multi-trunk tree, the diameter of each trunk shall be measured at a point four and one-half (4½) feet above the root crown.

Over Excavation. Over excavation refers to soil excavation that goes beyond the depth required for the formation of a structure.

Private Property. Private property shall mean land owned by individuals, partnerships, corporations, firms, churches, and the like to which land access by the public is generally restricted.

Protected Trees. Protected Trees are those trees that are recognized as valued environmental assets and significant aesthetic and ecological resources herein this Chapter. **Any proposed removal or encroachment upon the canopy or protected zone of a protected tree shall be subject to the provisions set forth in subsection 9701.01.070 Tree Permit Requirements. See Subsection 9701.01.030 for a list of the protected trees.**

Protected Tree Report. A Protected Tree Report is prepared and completed by a Certified Arborist. The report shall specify the location and condition of the trees, include potential impacts of the development, recommended actions and mitigation measure in order to preserve the long-term health of the trees.

Protected Zone. Protected zone shall mean a specifically defined area totally encompassing a protected tree within which work activities are strictly controlled. When depicted on a map, the outermost edge of the protected zone will appear as an irregular shaped circle that follows the contour of the dripline of the protected tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of a protected tree, or exclude the known root structure in the case of irregularly shaped trees.

Pruning. ~~Pruning also known as lacing, means~~ **Pruning** is the removal of selected branches that are dead, a hazard to public or property, or are otherwise selected for removal while preserving the overall form of the tree. Pruning can be done **as a standard maintenance of the tree canopy and** to give a tree a more balanced appearance, to reduce the weight on one side of a tree in order to prevent the tree from toppling, or to remove branches that are at risk of breaking and injuring people or damaging property.

Public Property. Public property shall mean land owned by a public or governmental entity and generally accessible to the public.

Removal. Removal shall mean the uprooting, cutting, or severing of the main trunk, of a protected tree.

Root Crown. Root crown shall mean that portion of a protected tree trunk from which roots extend laterally into the ground. **Area where the main roots join the plant stem, usually at or near ground level. Also known as the root collar.**

Root Flare. The root flare is the area at the base of a tree where the trunk transitions from trunk and bark tissues into root system tissues. Roots should be growing outward from the base of a tree at the same level as the surrounding soil or slightly above it. This creates a "flare" of roots that should always be exposed and never covered with soil or other materials.

Root Protection Zone. A circular ground radius corresponding to the distanced from the trunk to the edge of the tree dripline. The area indicates the tree's root system which contains sufficient roots and volume to maintain the tree's viability.

Stem. A woody structure that gives rise to other branches. A tree trunk is often referred to as a stem.

Topping. The removal of the uppermost branches of a tree, or cutting the trunk, in order to reduce its height without regard to overall form, structural integrity and the long-term tree health. Typically results in a horizontal cut across the trunk and leaving lateral branches. **Topping is not an approved arboricultural industry standard and should be avoided. Topping results in injuries and may result in the early failure and death of trees.**

Tree. A woody perennial plant with a single or multiple trunks, which typically develop a mature size of over several inches in trunk diameter.

Tree Protection Plan. A Tree Protection Plan is plan which outlines specific required measures and standards to protect trees during the pre-construction, demolition, construction, and post-construction development phases in order to safeguard the health and long-term welfare of protected tree(s) on a development site.

Thinning. Thinning is a selective removal of live branches to reduce the overall density of a canopy. Routine thinning does not necessarily improve the health of a tree; in fact, removal of foliage through pruning can reduce growth and energy reserves.

Trimming. Trimming means the alteration of the outward shape of a tree without regard to which branches are to be trimmed. Typically results in a geometric rather than natural shape. ~~Hedges are trimmed to preserve a particular, frequently rectangular, shape. Topping a tree would be an extreme example of trimming.~~

Undeveloped Property. Undeveloped property shall mean land which is in its natural, original, or pristine state.

Unprotected Trees. Unprotected trees shall mean trees that are not subject to the regulations stated in the Chapter. Unprotected trees shall include any non-oak and non-sycamore tree located outside a required front, side, street-side, or rear yard setback and any of the following trees located anywhere on a property. [See 9701.01.040 Unprotected Trees the list of unprotected trees.](#)

Vacant Property. Vacant property shall mean land on which no buildings or improvements have been erected or orchards planted but which may have been graded for drainage or other purposes.

