

CITY OF ARCADIA

Planning Commission Regular Meeting Agenda



Tuesday, February 11, 2025, 7:00 p.m.

Pursuant to Government Code Section 54953(b), Vice Chair Tallerico will be attending the Planning Commission Meeting via teleconferencing from The Inn at Riverwalk Hotel, 27 Main Street, Edwards, CO 81632 at 8:00 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《美国残疾人法案》的规定，需要提供残障相关调整或便利设施才能参加会议的残障人士（包括辅助器材或服务），可向规划服务部请求获得此类调整或便利设施，电话号码 (626) 574-5423。请在会前 48 小时通知规划服务部，以便作出合理安排，确保顺利参加会议。

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

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

CALL TO ORDER

ROLL CALL

Marilynne Wilander, Chair
Domenico Tallerico, Vice Chair
David Arvizu, Commissioner
Angela Hui, Commissioner
Vincent Tsoi, Commissioner

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

Each speaker is limited to five (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 at 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.

Resolution No. 2159 – Recommending that the City Council approve Text Amendment No. TA 24-01 (Ordinance No. 2401) amending various sections of the Arcadia Development Code related to Accessory Dwelling Units, regulations to the Residential Flex (RF) Overlay, and other minor amendments and text cleanups.

CEQA: Exempt

Recommendation: Adopt Resolution No. 2159 and forward a Recommendation to City Council

Applicant: City of Arcadia – Development Services

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.

1. Minutes of the January 14, 2025, Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIAISON

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, February 25, 2025, at 7:00 p.m.

Welcome to the Arcadia Planning Commission Meeting!

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

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

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

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

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

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

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

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

欢迎来到阿卡迪亚规划委员会会议！

规划委员会鼓励公众参与并诚邀您分享对市政业务的看法。

会议：规划委员会的例会于每月的第二个及第四个星期二下午七时在市议会会议厅举行。可在市政厅、阿卡迪亚公共图书馆 (Arcadia Public Library) 和市政网站 (www.ArcadiaCA.gov) 上查阅包含所有备份信息的完整的规划委员会议程包。个人议程报告的副本可通过电子邮件的方式 (Planning@ArcadiaCA.gov) 索取。本议程发布后，分发至大多数规划委员会的文件可在规划服务办公室 (地址：City Hall, 240 W. Huntington Drive, Arcadia, California) 查阅。

公民参与：欢迎并邀请您参加规划委员会的所有会议。每次例会都为希望向规划委员会发表意见的听众预留时间。本市政要求向规划委员会发表意见的个人不得发表人身攻击、诽谤、亵渎或破坏性言论。当主持人邀请想要发言之人上台发言时，请说出自己的姓名和地址，以便记录。请向规划委员会提供您所在地址所使用的任何书面材料的副本，以及您希望分发给规划委员会的任何印刷材料的副本。

未列入日程的事项应在“公众征求意见”所指定的时间提出。一般而言，每位发言者都将获得 (5) 分钟的时间来向规划委员会表达自己的意见；但是主持人可以酌情缩短发言时间，以便可以让所有发言者都可以向规划委员会表达自己的想法。**根据州法律，规划委员会不得讨论或就议程外事项进行投票。此事项将自动提交至工作人员采取适当地行动或回应，或将列入今后会议的议程。**

公众听证会或上诉是需要或希望公众发表意见的计划项目。除了申请人或上诉人（规划委员会可酌情延长其发言时间）外，每位发言者的发言时间不得超过 (5) 分钟。市长可以酌情缩短发言时间，确保所有发言者都可以向市议会表达意见。申请人或上诉人也可获得额外的反驳意见机会。

议程事项：该议程包括规划委员会的正常议事日程。市政工作人员一般会在会议前审查和调查议程内事项，以便规划委员会在作出决定前充分了解有关事项。

获准日历：“获准日历”上所列事项被规划委员会视为例行公事，可通过一项动议采取行动。除非规划委员会成员、工作人员或公众要求，否则不会单独讨论这些事项。若出现这一情况，则该事项将从“获准日历”中删除，并对其进行单独审议和行动。

礼节：虽然公众可以自由地批评城市政策以及规划委员会或其成员的行动或拟议的行动，但公众不得采取破坏诉讼有序进行的行为，包括但不限于阻止其他听众在有机会发言时发表意见的行为，或阻止听众听到或看到诉讼进程。公众不得以人身伤害威胁任何人，或以可合理地解释为迫在眉睫的人身伤害威胁的方式行事。所有参加会议的人都应遵守本市的政策，禁止基于个人的种族、宗教信仰、肤色、国籍、血统、身体残疾、医疗状况、婚姻状况、性别、性取向或年龄而进行骚扰。警务处处长或警务处的此类成员可担任规划委员会会议的警卫官。警卫官应执行主持会议的官员为维持会议秩序和礼仪而发出的所有命令和指示。任何违反会议秩序和礼仪的人均可被逮捕，并可根据《刑法典》第403条或适用的《阿卡迪亚市政法典》相关部分的规定对其提起诉讼。



STAFF REPORT

Development Services Department

DATE: February 11, 2025

TO: Honorable Chair and Planning Commission

FROM: Lisa Flores, Deputy Development Services Director
By: Fiona Graham, Planning Services Manager

SUBJECT: RESOLUTION NO. 2159 – RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. TA 24-01 (ORDINANCE NO. 2401) AMENDING VARIOUS SECTIONS OF THE ARCADIA DEVELOPMENT CODE RELATED TO ACCESSORY DWELLING UNITS, REGULATIONS TO THE RESIDENTIAL FLEX (RF) OVERLAY, AND OTHER MINOR AMENDMENTS AND TEXT CLEANUPS.

CEQA: Exempt
Recommendation: Adopt Resolution No. 2159 and forward a Recommendation to City Council

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 five components: a comprehensive update of the of the Accessory Dwelling Unit (ADU) Ordinance including changes to the objective design standards, an update to the Residential Flex Overlay to allow lot consolidation in certain circumstances, an update to the Downtown Parking Overlay to allow expansions of certain commercial buildings without requiring additional vehicle parking spaces, minor amendments including changes to the applicability of Variances and permitting manufactured homes in specific residential zones, and other minor text cleanups throughout. This Text Amendment will bring the City's ADU Ordinance into compliance with State law, implement the Housing Element, and streamline the Development Code.

It is recommended that the Planning Commission adopt Resolution No. 2159 (refer to Attachment No. 1) recommending the City Council approve Text Amendment No. TA 24-01, and find that the Text Amendment is Exempt under the California Environmental Quality Act ("CEQA").

BACKGROUND

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 existing ADU law includes various provisions that limit a local jurisdiction's ability to regulate many aspects of ADUs. The City of Arcadia has updated its Ordinances over time to reflect changes made to ADU regulations, most recently in 2023. In 2024, the California legislature approved several new ADU bills which went into effect on January 1, 2025. In November 2024, the Department of Housing and Community Development (HCD) notified the City that several aspects of the current ADU ordinance needed updating to align with the recent changes in State law. As a result, the entire ADU Ordinance, including the Objective Design Standards, was revised.

Text Amendments required to implement the Housing Element

The City adopted its Housing Element update in February 2022 and, after a suite of Text Amendments and Zone Changes were implemented in early 2024, the Housing Element was certified by the Department of Housing and Community Development (HCD). Many of the implementation actions for the Housing Element update were completed as part of the February 2024 Zone Change and Text Amendment. However, the City still needs to update the Development Code to allow manufactured homes as a permitted use in most residential zones.

As part of the February 2024 Housing Element implementation actions, the Residential Flex Overlay was updated and applied to C-G Zoned property throughout the City. The Residential Flex Overlay allows for residential development in some commercial zones where projects provide a certain amount of affordable housing and where a property is identified on the Site's Inventory List. Over the past year, several property owners have approached the City with residential development proposals on properties with one parcel on the Sites' Inventory List and one not on the list. The February 2024 update to the Residential Flex Overlay provisions did not include a process or a mechanism to allow a property not on the Site's Inventory List to be incorporated into a development site.

Various other minor amendments and text cleanup

The Development Services Department regularly undertakes cleanups of the Development Code to ensure consistency, clarity, and alignment with the City's long-term planning objectives. Over time, minor errors, ambiguities, inconsistencies, and outdated language can accumulate due to prior amendments, changes in state or federal law, and evolving best practices in urban planning. This cleanup serves to streamline the development review process, reduce confusion for applicants, and improve the enforceability of the Development Code. This includes a minor change to the provisions of the Variance application, which would allow some flexibility for well-established existing

uses to undertake changes to improve public safety and welfare. The Downtown Parking Overlay (DTP) Zone is also being updated to allow certain properties near the City's parking lot to enlarge without being required to provide additional parking.

DISCUSSION

The various Text Amendments can be found in Divisions 2, 3, 6, 8, and 9 of the Development Code (refer to Exhibits A through E of Attachment No. 1).

Accessory Dwelling Unit Ordinance Update

The City has undertaken multiple ADU Ordinance updates in response to changes made to State ADU regulations over the past eight (8) years. The ADU Ordinance was most recently updated in April 2023 in response to Assembly Bill 2221 and Senate Bill 897. ADU projects have been reviewed and processed using the current ADU Ordinance since its adoption.

Most recently, the State enacted Assembly Bill 2533 and Senate Bill 1211, further changing and updating requirements for ADUs across California. The proposed major update to the City's ADU Ordinance is necessary to ensure the City remains in compliance with State law and avoids exposure to legal challenges or state-imposed remedies, including the potential invalidation of the local ADU ordinance. The changes aim to align the City's Development Code with all applicable provisions of new ADU legislation, such as multifamily ADU provisions, updates to ADU permit types, and formal changes to rental restrictions.

The ADU Ordinance has been completely revised and restructured to streamline regulations and enhance clarity. Additionally, several changes have been made to the objective design standards for ADUs. These include elimination of the requirements that the ADU's exterior materials match the primary residence, the ADU has articulation on two facades with a minimum 8" depth, and screening landscaping be incorporated between the ADU and a property line. These provisions were found to be too restrictive or were not applicable in many instances. Furthermore, the recently implemented Pre-Approved ADU Program (PAADU)¹ means it would be impossible to ensure these design requirements are successfully executed throughout the City.

Residential Flex Overlay

The Residential Flex (RF) Overlay allows for residential development in certain commercial zones. It was expanded in February 2024 as part of the Housing Element Update to allow more areas to be eligible for residential use. Before this expansion, the RF Overlay applied only to a small area along Live Oak Avenue and Las Tunas Drive.

¹ Arcadia's [Pre-Approved ADU Program](#) (PAADU) has been implemented in accordance with Assembly Bill 1332.

For a developer to use the RF Overlay, a property had to be listed on the City's Sites Inventory ("Inventory") to be eligible for residential development under the RF Overlay. This list, created as part of the Housing Element Update, identifies properties that provide sufficient capacity to meet the City's housing goals, as required by the Regional Housing Needs Allocation (RHNA). Any properties not listed on the Inventory could not be developed for residential uses.

Recently, the Planning Division has received inquiries about properties where one parcel is on the list, but an adjacent parcel is not. Under the current rules, these properties could not be developed for residential use under the RF Overlay unless both parcels were on the Sites Inventory List. To address this, a new mechanism has been introduced to allow property owners to consolidate adjacent lots under the same ownership, even if only one of the lots is on the Inventory. This will enable residential development for these properties within the Residential Flex Overlay Zone. This change has been added as a footnote under Table 2-15 to support more flexible development options for site consolidation.

Minor Changes to the Code

A variety of other minor changes, updates, and text cleanups have been included throughout the Development Code. The changes aim to improve the Development Code through removing unnecessary requirements, clarifying the applicability of standards, and otherwise improving readability or implementation of the Development Code. A summary of the changes can be found, below:

- Table 2-1 is to be updated to include Manufactured Housing as a permitted use in all residential zones except the Restricted High Density Residential (R-3-R) Zone. This is a required action from the City's recently certified Housing Element and will bring the Development Code into compliance with State law regarding mobile homes and manufactured housing.
- The DTP Zone allows many uses to locate in Arcadia's Downtown without needing to provide compliant parking. However, this is only applicable where no additional square footage is being added to the building. The proposed update to the DTP Zone will allow the expansion of existing commercial buildings, which are in the CBD Zone, within 150 feet of the City's public parking lot, and up to 3,000 square feet in size, without needing to provide compliant parking. This update will allow greater flexibility for property and business owners in certain parts of Downtown Arcadia.
- A minor change has been made to the requirements for a Variance. Variances can be utilized when a project deviates from the required provisions or standards of the Development Code. To support existing, long-term uses that want to make improvements to their property to improve public safety or welfare, the following has been added (underlined):
"The power to approve Variances does not extend to land uses, unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare."

- Rear yard lot coverage restrictions for all accessory structures in single family residential zones are to be eliminated. The State has removed much of the City's ability to limit construction within the rear yard for ADUs. ADUs now comprise the majority of new accessory structure development in single family zones. To ensure consistency for all detached accessory structures, and to enable the best utilization of the rear yard, the 25% maximum rear yard lot coverage requirement is being eliminated for all accessory structures.
- Administrative Modifications for ADUs have been removed in Table 7-2 to eliminate discretionary actions for ADUs to ensure compliance with State law.
- The period of time a nonconforming use or structure can maintain its nonconforming protection/status once discontinued is being increased from 90 days to 180 days. This change provides property and business owners with greater flexibility in replacing tenants, furthering the City's goal of being business friendly. It is also consistent with many nearby Cities.
- Maximum hardscape provisions are being updated to apply to the front "yard" instead of the current front "setback". Maximum hardscape calculations in front yards ensure sufficient landscaping is maintained in residential neighborhoods. This change will require the entire area in front of a residence to meet the maximum hardscape provisions rather than only the required setback area.
- Front fences in commercial zones are currently not allowed. It has become evident that many businesses wish to install fences or gates along their frontage. The Text Amendment will allow gates and fences on commercial frontages, subject to Design Review.
- References to short term rental limitations in Urban Lot Split projects – a specific type of subdivision permitted under Senate Bill 9 – are being updated to 28 days rather than 30 days to ensure consistency with other sections of the Arcadia Municipal Code.
- Two definitions have had minor updates for clarification purposes.

