

# CITY OF ARCADIA

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## Arcadia Planning Commission Regular Meeting Agenda



**Tuesday, May 24, 2022, 7:00 p.m.**

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。

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### CALL TO ORDER

### ROLL CALL

Zi Lin, Chair  
Kenneth Chan, Vice Chair  
Brad Thompson, Commissioner  
Vincent Tsoi, Commissioner  
Marilynne Wilander, 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. 2097** – Denying the Appeal of Single-Family Architectural Design Review No. SFADR 21-13 for a proposed two-story residence with a Categorical Exemption Under the California Environmental Quality Act (CEQA) at 26 E Santa Anita Terrace

**Recommendation:** Adopt Resolution No. 2097

**Appellants:** Yang Liu and Jun Dai, Maxine McClellan, Bingbing Zhang, Wei Cong, Marianne Martin, Li Chen and Chi Liang, and Lesley Ma

*There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 5:30 p.m. on Monday, June 6, 2022.*

2. **Resolution No. 2096** – Recommending that the City Council approve Text Amendment No. TA 22-01 (Ordinance No. 2388) amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Development Code related to urban lot splits and two-unit projects and with a Statutory Exemption from the California Environmental Quality Act

**Recommendation:** Adopt Resolution No. 2096

**Applicant:** City of Arcadia

#### **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.

3. Minutes of the May 10, 2022, 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, June 7, 2022, at 7:00 p.m.

# Welcome to the Arcadia Planning Commission Meeting!

The Planning Commission encourages public participation, and invites you to share your views on City business.

**MEETINGS:** Regular Meetings of the Planning Commission are held on the second and fourth Tuesdays of each month at 7:00 p.m. in the City Council Chambers. A full Planning Commission agenda packet with all backup information is available at City Hall, the Arcadia Public Library, and on the City's website at [www.ArcadiaCA.gov](http://www.ArcadiaCA.gov). Copies of individual Agenda Reports are available via email upon request ([Planning@ArcadiaCA.gov](mailto:Planning@ArcadiaCA.gov)). Documents distributed to a majority of the Planning Commission after the posting of this agenda will be available for review at the Planning Services Office in City Hall, 240 W. Huntington Drive, Arcadia, California.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at all Planning Commission meetings. Time is reserved at each regular meeting for those in the audience who wish to address the Planning Commission. The City requests that persons addressing the Planning Commission refrain from making personal, slanderous, profane, or disruptive remarks. When the Chair asks for those who wish to speak please come to the podium and state your name and address for the record. Please provide a copy of any written materials used in your address to the Planning Commission as well as a copy of any printed materials you wish to be distributed to the Planning Commission.

**MATTERS NOT ON THE AGENDA** should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given (5) minutes to address the Planning Commission; however, the Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the Planning Commission. **By State law, the Planning Commission may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response, or will be placed on the agenda of a future meeting.**

**PUBLIC HEARINGS AND APPEALS** are items scheduled for which public input is either required or desired. Separate and apart from an applicant or appellant (who may speak longer at the discretion of the Planning Commission), speakers shall be limited to (5) minutes per person. The Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the Planning Commission. The applicant or appellant may also be afforded an additional opportunity for rebuttal comments.

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Planning Commission. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the Planning Commission can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine by the Planning Commission and may be acted upon by one motion. There will be no separate discussion on these items unless a member of the Planning Commission, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

**DECORUM:** While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the Planning Commission or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including, but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak, or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, may serve as the Sergeant-at-Arms of the Planning Commission meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.



# STAFF REPORT

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Development Services Department

**DATE:** May 24, 2022

**TO:** Honorable Chair and Planning Commission

**FROM:** Lisa L. Flores, Planning & Community Development Administrator  
By: Edwin Arreola, Assistant Planner

**SUBJECT:** RESOLUTION NO. 2097 – DENYING THE APPEAL OF SINGLE FAMILY ARCHITECTURAL DESIGN REVIEW NO. SFADR 21-13 FOR A PROPOSED TWO-STORY RESIDENCE WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AT 26 E SANTA ANITA TERRACE  
**Recommendation: Adopt Resolution No. 2097**

## **SUMMARY**

The Appellants, Yang Liu and Jun Dai, Maxine McClellan, Bingbing Zhang, Wei Cong, Marianne Martin, Li Chen and Chi Liang, and Lesley Ma, are appealing the Development Services Department's approval of Single-Family Architectural Design Review No. SFADR 21-13 for a new 3,169 square foot, two-story residence with an attached 443 square foot two-car garage, a 268 square foot attached covered patio and a 633 square foot basement located at 26 E. Santa Anita Terrace. The appeal was filed on March 10, 2022. It is recommended that the Planning Commission adopt Resolution No. 2097, thereby denying the appeal and upholding the Development Services Department's decision.

## **BACKGROUND**

The subject property is an 8,283 square foot, unimproved vacant lot at the end of a cul-de-sac at E. Santa Anita Terrace (see Figure 1) which was once part of a larger lot that was subdivided in 2018. The structures that were previously on this property were demolished in 2018 as part of the Final Parcel Map approval. The property is zoned R-1, Low Density Residential – refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the Subject Property and Surrounding Properties. The surrounding properties are all zoned R-1 and consist of one-story homes on E. Santa Anita Terrace and two-story homes to the north and south, on different streets but abutting the subject site.

The subject property was part of a larger property that was 31,040 square feet at 1512 S. Santa Anita Avenue. In 2009, a Tentative Parcel Map for a two-lot subdivision was approved. The subdivision resulted in a 20,918 square foot lot area for Lot No. 1 with access from Santa Anita Avenue (1512 S. Santa Anita Avenue) and Lot No. 2 was 8,283 square feet with direct access from Santa Anita Terrace (26 E. Santa Anita Terrace, the subject site) – refer to Figure 1 below.

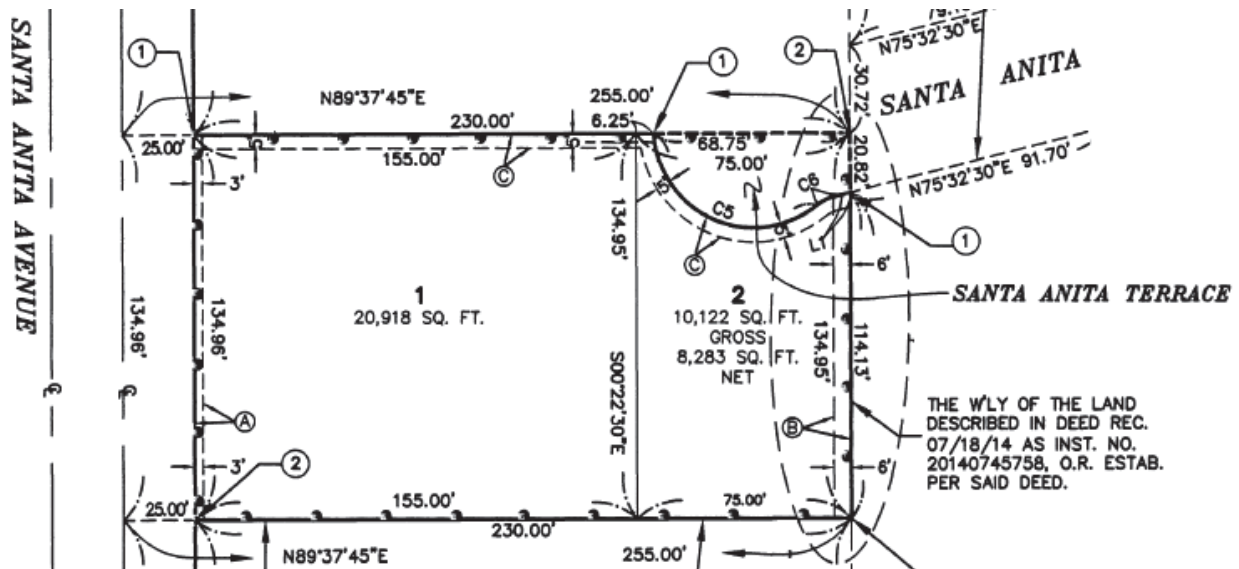


Figure 1 – Parcel Map

The tentative parcel map was valid for two years. Because of the recession in 2009, multiple Assembly Bills were passed by the State to automatically extend all the parcel and tract maps. As a result, the tentative parcel map for this site expired on July 14, 2018, which included a one-time, one-year extension that was granted by the City. The Final Parcel Map was approved by the City Council on June 19, 2018, that included a right-of-way dedication for the future construction of a half cul-de-sac (refer to Figure 1 above and Attachment No. 8 – Parcel Map No. 70963). Ultimately, it would become a full cul-de-sac should the property owner at 1504 S. Santa Anita Avenue dedicate the other half of the cul-de-sac. The dedication does require that the driveway apron be altered at 28 E. Santa Anita Terrace in order for the subject site to have access from the street.

Since the approval of the parcel map, a new 6,693 square foot two-story house was approved at 1512 S. Santa Anita Avenue last December. The subject property currently has no dividing wall on its westerly property line but once the site is developed it will have a wall between both properties. The lot is bounded by walls/fencing on the north, east, and south.

### **Project Description**

On April 26, 2021, the Applicant filed a Single-Family Architectural Design Review application to develop the last lot of this subdivision with a new house. Now that the lot is being developed, it would require the driveway apron to be modified and adjusted at 28 E. Santa Anita Terrace in order for this site to have access from the street (see Figure 2). All the improvements will occur within the public right-of-way and it will not affect the owner's legal lot. Also, a portion of the existing 6-foot high block wall at the end of E. Santa Anita Terrace and along the easterly property line of the subject property would need to be removed to allow access.



Figure 2 – New Driveway Approach

Back in September 2021, City Staff met with the affected owner next door, Mr. Jun Dai (one of the Appellants), to make him aware of the proposed development and alteration to his driveway apron since he would be most directly impacted by this project. He was unaware of the access since he was not the property owner at the time the tentative map

was approved. Since then, the Applicant and City kept him apprised of all the changes that were made throughout the process.

In terms of the design, the Applicant originally proposed a 3,386 square foot, two-story, Traditional style home with an attached 443 square foot, two-car garage and 268 square foot covered patio. The half cul-de-sac area in front of the property was also to be constructed and dedicated with the project.

The project was first noticed on October 11, 2021, at which time the City received a total of 5 letters of concerns from the neighbors. The neighbors were mainly concerned with the potential safety hazards, appearance, and functionality of the proposed half cul-de-sac, the first two-story house being proposed on this street, and potential construction impacts. Additionally, the neighbors to the east had concerns regarding the modification of their driveway access within the public right-of-way for the potential installation of a cul-de-sac – refer to Attachment No. 7 for those comments.

After taking the neighbors' comments into consideration, the project was revised with the following changes:

- The proposal to construct the half cul-de-sac was removed and a hammerhead driveway was proposed instead with private access to the property since the neighbors did not like the appearance, design or functionality of the half cul-de-sac. Regardless, the revised driveway would still require a portion of the neighbor's driveway access in the public right-of-way to be altered to allow access to the subject site. The end result would be a new narrow drive approach at the end of the street next to the neighbor's altered drive approach.
- Reduced the overall square footage of the two-story house from 3,386 square feet to 3,169 square feet.
- Reduced the floor area of the second floor from 1,365 square feet to 1,111 square feet, including high ceiling area.
- Increased the second story setback on the easterly side from 15'-0" to 20'-6" and kept the second story footprint towards the west and south of the building.
- Limited the easterly facing windows on the second floor to one obscured glass window.
- Added a 633 square foot basement.

As a result of the changes, the revised project is a 3,169 square foot, Traditional style, two-story residence. The proposed home will consist of 4 bedrooms, 4.5 bathrooms, an attached 443 square foot, two-car garage, a 268 square foot attached covered patio, and a 633 square foot basement – refer to Attachment No. 5 for Architectural Plans. The total floor area ratio (FAR) of the residence will be 3,232 square feet, whereas 3,727 square

feet is allowed. The site will have a total lot coverage of 34% (2,832 square feet), whereas 35% (2,899 square feet) is allowed.

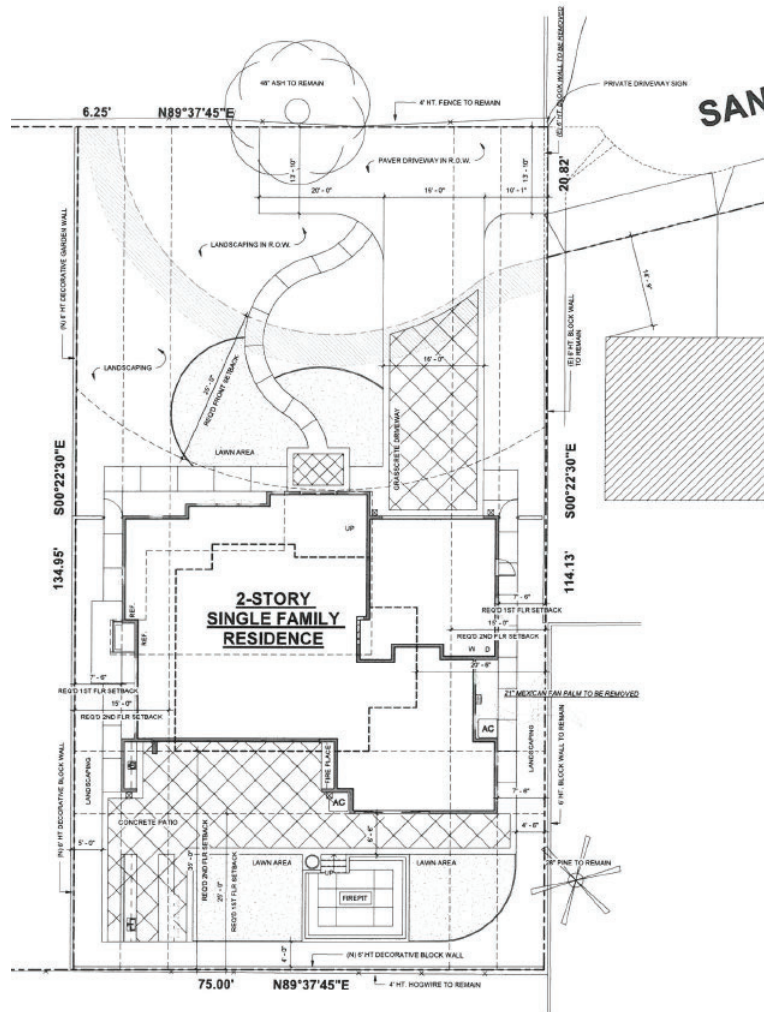


Figure 3 – Site Plan

On February 2, 2022, a second notice was sent to all the property owners within the 300-foot radius that included all the changes that were made to the project, as stated above. During the notification period, the City received five letters from the neighbors– refer to Attachment No. 6.

On February 28, 2022, the project was approved on the basis that the proposed design for the two-story house was found to be consistent with the City’s Single-Family Residential Design Guidelines, as the overall mass and scale along with its style helped transition this new home from a two-story home that is to the west of this site into the single-story homes on Santa Anita Terrace. Also, due to the orientation of this lot, the house will not have a street presence like the other homes on Santa Anita Terrace. In

fact, only the driveway is visible from the street. The house will be screened by large mature Cypress trees and foliage on the adjacent property, and the subject site will also have tall hedges and trees within the side and rear yard areas to provide further screening and help soften the appearance of the two-story house. The Traditional architectural style is coherent, consistent with the neighborhood, and adequately executes the style. Furthermore, the proposed home will comply with all of the required development standards.



Figure 4 – North (Front) Elevation

On March 10, 2022, the Appellants filed an appeal within the prescribed 10-day appeal period (refer to Attachment No. 3 – Appeal Letter).

On April 14, 2022, City staff met with the Appellants to discuss their concerns and explain that the map and the half cul-de-sac was not a part of this project since the map was approved back in 2009 and recorded in 2018. Furthermore, Staff went over the history of the subject property as it relates to the subdivision, answered any questions about the proposed project, and addressed the Appellants' concerns and assured them that the half cul-de-sac would not be constructed for this project.

## **ANALYSIS**

The Appellants had concerns with the new house depriving the other residents of on-street parking since it is a short street, the proposed driveway conflicting with the feng shui of the neighborhood, the two-story house creating a privacy issue to the surrounding neighbors, safety pertaining to visibility when accessing the new driveway, potential construction impacts, and other concerns that pertain to the subdivision which is not a part of this approval – refer to Attachment No. 3.

Below is an analysis to the Appellants concerns shown in italics.

1. *Adding another house deprives other residents of parking spaces for their own uses and for visitors. This address already has seven houses on a small, short street.*

The City does not restrict the use of on-street parking to the property owners. As a result, a new residence on a lot that was legally subdivided is allowed the same privilege as the other property owners and/or visitors on this street.

2. *This new project breaks the Feng Shui of the neighborhood, generating a leakage of chi by cutting a hole into an otherwise whole cul-de-sac.*

The City does not take feng shui into account as part of the design review process and the only access into this property is from Santa Anita Terrace. The property owner is allowed to develop this property and have access, as any other legal lot.

3. *Building a two-story house deprives the privacy of all surrounding neighbors that are in the direct view of the new property. In fact, other than a traditional farm-style house, all nearby affected properties are one-story. The new house can easily see into all houses in the area outlined by E. Santa Anita Terrace, Louise Avenue, and E. Camino Real Avenue.*

Regarding the privacy concern, the Applicant revised the design to provide a greater setback on the second floor on the easterly side of the house to ensure that there is no privacy concern to the property next door at 28 E. Santa Anita Terrace. The second story setback was increased from 15'-0" to 20'-6" (an additional 5'-6"), and that side of the house will only one window with an obscured glass, as shown in Figure 5 below. There will be no privacy issue to the adjacent properties due to the orientation of the house on this site in relations to the adjacent homes. Furthermore, there are tall mature Cypress trees and landscaping on the adjacent properties that provide additional screening to the neighboring sites and the subject property owner will provide tall hedges and trees on the site – refer to the photos under Attachment No. 2.



Figure 5 – East Elevation

4. *The proposed street frontage and the private driveway create a safety risk for the adjacent neighbor. The plan does not demonstrate that vehicles coming out of the new property are clearly visible to those of the adjacent neighbor.*

The hammerhead driveway would create a large, paved turn around area making it possible for vehicles to make a 3-point turn and head nose first out of the driveway and onto the street allowing for greater visibility, as shown below. Therefore, the approved layout should not create a safety risk.

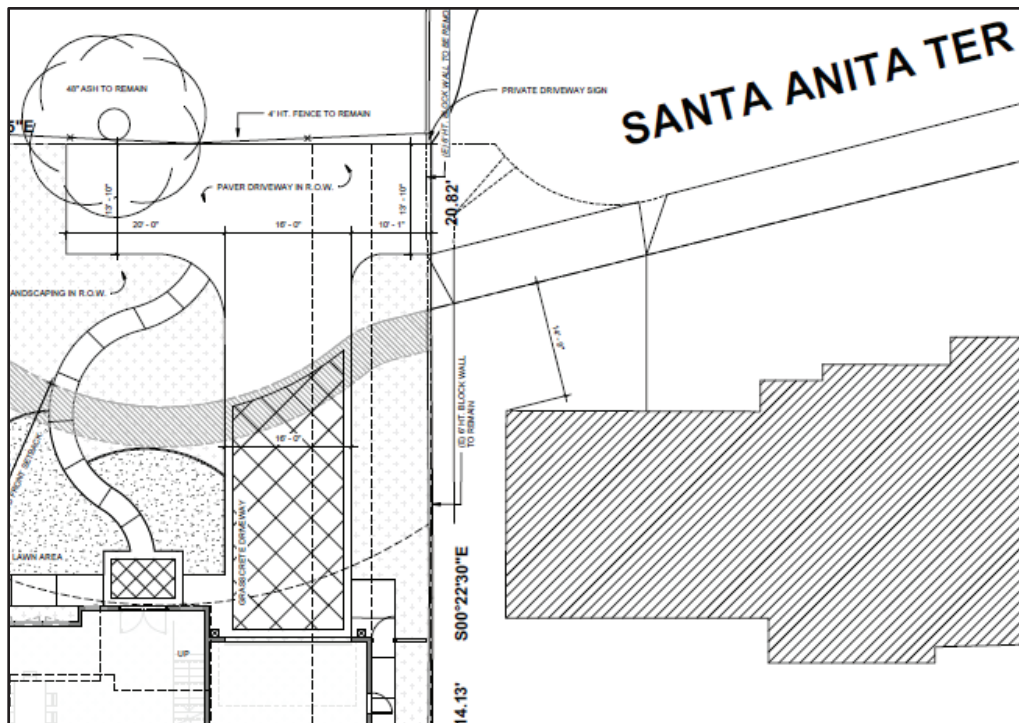


Figure 6 – Proposed Hammerhead Driveway

5. *The proposed street frontage [of the subject lot will be shortened] to less than 44', which does not meet the city regulation of 44' required at the end of the cul-de-sac. This was clearly stated and rejected in the 2009 analysis of the parcel map modification, TPM 09-10.*

The site contains a half cul-de-sac area that is to be dedicated to the City should the property to the north dedicate the area to construct a standard cul-de-sac. The lot has an 89'-9" frontage along this dedication. Although a dedication was proposed for this half of the cul-de-sac, a driveway is being proposed instead to alleviate the neighbors' concerns. The end result would be a new narrow drive approach at the end of the street next to the neighbor's altered drive approach.



Figure 7 – Current Terminus of E. Santa Anita Ter.

6. *The parcel map change, which created the “26 E Santa Anita Terrace” address, was not [recorded] in the city’s public record until 2019. The 2009 notice was unclear. Residents who resided on E. Santa Anita Terrace we’re not clearly notified that Lot 2 would have an “E. Santa Anita Terrace” address. And none of the residents that moved-in after 2009 were aware of this change because of negligence in updating the public record.*

As stated earlier in this staff report, the property owners within the 300 foot radius were notified of the tentative parcel map to subdivide the subject lot into two lots. The final parcel map was recorded within the allowed time frame, which included multiple automatic extensions from the State. The final parcel map process does not require notification to the neighbors, just approval by the City Council. The parcel map that was recorded by the Los Angeles County’s Recorder’s Office in 2018 had been noted as “For Condominium Purposes” so it was corrected in 2019 since this property is not zoned for condominiums. Lot No. 2 of the subdivision always had access off of E. Santa Anita Terrace since any access from Santa Anita Avenue would require a driveway easement over Lot No. 1, thereby creating a flag lot and the City has not allowed flag lots since the early 1970’s.

7. *The proposed project poses a public safety risk to all residents on this street, including significantly reduced parking space for other residents during the construction period, and causing an easy access for criminals to the otherwise self-contained neighborhood at E. Santa Anita Terrace.*

The City will work with the Applicant to ensure that they comply with all best management practices for construction and if possible, have their contractors park on the subject site during construction. Staff acknowledges that any construction might be an inconvenience to the neighbors, but the duration is temporary. Also, a condition of approval has been placed on this project that the Applicant must inform all of the property owners on this street and any properties that abut the property line at least 2 weeks prior to any grading/construction on this site and provide the Superintendent's contact information should any of the neighbors have any concerns – refer to condition no. 4.

In terms of easy access from Santa Anita Avenue to E. Santa Anita Terrace, a new 6 foot high wall is approved for the new house at 1512 S. Santa Anita Avenue between the two properties and it would provide a barrier for any potential trespassers off of Santa Anita Avenue. If this site is developed prior to the adjacent property, the Applicant shall be required to build the new wall first – refer to condition no. 5.

## **FINDINGS**

Section 9107.19.050 of the Development Code requires that the Review Authority may approve a Site Plan and Design Review application, only if it first makes all the following findings:

- 1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.**

**Facts to Support This Finding:** The subject site is zoned R-1, Low Density Residential Zone, which allows for the development of a single-family residence. Aside from the design review criteria addressed hereafter, the proposed project will not change the use or density allowed in this zone and meets all of the development standards and regulations required, including but not limited to setbacks, height, and floor area.

- 2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.**

**Facts to Support This Finding:** The proposed project will be consistent with the City's Single-Family Residential Design Guidelines as the overall mass and scale of the home transitions well between the adjacent two-story homes to the west of this site and the single-story homes on Santa Anita Terrace. The proposed residence will not have any street presence like the other homes on Santa Anita Terrace because the orientation of this lot hardly has any street frontage other than a driveway, the proposed home is tucked away, and there are large Cypress trees on the adjacent property to further screen the second floor. The Traditional

architectural style is coherent, consistent with the neighborhood, and adequately executes the style.

**3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.**

**Facts to Support This Finding:** The proposed Traditional style home would be compatible with the character of the neighborhood in terms of the architectural design since the subject site is in a residential neighborhood that is comprised of Ranch or Traditional style homes. The traditional style house is consistent with the City's design guidelines in terms of form, roof, articulations, design features and details, and color. The architectural design, overall articulation, greater second story setbacks, and placing of the proposed residence towards the rear of the lot helps minimize the scale and soften the appearance of the home.

**4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.**

**Facts to Support This Finding:** Due to the limitations of the lot, the only access to the property is off of a street frontage at the end of E. Santa Anita Terrace. A driveway, along with improvements in the public right-of-way, will be constructed in order to provide adequate access to the site. Additionally, to improve vehicular circulation, a hammerhead driveway is proposed on the property to allow vehicles to drive on to E. Santa Anita Terrace safely facing forward. Required parking is being provided with a two-car garage and adequate landscaping will be provided throughout the property which would also enhance the privacy for the surrounding neighbors.

**5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.**

**Facts to Support This Finding:** The proposed project would be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, including all other applicable sections of the Development Code. The project is in compliance with the City's Single-Family Residential Design Guidelines as the proposed home will have an appropriate mass, scale, and design that fits in with the homes it is bounded by. The site layout and design is harmonious with the neighborhood as its smaller two-story design will provide a transition between the larger two-story home to the west and single story home to the east. The project is situated in a location that presents minimal privacy issues and is well landscaped throughout the site. The driveway for the site is designed to provide efficient and safe access to the residents and neighbors. No major impacts on or off-site are

expected from this project. Therefore, the proposed home will be consistent with the City's Single-Family Residential Design Guidelines and General Plan.

### **ENVIRONMENTAL ANALYSIS**

The proposed project qualifies as a Class 3 Categorical Exemption per the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a new single-family home. Refer to Attachment No. 9 for the Preliminary Exemption Assessment.

### **PUBLIC COMMENTS**

Public hearing notices for this appeal were mailed to the owners of the properties that are located within 300 feet of the subject property and published in Arcadia Weekly on May 12, 2022. As of May 19, 2022, staff has not received any comments from the public.

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt Resolution No. 2097 to deny the Appeal and uphold the Development Services Department's approval of SFADR 21-13 with a categorical exemption under the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The project shall be developed and maintained by the Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved for Single-Family Design Review No. SFADR 21-13, subject to the satisfaction of the Planning & Community Development Administrator or designee.
2. The project shall comply with the City's Water Efficient Landscaping Ordinance (WELO). The application shall be submitted with the plans for plan check in Building Services.
3. The Owner/Applicant shall construct the following improvements:
  - a. Remove the block wall for the entire width of the public right-of-way extension of Santa Anita Terrace along the property frontage of 26 E. Santa Anita Terrace.
  - b. Remove the curved curb and gutter, and the driveway extension in front of 28 E. Santa Anita Terrace and construct a new curb, gutter and drive approach to follow the normal street extension to the westerly Santa Anita Terrace terminus
  - c. Construct a standard drive approach for the property at 26 E. Santa Anita Terrace at the terminus of the current street.
4. The Owner/Applicant shall inform all the property owners on E. Santa Anita Terrace and those that abuts the subject site at least two weeks prior to commencing any

work on the subject site (i.e. grading/construction) and the notice should include the Superintendent's contact information.

5. Prior to the start of work on the subject site (i.e. grading/construction), if the site is developed prior to the adjacent property to the west at 1512 S. Santa Anita Avenue, the Applicant/Owner shall be required to construct a new 6'-0" high wall along the westerly property line. This shall be subject to review and approval by the Planning & Community Development Administrator, or designee.
6. Landscaping shall be planted in the right-of-way dedication area as indicated on the plans. All landscape and hardscape areas within the dedication area shall be maintained by the Property Owner.
7. The hedges/shrubs along the side and rear yard areas shall be planted at a height of 6'-0" or taller prior to issuance of a Certificate of Occupancy from Building Services. The landscaping must comply with the approved landscape plans and maintained.
8. The Owner/Applicant shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant Discharge Elimination System (NPDES) measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.
9. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with Single-Family Design Review No. SFADR 21-13 on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the

Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant.

## **PLANNING COMMISSION ACTION**

### Approval of Appeal

If the Planning Commission intends to approve the appeal and overturn the Development Services Department's decision of the project, the Commission should pass a motion to approve the Appeal, stating that the proposed project is inconsistent with the City's Single-Family Residential Design Guidelines and the findings cannot be made for Single Family Architectural Design Review, and that the project is exempt per Section 15303(a) of the CEQA Guidelines, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decision and specific findings.

### Denial of Appeal

If the Planning Commission intends to deny the appeal and uphold the Development Services Department's approval of the project, the Commission should pass a motion to deny the Appeal, stating that the proposed project is consistent with the City's Single-Family Residential Design Guidelines and the findings can be made for Single Family Architectural Design Review, as stated in this staff report.

If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the May 24, 2022, Planning Commission Meeting, please

contact Edwin Arreola, Assistant Planner by calling (626) 821-4334, or by email to earreola@ArcadiaCA.gov.

Approved:



Lisa L. Flores  
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2097
- Attachment No. 2: Aerial Photo with Zoning Information & Photos of Subject Property and Vicinity
- Attachment No. 3: Appeal Letter
- Attachment No. 4: Decision Letter for SFADR 21-13
- Attachment No. 5: Architectural Plans
- Attachment No. 6: Public Comments from February 2, 2022, Notice
- Attachment No. 7: Public Comments from the October 11, 2021, Notice
- Attachment No. 8: Parcel Map No. 70963
- Attachment No. 9: Preliminary Exemption Assessment

# Attachment No. 1

Resolution No. 2097

RESOLUTION NO. 2097

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, DENYING THE APPEAL OF SINGLE FAMILY ARCHITECTURAL DESIGN REVIEW NO. SFADR 21-13 FOR A PROPOSED TWO-STORY RESIDENCE WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AT 26 E SANTA ANITA TERRACE

WHEREAS, on April 26, 2021, an application for Single Family Architectural Design Review No. SFADR 21-13 was filed by Eric Tsang on behalf of the property owner, Johnny Ngo, for a new 3,386 square foot, two-story, Traditional style residence with an attached 443 square foot two-car garage and a 268 square foot attached covered patio at 26 E. Santa Anita Terrace; and

WHEREAS, on February 2, 2022 a notice was sent to all of the property owners within a 300 foot radius from the subject site informing them of a revised project. The revised project was for a smaller two-story, Traditional style residence consisting of 3,169 square feet in floor area with an attached 443 square foot two-car garage, a 268 square foot covered patio, and a 633 square foot basement. During the notification period, the City received a total of five comment letters; and

WHEREAS, on February 28, 2022, after reviewing the neighbors' concerns carefully the Development Services Department approved SFADR 21-13 on the basis that the proposed project is consistent with the City's Single Family Residential Design Guidelines, the revised proposal was an improvement since it provided greater setbacks on the second floor, and adequate access to the house was provided to the subject site from the street; and

WHEREAS, on March 10, 2022, within the 10-day appeal period, the project was appealed by Yang Liu and Jun Dai, Maxine McClellan, Bingbing Zhang, Wei Cong, Marianne Martin, Li Chen and Chi Liang, and Lesley Ma (“Appellant”) appealing the Development Services Department Planning Division’s approval of SFADR 21-13; and

WHEREAS, on May 5, 2022, Planning Services completed an environmental assessment for the proposed project in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the proposed project qualifies as a Class 3 Categorical Exemption under CEQA pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a single-family home; and

WHEREAS, on May 24, 2022, a duly noticed public hearing was held before the Planning Commission on said application, at which time all interested persons were given full opportunity to be heard and to present evidence.

