

# CITY OF ARCADIA

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## Arcadia Planning Commission Regular Meeting Agenda



**Tuesday, July 26, 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

Brad Thompson, Chair  
Vincent Tsoi, Vice Chair  
Angela Hui, Commissioner  
Domenico Tallerico, 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. 2101** – Recommending that the City Council approve Text Amendment No. TA 22-02 (Ordinance No. 2390) amending various sections of Arcadia’s Development Code related to new Objective Design Standards for Multi-Family and Mixed-Use Development, updates to the Density Bonus Ordinance, and Minor Changes to the Accessory Dwelling Unit Ordinance with a Categorical Exemption from the California Environmental Quality Act

**Recommendation:** Adopt Resolution No. 2101

**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.

2. Minutes of the June 28, 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, August 9, 2022, at 7:00 p.m.



# STAFF REPORT

Development Services Department

**DATE:** July 26, 2022

**TO:** Honorable Chair and Planning Commission

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

**SUBJECT:** RESOLUTION NO. 2101 – RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. TA 22-02 (ORDINANCE NO. 2390) AMENDING VARIOUS SECTIONS OF ARCADIA’S DEVELOPMENT CODE RELATED TO NEW OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY AND MIXED-USE DEVELOPMENT, UPDATES TO THE DENSITY BONUS ORDINANCE, AND MINOR CHANGES TO THE ACCESSORY DWELLING UNIT ORDINANCE WITH A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**Recommendation: Adopt Resolution No. 2101**

## SUMMARY

The Development Services Department has initiated a Text Amendment to amend and update various sections of the City’s Development Code. The Text Amendment consists of the following: 1) New Objective Design Standards for Multi-Family and Mixed-Use Development to meet the requirement to streamlining housing projects under Senate Bills 35 and 330; 2) Update to the Density Bonus Ordinance to ensure compliance with recent changes to State law; and 3) Minor changes to the Accessory Dwelling Unit (ADU) Ordinance. This Text Amendment will allow the City to implement and regulate development in accordance with Senate Bill 330 (SB 330), Senate Bill 35 (Senate Bill 35), the State’s updated Density Bonus law, and ADU regulations.

It is recommended that the Planning Commission adopt Resolution No. 2101 (refer to Attachment No. 1) recommending the City Council approve Text Amendment No. TA 22-02 (Ordinance No. 2390) and find that the Text Amendment is Exempt under the California Environmental Quality Act (“CEQA”) Guidelines.

## **BACKGROUND**

In recent years, the State has passed numerous laws aimed at addressing the ongoing housing crisis in California. In 2017, Governor Brown signed a comprehensive housing package with 15 legislative bills that were intended to target the state's housing shortage and high housing costs. In 2019, Governor Newsom signed 18 bills intended to boost housing production. Included among these bills were Senate Bill ("SB") 35 and SB 330. Both bills include specific tasks that must be completed in order for local jurisdictions to comply with State legislation and to approve certain housing proposals through ministerial, or "over-the-counter," processes based on objective standards for new multi-family or mixed-use developments. The results of these laws, SB 35 and SB 330, are to encourage cities to create quicker, more accessible pathways for housing to be built.

SB 35 went into effect January 1, 2018, and created a streamlined, ministerial approval process for certain qualifying affordable residential projects that provided at least 2 residential units and contained a minimum of 10% affordable units. On October 9, 2019, Governor Newsom signed SB 330 enacting the "Housing Crisis Act of 2019." The housing bill is one of several bills that went into effect on January 1, 2020. The overall goal of SB 330 is to "suspend" certain local restrictions on housing development and expedite the permitting process to address the housing shortage in the State. SB 8 extends the date when SB 330 sunsets from 2025 to 2030 to give the State more time to recover from the pandemic and meet its housing production goals.

SB 330 aims to streamline all multi-family residential development, regardless of whether it includes affordable housing by:

- Implementing a preliminary application process that "locks-in" applicable standards at the time of application and until the project is entitled.
- Sets review time limits for the entire review process.
- Restricts the number of hearings/meetings to a maximum of five (5).
- Requires that a project is reviewed only against objective design standards, removing discretionary review unless it is associated with another entitlement such as Zone Change, General Plan Amendment, Planned Development, and/or Specific Plan.

SB 35 and SB 330 are applicable only to cities and counties that have not met some or all of their Regional Housing Needs Allocation ("RHNA"). Arcadia has not met its housing allocation and is therefore required to implement this process to be compliant with SB 35 and SB 330. Approximately 97% of all jurisdictions across California have not met some or all of their RHNA and are therefore subject to the provisions of SB 330 and SB 35.

In preparation for these changes, the City applied for funding through the Department of Housing and Community Development's ("HCD") Senate Bill 2 ("SB 2") Planning Grants program. The State set aside approximately \$123 million to provide funding and technical assistance to the cities and counties as they prepare, adopt, and implement programs

that assist in the creation of new housing. The City was awarded \$155,400 to have a consultant assist with the creation of new Objective Design Standards for Multi-Family and Mixed-Use developments and update to the City's Density Bonus Ordinance. Along with this effort, the text amendment also includes minor changes to the existing ADU Ordinance. The City contracted with RRM Design Group in 2021 to assist with this effort. They were the same firm that also assisted the in updating all the design guidelines in 2019.

## **ANALYSIS**

The proposed Text Amendment consists of the following changes: 1) New Objective Design Standards for Multi-Family and Mixed-Use Development to meet the requirement to streamlining housing projects under Senate Bills 35 and 330; 2) Update to the Density Bonus Ordinance to ensure compliance with recent changes to State law; and 3) Minor changes to the Accessory Dwelling Unit (ADU) Ordinance.

### **1. New Objective Design Standards for Multi-Family and Mixed-Use Development**

The City has developed new Objective Design Standards with our consultant, RRM Design Group, to provide clear expectations of the types of design, massing, and issues the City would like to avoid such as elongated blank wall facades. The Objective Design Standards will build off the existing design guidelines that were updated in 2019 and will also provide clear language for developments to follow. This will improve compatibility between new and existing housing because objective design standards allow for more predictable development outcomes. Staff has created two different sets of design standards for different types of housing (e.g., multi-family and mixed-use residences) – refer to Attachment No. 1, Exhibit A.

The new Objective Design Standards will clearly communicate expectations to the Applicants, and if an eligible project applicant complies with the standards (as well as all applicable zoning regulations), approval could be through a staff-level administrative process with no public hearing review if there are no entitlements associated with it such as a Subdivision, Zone Change, General Plan Amendment, Planned Development, and/or Specific Plan.

The new Objective Design Standards were also written to capture and regulate the most significant and impactful design features of multi-family residential buildings. For example, façade articulation is an important architectural design element which provides visual interest and reduces massing. The Objective Design Standards have provisions included to require façade articulation. Similarly, large cantilevers are typically not supported as they create top-heavy design. Therefore, an example to help mitigate this issue is to restrict all cantilevers to a maximum depth of four (4) feet.