Attachment No. 2

Parking Survey

Parking Dimensions and Requirement Survey

City	Tandem Stall	Multifamily Stall	One-Bedroom/studio Units Parking Requirement for Mixed-use Developments	Medical/Dental Parking Requirement
Azusa	10'x 18'	10' x 20'	1 parking space	1 space for every 300 sf
Duarte	11' x 19'-6"	10' x 20'	1 parking space	1 space for every 200 sf
Monrovia	9' x 19'	9' x 20'	1 parking space	1 space for every 200 sf
South Pasadena	Minimum: 10' x 17'-5" Max: 12' x 21'	10' x 20'	Residential parking requirements in mixed-use project specified for each individual project. Downtown Specific Plan proposal: 1 parking space	1 space for every 250 sf
Pasadena	9' x 17'	8'-6" x 18' *add 1 ft. if next to wall.	1 parking space for units less than 650 sq. ft. and 1.5 spaces for units 650 sq. ft. or greater	1 space for every 250 sf
Temple City	10' x 20'	10' x 20'	1.5 parking space per unit	1 space for every 200 sf

Attachment No. 3

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Text Amendment 20-01 to amend various sections of Article IX, Chapter 1 of the Arcadia Development Code. The text amendment consists of changes to Division 1: Enactment, Applicability, and Enforcement, Division 2: Zones, Allowable Uses, and Development Standards, Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards, Division 4: Regulations for Specific Land Uses and Activities, Division 5: Subdivisions, Division 7 Permit Processing Procedures, Division 8: Development Code Administration, Division 9: Definitions, and add a new division, Division 10: Tree Preservation Ordinance to the Development Code.	
2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	City of Arcadia - Citywide	
3. Entity or person undertaking project:	A. City of Arcadia – Development Services Department	
	B. Other (Private)	
	(1) Name	
	(2) Address	
4. Staff Determination:	<p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p>	
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.	
b. <input type="checkbox"/>	The project is a Ministerial Project.	
c. <input type="checkbox"/>	The project is an Emergency Project.	
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.	
e. <input checked="" type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	Section 15061(b)(3) which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. The proposed text amendment does not create or substantially alter any existing development standard
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	

g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:	
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date: February 1, 2021

Staff: Vanessa Quiroz, Associate Planner



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 9, 2021**

CALL TO ORDER Chair Wilander called the meeting to order at 7:00 p.m. in the Council Chamber.

She welcomed Commissioner Tsoi to the Planning Commission and then informed the public of a call-in number that was established for public comments.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Chair Wilander
PRESENT (Via telephone): Vice Chair Lin, Chan, Thompson, and Tsoi
ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Planning & Community Development Administrator Lisa Flores had no supplemental information.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING – CONTINUED ITEM

- Resolution No. 2071** – Continuation of Multiple Family Architectural Design Review No. MFADR 19-04 and Tentative Parcel Map No. TPM 20-03 (83113), with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a three-unit, multi-family residential condominium development at 147 Alice Street

Recommendation: Approve and Adopt Resolution No. 2071

Applicant: Tom Li of Prestige Design, Planning & Development, on behalf of the Property Owner, Soliel Homes, Inc.

Chair Wilander introduced the item and turned it over to Senior Planner Luis Torrico to present the staff report.

Mr. Torrico presented the staff report and informed the Planning Commission that this item was continued from the January 26, 2021 meeting. Following the discussion at the January 26 meeting, Staff and the Applicant, each have proposed a change to the site plan to help improve maneuverability on site. The list of conditions of approval was updated to reflect two new conditions. A total of five (5) videos were provided with the staff report demonstrating a vehicle ingressing/egressing from the garages and guest parking spaces..

Chair Wilander reminded the Commissioners that the public hearing was closed at the January 26, 2021 meeting, therefore a motion would be required to re-open the public hearing to enable the Applicant or the public to provide further comments.

There was one (1) caller on the line who provided a public comment at the last meeting.

There was no motions to re-open the public hearing.

DISCUSSION

Commissioner Thompson referenced the staff report with regard to the commonality of 18 x 19-foot garages in multifamily developments; while garages of this size may be common in Arcadia, they are not common in the greater San Gabriel Valley, and are one of the smallest in the competitive market area. He provided justification as to why the current project should be taken on its own merits. He then referenced the Multifamily Design Guidelines which specify that an applicant should not assume that a project that meets the minimum zoning standards and regulations will be approved, and the Development Code as it pertains to permit precedence and burden of proof. He read the conclusions of a traffic engineer who used computer modeling and found the garage parking spaces lack functionality. Additionally, the City's parking regulations state that parking should operate effective and efficiently, which the proposed spaces do not appear to do so. The maneuverability into and out of the garages will be worsened if there is a second car already parked in the garages; it is difficult to get the full picture from the videos without seeing another car parked in the garage or in the guest parking space. Lastly, the Code allows lots of this size to be developed with two (2) units; A two-unit proposal would improve functionality and allow for proper vehicular ingress and egress.