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

SECTION 1. The factual data submitted by the Community Development Division in the staff report dated May 24, 2022 are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Section 9107.19.050 of the Arcadia Development Code, all of the following findings can be made.

1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.

FACT: The subject site is zoned R-1, Low Density Residential Zone, which allows for the development of a single-family residence. Aside from the design review criteria addressed hereafter, the proposed project will not change the use or density allowed in this zone and meets all of the development standards and regulations required, including but not limited to setbacks, height, and floor area.

2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.

FACT: The proposed project will be consistent with the City's Single-Family Residential Design Guidelines as the overall mass and scale of the home transitions well between the adjacent two-story homes to the west of this site and the single-story homes on Santa Anita Terrace. The proposed residence will not have any street presence like the other homes on Santa Anita Terrace because the orientation of this lot hardly has any street frontage other than a driveway, the proposed home is tucked away, and there are large Cypress trees on the adjacent property to further screen the second floor. The Traditional architectural style is coherent, consistent with the neighborhood, and adequately executes the style.

3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.

FACT: The proposed Traditional style home would be compatible with the character of the neighborhood in terms of the architectural design since the subject site is in a residential neighborhood that is comprised of Ranch or Traditional style homes. The traditional style house is consistent with the City's design guidelines in terms of form, roof, articulations, design features and details, and color. The architectural design, overall

articulation, greater second story setbacks, and placing of the proposed residence towards the rear of the lot helps minimize the scale and soften the appearance of the home.

4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.

FACT: Due to the limitations of the lot, the only access to the property is off of a street frontage at the end of E. Santa Anita Terrace. A driveway, along with improvements in the public right-of-way, will be constructed in order to provide adequate access to the site. Additionally, to improve vehicular circulation, a hammerhead driveway is proposed on the property to allow vehicles to drive on to E. Santa Anita Terrace safely facing forward. Required parking is being provided with a two-car garage and adequate landscaping will be provided throughout the property which would also enhance the privacy for the surrounding neighbors.

5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.

FACT: The proposed project would be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, including all other applicable sections of the Development Code. The project is in compliance with the City's Single-Family Residential Design Guidelines as the proposed home will have an appropriate mass, scale, and design that fits in with the homes it is bounded by. The site layout and design is harmonious with the neighborhood as its smaller two-story design will provide a transition between the larger two-story home to the west and single story home to the east. The

project is situated in a location that presents minimal privacy issues and is well landscaped throughout the site. The driveway for the site is designed to provide efficient and safe access to the residents and neighbors. No major impacts on or off-site are expected from this project. Therefore, the proposed home will be consistent with the City's Single-Family Residential Design Guidelines and General Plan.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), this Project is a Class 3 Categorical Exemption for the construction of a new single-family home per Section 15303(a) of the CEQA Guidelines.

SECTION 4: For the foregoing reasons, the Planning Commission determines that the proposed project is Categorically Exempt under the California Environmental Quality Act ("CEQA") Section 15303(a), Class 3, and denies the appeal and upholds the Development Services Department's decision to approve Single Family Architectural Design Review No. SFADR 21-13 for a new 3,169 square foot, two-story residence with an attached 443 square foot two-car garage, a 268 square foot attached covered patio, and a 633 square foot basement at 26 E. Santa Anita Terrace, subject to the conditions of approval attached hereto.

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

Passed, approved and adopted this 24<sup>th</sup> day of May, 2022.

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Zi Lin  
Chair, Planning Commission

ATTEST:

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Lisa L. Flores  
Secretary

APPROVED AS TO FORM:

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Stephen P. Deitsch  
City Attorney

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## RESOLUTION NO. 2097

### **Conditions of Approval**

1. The project shall be developed and maintained by the Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved for Single-Family Design Review No. SFADR 21-13, subject to the satisfaction of the Planning & Community Development Administrator or designee.
2. The project shall comply with the City's Water Efficient Landscaping Ordinance (WELO). The application shall be submitted with the plans for plan check in Building Services.
3. The Owner/Applicant shall construct the following improvements:
  - a. Remove the block wall for the entire width of the public right-of-way extension of Santa Anita Terrace along the property frontage of 26 E. Santa Anita Terrace.
  - b. Remove the curved curb and gutter, and the driveway extension in front of 28 E. Santa Anita Terrace and construct a new curb, gutter and drive approach to follow the normal street extension to the westerly Santa Anita Terrace terminus
  - c. Construct a standard drive approach for the property at 26 E. Santa Anita Terrace at the terminus of the current street.
4. The Owner/Applicant shall inform all the property owners on E. Santa Anita Terrace and those that abuts the subject site at least two weeks prior to commencing any work on the subject site (i.e. grading/construction) and the notice should include the Superintendent's contact information.
5. Prior to the start of work on the subject site (i.e. grading/construction), if the site is developed prior to the adjacent property to the west at 1512 S. Santa Anita Avenue, the Applicant/Owner shall be required to construct a new 6'-0" high wall along the westerly property line. This shall be subject to review and approval by the Planning & Community Development Administrator, or designee.
6. Landscaping shall be planted in the right-of-way dedication area as indicated on the plans. All landscape and hardscape areas within the dedication area shall be maintained by the Property Owner.
7. The hedges/shrubs along the side and rear yard areas shall be planted at a height of 6'-0" or taller prior to issuance of a Certificate of Occupancy from Building Services. The landscaping must comply with the approved landscape plans and maintained.

8. The Owner/Applicant shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant Discharge Elimination System (NPDES) measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.
9. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with Single-Family Design Review No. SFADR 21-13 on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days’ notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City’s legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action;

or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant.

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# Attachment No. 2


Aerial Photo with Zoning Information &  
Photos of Subject Property and Vicinity

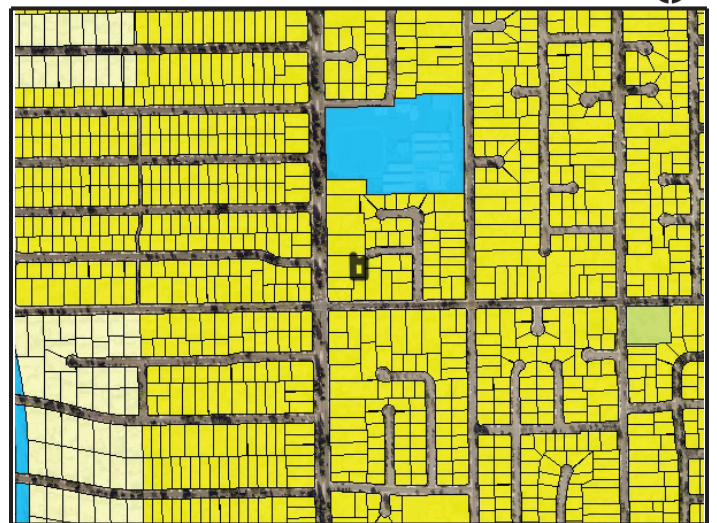
**Site Address:**

**Property Owner(s):** Property Owner



Property Characteristics	
<b>Zoning:</b>	
<b>General Plan:</b>	
<b>Lot Area (sq ft):</b>	
<b>Main Structure / Unit (sq. ft.):</b>	
<b>Year Built:</b>	
<b>Number of Units:</b>	0
Overlays	
<b>Architectural Design Overlay:</b>	
<b>Downtown Overlay:</b>	
<b>Downtown Parking Overlay:</b>	
<b>Parking Overlay:</b>	
<b>Racetrack Event Overlay:</b>	
<b>Residential Flex Overlay:</b>	
<b>Special Height Overlay:</b>	

Selected parcel highlighted 



Parcel location within City of Arcadia 



**SUBJECT SITE - FACING EAST TOWARDS 28 E. SANTA ANITA TER.**

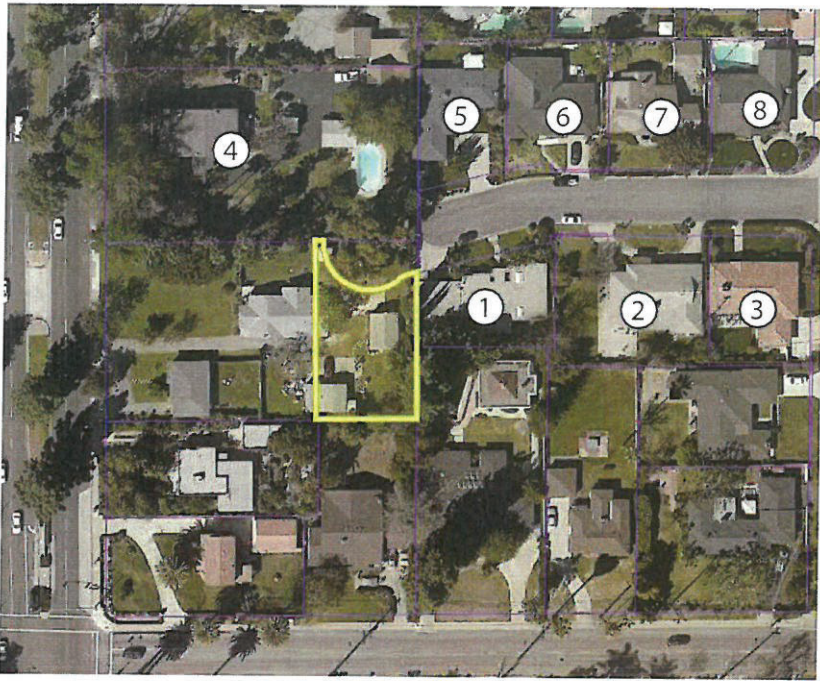


**SUBJECT SITE - FACING SOUTH TOWARDS 15 E. CAMINO REAL AVE.**



**SUBJECT SITE - FACING NORTH TOWARDS 1504 S. SANTA ANITA AVE.**

NEIGHBORHOOD MAP & PHOTOS  
(VACANT) E SANTA ANITA TERRACE,  
ARCADIA, CA 91006 (APN: 5781-001-035)





# Attachment No. 3

Appeal Letter

Multiple concerned neighbors  
3/09/2022

Development Services Department  
City of Arcadia  
240 W Huntington Drive  
Re: Reasons for Appeal

Dear Planning Commission,

We are appealing the conditional approval decision of the project SFADR No. 21-13. The most important reason is that none of our concerns raised before was fully addressed.

Here is a list of reasons for our appeal, summarizing concerns by all neighbors listed at the bottom of this file:

1. Adding another house deprives other residents the parking space for own uses and for visitors. This address already has seven houses on a small short street.
2. This new project breaks the Feng Shui of the neighborhood, generating a leakage of chi by cutting a hole into an otherwise whole cul-de-sac.
3. Building a two-story house deprives the privacy of all surrounding neighbors that are in the direct view of the new property. In fact, other than a traditional farm-style house, all nearby affected properties are one story. The new house can easily see into all houses in the area outlined by E Santa Anita Terrace, Louise Ave, and E Camino Real Ave.
4. The proposed street frontage and the private drive-way create a safety risk for the adjacent neighbor. The plan does not demonstrate that vehicles coming out of the new property are clearly visible to those of the adjacent neighbor.
5. The proposed street frontage will shorten the cul-de-sac to <44', which does not meet the city regulation of 44' required at the end of the cul-de-sac. This was clearly stated and rejected in 2009 analysis of the parcel map modification, TPM 09-10.
6. The parcel map change, which created '26 E Santa Anita Ter' address, was not corrected in city's public record until 2019. The 2009 notice was unclear, residents who resided at E Santa Anita Ter were not clearly notified that Lot 2 will have 'an E Santa Anita Ter' address. And none of the residents moved-in after 2009 was aware of this change because of the negligence in updating the public record.
7. The proposed project poses a public safety risk to all residents on this street, including significantly reduced parking space for other residents during the construction period, and causing an easy access for criminals to the otherwise self-contained neighborhood at E Santa Anita Terrace.

All concerned neighbors:

Yang Liu and Jun Dai, 28 E Santa Anita Terrace  
Maxine McClellan, 23 E Santa Anita Terrace  
Bingbing Zhang, 27 E Santa Anita Terrace  
Wei Cong, 33 E Santa Anita Terrace  
Marianne Martin, 1504 S Santa Anita Ave

Li Chen and Chi Liang, 1523 Louise Ave  
Lesley Ma, 37 E Santa Anita Terrace

# Attachment No. 4

Decision Letter for SFADR 21-13



# City of Arcadia

## Development Services Department

Jason Kruckeberg  
Assistant City Manager/  
Development Services  
Director

240 West Huntington Drive  
Post Office Box 60021  
Arcadia, CA 91066-6021  
(626) 574-5415  
(626) 447-3309 Fax  
www.ArcadiaCA.gov

February 28, 2022

Eric Tsang  
440 E. Huntington Drive, Suite 356  
Arcadia, CA 91006

**SUBJECT:** Single-Family Design Review No. SFADR 21-13

**PROJECT ADDRESS:** 26 E. Santa Anita Terrace

Dear Mr. Tsang,

The proposed project was first noticed on October 11, 2021. The public comment period for that Notice of Pending Decision ended on October 25, 2021. Staff received five comments in opposition of the proposed project. The neighbors had concerns with the proposed half cul-de-sac that would be constructed within the public right-of-way and the new two-story home. After consultation with City staff, a half cul-de-sac was no longer required. As a result, a driveway was proposed. The Applicant also significantly reduced the area of the second floor to better blend with the other one story homes in this neighborhood and, due to the orientation of the lot, the placement of the house, and the existing foliage that exists along the side property lines, most of the house will not be visible from the street. The project was re-noticed on February 2, 2022. Staff received five comments in opposition of the revised project with concerns from the neighbors regarding the new driveway access from the street and that the house is a still a two-story house. After careful review, staff determined that the design of the house is consistent with the Single-Family Design Guidelines and access to the house is being adequately provided through the public right-of-way. Therefore, the Development Services Department has **conditionally approved** the single-family design review project for a new 3,169 square foot, two-story, Traditional-style residence with an attached two-car garage, an attached 268 square foot covered patio, and a 633 square foot basement. This project is subject to the following conditions of approval:

1. The project shall be developed and maintained by the Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved for Single-Family Design Review No. SFADR 21-13, subject to the satisfaction of the Planning & Community Development Administrator or designee.
2. The project shall comply with the City's Water Efficient Landscaping Ordinance (WELO). The application shall be submitted with the plans for plan check in Building Services.
3. The driveway leading to the subject property shall be a private driveway and be constructed in accordance with any requirements from the Engineering Division. A private driveway sign shall be placed at the end of E. Santa Anita Terrace.

4. Landscaping shall be planted in the public right-of-way as indicated on the plans. All landscape and hardscape areas within the public right-of-way shall be maintained by the Property Owner.
5. The hedges/shrubs along the property lines shall be planted at a height of 6'-0" or taller prior to issuance of a Certificate of Occupancy from Building Services.
6. The Property Owner/Applicant shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant Discharge Elimination System (NPDES) measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.
7. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with Single-Family Design Review No. SFADR 21-13 on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of

competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant.

There is a ten (10) day appeal period for this application. To file an appeal, a completed Appeal Application form must be submitted to the Development Services Department along with a \$630.00 appeal fee by **5:30 p.m. on Thursday, March 10, 2022.**

Approval of SFARD 21-13 shall not be of effect unless the property owner and applicant have executed and filed the enclosed Acceptance Form to indicate awareness and acceptance of these conditions of approval. The Acceptance Form is due now and if it is not received by **March 30, 2022** or if the project is appealed, this approval will become null and void.

This design approval shall expire in one year (**March 11, 2023**) from the effective date unless plans are submitted to Building Services for plan-check, a building permit is issued and the construction is diligently pursued, a certificate of occupancy has been issued, or the approval is renewed. The final plans must be consistent with the approved design concept plans and any conditions of approval. Any inconsistency from the approved design concept plans may preclude the issuance of a building permit.

An extension may be granted by the Development Services Director or designee, or the Review Authority that approved the project for a maximum period of one (1) year from the initial expiration date. An extension can only be granted if the required findings can be made. Please note that acceptance of an extension request does not indicate approval of an extension.

A building permit must be obtained prior to any construction activity. Please contact Building Services at (626) 574-5416 to determine the type of documentation, plans, and fees for the appropriate permit. This approval letter must be presented to Building Services to initiate the permitting process.

You may visit the City's website at [www.ArcadiaCA.gov/noticesanddecisions](http://www.ArcadiaCA.gov/noticesanddecisions) to view this letter. If you have any questions regarding the above approval, please contact me at (626) 821-4334 or by email at [earreola@ArcadiaCA.gov](mailto:earreola@ArcadiaCA.gov). Thank you.

Sincerely,

DEVELOPMENT SERVICES DEPARTMENT

Community Development Division / Planning Services



Edwin Arreola  
Assistant Planner

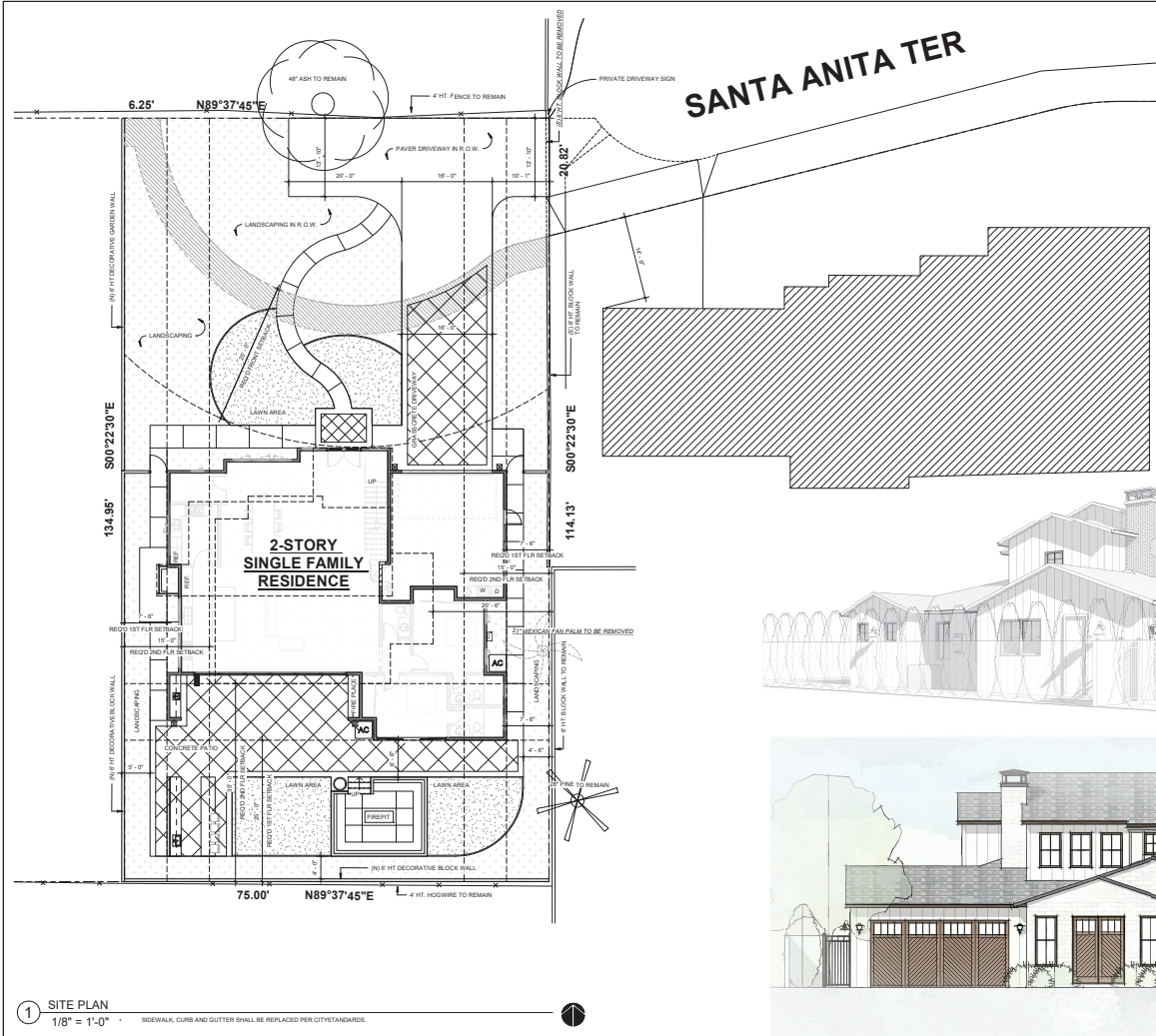
Enclosed

c: Johnny Ngo, Property Owner  
Bingbing Zhang, Neighboring Resident

Wei Cong, Neighboring Resident  
Lesley Ma, Neighboring Resident  
Li Chen and Chi Liang, Neighboring Residents  
Yang Liu and Jun Dai, Neighboring Residents  
Marianne Martin, Neighboring Resident

# Attachment No. 5

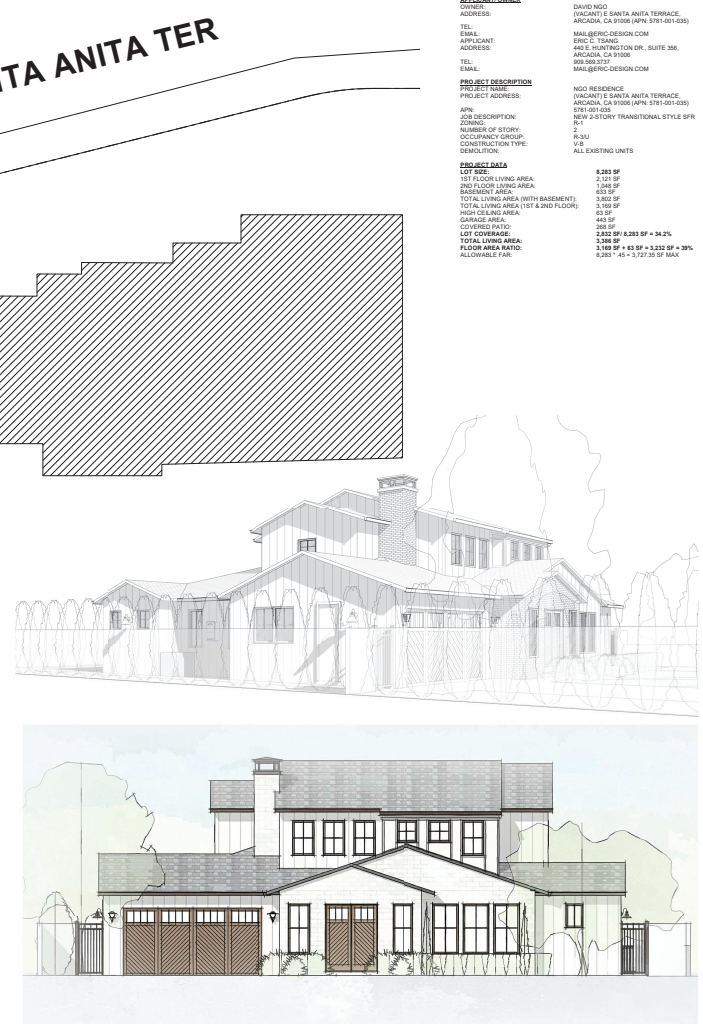
Architectural Plans



**APPLICANT/OWNER**  
 OWNER: DAVID NGO  
 ADDRESS: (VACANT) E SANTA ANITA TERRACE, ARCADIA, CA 91006 (APN: 5781-001-003)  
 TEL: MALBERG DESIGN.COM  
 APPLICANT: ERIC C. TSANG  
 ADDRESS: 440 E HUNTINGTON DR., SUITE 306, ARCADIA, CA 91006  
 TEL: 909.960.3737  
 E-MAIL: MALBERG-DESIGN.COM

**PROJECT DESCRIPTION**  
 PROJECT NAME: NGO RESIDENCE  
 PROJECT ADDRESS: (VACANT) E SANTA ANITA TERRACE, ARCADIA, CA 91006 (APN: 5781-001-003)  
 APN: 5781-001-003  
 JOB DESCRIPTION: NEW 2-STORY TRANSITIONAL STYLE SFR  
 ZONING: R-31U  
 NUMBER OF STORIES: 2  
 OCCUPANCY GROUP: V-B  
 CONSTRUCTION TYPE: ALL EXISTING UNITS  
 DESCRIPTION:

**PROJECT DATA**  
**LOT SIZE:**  
 1ST FLOOR LIVING AREA: 8,282 SF  
 2ND FLOOR LIVING AREA: 2,121 SF  
 BASEMENT AREA: 1,596 SF  
 TOTAL LIVING AREA (WITH BASEMENT): 11,999 SF  
 TOTAL LIVING AREA (1ST & 2ND FLOOR): 10,403 SF  
 HIGH CLEARANCE AREA: 3,105 SF  
 GARAGE AREA: 842 SF  
 COVERED PATIO: 288 SF  
**LOT COVERAGE:** 5,282 SF / 4,283 SF = 12.3%  
**TOTAL LIVING AREA:** 11,999 SF  
**FLOOR AREA RATIO:** 1,188 SF / 43 SF = 3,232 SF = 39%  
 ALLOWABLE F.A.R.: 8,282'45" x 3,727.35 SF MAX



**Eric Tsang Architects**

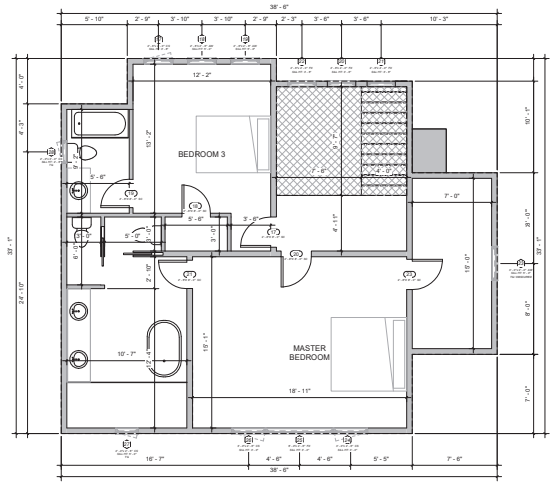
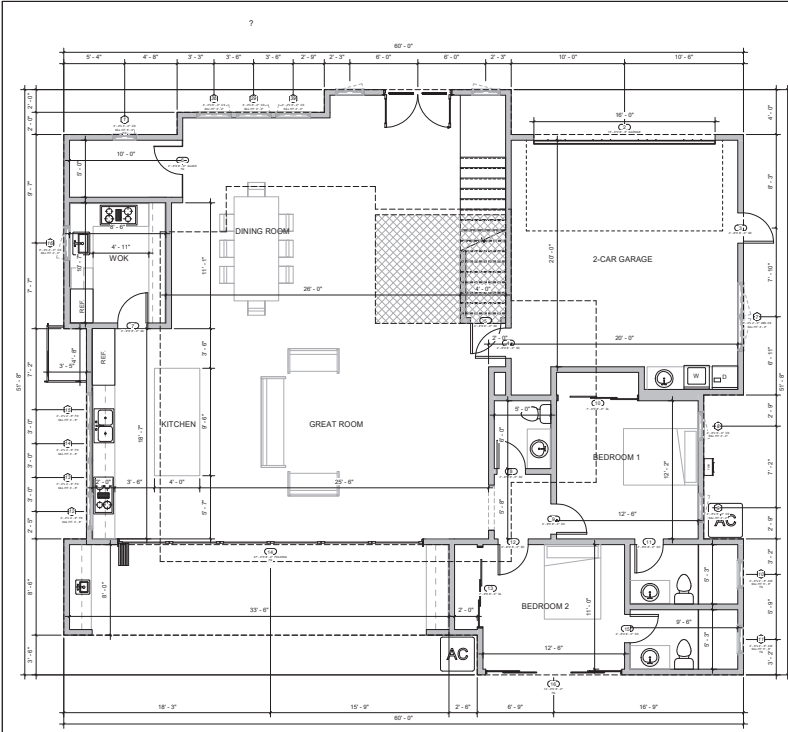
ERIC CHI WANG TSANG, AIA  
 1001 W. HUNTINGTON, SUITE 306  
 ARCADIA, CA 91006  
 TEL: 909.960.3737  
 WWW.ERIC-TSANG.COM



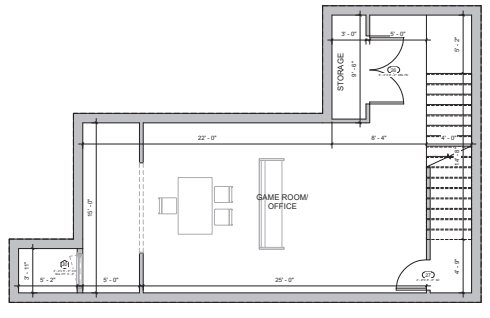
**NGO RESIDENCE**  
 (VACANT) SANTA ANITA TER (APN: 5781-001-003)  
 ARCADIA, CA 91006

SITE PLAN

A-1.0



2 2ND FLOOR  
1/4" = 1'-0"



3 BASEMENT FLOOR  
1/4" = 1'-0"

1 1ST FLOOR  
1/4" = 1'-0"