Below are some examples of what changed from a design guideline to an Objective Design Standard:

Design Guideline	Objective Design Standard
Large expanses of flat building walls should be avoided by providing sufficient building articulation. Vertical and horizontal wall articulation, including architectural indentations and/or projections, should be consistent with the chosen architectural style and be integrated into the overall building design to provide opportunity for shade, shadow, and visual relief.	All exterior walls must have a minimum two-foot variation in depth at least every 40 feet of wall length to provide relief along the wall plane. In addition, all walls shall include at least two of the following features: windows, trellises, arcades, balconies, different exterior material, or awnings.
Parapets should not appear “tacked on” and should convey a sense of permanence. If the interior side of a parapet is visible from the pedestrian and/or motorist vantage point, it should be designed to be similar to the exposed façade.	<p>a. Parapets shall be capped with precast treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment.</p> <p>b. Parapet material shall match the immediately adjacent building façade.</p>
Garage doors facing the street are highly discouraged.	Garage doors shall be oriented to face away from the primary street.
Rooftop equipment should be concealed from view and/or integrated within the architecture of the building.	Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

To provide some flexibility, because not all projects can meet these standards depending on the architectural style or layout, the text amendment includes a new process to waive up to three (3) Objective Design Standards, subject to approval by the Planning & Community Development Administrator, or designee. The purpose of this waiver process is to ensure a project does not include any unwanted design features which are not appropriate for the neighborhood, and to allow for some nuance while working within the limitations created by only applying objective standards.

## 2. Density Bonus Update

Density Bonus is a state mandate and was originally enacted in 1979 to provide housing developers with tools to encourage the development of much needed affordable and senior housing. The Density Bonus Law is constantly changing and as part of this effort the existing density bonus ordinance has been updated to comply with all the legislative changes since the last comprehensive Code update in 2016. Some of these changes includes increasing the terms of the affordability development from 30 to 55 years, adding a chart that shows the state sliding scale based upon the percentage of affordable units

at each income, as shown below, a table that lists the number of incentives/concessions, and reduction to parking and lower parking ratios if they are located within ½ mile of a major transit stop, as shown in the tables below and in Attachment No. 1.

A Density Bonus is determined by taking the maximum allowable density for the site and deed restricting a certain percentage of those units for affordable housing. In accordance with the State Density Bonus law, a density bonus will be applied based on the percentage of affordable units provided. For example, a project that has 100 residential units and provides 17% of those as Low Income units will receive a 30.5% Density Bonus and two (2) concessions. This means the project will have a total of 130 residential units, 17 of which will be restricted for low-income families.

Table 1 identifies the recent changes to the State Density Bonus law. The table shows the percentage of affordable units required in order for a project to be granted a certain density bonus and concessions/incentives. Table 2 identifies changes to parking requirements for density bonus projects.

The new changes are shown in **red** and the strike-through language shows what the requirements used to be in both of the tables below.

**Table 1**

<b>Summary of Increased Requirements for Density Bonus and Concessions/Incentives</b>			
<b>Household income category</b>	<b>Percentage of Affordable Units in Project</b>	<b>Density Bonus</b>	<b>Minimum Number of Concessions or Incentives</b>
Very Low Income	5%	20%	1
Very Low Income	10%	32.5%	2
Very Low Income	15%+	<del>35%</del> 50%	3
<b>Very Low Income</b>	<b>80 – 100%<sup>^</sup></b>	<b>80%</b>	<b>4</b>
Low Income	10%	20%	1
Low Income	<del>20%+</del> 17%	30.5%	2
Low Income	20%	35%	2
Low Income	<del>30%</del> 24%+	<del>35%</del> 50%	3
<b>Low Income</b>	<b>80 – 100%<sup>^</sup></b>	<b>80%</b>	<b>4</b>
Moderate Income*	10%	5%	1
Moderate Income*	20%	15%	2
Moderate Income*	30%	25%	3
Moderate Income*	40%	35%	3
Moderate Income*	44%+	50%	3
^ Up to 20% of units may be allocated for Moderate Income households			
*For-sale units only			

**Table 2**

<b>Maximum Off-street Parking Requirements</b>	
<b>Threshold</b>	<b>Maximum Parking Requirement</b>
0 – 1 bedroom	1
2 – 3 bedrooms	<del>2</del> <b>1.5</b>
4 or more bedrooms	2.5
Rental projects with at least 11% very low-income OR 20% low income AND within 1/2 mile of a major transit stop	0.5 per <del>bedroom</del> <b>unit</b>
Rental projects 100% affordable to low-income households AND within 1/2 mile of major transit stop	<del>0.5</del> <b>0</b> per unit
Rental project for individuals 62+ AND with paratransit service OR bus routes within 1/2 mile of major transit stop	<del>0.5</del> <b>0</b> per unit
Rental project for special needs housing 100% affordable to low-income households AND with paratransit service OR within 1/2 mile of a bus route operating at least 8 times per day	0
Rental project for supportive housing 100% affordable to low-income households	0
<b>Moderate-income for-sale project with at least 40% affordable units AND within 1/2 mile of major transit stop</b>	<b>0.5 per unit</b>

Affordable housing is provided based on several income levels or categories. Income levels are established as a percentage of the Area Median Income (AMI) and are as follows:

- Very Low Income – 50% of AMI
- Low Income – 80% AMI
- Moderate Income – 120% AMI
- Above Moderate Income - > 120% AMI

For the year 2022, the Los Angeles County AMI are:

- \$63,750 for a one-person household.
- \$72,900 for a two-person household.
- \$82,000 for a three-person household.
- \$91,100 for a four-person household.

For all the changes to the density bonus ordinance, refer to Attachment No. 1, Exhibit B.

### 3. Minor Changes to the Accessory Dwelling Units

Over the past decade, the State has implemented multiple changes to the Government Code regarding the development of Accessory Dwelling Units (ADUs). The current ADU law includes several provisions that limit a local jurisdiction's ability to regulate many aspects of ADUs. The City has updated its Ordinance over time to reflect changes made to ADU regulations, while still retaining as much local control as possible. The most recent ADU Ordinance update was done in 2020. In the subsequent two years, staff has identified provisions of the ADU Ordinance which require minor clean-up of language that were inadvertently excluded from the last update and minor amendments to the process.

These changes are not substantive in nature but aim to remove the covenant process since the code regulations already ensures the ADU cannot be rented or sold to another owner.

The minor changes will include the following changes to the ADU Ordinance:

- **Remove the covenant process for ADUs** – This process is no longer necessary since the Development Code and the law does not allow the property owner to convey the ADU to a separate owner. The covenant was the only mechanism to ensure that the unit would not be sold off separately, but the ADU law has since changed and the existing regulation in place prevents that from happening.
- **Impact fees for ADUs 750 square feet or greater** – The State has changed the law to now require impact fees for any new ADU that is 750 square feet or greater. It was previously 800 square feet.

### 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 is consistent with the Housing Element Update that identifies goals, policies, and implementation programs addressing housing opportunities, the removal of governmental constraints, improving the condition of existing housing and providing equal housing opportunities for all Arcadia residents. These goals, policies, and program actions are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that contribute to economically and socially diverse housing opportunities that preserve and enhance Arcadia's character.

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

**Facts to Support the Finding:** The proposed Text Amendment would make the Development Code consistent with State law by pausing certain local restrictions on housing development and expediting the permitting process for multi-family housing to address the State housing shortage. The proposed Objective Design Standards will not change the development standards for multi-family and mixed-use zones. The update to the Density Bonus Ordinance and minor changes to the Accessory Dwelling Units (ADU) Ordinance will bring both ordinances in compliance with recent changes by State law. The Housing Element Update identifies goals and policies addressing housing opportunities, removal of governmental constraints, improving the condition of existing housing and providing equal housing opportunities for all Arcadia residents through the Development Code. Therefore, the proposed Text Amendment is consistent with other applicable provisions of this Development Code.