Vice Chair Lin stated that he appreciated Commissioner Thompson's efforts and understands the concerns about functionality; however, in cases such as this the market will dictate the outcome. If the parking is truly nonfunctional, a buyer would be averse to purchasing the unit or request concessions from the seller. Reasonableness and practicality can be assessed different ways and accepting outside expert reports from those other than Staff or the Applicant may not be appropriate. In the past he has supported increasing the width of parking spaces but he would not be in favor of determining practicality this way. He would be inclined to approve the project with the new proposed changes.

Commissioner Chan asked if the Applicant was in agreement with the proposed changes to the Resolution? And were other designs considered?

Mr. Torrico confirmed that the Applicant was in support of the two (2) changes. There were no other designs considered.

Commissioner Tsoi viewed the last meeting when the project was originally presented. He understands the various perspectives of the Commissioners and Commissioner Thompson's concerns. He acknowledged that each project is different and if designed properly, maneuverability can be accomplished. He also agreed with Vice Chair Lin that the housing market will dictate the outcome. Developers purchase a lot such as this with the anticipation of building three (3) units, whereas two (2) may become too expensive to market. He was supportive of the Code changes with regard to minimum density which encourages more but smaller units. The parking while not ideal, is the standard set in the Code. Similar to open space requirements, there is a difference between what may be encouraged versus what is required by Code. He had no issues with the project and the proposed changes increase the maneuverability on site.

Commissioner Chan stated that if prospective buyers have issues with a development, then the consequences are borne by the developer/applicant and the market will dictate the success of the project. He was wary of making decisions based upon the analysis of outside experts because they can vary from expert to expert and Staff is ultimately responsible for providing the analysis. He agrees that projects should be reviewed independently, and he visited many sites prior to the Planning Commission meetings

to assess the situation. This project will enhance the area and bring in new additional housing, therefore he would be in favor of approval. He recommended that a wheel stop be placed on the block wall which is adjacent to the driveway isle.

Chair Wilander was grateful for the video demonstration provided by Staff and the Applicant, although it appears as though the car entering the garages encroaches into the second parking space. Also, a tenant/owner of a four-bedroom unit will likely have multiple cars and both of these factors could contribute to on-street parking. Although she still had concerns with the functionality of the parking, with the added modifications to the site plan as proposed, she would be inclined to approve the project. She added that it is appropriate for the Planning Commission to evaluate projects on a case-by-case basis and bring forward independent research to the Commission as necessary.

MOTION

It was moved by Vice Chair Lin, seconded by Commissioner Tsoi to adopt Resolution No. 2071, approving Multiple Family Architectural Design Review No. MFADR 19-04 and Tentative Parcel Map No. TPM 20-03 (83113), with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a three-unit, multi-family residential condominium development at 147 Alice Street

ROLL CALL

AYES: Chair Wilander, Vice Chair Lin, Chan, and Tsoi
NOES: Thompson
ABSENT: None

The motion carried on a 4–1 vote, with Commissioner Thompson dissenting.

CONSENT CALENDAR

- 2. Minutes of the January 26, 2021 Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Vice Chair Lin, seconded by Commissioner Chan to approve the minutes of the January 26, 2021 Planning Commission Regular Meeting.

ROLL CALL

AYES: Chair Wilander, Vice Chair Lin, Chan, Thompson, and Tsoi
NOES: None
ABSENT: None

MATTERS FROM CITY COUNCIL LIAISON

City Council Liaison Cheng wished the Planning Commission a Happy New Year. He welcomed Commissioner Tsoi and thanked him for his service. He complimented the Commission and staff on their efforts. Lastly, he invited the Commissioners to the “Meet Your Area Commander” event.

MATTERS FROM THE PLANNING COMMISSONERS

Chair Wilander welcomed Commissioner Tsoi and asked him to introduce himself.

Commissioner Tsoi stated that he has been an architect for over 30 years, and his architectural firm is located in South Pasadena. He has been an Arcadia resident for over 20 years and has previously served on the Design Review Board for the City of Monterey Park. He is honored to serve on the Planning Commission.

Upon request from Commissioner Chan, Ms. Flores updated the Commissioners on the upcoming Planning Commissioners Academy. Once the registration is open, she will send the information to the Commissioners and see who would be interested in attending.

MATTERS FROM ASSISTANT CITY ATTORNEY

Assistant City Attorney Maurer welcomed Commissioner Tsoi and introduced himself.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores announced that there is one (1) item scheduled for the February 23, 2021 meeting: a series of text amendments to the Development Code. The format for the February 23 meeting will be Zoom.

ADJOURNMENT

The Planning Commission adjourned the meeting at 7:50 p.m. to Tuesday, February 23, 2021 at 7:00 p.m. in the City Council Chamber for the next virtual meeting.

Marilynne Wilander
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission