

CITY OF ARCADIA

City Council Regular Meeting Agenda



Tuesday, March 21, 2023, 7:00 p.m.

Location: City Council Chambers, 240 W. Huntington Drive, Arcadia

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 the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》，需要调整或提供便利设施才能参加会议的残障人士（包括辅助器材或服务）可与市书记官办公室联系（电话：(626) 574-5455）。请在会前 48 小时通知市书记官办公室，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。

How to Submit Public Comment:

Members of the Public who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

1. **In-Person:** Complete a Speaker Card, indicating the agenda item number and submit it to the City Clerk prior to the meeting, or simply come to the podium when the Mayor asks for those who wish to speak. Speakers shall be limited to five (5) minutes per person. At the Mayor's discretion, the time limit may be shortened to allow all speakers to address the City Council.

Electronic submission of Public Comment is also available via the City's website or by email as noted below. Public Comment submitted electronically will not be read into the record at the posted meeting time but are forwarded to the City Council prior to the meeting for consideration.

1. **Website:** Please submit your comments using our online public comment form at ArcadiaCA.gov/comment. Your comments must be received at least 30 minutes prior to the posted meeting time.
2. **Email:** Please submit your comments via email to CityClerk@ArcadiaCA.gov. Your comments must be received at least 30 minutes prior to the posted meeting time.

如何提交公众评论意见：

公众成员可以使用以下任何一种方法提交公众评论意见。请在时间和字数的限制范围内提交公众评论意见。

1. **亲自出席：**填写一张发言人卡片，注明议程项目编号，然后在会议开始前提交给市书记官，或者在市长询问公众发言时，直接到讲台上发言。每位发言人的发言时间不得超过五（5）分钟。市长可自行决定缩短发言限制时间，以便允许所有发言人向市议会表达自己的意见。

亦可按照以下方法在本市网站上或通过电子邮件以电子方式提交公众评论意见。以电子方式提交的公众评论意见不会在公布的会议期间读入记录，但会在会议开始前转交给市议会，供市议会考虑。

1. **网站：**请使用以下网站中刊载的在线公众评论意见表提交您的评论意见：ArcadiaCA.gov/comment。必须在公布的会议时间前至少提前 30 分钟提交评论意见。
2. **电子邮件：**请将您的评论意见通过电子邮件发送至：CityClerk@ArcadiaCA.gov。必须在公布的会议时间前至少提前 30 分钟提交评论意见。

1. CALL TO ORDER

2. INVOCATION

Reverend Jolene Cadenbach, Arcadia Congregational Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL OF CITY COUNCIL MEMBERS

Paul P. Cheng, Mayor
April A. Verlato, Mayor Pro Tem
Michael Cao, Council Member
Sharon Kwan, Council Member
Eileen Wang, Council Member

5. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS

6. PRESENTATIONS

- a. Presentation of the National Education and Sharing Day Proclamation.
- b. Presentation of the American Red Cross Month Proclamation.

7. PUBLIC HEARING

Any person wishing to speak before the City Council on a public hearing item is asked to complete a Speaker Card noting the agenda item number and provide it to the City Clerk prior to the start of the public hearing. Separate and apart from the applicant (who may speak longer in the discretion of the City Council) each speaker is limited to five (5) minutes per person unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda. The applicant may additionally submit rebuttal comments, in the discretion of the City Council.

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.

- a. Ordinance No. 2396 related to Text Amendment No. 22-03 amending various sections of Article IX, Chapter 1 of the Arcadia Municipal Code pertaining to Accessory Dwelling Units and Final Parcel Maps with dedications, and amending Article IV, Chapter 6 (noise regulation) pertaining to the allowable hours for gardening and landscaping, and Chapter 4 (property maintenance and nuisance abatement code) to establish requirements and regulations for non-operating properties in non-residential zones.
CEQA: Exempt
Recommended Action: Introduce and Approve

8. PUBLIC COMMENTS (5-minute time limit each speaker)

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Each speaker is limited to five (5) minutes per person, unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

9. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (*including reports from the City Council related to meetings attended at City expense [AB 1234]*).

10. 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 a member of the City Council, staff, or the public requests that a specific item be removed from the Consent Calendar for separate discussion and action.

- a. Regular Meeting Minutes of March 7, 2023.
CEQA: Not a Project
Recommended Action: Approve
- b. Resolution No. 7486 amending the Fiscal Year 2022-23 Capital Improvement Program Budget, authorizing a supplemental budget appropriation for the Water Main Replacement Project in the amount of \$79,497.70, offset by a reduction in American Rescue Plan Act ("ARPA") Funds, and approve a contract with 316 Engineering & Construction, Inc. for the Water Main Replacement Project in the amount of \$435,907, including a 10% contingency.
CEQA: Exempt
Recommended Action: Adopt and Approve

11. CITY MANAGER

- a. Resolution No. 7487 adopting and proclaiming the termination of a local emergency regarding Novel Coronavirus (COVID-19).
CEQA: Not a Project
Recommended Action: Adopt

12. ADJOURNMENT

The City Council will adjourn this meeting to April 4, 2023, 6:00 p.m. in the City Council Conference Room.

Welcome to the Arcadia City Council Meeting!

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

MEETINGS: Regular Meetings of the City Council are held on the first and third Tuesday of each month at 7:00 p.m. in City Council Chambers. A full City Council agenda packet with all backup information is available at City Hall, the Arcadia Library, and on the City's website at www.ArcadiaCA.gov. Copies of individual Agenda Reports are available via email upon request (CityClerk@ArcadiaCa.gov). Documents distributed to a majority of the City Council after the posting of this agenda will be available for review at the Office of the City Clerk, 240 W. Huntington Drive, Arcadia, California. Live broadcasts and replays of the City Council Meetings are on cable television. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all City Council meetings. Time is reserved at each regular meeting for those in the audience who wish to address the City Council. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane, or disruptive remarks. Where possible, please submit a **Speaker Card** to the City Clerk prior to your comments, or simply come to the podium when the Mayor asks for those who wish to speak, and state your name and address (optional) for the record. Please provide the City Clerk with a copy of any written materials used in your address to the City Council as well as 10 copies of any printed materials you would like distributed to the City Council. The use of City equipment for presentations is not permitted.

MATTERS NOT ON THE AGENDA should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given five (5) minutes to address the City Council; however, the Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the City Council. **By State law, the City Council 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.**

MATTERS ON THE AGENDA should be addressed when the City Council considers that item. Please indicate the Agenda Item Numbers(s) on the **Speaker Card**. Your name will be called at the appropriate time and you may proceed with your presentation within the five (5) minute time frame. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council.

PUBLIC HEARINGS AND APPEALS are items scheduled for which public input is either required or desired. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), speakers shall be limited to five (5) minutes per person. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council. The applicant may additionally submit rebuttal comments.

AGENDA ITEMS: The Agenda contains the regular order of business of the City Council. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the City Council 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 City Council and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the City Council, 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 City Council 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, shall serve as the Sergeant-at-Arms of the City Council 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.

欢迎参加阿凯迪亚市议会会议!

市议会鼓励公众参与，并邀请您分享对城市管理的看法。

会议：市议会定期会议于每个月第一个和第三个星期二下午七时在市议会会议厅举行。在市政厅、阿凯迪亚图书馆和市政府网站 (www.ArcadiaCa.gov) 可以找到包含所有相关信息的完整市议会议程。单独的议程报告可应请求通过电子邮件索取 (CityClerk@ArcadiaCa.gov)。至于在发布该议程后向市议会多数成员分发的文件，公众可在阿凯迪亚市书记官办公室查阅，地址：240 W. Huntington Drive, Arcadia, California。市议会会议实况将通过有线电视进行现场直播和回放。如在以往的通知中所提示，如果您参加这次公开会议，您的图像和/或声音可能被录下并播出。

公众参与：市议会欢迎并邀请您参加市议会的所有会议。在每次定期会议上都为那些希望在会上发言的市民留出时间。市政府要求在市议会发言的人杜绝个人攻击、诽谤、亵渎或破坏性言论。如有可能，请在发表意见之前向市书记官提交一张**发言卡**，亦可在市长宣布自由发言时直接上台发言，并说出您的姓名和地址（如果您愿意），以便制作会议记录。请向市书记官提供一份您在发言中使用的任何书面材料，以及 10 份您希望分发给市议会的任何印刷材料。不允许把市政府设备用于准备发言内容。

议程之外的事项应当在指定的“公众评议”时间提出。在一般情况下，每位发言者将有五（5）分钟时间向市议会陈述意见，但市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。**根据州法，市议会不得讨论或表决未列入议程的事项。此类事项将自动转给工作人员采取适当行动或作出回应，或将其列入未来会议的议程。**

列入议程的事项应当在市议会审议该事项时讨论。请在**发言卡**上标明事项的议程编号。在适当的时间会叫到您的名字，您可以在五（5）分钟时限内发言。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。

公开听证和上诉是为需要或希望征求公众意见的事项安排的日程。除申请人外（市议会可酌情决定延长申请人的发言时间），每位发言人的发言不得超过五（5）分钟。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。申请人还可以另外提交反驳意见。

议程事项：议程包含市议会的例行议题。一般而言，由市政府工作人员在会议前对议程中的事项进行审查和调查，以便市议会在作出决定之前能够充分了解情况。

同意日历：在同意日历上列出的事项被市议会视为例行公事，并将通过一项动议采取行动。除非市议员、工作人员或公众提出请求，否则不会对这些事项进行单独讨论。如果有人提出请求，该事项将从同意日历中删除，单独进行审议和采取行动。

行为规范：尽管市民可对市政府的政策和市议会或其成员的行动或拟议行动自由地提出批评，但不得出现干扰会议正常秩序的行为，包括但不限于在别人的发言时间内阻止别人发言，或妨碍公众听到发言内容或看到议程进展状况。市民亦不得威胁进行身体伤害或以可能被合理理解为作出身体伤害紧迫威胁的方式行事。所有出席会议的人都必须遵守市政府的反骚扰政策，禁止基于个人种族、宗教信仰、肤色、原国籍、祖籍、身体残障、疾病、婚姻状况、性别、性取向或年龄骚扰他人。警察局长或警察局其他成员将担任维持市议会会议秩序的保安官。保安官将执行会议主持人的一切命令和指示，以维持会议秩序和行为规范。对任何违反会议秩序和行为规范的人可执行拘捕，并可能根据《刑法典》第 403 条或《阿凯迪亚市政法典》相关条款提出起诉。



City of Arcadia

PROCLAMATION

WHEREAS, every year our nation sets aside a day to focus on the importance of education in improving the lives and well-being of our community members, known as Education and Sharing Day; and

WHEREAS, we reaffirm our commitment to offering quality education and teaching our youth about the values of kindness and compassion, helping prepare them for lives as good neighbors and citizens; and

WHEREAS, education goes far beyond earning a degree, certification, or career, it helps cultivate the spirit and development of one's character; and

WHEREAS, learning continues at home, at the dinner table, on the sports field, and throughout our lives with help from parents, teachers, and mentors who make an extraordinary difference in helping teach our children; and

WHEREAS, National Education and Sharing Day is observed annually on the anniversary of Rabbi Menachem Mendel Schneerson's birthday, which he recognized on the 11th day of the month of Nisan on the Hebrew calendar; and

WHEREAS, we honor Rabbi Schneerson, who passed in 1994, but was internationally recognized for his activism and enduring commitment to world education; and

WHEREAS, we pledge to continue learning beyond the classroom and fulfill our obligation to live the virtues that define our national character — honesty and independence, drive and discipline, courage and compassion.

NOW, THEREFORE, I, Paul Cheng, Mayor of the City of Arcadia, do hereby proclaim April 2, 2023, as

NATIONAL EDUCATION AND SHARING DAY

*Dated this
21st Day of March, 2023*

Paul P. Cheng, Mayor





City of Arcadia

PROCLAMATION

WHEREAS, During American Red Cross Month in March, we celebrate the humanitarian spirit of Arcadia and reaffirm our commitment to help, ensuring no one faces a crisis alone; and

WHEREAS, caring for one another is at the heart of our community and exemplified by the residents of Arcadia, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments; and

WHEREAS, every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need; and

WHEREAS, acts of service have included providing emergency shelter and food for families displaced by fire and natural disasters; donating lifesaving blood; supporting military members, veterans, and their caregivers; providing first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world; and

WHEREAS, their support, volunteerism and generous donations are critical to our community's resilience; and

WHEREAS, Arcadians can help fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.

NOW, THEREFORE, I, Paul P. Cheng, Mayor of the City of Arcadia, do hereby proclaim March 2023 as

AMERICAN RED CROSS MONTH

*Dated this
21st Day of March, 2023*

Paul P. Cheng, Mayor





STAFF REPORT

Development Services Department

DATE: March 21, 2023

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
Lisa Flores, Deputy Development Services Director
By: Alison MacCarley, Assistant Planner

SUBJECT: ORDINANCE 2396 RELATED TO TEXT AMENDMENT NO. 22-03 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 OF THE ARCADIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND FINAL PARCEL MAPS WITH DEDICATIONS, AND AMENDING ARTICLE IV, CHAPTER 6 (NOISE REGULATION) PERTAINING TO THE ALLOWABLE HOURS FOR GARDENING AND LANDSCAPING, AND CHAPTER 4 (PROPERTY MAINTENANCE AND NUISANCE ABATEMENT CODE) TO ESTABLISH REQUIREMENTS AND REGULATIONS FOR NON-OPERATING PROPERTIES IN NON-RESIDENTIAL ZONES
CEQA: Exempt
Recommendation: Introduce and Approve

SUMMARY

The Development Services Department has initiated a Text Amendment to amend and update various sections of the City's Municipal Code. The Text Amendment consists of: 1) An update of the Accessory Dwelling Unit Ordinance in the Development Code due to recent changes in State law; 2) Changes to the approval process for Final Parcel Maps with Dedications in the Development Code; 3) An amendment to Chapter 6 of Municipal Code regarding changes to the allowable hours for gardening and landscaping; and 4) An amendment to Chapter 4 of the Municipal Code (Property Maintenance and Nuisance Abatement Code) to establish new requirements and regulations pertaining to non-operating properties in non-residential zones. It is recommended that the City Council Introduce Ordinance No. 2396 (Attachment No. 1) and approve Text Amendment No. TA 22-03.

BACKGROUND

Periodically, to "clean up" portions of the Municipal Code, the Development Services Department will bring forward a series of text amendments to react to changes in law, to

modernize the Code, or to implement City Council policy changes. In the subject Ordinance, there are four text amendments for consideration.

The proposed changes to the Accessory Dwelling Unit (“ADU”) ordinance are to ensure the regulations comply with the most recent changes to State law. Also, all the regulations that pertain to ADUs were moved into the ADU ordinance to be compliant with regulations set forth by the Department of Housing and Community Development, which require that any regulations pertaining to ADUs must be within a local agency’s ordinance. If a local jurisdiction’s ADU ordinance is not compliant with the state ADU ordinance, the ordinance can be found to be null and void, and the City could be forced to default to the state’s ADU regulations. Defaulting to the State’s regulations would mean a loss of local control over the development of ADUs, including regulations on maximum size, design standards, and height and stories.

The City is always reviewing processes and procedures that can be simplified and streamlined. The second item proposes a change to the processing of Final Parcel Maps with associated dedications. It was determined that the Final Parcel Map procedure could be streamlined by removing City Council review of these items, improving turnaround times for applicants. If approved, the proposed amendment to the Development Code will reduce staff hours and wait times for approval of Final Parcel Maps that include Dedications.

The third item proposed is a City Council action to change the allowable hours for landscaping and gardening on Sundays. After a series of discussions, the City Council asked the Staff to prepare an ordinance changing the allowable hours from 9:00 a.m. to 5:00 p.m. to 12:00 p.m. to 5:00 p.m.

The final proposed change to Arcadia’s Municipal Code creates a new program and policy pertaining to non-residential properties in commercial, mixed use, and industrial zones. There are a several properties in non-residential zones that have been delinquent in upkeep and have become a nuisance for neighbors. The City seeks to maintain high quality commercial, mixed use, and industrial zones and reduce any blight impacts due to vacancies or nuisance. The proposed program would create a registry containing contact information for nuisance properties, and the ability for the City to recover abatement costs from property owners, including staff time, emergency calls, and other resources used to remedy these problem properties. The proposed registry would be similar to the City’s Unoccupied Residence Registration Ordinance that went into effect on May 5, 2017, for single-family homes.

DISCUSSION

There are four text amendments being proposed. The text amendments are to comply with the current state laws, simplifying and expediting development processes, and maintaining high quality residential and commercial zones within the City. Each of the proposed changes are described below.

1. Accessory Dwelling Unit Ordinance Update

Over the past decade, the State has enacted legislation that has reduced barriers for property owners to develop accessory dwelling units on residentially zoned properties. Accessory Dwelling Units (“ADU”) are seen by housing advocates and State legislators as a way to relieve some of the stress of the ongoing housing availability crisis within California. Accessory Dwelling Units are fully contained, secondary units, which can be rented out separately from primary dwellings on any residentially zoned property in the City.

In response to State law, the City has updated the Accessory Dwelling Unit (“ADU”) Ordinance four times in the last five years to comply with all the changes that the State has made to the ADU laws. In 2022, the California State Legislature approved, and Governor Newsom signed into law AB 2221 and SB 897. These two laws went into effect on January 1, 2023 and amended Government Code Section 65852.2 to include changes to the existing ADU laws, as discussed below and as shown in the text amendment, – refer to Exhibit A of Attachment No. 1. Therefore, the City must update its ADU ordinance to be in compliance with State law.

The major updates will include the following changes to the ADU Ordinance:

- **Maximum height for Attached ADUs in any Residential Zone:** The maximum height for an attached ADU is 25 feet or the maximum height limit that applies to the primary dwelling, whichever is lower, and it is still limited to a maximum of two stories. Previously, the maximum height for attached ADUs was the height of the existing primary dwelling.
- **Maximum Height in Multi-family Zones:** The maximum height for a detached ADU was increased from 16 feet to 18 feet tall on proposed or existing multistory, multifamily dwellings (measured to the top of the ridge). The maximum height limitation of a single-story will remain the same.
- **Front Setback:** The front setback for a primary home can be modified to allow the primary dwelling to encroach into the front setback, provided it allows for construction of an up-to 800 square foot ADU that meets height limits and complies with four-foot side and rear setback requirements.
- **Junior Accessory Dwelling Units (“JADU”s):** A Junior Accessory Dwelling Unit (“JADU”) must be “within the walls” of a proposed or existing single-family dwelling. This location requirement now expressly includes existing attached garages. The maximum square footage for a JADU remains at 500 square feet.
- **ADUs Near High-Quality Transit -** This new regulation allows a detached ADU that is within half a mile of walking distance from high quality transit and within a

single-family or multi-family zone, up to 18 feet (was 16 feet) in height and single story. An additional two feet in height may be allowed for the structure to match the roof pitch of the existing primary structure.