**ENVIRONMENTAL ASSESSMENT**

The California Environmental Quality Act (CEQA) together with State CEQA Guidelines and procedures require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The proposed Arcadia Mixed-Use Objective Development Standards and Multi-family Objective Development Standards, Density Bonus Ordinance Update, and minor changes to the ADU Ordinance are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that they would not have a significant effect on the environment and, thus, are not subject to CEQA review. See Attachment No. 2 for the Preliminary Environmental Assessment.

**PUBLIC COMMENTS/NOTICE**

Pursuant to Section 9108.13.020.B.2 of the Development Code, 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 22-02 was published in the Arcadia Weekly on June 30, 2022, and July 14, 2022. As of July 22, 2022, no comments were received in response to the notice.

As part of the public outreach effort, the proposed changes were published on the City's website and made available to the public on June 9, 2022. The proposed changes were also advertised on social media, including Twitter and WeChat, and Architects/Designers who expressed interest in this effort were notified for their input. During the public review period, staff received comments from two designers, mostly seeking clarification on process and also providing some comments.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt Resolution No. 2101, recommending that the City Council approve Text Amendment No. TA 22-02 (Ordinance No. 2390) amending various sections of the Arcadia Development Code related to implementing Objective Design Standards for Multi-Family and Mixed-Use development, updating the Density Bonus Ordinance, and undertaking a minor update of the Accessory Dwelling Unit and with an Exemption from the California Environmental Quality Act.

Approved:



Lisa L. Flores  
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2101
  - Exhibit A – Objective Design Standards for Multi-Family and Mixed-Use projects
  - Exhibit B – Density Bonus Ordinance Update
  - Exhibit C – Accessory Dwelling Unit Ordinance Minor Changes
- Attachment No. 2: Preliminary Exemption Assessment

# Attachment No. 1

Resolution No. 2101

RESOLUTION NO. 2101

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. 22-02 (ORDINANCE NO. 2390) AMENDING VARIOUS SECTIONS OF THE ARCADIA DEVELOPMENT CODE RELATED TO NEW OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY AND MIXED-USE DEVELOPMENT, UPDATES TO THE DENSITY BONUS ORDINANCE, AND MINOR CHANGES TO THE ACCESSORY DWELLING UNIT ORDINANCE WITH A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on January 1, 2018, Senate Bill 35 went into effect and establishes a new process and ministerial approval for certain residential projects that include affordable housing, and requires the City adopt and implement Objective Design Standards for multi-family and mixed-use development; and

WHEREAS, on January 1, 2020, Senate Bill 330 went into effect and establishes a new process for streamlining certain residential projects, and requires that the City adopt and implement Objective Design Standards for multi-family and mixed-use development; and

WHEREAS, on January 1, 2020, AB 1763 went into effect and on January 1, 2021, AB 2345 went into effect, updating the State Density Bonus law to increase density bonus allowances and incentives and concessions for eligible projects, and reducing required vehicle parking spaces; and

WHEREAS, on July 1, 2020, the City of Arcadia was granted a SB 2 Planning Grant from the Department of Housing and Community Development to undertake a Text Amendment to adopt new Objective Design Standards and update the City's Density Bonus Ordinance; and

WHEREAS, the City is proposing Text Amendment No. TA 22-02 (Ordinance No. 2390) to implement new Objective Design Standards for Multi-Family and Mixed-Use development, to update the Density Bonus Ordinance, and to make minor changes to the ADU Ordinance; and

WHEREAS, on June 14, 2022, Planning Services completed an environmental review of the proposed Text Amendment and determined that the project is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines, where it can be seen with certainty that the Text Amendment would not have a significant effect on the environment and, thus, is not subject to CEQA review; and

WHEREAS, on July 14, 2022, the City published notice of the Planning Commission public hearing on the Text Amendment in a newspaper of general circulation, the Arcadia Weekly; and

WHEREAS, on July 26, 2022, a duly noticed public hearing was held before the Planning Commission on the Text Amendment, 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 June 28, 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.

FACT: The proposed Text Amendment is consistent with the Housing Element Update that identifies goals, policies, and implementation programs addressing housing opportunities, the removal of governmental constraints, improving the condition of existing housing and providing equal housing opportunities for all Arcadia residents. These goals, policies, and program actions are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that contribute to economically and socially diverse housing opportunities that preserve and enhance Arcadia's character.

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

FACT: The proposed Text Amendment would make the Development Code consistent with State law by pausing certain local restrictions on housing development and expediting the permitting process for multi-family housing to address the State housing shortage. The proposed Objective Design Standards will not change the development standards for multi-family and mixed-use zones. The update to the Density Bonus Ordinance and minor changes to the Accessory Dwelling Units (ADU) Ordinance will bring both ordinances in compliance with recent changes by State law. The Housing Element Update identifies goals and policies addressing housing opportunities, removal of governmental constraints, improving the condition of existing housing and providing equal housing opportunities for all Arcadia residents through the

Development Code. Therefore, the proposed Text Amendment is consistent with other applicable provisions of this Development Code.

Section 3. The Planning Commission determines that the proposed Text Amendment is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines, where it can be seen with certainty that the Text Amendment would not have a significant effect on the environment and, thus, is not subject to CEQA review.

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 22-02 (Ordinance No. 2390), as reflected in Exhibits “A”, “B”, and “C” 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 26<sup>th</sup> day of July, 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"

### Objective Design Standards for Multi-Family and Mixed-Use projects

### Section 9102.01.150 – Multifamily Objective Development Standards

- A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective criteria for eligible residential development in the City. The intent is to provide clear design direction that enhances an area’s unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.
- B. **Background.** Since 2017, the Governor has signed into law multiple housing bills, including Senate Bill 35 and Senate Bill 330 which provide for streamlined, ministerial approval processes for eligible multifamily residential development (two or more residential units), subject to certain conditions which may include affordability requirements, and where consistent with objective zoning and design standards.
- C. **Applicability.** The provisions of this chapter apply to all newly constructed residential projects, in all zones, that qualify for streamlined, ministerial processing per the Housing Accountability Act (HAA), and which meet the definition of “housing development projects” under California Government Code §69988.5(h)(2). These include multifamily housing with two or more units, and mixed-use projects with up to two-thirds of the project. Eligible residential projects shall comply with all objective development standards, City policies, thresholds of significance, zoning regulations, and design standards as established in the General Plan and the Arcadia Development Code.
1. **Modification.** Residential projects seeking a modification(s) to any development standards set forth in the Arcadia Development Code shall not be eligible for streamlined, ministerial processing per SB 35.
  2. **Waiver on Objective Development Standards.** Up to three (3) objective development standards in this Section may be waived for any eligible multifamily residential project without the requirement for an additional application. The applicant must provide an explanation as to why the development standard is not applicable or cannot be achieved. The waiver is subject to review and approval by the Director or designee.
  3. **Conflicting Standards.** Projects must meet objective development standards in this Division, in addition to all pertinent sections of the Arcadia Development Code and the California Building Code (CBC). If there is any conflict between these objective standards and existing City and/or State requirements, the more restrictive objective standard applicable to the project shall apply.
  4. **Severability.** In the event that a development standard is found to be unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, and all other development standards will remain enforceable.
- D. **Objective Development Standards Site and Building Design.**
1. **Site Design.** Site planning refers to the arrangement of - and relationships between - buildings, parking areas, common and private open space, landscaping, and pedestrian connections. The site planning topics in this chapter include site layout and building placement, vehicular surface parking and access, pedestrian circulation and access, landscaping, and common and private open space.
    - a. Existing mature trees should be preserved and incorporated into development proposals.
    - b. Decks and balconies should be recessed and/or incorporated into the massing of the home, rather than protruding out of the home, to enhance privacy.
  2. **Building Form, Massing, and Articulation.** Building form, massing and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.
    - a. **Massing** Where applicable, the third floor of the building must be set back a minimum of three



be used. Glossy and/or reflective colors and materials are prohibited.