DOOR SCHEDULE				WINDOW SCHEDULE					
#	DOOR TYPE	WD	HT	NOTES	#	WINDOW TYPE	WD	HT	NOTES
1	AWNING CASING	10'-0"	8'-0"		1	CASEMENT	2'-0"	5'-0"	IG
2	SINGLE FLUSH	2'-0"	8'-0"		2	DBL CASMENT	6'-0"	4'-0"	
3	SINGLE FLUSH	2'-0"	8'-0"		3	CASEMENT	2'-0"	5'-0"	
4	SINGLE FLUSH	2'-0"	8'-0"		4	CASEMENT	2'-0"	5'-0"	
5	SINGLE FLUSH	2'-0"	8'-0"		5	CASEMENT	2'-0"	5'-0"	
6	1/2 GLASS	2'-0"	8'-0"	IG	6	AWNING	2'-0"	5'-0"	IG
7	SINGLE FLUSH	2'-0"	8'-0"		7	AWNING	2'-0"	5'-0"	IG
8	SINGLE FLUSH	2'-0"	8'-0"		8	PRESET	3'-0"	2'-0"	
9	SINGLE FLUSH	2'-0"	8'-0"		9	PRESET	3'-0"	2'-0"	
10	SLIDING 3 PANEL	7'-0"	8'-0"		10	PRESET	3'-0"	2'-0"	
11	SINGLE FLUSH	2'-0"	8'-0"		11	CASEMENT	2'-0"	5'-0"	
12	SINGLE FLUSH	2'-0"	8'-0"		12	CASEMENT	2'-0"	5'-0"	
13	SLIDING 3 PANEL	7'-0"	8'-0"	IG	13	AWNING	2'-0"	5'-0"	
14	AWNING	2'-0"	5'-0"		14	AWNING	2'-0"	5'-0"	
15	SINGLE FLUSH	2'-0"	8'-0"		15	PRESET	2'-0"	2'-0"	
16	SLIDING 4 PANEL	12'-0"	8'-0"		16	PRESET	2'-0"	2'-0"	
17	SINGLE FLUSH	2'-0"	8'-0"		17	PRESET	2'-0"	2'-0"	
18	SINGLE FLUSH	2'-0"	8'-0"		18	AWNING	3'-0"	5'-0"	IG
19	SINGLE FLUSH	2'-0"	8'-0"		19	AWNING	3'-0"	5'-0"	IG
20	SINGLE FLUSH	2'-0"	8'-0"		20	CASEMENT	3'-0"	2'-0"	
21	SINGLE FLUSH	2'-0"	8'-0"		21	PRESET	16'-0"	8'-0"	
22	SINGLE FLUSH	2'-0"	8'-0"		22	CASEMENT	3'-0"	2'-0"	
23	SINGLE FLUSH	2'-0"	8'-0"		23	CASEMENT	3'-0"	2'-0"	
24	SINGLE FLUSH	2'-0"	8'-0"		24	CASEMENT	3'-0"	2'-0"	
25	SINGLE FLUSH	2'-0"	8'-0"		25	CASEMENT	3'-0"	2'-0"	
26	DBL FLUSH	6'-0"	8'-0"		26	CASEMENT	3'-0"	2'-0"	
27	SINGLE FLUSH	2'-0"	8'-0"		27	CASEMENT	3'-0"	2'-0"	
28	POCKET DOOR	2'-0"	8'-0"		28	CASEMENT	2'-0"	4'-0"	IG
29	POCKET DOOR	2'-0"	8'-0"		29	CASEMENT	2'-0"	4'-0"	IG
30	POCKET DOOR	2'-0"	8'-0"		30	CASEMENT	2'-0"	4'-0"	IG
31	POCKET DOOR	2'-0"	8'-0"		31	CASEMENT	2'-0"	4'-0"	IG
32	POCKET DOOR	2'-0"	8'-0"						

ABBREVIATIONS FOR WINDOWS & DOORS

- AW AWNING
- CLST CLOSET
- CS CASEMENT
- DA DOUBLE ACTING DOOR
- DBL DOUBLE
- FD FRENCH DOOR
- FRD HALF ROUND
- OROC ORICUPED
- SC SOLID CORE
- SH SINGLE HUNG
- SL SLIDER
- IG TEMPERED GLASS
- TRIPLE

Eric Tsang Architects

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ARCADIA, CA 91709  
TEL: 626-444-8888  
WWW.ERICTSANGARCHITECTS.COM



NGO RESIDENCE  
(VACANT) SANTA ANITA TRAIL (CON. 5781-001-035)  
ARCADIA, CA 91709

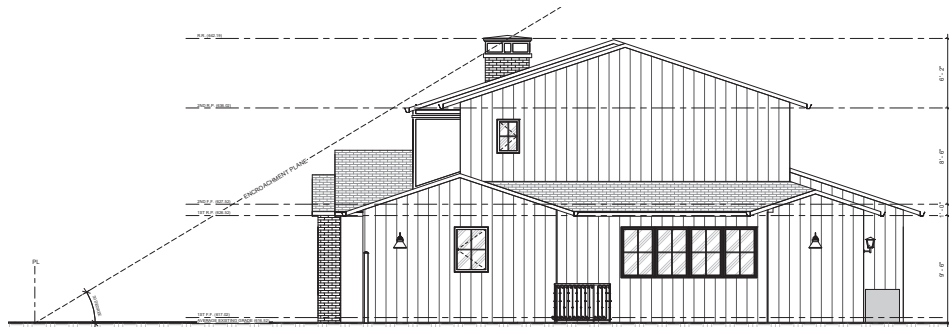
FLOOR PLAN

A-2.0

10/17/2020 10:45:17 AM



1 NORTH ELEVATION (FRONT)  
1/4" = 1'-0"



2 WEST ELEVATION (SIDE)  
1/4" = 1'-0"

**MATERIAL LEGEND**

- 1 CONCRETE ROOF TILE  
BORAL ROOFINGS  
SANDWY SLATE  
EBONY
- 2 VERTICAL SIDING  
JAMES HARGRE  
VERTICAL FIBER CEMENT SIDING  
FARMHOUSE WHITE
- 3 EASDIAL  
2X4 PAINTED  
DUNN EDWARDS JET DE6378
- 4 GARAGE DOOR  
CITIT GARAGE DOOR  
OVERLAY CARRIAGE  
CEDAR
- 5 DOORS & WINDOWS  
KELOWNA OR SIMILAR  
WOOD CLAD SDL  
BLACK
- 6 BRICK VENEER  
MERIDIAN BRICK  
KELOWNA  
GREY GROUT
- 7 EXTERIOR WALL LIGHT  
SAVOY HOUSE ELLIJAY  
3 LIGHT 19" TALL  
OUTDOOR WALL SCONCE
- 8 WOOD PANEL  
RECESS PANELS  
DUNN EDWARDS SWISS COFFEE

**Eric  
Tsang  
Architects**

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WWW.ERICTSANGARCHITECTS.COM

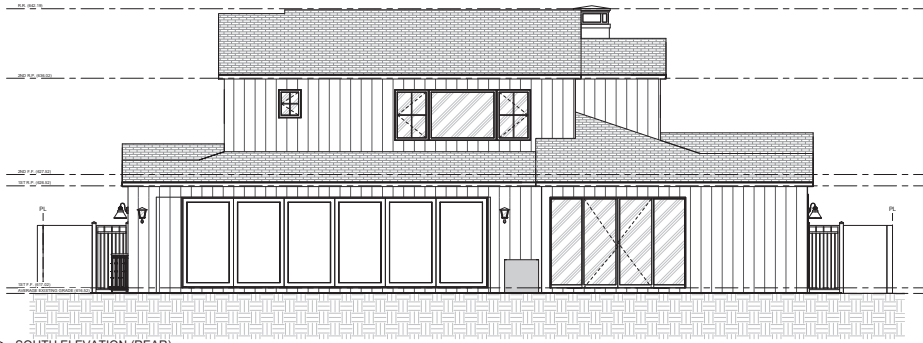


**NGO RESIDENCE**  
(VACANT) SANTA ANITA TRAIL (APN: 5781-001-003)  
ARCADIA, CA 91006

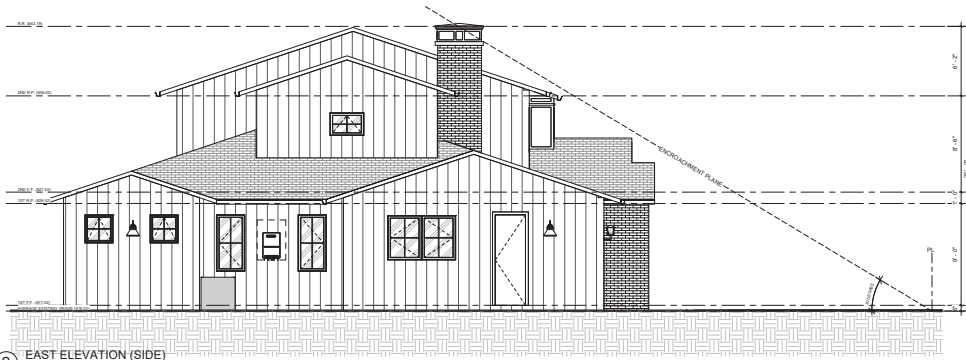
ELEVATIONS

A-3.0

12/17/2019 10:43:34 AM



1 SOUTH ELEVATION (REAR)  
1/4" = 1'-0"



2 EAST ELEVATION (SIDE)  
1/4" = 1'-0"

**MATERIAL LEGEND**

- 1 CONCRETE ROOF TILE  
BORAL ROOFING  
SANDY SLATE  
EBONY
- 2 VERTICAL SIDING  
JAMES HARGRE  
VERTICAL FIBER CEMENT SIDING  
FARMHOUSE WHITE
- 3 EASDOL  
2X4 PAINTED  
DUNN EDWARDS JET DE6378
- 4 GARAGE DOOR  
CMT GARAGE DOOR  
OVERLAY CARRIAGE  
CEDAR
- 5 DOORS & WINDOWS  
JELLYWOOD SIMILAR  
WOOD CLAD SDL  
BLACK
- 6 BRICK VENEER  
MERIDIAN BRICK  
KELOWNA  
GREY GROUT
- 7 EXTERIOR WALL LIGHT  
SAVOY HOUSE ELLIJAY  
3 LIGHT 19" TALL  
OUTDOOR WALL SCNCE
- 8 WOOD PANEL  
RECESS PANELS  
DUNN EDWARDS SWISS COFFEE

**Eric  
Tsang  
Architects**

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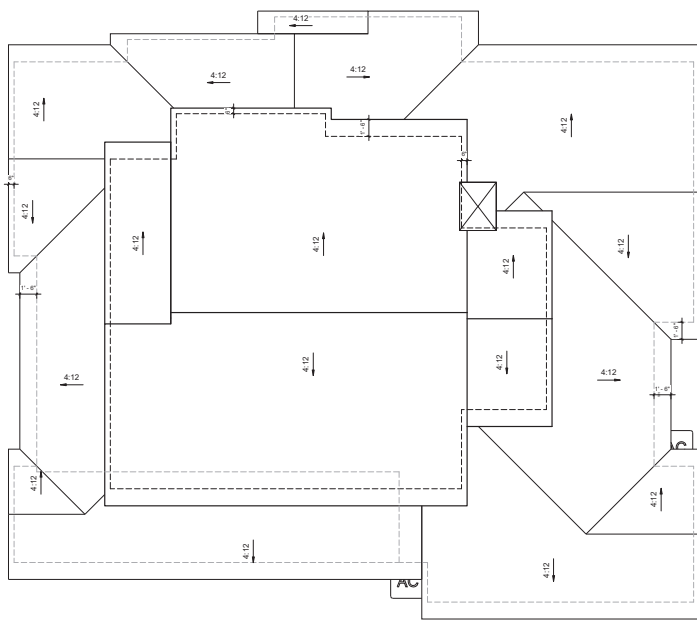


**NGO RESIDENCE**  
(VACANT) SANTA ANITA TRAIL (APN: 5781-001-003)  
ARCADIA, CA 91006

ELEVATIONS

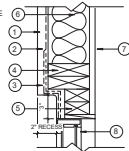
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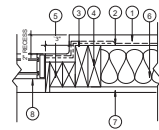
1 ROOF PLAN  
1/4" = 1'-0"

1. EXTERIOR FINISH PER ELEVATIONS
2. 2 LAYERS GRADE 'D' PAPER
3. 12" WIDE MOISTOP FLASHING PAPER
4. FRAMING PER STR PLAN
5. 2X FURRING
6. INSULATION PER T-24
7. INTERIOR FINISH
8. WINDOW PER WINDOW SCHEDULE



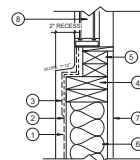
2 WINDOW HEAD  
N.T.S.

1. EXTERIOR FINISH PER ELEVATIONS
2. 2 LAYERS GRADE 'D' PAPER
3. 12" WIDE MOISTOP FLASHING PAPER
4. FRAMING PER STR PLAN
5. 2X FURRING
6. INSULATION PER T-24
7. INTERIOR FINISH
8. WINDOW PER WINDOW SCHEDULE



3 WINDOW JAMB  
N.T.S.

1. EXTERIOR FINISH PER ELEVATIONS
2. 2 LAYERS GRADE 'D' PAPER
3. 12" WIDE MOISTOP FLASHING PAPER
4. FRAMING PER STR PLAN
5. 2X FURRING
6. INSULATION PER T-24
7. INTERIOR FINISH
8. WINDOW PER WINDOW SCHEDULE



4 WINDOW SILL AT RECESS WINDOWS  
N.T.S.

Eric  
Tsang  
Architects

ERIC CHI WANG TSANG, AIA  
1001 WASHINGTON ST., 27TH  
FLOOR, SAN FRANCISCO, CA 94108  
PHONE: (415) 774-3333  
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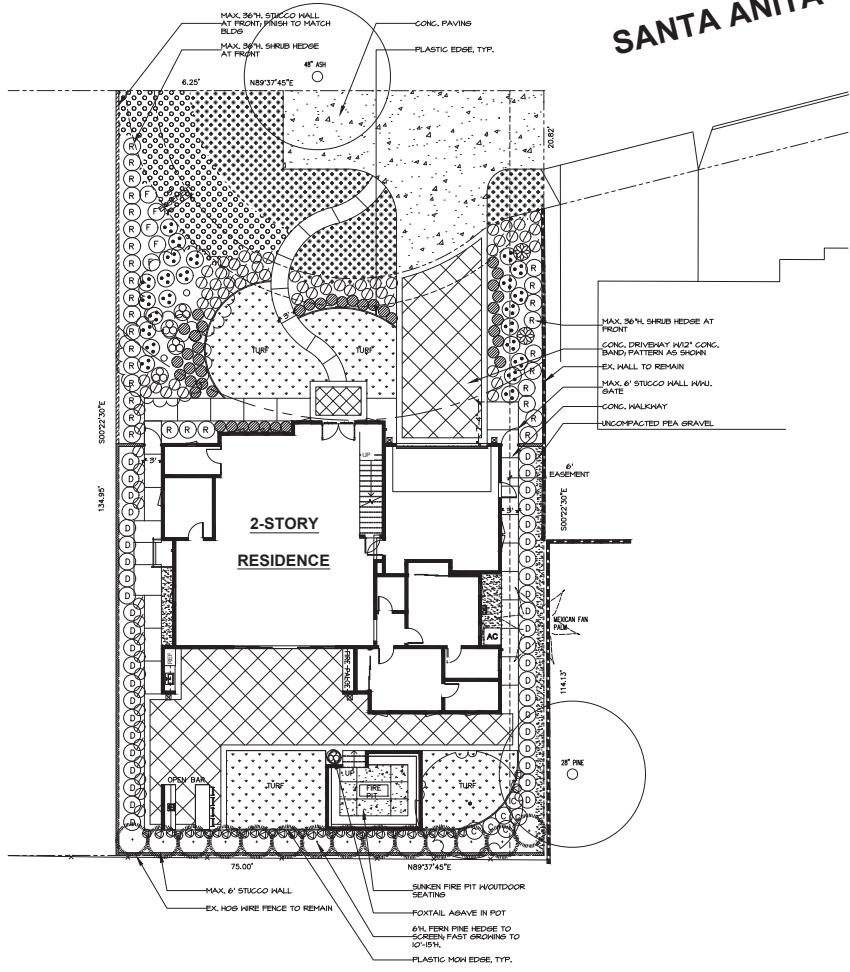
NGO RESIDENCE  
(VACANT) SANTA ANITA TRAIL (APN: 5781-001-003)  
ARCADIA, CA 91006

ROOF PLAN / TYP.  
DETAIL

00001-04  
A-4.0

1/17/2019 09:54:59 AM

# SANTA ANITA TER



- PLANTING LEGEND**
- TREES**
- EX. TREES TO REMAIN
  - EX. TREE TO BE REMOVED (TOTAL 1 TREE TO BE REMOVED)
  - 01 MAGNOLIA X SOULANGEANA  
24" BOX SAUCER MAGNOLIA (M)(T)
  - 02 CERES CANADENSIS  
24" BOX WESTERN REDBUD (L)(T)
  - 14 PODOCARPUS GRACILIOR  
15 GAL. FERN PINE (M)(T)
- SHRUBS PALETTE**
- D 1 DOODONEA VISCOSA 'PURPUREA'  
15 GAL PURPLE HOPSEED BUSH (L)(T)
  - AGAVE DESMETIANA 'VAREGATA'  
15 GAL SMOOTH AGAVE (L)(S)
  - AGAVE ATTENUATA  
15 GAL FOX TAIL AGAVE (L)(S)
  - SALVIA GREGGII 'THERMANS RED'  
5 GAL RED AUTUMN SAGE (L)(S)
  - RHAMNUS CALIFORNICA 'EVE CASE'  
5 GAL EVE CASE COFFEEBERRY (L)(S)
  - F 5 GAL MUHLENBERGIA CAPILLARIS 'REGAL MIST'  
5 GAL PINK BURLY GRASS (L)(G)
  - CHYMBOOON CITRATUS  
5 GAL LEMON GRASS (M)(G)
  - SINECO SERPENS  
1 GAL DWARF BLUE CHALKSTICKS (L)(G)
  - LAVANDULA ANGUSTIFOLIA  
1 GAL ENGLISH LAVENDER (L)(S)
  - NEPETA X FAASSENI 'BLUE WONDER'  
1 GAL CATNIP (M)(P)
- GROUNDCOVERS**
- 891 S.F. | ST. AUGUSTINE GRASS
  - 500 | WARM SEASON TURF (MST)
  - 862 S.F. | MYOPORUM PAVICOLLUM 'UTAH CREEK'  
1 GAL GROUNDCOVER MYOPORUM (L)(G) AT 36" O.C.
  - 406 S.F. | ARCTOSTAPHYLOS 'PACIFIC MIST'  
1 GAL PACIFIC MIST MANZANITA (L)(G) AT 36" O.C.
- W.U.C.O.L.S REGION 4 PLANT FACTOR: (L)-LOW (M)-MODERATE (H)-HIGH (T)-TREE (S)-SHRUB (G)-GRASS (G)-GROUND COVER, (P)-PERENNIAL, (V)-VINE**
- LOT COVERAGE SUMMARY:**
- TOTAL LANDSCAPED AREA- 4,075 SF.
- 888 SF OF WET USE ON LAWN (22%)
  - 337 SF OF MEDIUM WATER USE PLANTS (8.3%)
  - 2,681 SF OF LOW WATER USE PLANTS (65.8%)
  - 159 SF OF ICE WATER USE IN GRAVEL (3.9%)
- HARDSCAPE IN FRONT SETBACK: 617 SF (15.1%) < 40%  
(TOTAL FRONT SETBACK AREA: 2,583 SF)
- THE LANDSCAPE PLAN WILL COMPLY WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE.**

**TWO TREES DESIGN, INC.**  
1000 S. SANTA ANITA TERRACE, SUITE 100  
ARCADIA, CA 91709  
TEL: 909.241.1111  
WWW.TWOTREESDESIGN.COM

**LANDSCAPE PLANTING PLAN**

**SINGLE FAMILY RESIDENCE**  
26 SANTA ANITA TERRACE  
ARCADIA, CA 91709

DATE	REVISIONS

CLIENT: AS SHOWN  
DATE: 12-05-2021  
PROJECT NO: P2113  
DESIGNED BY: CP  
CHECKED BY:

SCALE: 1/8" = 1'-0"

L-1  
OF 1 SHEET

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# Attachment No. 6

Public Comments from  
February 2, 2022, Notice

Yang Liu and Jun Dai  
28 E Santa Anita Ter  
Arcadia, CA 91006  
2/16/2022

Edwin Arreola  
City of Arcadia  
Planning Services  
240 W Huntington Drive  
P.O Box 60021  
Re: SFADR No. 21-13 rev 1

Dear Mr. Arreola,

We are providing written comments regarding the revised building project of a two-story single family in 26 E Santa Anita Terrace (SFADR No. 21-13 sent for commenting between 02/08-02/16). As the residents neighboring this new project, we are writing to express our strong objections to this pending project, specifically the associated modification of the street.

Here are specific objections:

1. The proposed street frontage is not acceptable. The proposed modification will cut the existing cul-de-sac in half. This is incompliant with city regulation. In fact, your 2009 review explicitly concluded that a similar proposal does not meet the requirement and rejected. The current proposal still violates the minimum 44 ft required for cul-de-sac at the end of the Santa Anita Terrace. As such, the proposed modification poses great safety risks, as there is insufficient turnaround space for cars, coming into the cul-de-sac, in and out of this new lot or from our driveway. Moreover, the proposed modification will significantly narrow our parking space, causing additional safety issues with city and public service vehicles. Therefore, we are strongly against this modification of the cul-de-sac.
2. The proposed modification to the street will destroy the landscape of the cul-de-sac, generating an oddly shaped terminus. Alteration of the cul-de-sac landscape has the potential to devalue the properties on this street. In particular, the proposed drive way encroaches upon our parking space and driveway by cutting away max 20 ft in front of our garage. The crowded appearance will deface the landscape of our house, impacting the re-sale value of our property.
3. The proposed modification also violates city regulation of a minimum 32 feet setback of our house front from the curb. Our house's setback is currently closer to the curb than this rule but is legally grandfathered. Removing the driveway by several feet will narrow current setback further, and thus prevent any future house improvement that we would like to take to increase our house value. This again implies devaluation of our house.
4. As commented in the last period, the creation of this new lot, with the '26 E Santa Anita Ter' address, was not corrected in public record until 2019, nearly one year after we bought our house. This lack of public disclosure affected the purchase price of our house. We request compensation, but more importantly, we object this change in the concern of re-sale of our house.

5. As commented in October 2021, we are still concerned about the risk to public safety. During the construction, the project will open our neighborhood to traffic from Santa Anita Avenue because the east lot is empty. This will provide easy access to criminals and increase the risk for burglary and property theft. We require the project to demonstrate a plan that will remove such risk, and we also require written agreement from the project to pay for any loss or damage to residents' properties owing to burglary or property theft caused by the construction.
6. As commented last time, the revised description did not address our concerns about our access to main roads nor noise mitigation. One of us needs to go to work place and the other of us is working from home. The new project poses two threats to our employment. First, the construction trucks for the new project will likely block our access to the streets. This impedes our access to Camino Real and Santa Anita Avenue, meaning it will affect us getting to work on time. Second, the severe noise from the construction will affect our ability to concentrate on work or tele-conferencing with co-workers. We require that the project present a detailed plan to manage the traffic caused by construction as well as how the project plans on mitigating the noise. We require written agreement that the project will offer compensation for any work hours lost due to noise or traffic within the neighborhood.

In summary, the proposed change to Santa Anita Terrace is not acceptable to us. We require the city gives this careful evaluation and looks for an alternative solution.

Sincerely yours,

Yang Liu and Jun Dai

Concerned residents

**From:** [Li Chen](#)  
**To:** [Edwin Arreola](#)  
**Subject:** SFADR No. 21-13 rev 1  
**Date:** Wednesday, February 16, 2022 3:17:43 PM

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<<https://s3.amazonaws.com/staticmediafiles/media/sights/iron-icon-color.png>> IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender lic91776@gmail.com

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Arreola,

We are providing written comments regarding the revised building project of a two-story single family in 26 E Santa Anita Terrace (SFADR No. 21-13). As the residents in the cul-de-sac of this new project, we are writing to express our strong objections to this pending project, specifically the associated modification of the street.

1. The proposed modification will destroy the landscape of the cul-de-sac, generating an odd shaped terminus. Alteration of the cul-de-sac landscape has the potential to devalue the properties on this street.
2. The proposed project of a two-story house also affects the privacy of our house. Plus, there is no two-story house around the proposed project. Building a two-story house is not accepted.

In summary, we are very concerned about this pending project and the proposed access to Santa Anita Terrace is not acceptable. We require the city to give this careful evaluation and look for an alternative solution.

Sincerely yours,

Li Chen and Chi Liang

1523 Louise Ave

Arcadia, 91006

**From:** [Lesley Ma](#)  
**To:** [Edwin Arreola](#); [young yang](#)  
**Cc:** [bbzhang.ucd@gmail.com](#); [Jun](#); [annixure@gmail.com](#)  
**Subject:** Re: Questions about your revised SFADR No. 21-13  
**Date:** Wednesday, February 16, 2022 3:55:17 PM

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Dear Planning Service,

After reviewing the plan, I think opening a road at the end of the cul-de-sac is awkward and it destroys the harmonic and the master plan of the whole neighborhood. The original lot was facing Santa Anita Ave. The entrance of this property is not supposed to be on this end, it should be from the Santa Anita Ave where original of the lot faces. The approval of splitting the lot into two lots and one of the entrances is on the cul-de-sac was a mistake. It destroys this nice and peace community. The parking of the property (28 E Santa Anita Ter) will be too small and it will cause safety issue. The decision is in favor of the seller, it doesn't consider the loss of the current affected property (28 E Santa Anita Ter) and the whole neighborhood. If the opening is still facing Santa Anita Ave and design the lot as an easement, I would have no opposition to it.

In addition, the construction will cause safety issues if the wall is open. All our neighbors have big concern on it.

In conclusion, we strongly against this project!

Lesley Ma

Residence of 37 E Santa Anita Ter

**From:** [Wei Cong](#)  
**To:** [Edwin Arreola](#); [congwei](#)  
**Subject:** Re: Comments on proposed construction project on 26 E. Santa Anita Terrace (SFADR No. 21-13)  
**Date:** Wednesday, February 16, 2022 4:41:30 PM

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Dear Planning Services staff,

I am a property owner on E. Santa Anita Terrace. After reviewing the revised proposal of building a 3169 square feet, two-story residence on 26 E Santa Anita Terrace, under SFADR No. 21-13, I am listing my comments below:

First of all, I still strongly object to the proposed plan of building a two-story residence. Not only is there no existence of a two-story residence on the entire street, but also the proposed two-story residence will violate the harmony of our community. I expressed such concern in my email sent in October 2021, but the revised plan makes no mention of it.

Secondly and most importantly, I completely object to the plan of adding this 26 E. Santa Anita Terrace residence on our street. The design of the driveway and the proposed opening on the existing street is unsightly. The house's driveway, placed near another, poses potential driving hazards. The proposed plan is not only a violation of the current homeowners' rights, but also will destroy the original beautiful plan of the neighborhood. We, as homeowners, did not purchase our homes with the knowledge of such a potential major change on our street.

Last but not least, due to the unique location of the residence, safety concerns will arise if construction starts. Passing such a lot plan in 2009 was not a careful decision by the Arcadia City, and there might be violations of regulations. I request the City to release more information on this lot change decision, including the hearing and panel discussion details, to the public.

In conclusion, we strongly object to the proposed plan.

Thank you for your consideration.

Wei Cong

27 E Santa Anita Terrace, Arcadia

**From:** [Bingbing Zhang](#)  
**To:** [Edwin Arreola](#); [bbzhang.ucd](#)  
**Subject:** Re: Comments on project on 26 E. Santa Anita Terrace (SFADR No. 21-13)  
**Date:** Wednesday, February 16, 2022 4:42:50 PM

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Dear Mr. Arreola,

I am a property owner on E. Santa Anita Terrace in Arcadia. After reviewing the revised building project of building a 3169 square feet, two-story residence in 26 E Santa Anita Terrace (SFADR No. 21-13, referred herein as "This Revised Plan"), I would like to express my strong objections to the proposed plan. I feel my previous concern has not been fully addressed with the revised plan.

In my comment from October 25, 2021, I strongly objected to the proposed plan of building a two-story residence. There is no presence of a two-story house on the street, so building one will destroy the harmony of the community. However, This Revised Plan is still proposing to build a two-story house.

In the same comment, I had stated:

I "I completely object to the plan of adding this 26 E. Santa Anita Terrace residence on our street. The design of the driveway and the proposed opening on the existing street is unsightly, and prone to potential accidents with the two houses' driveways next to each other."

This Revised Plan stated that there will be a private driveway leading to the proposed property. I feel this modification is a similar approach to the previous proposal and does not address my safety concern at all. I also recently learned from a document, (dated July 14, 2009 and provided by the City Planning Office), that the Revised Plan is actually non-compliant with the city requirement of a 44 ft minimum at the end of Santa Anita Terrace.

I The proposed plan of adding a house at the end of the cul-de-sac will also break the current balance of the street and is a violation of the current homeowners' right. We, as homeowners, did not purchase our homes knowing that a major change on the street would take place which may negatively affect our home values.

This concern is being shared strongly in our neighborhood. To emphasize my concern, This Revised Plan will destroy the landscape of the cul-de-sac, generating an odd and absurd shaped terminus. I question whether there is any cul-de-sac in Arcadia being built this way. As a result, the proposed alteration of the cul-de-sac landscape has the potential to devalue the properties on this street.

Last but not least, in my October 25, 2021 comment, I stated that we, as residents on the street, have safety concerns if the construction starts due to the unique location of this residence. The Revised Plan did not address this concern.

Again, to summarize, we strongly object to the proposed plan!

Thank you for your consideration.

Bingbing Zhang

33 E Santa Anita Terrace, Arcadia

# Attachment No. 7

Public Comments from the  
October 11, 2021, Notice

Yang Liu and Jun Dai  
28 E Santa Anita Ter  
Arcadia, CA 91006

Edwin Arreola  
City of Arcadia  
Planning Services  
240 W Huntington Drive  
P.O Box 60021

Dear Mr. Arreola,

We are providing written comments regarding the new building project of a two-story single family in 26 E Santa Anita Terrace. As the residents neighboring this new project, we are writing to express our strong objections to this pending project and the associated modification of the street and cul-de-sac of E Santa Anita Terrace. We have listed 7 objections below:

1. The creation of '26 E Santa Anita Ter' was not disclosed until after we purchased our property at 28 E Santa Anita Terrace when we closed the escrow around October 5<sup>th</sup> of 2018. This lack of disclosure affected the purchase price of our house. And if the project is approved, it may affect the future sales price of our property.
2. Construction of a two-story house at 26 E Santa Anita Ter allows its residents to easily view our home and backyard, essentially robbing us of our right to privacy. Therefore, we object to any plans of construction of a two-story house at 26 E Santa Anita Ter unless the project provides a detailed plan regarding how our privacy will be respected.
3. E Santa Anita Terrace is a quaint and pretty street. The new project will extend the cul-de-sac into an odd shape. It destroys the image of the street and may decrease the property values in the long run. We request the city and the project to provide a better modification plan of the street.
4. To accommodate the new location at '26 E Santa Anita Ter', the street will cut away up to 5 feet of our current driveway. This will significantly diminish our currently available parking space, risking accidents with cars from the new location (26 E Santa Anita Ter) and the city service vehicles (garbage trucks, utility vehicles, etc). If the project was approved, we need written agreement from the project and the city that any damage to our vehicles incurred during and after construction will be paid in full by the project and the city, respectively.
5. The city restricts any construction within a certain distance from the curb. Since the city will shorten the distance between our house and the street, if this project is approved, we need written proof from the city that the city will lift the construction restriction on our house.