FINDINGS

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

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

Facts to Support the Finding: The proposed Text Amendment No. TA 24-01 is consistent with the General Plan Land Use and Community Development Element and the Housing Element goals and policies. The Text Amendment ensures that the Development Code will comply with State law, will implement actions within the General Plan Housing Element, will be updated to improve readability, enforcement, and to align with best practice, and is consistent with the following General Plan Policies:

Land Use and Community Development Element

- Policy LU-4.2: Encourage residential development that enhances the visual character, quality and uniqueness of the City’s neighborhoods and districts.

Housing Element

- Policy H-2.4: Maintain development standards, regulations, and design features that are flexible to provide a variety of housing types and facilitate housing that is appropriate for the neighborhoods in which they are located.
- Policy H-2.7: Encourage mixed-use development on commercial properties consistent with existing residential development standards to revitalize underutilized communities while maintaining Arcadia’s neighborhood integrity.
- Policy H-4.1: Review and modify as appropriate development standards, regulations, and processing procedures that may constrain housing development, particularly housing for lower- and moderate income households and for persons with special needs.
- Policy H-4.4: Support infill development at appropriate locations in the City.

The proposed Text Amendment No. TA 24-01 is to provide a thorough update to the ADU Ordinance, and make various minor updates and clarifications throughout the Development Code. This amendment will not impact any other development standards and is consistent with the adopted General Plan.

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

Facts to Support the Finding: The proposed Text Amendment will undertake a comprehensive update to the ADU Ordinance, include manufactured housing as a permitted use in residential zones – a requirement of the recent Housing Element update, allow for lot consolidation for some housing projects in the Residential Flex Overlay, and update various other provisions throughout the Development Code to improve readability and review and entitle development projects with greater efficiency. The proposed Text Amendment has been reviewed to ensure it is consistent with the other applicable provisions of the Development Code and updates have been included where necessary to ensure consistency. Several Text Amendments have been included to ensure consistency in light of other proposed Text Amendments, specifically for the comprehensive ADU Ordinance update.

ENVIRONMENTAL ASSESSMENT

The proposed Text Amendments 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 24-01 was published in the Arcadia Weekly on January 30, 2025. As of February 6, 2025, no comments were received in response to the notice.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2159, recommending that the City Council approve Text Amendment No. TA 24-01 (Ordinance No. 2401) amending various sections of the Arcadia Development Code related to Accessory Dwelling Units, regulations to the Residential Flex (RF) Overlay, and other minor amendments and text cleanups, and with an Exemption from the California Environmental Quality Act.

Approved:



on behalf of

Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2159 with Exhibits A through E – Text Amendments
- Attachment No. 2: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2159 with Exhibits A
through E – Text Amendments

RESOLUTION NO. 2159

RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. 24-01 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 (DEVELOPMENT CODE) OF THE ARCADIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS, THE RESIDENTIAL FLEX OVERLAY, AND OTHER MINOR TEXT AMENDMENTS AND CLEANUPS.

WHEREAS, the Development Services Department has initiated a Text Amendment No. TA 24-01 to amend and update various Divisions of the City's Development Code, Article IX, Chapter 1 of the Arcadia Municipal Code (referred to as "Text Amendment"); and

WHEREAS, the City is required to maintain an Accessory Dwelling Unit (ADU) Ordinance which complies with State law and is tasked with periodic updates of the Development Code to maintain consistency with the General Plan, State law, and to ensure effective and efficient implementation of the Development Code; and

WHEREAS, the City is required to implement actions and policies within the approved and certified General Plan Housing Element; and

WHEREAS, the proposed Text Amendment would result in changes to Division 2, Division 3, Division 6, Division 7, and Division 9 of the Development Code as shown in Exhibits "A through E" of this Resolution; and

WHEREAS, on December 23, 2024, 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 because 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 January 30, 2025, the City published the public hearing for the Text Amendment in a newspaper of general circulation (Arcadia Weekly) of the Planning Commission public hearing at which the Text Amendment would be reviewed with a recommendation to the City Council; and

WHEREAS, on February 11, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the Text Amendment; and

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA DOES HEREBY FIND, DETERMINE AND RESOLVE 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 February 11, 2025, are true and correct.

SECTION 2. The Planning Commission finds, based on the entire record, and all written and oral evidence presented, as follows:

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

FACT: The proposed Text Amendment No. TA 24-01 is consistent with the General Plan Land Use and Community Development Element and the Housing Element goals and policies. The Text Amendment ensures that the Development Code will comply with State law, will implement actions within the General Plan Housing Element, will be updated to improve readability, enforcement, and to align with best practice, and is consistent with the following General Plan Policies:

Land Use and Community Development Element

Policy LU-4.2: Encourage residential development that enhances the visual character, quality and uniqueness of the City's neighborhoods and districts.

Housing Element

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

Policy H-2.7: Encourage mixed-use development on commercial properties consistent with existing residential development standards to revitalize underutilized communities while maintaining Arcadia's neighborhood integrity.

Policy H-4.1: Review and modify as appropriate development standards, regulations, and processing procedures that may constrain housing development, particularly housing for lower- and moderate income households and for persons with special needs.

Policy H-4.4: Support infill development at appropriate locations in the City.

The proposed Text Amendment No. TA 24-01 is to provide a thorough update to the ADU Ordinance, and make various minor updates and clarifications throughout the Development Code. This amendment will not impact any other development standards and is consistent with the adopted General Plan.

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

FACT: The proposed Text Amendment will undertake a comprehensive update to the ADU Ordinance, include manufactured housing as a permitted use in residential zones – a requirement of the recent Housing Element update, allow for lot consolidation

for some housing projects in the Residential Flex Overlay, and update various other provisions throughout the Development Code to improve readability and review and entitle development projects with greater efficiency. The proposed Text Amendment has been reviewed to ensure it is consistent with the other applicable provisions of the Development Code and updates have been included where necessary to ensure consistency. Several Text Amendments have been included to ensure consistency in light of other proposed Text Amendments, specifically for the comprehensive ADU Ordinance update.

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 24-01, as reflected in Exhibits "A through E" of this Resolution.

SECTION 5. The Secretary shall certify as to the adoption of this Resolution.

(SIGNATURES ON NEXT PAGE)


Passed, approved and adopted this 11th day of February, 2025.

Marilynne Wilander
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Mauer
City Attorney

EXHIBIT “A”

Development Code, Division 2

9102.01.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2348

Amended by Ord. No. 2363

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2397

Amended by Ord. No. 2400

A. Allowed Uses. Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) indicates the uses allowed within each residential zone and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

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

“--” designates uses that are not permitted.

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

C. Specific Use Regulations. Where the last column in Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

D. Housing Element Candidate Sites. Pursuant to Government Code Section 65583. 2(c), residential uses shall be allowed by right for housing development in which at least 20% of the units are affordable to lower- income households for sites that:

1. Are non-vacant and identified in the 5th Cycle Housing Element planning period; and
2. Vacant sites included in two or more consecutive Housing Element planning cycle;
3. Eligible sites can be found in the City' s 2021- 2029 Housing Element (6th Cycle). Development shall meet all of the requirements of the respective zone in which such sites are located in unless otherwise permitted by this Division, and shall comply the provisions of applicable environmental documents for such site, if any.

E. Multi-Family Uses Permitted By-Right. Multifamily residential uses are permitted by-right in the following zones when 20% or more affordable units are provided per Gov't Code Section 65583. 2 (i): R-2, R-3, R-3-R, MU, DMU, and RF and DMU overlays.

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed						
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations	
Residential Uses								
Boarding House	--	--	--	--	--	--		
Dwellings								

Single-Family Dwelling	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)
Multifamily Dwelling	--	--	--	P	P	P	See Land Use Regulations and Allowable Uses (Section 9102.01.020)
Two-Family Dwelling	--	--	--	P	P	P	
Accessory Dwelling Unit	A	A	A	A	A	A	
Short-Term Rental	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Manufactured Housing Unit	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed						Specific Use Regulations
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R		
Agricultural Uses								
Urban Agriculture	A	A	A	A	A	A	See Subsection 9104.02.030 (Agricultural Uses –Urban Agriculture, Small Animal and Fowl, and Horses). See Subsection 9104.02.145 (Employee Housing)	
Horse Keeping	A	A	A	--	--	--		
Small Animal and Fowl Keeping	A	A	A	--	--	--		
Education								
Schools, Private	C	C	C	C	C	C	May only be permitted as a Conditional Use, accessory to a Place of Religious Assembly.	
Medical-Related and Care Uses								
Day Care, General	--	--	--	--	--	--	See Subsection 9104.02.080 (Day Care, General)	
Day Care, Limited - Small Family	A	A	A	A	A	A	See Subsection 9104.02.100 (Day Care, Limited – Small Family)	

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed						
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations	
Day Care, Limited - Large Family	A	A	A	A	A	A	See Subsection 9104.02.090 (Day Care, Limited – Large Family)	
Employee Housing – Six or Fewer Persons	P	P	P	P	P	P	See subsection 9104.02.145 (Employee Housing)	
Residential Care Facility – Six or fewer persons	P	P	P	P	P	P	See Subsection 9104.02.260 (Residential Care Facilities)	
Residential Care Facility – Seven or more persons	P	P	P	P	P	P	See Subsection 9104.02.260 (Residential Care Facilities)	
Supportive Housing – Housing Type	P	P	P	P	P	P		
Supportive Housing – Residential Care Facility Small Type	P	P	P	P	P	P		
Transitional Housing – Housing Type	--	--	--	P	P	P		
Transitional Housing – Residential Care Facility Small Type	P	P	P	P	P	P		
Other Uses								
Antennas and Wireless Communication Facilities - Co-location or Panel	--	--	--	--	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)	
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	--	--	--		
Places of Religious Assembly	--	C	C	C	C	--	Tutoring and Educational Centers may be permitted as an Accessory Use under a Conditional Use Permit	
Sports Courts (Private)	P	P	P	P	P	P	Must comply with Subsection 9104.02.330 (Sports Courts in Residential Zones)	
Recharging Stations	A	A	A	A	A	A		
Utility Structures and Service Facilities	C	C	C	C	C	C		

9102.01.030 Development Standards in Single-Family Residential Zones (R-M, R-0, R-1)

Amended by Ord. No. 2347

Amended by Ord. No. 2363

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-1 (Allowed Uses and Permit Requirements for Residential Zones), 2-2 (Development Standards for Single-family Residential Zones), and 2-3 (Additional Development Standards for Homeowners Association Areas), and the development standards in Division 3 (Regulations Applicable to All Zones-Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-2 and Table 2-3. Exceptions and additional regulations are included in Subsection 9102.01.040 (Additional Residential Development Standards in Single-Family Residential Zones). Standards for accessory structures and accessory dwelling units are outlined in Subsection 9102.01.060 (Accessory Structures in Single-family Residential Zones) and Subsection 9102.01.080 (Accessory Dwelling Units). Development standards for garages and other parking areas are located in Section 9103.07 (Off-Street Parking and Loading). Development standards for fences, walls, and gates are outlined in Section 9103.05 (Fences, Walls, and Gates). Development standards for landscaping requirements are located in Section 9103.09.040.B (Landscape Requirements for Residential Zones).

**Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)**

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Minimum Setbacks						
Front	25 ft	25 ft	35 ft	65 ft Exceptions: Tract 13544 shall be a minimum of 60 ft Tracts 13345 and 11013 shall be a minimum of 55 ft and Tract 14565 shall be a minimum of 50 ft	50 ft	See Subsection 9102.01.040 (Additional Residential Development Standards), Subsection 9103.01.060 (Setback Measurements and Exceptions), and Subsection 9102.01.050 (Permitted Projections in Single-family Residential Zones)
Side – first or single story						
Interior	5 ft or 10% of the lot width, whichever is greater	R-M: 10 ft or 10% of lot width, whichever is greater, but not to exceed 15 ft as a required setback R-1: 6 ft or 10% of the lot width, whichever is greater	10 ft or 10% of the lot width, whichever is greater	10 ft or 10% of the lot width, whichever is greater	15 ft	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Corner (street side)	20 ft	20 ft	20 ft	20 ft	20 ft	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Reverse Corner (street side)	25 ft	R-M: 20 ft R-1: 25 ft	25 ft	25 ft	25 ft	

**Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)**

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Side - second story						
<i>Interior</i>	10 ft or 20% of the lot width, whichever is greater	R-M: 15 ft or 20% of the lot width, whichever is greater R-1: 10 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
<i>Corner (street side)</i>	20 ft	20 ft	20 ft	20 ft	20 ft	
<i>Reverse Corner (street side)</i>	25 ft	R-M: 20 ft R-1: 25 ft	35 ft	35 ft	35 ft	
Rear						
First or single story	25 ft	25 ft	35 ft	35 ft	40 ft	Additional rear setback of one foot required on each story for every 10 feet above 150 feet of lot depth. See Subsection 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Second story	35 ft	35 ft	35 ft	35 ft	35 ft	
Maximum Lot Coverage						
1-story dwellings	45%	45%	45%	45%	45%	
2-story dwellings	35%	35%	35%	35%	35%	
Maximum Number of Stories	2 stories	2 stories	2 stories	2 stories	2 stories	Exposed basements shall be considered a story.
Maximum Street-Facing Porch Height	14 ft	14 ft	14 ft	14 ft	14 ft	See Subsection 9102.01.040.1 (Porch Height).

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Encroachment Plane						
Front Property Line	30 degrees	R-M: 40 degrees R-1: 30 degrees	30 degrees	30 degrees	30 degrees	No portion of any structure shall encroach through a plane projected from the identified angle as measured at the ground level along the front property line. That point shall be located at the intersection of a horizontal projection of the adjacent grade elevation and its intersection with the property line. See Figure 2-1 (Encroachment Plane).
Interior Rear and/or Interior Side	N/A	N/A	N/A	N/A	N/A	
Corner Street Side Property Line	40 degrees	40 degrees	40 degrees	40 degrees	40 degrees	

**Table 2-3 ^{(1) (3)}
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)**

Development Feature	Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Oaks (R-0)	Upper Rancho (R-0)
Maximum Height ⁽²⁾	25 ft	<p>R-M: 25 ft for lots less than 71-foot lot width; an additional 1 ft in height for every additional 1 ft in lot width up to 75 ft lot (30 ft height).</p> <p>80-85 ft lot width: 31 ft 85'-1"-90 ft lot width: 32 ft 90'-1"-95 ft lot width: 33 ft 95'-1"-100 ft lot width: 34 ft 100'-1"+ ft lot width: 35 ft</p> <p>R-1: Less than 75 ft lot width: 25 ft 75'-94 ft lot width: 27 ft 94'-1"-114 ft lot width: 29 ft 114'-1" ft lot or larger width: 30 ft</p>	<p>25 ft for lots with less than 75- foot lot width</p> <p>30 ft for lots with 75-foot width or greater</p>	<p>25 ft for lots with less than 75- foot lot width</p> <p>30 ft for lots with 75-foot width or greater</p>	<p>25 ft for lots with less than 75- foot lot width</p> <p>30 ft for lots with 75-foot width or greater</p>

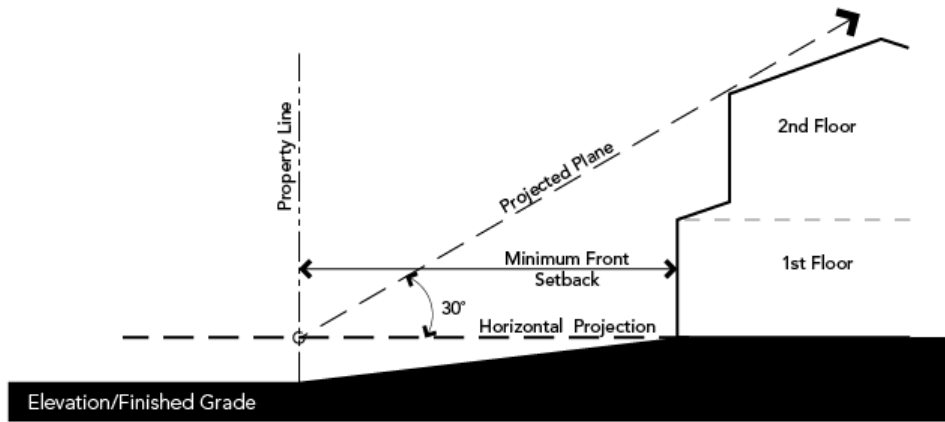
Notes:

(1) In cases where the underlying zoning's Development Standard is greater than the requirements stated in Table 2-3, Additional Development Standards for Homeowners Association Areas Single-family Residential Zones (R-M, R-0, R-1), the underlying zoning shall be used unless an exception is specifically identified.

(2) See Subsection 9103.01.030 (Measuring Floor Area and Floor Area Ratio)

(3) See Subsection 9102.01.040(J) for additional regulations regarding garages and carports.

Figure 2-1
Encroachment Plane – R-0 and R-1 Zones



9102.01.050 Permitted Projections in Single-Family Residential Zones
Amended by Ord. No. 2347

- A. Permitted Architectural Projections in Single-Family Residential Zones.** In R-M, R-0, and R-1 zones, architectural and similar features may extend into required setback areas as identified in Table 2-4 (Permitted Projections and Encroachment into Required Setback in Single-Family Zones).

Table 2-4 Permitted Projections and Encroachment into Required Setback in Single-Family Zones	Maximum Permitted Encroachment Distance Into Required Setback Area			
	R-M, R-0, and R-1 Zones			
	Architectural Feature	Front ⁽¹⁾	Side ⁽²⁾	
		1 st Story	2 nd Story	
Awnings	18 inches	--	--	18 inches
Balconies	--	--	--	--
Bay windows, garden windows ⁽⁴⁾	18 inches	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	--	--	--
Eaves ⁽⁵⁾	30 inches	30 inches	30 inches	30 inches
Fire escapes, elevator shafts and open stairways	--	--	--	--
Trellis structures and patio covers	--	--	--	--

Notes:

- (1) Front Setback Exception (R-M Zone only) – Architectural features shall not project into the front setback in the R-M zone.
(2) Side Setback Exception (R-M Zone only) – A portion of a gable roof and walls thereunder which do not exceed a maximum height of 20 feet and which enclose a portion of the first story living area and/or interior stairwells which have no window(s) facing the side yard, may encroach into the required setback but in no event shall such encroachment be less than the required first story setback except as may be approved pursuant to an Administrative Modification (Section 9107.05).
(3) Rear Setback Exception (R-M Zone only) – Architectural features shall not project into the rear setback in the R-M zone.
(4) In all zones, bay windows, garden windows, and other similar architectural projections shall have a vertical distance of 30 inches or greater between the lowest surface of the projection and the finished floor.
(5) Eaves Exception (R-M Zone only) – Eaves may extend or project a maximum of two feet beyond the required setback on both the first and second stories.

- B. Mechanical Equipment Projections in Single-Family Residential Zones.** Mechanical equipment shall comply with the required setbacks set forth for the structure the mechanical equipment will serve. Exceptions: (1) Tankless water heaters and solar batteries may encroach into the required side and rear setbacks by 30 inches. (2) Mechanical equipment serving swimming pools, spas, and water features shall not be set back less than three feet from the rear property line.

9102.01.060 Accessory Structures in Single-Family Residential Zones
Amended by Ord. No. 2347
Amended by Ord. No. 2369 & 2370

Accessory structures, as defined in Division 9 (Definitions) of this Development Code, but excluding required garages, are allowed in residential zones and are subject to the development standards set forth in Table 2-5 (Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones). Accessory dwelling unit regulations are set forth in Subsection 9102.01.080 (Accessory Dwelling Units). Any allowable accessory structure that does not require a building permit shall meet the requirements of this Development Code for use, placement on the lot, height, and size. The construction and/or relocation of an accessory structure shall require review and approval per the Site Plan and Design Review, as set forth in Section 9107.19 (Site Plan and Design Review).

A. Restrictions on Number and Use

- 1. Primary Building Required.** An accessory structure(s) is allowed onsite only when there is a primary dwelling on site.

2. **Number Allowed.** A maximum of two detached accessory structures are allowed on any one lot, including accessory dwelling units.
3. **Kitchen.** No kitchen is allowed within the accessory structure
4. **Bathroom.** The accessory structure may contain a sink, a toilet and/or a shower.
5. **Rooms.** No more than one room is allowed within the accessory structure, aside from a bathroom containing a sink, toilet and/or a shower.
6. **Covenant Required.** A covenant approved as to form by the City shall be recorded prior to the issuance of any building permit for any accessory structure stating that the accessory structure will not be used for overnight stay, rented, or used as a dwelling unit.

B. Development Standards

1. **General Standards.** Accessory structures shall comply with the development standards set forth in Table 2-5 (Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones).
2. **Consistent Exterior Appearance.** All accessory structures on a permanent foundation shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles.

Table 2-5 Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones ⁽¹⁾				
Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Floor Area	50% of the ground floor area of the main building	50% of the ground floor area of the main building	50% of the ground floor area of the main building	Shall be counted toward total allowable floor area for the zone, pursuant to Subsections 9102.01.030 (Development Standards in Single-Family Residential Zones) and 9102.01.040 (Additional Residential Development Standards in Single-Family Residential Zones).
Minimum Setbacks				
Front (public or private street)	Same as dwelling requirement	Same as dwelling requirement	Same as dwelling requirement	For exceptions refer to Subsection 9102.01.040.B (Front Setbacks-Additional Standards in R-M and R-0 Zones).
Side	10 ft	Same as dwelling requirement	Same as dwelling requirement	
Reverse Corner (street side)	20 ft	Same as dwelling requirement	Same as dwelling requirement	For exceptions refer to Subsection 9102.01.040.DC (Exceptions to Rear Setbacks on Corner and Reverse Corner Lots in R-0 and R-1 Zones-Attached Single-Story Garage)
Rear	10 ft	10 ft	10 ft	

Maximum Lot Coverage — 25% of required rear yard — 25% of required rear yard — 25% of required rear yard

**Table 2-5
Development Standards for Accessory Structures
in the R-M, R-0, and R-1 Zones ⁽¹⁾**

Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Number of Stories	One story	One story	One story	
Minimum Distance Between Structures	6 ft	6 ft	6 ft	
Maximum Height	16 ft and cannot exceed the maximum height of dwelling	16 ft and cannot exceed the maximum height of dwelling	16 feet and cannot exceed the maximum height of dwelling	See Subsection 9103.01.050 (Height Measurements and Exceptions) and 9102.01.040.E (Height Exception for Chimneys and Roof-Mounted Vents).
Minimum Encroachment Plane				
Front Property Line	40 degrees	30 degrees	30 degrees	
Interior Rear and/or Interior Side	N/A	N/A	N/A	
Street Side (Reverse Corner) Property Lines	N/A	40 degrees	40 degrees	

Notes:

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

9102.01.080 Accessory Dwelling Units
Amended by Ord. No. 2347
Amended by Ord. 2369 & 2370
Amended by Ord. No. 2375
Amended by Ord. No. 2396

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, R-M, R-2, R-3, R-3-R, CBD, MU, and DMU zones, developed with at least one dwelling.

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 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, including within an attached garage.

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) to exceed 45%, 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. **Maximum Rear Yard Lot Coverage in Single-Family Zones:** No accessory dwelling unit may cause the rear yard lot coverage to exceed 25%, except if the requirement precludes the development of an accessory dwelling unit of up to 800 square feet in size.~~

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.

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 in this section, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but any application of the percent-based floor area limit in paragraph A.4.c above or of an FAR, lot coverage, or front setback, must yield to the extent necessary to allow an accessory dwelling unit to be up to 800 square feet.

5. Maximum Height and Story

a. Except as otherwise provided by paragraphs (A)(4)(d)(5)(b) and (c) below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed 16 feet in height and one story.

- b. ~~A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit. It may not exceed one story.~~
- c. ~~A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height. It may not exceed one story.~~
- d. ~~An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (A)(4)(d)(5)(d) may not exceed two stories.~~
- e. ~~For purposes of this subsection (A)(4)(d), height is measured above existing legal grade to the peak of the structure.~~

6. ~~Required Setbacks.~~

- a. ~~Detached and attached accessory dwelling units shall meet a minimum side and rear yard setbacks of at least four (4) feet.~~
- b. ~~An attached accessory dwelling unit shall meet the same front setbacks as required for the primary dwelling.~~
- c. ~~A new detached ADU may not be located closer to the front property line than the primary dwelling.~~
- d. ~~A front setback must yield to the extent necessary to allow an accessory dwelling unit to be up to 800 square feet.~~

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. For required parking spaces dimensions, please refer to Division 3.~~

~~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.~~

8. ~~Fire Sprinklers.~~ ~~An accessory dwelling unit is required to have sprinklers if the primary 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 not 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 with Single-Family Dwelling:~~ ~~One accessory dwelling unit as described in this subsection (B)(1)(A) and one 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 (in the case of an ADU only) 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.~~

B. ~~Detached Accessory Dwelling Unit with Single-Family Dwelling:~~ ~~One detached, new construction 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 peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.

~~C. **Converted Accessory Dwelling Unit in Multifamily Dwellings:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this paragraph, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.~~

~~D. **Detached Accessory Dwelling Unit with Multifamily Dwellings:** No more than two detached accessory dwelling units may be located on a lot that has an existing or proposed 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 peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.

~~2. **Accessory Dwelling Unit Permit**~~

~~Any construction that does not comply with each of the requirements listed in Subsection 1 above (Building Permits Only) shall require a Zoning Clearance for an Accessory Dwelling Unit.~~

~~3. **Process and Timing**~~

~~A. A Zoning Clearance for an Accessory Dwelling Unit complaint with the standards of this Section 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. If an accessory dwelling unit or junior accessory dwelling unit application 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 accessory dwelling unit or junior accessory dwelling unit is still considered ministerially without discretionary review or a hearing.

~~C. If the city denies an application for an accessory dwelling unit or junior accessory dwelling unit, the city shall, within the time period described above, return in writing a full set of comments to the Applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the Applicant.~~

~~C. **Impact Fees.**~~

1. Impact Fees. No impact fee is required for an accessory dwelling unit that is less than 750 square feet in size.

~~D. **Utility Fees.**~~

1. An ADU that is constructed with a new single family dwelling is considered to be a new residential use and requires a direct connection for all utilities and payment of related connection fees and capacity charges.
2. Aside from D. 1 above, the City does not require a direct utility connection or related fee or charge for any ADU approved under this section.
3. An Applicant must consult any other local agency, special district, or water corporation that will provide utility services to

~~the property to determine what direct connection requirement, if any, the utility provider requires for the ADU.~~

~~E. Owner Occupancy~~

- ~~1. An accessory dwelling unit that is created after January 1, 2020, but before January 1, 2025, is not subject to any owner occupancy requirement.~~
- ~~2. Unless applicable law requires otherwise, all accessory dwelling units that are created on or after January 1, 2025, are subject to an owner occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~
- ~~3. All junior accessory dwelling units are subject to an owner occupancy requirement. A natural 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 each of the objective design standards in this section 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, and windows and doors must match the appearance and architectural design of those of the primary dwelling.~~
- ~~2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.~~
- ~~3. The exterior lighting must be limited to down lights or as otherwise required by the building or fire code.~~
- ~~4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must not be visible from the public right of way.~~
- ~~5. For new detached ADUs, there must be indentations 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. An ADU that is on real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right of way.~~

~~Landscape~~

- ~~8. Landscaping must be provided to provide screening between the ADU and adjacent parcels along the rear and side property lines and there shall be at least one 15-gallon size plant for every five linear feet of exterior wall. Landscaping must be drought-tolerant or low water using plants that utilize multiple varieties of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living and continuous planting area. Desert landscape or rock garden designs are not allowed.~~

~~Other~~

- ~~9. 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. This requirement does not apply to state exempt ADUs.~~
- ~~10. 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.~~

~~11. No mezzanines or partial floors, including a loft, shall be allowed.~~

A. Accessory Dwelling Units. Purpose. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

B. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition, as defined below under Definitions. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Definitions. As used in this section, terms are defined as follows:

1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
4. "Efficiency kitchen" means a kitchen that includes all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
5. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - e. It includes an efficiency kitchen, as defined in above.
6. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
7. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
9. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
10. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
11. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may

access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

12. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (E) below, it is allowed with only a building permit in the following scenarios:

- A. **Converted on Single-family Lot:** One ADU as described in this subsection and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) 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; and
2. Has exterior access that is independent of that for the single-family dwelling; and
3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
4. The JADU complies with the requirements of Government Code sections 66333 through 66339.

- B. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot), if the detached ADU satisfies each of 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 smaller.
3. The height does not exceed the applicable height limit in subsection below under "Height."

- C. **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

- D. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

1. The side and rear yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
2. The height does not exceed the applicable height limit provided in subsection below under "Height."
3. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. **ADU Permit.**

- A. Except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (E) and (F) below.
- B. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution.

3. **Process and Timing.**

- A. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

- B. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - 1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - 2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
 - C. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period.
 - D. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.
- E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. Zoning

- A. An ADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.
- B. An ADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- C. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. Height

- A. Except as otherwise provided by subsections (E)(2)(B) and (E)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
- B. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- C. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- D. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(D) may not exceed two stories.
- E. For purposes of this subsection (E)(2), height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

3. Fire Sprinklers

- A. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - B. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 28 days. This prohibition applies regardless of when the ADU or JADU was created.
5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
6. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
7. **Owner Occupancy.**
- A. ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.
 - B. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (E)(7)(B) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
8. **Deed Restriction.** Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
- A. The JADU may not be sold separately from the primary dwelling.
 - B. The JADU is restricted to the approved size and to other attributes allowed by this section.
 - C. The deed restriction runs with the land and may be enforced against future property owners.
 - D. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - E. The deed restriction is enforceable by the Director, or designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

9. **Building & Safety.**

- A. Must comply with Building Code. Subject to subsection below, all ADUs and JADUs must comply with all local building code requirements.
 - B. No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Division makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the city from changing the occupancy code of a space that was uninhabitable or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
- F. Specific ADU Requirements.** The following requirements apply only to ADUs that require an ADU permit under subsection (d)(2) above.
- 1. Maximum Size.**
 - A. The maximum size of a detached or attached ADU subject to this subsection (F) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
 - B. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - C. Application of other development standards in this subsection (F), such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (F)(1)(B) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.
 - 2. Floor Area Ratio (FAR).** No ADU subject to this subsection (F) may cause the total FAR of the lot to exceed 45 percent, subject to subsection (F)(1)(C) above.
 - 3. Setbacks.**
 - A. ADUs that are subject to this subsection (F) must conform to four (4) foot side and rear setbacks. ADUs that are subject to this subsection (F) must conform to 25-foot front setbacks, subject to subsection (F)(1)(C) above.
 - B. No setback is required for an ADU that is subject to this subsection (F) if the ADU is constructed in the same location and to the same dimensions as an existing structure.
 - 4. Lot Coverage.** No ADU subject to this subsection (F) may cause the total lot coverage of the lot to exceed 45 percent if the primary dwelling is one-story or 35-percent if the primary dwelling is two-story, subject to subsection (F)(1)(C) above.
 - 5. Minimum Open Space.** No ADU subject to this subsection (F) may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection (F)(1)(C) above.
 - 6. Passageway.** No passageway, as defined by subsection (C)(9) above, is required for an ADU.
 - 7. Parking.**
 - A. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(12) above.
 - B. Exceptions. No parking under subsection (F)(7)(A) is required in the following situations:

1. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(11) above.
 2. The ADU is located within an architecturally and historically significant historic district.
 3. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (D)(1)(A) above.
 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 5. When there is an established car share vehicle stop located within one block of the ADU.
 6. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (F)(7)(B)(1) through (5) above.
- C. **No Replacement.** When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. Architectural Requirements.

- A. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- B. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. An attached ADU entrance must not be visible from the public right-of-way.
- C. The ADU may have an attached porch or covered entry way not exceeding 60 square feet in area and with a maximum depth of six (6) feet.
- D. All windows that are located nine (9) feet in height above the finished floor must be clerestory windows (no dormers) and must be frosted or obscure glass.
- E. 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 City's Fire Department.
- F. The ADU must have clear addresses 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.
- G. No mezzanine or partial floor, including a loft, is allowed in an ADU.

9. Historical Protections. An ADU on a property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

10. Allowed Stories. No ADU subject to this subsection (F) may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (E)(2)(D) of this section.

G. Fees. The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above.

1. Impact Fees.

- A. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (G)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the

Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

- B. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).

2. Utility Fees.

- A. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- B. Except as described in subsection (G)(2)(A), converted ADUs on a single-family lot that are created under subsection (D)(1)(A) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- C. Except as described in subsection (G)(2)(A), all ADUs that are not covered by subsection (G)(2)(B) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - 1. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - 2. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- 1. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. Unpermitted ADUs and JADUs constructed before 2020

- A. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

- 1. The ADU or JADU violates applicable building standards, or
- 2. The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance Section 9102.01.080.

B. Exceptions:

- 1. Notwithstanding subsection (H)(2)(A) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
- 2. Subsection (H)(2)(A) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

9102.01.110 Permitted Projections in Multifamily Zones

- A. Permitted Architectural Projections in R-2, R-3, and R-3-R Zones.** In multifamily zones, architectural and similar features may extend into required setback areas as identified in Table 2-7 (Permitted Projections and Encroachment into Required Setback Areas in Multifamily Zones).

Table 2-7			
Permitted Projections and Encroachment into Required Setback Areas in Multifamily Zones			
Architectural Feature	Maximum Permitted Encroachment Distance into Required Setback Area		
	R2, R-3, and R-3-R Zones		
	Front	Side	Rear
Awnings	18 inches	--	18 inches
Balconies	--	--	--
Bay windows, garden windows ⁽¹⁾	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	--	--
Eaves	24 inches	24 inches	24 inches
Trellis structures and patio covers	--	--	--

Notes:

(1) Bay windows, garden windows, and other similar architectural projections shall have a vertical distance of 30 inches or greater between the lowest surface of the projection and the finished floor.

- B. Permitted Mechanical Equipment Projections in Multifamily Residential Zones.** Mechanical equipment shall not be located within any required front or side yard setback, and shall not be set back less than three feet from the rear lot line. Exception: Tankless water heaters and solar batteries may encroach 24 inches into any required interior side or rear yard provided that a minimum setback of four feet is maintained.

Section 9102.01.150 – Urban Lot Splits

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

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

Definitions.

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

A. Requirements and Approval Authority

1. Only individual property owners may apply for an urban lot split.
2. The Director shall ministerially approve all applications for urban lot splits that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. Notwithstanding Division 5 of this Code, the parcel map shall be approved by the Director, and these decisions shall be final. The Director shall not waive the requirement to submit a tentative parcel map for an urban lot split.
3. An application and tentative parcel map for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
 - a. Evidence that the applicant is an individual property owner of the lot to be split.
 - b. A signed affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.
 - c. Proof that none of the circumstances set forth in Subsections (B)(3)(f) & (g) are present.
 - d. Proof that the lot to be split was not established through a prior urban lot split under this section.
 - e. Proof of any inspections required under Subsection (B)(3)(d).
 - f. If the lot would result in the demolition or alteration of existing housing, proof that no housing on the lot has been occupied by a tenant within the past three years.

4. The tentative parcel map may not be recorded until the final parcel map has been approved ministerially by the Director. The owner must demonstrate that the required documents have been recorded, such as deed restriction and easements. The tentative parcel map expires six months after the approval. No extension shall be granted.
5. The application fee for an urban lot split will be the same as the City's Lot Line Adjustment fee within the approved Fee Schedule. This fee may be changed from time to time by the City Council, in accordance with applicable law.

B. Requirements; Grounds for Denial

1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
 - a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. **Subdivision Standards.**
 - a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and Division 5 of Article IX (Subdivisions) of this Code.
 - b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
3. **Denial.** The Director shall deny an application for an urban lot split if any of the following are true:
 - a. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (B)(1) or (B)(2) above or (C) below.
 - b. **Zone.** The lot to be split is not zoned for single family residential uses.
 - c. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - d. **Inspection**
 - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform building inspections.
 - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
 - e. **Historic**
 - i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
 - f. **Prior Urban Lot Split.**
 - i. The lot to be split was established through a prior urban lot split.
 - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the

owner of the lot to be split or by any person acting in concert with the owner.

- g. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years.
- h. **Lot Size**
 - i. The lot to be split is smaller than 2,400 square feet.
 - ii. Either or both of the resulting lots are less than 1,200 square feet.
 - iii. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
- i. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.
- j. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- k. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

C. Standards Specific to Urban Lot Splits

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

1. **Lot Access.** Each resulting lot must adjoin the public right-of-way with no more than 60% of the original frontage and no less than 40% of the original frontage of the lot.
2. **Unit Quantity.** No more than two units of any kind are permitted on any lot created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to an ADU, or a JADU.
3. **Unit Size.** Notwithstanding Section 9102.01 for Single-Family Residential Zones:
 - a. The total floor area of each residential unit developed on a lot created by an urban lot split must be less than or equal to 800 square feet and at least 500 square feet.
 - b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
 - c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

d. The unit size shall comply with the setbacks, height, parking, and other applicable standards in Section 9102.01.160 for Two-Unit Units Projects approved under an urban lot split.

4. **Objective Development Standards and Other Regulations.** Units built following an Urban Lot Split shall comply with the setbacks, height, FAR and lot coverage, and parking requirements found in Section 9102.01.160(C), all objective development standards found in Section 9102.01.160(F), and the City's Tree Ordinance as provided in Division 10 of this Code.

5. **Utilities.**

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

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

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

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

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

E. Separate Conveyance

1. **Within a resulting lot:**

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

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

F. Restriction of Uses.

1. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
2. **No Short-Term Rentals.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than ~~28~~ 30 days.
3. **Owner Occupancy Affidavit.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

G. Deed Restriction.

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

- a. Gives notice that the parcel was created through an urban lot split.
- b. Gives notice of any site limitations resulting from the urban lot split.
- c. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
- d. Expressly prohibits any rental of any dwelling on the property for a period of less than 28 ~~30~~ days.
- e. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- f. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- g. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
- h. Provides a statement of intent to occupy a unit for a period of three years.

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

9102.05.030 Development Standards in Downtown Zones

**Table 2-11
Development Standards for
Downtown Zones**

Development Feature	CBD ⁽¹⁾	MU	DMU ⁽¹⁾	CM	Additional Requirements
Lot Standards					
Minimum Lot Area	5,000 sf	5,000 sf	10,000 sf	5,000 sf	

Amended by Ord. No. 2356

Amended by Ord. No. 2400

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) and Table 2-11 (Development Standards for Downtown Zones) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right-hand column of Table 2-11 (Development Standards for Downtown Zones); section and subsection numbers in this column refer to other sections and subsections of this Code.

Structure Form and Location Standards

Maximum Residential Density	80 units/acre	50 units/acre	80 units/acre	Residential not allowed except for parcels with a DMU or RF Overlay	See Note (3) below
Minimum Residential Density		40 units/acre	20 units/acre	20 units/acre	Accommodate a minimum of 16 units per site.
Maximum FAR ⁽²⁾	1.0	1.0	1.0	0.5	
Minimum Storefront Width	25 ft	N/A	N/A	N/A	

Minimum Setback

Front or adjacent to a Side (Interior)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	10 ft	See Note (4) below
Abutting nonresidential or mixed-use zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	10 ft	10 ft	10 ft	10 ft	
Side (Street side)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	5 ft	See Note (4) below

Rear

Abutting Nonresidential or Downtown zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	20 ft	15 ft	15 ft	10 ft	
Maximum Height	60 ft	40 ft	60 ft	40 ft	
Minimum Open Space for Residential Uses	100 sf per unit	100 sf per unit	100 sf per unit	N/A	See Subsection 9102.05.040.D (Open Space Requirements for Residential Uses in CBD, MU, and DMU Zones)

Notes:

- (1) See City Center Design Plan for additional design guidelines.
- (2) FAR maximum is applicable only to nonresidential component of a development.
- (3) Utilize DMU Zone development standards for a residential project located on a C-M zoned parcel within the DMU Overlay area and use the RF Development standards for a residential project located on a C-M zoned parcel within the RF Overlay area.
- (4) Where a property in the C-M Zone fronts First Avenue, the front setback shall be 0 ft (10 ft maximum) and the side (street side) setback shall be 0 ft (5 ft maximum).

9102.11.030 DTP - Downtown Parking Overlay Zone
Amended by Ord. No. 2375

- A. Purpose and Intent.** The Downtown Parking Overlay Zone, indicated on the Zoning Map as “DTP,” is intended to provide opportunities for economic development within the Downtown area through shared parking mechanisms and the reduction in certain parking requirements.
- B. Located Onsite.** All required surface parking spaces shall be provided in a surface lot or parking garage located on the same building site or within the same development, except where allowed by Section 9102.11.030.C (Off-Site Parking), below.
- C. Off-Site Parking.** Off-site parking for new uses or new nonresidential construction may be permitted on either a privately owned property or public property through the Site Plan and Design Review process or other applicable discretionary review permit process for an individual use or development project, subject to Section 9103.07.090 and the following regulations:

 - 1. Location of Off-Site Parking.** An off-site parking facility serving a use within the Downtown Parking Overlay Zone shall be located within the Downtown Parking Overlay Zone.
 - 2. Irrevocable Access and/or Parking Easement.** If parking is provided at an off-site location, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this Chapter.
- D. Change in Use.** No additional parking is required when there is a change in use within the Downtown Parking Overlay Zone. This requirement does not apply to any development that was previously approved under a Conditional Use Permit or Minor Use Permit.
- E. Parking Modifications for New Structures and Expansions.** Property owners in the Downtown Parking Overlay Area may request an Administrative Modification to reduce the required off-street parking requirement, pursuant to Section 9107.05 (Administrative Modifications).
- F. Elimination of Parking Minimums –** No minimum off-street parking spaces shall be required for an expansion to an existing commercial use that is 3,000 square feet or less on a property that is zoned Central Business District (CBD) and within 150 feet from the City’s public parking lot. The distance shall be measured from property lines to property lines. Any addition that is more than 3,000 square feet, may request an Administrative Modification under Subsection 9102.11.030(E) and shall not rely on the City’s parking supply, or make an in lieu payment pursuant to the requirements in Section 9103.07.090 (Shared/Joint Use, Off-Site Parking, and In-Lieu Parking).

9102.11.050 RF Residential Flex Overlay Zone
Amended by Ord. No. 2400

- A. Purpose and Intent.** The Residential-Flex “RF” Overlay Zone is established to provide for greater flexibility in land use planning and to maximize the housing types and styles at a more affordable price range than may be possible under the strict application of other sections of this Division. The RF Overlay Zone provides the option to build a residential project in a commercial zone. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; also, a residential project may serve as a catalyst for other types of development in the surrounding area. The RF Overlay Zone is intended to maintain compatibility between residential and non-residential uses on adjacent lots through development standards and design guidelines. The standards in this section are applicable to stand-alone residential projects only; all other projects are subject to the requirements of the underlying zoning designation.
- B. Allowed Uses.** In addition to the land use regulations of the underlying zone, allow residential developments by-right when 20 percent or more of the units are affordable to lower income households on sites identified as part of the Residential Flex Overlay Zone. By-right development will not require a CUP, planned unit development permit, or other discretionary review or approval except for the City’s Subdivision requirements and Objective Development Standards. Refer to Section 9103.15.030 of the Code for additional incentives and concessions for affordable housing development.
- C. Development Standards.** New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-15 (Development Standards for Residential Flex Overlay Zone) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-15 (Development Standards for Residential Flex Overlay Zone).

Table 2-15				
Development Standards for Residential Flex Overlay Zones				
Development Feature	Live Oak	Las Tunas	Commercial General (CG)²	Additional Requirements
Structure Form and Location Standards				
Maximum Height	60 ft			See Subsection 9103.01.050 (Height Measurements and Exceptions)
Residential Density				
Maximum	50 units/acre			
Minimum	30 units/acre			
Minimum Setbacks ⁽¹⁾				
Front or adjacent to a street	10 ft			
Side (interior)	10 ft			
Side (Street side)	10 ft			
Rear	10 ft			

**Table 2-15
Development Standards for
Residential Flex Overlay Zone**

Development Feature	R-F	Additional Requirements
Structure Form and Location Standards		
Distance between Structures – Minimum	6 ft	Or as may otherwise be required by the Fire Code
Minimum Open Space for Residential Uses	100 sf per unit	See Subsection 9102.11.050.F (Open Space)

Notes:

(1) Refer to Section H for additional setback provisions.

(2) Residential units are permissible if affordable units are provided per the City's Density Bonus requirements (Section 9103.15). Properties within the CG zone with a Residential Flex Overlay may only be developed with residential uses if identified in the available sites list within the 6th Cycle Housing Element Update on file in the Development Services Department. **A property within the CG Zone, but which is not listed in the available sites list, may be consolidated with an adjacent lot/s identified in the available sites list where all properties are under the same ownership. Consolidation of a site not on the available sites list will be subject to a Site Plan and Design Review – Director (Minor Review) (Section 9107.19.030).**

D. No Parking within Front and/or Street Side Setbacks. No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.

E. Parking Requirements. New residential development in the R-F Overlay Zones shall require a minimum of 1 space per studio unit and 1.5 spaces per unit. Unless parking reductions or modifications are allowed in compliance with provisions identified, parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses).

F. Laundry Facilities. If an area for installation of laundry facilities is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. The common laundry area shall be centrally located to the units served.

G. Open Space

1. **Type.** Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces.
2. **Minimum Dimension.** Balconies that are 30 inches or less in width or depth shall not be counted as open space.
3. **Encroachment.** Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.

H. Special Setback and Stepback Requirements. The purpose and intent of this section is to provide minimum standards for property line setbacks and building stepbacks in cases where existing residential development is adjacent to new construction within the RF Overlay to protect adjacent residential neighborhood integrity and character. These special requirements apply to residential uses that were in existence at the time of adoption of these special provisions. The following standards shall apply:

1. Adjacent to Existing Residential

- a. 10-foot minimum building setback from property line (See "A" in Figure 2-B)
- b. 3-foot minimum building stepback for building heights greater than 30-feet (See "B" and "C" In Figure 2-B), when significant adjacent view impacts can be demonstrated.
- c. Appropriate planting, trees or other natural materials shall be provided within the view plane of adjacent residential uses.

- i. All plantings or other natural materials shall be at full maturity within 1 year of installation and shall be maintained in a manner that preserves its natural state.
 - ii. Planting materials shall be primarily evergreen and shall limit shedding or loss of leaves during winter months.
 - iii. Deciduous trees and plantings shall be limited in a manner that does not demonstrably impact the screening from adjacent properties.
2. **Exceptions.** Special exceptions may be granted to setback, stepback and screening requirements through the processing of a modification application if the following can be demonstrated by the project applicant. All exception requests shall be subject to the provisions of the City's adopted Objective Design Standards.
- a. The setback standards preclude the applicant from reaching minimum densities and can be demonstrated conclusively by the applicant
 - b. The standards preclude the development of affordable housing units and can be demonstrated conclusively by the applicant.
 - c. Unique site conditions or factors that may preclude the ability to comply with setback standard and/or the installation of landscape screening.

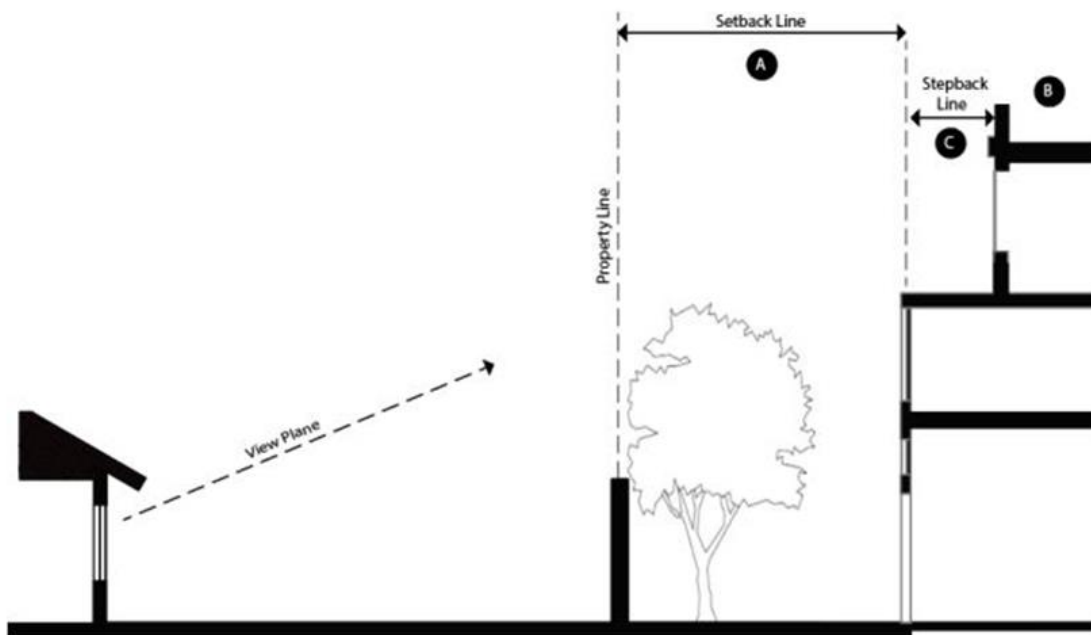


Figure 2-B: Setback and Step Back Provisions

I. Design Review

1. **Applicability.** Structures erected or modified to accommodate the land uses allowed by this Section shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.
2. **Design Review Criteria.** The project design shall be compatible with the scale and quality of development within the underlying zone and surrounding area. In conducting a review of projects subject to the requirements of this Section, the Review Authority may utilize design guidelines/criteria that have been adopted by the City in order to provide guidance to project proponents on how to best achieve the City's expectations for quality development; implementation of the applicable General Plan goals and policies; and maintenance of the public health, safety, general welfare and property throughout the underlying zone. Existing land uses shall be considered in the review of projects utilizing the the Residential Flex Overlay Zone. Neighborhood Serving Retail, such as supermarkets/ grocery stores shall be retained and integrated

into new projects to the extent feasible to maintain commercial retail and services to serve the needs of the local and surrounding community.

EXHIBIT “B”

Development Code, Division 3

Section 9103.05 – Fences, Walls, and Gates

Subsections:

- 9103.05.010 Purpose and Intent
- 9103.05.020 Permit Requirements
- 9103.05.030 Development Standards
- 9103.05.040 Prohibited Fencing Materials in All Zones

9103.05.010 Purpose and Intent

- A. This Section establishes standards and regulations for the construction and maintenance of fences, walls, and gates, as the terms are defined in Division 9 (Definitions). The standards are intended to ensure that these types of structures provide the desired privacy and safety while avoiding becoming a public safety hazard or nuisance.
- B. For Specific Plans and Planned Developments, fence and wall heights shall comply with the standards contained within the applicable Specific Plan or Planned Development. Where the Specific Plan or Planned Development is silent with regard to fence and wall height, the standards for the zone that most closely reflects the Specific Plan or the Planned Development shall apply, as determined by the Director.

9103.05.020 Permit Requirements

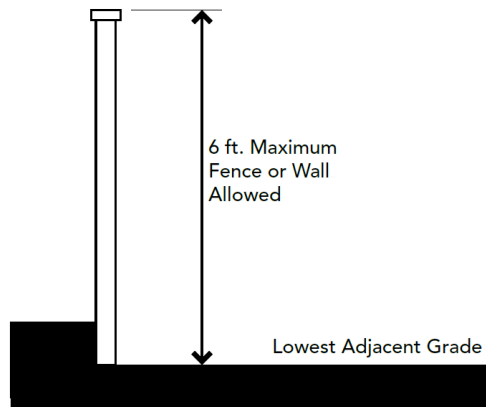
Construction of new fences, walls, and gates shall be subject to Site Plan and Design Review according to Section 9107.19 (Site Plan and Design Review).

9103.05.030 Development Standards Amended by Ord. No. 2347

A. General

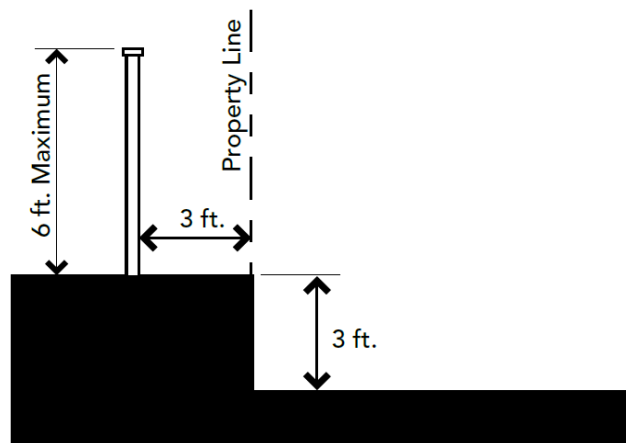
1. The fence or wall height shall be measured from the lowest adjacent grade to the uppermost part of the fence or wall. Refer to Figure 3-7 (Fence Height Measurement).
2. When there is a full landscaped parkway with no sidewalk, a fence and/or columns, excluding vehicular entry gate(s), may be placed adjacent to the front property line.
3. The need for any retaining walls and/or fences, and their heights, shall be determined by the Director and the Building Official through the Site Plan Review process. An administrative modification is not required for retaining walls and/or fences located on hillsides.
4. Temporary construction fencing that is of chain link or wire type may be allowed within the front and street side setback areas, provided it does not exceed six feet in height.
5. All fences, walls, and gates shall be subject to the height limitations described in Section 9103.01.070 (Vehicular Visibility Standards) of this Development Code.

**Figure 3-7
Fence Height Measurement**



- B. **Fence Height with Difference in Grade.** Where there is a difference in a grade between properties, a fence, wall, or gate may be a maximum height of six feet adjacent to the rear and property lines if such fence, wall, or gate maintains a minimum setback that is equal to the difference in grade between the properties. See Figure 3-8 (Fence Height Measurement with a Difference in Grade). In all other situations, the wall height shall comply with the provisions of this Section.

**Figure 3-8
Fence Height Measurement with a Difference in Grade**



C. **Residential Zones**

1. **Fences, Walls, and Gates Located in the Front Setback**

- a. The required setbacks, height dimensions, and spacing for fences, walls, and gates shall be as indicated in Table 3-2 (Fences, Walls, and Gates) and Figure 3-9 (Fences, Walls, and Gates).

**Table 3-2
Fences, Walls, and Gates – Front Setback**

Front Setbacks	Regulations within Each Residential Zone					
	Zones					
	R-M	R-0	R-1	R-2	R-3	R-3-R
Setbacks						
Decorative fences, columns, and caps	3 ft minimum from property line					Fences, walls, and/or vehicular gates prohibited within front and street side setbacks. ⁽¹⁾
Vehicular entry gates and pilasters	4 ft minimum from the property line					
Height						
Decorative fences, columns, and caps:	4 ft maximum	4 ft maximum (N of Hugo Reid Drive) 3 ft maximum (S of Hugo Reid Drive)	3 ft maximum	4 ft maximum ⁽²⁾	4 ft maximum ⁽²⁾	3 ft maximum ⁽³⁾
Pedestrian entry gates, vehicular entry gates, and pilasters:	4 ft maximum	5 ft max (N of Hugo Reid Drive) 4 ft maximum (S of Hugo Reid Drive)	4 ft maximum	4 ft maximum ⁽²⁾	4 ft maximum ⁽²⁾	3 ft maximum ⁽³⁾
Decorative lights, limited to entry points at pedestrian and vehicular entry gates	18 inches above the maximum fence/column height					--
Decorative outdoor post mounted light fixture	8 ft maximum					--
Dimensions and Spacing						
Distance between decorative columns for a pedestrian entry gate.	4 ft minimum 8 ft maximum					---
Horizontal intervals of columns and posts	8 ft minimum					--
Dimension of columns and posts	24 inches maximum					---
Dimensions of caps	30 inches by 30 inches maximum					---
Garden arbor or pergola over a pedestrian walkway (allowed within the front setback area)	8 ft height maximum			--	--	--

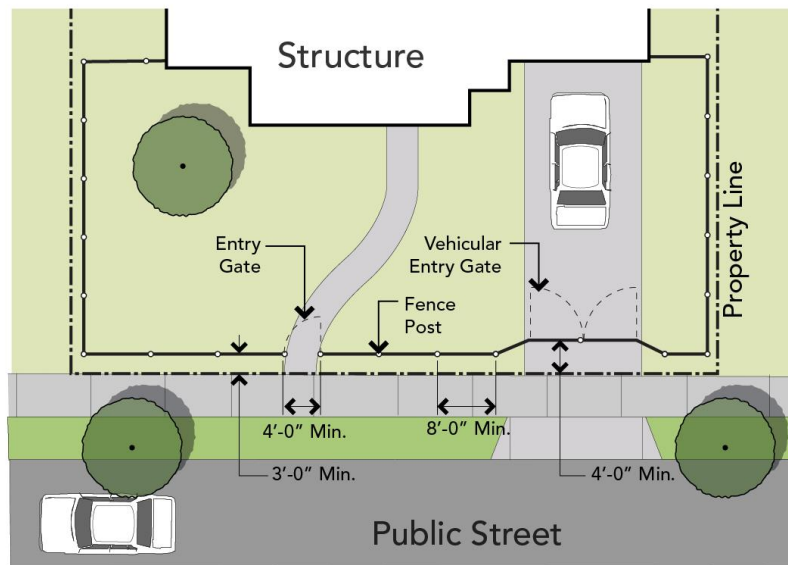
Notes:

**Table 3-2
Fences, Walls, and Gates – Front Setback**

Front Setbacks	Regulations within Each Residential Zone					
	Zones					
Requirement	R-M	R-0	R-1	R-2	R-3	R-3-R

- (1) Except for guard rails and hand rails required for safety protection, or for reasonable accommodation (ADA) purposes, up to the minimum height required by the Building Code.
- (2) Applicable to properties with multifamily dwelling units that face the street-side of a lot.
- (3) Temporary construction fencing that is of chain link or wire type may be allowed within the front street and side setback areas, provided it does not exceed six feet in height.
- (4) For fences, walls, and gates in side and rear setback areas, see Subsection 9103.05.030C.5 (Fences, Walls, and Gates—Side and Rear Setback Areas)

**Figure 3-9
Fences, Walls, and Gates**

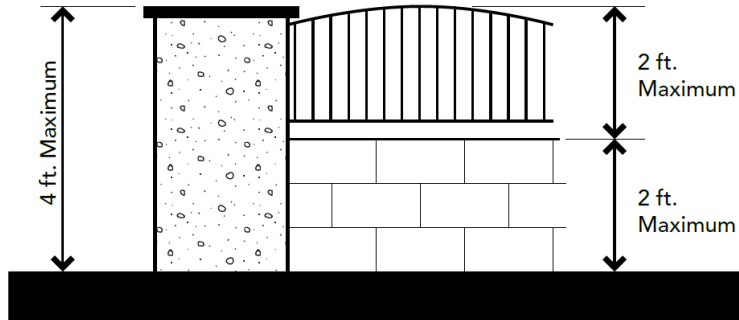


2. Special Regulations for Fences, Walls, and Gates Located in the Front Setback—Residential Zones

a. R-M and R-0 Zones

- (1) A solid wall adjacent to the interior side property line may be allowed in the front setback area, provided that it does not exceed four feet in height.
- (2) Only one pedestrian gate with decorative columns shall be allowed within the front setback area.
- (3) All fences shall be of open work design (a minimum of four inches between vertical and horizontal members.) A two-foot high solid wall may be combined within the allowed height of the decorative fence. Refer to Figure 3-10 (Fence in R-M and R-0 Zones).

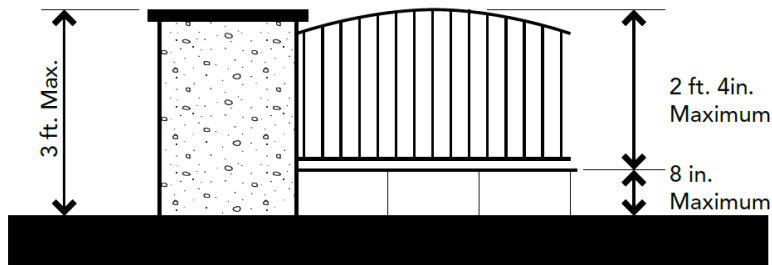
**Figure 3-10
Fence in R-M and R-0 Zones**



b. R-1 Zone

- (1) All fences shall be of open work design (a minimum of four inches between vertical and horizontal members.) A solid decorative masonry base for fences may be allowed in the front setback area, provided that it does not exceed eight inches in height. Refer to Figure 3-11 (Fence in R-1 Zone).

**Figure 3-11
Fence in R-1 Zone**



- (2) A solid wall adjacent to the interior side property line may be allowed in the front setback area, provided that it does not exceed three feet in height.
- (3) Only one pedestrian gate with decorative columns shall be allowed within the front setback area.

3. Fences, Walls, and Gates—Corner Lots

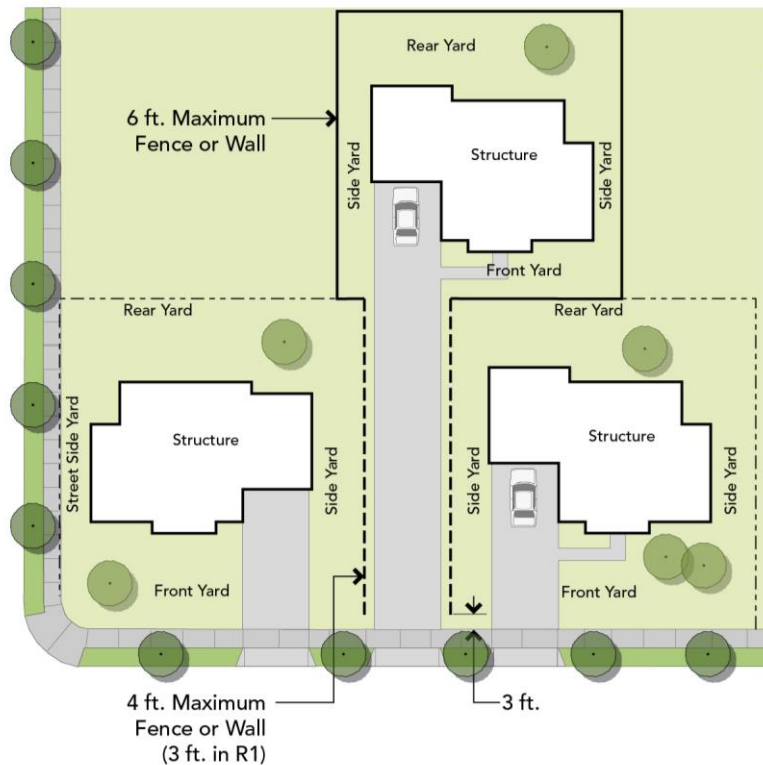
- a. All fences, walls, or gates, including height, design, and location within the street side setback or special setback area, shall be subject to Site Plan and Design Review pursuant to requirements Section 9107.19 (Site Plan and Design Review) in the R-2 and R-3 zones.
- b. On corner lots, fences, walls, and gates within the required street side setback or special setback are allowed up to six feet in height, measured at the street side property line, except as restricted by Subsection 9103.01.070 (Vehicular Visibility Standards)
- c. Fences, walls, and gates shall be setback a minimum of 18 inches from the street side property line.
- d. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.). However, when there is a full

landscaped parkway with no sidewalk, a fence, wall, and gate, excluding entry gate(s), may be placed to the street side property line in R-M, R-0, and R-1 Zones.

4. Fences, Walls, and Gates—Flag Lots

- a. Fences, walls, and gates on flag lots shall not be allowed in R-2, R-3-R, and R-3 zones.
- b. In areas zoned R-M and R-0, a fence or wall may be allowed in the front setback and driveway area, provided that it does not exceed four feet in height. In the R-1 zone, the height shall not exceed three feet.
- c. Where a fence or wall is located within the front setback of a flag lot and the front property line of that flag lot abuts the rear property line of an adjacent lot, it may be allowed up to six feet in height. See Figure 3-12 (Fences and Walls on Flag Lots).

Figure 3-12
Fences and Walls on Flag Lots

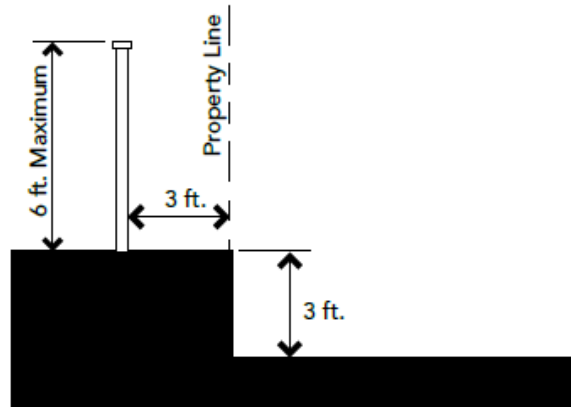


5. Fences, Walls, and Gates—Side and Rear Setback Areas

- a. Fences, walls, and gates located within a required side and/or rear setback area(s) are allowed up to six feet in height, provided that no portion of any such fence, wall, or gate extends into the required front setback area.
- b. Where there is a difference in grade between properties, a wall or fence is allowed up to six feet in height adjacent to the rear and side property lines if the wall or fence maintains a minimum setback that is equal to the difference in grade between the properties. Where there is no difference in grade between properties, a wall shall comply with the height limitations unless it complies with the setbacks required for an accessory building. Refer to Figure 3-13 (Fences Walls and Gates with a Grade Difference). However, if the grade has been altered due to previous grading, the finished grade shall be subject to review and approval by the Director.

- c. Fences and walls are allowed adjacent to the property line in the side and rear setback areas.

**Figure 3-13
Fences Walls and Gates with a Grade Difference**



6. Walls for Tennis Courts

- a. A six-foot high solid masonry wall shall be installed on the property lines between the tennis court and adjacent properties. In the R-M, R-0 and R-1 zones, where the entire side of a tennis court is a minimum distance of 25 feet from a property line, a six-foot high solid masonry wall shall not be required along the property line.

D. Commercial Zones

1. Fences, walls, and gates shall not be allowed ~~to exceed three (3) feet~~ **exceed three (3) feet** along the front property line **and must be of an open design.** ~~except to enclose a ground floor landscaped court setback or an outdoor dining area.~~ Any gate placed across ~~the~~ **a** court setback opening **or a fence around an** outdoor dining area shall have a minimum of 50 percent transparency.
2. Fences and walls located at rear and interior side setback areas are limited to six feet in height.

9103.05.040 Prohibited Fencing Materials in All Zones

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

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Section 9103.07 – Off-Street Parking and Loading

Subsections:

- 9103.07.010 Purpose and Intent
- 9103.07.020 Applicability
- 9103.07.030 Permit Requirements
- 9103.07.040 Exemptions
- 9103.07.050 Off-Street Parking for Residential Uses
- 9103.07.060 Off-Street Parking for Non-Residential Uses
- 9103.07.070 Mixed-Use (Nonresidential and Residential Combined) Parking Standards
- 9103.07.080 Parking Area Design Standards Applicable to All Zones
- 9103.07.090 Shared/Joint Use, Off-site Parking, and In-Lieu Parking
- 9103.07.100 Valet Parking
- 9103.07.110 Parking Structures
- 9103.07.120 Prohibition on Commercial Vehicle Parking in Residential Zones
- 9103.07.130 Landscape Standards for Parking Lots
- 9103.07.140 Parking for Electric and Alternative Fuel Vehicles
- 9103.07.150 Bicycle Parking Requirements
- 9103.07.160 Off-Street Loading

9103.07.010 Purpose and Intent

This Section establishes regulations to:

- A. Regulate off-street parking and loading to minimize traffic congestion and hazards to motorists, bicyclists, and pedestrians;
- B. Provide off-street parking in proportion to the needs generated by different land uses;
- C. Ensure access to projects by emergency response vehicles; and
- D. Ensure that parking areas are designed to operate efficiently and effectively and in a manner compatible with on-site and surrounding land uses.

9103.07.020 Applicability

- A. All terms defined in Division 9 (Definitions), except as provided, shall apply to this Section. The minimum off-street parking spaces established in this Section shall be provided for new construction or intensification of use, and for the enlargement or increased capacity and use of land.
- B. All required parking spaces shall be maintained in connection with the building or structure and use of land. The regulations within this Section apply:
 - 1. At the time of the erection of any building and/or structure; or
 - 2. Before the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats; or
 - 3. At a time that a usage requiring a higher number of parking spaces than the existing or previous use is applied.
- C. Nothing in this Section shall be deemed to limit the power of the Director, Commission, or Council, acting either on its own or on appeal, to require parking of increased numbers or alternative types and arrangements as part of the conditions of approval to a discretionary permit or to mitigate environmental impacts.

9103.07.030 Permit Requirements

- A. **New Parking Lots.** New parking lot design shall be reviewed as part of the building permit process and any other land use or development permit process required for a project. A site plan of the premises shall be required for all new parking. The site plan shall be submitted to the Director in conjunction with the required permit(s) and shall include sufficient detail to determine compliance with the provisions of this Section. The site plan shall be approved, modified, and/or denied through the normal process of approving, modifying, and/or denying the permit causing the submission of the site plan or other discretionary permit.
- B. **Modification of Existing Parking Lots.** Except otherwise stated in this Section, modification or improvement to an existing parking lot which impacts the parking space layout, configuration, and/or number of stalls shall require the review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).

9103.07.040 Exemptions

- A. **Modification of Existing Lots.** The following parking lot improvements shall be considered minor in nature, as long as the number and/or configuration of parking stalls are not altered. These improvements shall be exempt from permit requirements, except for permits that may be required by the Building Official.
 - 1. Repair of any defects in the surface of the parking area, including holes and cracks.
 - 2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces.
 - 3. Repair or replacement of damaged planters and curbs in the same location.
 - 4. Installation of parking stalls reserved as accessible parking stalls in compliance with the Americans with Disabilities Act (ADA), and any required ADA passenger loading areas.

9103.07.050 Off-Street Parking for Residential Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2375

Amended by Ord. No. 2400

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

Section shall be defined and included in Division 9 (Definitions), and shall be included in the land uses in Division 2 (Zones, Allowable Uses, and Development Standards).

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

Notes:

- (1) A tandem parking space may be allowed to satisfy the third required, or any non-required, parking space, subject to Design Review approval.
- (2) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - a. The accessory dwelling unit is located within one-half mile of public transit
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district
 - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit
 - e. When there is a car sharing vehicle located within one block of the accessory dwelling unit

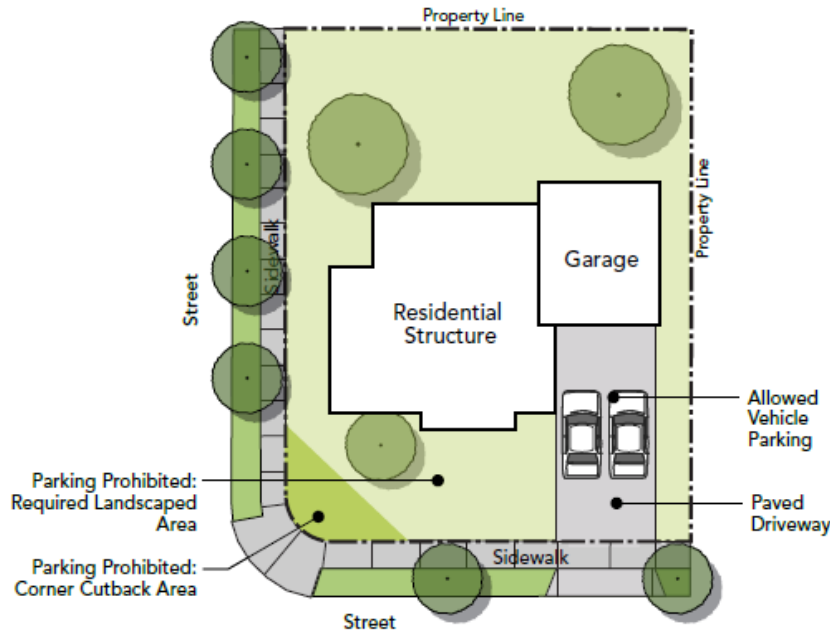
2. **Residential Use: When Required Covered or Garage Parking Cannot Be Provided.** Apart from the requirements for parking in a garage contained in Table 3-3 (Off-Street Parking Requirements: Residential Uses) for residential uses, wherever required covered or garage parking cannot be provided due to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

D. Parking Location

1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.

3. When required off-street parking spaces are provided on a separate lot from the building or land use, Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking) shall apply.

Figure 3-14
Single-Family Parking Location Requirements



E. Residential Parking Location—Specific Requirements

1. R-M Zone

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

2. R-0 and R-1 Zones

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

3. **R-2, R-3, and R-3-R**

- a. For enclosed garages, the minimum garage opening is 16 linear feet.

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

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

G. **Residential Driveways**

1. **Paving.** All parking areas and driveways shall be paved with cement concrete. Other paving materials, including brick may be substituted with review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).
2. **Width.** The maximum width of driveways within residential zones shall be 20 feet for single-family zones and 25 feet for multifamily zones. The maximum width for all single-family and multi-family residential common driveways shall not exceed 30 feet.
3. **Does Not Fulfill Parking Requirement.** No portion of any required driveway shall be used to fulfill any parking space requirements, except as specified in Section 9103.07.050.D
4. **R-M, R-0 and R-1 Zones**
 - a. Only one driveway shall be allowed for each residential lot. The number may be increased to two for an approved circular driveway pursuant to Section 9103.07.050.H (Circular Driveways for Residential Zones).
 - b. A driveway shall not be less than nine feet in width.
 - c. Pedestrian walkways and driveways shall occupy no more than 40 percent of the required front setback or street side setback.
 - d. Driveways shall have at least 10 feet of unobstructed vertical clearance.
 - e. Driveway slope shall not exceed 10 percent.
5. **R-2, R-3 and R-3-R Zones**
 - a. Each driveway to a parking space shall be at least 10 feet wide.
 - b. Every driveway serving as access to more than 12 required parking spaces or which is more than 125 feet long shall have a minimum width of 18 feet. Two 10-foot wide driveways may be provided in lieu of one 18-foot driveway.
 - c. Each driveway adjacent to a garage or parking space shall have a minimum width of 25 feet.

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

H. **Circular Driveways for Residential Zones**

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

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

- 1. For multifamily development projects, tandem spaces shall not constitute more than 20 percent of all required spaces and shall not be permitted to meet guest parking requirements.
- 2. For single-family units, tandem parking may be provided within a garage, provided that such garage has an interior space measuring at least 20 feet by 20 feet adjacent to the garage door and at least one required parking space shall be in a regular (non-tandem) format.
- 3. The size of the tandem parking space shall be 10 feet by 19 feet and shall allow adequate maneuvering room for both vehicles and pedestrians around the tandem spaces.

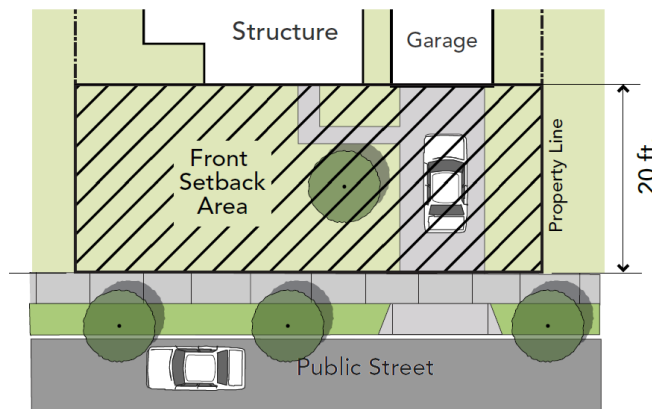
**9103.09.040 Landscape Requirements
Amended by Ord. No. 2375**

- A. **Applicability.** The standards in this Section shall apply to residential and non-residential uses.
- B. **Landscape Requirement for Residential Zones.** All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

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

- a. The front and street-side areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
- b. Hardscape materials of driveways and pedestrian walkways, including pavement, concrete, interlock pavers, and the use of artificial turf, shall not cover more than 40 percent of the required front setback or street side yard. See Figure 3-17 (Front Setback Yard Area-60% Landscaping Required).

**Figure 3-17
Front Setback Yard Area – 60% Landscaping Required**



- 2. **R-M Zone.** All cut or fill slopes exceeding six feet six inches in vertical height between two or more contiguous lots shall be planted with adequate plant material to protect the slope against erosion. The planting shall cover the bank within two years from the time of planting. The permittee, owner, or developer shall water the planted slopes at sufficient time intervals to promote growth.
- 3. **R-2 and R-3, and R-3-R Zones.**
 - a. The front/street side yard areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
 - b. Hardscape materials of driveways and pedestrian walkways, including pavement, concrete, interlock pavers, and the use of artificial turf, shall not cover more than 40 percent of the required front setback or street side yard. See Figure 3-17 (Front Setback Yard Area-40% Landscaping Required).

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

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

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

D. Artificial Turf

1. Locations Permitted

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

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

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

sand or other approved mixtures and must be brushed into the fibers of the artificial turf. The style of the fiber, color, and texture shall resemble fescue, rye, and other common natural grass blades.

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

EXHIBIT “C”

Development Code, Division 6

9106.01.010 Modifications or Extensions of Legal Nonconforming Use or Structure

- A. A legal nonconforming use shall not be modified in any manner that expands, extends, or enlarges the use beyond its existing scope/area, or other portion(s) of a structure, upon the date the nonconformity was created, except as specified below.
1. The changes are, in and of themselves, in conformance with the provisions of this Development Code.
 2. The changes are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
 3. The changes are required by other laws.
 4. The changes are determined, by the Director, to be small additions to legal-nonconforming single-family residential properties (including multifamily dwelling units on a single-family lot) and are subject to the approval of a Modification granted in compliance with Division 7 (Permit Processing Procedures).
 5. The changes are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.
- B. If the nonconforming use is discontinued, any future use of the structure(s) shall be in compliance with the provisions of this Development Code; provided, however, that all nonconforming uses of a conforming structure shall be discontinued as provided in this Division.
- C. No change made to any development or use shall be construed as automatically allowing an extension of any time limit for the termination of a nonconformity.
- D. Allowable changes to nonconforming uses within a commercial or industrial development. A nonconforming use located within a commercial or industrial development may be replaced by another similar nonconforming use only after the Director first finds all of the following:
1. The nonconforming use is similar to or less intensive than the use originally allowed in the development;
 2. The nonconforming use generally adheres to the intent of the General Plan and any applicable specific plan;
 3. The nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
 4. The use of the entire development has not been ceased or discontinued for a period of ~~180~~ 90 consecutive days or more.

9106.01.020 Discontinuance of Legal Nonconforming Uses

- A. **Effect of Discontinuance.** If any legal nonconforming use ceases to operate or is discontinued for a period of ~~180~~ 90 consecutive days or more, subsequent use of the land shall be in compliance with the applicable provisions of this Development Code. Maintenance/retention of a valid City issued Business License shall of itself not be considered a continuation of the use.
- B. **Cessation or Discontinuance Defined.** A nonconforming use shall be considered ceased or discontinued when any of the following apply:
1. Cessation or discontinuance of a nonconforming use shall be deemed by the Director as an abandonment of the use, irrespective of the owner's or occupant's intent;
 2. Discontinuance shall include cessation of a use regardless of intent to resume the use;

3. The intent of the owner to cease or discontinue utilization of the nonconforming use is apparent, as determined by the Director;
 4. Where characteristic furnishings and equipment associated with the nonconforming use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of ~~180~~ 90 consecutive days or more; or
 5. Where there are no business receipts or utility payments for the ~~180~~ 90-day period.
- C. Discontinuance of Use.** If the conforming use is discontinued, the nonconforming structure shall either be removed or made to comply with the regulations governing the zone in which the structure is located.

9106.01.030 Discontinuance of Legal Nonconforming Structures

- A. If Abandoned or Discontinued.** If any legal nonconforming structure, except for residential structures located in single-family residential zones, is abandoned or the use thereof discontinued for a period of 180 ~~90~~ consecutive days or more, subsequent structural and site development shall be in full compliance with all applicable provisions of this Development Code. Maintenance of a valid City issued Business License shall of itself not be considered a continuation of the structure.
- B. Cessation or Discontinuance Defined.** Use of a nonconforming structure shall be considered ceased or discontinued when any of the following apply:
1. Cessation or discontinued use of a nonconforming structure shall be deemed as an abandonment of the structure, irrespective of the owner's or occupant's intent;
 2. Discontinuance shall include cessation of the use of a structure regardless of intent to resume the use;
 3. The intent of the owner to cease or discontinue use of the nonconforming structure is apparent, as determined by the Director;
 4. Where characteristic furnishings and equipment associated with the use of the structure have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of 180 ~~90~~ consecutive days or more; or
 5. Where there are no business receipts or utility payments available for the 180~~90~~-day period.
- C. Properties on the Market - Exempt.** Any property which is listed on the real estate market shall not be ~~not~~ considered abandoned or discontinued, but only if in compliance with all of the following provisions:
1. On the market for up to 180 days; and
 2. The property shall be continually maintained in a proper condition subject to the approval of the Director.

EXHIBIT “D”

Development Code, Division 7

9107.01.010 Allowed Modifications, Review Authority, and Noticing Requirements

Amended by Ord. No. 2347

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2375

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

Table 7-2			
Allowed Modifications, Review Authority, and Noticing Requirements			
Type of Administrative Modification Allowed	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Accessory dwelling units – objective design standards		X	
Accessory dwelling units – unit sizes that exceeds the FAR			X
Accessory dwelling units – Setbacks		X	
Conversions of existing attic areas within main dwellings in the R-M, R-0, and R-1 zones; provided the requests do not result in an additional structure story or any exterior alterations within required setback areas		X	
Distance between structures	X		
Driveway and parking stall size requirements (Residential zones)	X		
Driveway and parking stall size requirements (Commercial, Industrial, and Downtown zones)		X	
Fence, wall, and hedge regulations, except along the street side of a corner parcel	X		
Fence and landscaped buffer regulations (Subsection 9106.09.020 B.)		X	
Front lot line determination	X		
Front yard setback for additions to existing structures		X	
Height of noncommercial structures - Solar panels only	X		
Height of noncommercial structures			X
Interior side setbacks in the R-M, R-0, and R-1 zones for detached accessory structures		X	
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of 30 linear feet or less and maintain(s) the same or greater setback than the existing structure walls; and further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained	X		
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of more than 30 linear feet and maintain(s) the same or greater setback than the existing structure walls; and		X	

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

Type of Administrative Modification Allowed	<i>Minor Director's Review</i>	<i>Major Director's Review</i>	<i>Commission's Review</i>
	<i>No Notice or Hearing Required</i>	<i>Notice, but No Hearing Required</i>	<i>Notice and Hearing Required</i>
further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained			
Interior side setbacks		X	
Landscaping and Hardscaping Standards		X	
Loading Requirements	X		
Lot Size (area, depth, and width)			X
Minimum Density		X	

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

Type of Administrative Modification Allowed ¹	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Ornamental Features (height or number of features)		X	
Open Space Standards		X	
Nonconforming residential structures – alterations or expansions (Subsection 9106.05.020)		X	
Nonconforming residential uses – alterations or expansions (Subsection 9106.03.010)		X	
Nonconforming single-family residential properties (small additions) (Subsection 9106.03.030.A.4)		X	
Parking Plan			X
Perimeter Parking Lot Landscaping	X		
Reduce the number of required parking spaces in a commercial, mixed-use, or industrial zoned properties	X (1-3 Spaces)	X (4-6 Spaces)	X (7 spaces or greater)
Rear setbacks – first floor additions to existing dwellings or detached accessory structures		X	
Rebuilding of single-family dwellings; provided the new portion(s) of the project comply with current Development Code requirements		X	
Setbacks for mechanical and plumbing equipment	X		
Setbacks for wireless communication facilities		X	
Sign regulations	X		
Special setbacks; provided a setback from a street shall be modified only with a written declaration of the City Engineer that the modification, if granted, will not adversely affect any foreseeable need for widening the street	X		
Street side setbacks for first floor additions to existing dwellings or for accessory structures		X	
Subdivision Design and Improvements (Section 9105.01.110)		X	
Swimming pool regulations	X		
Tennis and paddle tennis courts — Construction and operations standards		X	
Trash Enclosures in Subparagraphs 9103.01.130 C.2. relating only to the number and size of enclosures and D.2. the location of enclosures.	X		
Utility and storage space requirements	X		
When the maximum number of units allowed in the R-2 and R-3 zones has a fractional remainder of .05 or less, the Commission may allow the maximum number of units to be rounded up to the next highest whole number, but in no case greater than 30 du/acre in the R-3 zone.			X
Modifications Only to Commission			
Below-grade or subterranean parking in the R-M, R-0, and/or R-1 zones, provided the request does not result in more than one story below grade.			X
Modification to any of the setbacks for a new dwelling			X
Rebuilds			X

CITY OF ARCADIA ZONING CODE – ARTICLE IX: DIVISION AND USE OF LAND
CHAPTER 1: DEVELOPMENT CODE

Second story setback on an existing dwelling			X
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1. In cases where a specific modification is not listed but it is a standard that can be deviated under this Review Authority, the Director shall assign the modification to a category substantially similar in category, including its noticing requirements.