To summarize, the changes to allowable heights will affect all ADUs within the City. All detached ADUs, regardless of the zone, will continue to be limited to one story. For single-family zoned properties, the allowed maximum height only changes to 18 feet for properties within a half mile walking distance of the train station or a high-quality transit corridor. Only a small number of single-family zoned properties fall within the half mile walking distance area. The state has continually pushed for greater density and height near transit as seen in Transit Orientated Developments (“TOD”), including the use of the half mile radius standard to promote development near transit. All other single-family zoned properties will continue to have a maximum height of 16 feet. In all multi-family zones, the maximum allowable ADU height has increased from 16 feet to 18 feet for proposed and existing multistory dwellings.

The State has also changed the applicability of front setbacks regarding Statewide Exempt ADUs (“SEADU”). A SEADU is an ADU of up to 800 square feet with a minimum of four-foot rear and side setbacks, and a maximum height of 16 feet; it may be attached or detached. In cases where there is not enough room in the rear or side yard areas for a SEADU, the primary dwelling may encroach into the front yard setback in order to accommodate the construction of a new SEADU in the rear or side yard area. If these standards are met, SEADU’s are processed ministerially.

State law now clarifies that existing attached garage(s) may be converted into JADUs; however, they will still be limited to 500 square feet. The State has now clarified that attached garages are “within the walls of the primary dwelling”, and therefore, can be converted into JADUs. Where an attached garage is larger than 500 square feet, only a maximum of 500 square feet can be converted into a JADU – the balance of the area would remain as a garage.

Through the recommendation of the City Attorney, the City has clarified and updated additional ADU standards and removed necessary provisions in the ADU ordinance to fully comply with state law. While the State has previously approved past versions of the City’s ADU ordinance, additional changes and updates were needed to be fully compliant. Changes include removing references to other sections of the Development Code that applied to ADUs and placing within the ADU ordinance, and adding clarifying language.

2. *Final Parcels Maps with Dedications*

Under the current provisions of the Development Code, a Final Parcel Map with a dedication requires approval by the City Council. Dedications are typically shown on maps if an area of right-of-way is needed for utility, sidewalk, or public purposes. However, approval of a final parcel map without a dedication is a ministerial action, provided that

the final map is consistent with and implements the requirements of an approved tentative map. In reviewing past applications, it was determined that there is no policy reason that a parcel map with a dedication needs the additional City Council process. In these cases, the City Engineer makes the determination whether any dedications are appropriate, and the City Council's approval is a mere procedural formality that confirms that decision. As a result, it is recommended that this process be simplified.

As a charter city, the City of Arcadia has authority over its municipal affairs, which include establishing procedures for the acceptance of dedications. Therefore, the proposed text amendment would no longer require that a final parcel map with a dedication be approved by the City Council. If the dedication changes in any way, it will have to be referred back to the Planning Commission for re-approval. The City Engineer would not have any authority to act on a land use decision, but would be the approving authority for these parcels maps. By changing this process, it should reduce the review period by four weeks, which will reduce staff time and applicant wait times.

3. Change in Allowable Hours for Gardening and Landscaping

At the January 19, 2021, City Council Meeting, the Council discussed the possibility of changing the allowable hours for noise related to gardening and landscaping in residential areas. Currently, gardening and landscape noise is allowed Monday through Saturday from 7:00 a.m. to 7:00 p.m., and on Sundays from 9:00 a.m. to 5:00. A staff report was prepared at that time that included an evaluation of the City's current regulations, a study of neighboring cities' regulations, the low volume of complaints the City receives regarding this matter, and alternative regulatory options. At the conclusion of the City Council's discussion, the Council decided to table the subject until it was brought forward again at the November 1, 2022, City Council Meeting for further review. As a result of the discussion at this meeting, the City Council voted 4-1 for staff to prepare an Ordinance to amend Article IV, Section 4630.2 of the Arcadia Municipal Code to change the hours of operation for noise related to gardening and landscaping only on Sundays from 9:00 a.m. to 5:00 p.m. to 12:00 p.m. to 5:00 p.m.

Amending the hours on Sundays would shorten the time frame for gardening and landscaping on this day and would limit noise that is produced from these activities in the early morning. The allowable hours on Monday through Saturday will remain the same, which are from 7:00 a.m. to 7:00 p.m.