6. The new project will be a public safety risk to our neighborhood. For the past three years we've resided at 28 E. Santa Anita, the cul-de-sac protected our neighborhood from burglary and property theft by isolating it from any main streets. During the construction, the project will open our neighborhood to traffic from Santa Anita Ave because the other lot is empty. This will provide easy access to criminals and increase the risk for burglary and property theft. We require the project to demonstrate a plan that will remove such risk, and we also require written agreement from the project to pay for any loss or damage to residents' properties owing to burglary or property theft caused by the construction.
  
7. Due to the ongoing Covid-19 pandemic, we have hybrid models of employment that require us to alternate between being at work in person and working from home. The new project poses two threats to our employment. First, the construction trucks for the new project may block our access to the streets. This impedes our access to Camino Real and Santa Anita, meaning it will affect us getting to work on time. Second, construction results in severe noise that will affect our ability to concentrate on work on days we work remotely. We require that the project present a detailed plan to manage the traffic caused by construction as well as how the project plans on mitigating the noise. We require written agreement that the project will offer compensation for any work hours lost due to noise or traffic within the neighborhood.

As residents of Arcadia for 8 years and hopefully many more years to come, we wish our concerns are heard and addressed before the city council considers the approval of the project. However, if these concerns are not all addressed, **we will be pursuing further legal action.**

Sincerely yours,

Yang Liu and Jun Dai

**From:** [Lesley Ma](#)  
**To:** [Edwin Arreola](#)  
**Subject:** Comments on project location 26 E Santa Anita Terrace  
**Date:** Thursday, October 21, 2021 10:12:07 AM

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<<https://s3.amazonaws.com/staticmediafiles/media/sights/iron-icon-color.png>> IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender hongma99@hotmail.com

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Service,

After reviewing the plan, I don't feel this lot is suitable for a 3,386 two-story residence. The shape of the proposed cul-de-sac is awkward and it destroys the harmonic and the master plan of the whole neighborhood. A normal cul-de-sac is round sharp ending but this one is half 90-degree-corner (with a tall wall) and half round shape which looks extremely abnormal. Putting a two-story house in such a rare shape boundary at the end of the street makes the street looked like some kind of un-planned community.

I believe in Fengshui. Destroying the half round shape of the cul-de-sac will cause bad luck to this nice and peace community. The entrance of this property is not supposed to be on this end, it should be from the Santa Anita Ave where original of the lot faces.

In addition, the construction will cause safety issues if the wall is open. All our neighbors have big concern on it. In conclusion, we strongly against this project!

Lesley Ma  
Residence of 37 E Santa Anita Ter

**From:** [W Cong](#)  
**To:** [Edwin Arreola](#)  
**Cc:** [Wei Cong](#)  
**Subject:** Re: Comments on proposed construction project on 26 E. Santa Anita Terrace (APN: 5781-001-035)  
**Date:** Sunday, October 24, 2021 8:51:21 PM

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<<https://s3.amazonaws.com/staticmediafiles/media/sights/iron-icon-color.png>> IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [congwei@gmail.com](mailto:congwei@gmail.com)

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Dear Planning Services staff,

I am a property owner on E. Santa Anita Terrace. After reviewing the proposed plan of building a 3386 square feet, two-story residence on a 8283 square feet lot, I am listing my comments below:

1. First of all, I strongly object to the proposed plan of building a two-story residence. Not only is there no existence of a two-story residence on the entire street, but also the proposed two-story residence will violate the harmony of our community.
2. Secondly and most importantly, I completely object to the plan of adding this 26 E. Santa Anita Terrace residence on our street. The design of the driveway and the proposed opening on the existing street is unsightly, and it poses potential driving hazards with the two houses' drive ways next to each other. The proposed plan will also destroy the original beautiful plan of the neighborhood and is a violation of the current homeowners' right. We, as homeowners, did not purchase our homes knowing that a major change on the street would take place.
3. Last but not least, there will be safety concerns if the construction starts due to the unique location of this residence.

In a summary, we strongly object to the proposed plan!

Thank you for your consideration.

Wei Cong  
27 E Santa Anita Terrace, Arcadia

**From:** [Bingbing Zhang](#)  
**To:** [Edwin Arreola](#)  
**Subject:** Re: Comments on proposed construction project on 26 E. Santa Anita Terrace  
**Date:** Monday, October 25, 2021 2:33:03 PM

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<<https://s3.amazonaws.com/staticmediafiles/media/sights/iron-icon-color.png>> IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [bbzhang.ucd@gmail.com](mailto:bbzhang.ucd@gmail.com)

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Dear Planning Services Office,

I am a property owner on E. Santa Anita Terrace. After reviewing the proposed plan of building a 3386 square feet, two-story residence on a 8283 square feet lot, I am obligated to express my strong objections on the proposed plan.

First of all, I strongly object to the proposed plan of building a two-story residence. There is not a single two-story residence on the entire street, so building one will destroy the harmony of the community.

Secondly, I completely object to the plan of adding this 26 E. Santa Anita Terrace residence on our street. The design of the driveway and the proposed opening on the existing street is unsightly, and prone to potential accidents with the two houses' driveways next to each other. The proposed plan of adding a house at the end of the cul de sac will also break the current balance of the street and is a violation of the current homeowners' right. We, as homeowners, did not purchase our homes knowing that a major change on the street would take place which may negatively affect our home values.

Last but not least, we, as residents on the street, have safety concerns if the construction starts due to the unique location of this residence.

Again, to summarize, we strongly object to the proposed plan!

Thank you for your consideration.

Bingbing Zhang

33 E Santa Anita Terrace, Arcadia

**From:** [Marianne Martin](#)  
**To:** [Edwin Arreola](#)  
**Subject:** Re: 26 E Santa Anita Ter  
**Date:** Monday, October 25, 2021 3:18:17 PM

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<<https://s3.amazonaws.com/staticmediafiles/media/sights/iron-icon.png>> IRONSCALES finds this email suspicious! We know MARIANNE MARTIN by name, but the email was sent from an unfamiliar address mmartin@ausd.net | Know this sender?  
<<https://members.ironstakes.com/sights/info/MTk1NTQ2MTQ2:1mf8IN:o5qmQnKjJ6i23rscKXao5GuTmmU/>>

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Dear Edwin Arreola,

As residents whose property borders the project at 26 E Santa Anita Terrace, we have serious concerns about this proposal.

Having half a cul-de-sac dead end into our fence is awkward, unattractive, and unnecessary. We will not give or sell our land, so the cul-de-sac, as designed, will never be completed. There is absolutely no need for a partial cul-de-sac there; it has no function. There are other options for access to that lot.

Creating this half cul-de-sac is unfair to the homeowners at 28 E Santa Anita Terrace.. For many years, they and the previous owners have been allowed to use some of the land in question as part of their driveway access. Under the concept of adverse possession, they in fact have a claim to some of this land because of many years of allowed use. The current residents of 28 E Santa Anita Terrace have notified you of the loss of five feet of access to their own driveway, which could create a dangerous and unmanageable situation for them.

In talking with other residents on E Santa Anita Terrace, it is clear that they are also unhappy about this project because adding this unsightly and incomplete cul-de-sac ruins the aesthetic of the neighborhood and lowers their property values.

It is important to consider the wishes of all residents when making this decision. Multiple residents are unhappy with this plan. You will have to decide if you want to accommodate the wishes of one builder or listen to the wishes of many residents in this neighborhood. We are proud long-time residents of Arcadia -- 42 years at this house and 47 years in total. We have always valued and respected Arcadia's desire to create and maintain attractive neighborhoods and feel this half cul-de-sac is a big mistake. Thank you for your thoughtful consideration on this matter.

Sincerely,  
Marianne and William Martin  
1504 S Santa Anita Ave  
Arcadia, CA 91006  
(626) 446-9070

# Attachment No. 8

Parcel Map No. 70963

SCALE: 1"=40'

SHEET 2 OF 2 SHEETS

# PARCEL MAP NO. 70963

IN THE CITY OF ARCADIA  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

A 3' WIDE EASEMENT OF SIERRA PACIFIC LAND AND WATER COMPANY FOR PIPE LINES PURPOSES RECORDED IN BOOK 3027 PAGE 45, O.R.

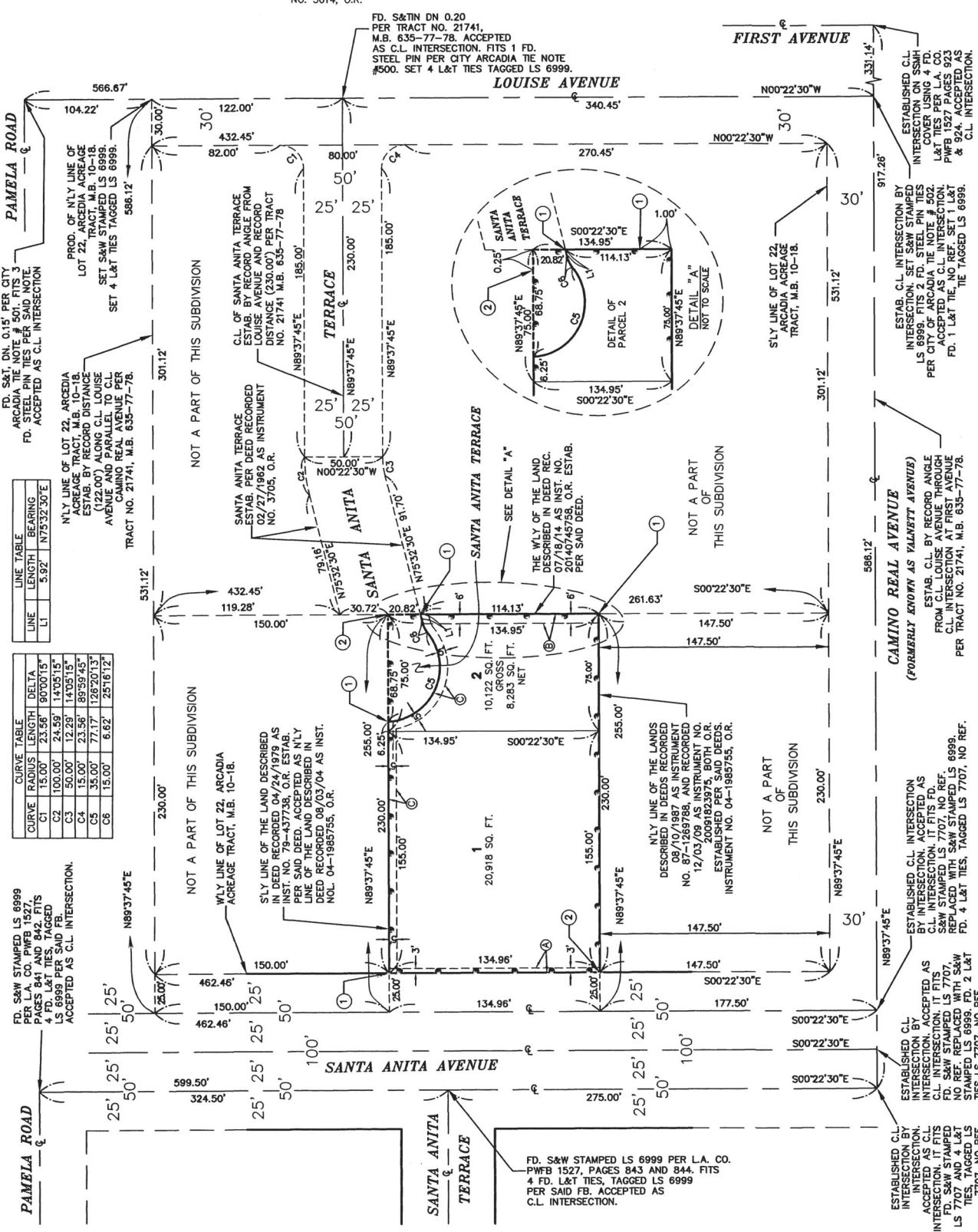
B 6' WIDE EASEMENT OF SOUTHERN CALIFORNIA EDISON COMPANY FOR ELECTRIC LINE PURPOSES RECORDED IN BOOK D-999 PAGE 820 AS INST. NO. 3014, O.R.

C 5' WIDE EASEMENT TO CITY OF ARCADIA FOR UTILITIES PURPOSES

### LEGEND

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

- ① SET 2" IP, CEMENT PLUG & BRASS TACK TAGGED LS 6999.
- ② SET L&T TAGGED LS 6999.



LINE	LENGTH	BEARING
L1	5.92	N75°32'30"E

CURVE	RADIUS	LENGTH	DELTA
C1	15.00'	23.56'	90°00'15"
C2	100.00'	24.59'	14°05'15"
C3	50.00'	12.29'	14°05'15"
C4	15.00'	23.56'	89°59'45"
C5	35.00'	77.17'	126°20'13"
C6	15.00'	6.62'	25°16'12"

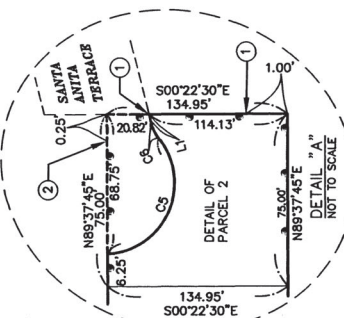
FD. S&W STAMPED LS 6999 PER L.A. CO. PWFB 1527, PAGES 841 AND 842. FITS LS 6999 PER SAID DEED. ACCEPTED AS C.L. INTERSECTION.

FD. S&W STAMPED LS 6999 PER L.A. CO. PWFB 1527, PAGES 843 AND 844. FITS 4 FD. L&T TIES, TAGGED LS 6999 PER SAID FD. ACCEPTED AS C.L. INTERSECTION.

NOT A PART OF THIS SUBDIVISION

WLY LINE OF LOT 22, ARCADIA ACREAGE TRACT, M.B. 10-18.

S'LY LINE OF THE LAND DESCRIBED IN DEED RECORDED 04/24/1979 AS INST. NO. 79-437738, O.R. ESTAB. PER SAID DEED. ACCEPTED AS N'LY LINE OF THE LAND DESCRIBED IN DEED RECORDED 08/03/04 AS INST. NO. 04-1985755, O.R.



ESTABLISHED C.L. INTERSECTION BY INTERSECTION, ACCEPTED AS C.L. INTERSECTION. IT FITS FD. S&W STAMPED LS 7707, NO. REF. 4 FD. L&T TIES, TAGGED LS 7707, NO. REF.

ESTABLISHED C.L. INTERSECTION BY INTERSECTION, ACCEPTED AS C.L. INTERSECTION. IT FITS FD. S&W STAMPED LS 7707, NO. REF. 4 FD. L&T TIES, TAGGED LS 7707, NO. REF.

ESTABLISHED C.L. INTERSECTION BY INTERSECTION, ACCEPTED AS C.L. INTERSECTION. IT FITS FD. S&W STAMPED LS 7707, NO. REF. 4 FD. L&T TIES, TAGGED LS 7707, NO. REF.

# Attachment No. 9

Preliminary Exemption Assessment



CITY OF  
ARCADIA

## PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Single Family Architectural Design Review No. SFADR 21-13 – A request to construct a new 3,169 square foot, two-story home with an attached 443 square foot two-car garage, a 268 square foot attached covered patio and a 633 square foot basement.	
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):	26 E. Santa Anita Terrace – The closest intersection is located east of the property at E. Santa Anita Terrace and Louise Avenue.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Eric Tsang, Applicant
	(2) Address	440 E. Huntington Drive, #356 Arcadia, CA 91006
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:	15303(a) – Class 3 (Construction of a single-family home)
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: May 5, 2022

Staff: Edwin Arreola, Assistant Planner



# STAFF REPORT

Development Services Department

**DATE:** May 24, 2022

**TO:** Honorable Chair and Planning Commission

**FROM:** Lisa Flores, Planning & Community Development Administrator  
By: Fiona Graham, Planning Services Manager

**SUBJECT:** RESOLUTION NO. 2096 – RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. TA 22-01 (ORDINANCE NO. 2388) AMENDING DIVISIONS 2 AND 5 OF CHAPTER 1, ARTICLE IX, OF THE ARCADIA DEVELOPMENT CODE RELATED TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND WITH A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**Recommendation: Adopt Resolution No. 2096**

## **SUMMARY**

Governor Newsom signed Senate Bill 9 – Housing Development: Approvals (“SB 9”) into law on September 16, 2021. This bill was one of at least 31 bills signed by the Governor related to housing during this past legislative session. Among other provisions, SB 9 requires local governments to ministerially approve housing developments containing two residential units on single-family zoned parcels, and to ministerially approve subdivisions of single-family zoned parcels into two parcels. SB 9 went into effect on January 1, 2022.

Because the new law dramatically changes how development can occur in single-family zones, an Urgency Ordinance (Ordinance No. 2385) to regulate SB 9 developments was adopted by the City Council on December 21, 2021, which went into effect on January 1, 2022. A text amendment is now being put forth to formalize the regulations and process for urban lot splits and two-unit projects. As such, it is recommended that the Planning Commission adopt Resolution No. 2096 recommending that the City Council approve Text Amendment No. TA 22-01 (Ordinance No. 2388) and determine the text amendment is statutory exempt from the California Environmental Quality Act (“CEQA”).

## **BACKGROUND**

On December 7, 2020, State Senators Atkins, Caballero, Rubio, and Wiener introduced SB 9, which would require local governments to ministerially approve housing developments containing two units and urban lot splits in single-family residential zones. This would essentially allow, by right, up to four units where a single home exists today.

On February 22, 2021, the City submitted a letter to the California State Senate opposing SB 9 unless amended to address items in the bill that would undermine local control. Subsequently, at the August 17, 2021, regular meeting, the City Council approved a Resolution opposing both Senate Bills 9 and 10 prior to these two bills being considered during the fall 2021 legislative session. The City also signed letters of opposition from the San Gabriel Valley Council of Governments. Despite these efforts, and the opposition of many other cities and jurisdictions throughout the State, SB 9 was signed into law on September 16, 2021.

The Development Services Department worked with the City Attorney to develop regulations that complied with SB 9. While the law requires urban lot splits and two-unit projects in single-family areas to be approved ministerially, it also allows cities to establish objective development standards to regulate new projects that fall under SB 9 processes.

The City Council adopted Urgency Ordinance No. 2385 on December 21, 2021, to ensure regulations and objective development standards were in place on January 1, 2022, when SB 9 went into effect – refer to Attachment No. 2. Since the new law went into effect, staff has received multiple inquiries from the public about SB 9, however no applications have been received to date.

## **DISCUSSION**

SB 9 requires local governments to ministerially approve two-unit residential developments on any single-family zoned lot of at least 2,400 square feet, which is virtually every single-family zoned lot in the City. SB 9 would also override the City's minimum setback requirements and require only a four-foot side-yard and rear-yard setback when it can be shown that a greater setback would prohibit the reasonable development of two residential units, each with a minimum area of 800 square feet. SB 9 specifies that a maximum of one off-street parking space may be required for each new residential unit. However, for parcels located within one-half mile of a high-quality transit corridor or a major transit stop, no parking spaces may be required by the City as a development requirement<sup>1</sup>.

SB 9 also requires the City to ministerially approve any request to subdivide a single-family zoned property into two separate parcels, provided that each new parcel is not less than 1,200 square feet in area and contains not less than 40% of the original parcel area. Given that most single-family residential properties in the City meet these minimum subdivision requirements, under SB 9 most of Arcadia's single-family properties would be eligible to be subdivided into two separate parcels. Each of the new parcels could then be developed individually with two residential units resulting in a total of four units on each

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<sup>1</sup> A high-quality transit corridor is defined as one with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A major transit stop is defined as an existing rail or bus rapid transit station.

qualifying single-family property. As ministerial actions, both the subdivision and the two-unit residential developments would be exempt from CEQA review.

SB 9 does include a provision stating that local governments are not required to permit an accessory dwelling unit or junior accessory dwelling unit on any new parcel created under the SB 9 subdivision authority which is then developed with two residential units. There is also a provision in SB 9 that allows a local government to impose an owner occupancy requirement on an applicant for an urban lot split. Specifically, it states that the applicant must intend to occupy one of the units created under the provisions of this bill for three (3) years after the approval of an urban lot split, or that the applicant must be a qualified nonprofit corporation.

The attached text amendment is structured to carry over the regulations that already in place – refer to Attachment No. 1. Because the process is ministerial, the text amendment is very clear in what it does and does not permit. Since design guidelines are not permissible in this process, the existing “Objective Development Standards” that were approved under the Urgency Ordinance is being carried over under this text amendment.

Below are the primary tenets of the text amendment that was approved under the Urgency Ordinance and is still currently in effect. For the full text of the regulations, please refer to Attachment No. 1, Exhibit “A” of the Resolution.

- The regulations were divided into two sections, one specifically dealing with Urban Lot Splits and one for Two-Unit Projects. Fees for Urban Lot Splits were approved by the City Council at \$1,770 and \$1,617 for Two-Unit Projects.
- Urban lot splits will not be allowed in areas that are not zoned Single-Family Residential, are in a historic district, have an impact on protected housing (such as existing low-income housing or will impact existing tenants), or result in a lot that contains more than 60% of the frontage or area of the original lot or less than 40% of the frontage or area of the original lot.
- The allowable unit size of a unit built following an Urban Lot Split or for units built as a second unit of a two-unit project is no greater than 800 square feet.
- All new units are subject to height, setback, lot coverage, floor area ratio, and parking requirements within the Code as well as objective development standards related to architecture and appearance, landscaping, fences and walls, and parking. All of these standards are enforceable to the extent they do not prevent the development of two 800 square foot units on a qualifying lot. In a case where an 800 square foot unit cannot be built, the standards must yield to the extent that the unit could be built.

- Units created through these processes may not be used for commercial purposes or used as short-term rentals, and owners must live on the property for three (3) years after the units are completed.

This text amendment is very similar to Urgency Ordinance No. 2385 that was adopted on December 21, 2021. There is one minor change being proposed: to amend one of the objective development standards that relates to front yard fencing/walls between properties created via an Urban Lot Split.

## **FINDINGS**

Pursuant to Section 9108.03.060, an amendment to the Development Code may be approved only if all of the following findings are made:

- 1. The proposed Development Code amendment is consistent with the goals, policies, and objectives [of] the General Plan; and any applicable specific plan(s);**

**Facts to Support the Finding:** The proposed Text Amendment No. TA 22-01 is consistent with the General Plan Land Use Element and Housing Element goals and policies. SB 9 projects are residential land uses permitted in Single Family Zoned properties. The Amendment ensures that the Development Code will comply with State law and that the City will retain the ability to regulate certain aspects of SB 9 projects, such as subdividing lines, building height, location and design, to ensure neighborhood compatibility, which is consistent with the following General Plan Policies:

### Land Use and Community Development Element

- Policy LU-3: Preservation and enhancement of Arcadia's single-family neighborhoods, which are an essential part of the City's core identity.
- Policy LU-3.4: Strengthen neighborhood identity with new development that is compatible with surrounding structures through scale, massing, and preferred architectural style.
- Policy LU-3.5: Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context, building forms, scale, and colors. The proposed amendments also regulate SB 9 projects, which can contribute to the overall variety of available housing choices in Arcadia.

### Housing Element

- Policy H-2.4: Maintain development standards, regulations, and design features that are flexible to provide a variety of housing types and facilitate housing that is appropriate for the neighborhoods in which they are located.
- Policy H-4.1: Periodically review and modify as appropriate residential and mixed-use development standards, regulations, and processing procedures that are determined to constrain housing development, particularly housing for lower- and moderate-income households and for persons with special needs.
- Policy H-4.3: Provide for streamlined, timely, and coordinated processing of residential projects to minimize holding costs and encourage housing production.

The purpose of the proposed Text Amendment No. TA 22-01 is to comprehensively respond to SB 9 which allows for two-unit projects and urban lot splits. The Text Amendment will implement regulations allowing SB 9 projects while protecting the existing character and aesthetics of the City's single-family neighborhoods. This amendment will not affect any other development standards and are consistent with the adopted General Plan.

## **2. The proposed amendment is internally consistent with other applicable provisions of this Development Code.**

**Facts to Support the Finding:** The purpose of the proposed Text Amendment is to adopt SB 9 regulations in the Development Code. The proposed Text Amendment has been reviewed to ensure it is consistent with the other applicable provisions of the Development Code. The proposed Amendment was reviewed by the City Attorney for internal consistency to ensure that there are no conflicting standards or uncertainties. The Text Amendment has been drafted with the intent that it will largely stand alone for the purpose of regulating SB 9 projects only. As such, these provisions will not be of effect for any non-SB 9 projects on Single Family Zoned properties.

## **ENVIRONMENTAL ASSESSMENT**

Under California Government Code Sections 65852.21(j), and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, the proposed ordinance is statutorily exempt from CEQA as the ordinance implements these new laws enacted by SB 9. See Attachment No. 3 for the Preliminary Exemption Assessment.

### **PUBLIC COMMENTS/NOTICE**

Pursuant to Section of the Development Code 9108.13.020.B.2, if the number of property owners to whom notice would be mailed is more than 1,000, a notice may be published in a general circulation news publication. Accordingly, a public hearing notice for Text Amendment No. TA 22-01 was published in the Arcadia Weekly on May 12, 2022. As of May 19, 2022, no comments were received in response to the notice.

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt Resolution No. 2096, recommending that the City Council approve Text Amendment No. TA 22-01 (Ordinance No. 2388) amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Development Code related to urban lot splits and two-unit projects and with a statutory exemption from the California Environmental Quality Act.

Approved:

A handwritten signature in blue ink, appearing to read 'Lisa L. Flores', with a stylized flourish at the end.

Lisa L. Flores  
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2096 with Exhibit A – Text Amendments
- Attachment No. 2: Urgency Ordinance No. 2385 (approved December 21, 2021)
- Attachment No. 3: Preliminary Exemption Assessment

# Attachment No. 1

Resolution No. 2096

RESOLUTION NO. 2096

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. 22-01 AMENDING DIVISIONS 2 AND 5 OF CHAPTER 1, ARTICLE IX, OF THE ARCADIA DEVELOPMENT CODE RELATED TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND WITH A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on December 21, 2021, the City Council adopted an Urgency Ordinance No. 2385 to put regulations and objective development standards for urban lot splits and two-unit projects related to SB 9 in place prior to the effective date of January 1, 2022; and

WHEREAS, the City is proposing Text Amendment No. TA 22-01 (Ordinance No. 2388) to formalize the regulations and process for urban lot splits and two-unit projects by amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Development Code; and

WHEREAS, on May 9, 2022, Planning Services completed an environmental review of the proposed Text Amendment and determined that the project is statutorily exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(3), Government Code Section 65852.21(j) and Government Code Section 664411.7(n), where it can be seen with certainty that the text amendment is not a project and that it may not have a significant effect on the environment; and

WHEREAS, on May 24, 2022, a duly noticed public hearing was held before the Planning Commission on said application, at which time the public was given full opportunity to be heard and to present evidence.

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

Section 1. The Planning Commission hereby finds that the factual data set forth in the Recitals of this Resolution and by the Development Services Department in the staff report dated May 24, 2022, are true and correct.

Section 2. The Planning Commission hereby finds that, pursuant to Section 9108.03.060 of the Development Code, the following findings can be made:

1. The proposed Development Code amendment is consistent with the goals, policies, and objectives [of] the General Plan; and any applicable specific plan(s);

Facts to Support the Finding: The proposed Text Amendment No. TA 22-01 is consistent with the General Plan Land Use Element and Housing Element goals and policies. SB 9 projects are residential land uses permitted in Single Family Zoned properties. The amendment ensures that the Development Code will comply with State law and that the City will retain the ability to regulate certain aspects of SB 9 projects, such as subdividing lines, building height, location and design, to ensure neighborhood compatibility, which is consistent with the following General Plan Policies:

Land Use and Community Development Element

Policy LU-3: Preservation and enhancement of Arcadia's single-family neighborhoods, which are an essential part of the City's core identity.

Policy LU-3.4: Strengthen neighborhood identity with new development that is compatible with surrounding structures through scale, massing, and preferred architectural style.

Policy LU-3.5: Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context, building forms, scale, and colors. The proposed amendments also regulate SB 9 projects, which can contribute to the overall variety of available housing choices in Arcadia.

#### Housing Element

Policy H-2.4: Maintain development standards, regulations, and design features that are flexible to provide a variety of housing types and facilitate housing that is appropriate for the neighborhoods in which they are located.

Policy H-4.1: Periodically review and modify as appropriate residential and mixed use development standards, regulations, and processing procedures that are determined to constrain housing development, particularly housing for lower- and moderate-income households and for persons with special needs.

Policy H-4.3: Provide for streamlined, timely, and coordinated processing of residential projects to minimize holding costs and encourage housing production.

The purpose of proposed Text Amendment No. TA 22-01 is to comprehensively respond to SB 9 which allows for two-unit projects and urban lot splits. The Text Amendment will implement regulations allowing SB 9 projects while protecting the existing character and aesthetics of the City's single-family neighborhoods. This amendment will not affect any other development standards and are consistent with the adopted General Plan.

2. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

Facts to Support the Finding: The purpose of the proposed Text Amendment is to adopt SB 9 regulations in the Development Code. The proposed Text Amendment has been reviewed to ensure it is consistent with the other applicable provisions of the Development Code. The proposed Text Amendment was reviewed by the City Attorney for internal consistency to ensure that there are no conflicting standards or uncertainties. The Text Amendment has been drafted with the intent that it will largely stand alone for the purpose of regulating SB 9 projects only. As such, these provisions will not be of effect for any non-SB 9 projects on Single Family Zoned properties.

Section 3. For the foregoing reasons the Planning Commission determines that the proposed Text Amendment is statutorily exempt from review under the California Environmental Quality Act (CEQA). Under California Government Code Sections 65852.21(j), and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of CEQA. Therefore, the proposed text amendment is statutorily exempt from 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 that the City Council approve Text Amendment No. TA 22-01 (Ordinance No. 2388), as reflected in Exhibit "A" to this Resolution.

Section 5: The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City  
of Arcadia this 24<sup>th</sup> day of May, 2022.

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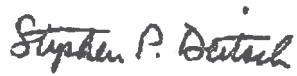
Chairman, Planning Commission

ATTEST:

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Secretary

APPROVED AS TO FORM:



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Stephen P. Deitsch  
City Attorney

Exhibit "A"

Text Amendment

# Division 2: Zones, Allowable Uses, and Development Standards

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### **Section 9102.01.150 – Urban Lot Splits**

**Purpose.** The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (R-M, R-0, and R-1).

**Applicability.** This section shall only apply to the extent that the City is required to ministerially approve urban lot splits under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.

#### **Definitions.**

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
5. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.

#### **B. Requirements and Approval Authority**

1. Only individual property owners may apply for an urban lot split.
2. The Director shall ministerially approve all applications for urban lot splits that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. Notwithstanding Division 5 of this Code, the parcel map shall be approved by the Director, and these decisions shall be final. The Director shall not waive the requirement to submit a tentative parcel map for an urban lot split.
3. An application and tentative parcel map for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of

any incompleteness within 30 days after the application is submitted. The City's application form shall, at a minimum, require the applicant to submit the following:

- a. Evidence that the applicant is an individual property owner of the lot to be split.
  - b. A signed affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.
  - c. Proof that none of the circumstances set forth in Subsections (B)(3)(f) & (g) are present.
  - d. Proof that the lot to be split was not established through a prior urban lot split under this section.
  - e. Proof of any inspections required under Subsection (B)(3)(d).
  - f. If the lot would result in the demolition or alteration of existing housing, proof that no housing on the lot has been occupied by a tenant within the past three years.
4. The tentative parcel map may not be recorded until the final parcel map has been approved ministerially by the Director. The owner must demonstrate that the required documents have been recorded, such as deed restriction and easements. The tentative parcel map expires six months after the approval. No extension shall be granted.
5. The application fee for an urban lot split will be the same as the City's Lot Line Adjustment fee within the approved Fee Schedule. This fee may be changed from time to time by the City Council, in accordance with applicable law.

### **C. Requirements; Grounds for Denial**

1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
  - a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. **Subdivision Standards.**
  - a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and Division 5 of Article IX (Subdivisions) of this Code.
  - b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.

3. **Denial.** The Director shall deny an application for an urban lot split if any of the following are true:
- a. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (B)(1) or (B)(2) above or (C) below.
  - b. **Zone.** The lot to be split is not zoned for single family residential uses.
  - c. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
  - d. **Inspection**
    - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City’s fire marshal or person authorized by the City to perform building inspections.
    - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
  - e. **Historic**
    - i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
    - ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
  - f. **Prior Urban Lot Split.**
    - i. The lot to be split was established through a prior urban lot split.
    - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
  - g. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
    - i. Housing that is income-restricted for households of moderate, low, or very low income.
    - ii. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
    - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
    - iv. Housing that has been occupied by a tenant in the last three years.
  - h. **Lot Size**

- i. The lot to be split is smaller than 2,400 square feet.
  - ii. Either or both of the resulting lots are less than 1,200 square feet.
  - iii. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
- i. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.
  - j. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  - k. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

### C. Standards Specific to Urban Lot Splits

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern.

- 1. **Lot Access.** Each resulting lot must adjoin the public right-of-way with no more than 60% of the original frontage and no less than 40% of the original frontage of the lot.
- 2. **Unit Quantity.** No more than two units of any kind are permitted on any lot created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to an ADU, or a JADU.
- 3. **Unit Size.** Notwithstanding Section 9102.01 for Single-Family Residential Zones:
  - a. The total floor area of each residential unit developed on a lot created by an urban lot split must be less than or equal to 800 square feet and at least 500 square feet.
  - b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
  - c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.
  - d. The unit size shall comply with the setbacks, height, parking, and other applicable standards in Section 9102.01.160 for Two-Unit Units Projects approved under an urban lot split.
- 4. **Objective Development Standards and Other Regulations.** Units built following an Urban Lot Split shall comply with the setbacks, height, FAR and lot coverage, and parking requirements found in Section

9102.01.160(C), all objective development standards found in Section 9102.01.160(F), and the City's Tree Ordinance as provided in Division 10 of this Code.

**5. Utilities.**

- a. Each dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

For each dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. This section shall not be interpreted to allow an onsite wastewater treatment system where connection to a sewer system is available or required.

**D. Fire-Hazard Mitigation Measures.** A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

**E. Separate Conveyance**

**1. Within a resulting lot:**

- a. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
- c. All fee interest in a lot must be held equally and undivided by all individual property owners.

2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

**F. Restriction of Uses.**

1. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
2. **No Short-Term Rentals.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.

3. **Owner Occupancy Affidavit.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

**G. Deed Restriction.**

1. The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:
  - a. Gives notice that the parcel was created through an urban lot split.
  - b. Gives notice of any site limitations resulting from the urban lot split.
  - c. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
  - d. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
  - e. Expressly prohibits any non-residential use of the lots created by the urban lot split.
  - f. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
  - g. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
  - h. Provides a statement of intent to occupy a unit for a period of three years.

The Director shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

### Section 9102.01.160 Two-Unit Projects

**Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.

**Applicability.** This section shall only apply to the extent that the City is required to ministerially approve urban two-unit projects under Government Code Section 65852.21. If Government Code Section 65852.21 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern then existing two-unit projects and no applicant for a two-unit project may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 65852.21 and this section shall not be construed to allow any greater rights to a two-unit project than the City is required to grant under state law.

#### Definitions.

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City, or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
5. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

#### A. Applicants; Approving Authority.

1. Only individual property owners may apply for a two-unit project.
2. The Director shall ministerially approve all applications for two-unit projects that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. The Director’s decisions on applications shall be final.
3. An application for a two-unit project must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:

- a. Evidence that the applicant is an individual property owner.
  - b. Proof that none of the circumstances set forth in Subsection (B)(2)(f) are present.
  - c. Proof of any inspections required under Subsection (B)(2)(e).
  - d. Proof that the requirements of Subsection (B)(2)(g) are satisfied.
  - e. In accordance with Subsection (D)(2), a signed acknowledgment stating the applicant understands that the City will not approve the application if all nonconforming zoning conditions are not corrected.
4. The application fee for a two-unit project shall be the same as the City's Preliminary Plan Review fee for Multi-Family Residential projects, as may be modified by the City Council from time to time, in accordance with applicable law.

**B. Requirements and Grounds for Denial**

1. **Objective Development Standards.** A two-unit project shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other requirements that are not in conflict with Government Code Section 65852.21.
2. **Denial.** The Director shall deny an application for a two-unit project if any of the following are true:
  - a. **Development Standards.** The two-unit project does not satisfy the requirements of Subsection (B)(1) above or (C) and (F) below.
  - b. **Lawful Subdivision.** The lot was not legally subdivided.
  - c. **Zone.** The lot is not zoned for single-family residential uses.
  - d. **Lot Location.** The lot does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
  - e. **Inspection.**
    - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform inspections.
    - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
  - f. **Historic.**
    - i. The lot is a historic property or within a historic district that is included on the State

Historic Resources Inventory.

- ii. The lot is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
- g. **Impact on Protected Housing.** The two-unit project requires or includes the demolition or alteration of any of the following types of housing:
  - i. Housing that is income-restricted for households of moderate, low, or very low income.
  - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
  - iv. Housing that has been occupied by a tenant in the last three years.
- h. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- i. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 65852.21, initiative or referendum, court decision or any circumstance in which Section 65852.21 does not obligate the ministerial approval of a two-unit project, or if for any reason the Director is not required to ministerially approve a two-unit project. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

**C. Standards Specific to Two-Unit Projects.**

The following development standards shall apply to two-unit projects approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of this Code (Development Code), this subsection shall govern.

**1. Unit Quantity**

- a. No more than two units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
- b. A lot that is not created by an urban lot split may have a two-unit project under this section.

**2. Unit Size.** Notwithstanding Section 9102.01 for Single-Family Zones:

- a. The total floor area of each residential unit developed must be less than or equal to 800 square feet and at least 500 square feet.

- b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
- c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

3. **Maximum Height**

- a. The dwelling unit may not exceed one story or 16 feet in height, measured to the top of the roof ridge.
- b. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split or two-unit project.

4. **Setbacks**

- a. All setbacks must comply with the standards set forth in Section 9102.01 for Single-Family Residential Zones (R-M, R-0, and R-1), with the exception of those units that are subject to subsections c and d below.
- b. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
- c. A unit may encroach into the side or rear setback only if strict application of the setback standard would have the effect of physically precluding the construction of up to two units on the lot or that would result in a unit size of less than 800 square feet in floor area, in which case the encroachment into the setback shall be only as necessary to enable construction of the unit or units at a maximum size of 800 square feet in floor area. However, in no event may any unit be constructed without at least providing a four-foot setback from the side and rear lot lines.
- d. Front Setback Area. The front yard setback for the new dwellings shall comply with the underlying zoning regulations or Homeowners Associations regulations set forth in Section 9102.01.030.

5. **FAR and Lot Coverage.** The floor area ratio (FAR) and lot coverage of the underlying zoning designation is applicable to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

6. **Parking.** Subject to Government Code Section 65852.21(c)(1)(A)-(B), each new primary dwelling unit must provide at least one off-street parking space per unit. A driveway must lead to the parking space. An enclosed garage is allowed but shall be limited to two parking spaces with a minimum dimension of 10 feet by 20 feet (interior clearance) for each space and the garage will not be counted toward the unit size. The garage must comply with the setback standards set forth in Section 9103.07.050

**D. Other Applicable Regulations**

1. **Demolition Cap.** The two-unit project may not involve the demolition of more than 50% of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

2. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
3. **Utilities.**
  - a. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
  - b. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
4. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
  - a. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
  - b. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.
5. **Separate Conveyance**
  - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
  - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
  - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
6. **Restriction of Uses.**
  - a. **Residential-only.** No non-residential use is permitted on the lot.
  - b. **No Short-Term Rentals.** No dwelling unit on the lot may be rented for a period of less than 30 days.
  - c. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

**E. Deed Restriction**

The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:

1. Gives notice that the two-unit project was created pursuant to this section.

2. Gives notice of any site limitations resulting from the two-unit project, including but not limited to restrictions on off-street parking, the size of units on the parcel and on the ability to obtain a standards modification for the parcel.
3. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
4. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the lot.
6. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
7. Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
8. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
9. The Director shall not issue a building permit for any two-unit project unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions in this Subsection.

**F. Objective Development Standards**

**Architectural Standards and Site Layout**

1. If there is no legal primary dwelling unit on the lot prior to the urban lot split, or if an existing unit is demolished to leave no units on the resulting lot, the dwelling units on the same lot must match in architectural style or design and this architectural style and design must be prevalent in the surrounding neighborhood. Examples of matching elements shall include materials of the exterior walls, roof, eaves, and windows and doors. Units must have the same roof pitch. Any second unit must be located behind the front unit.
2. If there are legal primary dwelling units on the lot that were approved prior to the urban lot split, any new dwelling unit must match the existing primary dwelling unit(s) in exterior materials, colors, and dominant roof pitch.
3. The roof slope shall not be less than 4 in 12. No flat roofs are permitted. No metal roofs are permitted, unless it is used as accent over a window.
4. The minimum distance between each detached dwelling unit shall be at least 6 feet.
5. No basements are allowed.
6. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
7. The units must have indentations and/or projections 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.

8. 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.
9. All windows shall be recessed at least two inches from the face of the wall.
10. One front entry covered porch may be allowed for each unit. Porches shall not exceed 12 feet, as measured from finished grade to the top of the porch ridge and the highest point of the porch must be at least 3 feet below the ridge of the unit. No flat roofs are permitted.
11. Each unit may have one covered patio or trellis and it shall not be visible from the public right-of-way. The covered patio shall not exceed 150 square feet in area. The covered patio shall maintain the same setbacks of the new dwelling unit. If a new covered patio or trellis is added to an existing legal non-conforming house, then it shall not be located less than 6 feet from the side or rear property lines.
12. Chimney and roof-mounted vents shall be allowed to exceed height limits to the minimum extent required by Article VIII (Building Regulations). Chimneys shall not encroach more than 18-inches into the front yard setback and shall maintain a three foot setback from the side or rear property lines.
13. Garden and bay windows may only be allowed to encroach 6 inches into the side and rear yard setback area but in no case shall it be closer than four feet from the side or rear property lines.
14. A carport or detached garage must be located behind the dwelling unit or units. If an attached garage is proposed, it must be located behind the front elevation of the dwelling unit by at least two feet. Carports are not allowed in Homeowners Association Areas.

### **Landscape**

15. Landscaping around the units 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 units and adjacent parcels. Desert landscape or rock garden designs are not allowed.
16. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall along the side and rear. Alternatively, at least one 24" box size plant shall be provided for every 10 linear feet of exterior wall.
17. All landscaping utilized must be taken from the City's approved planting materials listed in the City's Single-Family Design Guidelines.
18. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.).

### **Fences, Walls and Gates**

19. A new perimeter wall or fence is required along any new property lines, except in the front yard area. New walls shall be stuccoed with a decorative trim cap. The maximum size of a decorative cap is 30 inches by 30 inches.
20. New fences, walls and gates for all projects shall comply with the development standards and height provided in Section 9103.05.030 and Subsection 9103.01.070 (visibility standards).

21. No spears (apache, aristocrat with crushed spears, or any spear-like features) shall be allowed on a fence, wall, or gate.
22. Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing shall not be allowed, except chain link fencing is allowed as a fencing material enclosing sports courts and temporary construction fencing.

### **Parking**

23. Each parking space shall be at least 10 feet in width and 20 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.
24. Each parking space that is provided in a garage shall be at least 20 feet wide and 20 feet long and have at least seven and a half feet vertical clearance.
25. The driveway must lead to the parking space and comply with regulations set forth in Section 9103.07.050.

### **Other Standards**

26. On flag lots, the dwelling units must use the same driveway to access the street, unless otherwise required for fire-apparatus access.
27. Mechanical equipment shall not be visible from the City's public right-of-way.
28. Swimming Pools, Spas, Water Features, and Ornamental Features shall adhere to Section 9102.01.070.
29. Every unit 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.

# Division 5: Subdivisions

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## Section 9105.01 – General Provisions

### Subsections:

- 9105.01.010 Purpose of Section
- 9105.01.020 Title
- 9105.01.030 Definitions
- 9105.01.040 Authority
- 9105.01.050 Applicability
- 9105.01.060 Advisory Agency
- 9105.01.070 Type of Subdivision Approvals Required
- 9105.01.080 Enforcement of Subdivision Regulations
- 9105.01.090 Applications Deemed Approved
- 9105.01.100 Processing Fees
- 9105.01.110 Exceptions to Subdivision Standards

### 9105.01.010 Purpose of Section

- A. Supplement and Implement the Act.** The provisions of this Section are intended to supplement, implement, and coordinate with the State Subdivision Map Act, referred to in this Section as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, as those sections may be replaced or amended from time to time.
- B. Used in Conjunction with the Act.** This Section is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Division, and any rules, regulations, and specifications adopted in compliance with this Division, is to regulate the division of land and to promote the conservation, stabilization, and protection of property values through orderly growth and development, the provision of necessary public and private facilities, and generally, to promote the public health, safety, and general welfare within the City and any lands as may be annexed or are proposed to be annexed to the City.
- D. References to Other Laws.** Whenever reference is made to an ordinance of this City or to a statute of the State, the reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of approval of tentative maps, tentative parcel maps, vesting tentative maps, or vesting tentative parcel maps granted in compliance with the ordinances or statutes.

### 9105.01.020 Title

This Division shall be known as and referred to as "the City's Subdivision Ordinance."

### 9105.01.030 Definitions

For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Additional definitions are contained in Division 9 (Definitions).

**Act.** California Government Code Sections 66410 et seq., also known as the Subdivision Map Act.

**Advisory Agency.** The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Subsection 9105.01.060 (Advisory Agency).

**Certificate of Compliance; Conditional Certificate of Compliance.** A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) and this Section. A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

**Co-Operative Multifamily Building.** Any multifamily dwelling, as defined in this Development Code, existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal right or interest, including but not limited to shares, stock, or beneficial interest in trust, in a multiple dwelling in the City coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling, and shall also mean a condominium, as defined in California Civil Sec. 1350, and a community apartment project as defined in California Business and Professions Code Sec. 11004.

**Dedication.** The granting of real property for public use.

**Design.** (1) Street alignments, grades, and widths; (2) Drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) Location and size of all required easements and rights-of-way; (4) Fire roads and firebreaks; (5) Lot size and configuration; (6) Traffic access; (7) Grading; (8) Land to be dedicated for park or recreational purposes; and (9) Other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance to or implementation of the General Plan or any specific plan.

**Development Code.** The Development Code of the City specified in Municipal Code Division 9.

**Division of Land.** Any lot or contiguous lots of land, improved or unimproved which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more lots or the consolidation of separate lots of land or a co-operative multiple building, as defined above. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of lots under Development Code. "Division of Land" shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

**Drainage facility.** Any drainage device or structure which may be used to control or direct the flow of water or alleviate a flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement, pumps, and pipes.

**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.

**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.

**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.

**Frontage.** That portion of a lot which abuts a public or private street or highway to which the lot has the right of access.

**Future Street or Alley.** A street or alley which is necessary for the future division of land within a division of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the Council determines that the acceptance and construction of the street or alley is warranted.

**Geologic Hazard.** A hazard inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

**Improvements.** 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.

**Lease.** An oral or written agreement or contract, tenancy at will, month-to-month, or similar tenancy.

**Lot Line Adjustment.** The adjustment of property lines between four or fewer legally created adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed is not created; approved by the Director in compliance with Subsection 9105.07.030 (Lot Line Adjustments).

**Lot on Cul-De-Sac Terminus.** A lot which has 50 percent of its front lot line coterminus with the required diameter turn around on a cul-de-sac.

**Lot Width.** The distances between the side lot lines measured in a horizontal plane, and as further explained in Division 3.

**One Sided Cul-De-Sac.** A cul-de-sac which is only half formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire bulb of the cul-de-sac is only half formed and not fully rounded as is customary for cul-de-sacs.

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

**Parkway.** That portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

**Special Study Zone.** The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist adopted by the City in compliance with Municipal Code Article III, Chapter 7.

**Streets.** All alleys, avenues, courts, highways, lanes, places, streets, squares, sidewalks, parkways, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or other public property so designated in the General Plan and any law of the State, and as specified in the following descending order of pavement widths.

**Principal Arterial Interstate.** A freeway that is included as part of the interstate highway system. It is a controlled access, divided highway that is intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

**Major Arterial.** An arterial roadway that has regional significance. It accommodates subregional and intercity travel and generally has eight travel lanes with a raised median and dedicated left turn lanes. Major Arterials accommodate regional traffic while also providing connection to primary arterials. The right-of-way width for Major Arterial roadways in the City is 220 feet, while the pavement widths range from 160 to 180 feet.

**Primary Arterial.** An arterial roadway that has less of a regional significance than Major Arterial roadways. It accommodates subregional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Primary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets. The right-of-way widths for Primary Arterial roadways in the City range from 100 to 108 feet, while the pavement width is 84 feet.

**Secondary Arterial.** An arterial roadway that has less of a regional significance than Primary Arterial roadways. It accommodates intercity travel and generally has four travel lanes with a painted median and/or a center left-turn lane. Secondary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting Collector Streets. The right-of-way widths for Secondary Arterial roadways in the City range from 84 to 92 feet, while the pavement widths range from 60 to 68 feet.

**Enhanced Collector.** A street that is intended to serve as an intermediate route to accommodate travel between arterial roadways and to provide access to the abutting properties. Enhanced Collector streets generally have two travel lanes although four lanes may be provided at certain locations. The right-of-way widths for Enhanced Collector streets in the City range from 80 to 88 feet, while the pavement widths range from 54 to 64 feet.

**Collector.** A street that is intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets have two travel lanes. The right-of-way widths for Collector streets in the City range from 64 to 72 feet, while the pavement widths range from 40 to 48 feet.

**Subdivide.** The act of dividing land or structures in compliance with Government Code Section 66410 et seq.

**Subdivider.** An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

**Subdivision.** The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined lots, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities.

**Subdivision Map Act (the Act).** Government Code Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Division as the Act.

**Tentative Map.** A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

**Tentative Parcel Map.** A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

**Vesting Tentative Map.** A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in the Act (Government Code Sections 66452) and in compliance with Subsection 9105.03.100 (Vesting on Approval of Vesting Tentative Map).

#### **9105.01.040 Authority**

This Section is adopted in compliance with the Act as a "local ordinance," as the term is used in the Act. All provisions of the Act and future amendments to the Act not incorporated into this Section shall, nevertheless, apply to all subdivision maps and proceedings under this Section.

#### **9105.01.050 Applicability**

##### **A. Applicability of Section**

1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Division and/or the Act, Government Code Sections 66410 et seq.
2. This Division shall apply to all divisions of land, except those exempted by Government Code Sections 66412, 66412.1, 66412.2, and 66412.5.
3. In the event of divisions of land which are not subject to this Division and/or the Act, a certificate of compliance shall be issued on a form prescribed by the Director.

**B. Subdivision Approval Required.** Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Division.

**C. Conflicts with the Act.** In the event of any conflicts between the provisions of this Division and the Act, the Act shall control.

**D. Compliance with Other Regulations Required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation specified in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

**9105.01.060 Advisory Agency**

**A. Advisory Agency**

1. The designated advisory agencies specified in this Subsection shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

<b>Table 5-1 Subdivision Review Authorities</b>		<b>Role of Review Authority<sup>(1)</sup></b>			
<b>Type of Decision</b>	<b>Applicable Section or Subsection</b>	<b>Director</b>	<b>City Engineer</b>	<b>Commission</b>	<b>Council<sup>(2)</sup></b>
Amendments to Approved Tentative Maps	9105.03.120	Decision		Appeal	Appeal
Certificates of Compliance	9105.07.020	Decision	Recommend	Appeal	Appeal
Correction and Amendments to Recorded Maps	9105.03.070		Decision	Appeal	Decision/ Appeal
Extensions of Time – Tentative Maps, in compliance with Section 9105.03.110 (Tentative Map Expiration and Extensions)	9105.03.110	Decision	Recommend	Appeal	Appeal
Final Parcel Maps, Without Dedications	9105.05	Recommend	Decision	Appeal	Appeal
Final Parcel Maps, With Dedications	9105.05	Recommend	Recommend		Decision
Final Tract Maps, Vesting Tract Maps	9105.03.100	Recommend	Recommend		Decision
Lot Line Adjustments	9105.07.030	Decision	Recommend	Appeal	Appeal
Lot Mergers	9105.07.040	Decision	Recommend	Appeal	Appeal
Modifications to Lot Area, Depth, and Width Requirements	9105.09.030			Decision	Appeal
Reversion to Acreage	9105.07.050			Recommend	Decision
Subdivision Improvement Plans	9105.09.060		Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, With Dedications	9105.05	Recommend		Decision	Appeal
Waiver of Parcel Maps	9105.05.020		Decision	Appeal	Appeal
<b>Tentative &amp; Final Parcel Map for Urban Lot Splits</b>	<b>9105.05.090</b>	<b>Decision</b>			

Notes:

(1) "Decision" means that the review authority makes the final decision on the matter; "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); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.

(2) Decisions of the Council may not be appealed.

**B. Appeal Authorities**

1. The Commission shall be the review authority for any appeal of a decision of the City Engineer or Director, except when dealing with any maps containing dedications.
2. The Council shall be the review authority for any appeal of a decision of the Commission.

**C. City Engineer.** The City Engineer shall be responsible for all of the following:

1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
2. Determining whether proposed subdivision improvements comply with the provisions of this Division and the Act.
3. Inspecting and approving subdivision improvements.
4. Review authority on amendments to recorded maps, extensions of time on tentative maps, final parcel maps without dedications, lot mergers, subdivision improvement plans, and waiver of parcel maps.
5. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

**D. Director.** The Director shall be responsible for all of the following:

1. Accepting certificate of compliance, lot line adjustment, parcel map, reversion to acreage, tentative map, vesting tentative map, and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
2. Investigating tentative map applications for conformity to the General Plan, applicable specific plans, and this Development Code, and in consultation with other City departments, recommending action to the Commission.
3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) specified in Public Resources Code Section 21000 et seq.
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

**E. Commission.** The Commission shall be responsible for all of the following:

1. Taking action to recommend approval, conditional approval, or denial of condominiums/conversions, tentative tract map applications, and reversion to acreage maps to the Council.
2. Hearing appeals of decisions of the City Engineer and Director.
3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.

**F. Council.** The Council shall be responsible for all of the following:

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more lots.
2. Review authority on amendments to recorded maps, condominiums/conversions, tentative and final parcel maps with dedications, tentative and final tract maps, and reversions to acreage maps.

3. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of this Development Code.

### **9105.01.070 Type of Subdivision Approvals Required**

Any subdivision of an existing lot into two or more lots shall require approval by the City in compliance with this Division and the Act. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a parcel map (for a subdivision that results in four or fewer lots) or a final map (for a subdivision that results in five or more lots) to complete the subdivision process. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Division, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents that detail the location and dimensions of all lot boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

**A. Tentative Map Requirements.** The filing and approval of a tentative map is required for:

1. A subdivision or resubdivision of four or fewer lots, as authorized by Government Code Section 66428; and
2. A subdivision or resubdivision of five or more lots, and all other types of subdivisions required to have tentative map approval by Government Code Section 66426.

**B. Final Map/Final Parcel Map Requirements.** A final map/final parcel map (Section 9105.05) shall be required as follows.

1. **Final Map.** The filing and approval of a final map (Section 9105.05) shall be required for a subdivision of five or more lots, except a subdivision that is otherwise required to have a parcel map by Government Code Section 66426.
2. **Final Parcel Map.** The filing and approval of a final parcel map (Section 9105.05) shall be required for a subdivision creating four or fewer lots, with or without a designated remainder in compliance with Government Code Article 2, Chapter 1, except for the following subdivisions:
  - a. **Public Agency or Utility Conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines, based on substantial evidence, that public policy necessitates a parcel map, in an individual case, in compliance with Government Code Section 66428;
  - b. **Cemeteries.** Land dedicated for cemetery purposes in compliance with the Health and Safety Code; and
  - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of parcel map requirements in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).

**C. Co-Operative Multiple Buildings.** A tentative map or tentative parcel map for a co-operative multiple building project shall not be approved unless at the time of approval it appears that the project complies or will comply with the then existing building codes and Development Code regulations and all other regulations of the Municipal Code, and unless a condition is imposed that a Building Permit shall not be issued and a final map or parcel map shall not be approved for the project unless it so complies; provided, that where minor variations from Development Code requirements exist with respect to the proposed conversion of an existing structure to a co-operative multiple building and full compliance with Development Code requirements presents practical difficulties, after report of the Commission, the Council may waive full compliance and approve the tentative map or tentative parcel map with the condition appropriately modified upon making a finding that the project in substantial compliance with the applicable Development Code regulations and that the minor variations will not prevent compliance with the intent and purpose of the Development Code regulations.

**D. Exemptions from Subdivision Approval Requirements.** The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provision as not being subject to the requirements of the Act, and/or not being considered to be divisions of land for the purposes of the Act, shall be exempt from the subdivision approval requirements of this Division.

- E. Exceptions from Map Preparation Requirements.** The types of subdivisions specified by Government Code Section 66426, or other applicable Act provisions as not requiring the preparation of a tentative map, parcel map, and/or a final map shall comply with Government Code Section 66426.

#### **9105.01.080 Enforcement of Subdivision Regulations**

See Section 9105.13 (Enforcement) for specific subdivision related enforcement provisions and Section 9108.15 (Enforcement) for expanded enforcement provisions relating to this Development Code.

#### **9105.01.090 Applications Deemed Approved**

- A. Subdivisions Deemed Approved by Law.** A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66542.4, shall be subject to all applicable provisions of this Development Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before a Building or grading Permit is issued.
- B. Subject to Mandatory Requirements.** Final maps filed for recordation after their tentative parcel or tract maps are deemed approved shall remain subject to all of the mandatory requirements of this Division and the Act, including Government Code Sections 66473, 66473.5, and 66474.

#### **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 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.

#### **9105.01.110 Exceptions to Subdivision Standards**

- A. Exceptions to Standards.** An exception to a provision of Section 9105.09 (Subdivision Design and Improvements) may be requested by a subdivider in compliance with Section 9107.05 (Administrative Modifications) or Section 9107.25 (Variances).
- B. Not Used to Waive Act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Division that is duplicated or paraphrased from the Act.

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## **Section 9105.03 – Tentative Map Filing and Processing**

### **Subsections:**

- 9105.03.010 Purpose
- 9105.03.020 Tentative Map Preparation, Application Contents
- 9105.03.030 Tentative Map Filing, Initial Processing
- 9105.03.040 Staff Report and Recommendation
- 9105.03.050 Tentative Map Public Hearing and Action
- 9105.03.060 Tentative Map Approval or Denial
- 9105.03.070 Conditions of Approval
- 9105.03.080 Effective Date of Tentative Map Approval
- 9105.03.090 Completion of Subdivision Process
- 9105.03.100 Vesting on Approval of Vesting Tentative Map
- 9105.03.110 Tentative Map Expiration and Extensions
- 9105.03.120 Amendments to Approved Tentative Maps and Conditions
- 9105.03.130 Post Decision Procedures
- 9105.03.140 Tentative Parcel Map for Urban Lot Splits

### **9105.03.010 Purpose**

This Section establishes requirements for the preparation, filing, approval or denial of tentative maps (tentative parcel and tract map), consistent with the requirements of the Act.

### **9105.03.020 Tentative Map Preparation, Application Contents**

#### **A. When Required**

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tract map is required by Government Code Sections 66410 et seq.
2. The requirements specified in this Section shall apply to all applications for tentative parcel and tract maps.

#### **B. Application and Filing Fees Required**

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee in compliance with the Fee Schedule.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis in compliance with Subsection 9107.03.050 (Filing Fees and Requirements).
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete for the purpose of complying with Government Code Chapter 4.5 and Subsection 9107.03.060 (Initial Application Completeness Review).

### 9105.03.030 Tentative Map Filing, Initial Processing

#### A. Submission of Tentative Maps

1. The subdivider is strongly encouraged to confer with the Director before preparing and submitting the tentative map.
2. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Sections 65962.5(d) and (f).
  - a. In the event that the Director determines that additional information is required for the preparation of environmental documents which are required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed complete until the additional information has been provided.
  - b. In the event that the Director determines that an Environmental Impact Report (EIR) is required, the filing of the application for the tentative map shall not be deemed filed until the draft of the EIR has been prepared.
3. A tentative map shall be filed with the Director by one or more record owners of property or their authorized agents.
4. The subdivider shall file with the Director the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
5. Failure to submit all materials and statements required by this Subsection shall constitute grounds for rejection of the application.
6. The tentative map may be for land located either within the City or within the unincorporated territory adjacent to the City. If a tentative map for land located within the unincorporated territory adjacent to the City is approved, the approval shall be conditioned upon annexation of the property to the City within a time specified and the approval shall not be effective until annexation of the property to the City has been completed.

**B. Prepared by Civil Engineer or Surveyor.** Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

**C. Information, Data, and Reports Required.** The application shall include all of the information and materials specified in the most up-to-date Department handout for tentative map applications, together with the required fee in compliance with the Fee Schedule. 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). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), below.

#### D. Referral to Affected Agencies

1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City agencies and departments, local agencies, public utilities, special districts, and State agencies.
2. **Anticipated Type of Response.** The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study, etc.) that may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.
3. **Required Action in the Case of Waste Discharge Violations.** The City Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.

**4. Time Limits for Referral and Response**

- a. As required by Government Code Sections 66453 through 66455.7, referral shall occur within five days of the tentative map application being determined to be complete in compliance with Section 19.112.070 (Initial Review of Application).
- b. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the tentative map application.

**E. Environmental Review**

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report is required, the application for tentative map approval shall not be considered completed until an Environmental Impact Report is ready for presentation to the Commission.

**9105.03.040 Staff Report and Recommendation**

**A. Preparation of a Report**

1. **Director Shall Prepare Report.** The Director shall prepare an evaluation in compliance with Government Code Section 66452.3 describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Report.** Copies of the report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion [Section 9105.23]) at least five days before any hearing or action on the tentative map by the review authority in compliance with Section 9108.13 (Public Notices and Hearings).