Section 9107.25 – Variances

Subsections:

- 9107.25.010 Purpose and Intent
- 9107.25.020 Applicability
- 9107.25.030 Review Authority
- 9107.25.040 Application Filing, Processing, and Review
- 9107.25.050 Findings and Decision
- 9107.25.060 Precedents
- 9107.25.070 Burden of Proof
- 9107.25.080 Conditions of Approval
- 9107.25.090 Use of Property before Final Action
- 9107.25.100 Post Decision Procedures

9107.25.010 Purpose and Intent

A. The Purpose of this Section is to Ensure That:

1. Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and
2. Conditions are applied that would ensure that the Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

B. Does not Extend to Land Uses

1. The power to approve Variances does not extend to land uses, **unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare.**
2. Flexibility in allowable land uses is provided in Section 9107.09 (Conditional Use Permits and Minor Use Permits).

9107.25.020 Applicability

- A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Section occur by reason of a strict interpretation of any of the provisions of this Development Code, the Commission, upon its own motion or upon the verified application of any interested person, may in specific cases initiate proceedings for the granting of a Variance from the provisions of this Development Code under conditions deemed necessary to ensure that the spirit and purposes of this Development Code will be observed, public safety and welfare secured, and substantial justice done.
- B. The Commission may approve a Variance that allows for an adjustment from any of the development standards required by this Development Code.

9107.25.030 Review Authority

The Commission shall approve or deny Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or general welfare, in compliance with this Section and State law and necessary to make the findings required by Subsection 9107.25.050 (Findings and Decision) below.

9107.25.040 Application Filing, Processing, and Review

- A. **Filing.** An application for a Variance shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Variance applications, together with the required fee in compliance with the Fee Schedule.
- B. **Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- C. **Notice and Hearing Required.** A public hearing shall be required for the Commission's decision on a Variance application. The public hearing shall be scheduled once the Director has determined the application complete. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.25.050 Findings and Decision

- A. **Authorized Actions.** The Commission shall, by resolution, record the decision in writing and shall recite the findings upon which the decision is based, in compliance with Government Code Section 65906 or as that section may be amended from time to time.
- B. **Required Findings.** The Commission may approve a Variance application, with or without conditions, only if it first makes all of the following findings:
 - 1. There are special exceptional or extraordinary circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
 - 2. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
 - 3. Granting the Variance would not:
 - a. Constitute a grant of special privileges inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated;
 - b. Be materially detrimental to the public health or general welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; or
 - c. Adversely affect the General Plan;
 - 4. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel, **unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare.**

9107.25.060 Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.

9107.25.070 Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Subsection 9107.25.050 (Findings and Decision), above, is the responsibility of the applicant.

9107.25.080 Conditions of Approval

In approving a Variance application, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section, State law, and the findings required by Subsection 9107.25.050 (Findings and Decision), above.

9107.25.090 Use of Property before Final Action

No permits or approvals shall be issued for any improvement involved in an application for a Variance until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).

9107.25.100 Post Decision Procedures

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

EXHIBIT “E”

Development Code, Division 9

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

- day spa
- holistic services such as reiki and therapeutic touch, but excluding acupuncture and accupressure
- fortune-telling and psychic services
- laundromats (self-service laundries)
- massage establishments (massage establishments shall only be allowed-as ancillary use within a Day Spa in CBD, MU, and DMU zones and not as a standalone use).
- palm and card readers
- tanning salons
- tattoo and body piercing services

Vehicle Repair. The repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

Major (Major Repair/Body Work). Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; ~~brake shops~~; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Minor (Minor Repair/Maintenance). Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, audio equipment, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and air filter replacement; wheel alignment and balancing; tire sales, service, and installation shops,; shock absorber replacement; chassis lubrication; smog checks; engine tune-ups; and installation of window film, and similar accessory equipment.

Attachment No. 2

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Text Amendment No. 24-01 - Amending various sections of Article IX, Chapter 1 (Development Code) of the Arcadia Municipal Code pertaining to Accessory Dwelling Units, the Residential Flex Overlay, and other minor text amendments and cleanups.	
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 update to the ADU Ordinance, Residential Flex Overlay, and other minor text changes and cleanups 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: December 23, 2024

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 14, 2025**

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

ROLL CALL

PRESENT: Chair Wilander, Vice Chair Tallerico, Hui, and Tsoi

ABSENT: Commissioner Arvizu

It was moved by Vice Chair Tallerico and seconded by Commissioner Tsoi to excuse Commissioner Arvizu from the meeting.

Without objection, the motion was approved.

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Deputy Development Services Director, Lisa Flores, reported that two letters were received. One letter came from the Downtown Arcadia Improvement Association in support of the project, while the second letter was from CalHDC. Both letters were sent to the Commissioners before the meeting and a hard copy was provided at the dais.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

- 1. Resolution No. 2164**– Approval of the “Arcadia Town Center” mixed-use development with 181 residential units and 13,130 square feet of commercial space along with a Mitigated Negative Declaration under the California Environmental Quality Act (“CEQA”), located at 5-19 W. Huntington Drive and 25-75 N. Santa Anita Avenue
Recommendation: Adopt

Applicant: New World international, LLC

MOTION - PUBLIC HEARING

Chair Wilander introduced the item and Senior Planner Edwin Arreola presented the staff report.

Vice Chair Tallerico inquired whether “affordable housing” is defined according to income levels set by the State.

Mr. Arreola confirmed that was correct.

Vice Chair Tallerico asked if there was any information regarding the price range of the units.

Mr. Arreola said he did not have that information and deferred the question to the Applicant.

Vice Chair Tallerico asked if the project met and/or exceeded all zoning requirements.

Mr. Arreola confirmed that the project met all the minimum requirements and even exceeded some of them.

Commissioner Hui asked for clarification about how the dead-end aisles were minimized.

Mr. Arreola described how the parking structure was designed without dead ends to maximize circulation.

Commissioner Tsoi asked who would be responsible for funding the sewer upsizing.

Mr. Arreola stated that the Arcadia Town Center and other future developments in the area would be responsible for contributing to the costs of upsizing the sewer system depending on their size and if they will contribute to the demand of usage.

Commissioner Tsoi asked if the City has a backup plan for securing the funding of the infrastructure should a project not move forward with construction.

Ms. Flores explained that the City has developed a three-year CIP plan to increase the sewer capacity. If a development does not proceed with construction, the City would need to re-evaluate. However, since the area is zoned for mixed-use developments, the City must plan for the anticipated demands from future projects.

Assistant City Attorney, Kellan Martz, stated that the sewer project would not be disrupted if no projects come along.

Commissioner Hui asked if the City upfronts the cost.

Ms. Flores confirmed that is the case, but then the developers pay their fair share toward the upgrade.

Commissioner Tsoi asked if the Applicant chose the address number for this development.

Mr. Arreola stated that the address number will be assigned when the plans are submitted to the Building Division for plan-check.

Commissioner Tsoi asked if there are any potential issues with assigning the same address number to the entire development when there are multiple lobbies and entrances.

Ms. Flores stated that it is up to the Building Official and Fire Marshal to make that decision.

Chair Wilander asked to clarify if there were parking allowances because the metro station is nearby.

Mr. Arreola clarified that it is not an allowance, but rather a parking credit for the commercial space when the site is located within a quarter mile of public transit.

Chair Wilander asked if the requirement for a parking management plan was added as a condition of approval.

Mr. Arreola stated that it had not been added but that it is staff's proposal to amend the conditions to include such a parking management plan.

Commissioner Hui asked if there was a parking requirement and what that rate was for a restaurant use.

Mr. Arreola stated that the parking requirement for restaurant use is one parking space per every 200 square feet of gross floor area, and the project met this requirement.

Commissioner Tsoi asked if residential and commercial uses can share parking spaces.

Mr. Arreola stated that it depends on the situation, however for this project they were able to provide all the required parking spaces.

The public hearing was opened.

Ben Zhang, the Applicant, introduced himself and his team. Mr. Zhang thanked City staff for their efforts to protect the City and residents during the unprecedented windstorm. Mr. Zhang described the project and their goals to complement the area with their development.

There was one other speaker who spoke in opposition.

Chase Preciado introduced himself as a part of Lozeau Drury LLP and spoke on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"). Mr. Preciado stated that they had concerns with the Mitigated Negative Declaration (MND) and that there were significant impacts that should require an Environmental Impact Report (EIR). Mr. Preciado and his team had also submitted a letter during the comment period of the MND, and a response letter was provided to the Commissioners as part of the Agenda Packet.

Jillian Neary from Psomas Environmental introduced herself, and explained why the project does not rise to an EIR and how all the impacts that were identified were less than significant.

Commissioner Hui asked if the Air Quality study addressed Mr. Preciado concerns.

Ms. Flores mentioned that after rerunning the model, there was no evidence of a more significant impact or exceeding the previously analyzed threshold, indicating no significant impact on air quality.

There were no other speakers.

Vice Chair Tallerico made a motion to close the public hearing. Commissioner Hui seconded the motion.

Without objection, the motion was approved.

DISCUSSION

Commissioner Tsoi expressed his support for the project, noting that its location near the metro station was ideal. However, he had some concerns about the design, such as the ground floor lobby not facing Santa Anita Avenue and the placement of the trash enclosures. He also raised concerns about the adequacy of parking for commercial spaces.

Vice Chair Tallerico liked the proposed project and had minor concerns about parking but was satisfied that the project met all the requirements.

Commissioner Hui appreciated that the project would enhance the vibrancy of the corner of Santa Anita Avenue and Huntington Drive. She believed it would attract more business to the area and had no concerns about the project's scale or architectural design.

Chair Wilander stated that the project seemed like it would be a very appealing place to live. She had no concerns about parking but inquired whether additional bike racks could be added.

Ms. Flores said that the plans are conceptual, and that staff can recommend to the Applicant the inclusion of additional bike racks when developing their structural plans.

MOTION

Ms. Flores mentioned that Staff would like to add a condition of approval. This new condition will become Condition No. 50 and all the numbers from thereon shall be renumbered, and it shall state, "Prior to issuance of a building permit, the Property Owner/Applicant must submit a parking management plan to the Planning Division outlining the allocation of the parking for the residential units. This Plan shall be reviewed and approved by the Deputy Development Services Director, or their designee."

It was moved by Vice Chair Tallerico, seconded by Commissioner Hui to amend the conditions of approval and include a new condition that was read into the record and adopt Resolution No. 2164 to approving the Arcadia Town Center mixed-use development with 181 residential units and 13,130 square feet of commercial space along with a Mitigated Negative Declaration under the California Environmental Quality Act ("CEQA") that is located at 5-19 W. Huntington Drive and 25-75 N. Santa Anita Avenue in which the findings were made.

ROLL CALL

AYES: Chair Wilander, Vice Chair Tallerico, Commissioners Hui, and Tsoi
NOES: None
ABSENT: Arvizu

The motion was approved.

There is a ten (10) day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, January 27, 2025.

CONSENT CALENDAR

1. Minutes of the December 10, 2024, Regular Meeting of the Planning Commission

Recommendation: Approve

Commissioner Hui motioned to approve the amended minutes and seconded by Vice Chair Tallerico.

ROLL CALL

AYES: Chair Wilander, Vice Chair Tallerico, Commissioners Hui, and Tsoi
NOES: None
ABSENT: Arvizu

The motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

City Council Member Wang had nothing to report but thanked City staff for all of their efforts to protect the residents and their properties during the windstorm.

MATTERS FROM THE PLANNING COMMISSONERS

Vice Chair Tallerico thanked City staff for their efforts to keep the public informed through the City's website.

Commissioner Tsoi stated that the City's newsletter was also very helpful for updates on the windstorm and the wildfire that burned in the area.

Chair Wilander also expressed gratitude to City staff for their efforts to inform the city's residents.

MATTERS FROM ASSISTANT CITY ATTORNEY

Assistant City Attorney Martz reported that his non-profit was going to put together care packages and deliver them to the victims of the wildfires.

Mr. Martz informed the Commissioners that the Governor was enacting a law against price gouging for rental homes.

Vice Chair Tallerico asked if the Governor has the authority to regulate rental cost.

Mr. Martz confirmed that is correct.

Commissioner Tallerico asked if he could email him with citations for more information about it.

Mr. Martz said he would see what he can find and follow up.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores reported that there is one item on the agenda for the January 28 meeting and it will be a text amendment.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:17 p.m., to Tuesday, January 28, 2025, at 7:00 p.m. in the City Council Chamber.

Chair Wilander, Planning Commission

ATTEST: _____
Lisa L. Flores
Secretary, Planning Commission