- b. **Restriction on Materials Where Visible from Public Right-of-Way.** Bare concrete masonry unit blocks and slumpstone are prohibited on any area of the development visible from a public right-of-way.
  - c. **Material Transitions.** Changes or transitions in façade treatment, such as veneers or textured materials, shall wrap around the corners of the building and extend at least 6 feet beyond the corners, or terminate at the nearest window or door.
  - d. **Architectural Consistency.** Affordable units and market rate units within the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.
- E. **Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Section 9103.07, Off-Street Parking and Loading, of the Arcadia Development Code.
1. **Enhanced Paving for Entry Driveways.** The first 15 feet of the primary vehicular driveway, starting from the property line, shall use colored, stamped, or textured concrete, pavers, or permeable paving treatments such as grass-crete. The enhanced paving shall be applied throughout the driveway to break up the appearance of the concrete.
  2. **Projects with Controlled Entrances.** Projects with controlled entrances, including vehicular access gates to parking areas, shall accommodate at minimum the length of one vehicle (20 feet) entering the site without queuing into the street or public sidewalk.
- F. **Pedestrian Circulation and Access.**
1. **Pedestrian Walkways.** Pedestrian walkways shall be provided according to the following standards:
    - a. **Walkway Width.** Pedestrian walkways shall be provided with a minimum width of four feet.
    - b. **Materials.** Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.
  2. **Walkways Adjacent to Driveways.** Clear, safe pedestrian access should be provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.
- G. **Common Public and Private Open Space.** Common and private open spaces shall be provided as required by the underlying zone in Division 2, Zones, Allowable Uses, and Development Standards, of the Arcadia Development Code.
1. **Common Open Space.** Projects providing common open space shall satisfy the requirements below with passive or active recreation amenities as defined below. An applicant may provide common open space through an amenity not on this list if it is readily accessible by all residents for recreation and social purposes.
    - a. **Passive Recreation Amenities.** Picnic/barbeque area, open courtyard, dog park/dog run, rooftop deck, fire pit area, or other outdoor gathering spaces.
    - b. **Active Recreation Amenities.** Athletic gyms or courts (e.g. basketball, tennis, bocce ball), swimming pool or spa, playground.
    - c. **Common Open Space Requirements.** Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site.
  2. **Private Open Space.** When roof decks are proposed, landscape planters such as planter boxes, potted plants, and/or boxed trees, shall be located along the edges of the roof deck to provide a

screening buffer.

- H. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or open space. Landscape planters must be provided throughout the development.
1. **Plant Selection.** Projects shall utilize native California and drought-tolerant plants selected from the City's Residential Landscaping Guide.
- I. **Parking Area Design.**
1. Semi-subterranean parking structures are not allowed. A parking structure shall be considered to be semi-subterranean if the structure is partially underground.
  2. **Materials and Colors.** Where applicable, a parking structure shall utilize the same colors and materials as the primary residential buildings.
  3. **Orientation.** Parking areas shall be located behind or within the building or buildings so that it is not visible from the primary street frontage.
  4. **Garage Doors.** Garage doors shall be oriented to face away from the primary street.
  5. **Access.** Where applicable, alleys should be utilized to provide access to parking and service areas.
- J. **Fences and Walls.** Site walls shall be constructed to match the primary building colors and materials. Fences and walls shall be constructed of materials such as wood, vinyl, wrought iron, brick, and stone. Chain link is prohibited. Refer to the Arcadia Development Code for additional regulations associated with fences and walls.
1. Both sides of all perimeter walls and fences should be architecturally treated. Walls shall be finished with a trim cap.
  2. Where fences and walls of different materials or finishes intersect, a natural transition or break (such as a column or pilaster) shall be provided.
- K. **Lighting.** Outdoor light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
- L. **Vents and Exhaust.** All wall-mounted utility elements shall be located to ensure they are concealed from public view. All flashing, sheet metal vents, exhaust fans/ventilators, and meter boxes shall be painted to match the building wall material and/or color.
- M. **Rooftop Equipment.** Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

## Section 9102.01.160 – Mixed-Use Objective Development Standards

- A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective development standards for mixed-use development in the City. The intent is to provide clear design direction that enhances an area’s unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.
- B. **Background.** In 2017, the Governor signed into law multiple housing bills, including Senate Bill 35 and SB 330 which provide for streamlined, ministerial approval processes for eligible multifamily and mixed-use residential development, subject to certain conditions which may include affordability requirements, and consistent with objective zoning and design standards.
- C. **Applicability.** The provisions of this chapter apply to all newly constructed residential projects, in all zones, that qualify for streamlined, ministerial processing per the Housing Accountability Act (HAA), and which meet the definition of “housing development projects” under California Government Code §69988.5(h)(2). These include mixed-use projects with up to two-thirds of the project dedicated to residential square footage. Eligible residential projects shall comply with all objective development standards, City policies, thresholds of significance, zoning regulations, and design standards.
1. **Modification.** Residential projects seeking a modification(s) to any development standards set forth in the Arcadia Development Code shall not be eligible for streamlined, ministerial processing per SB 35.
  2. **Waiver on Objective Development Standards.** Up to three (3) objective development standards in this Section may be waived for any eligible multifamily residential project without the requirement for an additional application. The applicant must provide an explanation as to why the development standard is not applicable or cannot be achieved. The waiver is subject to review and approval by the Director or designee. These decisions are not appealable.
  3. **Conflicting Standards.** Projects must meet objective standards in this Division, in addition to all pertinent sections of the Arcadia Development Code and the California Building Code (CBC). If there is any conflict between these objective standards and existing City and/or State requirements, the more restrictive objective standard applicable to the project shall apply.
  4. **Severability.** In the event that a development standard is found to be unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, and all other development standards will remain enforceable.
- D. **Site and Building Design.**
1. **Site Design.**
    - a. Existing mature trees shall be preserved and incorporated into development proposals.
    - b. Decks and balconies shall be recessed and/or incorporated into the massing of the building, rather than protruding out of the building, to enhance privacy.
    - c. Where applicable, active commercial uses, including retail, restaurant, and personal services shall be located on the ground floor fronting the sidewalk.
    - d. Where applicable, private amenities, such as plazas and open space shall be located in the interior of the site or otherwise away from the street.

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2. **Building Form, Massing, and Articulation.** Building form, massing and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.
  - a. **Massing.** For projects over two stories in height, portions of the upper stories shall be recessed at least two feet from the front façade to reduce the overall massing of the building at the pedestrian level.
  - b. **Wall Plane Variation.** All exterior walls must have a minimum two-foot variation in depth at least every 40 feet of wall length to provide relief along the wall plane. In addition, all walls must include at least two of the following features: windows, trellises, arcades, balconies, different exterior material, or awnings.
  - c. **Four-sided Architecture.** Buildings shall be designed and articulated with details, articulation, materials, and elements on all sides. The street-facing façade(s) shall feature additional elements or materials. Entirely blank walls are not allowed along any façade.
3. **Setbacks Facing Primary Street.** Setbacks facing the primary street shall be landscaped and/or be publicly accessible except where used for outdoor dining (subject to a separate permit). These setbacks shall contain at least two public amenities per 50 linear feet such as benches, shade structures, public art pieces, planters, or other design element.
4. **Ground Floor Character.**
  - a. **Ground Floor Transparency.** Exterior walls facing a public street must include windows and doors for at least 50 percent of the building wall area. Parking garages are not required to meet this requirement.
  - b. **Weather Protection.** Awnings or similar weather protection elements may be fixed or retractable.
5. **Corner Buildings.** Corner buildings greater than 30 feet in height shall include at least one of the following features:
  - a. A to building entrance should be located within 40 linear feet of the corner of the building.
  - b. A different material application and window arrangement from the rest of the building façade for the corner of the building.
  - c. At the building corner, there must be a break in the building wall or it must be stepped back to break-up the straight plane.
6. **Building and Unit Entries.**
  - a. **Street-Facing Entry.** Mixed-use buildings located within 20 feet of the primary street right-of-way shall provide a ground-level primary building entry directly from the public sidewalk. Primary building entries shall provide one or more of the following:
    - i. Entry flanked by columns, decorative fixtures, or other similar elements.
    - ii. Entry recessed within a large arch or cased decorative opening.
    - iii. Entry emphasized by a change in roofline of at least 12 inches, a tower, or a break in the wall façade.
    - iv. Entry covered by a large portico projecting at least 6 feet from the wall façade.
    - v. Entry covered by an awning.

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- vi. Entry accessed from a common open space area such as a landscaped courtyard, plaza, or paseo.
  - b. Entry designs greater than one story are not allowed.
  - c. Every building shall contain at least one primary building entrance that does not require access through a parking garage.
  - d. Corinthian columns are prohibited.
- 7. **Roofs.** Roofs must consist of a single style and slope throughout the project.
- 8. **Parapets.**
  - a. Parapets shall be capped with precast treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment.
  - b. Parapet material shall match the immediately adjacent building façade.
- 9. **Windows.** Window materials, color, and style shall be the same on all elevations.
  - a. Windows shall be recessed at least two inches from the face of the exterior wall.
  - b. When utilized, functional and decorative shutters shall be at least one-half the width of the window (for paired shutters), or a matching width (for a single shutter).
  - c. Architectural window detailing, such as sills, trim, and/or awnings shall be provided.
  - d. A single window style and material shall be used throughout the development to provide a coordinated appearance.
- 10. **Materials and Colors.**
  - a. **Colors and Materials.** No more than three exterior paint colors and three façade materials shall be used. Glossy and/or reflective colors and materials are prohibited.
  - b. **Restriction on Materials Where Visible from Public Right-of-Way.** Bare concrete masonry unit blocks and slumpstone are prohibited on any area of the development visible from a public right-of-way.
  - c. **Material Transitions.** Changes or transitions in façade treatment, such as veneers or textured materials, shall wrap around the corners of the building and extend at least 6 feet beyond the corners, or terminate at the nearest window or door.
  - d. **Architectural Consistency.** Affordable units and market rate units within the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.
- E. **Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Chapter 17.38, Parking and Loading, of the Arcadia Development Code.
  - 1. **Enhanced Paving for Entry Driveways.** The first 15 feet of the primary vehicular driveway, starting from the property line, shall use colored, stamped, or textured concrete, pavers, or permeable paving treatments such as grass-crete. The enhanced paving shall be applied throughout the driveway to break up the appearance of the concrete.
  - 2. **Projects with Controlled Entrances.** Projects with controlled entrances, including vehicular access gates to parking areas, shall accommodate at minimum the length of one vehicle (20 feet) entering the site without queuing into the street or public sidewalk.

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3. **Parking Structure Location.** Parking structures and garages shall not be located adjacent to the primary street frontage. See Section 9102.01.150.J, Parking Structure Design.

F. **Pedestrian Circulation and Access.**

1. **Pedestrian Walkways.** Pedestrian walkways shall be provided according to the following standards:
  - a. **Walkway Width.** Pedestrian walkways shall be provided with a minimum width of four feet.
  - b. **Materials.** Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.
2. **Walkways Adjacent to Driveways.** Clear, safe pedestrian access shall be provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.
3. **Through-Lot Connections.** Through lots located more than 300 feet from an intersecting street or pedestrian walkway shall provide a publicly accessible sidewalk or pedestrian walkway connecting the two streets.

G. **Common and Private Open Space.** Common and private open spaces shall be provided as required by the underlying zone in Division 2, Zones, Allowable Uses, and Development Standards, of the Arcadia Development Code.

1. **Common Open Space.** Projects providing common open space shall satisfy the requirements below with passive or active recreation amenities as defined below. An applicant may provide common open space through an amenity not on this list if it is readily accessible by all residents for recreation and social purposes.
  - a. **Passive Recreation Amenities.** Picnic/barbeque area, open courtyard, dog park/dog run, rooftop deck, fire pit area, or other outdoor gathering spaces.
  - b. **Active Recreation Amenities.** Athletic gyms or courts (e.g. basketball, tennis, bocce ball), swimming pool or spa, playground.
  - c. **Common Open Space Requirements.** Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site.
2. **Private Open Space.** When roof decks are proposed, landscape planters such as planter boxes, potted plants, and/or boxed trees, shall be located along the edges of the roof deck to provide a screening buffer.
3. **Mixed Use Developments.** Where a project includes both residential and commercial uses, the open space provided for residents must be secured and accessible only from the residential area of the project. Publicly accessible open space such as plazas and courtyards does not count as open space for the residential uses.

H. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or open space. Projects shall utilize native California and drought-tolerant plants selected from the City's Residential Landscaping Guide.

I. **Parking Structure Design.**

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1. Semi-subterranean parking structures are not allowed. A parking structure shall be considered semi-subterranean if the parking garage/structure is partially underground.
  2. **Materials and Colors.** The parking structure shall utilize the same colors and materials as the residential building of residential portion of the building.
  3. **Orientation.** Parking structure and garage entries shall face away from the primary street where possible. Where a parking garage is proposed, it shall be wrapped with residential units along street frontages to allow for continuation of the street scene. No garage shall face the primary street, unless it is the only point of access or a secondary access is necessary.
  4. **Parking separation.** For mixed-use projects, parking for residents shall be separated from commercial and guest parking. This may be achieved through the implementation of a gate within a parking structure.
  5. **Access.** Where applicable, alleys shall be utilized to provide access to parking and service areas.
- J. **Fences and Walls.** Site walls shall be constructed to match the primary building colors and materials. Fences and walls shall be constructed of materials such as wood, vinyl, wrought iron, brick, and stone. Chain link is prohibited. Refer to the Arcadia Development Code for additional regulations associated with fences and walls.
1. Both sides of all perimeter walls and fences shall be architecturally treated. Walls shall be finished with a trim cap. Walls shall be finished and designed to complement the surrounding development.
  2. Where fences and walls of different materials or finishes intersect, a natural transition or break (such as a column or pilaster) shall be provided.
- K. **Lighting.** Outdoor light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
- L. **Vents and Exhaust.** All wall-mounted utility elements shall be located to ensure they are concealed from public view. All flashings, sheet metal vents, exhaust fans/ventilators, and meter boxes shall be painted to match the building wall material and/or color.
- M. **Rooftop Equipment.** Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

Exhibit "B"

Density Bonus Ordinance Update

## Section 9103.15 – Density Bonuses for Affordable and Senior Housing

### Subsections:

- 9103.15.010 Purpose and Applicability
- 9103.15.020 Density Bonus
- 9103.15.030 Incentives and Concessions
- 9103.15.0640 Findings
- 9103.15.0450 Application Requirements
- 9103.15.0560 Location and Type of Designated Uses

### 9103.15.010 Purpose and Applicability

This Section is intended to implement the housing element of the general plan and the requirements of Government Code Sections 65915 through 65918, offering incentives for the development of affordable housing for low-income, moderate-income, and senior citizen households, as well as housing developments for foster youth, disabled veterans, homeless persons, and college students. Where regulations are not specifically addressed in this Section or where conflicts exist between these provisions and the provisions of Government Code Sections 65915 through 65918, the provisions of the Government Code, as they may be amended over time, shall apply.

### 9103.15.020 Density Bonus

Density bonus refers to a density increase over the otherwise maximum allowable residential density established by this Development Code and in the Land Use and Community Design Element of the General Plan as of the date of application by the developer, and is in accordance with the affordability levels proposed in the project, consistent with density bonus law provisions contained in Government Code Sections 65915-65918.

In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed housing development shall comply with the eligibility requirements specified in Government Code Sections 65915 through 65918. A density bonus and applicable incentives or concessions shall be granted if an applicant for a housing development seeks and agrees to construct a development that contains low-income, very low-income, moderate-income, and/or senior housing units, and it is consistent with one of the following as the required percentages of which are outlined set forth in Government Code Section 65915(b)(1):

- At least 5% of the housing units are restricted to very low-income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale common interest development are restricted to moderate income residents.
- At least 33% of the housing units in a proposed condominium project (from an apartment conversion) are restricted to low or moderate income residents, or at least 15% of the housing units are restricted to lower income residents.
- 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate-income residents (with a maximum of 20% moderate).
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low-income level.
- At least 20% of the housing units are for low-income students in housing dedicated for full-time students at accredited colleges. "Low-income students" is defined in Government Code Section 65915(o)(3).
- The project donates at least one acre of land to the city or county for very low-income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development of at least 35 units (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

**Replacement Housing.** Developers obtaining a density bonus are required to replace existing units which are occupied by very low- or lower-income households, at the time of the density bonus application. Developers are also required to replace existing units which were occupied by very low- or lower-income households that have been demolished or vacated within a five-year period preceding the density bonus application. The housing development must also meet the applicable affordable housing standards, including the replacement units.

### 9103.050.030 Incentives and Concessions

**A. Determination of Density Bonus.** The amount of a density bonus and the extent of other incentives allowed for a proposed housing development shall be determined by the Council in compliance with Government Code Section 65915. ~~An additional density bonus incentive shall be granted if an applicant proposes to construct a housing development that conforms with Government Code Section 65915(b)(1) and that includes a child care facility located on the premises of, as part of, or adjacent to the project.~~ If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Development Code, the Council may modify or waive other development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

**B. Calculating Density Bonus.** The calculation of a density bonus in compliance with this subsection that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purposes of calculating a bonus, the residential units do not have to be based upon individual subdivision maps or lots. **A minimum density bonus of 20% and up to 80% above the maximum density will be calculated as follows:**

<u>Affordable Unit Percentage</u>	<u>Very Low Income Density Bonus</u>	<u>Low Income Density Bonus</u>	<u>Moderate Income Density Bonus</u>	<u>Land Donation Density Bonus</u>	<u>Senior Housing*</u>	<u>Foster Youth/ Disabled Veterans/ Homeless</u>	<u>College Students</u>
5%	20%	-	-	-	20%	-	-
6%	22.5%	-	-	-	20%	-	-
7%	25%	-	-	-	20%	-	-
8%	27.5%	-	-	-	20%	-	-
9%	30%	-	-	-	20%	-	-
10%	32.5%	20%	5%	15%	20%	20%	-
11%	35%	21.5%	6%	16%	20%	20%	-
12%	38.75%	23%	7%	17%	20%	20%	-
13%	42.5%	24.5%	8%	18%	20%	20%	-
14%	46.25%	26%	9%	19%	20%	20%	-
15%	50%	27.5%	10%	20%	20%	20%	-
16%	50%	29%	11%	21%	20%	20%	-
17%	50%	30.5%	12%	22%	20%	20%	-
18%	50%	32%	13%	23%	20%	20%	-
19%	50%	33.5%	14%	24%	20%	20%	-
20%	50%	35%	15%	25%	20%	20%	35%
21%	50%	38.75%	16%	26%	20%	20%	35%
22%	50%	42.5%	17%	27%	20%	20%	35%
23%	50%	46.25%	18%	28%	20%	20%	35%
24%	50%	50%	19%	29%	20%	20%	35%
25%	50%	50%	20%	30%	20%	20%	35%
26%	50%	50%	21%	31%	20%	20%	35%
27%	50%	50%	22%	32%	20%	20%	35%
28%	50%	50%	23%	33%	20%	20%	35%
29%	50%	50%	24%	34%	20%	20%	35%
30%	50%	50%	25%	35%	20%	20%	35%
31%	50%	50%	26%	35%	20%	20%	35%
32%	50%	50%	27%	35%	20%	20%	35%

33%	50%	50%	28%	35%	20%	20%	35%
34%	50%	50%	29%	35%	20%	20%	35%
35%	50%	50%	30%	35%	20%	20%	35%
36%	50%	50%	31%	35%	20%	20%	35%
37%	50%	50%	32%	35%	20%	20%	35%
38%	50%	50%	33%	35%	20%	20%	35%
39%	50%	50%	34%	35%	20%	20%	35%
40%	50%	50%	35%	35%	20%	20%	35%
41%	50%	50%	38.75%	35%	20%	20%	35%
42%	50%	50%	42.5%	35%	20%	20%	35%
43%	50%	50%	46.25%	35%	20%	20%	35%
44%	50%	50%	50%	35%	20%	20%	35%
100%**	80%	80%	80%	35%	20%	20%	35%

\* No affordable units are required for senior units.

\*\* Applies when 100% of the total units (other than manager's units) are restricted to very low, lower and moderate income (maximum 20% moderate).

### C. Density Bonus for Childcare

Housing development that provide a child care facility on the premises of, as part of, or adjacent to the project and conforms with Government Code Section 65915(b)(1) are eligible for a separate density bonus equal to the size of the childcare facility. The childcare facility must remain in operation for at least the length of the affordability covenants. A percentage of the childcare spaces shall be made available to low and moderate income families.

### D. Density for Condomium Conversion

A condominium conversion is eligible for density bonus of up to 25% over the number of apartment units, where the additional dwellings are within the existing structure or structures, or other incentives of equivalent financial value, if the condominium conversion project provides at least 33% for the total units to low or moderate income households or 15% of the units to lower income households.

### E. Other Incentives

- Applicant-specified Concessions or Incentives.** An applicant may submit to the City a request for specific incentives or concessions or incentives in compliance with this Section.
- Required Available Concessions or Incentives or Concessions.** A qualifying project shall be entitled to one or more "incentives" or "concessions", two or three, of the following incentives, depending on their proposed levels of affordability, as allowed by Government Code Section 65915, in addition to the density bonus allowed as follows:

Number of incentives or concessions	Very Low Income percentage	Low Income percentage	Moderate Income percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

- Types of Available Concessions or Incentives.** A qualifying project may request available incentives or

concessions in addition to the density bonus from the following categories:

- a. A reduction in the site development standards of this Development Code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements); **or**
- ~~b. Approval of mixed-use zoning not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located; and/or~~
- ~~e. b.~~ Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.

**3.4. Additional Concessions or Incentives.** The Council shall have the discretion to approve additional concessions or incentives to a qualifying project based on the superior merits of that particular project, as determined by the Council. **If a development standard would physically prevent the project from being constructed at the permitted density even with approved concessions and incentives, a developer may propose to have that standard waived or reduced. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled to per Section 2 above, unless the concession is to the development standards.**

**4.5. Required Findings to Reject Concession or Incentive.** The Council shall grant the concession or incentive requested by the applicant unless the Council makes a written finding, based upon substantial evidence, of any of the following:

- a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c); **or**
- b. The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; **or**
- c. **The concession or incentive would be contrary to state or federal law.**

**D. F. Effect of Incentive or Concession.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

**G. Maximum Parking Requirements.** Affordable housing projects benefit from parking standards that require fewer parking spaces than typical market-rate housing projects. Upon the developer's request, the City shall not require a vehicular parking ratio, inclusive of accessible and guest parking, that exceed the following ratios:

- 1. Studio to one-bedroom: 1 parking space per unit.
- 2. Two to three bedrooms: 1.5 parking spaces per unit.
- 3. Four or more bedrooms: 2.5 parking spaces per unit.

If total parking calculations result in a number other than a whole number, then parking calculations shall be rounded up to the nearest whole number. Requesting these parking standards does not count as an incentive or concession. An applicant may request additional parking incentives beyond those included in this section. Onsite spaces may be provided through tandem or uncovered parking, but not on-street parking.

**1. Other Parking Requirements.** Lower parking ratios apply to specified projects (although the City may require higher parking ratios if supported by a specified parking study):

Project Type	Parking Spaces Required
Rental/for sale projects with at least 11% very low income or 20% lower income units within ½ mile of an accessible major transit stop	0.5 spaces per unit
Rental projects 100% affordable to lower income within ½ mile of an accessible major transit	0 spaces per unit

stop	
Rental senior projects 100% affordable to lower income households, either with paratransit service or within ½ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit
Rental special needs projects 100% affordable to lower income households, either with paratransit service or within ½ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit
Rental supportive housing developments 100% affordable to lower income households	0 spaces per unit

**H. Housing Restrictions**

1. **Rental Units** – Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for that unit. The income and rent restrictions must remain in place for a 55 year term for very low or lower income units.
2. **For Sale Units** – Affordable units for sale must be sold at an affordable housing cost to a person or family of very low, low or moderate income, as required, and is subject to an equity sharing agreement pursuant to Government Code Section 65915(c)(2).

**9103.15.0640 Findings**

In addition to the findings required for the approval of Site Plan and Design Review and any discretionary permit required for the project, the approval of a density bonus shall require that the Planning Commission first make all of the following additional findings as makes a recommendation to the City Council. The City Council will make all of the following findings and will decide all Density Bonus applications.

- A. The project will be consistent with the General Plan, except as provided by this Section with regard to maximum density, density bonuses, and other incentives and concessions;
- B. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;
- C. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Section;
- D. In the event that the City does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c); and
- E. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

**9103.15.050 Application Requirements**

- A. **Site Plan and Design Review.** An application for Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review) of this Code shall be required for any density bonus request.
- B. **Continued Availability.** The application for the density bonus project shall include the procedures proposed by the developer to maintain the continued affordability of the designated lower-income units as follows. These provisions shall apply to both rental and for-sale ownership units.
  1. **Development Projects with Public Funding.** A project that receives a direct financial contribution or other financial incentives from a public source (including the City, the Department of Housing and Urban Development, or State tax credit program), or and a density bonus and at least one other concession or incentive in compliance with this Section, shall maintain the availability of the designated lower-income units for a minimum of 55 years, as required by Government Code Sections 65915(c) and 65916.
  2. **Private Development Projects—Density Bonus Only.** Privately financed projects that receive a density bonus as the only incentive from the City shall maintain the availability of the designated lower-income rental units for a minimum of 30 55 years. Privately financed projects that receive a density bonus from the City and include for-sale units shall maintain the availability of any lower-income or moderate-income units for a minimum of 45 years.

### **9103.15.0560 Location and Type of Designated Uses**

- A. Location/Dispersal of Units.** The designated units shall be reasonably dispersed throughout the project to the maximum extent feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.
- B. Phasing.** If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

Exhibit "C"

Accessory Dwelling Unit Ordinance Minor Changes

## 9102.01.080 Accessory Dwelling Units

Amended by Ord. No. 2347

Amended by Ord. 2369 & 2370

Amended by Ord. No. 2375

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

### A. Development Standards

- 1. General.** Except as identified in this Subsection, accessory dwelling units shall comply with all the development standards (setbacks, lot coverage, height, etc.). All accessory dwelling units shall be clearly subordinate in location and size to the primary structure and consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles. Accessory dwelling units shall have a defined and independent exterior access. An accessory dwelling unit is allowed on a site only when a primary residence dwelling exists.
- 2. Location:** An accessory dwelling unit is permitted on any residentially zoned property if a single-family dwelling or multifamily dwelling exists on the lot or will be constructed in conjunction with the accessory dwelling unit. An accessory dwelling unit may be either attached to the existing dwelling unit, or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. A junior accessory dwelling unit (JADU) may only be located within an existing or proposed single-family structure.

One of the following is allowed:

1. One Attached ADU (may not be allowed with detached ADU or JADU); or
  2. One Detached ADU or a JADU by itself; or
  3. One Detached ADU with one JADU
- 3. Maximum Floor Area and Lot Coverage.** No accessory dwelling unit may cause the total Floor Area Ratio (FAR) of the lot to exceed 45%. No accessory dwelling unit may or cause the lot coverage of the lot to exceed 50%. If either requirement would preclude development of an accessory dwelling unit up to 800 square feet in size, the requirement does not apply.
  - ~~**4. Minimum Open Space.** No ADU to this Section may cause the total percentage of open space of the lot to fall below 50 percent.~~

#### 5.4. Maximum Size

- a. Accessory Dwelling Unit.** The maximum size of a detached or attached accessory dwelling unit is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
- b. Junior Accessory Dwelling Unit.** The maximum size within an existing or proposed single-family dwelling is 500 square feet.
- c.** An attached accessory dwelling unit that is created on a lot within an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, unless this would restrict the maximum size of the accessory dwelling unit to be smaller than 800 square feet.
- d.** Application of other development standards, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but no application of FAR, lot coverage, or open space requirements may require the accessory dwelling unit to be less than 800 square feet.

## **6.5. Maximum Height and Story**

- a. A single-story attached or detached accessory dwelling unit may not exceed 16 feet in height, measured to the top of the roof ridge.
- b. A second story or two-story attached accessory dwelling unit may not exceed the height of the primary ~~residence~~ dwelling.
- c. A detached accessory dwelling unit may not exceed one story.

**7.6. Required Setbacks.** A ~~Detached~~ and attached accessory dwelling units shall meet the minimum side and rear yard setbacks of at least four (4) feet. An attached accessory dwelling unit shall meet the same front setback as required for the primary residence.

~~Note: Per Government Code Section 65852.2 (a)(1)(d)(vii), the required side and rear yard setback for an attached ADU shall be 4 feet, and not the same setback as the primary house.~~

**8.7. Required Parking.** An accessory dwelling unit shall be provided with a minimum of one on-site parking space (covered or uncovered). The uncovered parking space shall be located on a paved surface, and may be provided in the setback areas or as tandem parking.

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

- ~~a. The property is an R-M zoned property, a hillside property, located within a designated fire zone, or a non-conforming lot, or if the Director determines that such parking arrangements are not feasible based upon specific safety conditions, or that such arrangements are not permitted anywhere in the City.~~

**9.8. Fire Sprinklers.** An accessory dwelling unit is required to have sprinklers if the primary ~~residence~~ dwelling is also required to have fire sprinklers.

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

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

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

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

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

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

## 2. Accessory Dwelling Unit Permit

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

## 3. Process and Timing

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

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

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

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

~~Note: Per Government Code Section 65852.2 (e)(4), the minimum rental lease term for an ADU shall be longer than 30 days, not the 28 days.~~

## C. Impact Fees.

1. Impact Fees. No impact fee is required for an accessory dwelling unit that is less than ~~800~~ **750** square feet in size, **except for school district impact fees, which may be required for accessory dwelling units greater than 500 square**

feet.

2. Any impact fee that is required for an accessory dwelling unit that is ~~800~~ 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling, **or the average square footage of the multifamily dwelling units within a multifamily dwelling structure** (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new dwelling). Impact fees does not include any connection fee or capacity charge for water or sewer service.

**D. Utility Fees.**

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

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

**E. Owner Occupancy.**

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

**F. Nonconforming Accessory Dwelling Units and Discretionary Approval**

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

**G. Objective Design Standards for Accessory Dwelling Units**

**Architectural**

1. ~~The materials and colors of the exterior walls, roof, eaves, and windows and doors must match the appearance and architectural design of those of the primary dwelling.~~ **The ADU must match the architectural style of the primary dwelling and provide matching architectural elements, such as: exterior colors, materials, surface treatments, windows, trims, and exterior doors.**
2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

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

### Landscape

- ~~10~~ 9. Landscaping is required around a detached ADU and must be drought-tolerant or low water-using plants that utilize a variety of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living, continuous planting area, and provide screening between the ADU and adjacent parcels. Desert landscape or rock garden designs are not allowed.
- 44 10. All landscaping utilized must be taken from the city's approved planting materials listed in the City's Single-Family Design Guidelines.

### Other

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

# Attachment No. 2

Preliminary Exemption Assessment



CITY OF  
ARCADIA

## PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Text Amendment No. TA 22-02 (Ordinance No. 2390) amending various sections of Arcadia's Development Code related to new Objective Design Standards for Multi-Family and Mixed-Use development, updates to the Density Bonus Ordinance, and minor changes to the Accessory Dwelling Unit Ordinance.	
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 type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input checked="" type="checkbox"/>	The project is otherwise exempt on the following basis:	The proposed Arcadia Mixed-Use Objective Development Standards and Multifamily Objective Development Standards, Density Bonus Ordinance Update, and minor ADU Ordinance changes are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that they would not have a significant effect on the environment and, thus, are not subject to CEQA review.

h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.
	Name of Lead Agency: _____

Date: June 14, 2022

Staff: Fiona Graham, Planning Services Manager

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

**ROLL CALL**

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

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

**SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS**

Ms. Flores notified the Commission of the revised Conditions of Approval for Resolution No. 2100.

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

There were none.

**PUBLIC HEARING**

- 1. Resolution No. 2100** – Approving Conditional Use Permit No. CUP 22-06 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) to reconvert an existing building back to a residence for Our Savior Lutheran Church’s parsonage at 512 W. Duarte Road

**Recommendation:** Adopt Resolution No. 2100

**Applicant:** Don Klabunde

**MOTION- PUBLIC HEARING**

Chair Lin introduced the item and Associate Planner Vanessa Quiroz presented the staff report.

Commissioner Thompson asked if there will be designated parking for the residence, and is a modification required for the parking. Ms. Quiroz responded that there will be designated parking, but that no modification is required since it is an ancillary use to the church.

Vice Chair Chan asked if the property was to be sold to a private party would they be able to live in the house. Ms. Quiroz answered they would not be able to live in the house without operating a church because it would not be in compliance with the current zoning and use of this property.

There were no further questions by the Commissioners.

There were no public comments.

It was moved by Vice Chair Chan, seconded by Commissioner Tsoi, to close the public hearing. Without objection, the motion was approved.

**DISCUSSION**

Commission Thompson was in favor of the project, adding that the property was originally a residence and needed only minor updates to bring make it ready for this use again.

The rest of the Commission agreed and was in favor of the project.

## **MOTION**

It was moved by Commissioner Thompson, seconded by Commission Tsoi to approve Conditional Use Permit No. CUP 22-06 with a Categorical Exemption under the California Environmental Quality Act ("CEQA") to reconvert an existing building back to a residence for Our Savior Lutheran Church's parsonage at 512 W. Duarte Road

## **ROLL CALL**

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

*There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 4:30 p.m. on Friday, July 8, 2022.*

## **CONSENT CALENDAR**

2. Minutes of the June 14, 2022, Regular Meeting of the Planning Commission

**Recommendation:** Approve

It was moved by Commissioner Thompson, seconded by Commissioner Tsoi to approve the minutes of the June 14, 2022, Planning Commission Regular Meeting.

## **ROLL CALL**

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

## **PLANNING COMMISSION REORGANIZATION**

3. Planning Commission Reorganization

**Recommended Action:** It is recommended the Secretary initiate the procedure for the reorganization of the Planning Commission.

Ms. Flores called for nominations for Planning Commission Chair and Vice Chair.

Chair Lin nominated Commissioner Tsoi to the position of Chair, and Commissioner Tsoi nominated Commissioner Thompson to the position of Chair with no objections.

Commissioner Tsoi – 3 noes  
Commissioner Thompson – 3 ayes; Commissioner Thompson was voted in as the new Chair.

Vice Chair Chan nominated Commissioner Tsoi to the position of Vice Chair.

With no objections, Vincent Tsoi was voted in as the Vice Chair.

The new Chair and Vice Chair will assume their roles at the next meeting.

#### **MATTERS FROM CITY COUNCIL LIAISON**

Council Member Sho Tay shared that the City Council has appointed two new Commissioners, Domenico Tallerico and Angela Hui. They will be sworn in on July 19, 2022.

#### **MATTERS FROM THE PLANNING COMMISSIONERS**

Commissioners Thompson and Tsoi expressed their appreciation for the outgoing Commissioners, Chair Lin and Commissioner Chan and thanked them for their service.

#### **MATTERS FROM ASSISTANT CITY ATTORNEY**

Mr. Mauer echoed the same appreciation to the outgoing Commissioners.

#### **MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS**

Ms. Flores also thanked the two Commissioners for their eight years of service, their dedication to the City, and the insight and support they have provided to Staff.

She also informed the Commission that there will be no meeting on July 12, 2022, and that the new Planning Commissioners will start at the July 26 meeting.

#### **ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:24 p.m., to Tuesday, July 12, 2022, at 7:00 p.m. in the City Council Chamber.

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Brad Thompson  
Chair, Planning Commission

ATTEST: \_\_\_\_\_  
Lisa Flores  
Secretary, Planning Commission