**9105.03.050 Tentative Map Public Hearing and Action**

- A. Applicable Review Authority.** The applicable review authority as specified in Table 5-1 (Designated Review Authorities) shall hold a noticed public hearing on a tentative parcel or tract map.
- B. Scheduling and Notice of the Public Hearing(s).** Not less than 10 days before the date of the public hearing, notice shall be given by publication once in a newspaper of general circulation published and circulated in the City and by mailing, postage prepaid, to the owners, as shown on the last available County maintained equalized assessment roll or ownership records for property located within 300 feet of all lots any portion of which is included within the boundaries of the proposed subdivision, and to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project in compliance with Government Code Sections 66410 et seq. and Section 9108.13 (Public Notices and Hearings). No error or omission or failure of any person to receive notice as provided in Section 9108.13 shall affect the validity of any action taken under this Division.
- C. Action of the Applicable Review Authority.** The action by the applicable review authority shall be taken within 50 days of determining the tentative parcel or tract map to be complete as defined in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), above, and reported to the subdivider within that time limit. This time limitation may be extended upon the mutual consent of the review authority and the subdivider.
- D. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal in compliance with Section 9108.07 (Appeals), the decision of the review authority shall be final and conclusive.

**9105.03.060 Tentative Map Approval or Denial  
Amended by Ord. No. 2375**

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. That the proposed design and site improvements of the subdivision conform 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 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 renoticed 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).

### **9105.03.070 Conditions of Approval**

Along with the approval of a tentative parcel or tract map, the review authority may adopt any conditions of approval deemed reasonable and necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subparagraph A. (Dedications and Improvements), below; provided, that all conditions shall be consistent with the requirements of the Act and this Division.

#### **A. Dedications and Improvements**

1. As a condition of approval of a tentative parcel or tract map, the City may require dedications and improvements as necessary to ensure that the lots to be created:
  - a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;
  - b. Are of adequate design in all respects in compliance with this Development Code;
  - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or by other means; and
  - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
2. All improvements shall comply with adopted City standards.

#### **B. Access**

1. Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City's Streets and Highways Manual, or shall be ensured of access to the City road system by an approved access which connects a lot(s) to a maintained public street or State highway.
2. Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
3. Road easements of record established before the effective date of this Division shall be recognized as legal access to each lot of the proposed subdivision.
4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the proposed subdivision.

- C. Conditions Modifying Subdivision Design - Time for Compliance.** When modifications in design require a change in the conditions of approval of a tentative parcel or tract map, the subdivider shall, at least 30 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

### **9105.03.080 Effective Date of Tentative Map Approval**

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 10 days following the date of decision by the applicable review authority in compliance with Government Code Section 66452.5, if no appeal is filed in compliance with Section 9108.07 (Appeals).

### **9105.03.090 Completion of Subdivision Process**

- A. Effect of Approval on Prior Approvals.** The approval or conditional approval by the review authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel or tract map in compliance with this Division, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans in compliance with Section 9105.09 (Subdivision Design and Improvements), before constructing any required improvements.
- C. Parcel or Final Map Preparation, Filing, and Recordation**
1. A parcel map for a subdivision of four or fewer lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision, unless a parcel map has been waived in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).
  2. A final map for a subdivision of five or more lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision.
  3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Division.

### **9105.03.100 Vesting on Approval of Vesting Tentative Map**

- A. Purpose.** The purpose of this Subsection is to establish procedures necessary for the implementation of the provisions of Government Code Section 66452 relating to vesting tentative maps.
- B. Application Filing**
1. Whenever a provision of the Act or this Division requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.
  2. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as is required of tentative maps in compliance with this Division, except as otherwise provided in this Subsection.
  3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
  4. The application shall include all of the information and materials specified in the most up-to-date Department handout for vesting tentative map applications, together with the required fee in compliance with the Fee Schedule. 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). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), above.
- C. Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Act and/or this Division for the expiration of approved or conditionally approved tentative maps.
- D. Vesting on Approval of Vesting Tentative Map**
1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.
  2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred a vested right to proceed with development in substantial compliance with the

ordinances, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved.

3. Notwithstanding Subparagraph 1, above, the review authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:
  - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
  - b. The condition or denial is required in order to comply with State or Federal law.
4. The review authority may alter any condition(s) of a vesting tentative map through an amendment in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

#### **E. Expiration of Vested Rights**

1. The vested rights referred to in this Subsection shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.
2. If the final map is approved, the vested rights shall last for the following periods of time:
  - a. An initial time period of 12 months.
  - b. A subdivider may apply for a 12-month extension at least 60 working days before expiration in compliance with Subsection 9105.03.110 (Tentative Map Expiration and Extensions), below.
  - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial, in compliance with Section 9108.07 (Appeals).

#### **9105.03.110 Tentative Map Expiration and Extensions**

**A. Valid Timeframe.** An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months, unless otherwise extended in compliance with the provisions of this Division and the Act.

#### **B. Expiration of an Approved Map**

1. Expiration of an approved tentative parcel or tract map or vesting tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative parcel or tract map application is filed in compliance with this Division.

#### **C. Filing of Extension Request**

1. The time limits for acting on maps and associated appeals, as specified in this Division and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the applicable review authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Fee Schedule.

**D. Approval of First Extension — Director.** The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and
3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

**E. Additional Extensions — Commission**

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified in Subparagraph D (Approval of First Extension - City Engineer), above.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Section 66452.6.

**F. Appeal of Decision.** If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension in compliance with Section 9108.07 (Appeals).

**G. Filing of a Lawsuit**

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.
2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the tentative parcel or tract map approval.

**9105.03.120 Amendments to Approved Tentative Maps and Conditions**

**A. Minor Changes to Approved Tentative Maps – Director.** A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map in compliance with this Subsection. Changes to a parcel or final map after recordation are subject to Subsection 9105.05.070 (Correction and Amendment of Recorded Maps).

**B. Minor Changes Defined.** Minor changes or amendments to a tentative parcel or tract map that may be requested by a subdivider in compliance with this Subsection include minor adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subparagraph G. (Required Findings for Approval), below.

**C. Changes Other Than Minor Changes.** All proposed changes or amendments not covered by this Subsection shall require the filing and processing of a new tentative parcel or tract map in compliance with this Division.

**D. Application for Changes.** The subdivider shall file an application and filing fee, in compliance with the Fee Schedule, with the Department, using the forms furnished by the Department, together with the following additional information:

1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
2. Any additional information deemed appropriate by the Director.

**E. Processing of Application.** Proposed changes to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided by this Subsection.

- F. Review Authority.** The Director shall be the review authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. Required Findings for Approval.** The Director may approve changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first finds all of the following findings to be true, and that all of the applicable findings for approval specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above, can still be made:
1. No lots are added, deleted, or substantially altered;
  2. No proposed structure locations are substantially altered;
  3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
  4. There are no resulting violations of this Division, the Act, or other applicable laws.
- H. Effect of Changes on Time Limits.** Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits specified in Subsection 9105.03.110 (Tentative Map Expiration and Extensions), above, nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the City Engineer.

#### **9105.03.130 Post Decision Procedures**

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a tentative map application.

#### **9105.03.140 Tentative Parcel Map for Urban Lot Splits**

The tentative parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.03.020 (Forms and Contents), and Section 9105.05.090 (Final Parcel Map process).

## Section 9105.05 – Parcel Maps and Final Maps

### Subsections:

- 9105.05.010 Purpose
- 9105.05.020 Waiver of Parcel Map
- 9105.05.030 Final Tract and Parcel Map Form and Content
- 9105.05.040 Filing and Processing of Final Tract and Parcel Maps
- 9105.05.050 Final Tract or Parcel Map Approval and Recordation
- 9105.05.060 Supplemental Information Sheets
- 9105.05.070 Correction and Amendment of Recorded Maps
- 9105.05.080 Post Decision Procedures
- 9105.05.090 Final Parcel Map for Urban Lot Splits

### 9105.05.010 Purpose

This Section establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final parcel and final tract maps, following approval of a tentative parcel or tract map, consistent with the requirements of the Act and this Section.

### 9105.05.020 Waiver of Parcel Map

- A. Eligibility for Waiver.** The following subdivisions shall be eligible for waiver of the requirements that a parcel map be filed, except where the tentative map of the subdivision, the conditions of approval, or the requirements of the Act or of this Division provide for or require the provision of road, drainage, sewer, water, or other easements or the delineation of flood or geologic hazard, drainage ways, or building restrictions:
1. Lot line adjustments, or the distribution of all of an existing lot(s) between adjacent lots when approved by resolution;
  2. Those of a lease-project; or
  3. Those described in Government Code Section 66426.
- B. Requests for Waiver.** Waiver requests shall be in writing on a standard form provided by the Department. The request shall include:
1. A request for waiver, signed and acknowledged by all owners of record of the land comprising the minor land division;
  2. A description of each proposed lot;
  3. The submission of documentation (i.e., preliminary title report) as it deems necessary to verify the information presented in the request for waiver. All submissions shall be legible and readily reproducible. Before approval of a request for waiver, the subdivider shall complete or guarantee completion of the conditions of approval as if a parcel map were to be filed;
  4. The Commission may require the submission of a plat map, showing sufficient ties, dimensions, and bearings to adequately establish the boundaries of the minor land division and of each proposed lot. Record information, when available, may be utilized.

- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee in compliance with the Fee Schedule. The subdivider shall also pay a sum of money equal to the amount required by law for filing with the County Recorder a certificate of compliance for the lots comprising the division.
- D. Eligibility for Waiver.** Within 20 days following the acceptance of a request for waiver or within any additional time as may be necessary, the Commission may waive the requirement that a parcel map be filed as provided in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), if it first finds all of the following:
1. The design of each lot described in the request for waiver is in substantial compliance with the tentative map, as approved; and
  2. The subdivision complies with all applicable requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Act, this Division, and the Municipal Code. When a waiver is granted in compliance with this Subsection, the Commission shall, within 60 working days, cause a certificate of compliance, describing each approved lot, to be filed for record with the County Recorder. The certificate of compliance shall state that the requirement that a parcel map of the division of land be filed has been waived and that the lots comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this Division.

### **9105.05.030 Final Tract and Parcel Map Form and Content**

- A. Form and Content.** The form and content of final tract and parcel maps shall be as required by the Act and this Division. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Development Code, this Division, and all conditions of approval.
- B. Authorized Preparers**
1. The final tract or parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.
  2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this Division.
- C. Certificates and Acknowledgments**
1. Before filing, the certificates and acknowledgements required by the Act and this Section shall appear on the map and may be combined where appropriate.
  2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.
  3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.
- D. Monuments.** The location, number, and type of monuments shall be as specified in the Act and this Subsection and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.
- E. Documentation Required for City Review and Approval**
1. The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
  2. The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the City Engineer, including but not limited to all of the following.

- a. **Improvement Plans.** Improvement construction plans as required by the City Engineer.
- b. **Soils Report**
  - (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Article VIII (Building Regulations), shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.
    - (a) The soils report shall be prepared by a State-registered civil or soils engineer.
    - (b) The requirement of a preliminary soils report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.
  - (2) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.
- c. **Title Report.** A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing of the final map.
- d. **Improvement Cost Estimate.** An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.
- e. **Deeds for Easements and Rights-of-way**
  - (1) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
  - (2) The subdivider shall provide written evidence acceptable to the City Engineer in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform necessary construction work and allowing the maintenance of facilities, if required.
- f. **Traverse Closure Calculations.** Traverse closure calculations for the boundary blocks, easements, monument lines, lots, and street centerlines.
- g. **Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations.
- h. **Organization Documents**
  - (1) Any proposed declaration of covenants, conditions, and restrictions (CC&Rs) and all other organization documents for the subdivision in a form prescribed by the Civil Code Section 1355.
  - (2) All documents shall be subject to review and approval by the Director and the City Attorney.
- i. **Letter of Certification from Water Agencies.** The subdivider shall submit written certification from the affected water provider that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.
- j. **Other Reports.** Any additional calculations, data, reports, or information specified by the City Engineer.

### 9105.05.040 Filing and Processing of Final Tract and Parcel Maps

#### A. Official and Timely Filing of Map

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 90 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with Subsection 9105.03.110 (Tentative Map Expiration and Extensions), together with the filing fee(s) in compliance with the Fee Schedule.
2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, including all conditions of approval, the Act, the Municipal Code, this Development Code, this Division, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

**B. Review of Map**

1. After the issuance of a receipt for the map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Act, this Subsection, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this Section.
4. The material shall be transmitted to the Council for its consideration of the map.

**C. Time Limit for Filing Map.** If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Subsection 9105.03.110 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the review authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, in compliance with the Fee Schedule, and an application for a new tentative map shall be filed.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the City through the Director to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).
3. In the event the City fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.
4. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subparagraph 9105.05.050.D (Map with Incomplete Improvements), below, at the time the City acquires an interest in the land which will allow the improvements to be made.
5. "Off-site improvements," as used in this Subsection, do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

### **9105.05.050 Final Tract or Parcel Map Approval and Recordation**

After determining that the map is in compliance with Subsection 9105.05.030 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the City Clerk for Council action in the following manner.

**A. Applicable Review Authority.** The applicable review authority is specified in Table 5-1 (Subdivision Review Authorities).

#### **B. Review and Approval by the Review Authority**

1. **Timing of Review Authority's Review.** The review authority shall approve or deny the map after it receives the map from the City Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval**
  - a. The review authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map and all conditions of approval.
  - b. If the map does not conform, the review authority shall not approve the map.
  - c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Section. If the map(s) does not conform, it shall not be approved.
3. **Applicable Ordinances, Policies, and Standards.** In determining whether to approve or deny a map, the review authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
4. **Action Not to Approve a Final Tract or Parcel Map**
  - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
  - b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map not involving any offers of dedication or improvement, the Director, does not materially affect the validity of the map.

#### **C. Map with Dedications**

1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

**D. Map with Incomplete Improvements.** If improvements required by this Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the review authority shall require the subdivider to enter into an agreement with the City as specified in Government Code Section 66462, and Subsection 9105.09.070 (Improvement Agreement Required), as a condition precedent to the approval of the map.

**E. Recording of Final Tract and Parcel Maps**

1. After action by the review authority to approve the map, and after the required signatures and seals have been affixed, together with the filing fee(s) in compliance with the Fee Schedule, the City Clerk shall transmit the map back to the City Engineer.
2. The City Engineer shall establish an appointment with the County Recorder for filing.
3. The County Recorder shall oversee the recording of the map.

**9105.05.060 Supplemental Information Sheets**

In addition to the information required by this Section to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map as required by this Subsection.

**A. Preparation and Form**

1. The additional information required by this Subsection shall be presented in the form of an additional map sheet(s), unless the City Engineer determines that the type of information required would be more clearly and understandably presented in the form of a report or other document(s).
2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps by Subsection 9105.05.030 (Final Tract and Parcel Map Form and Content).

**B. Content of Information Sheets.** Supplemental information sheets shall contain the following statements and information:

1. **Title.** A title, including the number assigned to the accompanying final or parcel map by the City Engineer, the words "Supplemental Information Sheet;"
2. **Explanatory Statement.** A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. **Location Map.** A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the City;
4. **Areas Subject to Flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
5. **Soils or Geologic Hazards Reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. **Information Required by Conditions of Approval.** Any information required by the review authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

**9105.05.070 Correction and Amendment of Recorded Maps**

A recorded final tract or parcel map (referred to as a map) may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7.

**A. Type of Corrections Allowed in Compliance with Government Code Section 66469**

1. **Filing of a Certificate of Correction or an Amending Map.** In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
2. **Error Defined.** For the purposes of this Subsection, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, lot numbers, street names, and identification of adjacent record maps.
3. **Other Corrections.** Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
4. **Review Authority.** The City Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.
5. **Application and City Engineer's Review Process**
  - a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the City Engineer.
  - b. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
  - c. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 6. (Required Findings), below can be made.
6. **Required Findings.** A map may be amended only if the City Engineer first finds all of the following to be true:
  - a. The change(s) requested only involves a minor map annotation correction(s);
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with Government Code Section 66474.

**B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1.** In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. **Application and City's Review Process**
  - a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the City Engineer.
  - b. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
  - c. The Council shall approve the application if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.

2. **Review Authority.** The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.
3. **Required Findings.** A map may be amended only if the Council first finds all of the following to be true:
  - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with Government Code Section 66474.
- C. **Recordation.** After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.
- D. **Amendment of an Approved Subdivision.** In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of lots, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Subsection 9105.09.070 (Improvement Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Division or comply with the requirements of Government Code Section 66499.20.2.

#### **9105.05.080 Post Decision Procedures**

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a final tract or parcel map application.

#### **9105.05.090 Final Parcel Map for Urban Lot Splits**

The final parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.05.030 (Form and Content for Maps), and Section 9105.05.040 (Filing and Processing of Maps).



# Attachment No. 2

Urgency Ordinance No. 2385

URGENCY ORDINANCE NO. 2385

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA AMENDING DIVISIONS 2 AND 5 OF CHAPTER 1, ARTICLE IX, OF THE ARCADIA MUNICIPAL CODE RELATED TO URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND DETERMINING THE ORDINANCE TO BE STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Arcadia, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 (“SB 9”), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects; and

WHEREAS, SB 9 allows local agencies to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects; and

WHEREAS, SB 9 takes effect January 1, 2022, and preempts any conflicting city ordinance; and

WHEREAS, the City desires to amend its local regulatory scheme to comply with and implement Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9; and

WHEREAS, there is a current and immediate threat to the public health, safety, or welfare based on the passage of the new SB 9 Law because if the City does not adopt appropriate objective standards for urban lot splits and two-unit projects under SB 9 as of January 1, 2022, the City would thereafter be limited to applying only the objective standards that already in its code, which did not anticipate and were not enacted with urban lot splits and ministerial two-unit projects in mind; and

WHEREAS, the approval of urban lot splits and two-unit projects based solely on the City's default standards, without appropriate regulations governing lot configuration, unit size, height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety. These threats to public safety, health, and welfare justify adoption of this ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council; and

WHEREAS, to protect the public safety, health, and welfare, the City Council may adopt this ordinance as an urgency measure in accordance with Section 415 of the Charter of the City of Arcadia.

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

**Section 1.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2.** Under California Government Code sections 65852.21, subd. (j), and 66411.7, subd. (n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements these new laws enacted by SB 9.

**Section 3.** Divisions 2 and 5 of Chapter 1, Article IX of the Arcadia Municipal Code is hereby amended and restated as provided in Exhibit "A", attached hereto and incorporated herein by reference.

**Section 4.** This ordinance takes effect immediately upon its adoption.

**Section 5.** The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

**Section 6.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

**Section 7.** The City Council hereby directs staff to prepare, execute, and file with the Los Angeles County Clerk a notice of exemption within five (5) working days of the adoption of this Ordinance.

**Section 8.** The Custodian of Records for this Ordinance is Linda Rodriguez, Assistant City Clerk and the records comprising the administrative record for this Ordinance are located at Arcadia City Hall, 240 W. Huntington Drive, Arcadia CA.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted by the City Council this 21st day of December, 2021.

s/ Sho Tay  
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco  
City Clerk

APPROVED AS TO FORM:

/s/ Stephen P. Deitsch  
Stephen P. Deitsch  
City Attorney

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF ARCADIA            )

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Urgency Ordinance No. 2385 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 21st day of December, 2021 and that said Urgency Ordinance was adopted by the following vote, to wit:

AYES:        Beck, Verlato, Cheng, and Tay

NOES:        None

ABSENT:     None

          /s/ Gene Glasco            
City Clerk of the City of Arcadia

**EXHIBIT A**

**Amendments to Municipal Code Divisions 2 and 5 of Chapter 1, Article IX**

(follows this page)

# Division 2: Zones, Allowable Uses, and Development Standards

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### **Section 9102.01.150 – Urban Lot Splits**

**Purpose.** The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (R-M, R-0, and R-1).

**Applicability.** This section shall only apply to the extent that the City is required to ministerially approve urban lot splits under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.

#### **Definitions.**

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
5. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.

#### **A. Requirements and Approval Authority**

1. Only individual property owners may apply for an urban lot split.
2. The Director shall ministerially approve all applications for urban lot splits that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. Notwithstanding Division 5 of this Code, the parcel map shall be approved by the Director, and these decisions shall be final. The Director shall not waive the requirement to submit a tentative parcel map for an urban lot split.
3. An application and tentative parcel map for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
  - a. Evidence that the applicant is an individual property owner of the lot to be split.
  - b. A signed affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.

- c. Proof that none of the circumstances set forth in Subsections (B)(3)(f) & (g) are present.
  - d. Proof that the lot to be split was not established through a prior urban lot split under this section.
  - e. Proof of any inspections required under Subsection (B)(3)(d).
  - f. If the lot would result in the demolition or alteration of existing housing, proof that no housing on the lot has been occupied by a tenant within the past three years.
4. The tentative parcel map may not be recorded until the final parcel map has been approved ministerially by the Director. The owner must demonstrate that the required documents have been recorded, such as deed restriction and easements. The tentative parcel map expires six months after the approval. No extension shall be granted.
  5. The application fee for an urban lot split will be the same as the City's Lot Line Adjustment fee within the approved Fee Schedule. This fee may be changed from time to time by the City Council, in accordance with applicable law.

## **B. Requirements; Grounds for Denial**

1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
  - a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. **Subdivision Standards.**
  - a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and Division 5 of Article IX (Subdivisions) of this Code.
  - b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
3. **Denial.** The Director shall deny an application for an urban lot split if any of the following are true:
  - a. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (B)(1) or (B)(2) above or (C) below.
  - b. **Zone.** The lot to be split is not zoned for single family residential uses.
  - c. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
  - d. **Inspection**

- i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City’s fire marshal or person authorized by the City to perform building inspections.
  - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
- e. **Historic**
  - i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
  - ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
- f. **Prior Urban Lot Split.**
  - i. The lot to be split was established through a prior urban lot split.
  - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- g. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
  - i. Housing that is income-restricted for households of moderate, low, or very low income.
  - ii. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
  - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
  - iv. Housing that has been occupied by a tenant in the last three years.
- h. **Lot Size**
  - i. The lot to be split is smaller than 2,400 square feet.
  - ii. Either or both of the resulting lots are less than 1,200 square feet.
  - iii. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
- i. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.
- j. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or

on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

- k. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

### C. Standards Specific to Urban Lot Splits

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern.

1. **Lot Access.** Each resulting lot must adjoin the public right-of-way with no more than 60% of the original frontage and no less than 40% of the original frontage of the lot.
2. **Unit Quantity.** No more than two units of any kind are permitted on any lot created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to an ADU, or a JADU.
3. **Unit Size.** Notwithstanding Section 9102.01 for Single-Family Residential Zones:
  - a. The total floor area of each residential unit developed on a lot created by an urban lot split must be less than or equal to 800 square feet and at least 500 square feet.
  - b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
  - c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.
  - d. The unit size shall comply with the setbacks, height, parking, and other applicable standards in Section 9102.01.160 for Two-Unit Units Projects approved under an urban lot split.
4. **Objective Development Standards and Other Regulations.** Units built following an Urban Lot Split shall comply with the setbacks, height, FAR and lot coverage, and parking requirements found in Section 9102.01.160(C), all objective development standards found in Section 9102.01.160(F), and the City’s Tree Ordinance as provided in Division 10 of this Code.
5. **Utilities.**
  - a. Each dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

For each dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. This section shall not be

interpreted to allow an onsite wastewater treatment system where connection to a sewer system is available or required.

**D. Fire-Hazard Mitigation Measures.** A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

**E. Separate Conveyance**

1. **Within a resulting lot:**

- a. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
- c. All fee interest in a lot must be held equally and undivided by all individual property owners.

2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

**F. Restriction of Uses.**

1. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
2. **No Short-Term Rentals.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than 30 days.
3. **Owner Occupancy Affidavit.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

**G. Deed Restriction.**

1. The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:
  - a. Gives notice that the parcel was created through an urban lot split.
  - b. Gives notice of any site limitations resulting from the urban lot split.
  - c. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.

- d. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- e. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- f. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- g. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
- h. Provides a statement of intent to occupy a unit for a period of three years.

The Director shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

### **Section 9102.01.160 Two-Unit Projects**

**Purpose.** The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code Section 65852.21.

**Applicability.** This section shall only apply to the extent that the City is required to ministerially approve urban two-unit projects under Government Code Section 65852.21. If Government Code Section 65852.21 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern then existing two-unit projects and no applicant for a two-unit project may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 65852.21 and this section shall not be construed to allow any greater rights to a two-unit project than the City is required to grant under state law.

#### **Definitions.**

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City, or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
5. A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.

#### **A. Applicants; Approving Authority.**

1. Only individual property owners may apply for a two-unit project.
2. The Director shall ministerially approve all applications for two-unit projects that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. The Director’s decisions on applications shall be final.
3. An application for a two-unit project must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
  - a. Evidence that the applicant is an individual property owner.
  - b. Proof that none of the circumstances set forth in Subsection (B)(2)(f) are present.

- c. Proof of any inspections required under Subsection (B)(2)(e).
  - d. Proof that the requirements of Subsection (B)(2)(g) are satisfied.
  - e. In accordance with Subsection (D)(2), a signed acknowledgment stating the applicant understands that the City will not approve the application if all nonconforming zoning conditions are not corrected.
4. The application fee for a two-unit project shall be the same as the City’s Preliminary Plan Review fee for Multi-Family Residential projects, as may be modified by the City Council from time to time, in accordance with applicable law.

**B. Requirements and Grounds for Denial**

1. **Objective Development Standards.** A two-unit project shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other requirements that are not in conflict with Government Code Section 65852.21.
2. **Denial.** The Director shall deny an application for a two-unit project if any of the following are true:
  - a. **Development Standards.** The two-unit project does not satisfy the requirements of Subsection (B)(1) above or (C) and (F) below.
  - b. **Lawful Subdivision.** The lot was not legally subdivided.
  - c. **Zone.** The lot is not zoned for single-family residential uses.
  - d. **Lot Location.** The lot does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
  - e. **Inspection.**
    - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City’s fire marshal or person authorized by the City to perform inspections.
    - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
  - f. **Historic.**
    - i. The lot is a historic property or within a historic district that is included on the State Historic Resources Inventory.
    - ii. The lot is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
  - g. **Impact on Protected Housing.** The two-unit project requires or includes the demolition or alteration of any of the following types of housing:
    - i. Housing that is income-restricted for households of moderate, low, or very low income.

- ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- iv. Housing that has been occupied by a tenant in the last three years.
- h. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- i. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 65852.21, initiative or referendum, court decision or any circumstance in which Section 65852.21 does not obligate the ministerial approval of a two-unit project, or if for any reason the Director is not required to ministerially approve a two-unit project. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

**C. Standards Specific to Two-Unit Projects.**

The following development standards shall apply to two-unit projects approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of this Code (Development Code), this subsection shall govern.

**1. Unit Quantity**

- a. No more than two units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an ADU, or a JADU.
- b. A lot that is not created by an urban lot split may have a two-unit project under this section.

**2. Unit Size.** Notwithstanding Section 9102.01 for Single-Family Zones:

- a. The total floor area of each residential unit developed must be less than or equal to 800 square feet and at least 500 square feet.
- b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
- c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

**3. Maximum Height**

- a. The dwelling unit may not exceed one story or 16 feet in height, measured to the top of the roof ridge.
- b. No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split or two-unit project.

4. **Setbacks**

- a. All setbacks must comply with the standards set forth in Section 9102.01 for Single-Family Residential Zones (R-M, R-0, and R-1), with the exception of those units that are subject to subsection c below.
- b. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
- c. A unit may encroach into the side or rear setback only if strict application of the setback standard would have the effect of physically precluding the construction of up to two units on the lot or that would result in a unit size of less than 800 square feet in floor area, in which case the encroachment into the setback shall be only as necessary to enable construction of the unit or units at a maximum size of 800 square feet in floor area. However, in no event may any unit be constructed without at least providing a four-foot setback from the side and rear lot lines.
- d. Front Setback Area. The front yard setback for the new dwellings shall comply with the underlying zoning regulations or Homeowners Associations regulations set forth in Section 9102.01.030.

5. **FAR and Lot Coverage.** The floor area ratio (FAR) and lot coverage of the underlying zoning designation is applicable to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
6. **Parking.** Subject to Government Code Section 65852.21(c)(1)(A)-(B), each new primary dwelling unit must provide at least one off-street parking space per unit. A driveway must lead to the parking space. An enclosed garage is allowed but shall be limited to two parking spaces with a minimum dimension of 10 feet by 20 feet (interior clearance) for each space and the garage will not be counted toward the unit size. The garage must comply with the setback standards set forth in Section 9103.07.050

D. **Other Applicable Regulations**

1. **Demolition Cap.** The two-unit project may not involve the demolition of more than 50% of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
2. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
3. **Utilities.**
  - a. Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.

- b. Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
4. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
  - a. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
  - b. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.
5. **Separate Conveyance**
  - a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
  - b. Condominium airspace divisions and common interest developments are not permitted within the lot.
  - c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.
6. **Restriction of Uses.**
  - a. **Residential-only.** No non-residential use is permitted on the lot.
  - b. **No Short-Term Rentals.** No dwelling unit on the lot may be rented for a period of less than 30 days.
  - c. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

#### **E. Deed Restriction**

The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:

1. Gives notice that the two-unit project was created pursuant to this section.
2. Gives notice of any site limitations resulting from the two-unit project, including but not limited to restrictions on off-street parking, the size of units on the parcel and on the ability to obtain a standards modification for the parcel.
3. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
4. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
5. Expressly prohibits any non-residential use of the lot.

6. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
7. Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
8. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
9. The Director shall not issue a building permit for any two-unit project unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions in this Subsection.

**F. Objective Development Standards**

**Architectural Standards and Site Layout**

1. If there is no legal primary dwelling unit on the lot prior to the urban lot split, or if an existing unit is demolished to leave no units on the resulting lot, the dwelling units on the same lot must match in architectural style or design and this architectural style and design must be prevalent in the surrounding neighborhood. Examples of matching elements shall include materials of the exterior walls, roof, eaves, and windows and doors. Units must have the same roof pitch. Any second unit must be located behind the front unit.
2. If there are legal primary dwelling units on the lot that were approved prior to the urban lot split, any new dwelling unit must match the existing primary dwelling unit(s) in exterior materials, colors, and dominant roof pitch.
3. The roof slope shall not be less than 4 in 12. No flat roofs are permitted. No metal roofs are permitted, unless it is used as accent over a window.
4. The minimum distance between each detached dwelling unit shall be at least 6 feet.
5. No basements are allowed.
6. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
7. The units must have indentations and/or projections 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.
8. 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.
9. All windows shall be recessed at least two inches from the face of the wall.
10. One front entry covered porch may be allowed for each unit. Porches shall not exceed 12 feet, as measured from finished grade to the top of the porch ridge and the highest point of the porch must be at least 3 feet below the ridge of the unit. No flat roofs are permitted.
11. Each unit may have one covered patio or trellis and it shall not be visible from the public right-of-way. The covered patio shall not exceed 150 square feet in area. The covered patio shall maintain the same setbacks

of the new dwelling unit. If a new covered patio or trellis is added to an existing legal non-conforming house, then it shall not be located less than 6 feet from the side or rear property lines.

12. Chimney and roof-mounted vents shall be allowed to exceed height limits to the minimum extent required by Article VIII (Building Regulations). Chimneys shall not encroach more than 18-inches into the front yard setback and shall maintain a three foot setback from the side or rear property lines.
13. Garden and bay windows may only be allowed to encroach 6 inches into the side and rear yard setback area but in no case shall it be closer than four feet from the side or rear property lines.
14. A carport or detached garage must be located behind the dwelling unit or units. If an attached garage is proposed, it must be located behind the front elevation of the dwelling unit by at least two feet. Carports are not allowed in Homeowners Association Areas.

### **Landscape**

15. Landscaping around the units 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 units and adjacent parcels. Desert landscape or rock garden designs are not allowed.
16. At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall along the side and rear. Alternatively, at least one 24" box size plant shall be provided for every 10 linear feet of exterior wall.
17. All landscaping utilized must be taken from the City's approved planting materials listed in the City's Single-Family Design Guidelines.
18. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.).

### **Fences, Walls and Gates**

19. A new perimeter wall or fence is required along any new property lines. New walls shall be stuccoed with a decorative trim cap. The maximum size of a decorative cap is 30 inches by 30 inches.
20. New fences, walls and gates for all projects shall comply with the development standards and height provided in Section 9103.05.030 and Subsection 9103.01.070 (visibility standards).
21. No spears (apache, aristocrat with crushed spears, or any spear-like features) shall be allowed on a fence, wall, or gate.
22. Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing shall not be allowed, except chain link fencing is allowed as a fencing material enclosing sports courts and temporary construction fencing.

### **Parking**

23. Each parking space shall be at least 10 feet in width and 20 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.

24. Each parking space that is provided in a garage shall be at least 20 feet wide and 20 feet long and have at least seven and a half feet vertical clearance.
25. The driveway must lead to the parking space and comply with regulations set forth in Section 9103.07.050.

**Other Standards**

26. On flag lots, the dwelling units must use the same driveway to access the street, unless otherwise required for fire-apparatus access.
27. Mechanical equipment shall not be visible from the City's public right-of-way.
28. Swimming Pools, Spas, Water Features, and Ornamental Features shall adhere to Section 9102.01.070.
29. Every unit 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.

# Division 5: Subdivisions

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## Section 9105.01 – General Provisions

### Subsections:

- 9105.01.010 Purpose of Section
- 9105.01.020 Title
- 9105.01.030 Definitions
- 9105.01.040 Authority
- 9105.01.050 Applicability
- 9105.01.060 Advisory Agency
- 9105.01.070 Type of Subdivision Approvals Required
- 9105.01.080 Enforcement of Subdivision Regulations
- 9105.01.090 Applications Deemed Approved
- 9105.01.100 Processing Fees
- 9105.01.110 Exceptions to Subdivision Standards

### 9105.01.010 Purpose of Section

- A. Supplement and Implement the Act.** The provisions of this Section are intended to supplement, implement, and coordinate with the State Subdivision Map Act, referred to in this Section as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, as those sections may be replaced or amended from time to time.
- B. Used in Conjunction with the Act.** This Section is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.
- C. Promote Public Safety.** The purpose of this Division, and any rules, regulations, and specifications adopted in compliance with this Division, is to regulate the division of land and to promote the conservation, stabilization, and protection of property values through orderly growth and development, the provision of necessary public and private facilities, and generally, to promote the public health, safety, and general welfare within the City and any lands as may be annexed or are proposed to be annexed to the City.
- D. References to Other Laws.** Whenever reference is made to an ordinance of this City or to a statute of the State, the reference applies to the requirements of the ordinance or statute applicable on the date of final action on a tentative map and to the provisions of approval of tentative maps, tentative parcel maps, vesting tentative maps, or vesting tentative parcel maps granted in compliance with the ordinances or statutes.

### 9105.01.020 Title

This Division shall be known as and referred to as "the City's Subdivision Ordinance."

### 9105.01.030 Definitions

For the purpose of this Division, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Additional definitions are contained in Division 9 (Definitions).

**Act.** California Government Code Sections 66410 et seq., also known as the Subdivision Map Act.

**Advisory Agency.** The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Subsection 9105.01.060 (Advisory Agency).

**Certificate of Compliance; Conditional Certificate of Compliance.** A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.) and this Section. A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

**Co-Operative Multifamily Building.** Any multifamily dwelling, as defined in this Development Code, existing or proposed to be constructed where it is proposed that persons will possess an undivided equitable or legal right or interest, including but not limited to shares, stock, or beneficial interest in trust, in a multiple dwelling in the City coupled with an exclusive right or interest to possess, occupy, or use one or more dwelling units in the multiple dwelling, and shall also mean a condominium, as defined in California Civil Sec. 1350, and a community apartment project as defined in California Business and Professions Code Sec. 11004.

**Dedication.** The granting of real property for public use.

**Design.** (1) Street alignments, grades, and widths; (2) Drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) Location and size of all required easements and rights-of-way; (4) Fire roads and firebreaks; (5) Lot size and configuration; (6) Traffic access; (7) Grading; (8) Land to be dedicated for park or recreational purposes; and (9) Other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure compliance to or implementation of the General Plan or any specific plan.

**Development Code.** The Development Code of the City specified in Municipal Code Division 9.

**Division of Land.** Any lot or contiguous lots of land, improved or unimproved which are divided for the purpose of transfer of title, sale, lease, or financing, whether immediate or future, into two or more lots or the consolidation of separate lots of land or a co-operative multiple building, as defined above. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for the purposes of computing the number of lots under Development Code. "Division of Land" shall not mean land dedicated for cemetery purposes under the State Health and Safety Code or the leasing or financing of apartments, offices, stores, or similar space within an apartment building, a commercial building, an industrial building, mobile home park, or trailer park, or division of a gas, mineral, or oil lease.

**Drainage facility.** Any drainage device or structure which may be used to control or direct the flow of water or alleviate a flood hazard, including but not limited to berms, channels, culverts, curbs, ditches, gutters, pavement, pumps, and pipes.

**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.

**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.

**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.

**Frontage.** That portion of a lot which abuts a public or private street or highway to which the lot has the right of access.

**Future Street or Alley.** A street or alley which is necessary for the future division of land within a division of land or for the development of adjacent properties and which is offered for public use at an indeterminate future time when the Council determines that the acceptance and construction of the street or alley is warranted.

**Geologic Hazard.** A hazard inherent in the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

**Improvements.** 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.

**Lease.** An oral or written agreement or contract, tenancy at will, month-to-month, or similar tenancy.

**Lot Line Adjustment.** The adjustment of property lines between four or fewer legally created adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than originally existed is not created; approved by the Director in compliance with Subsection 9105.07.030 (Lot Line Adjustments).

**Lot on Cul-De-Sac Terminus.** A lot which has 50 percent of its front lot line coterminus with the required diameter turn around on a cul-de-sac.

**Lot Width.** The distances between the side lot lines measured in a horizontal plane, and as further explained in Division 3.

**One Sided Cul-De-Sac.** A cul-de-sac which is only half formed in that the centerline of the cul-de-sac establishes one side of the cul-de-sac and the otherwise entire bulb of the cul-de-sac is only half formed and not fully rounded as is customary for cul-de-sacs.

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

**Parkway.** That portion of a public right-of-way located between the outermost curb-lane driving lane and the farthest edge of the right-of-way.

**Special Study Zone.** The area delineated on the Alquist-Priolo Special Studies Zones Map of the State Geologist adopted by the City in compliance with Municipal Code Article III, Chapter 7.

**Streets.** All alleys, avenues, courts, highways, lanes, places, streets, squares, sidewalks, parkways, curbs or other public ways in the City which have been or may hereafter be dedicated and open to public use, or other public property so designated in the General Plan and any law of the State, and as specified in the following descending order of pavement widths.

**Principal Arterial Interstate.** A freeway that is included as part of the interstate highway system. It is a controlled access, divided highway that is intended to accommodate high-speed regional travel. Freeways have grade-separated interchanges that provide access from freeway to freeway or between freeways and the arterial street system.

**Major Arterial.** An arterial roadway that has regional significance. It accommodates subregional and intercity travel and generally has eight travel lanes with a raised median and dedicated left turn lanes. Major Arterials accommodate regional traffic while also providing connection to primary arterials. The right-of-way width for Major Arterial roadways in the City is 220 feet, while the pavement widths range from 160 to 180 feet.

**Primary Arterial.** An arterial roadway that has less of a regional significance than Major Arterial roadways. It accommodates subregional and intercity travel and generally has four to six through travel lanes with a raised median and/or a center left-turn lane. Primary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting streets. The right-of-way widths for Primary Arterial roadways in the City range from 100 to 108 feet, while the pavement width is 84 feet.

**Secondary Arterial.** An arterial roadway that has less of a regional significance than Primary Arterial roadways. It accommodates intercity travel and generally has four travel lanes with a painted median and/or a center left-turn lane. Secondary Arterials accommodate through traffic while also providing direct access to adjacent properties and intersecting Collector Streets. The right-of-way widths for Secondary Arterial roadways in the City range from 84 to 92 feet, while the pavement widths range from 60 to 68 feet.

**Enhanced Collector.** A street that is intended to serve as an intermediate route to accommodate travel between arterial roadways and to provide access to the abutting properties. Enhanced Collector streets generally have two travel lanes although four lanes may be provided at certain locations. The right-of-way widths for Enhanced Collector streets in the City range from 80 to 88 feet, while the pavement widths range from 54 to 64 feet.

**Collector.** A street that is intended to serve as an intermediate route to accommodate travel between local streets and arterial roadways and to provide access to the abutting properties. Collector streets have two travel lanes. The right-of-way widths for Collector streets in the City range from 64 to 72 feet, while the pavement widths range from 40 to 48 feet.

**Subdivide.** The act of dividing land or structures in compliance with Government Code Section 66410 et seq.

**Subdivider.** An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers.

**Subdivision.** The division of a tract of land, shown on the latest equalized County assessment roll as a unit or as continuous units, into defined lots, either improved or unimproved, which can be separately conveyed by sale, lease, or financing, and which can be altered or developed. The process often includes setting aside land for streets, sidewalks, parks, public areas, and other infrastructure needs, including the designation of the location of utilities.

**Subdivision Map Act (the Act).** Government Code Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Division as the Act.

**Tentative Map.** A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

**Tentative Parcel Map.** A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing).

**Vesting Tentative Map.** A tentative map for any subdivision, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and which meets all of the requirements for a vesting tentative map as specified in the Act (Government Code Sections 66452) and in compliance with Subsection 9105.03.100 (Vesting on Approval of Vesting Tentative Map).

#### **9105.01.040 Authority**

This Section is adopted in compliance with the Act as a "local ordinance," as the term is used in the Act. All provisions of the Act and future amendments to the Act not incorporated into this Section shall, nevertheless, apply to all subdivision maps and proceedings under this Section.

#### **9105.01.050 Applicability**

##### **A. Applicability of Section**

1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Division and/or the Act, Government Code Sections 66410 et seq.
2. This Division shall apply to all divisions of land, except those exempted by Government Code Sections 66412, 66412.1, 66412.2, and 66412.5.
3. In the event of divisions of land which are not subject to this Division and/or the Act, a certificate of compliance shall be issued on a form prescribed by the Director.

**B. Subdivision Approval Required.** Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Division.

**C. Conflicts with the Act.** In the event of any conflicts between the provisions of this Division and the Act, the Act shall control.

**D. Compliance with Other Regulations Required.** The approval or conditional approval of a subdivision map shall not authorize an exception or deviation from any zoning regulation specified in this Development Code, or as an approval to proceed with any development in violation of other applicable provisions of the Municipal Code or other applicable ordinances or regulations of the City.

**9105.01.060 Advisory Agency**

**A. Advisory Agency**

1. The designated advisory agencies specified in this Subsection shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.
2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

<b>Table 5-1 Subdivision Review Authorities</b>		<b>Role of Review Authority<sup>(1)</sup></b>			
<b>Type of Decision</b>	<b>Applicable Section or Subsection</b>	<b>Director</b>	<b>City Engineer</b>	<b>Commission</b>	<b>Council<sup>(2)</sup></b>
Amendments to Approved Tentative Maps	9105.03.120	Decision		Appeal	Appeal
Certificates of Compliance	9105.07.020	Decision	Recommend	Appeal	Appeal
Correction and Amendments to Recorded Maps	9105.03.070		Decision	Appeal	Decision/ Appeal
Extensions of Time – Tentative Maps, in compliance with Section 9105.03.110 (Tentative Map Expiration and Extensions)	9105.03.110	Decision	Recommend	Appeal	Appeal
Final Parcel Maps, Without Dedications	9105.05	Recommend	Decision	Appeal	Appeal
Final Parcel Maps, With Dedications	9105.05	Recommend	Recommend		Decision
Final Tract Maps, Vesting Tract Maps	9105.03.100	Recommend	Recommend		Decision
Lot Line Adjustments	9105.07.030	Decision	Recommend	Appeal	Appeal
Lot Mergers	9105.07.040	Decision	Recommend	Appeal	Appeal
Modifications to Lot Area, Depth, and Width Requirements	9105.09.030			Decision	Appeal
Reversion to Acreage	9105.07.050			Recommend	Decision
Subdivision Improvement Plans	9105.09.060		Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	9105.03	Recommend		Decision	Appeal
Tentative Parcel Maps, With Dedications	9105.05	Recommend		Decision	Appeal
Waiver of Parcel Maps	9105.05.020		Decision	Appeal	Appeal
<b>Tentative &amp; Final Parcel Map for Urban Lot Splits</b>	<b>9105.05.090</b>	<b>Decision</b>			

Notes:

(1) "Decision" means that the review authority makes the final decision on the matter; "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); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.

(2) Decisions of the Council may not be appealed.

**B. Appeal Authorities**

1. The Commission shall be the review authority for any appeal of a decision of the City Engineer or Director, except when dealing with any maps containing dedications.
2. The Council shall be the review authority for any appeal of a decision of the Commission.

**C. City Engineer.** The City Engineer shall be responsible for all of the following:

1. Establishing subdivision and public improvement design and construction details, standards, and specifications.
2. Determining whether proposed subdivision improvements comply with the provisions of this Division and the Act.
3. Inspecting and approving subdivision improvements.
4. Review authority on amendments to recorded maps, extensions of time on tentative maps, final parcel maps without dedications, lot mergers, subdivision improvement plans, and waiver of parcel maps.
5. Providing assistance to the Director on the review of amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

**D. Director.** The Director shall be responsible for all of the following:

1. Accepting certificate of compliance, lot line adjustment, parcel map, reversion to acreage, tentative map, vesting tentative map, and similar applications for processing; and distributing the application materials to appropriate agencies and City departments for review.
2. Investigating tentative map applications for conformity to the General Plan, applicable specific plans, and this Development Code, and in consultation with other City departments, recommending action to the Commission.
3. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) specified in Public Resources Code Section 21000 et seq.
4. Certifying amended maps, final maps, and reversion to acreage maps for substantial compliance with approved tentative maps.
5. Review authority on amendments to approved tentative maps, certificates of compliance, lot line adjustments, lot mergers, and tentative parcel maps without dedications.

**E. Commission.** The Commission shall be responsible for all of the following:

1. Taking action to recommend approval, conditional approval, or denial of condominiums/conversions, tentative tract map applications, and reversion to acreage maps to the Council.
2. Hearing appeals of decisions of the City Engineer and Director.
3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.

**F. Council.** The Council shall be responsible for all of the following:

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more lots.
2. Review authority on amendments to recorded maps, condominiums/conversions, tentative and final parcel maps with dedications, tentative and final tract maps, and reversions to acreage maps.

3. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of this Development Code.

### **9105.01.070 Type of Subdivision Approvals Required**

Any subdivision of an existing lot into two or more lots shall require approval by the City in compliance with this Division and the Act. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a parcel map (for a subdivision that results in four or fewer lots) or a final map (for a subdivision that results in five or more lots) to complete the subdivision process. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, this Division, the Act, and the appropriateness of the proposed subdivision design. Parcel and final maps are precise surveying documents that detail the location and dimensions of all lot boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

**A. Tentative Map Requirements.** The filing and approval of a tentative map is required for:

1. A subdivision or resubdivision of four or fewer lots, as authorized by Government Code Section 66428; and
2. A subdivision or resubdivision of five or more lots, and all other types of subdivisions required to have tentative map approval by Government Code Section 66426.

**B. Final Map/Final Parcel Map Requirements.** A final map/final parcel map (Section 9105.05) shall be required as follows.

1. **Final Map.** The filing and approval of a final map (Section 9105.05) shall be required for a subdivision of five or more lots, except a subdivision that is otherwise required to have a parcel map by Government Code Section 66426.
2. **Final Parcel Map.** The filing and approval of a final parcel map (Section 9105.05) shall be required for a subdivision creating four or fewer lots, with or without a designated remainder in compliance with Government Code Article 2, Chapter 1, except for the following subdivisions:
  - a. **Public Agency or Utility Conveyances.** Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way, unless the Director determines, based on substantial evidence, that public policy necessitates a parcel map, in an individual case, in compliance with Government Code Section 66428;
  - b. **Cemeteries.** Land dedicated for cemetery purposes in compliance with the Health and Safety Code; and
  - c. **Waived Parcel Map.** A subdivision that has been granted a waiver of parcel map requirements in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).

**C. Co-Operative Multiple Buildings.** A tentative map or tentative parcel map for a co-operative multiple building project shall not be approved unless at the time of approval it appears that the project complies or will comply with the then existing building codes and Development Code regulations and all other regulations of the Municipal Code, and unless a condition is imposed that a Building Permit shall not be issued and a final map or parcel map shall not be approved for the project unless it so complies; provided, that where minor variations from Development Code requirements exist with respect to the proposed conversion of an existing structure to a co-operative multiple building and full compliance with Development Code requirements presents practical difficulties, after report of the Commission, the Council may waive full compliance and approve the tentative map or tentative parcel map with the condition appropriately modified upon making a finding that the project is in substantial compliance with the applicable Development Code regulations and that the minor variations will not prevent compliance with the intent and purpose of the Development Code regulations.

**D. Exemptions from Subdivision Approval Requirements.** The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provision as not being subject to the requirements of the Act, and/or not being considered to be divisions of land for the purposes of the Act, shall be exempt from the subdivision approval requirements of this Division.

- E. Exceptions from Map Preparation Requirements.** The types of subdivisions specified by Government Code Section 66426, or other applicable Act provisions as not requiring the preparation of a tentative map, parcel map, and/or a final map shall comply with Government Code Section 66426.

#### **9105.01.080 Enforcement of Subdivision Regulations**

See Section 9105.13 (Enforcement) for specific subdivision related enforcement provisions and Section 9108.15 (Enforcement) for expanded enforcement provisions relating to this Development Code.

#### **9105.01.090 Applications Deemed Approved**

- A. Subdivisions Deemed Approved by Law.** A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66542.4, shall be subject to all applicable provisions of this Development Code, and any conditions imposed by the review authority, which shall be satisfied by the subdivider before a Building or grading Permit is issued.
- B. Subject to Mandatory Requirements.** Final maps filed for recordation after their tentative parcel or tract maps are deemed approved shall remain subject to all of the mandatory requirements of this Division and the Act, including Government Code Sections 66473, 66473.5, and 66474.

#### **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 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.

#### **9105.01.110 Exceptions to Subdivision Standards**

- A. Exceptions to Standards.** An exception to a provision of Section 9105.09 (Subdivision Design and Improvements) may be requested by a subdivider in compliance with Section 9107.05 (Administrative Modifications) or Section 9107.25 (Variances).
- B. Not Used to Waive Act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Division that is duplicated or paraphrased from the Act.

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## **Section 9105.03 – Tentative Map Filing and Processing**

### **Subsections:**

- 9105.03.010 Purpose
- 9105.03.020 Tentative Map Preparation, Application Contents
- 9105.03.030 Tentative Map Filing, Initial Processing
- 9105.03.040 Staff Report and Recommendation
- 9105.03.050 Tentative Map Public Hearing and Action
- 9105.03.060 Tentative Map Approval or Denial
- 9105.03.070 Conditions of Approval
- 9105.03.080 Effective Date of Tentative Map Approval
- 9105.03.090 Completion of Subdivision Process
- 9105.03.100 Vesting on Approval of Vesting Tentative Map
- 9105.03.110 Tentative Map Expiration and Extensions
- 9105.03.120 Amendments to Approved Tentative Maps and Conditions
- 9105.03.130 Post Decision Procedures

### **9105.03.010 Purpose**

This Section establishes requirements for the preparation, filing, approval or denial of tentative maps (tentative parcel and tract map), consistent with the requirements of the Act.

### **9105.03.020 Tentative Map Preparation, Application Contents**

#### **A. When Required**

1. A tentative map shall be submitted for a subdivision for which a tentative parcel or tract map is required by Government Code Sections 66410 et seq.
2. The requirements specified in this Section shall apply to all applications for tentative parcel and tract maps.

#### **B. Application and Filing Fees Required**

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee in compliance with the Fee Schedule.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis in compliance with Subsection 9107.03.050 (Filing Fees and Requirements).
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete for the purpose of complying with Government Code Chapter 4.5 and Subsection 9107.03.060 (Initial Application Completeness Review).

### 9105.03.030 Tentative Map Filing, Initial Processing

#### A. Submission of Tentative Maps

1. The subdivider is strongly encouraged to confer with the Director before preparing and submitting the tentative map.
2. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Sections 65962.5(d) and (f).
  - a. In the event that the Director determines that additional information is required for the preparation of environmental documents which are required in compliance with the provisions of the California Environmental Quality Act (CEQA) and the State Guidelines, the tentative map shall not be deemed complete until the additional information has been provided.
  - b. In the event that the Director determines that an Environmental Impact Report (EIR) is required, the filing of the application for the tentative map shall not be deemed filed until the draft of the EIR has been prepared.
3. A tentative map shall be filed with the Director by one or more record owners of property or their authorized agents.
4. The subdivider shall file with the Director the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
5. Failure to submit all materials and statements required by this Subsection shall constitute grounds for rejection of the application.
6. The tentative map may be for land located either within the City or within the unincorporated territory adjacent to the City. If a tentative map for land located within the unincorporated territory adjacent to the City is approved, the approval shall be conditioned upon annexation of the property to the City within a time specified and the approval shall not be effective until annexation of the property to the City has been completed.

**B. Prepared by Civil Engineer or Surveyor.** Tentative maps shall be prepared by or under the direction of a registered civil engineer or a licensed land surveyor.

**C. Information, Data, and Reports Required.** The application shall include all of the information and materials specified in the most up-to-date Department handout for tentative map applications, together with the required fee in compliance with the Fee Schedule. 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). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), below.

#### D. Referral to Affected Agencies

1. **Required Referrals.** The Director shall refer a tentative map application for review and comment to all agencies that will be expected to provide service to the proposed subdivision, including, as appropriate, City agencies and departments, local agencies, public utilities, special districts, and State agencies.
2. **Anticipated Type of Response.** The agencies that receive a tentative map application are expected to respond to the Director with an evaluation of the proposal, a list of items (e.g., hydrology study, title report, traffic study, etc.) that may need to be filed and considered during the evaluation phase, and a list of proposed conditions of tentative map approval.
3. **Required Action in the Case of Waste Discharge Violations.** The City Engineer shall advise the Director as to whether the discharge of waste from the proposed subdivision into an existing community sewer system will result in the violation of existing requirements prescribed by the California Regional Water Quality Control Board in compliance with Water Code Section 13000 et seq.

**4. Time Limits for Referral and Response**

- a. As required by Government Code Sections 66453 through 66455.7, referral shall occur within five days of the tentative map application being determined to be complete in compliance with Section 19.112.070 (Initial Review of Application).
- b. An agency wishing to respond to a referral shall provide the Director with its recommendations within 15 days after receiving the tentative map application.

**E. Environmental Review**

1. The Director, upon receipt of a tentative map application, shall conduct an environmental analysis.
2. If a draft Environmental Impact Report is required, the application for tentative map approval shall not be considered completed until an Environmental Impact Report is ready for presentation to the Commission.

**9105.03.040 Staff Report and Recommendation**

**A. Preparation of a Report**

1. **Director Shall Prepare Report.** The Director shall prepare an evaluation in compliance with Government Code Section 66452.3 describing the conclusions of the tentative map application review.
2. **Mailing of Copies of Report.** Copies of the report shall be mailed to the subdivider (and each tenant of the subject property, in the case of a residential condominium conversion [Section 9105.23]) at least five days before any hearing or action on the tentative map by the review authority in compliance with Section 9108.13 (Public Notices and Hearings).

**9105.03.050 Tentative Map Public Hearing and Action**

- A. Applicable Review Authority.** The applicable review authority as specified in Table 5-1 (Designated Review Authorities) shall hold a noticed public hearing on a tentative parcel or tract map.
- B. Scheduling and Notice of the Public Hearing(s).** Not less than 10 days before the date of the public hearing, notice shall be given by publication once in a newspaper of general circulation published and circulated in the City and by mailing, postage prepaid, to the owners, as shown on the last available County maintained equalized assessment roll or ownership records for property located within 300 feet of all lots any portion of which is included within the boundaries of the proposed subdivision, and to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project in compliance with Government Code Sections 66410 et seq. and Section 9108.13 (Public Notices and Hearings). No error or omission or failure of any person to receive notice as provided in Section 9108.13 shall affect the validity of any action taken under this Division.
- C. Action of the Applicable Review Authority.** The action by the applicable review authority shall be taken within 50 days of determining the tentative parcel or tract map to be complete as defined in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), above, and reported to the subdivider within that time limit. This time limitation may be extended upon the mutual consent of the review authority and the subdivider.
- D. Review Authority's Action is Conclusive.** In the absence of a timely filed written appeal in compliance with Section 9108.07 (Appeals), the decision of the review authority shall be final and conclusive.

**9105.03.060 Tentative Map Approval or Denial  
Amended by Ord. No. 2375**

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. That the proposed design and site improvements of the subdivision conform 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 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).

### **9105.03.070 Conditions of Approval**

Along with the approval of a tentative parcel or tract map, the review authority may adopt any conditions of approval deemed reasonable and necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subparagraph A. (Dedications and Improvements), below; provided, that all conditions shall be consistent with the requirements of the Act and this Division.

#### **A. Dedications and Improvements**

1. As a condition of approval of a tentative parcel or tract map, the City may require dedications and improvements as necessary to ensure that the lots to be created:
  - a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;
  - b. Are of adequate design in all respects in compliance with this Development Code;
  - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or by other means; and
  - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
2. All improvements shall comply with adopted City standards.

#### **B. Access**

1. Except as provided below, lots created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City's Streets and Highways Manual, or shall be ensured of access to the City road system by an approved access which connects a lot(s) to a maintained public street or State highway.
2. Private road easements may be approved for access to each lot if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
3. Road easements of record established before the effective date of this Division shall be recognized as legal access to each lot of the proposed subdivision.
4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each lot of the proposed subdivision.

- C. Conditions Modifying Subdivision Design - Time for Compliance.** When modifications in design require a change in the conditions of approval of a tentative parcel or tract map, the subdivider shall, at least 30 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

### **9105.03.080 Effective Date of Tentative Map Approval**

The approval of a tentative map shall become effective for the purposes of filing a final tract or parcel map, including compliance with the conditions of approval, 10 days following the date of decision by the applicable review authority in compliance with Government Code Section 66452.5, if no appeal is filed in compliance with Section 9108.07 (Appeals).

### **9105.03.090 Completion of Subdivision Process**

- A. Effect of Approval on Prior Approvals.** The approval or conditional approval by the review authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with Conditions, Improvement Plans.** After approval of a tentative parcel or tract map in compliance with this Division, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans in compliance with Section 9105.09 (Subdivision Design and Improvements), before constructing any required improvements.
- C. Parcel or Final Map Preparation, Filing, and Recordation**
  - 1. A parcel map for a subdivision of four or fewer lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision, unless a parcel map has been waived in compliance with Subsection 9105.05.020 (Waiver of Parcel Map).
  - 2. A final map for a subdivision of five or more lots shall be prepared, filed, processed, and recorded in compliance with Section 9105.05 (Parcel Maps and Final Maps), to complete the subdivision.
  - 3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Division.

### **9105.03.100 Vesting on Approval of Vesting Tentative Map**

- A. Purpose.** The purpose of this Subsection is to establish procedures necessary for the implementation of the provisions of Government Code Section 66452 relating to vesting tentative maps.
- B. Application Filing**
  - 1. Whenever a provision of the Act or this Division requires the filing of a tentative parcel or tract map, a vesting tentative map may instead be filed.
  - 2. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as is required of tentative maps in compliance with this Division, except as otherwise provided in this Subsection.
  - 3. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
  - 4. The application shall include all of the information and materials specified in the most up-to-date Department handout for vesting tentative map applications, together with the required fee in compliance with the Fee Schedule. 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). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9105.03.060 (Tentative Map Approval or Denial), above.
- C. Expiration.** The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Act and/or this Division for the expiration of approved or conditionally approved tentative maps.
- D. Vesting on Approval of Vesting Tentative Map**
  - 1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in compliance with Government Code Section 66474.2.
  - 2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred a vested right to proceed with development in substantial compliance with the

ordinances, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved.

3. Notwithstanding Subparagraph 1, above, the review authority may condition or deny a permit, approval, extension, entitlement, or require an amendment to the map if it first determines any of the following:
  - a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
  - b. The condition or denial is required in order to comply with State or Federal law.
4. The review authority may alter any condition(s) of a vesting tentative map through an amendment in compliance with Subsection 9105.03.120 (Amendments to Approved Tentative Maps and Conditions) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

#### **E. Expiration of Vested Rights**

1. The vested rights referred to in this Subsection shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act.
2. If the final map is approved, the vested rights shall last for the following periods of time:
  - a. An initial time period of 12 months.
  - b. A subdivider may apply for a 12-month extension at least 60 working days before expiration in compliance with Subsection 9105.03.110 (Tentative Map Expiration and Extensions), below.
  - c. If the extension is denied, the subdivider may appeal that denial within 10 days after the denial, in compliance with Section 9108.07 (Appeals).

#### **9105.03.110 Tentative Map Expiration and Extensions**

**A. Valid Timeframe.** An approved tentative parcel or tract map is valid for 24 months after its effective date, except as otherwise provided by Government Code Section 66452.6, which, under specified circumstances, allows for a tentative map to be deemed valid for 36 months, unless otherwise extended in compliance with the provisions of this Division and the Act.

#### **B. Expiration of an Approved Map**

1. Expiration of an approved tentative parcel or tract map or vesting tentative map shall terminate all proceedings.
2. The application shall not be reactivated unless a new tentative parcel or tract map application is filed in compliance with this Division.

#### **C. Filing of Extension Request**

1. The time limits for acting on maps and associated appeals, as specified in this Division and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the applicable review authority.
2. An extension request shall be in writing and shall be filed with the Director not less than 30 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Fee Schedule.

**D. Approval of First Extension — Director.** The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the tentative parcel or tract map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and
3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

**E. Additional Extensions — Commission**

1. The Commission may grant additional extensions to the initial time limit, only after first making all of the findings specified in Subparagraph D (Approval of First Extension - City Engineer), above.
2. The aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Section 66452.6.

**F. Appeal of Decision.** If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension in compliance with Section 9108.07 (Appeals).

**G. Filing of a Lawsuit**

1. If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a tentative parcel or tract map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a tentative parcel or tract map will expire.
2. Within 40 days after receiving the request, the Director shall stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the tentative parcel or tract map approval.

**9105.03.120 Amendments to Approved Tentative Maps and Conditions**

**A. Minor Changes to Approved Tentative Maps – Director.** A subdivider may request minor changes or amendments to an approved tentative parcel or tract map or its conditions of approval before recordation of a final map in compliance with this Subsection. Changes to a parcel or final map after recordation are subject to Subsection 9105.05.070 (Correction and Amendment of Recorded Maps).

**B. Minor Changes Defined.** Minor changes or amendments to a tentative parcel or tract map that may be requested by a subdivider in compliance with this Subsection include minor adjustments to the location of proposed lot lines and improvements, and reductions in the number of approved lots (but no increase in the number of approved lots), and any changes to the conditions of approval, consistent with the findings required by Subparagraph G. (Required Findings for Approval), below.

**C. Changes Other Than Minor Changes.** All proposed changes or amendments not covered by this Subsection shall require the filing and processing of a new tentative parcel or tract map in compliance with this Division.

**D. Application for Changes.** The subdivider shall file an application and filing fee, in compliance with the Fee Schedule, with the Department, using the forms furnished by the Department, together with the following additional information:

1. A statement identifying the tentative parcel or tract map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
2. Any additional information deemed appropriate by the Director.

**E. Processing of Application.** Proposed changes to a tentative parcel or tract map or conditions of approval shall be processed using the same procedures as the original tentative parcel or tract map, except as otherwise provided by this Subsection.

- F. Review Authority.** The Director shall be the review authority for reviewing and either approving or denying minor changes to approved tentative maps.
- G. Required Findings for Approval.** The Director may approve changes or amendments to an approved tentative parcel or tract map or its conditions of approval if the Director first finds all of the following findings to be true, and that all of the applicable findings for approval specified in Subsection 9105.03.060 (Tentative Map Approval or Denial), above, can still be made:
1. No lots are added, deleted, or substantially altered;
  2. No proposed structure locations are substantially altered;
  3. The changes are consistent with the intent and spirit of the original tentative parcel or tract map approval; and
  4. There are no resulting violations of this Division, the Act, or other applicable laws.
- H. Effect of Changes on Time Limits.** Approved changes to a tentative parcel or tract map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits specified in Subsection 9105.03.110 (Tentative Map Expiration and Extensions), above, nor extend any right(s) in compliance with a vesting tentative map.
- I. Recording of Amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the City Engineer.

#### **9105.03.130 Post Decision Procedures**

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a tentative map application.

#### **9105.03.140 Tentative Parcel Map for Urban Lot Splits**

The tentative parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.03.020 (Forms and Contents), and Section 9105.05.090 (Final Parcel Map process).

## Section 9105.05 – Parcel Maps and Final Maps

### Subsections:

- 9105.05.010 Purpose
- 9105.05.020 Waiver of Parcel Map
- 9105.05.030 Final Tract and Parcel Map Form and Content
- 9105.05.040 Filing and Processing of Final Tract and Parcel Maps
- 9105.05.050 Final Tract or Parcel Map Approval and Recordation
- 9105.05.060 Supplemental Information Sheets
- 9105.05.070 Correction and Amendment of Recorded Maps
- 9105.05.080 Post Decision Procedures

### 9105.05.010 Purpose

This Section establishes requirements for the preparation, filing, processing, approval, conditional approval, or denial, and recordation of final parcel and final tract maps, following approval of a tentative parcel or tract map, consistent with the requirements of the Act and this Section.

### 9105.05.020 Waiver of Parcel Map

- A. Eligibility for Waiver.** The following subdivisions shall be eligible for waiver of the requirements that a parcel map be filed, except where the tentative map of the subdivision, the conditions of approval, or the requirements of the Act or of this Division provide for or require the provision of road, drainage, sewer, water, or other easements or the delineation of flood or geologic hazard, drainage ways, or building restrictions:
1. Lot line adjustments, or the distribution of all of an existing lot(s) between adjacent lots when approved by resolution;
  2. Those of a lease-project; or
  3. Those described in Government Code Section 66426.
- B. Requests for Waiver.** Waiver requests shall be in writing on a standard form provided by the Department. The request shall include:
1. A request for waiver, signed and acknowledged by all owners of record of the land comprising the minor land division;
  2. A description of each proposed lot;
  3. The submission of documentation (i.e., preliminary title report) as it deems necessary to verify the information presented in the request for waiver. All submissions shall be legible and readily reproducible. Before approval of a request for waiver, the subdivider shall complete or guarantee completion of the conditions of approval as if a parcel map were to be filed;
  4. The Commission may require the submission of a plat map, showing sufficient ties, dimensions, and bearings to adequately establish the boundaries of the minor land division and of each proposed lot. Record information, when available, may be utilized.
- C. Waiver of Parcel Map Fee.** Upon submission of a request for waiver the subdivider shall pay a filing fee in compliance with the Fee Schedule. The subdivider shall also pay a sum of money equal to the amount required by law for filing with the County Recorder a certificate of compliance for the lots comprising the division.

**D. Eligibility for Waiver.** Within 20 days following the acceptance of a request for waiver or within any additional time as may be necessary, the Commission may waive the requirement that a parcel map be filed as provided in Subsection 9105.03.030 (Tentative Map Filing, Initial Processing), if it first finds all of the following:

1. The design of each lot described in the request for waiver is in substantial compliance with the tentative map, as approved; and
2. The subdivision complies with all applicable requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Act, this Division, and the Municipal Code. When a waiver is granted in compliance with this Subsection, the Commission shall, within 60 working days, cause a certificate of compliance, describing each approved lot, to be filed for record with the County Recorder. The certificate of compliance shall state that the requirement that a parcel map of the division of land be filed has been waived and that the lots comprising the division may be sold, leased, financed, or transferred in full compliance with all applicable provisions of the Act and this Division.

### **9105.05.030 Final Tract and Parcel Map Form and Content**

**A. Form and Content.** The form and content of final tract and parcel maps shall be as required by the Act and this Division. The map shall be considered submitted when it is complete and complies with all applicable provisions of the Act, this Development Code, this Division, and all conditions of approval.

#### **B. Authorized Preparers**

1. The final tract or parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor.
2. A final tract or parcel map shall be based upon a field survey made in compliance with the Professional Land Surveyors Act and as required by this Division.

#### **C. Certificates and Acknowledgments**

1. Before filing, the certificates and acknowledgements required by the Act and this Section shall appear on the map and may be combined where appropriate.
2. The certificates and acknowledgments shall appear on the face of the map unless the City Engineer advises the subdivider that the certificates and acknowledgments are to be made by separate instrument.
3. If a certificate or acknowledgment is made by separate instrument, there shall appear on the map a reference to the separately recorded documents.

**D. Monuments.** The location, number, and type of monuments shall be as specified in the Act and this Subsection and shall be in compliance with the standards prescribed in the California Business & Professions Code Section 8771.

#### **E. Documentation Required for City Review and Approval**

1. The subdivider shall submit prints of the map to the City Engineer for checking, who will distribute the map to other City departments and agencies for review.
2. The preliminary prints shall be accompanied by documents, plans, and reports in a form approved by the City Engineer, including but not limited to all of the following.
  - a. Improvement Plans.** Improvement construction plans as required by the City Engineer.

**b. Soils Report**

- (1) A preliminary soils report, based upon test borings and prepared in compliance with the requirements of the Building Code, as it may be amended and as referenced in Municipal Code Article VIII (Building Regulations), shall be required for all tract maps and for those parcel maps which involve commercial or industrial development.
  - (a) The soils report shall be prepared by a State-registered civil or soils engineer.
  - (b) The requirement of a preliminary soils report may be waived or reduced in scope by the City Engineer if, in the City Engineer's opinion, the soil characteristics in the vicinity of the proposed subdivision have been established by previous analyses.
- (2) Parcel maps which propose the construction of single-family dwellings shall require the preparation of a report which includes the subsurface soil classification, as well as the results of an expansive index test.

**c. Title Report.** A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days from the filing of the final map.

**d. Improvement Cost Estimate.** An improvement cost estimate, which shall include all improvements located within public or private rights-of-way, common areas, or easements, on-site and off-site drainage improvements, and utility trench backfill as provided by the subdivider, except for those utility facilities to be installed by a utility company under the jurisdiction of the Public Utilities Commission.

**e. Deeds for Easements and Rights-of-way**

- (1) Deeds for easements or rights-of-way required which are not proposed to be dedicated on the final map.
- (2) The subdivider shall provide written evidence acceptable to the City Engineer in the form of rights of entry or permanent easements across private property outside of the subdivision granting access to perform necessary construction work and allowing the maintenance of facilities, if required.

**f. Traverse Closure Calculations.** Traverse closure calculations for the boundary blocks, easements, monument lines, lots, and street centerlines.

**g. Hydrology and Hydraulic Calculations.** Complete hydrology and hydraulic calculations.

**h. Organization Documents**

- (1) Any proposed declaration of covenants, conditions, and restrictions (CC&Rs) and all other organization documents for the subdivision in a form prescribed by the Civil Code Section 1355.
- (2) All documents shall be subject to review and approval by the Director and the City Attorney.

**i. Letter of Certification from Water Agencies.** The subdivider shall submit written certification from the affected water provider that adequate domestic water facilities are or will be available to serve the proposed project and that all necessary financial arrangements have been made to ensure construction of the facilities.

**j. Other Reports.** Any additional calculations, data, reports, or information specified by the City Engineer.

**9105.05.040 Filing and Processing of Final Tract and Parcel Maps**

**A. Official and Timely Filing of Map**

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 90 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with

Subsection 9105.03.110 (Tentative Map Expiration and Extensions), together with the filing fee(s) in compliance with the Fee Schedule.

2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, including all conditions of approval, the Act, the Municipal Code, this Development Code, this Division, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

**B. Review of Map**

1. After the issuance of a receipt for the map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Act, this Subsection, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this Section.
4. The material shall be transmitted to the Council for its consideration of the map.

**C. Time Limit for Filing Map.** If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Subsection 9105.03.110 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the review authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, in compliance with the Fee Schedule, and an application for a new tentative map shall be filed.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the City through the Director to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).
3. In the event the City fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.
4. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subparagraph 9105.05.050.D (Map with Incomplete Improvements), below, at the time the City acquires an interest in the land which will allow the improvements to be made.
5. "Off-site improvements," as used in this Subsection, do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

### **9105.05.050 Final Tract or Parcel Map Approval and Recordation**

After determining that the map is in compliance with Subsection 9105.05.030 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the City Clerk for Council action in the following manner.

**A. Applicable Review Authority.** The applicable review authority is specified in Table 5-1 (Subdivision Review Authorities).

#### **B. Review and Approval by the Review Authority**

1. **Timing of Review Authority's Review.** The review authority shall approve or deny the map after it receives the map from the City Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval**
  - a. The review authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map and all conditions of approval.
  - b. If the map does not conform, the review authority shall not approve the map.
  - c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Section. If the map(s) does not conform, it shall not be approved.
3. **Applicable Ordinances, Policies, and Standards.** In determining whether to approve or deny a map, the review authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
4. **Action Not to Approve a Final Tract or Parcel Map**
  - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
  - b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map not involving any offers of dedication or improvement, the Director, does not materially affect the validity of the map.

#### **C. Map with Dedications**

1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

**D. Map with Incomplete Improvements.** If improvements required by this Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the review authority shall require the subdivider to enter into an agreement with the City as specified in Government Code Section 66462, and Subsection 9105.09.070 (Improvement Agreement Required), as a condition precedent to the approval of the map.

**E. Recording of Final Tract and Parcel Maps**

1. After action by the review authority to approve the map, and after the required signatures and seals have been affixed, together with the filing fee(s) in compliance with the Fee Schedule, the City Clerk shall transmit the map back to the City Engineer.
2. The City Engineer shall establish an appointment with the County Recorder for filing.
3. The County Recorder shall oversee the recording of the map.

**9105.05.060 Supplemental Information Sheets**

In addition to the information required by this Section to be included in all final tract and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map as required by this Subsection.

**A. Preparation and Form**

1. The additional information required by this Subsection shall be presented in the form of an additional map sheet(s), unless the City Engineer determines that the type of information required would be more clearly and understandably presented in the form of a report or other document(s).
2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final tract and parcel maps by Subsection 9105.05.030 (Final Tract and Parcel Map Form and Content).

**B. Content of Information Sheets.** Supplemental information sheets shall contain the following statements and information:

1. **Title.** A title, including the number assigned to the accompanying final or parcel map by the City Engineer, the words "Supplemental Information Sheet;"
2. **Explanatory Statement.** A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. **Location Map.** A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the City;
4. **Areas Subject to Flooding.** Identification of all lands within the subdivision subject to periodic inundation by water;
5. **Soils or Geologic Hazards Reports.** When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. **Information Required by Conditions of Approval.** Any information required by the review authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

**9105.05.070 Correction and Amendment of Recorded Maps**

A recorded final tract or parcel map (referred to as a map) may be amended by the City Engineer to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7.

**A. Type of Corrections Allowed in Compliance with Government Code Section 66469**

1. **Filing of a Certificate of Correction or an Amending Map.** In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
2. **Error Defined.** For the purposes of this Subsection, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer that does not affect any property right, including but not limited to acreage, lot numbers, street names, and identification of adjacent record maps.
3. **Other Corrections.** Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
4. **Review Authority.** The City Engineer shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66469.
5. **Application and City Engineer's Review Process**
  - a. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed with the City Engineer.
  - b. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
  - c. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 6. (Required Findings), below can be made.
6. **Required Findings.** A map may be amended only if the City Engineer first finds all of the following to be true:
  - a. The change(s) requested only involves a minor map annotation correction(s);
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with Government Code Section 66474.

**B. Type of Corrections Allowed in Compliance with Government Code Section 66472.1.** In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

1. **Application and City's Review Process**
  - a. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed with the City Engineer.
  - b. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
  - c. The Council shall approve the application if all of the required findings specified in Subparagraph 3. (Required Findings), below can be made.

2. **Review Authority.** The Council shall be the review authority for reviewing and either approving or denying corrections to and amendments of recorded maps in compliance with Government Code Section 66472.1.
3. **Required Findings.** A map may be amended only if the Council first finds all of the following to be true:
  - a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with Government Code Section 66474.
- C. **Recordation.** After approval, the certificate of correction or amending map shall be submitted to the County Recorder for recordation.
- D. **Amendment of an Approved Subdivision.** In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final tract or parcel map), including but not limited to the number or configuration of lots, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Subsection 9105.09.070 (Improvement Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Division or comply with the requirements of Government Code Section 66499.20.2.

#### **9105.05.080 Post Decision Procedures**

The procedures and requirements related to appeals and public hearings in Division 8 (Development Code Administration) shall apply to the decision on a final tract or parcel map application.

#### **9105.05.090 Final Parcel Map for Urban Lot Splits**

The final parcel map process shall adhere to the requirements and process in Section 9102.01.150 (Urban Lot Splits), Section 9105.05.030 (Form and Content for Maps), and Section 9105.05.040 (Filing and Processing of Maps).



# Attachment No. 3

Preliminary Exemption Assessment



CITY OF  
ARCADIA

## PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Text Amendment No. TA 22-01 (Ordinance No. 2388) amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Development Code related to urban lot splits and two-unit projects.	
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: 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:		
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 type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	
f. <input checked="" type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	Under California Government Code Sections 65852.21(j), and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA").
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: May 9, 2022

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MAY 10, 2022**

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**CALL TO ORDER** Vice Chair Chan called the meeting to order at 7:00 p.m.

**ROLL CALL**

PRESENT: Vice Chair Chan, Thompson, Tsoi, Wilander  
ABSENT: Chair Lin

It was moved by Commissioner Thompson, seconded by Commissioner Tsoi to excuse Chair Lin from the meeting. Without objection, the motion was approved.

Commissioner Wilander arrived at the meeting at 7:05 p.m.

**SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS**

Ms. Flores notified the Commission of two late comment letters regarding item No. 2, the Alexan Mixed-Use Project, which was provided to them earlier via email.

**PUBLIC COMMENTS (5 minute time limit per person)**

There were none.

**PUBLIC HEARING**

- 1. Resolution No. 2095** – Approving Multiple Family Architectural Design Review No. MFADR 21-06 and Tentative Parcel Map No. TPM 22-01 (83722) with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a three-unit, multi-family residential condominium development at 161 Alice Street

**Recommendation:** Adopt Resolution No. 2095

**Applicant:** Thomas Li

Chair Lin introduced the item and Assistant Planner Edwin Arreola presented the staff report.

Vice Chair Chan referenced the previous two projects regarding the parking issues due to small substandard parking stalls, and asked Staff if those issues were addressed in this project. Mr. Arreola explained that while the previous two projects had a similar layout and size as this one, the parking is larger in size due to a recent code amendment to make them 10 feet by 20 feet for each space, and the additional notches into the wall allowed more space for the vehicles to back-out from the parking space and have a little more room to maneuver.

The rest of the Commission had no questions.

Vice Chair Lin opened the public hearing and asked if the Applicant would like to speak on the item.

The project designer, Thomas Li, mentioned that this is his third multi-family project that he has designed in this neighborhood, and with this project he focused on improving the onsite vehicle maneuverability.

Commissioner Thompson referred to a video from the Applicant's project at 147 Alice St. that showed a vehicle entering and exiting the garages of those units but did not provide demonstration of the maneuver with a car parked in the parking stall. He asked if the Applicant performed any traffic studies or turning radius studies to verify accessibility. The Applicant replied that he relied on the City Engineer to resolve this issue and that in the previous project he did conduct a demonstration with a larger than average sized vehicle.

Commissioner Tsoi added that there were similar maneuverability issues in the previous two projects, and that adequate measures were taken to improve the parking at this project. He asked for clarification on why the trash bin is located in the garage, and the Applicant responded that it was done in the interest of maximizing space for this unit.

There were no public comments on the item.

## **MOTION- PUBLIC HEARING**

It was moved by Commissioner Wilander, seconded by Commissioner Tsoi, to close the public hearing. Without objection, the motion was approved.

## **DISCUSSION**

Commissioner Thompson referred to the two projects that the Applicant has designed on this block and did not feel that the issues with vehicle maneuverability have been addressed and commented that he would like to see future projects designed with better designed space for traffic in and out of the property.

Commissioner Tsoi noted that Applicant has made good use of the relatively narrow lot but suggested the possibility of using 18 feet wide garage doors instead of 16 feet to widen the entrance of the garage.

Commissioner Wilander questioned that parking capabilities for larger vehicles, commenting that there did not seem to be enough space for larger vehicles to maneuver in and out of the parking, and asked if any tests with larger vehicles had been done. Mr. Arreola referred to the video from the previous project and noted that the mid-size vehicle was able to maneuver in and out of the garage and explained that with the improvements added in this project, including a slightly bigger garage area and an indentation in the wall for added space, it is expected that vehicles will be able to exit the garages more easily.

Vice Chair Lin asked Staff if it would be possible to change the garage door from 16 feet to 18 feet, to which Ms. Flores replied that it may require a change in the Development Code.

The Commissioners were able to make the required findings for the Modification Permit and were in favor of the project. However, Commissioner Thompson dissented because while the facts support the findings, the layout still limits the vehicle maneuverability on this site.

## **MOTION**

It was moved by Commissioner Tsoi, seconded by Vice Chair Chan to adopt Resolution No. 2095, approving Multiple Family Architectural Design Review No. MFADR 21-06 and Tentative Parcel Map No. TPM 22-01 (83722) with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a three-unit, multi-family residential condominium development at 161 Alice Street

## **ROLL CALL**

AYES: Vice Chair Chan, Tsoi, Wilander  
NOES: Thompson  
ABSENT: Chair Lin

*There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 5:30 p.m. on Monday, May 23, 2022.*

- 2. Resolution No. 2093** – Minor Use Permit No. MUP 21-08, Architectural Design Review No. ADR 21-12, General Plan Consistency No. 22-01, Tentative Parcel Map No. TPM 21-02, a density bonus and a street vacation along with an Environmental Impact Report under the California Environmental Quality Act (CEQA) for the “Alexan Arcadia” mixed-use development, with 319 residential units, including 26 affordable units, located at 150 N. Santa Anita Avenue

**Recommendation:** Adopt Resolution No. 2093

**Applicant:** Arcadia Apartments, LLC.

Chair Lin introduced the item and Development Services Director/Assistant City Manager Jason Kruckeberg and Planning & Community Development Administrator Lisa Flores presented the project.

Commissioner Thompson asked if there has been discussion regarding where materials and vehicles will be staged during construction. Mr. Kruckeberg answered that a full management plan outlining parking and staging during construction will be required before any building permits are issued. He added that the Applicant is confident that materials and vehicles will be kept on premises during construction, and that there are some options for parking, including the Metro Gold Line parking lot. Commissioner Thompson asked a follow up question regarding parking for existing businesses in the office building, which Mr. Kruckeberg added that interim parking agreements will have to be in place in addition to the parking management plan. Commissioner Thompson commented that the residential and commercial parking availability is very close to maximum capacity and asked how that would be handled. Mr. Kruckeberg referred back to the required parking management plan that would address both issues.

Commissioner Tsoi inquired about the alley on the east side of the project site and asked if it could be closed to vehicles to create a pedestrian passageway and direct entrance to the downtown area. Mr. Kruckeberg confirmed that is the recommendation of the City and intention of the Applicant. Commissioner Tsoi inquired about the building on the southwest corner and asked if the parking associated with this property if City owned. Mr. Kruckeberg replied that the parking spaces are not City owned and that a shared parking agreement exists between the owner of that building and the Applicant. He added that those parking spaces will be within the parking structure of the project. Lastly, Commissioner Tsoi asked about the potential subdivision of the commercial property from the residential property, and if that would affect the parking structure that is used for both. After some clarification, Ms. Flores explained that while the commercial and residential buildings are on separate lots and could be sold separately, they would still be bounded

together through a reciprocal parking agreement and would remain as a mixed-used development since the project was entitled this way.

Vice Chair Chan asked if there was consideration for installing a pedestrian crosswalk across Santa Clara St., connecting the project site to the Metro Gold Line Station. Mr. Kruckeberg explained that while it was considered, that the City generally avoids mid-block crosswalks for safety reasons, and that City Staff will monitor pedestrian activity after project completion and assess the need for crosswalks or crossing lights.

Commissioner Wilander asked who will enforce the covenant for the affordable units on the property. Mr. Kruckeberg answered that the Applicant will be responsible for enforcing the affordable units requirement and the City will have the ability to monitor and evaluate as needed. Commissioner Wilander asked if there were any trees being removed for this project, which Mr. Kruckeberg confirmed that there are some trees that will be removed, but none are protected trees and some street and landscaping trees will be replaced.

Commissioner Thompson asked if there is an existing provision in the General Plan that allows for a density bonus. Mr. Kruckeberg answered that it is not specifically outlined in the General Plan and that the City follows state law for allowable density bonus. Commissioner Thompson asked if there would be a need to amend the General Plan if density bonus was exceeded, and Mr. Kruckeberg clarified that while there are density limits in each zone, the average is considered for the entirety of that zone, which would not be fully developed, not for each development.

Commissioner Tsoi asked if the Applicant had indicated how the 26 affordable units would be distributed in the building. Mr. Kruckeberg answered that the City will verify where the units are at the time of inspection prior to issuing a Certificate of Occupancy for the building and added that per state law, the units must be evenly distributed with no real differences from other units.

Commissioner Wilander asked for an explanation of the work-live units, which Mr. Kruckeberg explained are hybrid living units that include an office space on the ground floor with a living space on the second floor.

Vice Chair Lin opened the public hearing and asked if the Applicant would like to speak on the item.

Reese Petterson, representative for the Applicant, explained that they are a local company in Southern California with several projects in the Los Angeles area, including many in the nearby area. He added that they will be involved in the project throughout the entire process, including construction. Mr. Petterson expressed enthusiasm for a project of this type in an area that is close to transit and the downtown district.

There were two public comments on the item.

The first speaker was David Fu, attorney for Dr. Dong Chang, whose office is located at 100 N. Santa Anita Avenue, the southwest end of the proposed project site. Mr. Fu stated two main concerns with the project in terms of parking for Dr. Chang's business. The first concern is that the forty parking spaces provided to Dr. Chang's business by the parking easement will not be adequately replaced in the new project, and the second is with the density bonus allowance for the project. He added that there was no discussion of Dr. Chang's property within the project Environments Impact Report (EIR), and he believes there should be a requirement within the conditions of approval for the project that requires the Applicant to work with Dr. Chang to address the parking requirements for his building. Mr. Fu suggested that requirements for a parking

agreement to be reached between the Applicant and Dr. Chang be added to the conditions of approval for this project. He added that the parking management for Dr. Chang's property should be explicitly addressed in the parking management plan, and that the property should be monitored throughout construction, at the expense of the Applicant.

Commissioner Thompson asked for confirmation on the location of Dr. Chang's property, which Mr. Fu confirmed is at the southwest corner of the proposed project site.

The second speaker was Noah Garrison, representing Lozeau Drury LLP, who represent Supporters Alliance for Environmental Responsibility ("SAFER") and provided one of the late comment letters. Mr. Garrison stated that SAFER believes that the Final Environmental Impact Report (FEIR) fails to fully address mitigation for the items in the Draft EIR and violates the requirements by CEQA. He addressed issues with the environmental documents for the project and requested that items regarding hazardous pollution, soil contamination, health impacts and greenhouse gas impacts be re-examined, and the FEIR be re-circulated again prior to presenting the project to Council.

Mr. Petterson responded to the comments made by Mr. Fu and noted that they have been in regular contact with Dr. Chang regarding the project and specifically parking and other concerns for his property.

Sean Matsler, Land Use attorney representing the Applicant, addressed the comments made by Mr. Garrison stating that the letter had been reviewed by the Applicant, City, and the City's environmental consultant, DUDEK, and that they found no items in the letter which warranted re-circulation of the EIR, and that all the comments were addressed in the FEIR.

## **MOTION- PUBLIC HEARING**

It was moved by Commissioner Thompson, seconded by Commissioner Wilander, to close the public hearing. Without objection, the motion was approved.

## **DISCUSSION**

To begin the discussion, Vice Chair Chan asked Staff to respond to the public comments. Mr. Kruckeberg addressed Mr. Fu's comment by referencing the conditions of approval that require monitoring of Dr. Chang's building during construction and that parking concerns during construction will be addressed in a parking mitigation plan. He added that any agreements for parking easements or arrangements between the Applicant and Dr. Chang should be discussed between the two parties. In response to Mr. Garrison, Mr. Kruckeberg reaffirmed that the environmental documents have addressed all the comments and that the letter will be carefully reviewed, and any additional comments will be presented before the City Council.

Commissioner Thompson asked if there is a recorded parking easement between the subject property and Dr. Chang's building, and if the City has reviewed a title report for the property. Mr. Kruckeberg answered that the City is not aware of any recorded agreement and has not reviewed a title report for the subject property.

Commissioner Tsoi commented that the parking agreement between the two parties is a private matter, and it appears that the Applicant is willing to work to accommodate Dr. Chang to ensure parking is available throughout the construction process.

Vice Chair Chan brought up the possibility of Dr. Chang selling his property to the Applicant. Mr. Kruckeberg responded while that may have been a consideration early in the project, that is reasonably expected that Dr. Chang can run his business throughout the construction process, though he acknowledges there will be disruptions.

Commissioner Wilander added that while the parking requirements only requires a half parking space per unit, she appreciated that the project provided more parking than required, especially considering many families have more than one vehicle. She asked if the proposed six accessible and two van access parking spaces were enough for the project. Mr. Kruckeberg answered that the number of accessible spaces is determined directly by the Building Code. He added that the City generally uses the Building Code to determine how many accessible spaces, unless there is a specific need for more based on a specific project.

Commissioner Thompson mentioned that after thorough review of the parking analysis, although he agrees that there has been extensive research into the parking needs of the project, he still has some concerns regarding that number of parking spaces for the commercial businesses. He added that over time as the area becomes more populated, there could be an issue with parking availability, but his concerns about parking have been alleviated after reviewing the rest of the environmental documents.

Commissioner Tsoi commented that the entrance in the southeast corner of the building is well designed and eye-catching, but that the entrance on the north side is less appealing and would like to see a more defined entry point at the north entrance. He asked if it is possible to remove the drive-thru portion of the connected bank building to create a pedestrian passageway to connect the open space in the middle of the buildings to Santa Clara Street. Lastly, Commissioner Tsoi added that he would like to see the paving on the driveway on Wheeler Street extended to the driveway on Santa Anita Avenue.

Vice Chair Chan commented that if the drive-thru component was removed from the ATM that there would need to be added security measures, such as increased lighting and on-site security. He agreed with his fellow commissioners in support of the project and recommending it to City Council, but he encouraged the Applicant and Dr. Chang to continue to discuss the matters between their properties to reach an amicable solution.

## **MOTION**

It was moved by Commissioner Wilander, seconded by Commissioner Thompson to approve Resolution No. 2093, recommending that the City Council approve Minor Use Permit No. MUP 21-08, Architectural Design Review No. ADR 21-12, General Plan Consistency No. 22-01, Tentative Parcel Map No. TPM 21-02, a density bonus and a street vacation along with an Environmental Impact Report under the California Environmental Quality Act (CEQA) for the "Alexan Arcadia" mixed-use development, with 319 residential units, including 26 affordable units, located at 150 N. Santa Anita Avenue, and forward the Planning Commission comments to the City Council.

## **ROLL CALL**

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

**CONSENT CALENDAR**

- 3. Minutes of the April 26, 2022, Regular Meeting of the Planning Commission

**Recommendation:** Approve

It was moved by Commissioner Tsoi, seconded by Commissioner Thompson to approve the minutes of the April 26, 2022, Planning Commission Regular Meeting.

**ROLL CALL**

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

**MATTERS FROM CITY COUNCIL LIAISON**

Council Member Sho Tay was not present.

**MATTERS FROM THE PLANNING COMMISSONERS**

The Commissioners had nothing.

**MATTERS FROM ASSISTANT CITY ATTORNEY**

Mr. Mauer had no updates for the Commission.

**MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS**

Ms. Flores informed the Commission that there are two items on the next meeting agenda, including an appeal on a single-family home project and formalizing the City’s SB 9 ordinance.

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:55 p.m., to Tuesday, May 24, 2022, at 7:00 p.m. in the City Council Chamber.

\_\_\_\_\_  
Zi Lin  
Chair, Planning Commission

ATTEST: \_\_\_\_\_  
Lisa Flores  
Secretary, Planning Commission