4. Arcadia Municipal Code Changes Pertaining to Property Maintenance and Nuisance Abatement Code

Over the past few years, the City has experienced non-operating or vacant properties that have presented serious maintenance and security issues, requiring responses from various City departments. The City is proposing new requirements and regulations for registration of non-operating properties in non-residential zones. The purpose of establishing a registration program on non-operating properties is to protect the

commercial or industrial areas from becoming blighted by a lack of adequate maintenance and security, and to prevent these properties from becoming a further liability to the surrounding area. Establishing this program would enable the City to charge for costs incurred through inspections, abatements, emergency calls, and other various responses on a non-operating property.

The proposed program would apply to all “non-operating” properties, which the ordinance defines as commercial or industrial (including mixed-use) that are not actively engaged in commercial or industrial operations. The definition includes vacant properties, as well as those under construction or redevelopment. The goal is that the City has a responsive contact that can quickly respond to issues on site and is responsible for ensuring the site is sufficiently secured and maintained. Non-operating property owners are only required to register with the City if ordered to do so. In addition to registering the property with the City, the property owner would be required to pay an annual registration fee and would be subject to all additional costs incurred by the City in relation to the maintenance or security of the property. The annual registration fee would be required for as long as the property remains on the registry, with the City having the sole authority to remove the property from the registry. As part of the regulations of these properties, the City is also proposing that conditions of approval be placed on project approvals and entitlements. Once developed, the conditions of approval would focus on the maintenance and security of a property. The Development Services Department would ensure these conditions of approval are implemented.

PLANNING COMMISSION HEARING

The Planning Commission held a public hearing on February 14, 2023, to forward a recommendation to the City Council on the proposed text amendments – refer to Attachment No. 2; there were no public comments. The Planning Commission thought the proposed changes to the final map process and the unoccupied registry for “non-operating” properties would continue to maintain the high quality of life that the City is known for and that the ADU changes will bring the Development Code into compliance with State law. As for the changes to the gardening hours on Sunday, Chair Thompson and Commissioner Wilander both thought the hours should not be changed and should be left at 9 a.m., since most property owners would prefer to mow their law or get their yard work done before it gets hot in the summertime. Starting any yard work at noon would be challenging because of the heat in their opinion. The Commissioners requested that their comments be forwarded to the City Council - refer to Attachment No. 2 for the Excerpt of Planning Commission Minutes. Following the discussion, the Planning Commission voted unanimously to adopt Resolution No. 2114 recommending that the City Council approve the text amendments.

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 will be consistent with the General Plan as the purpose of the proposed Text Amendment is to update the City's ADU Ordinance to comply with recently updated State ADUs provisions; expedite processing of final maps with a dedication by authorizing the City Engineer to approve these applications; reduce hours of operation for landscaping, gardening, and noise; and to implement a program to regulate non-operating nonresidential properties. This Ordinance will improve the condition of existing and future housing opportunities for all Arcadia residents, remove governmental constraints, and improve the condition of commercial zones by regulating nuisance properties. The goals, policies, and program actions in the Ordinance are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that maintain Arcadia as a desirable place to live and do business.

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

Facts to Support the Finding: The proposed Text Amendment includes codifying development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with new State law. The new development standards and regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units are consistent with other applicable provisions of the Development Code. The changes to Division 5 of the Development Code will impact the way that Final Parcel Maps with Dedications are processed, ensuring consistency with other provisions of the Development Code. Updating the City's regulations regarding landscaping hours on Sundays will not contradict or otherwise conflict with any provisions of the Development Code. Implementing a property maintenance and nuisance abatement program for commercial properties will not conflict with any provisions of the Development Code. Therefore, the proposed Text amendment is internally consistent with other applicable provisions of this Development Code.

ENVIRONMENTAL ANALYSIS

The proposed update to the ADU Ordinance, Final Parcel Map with Dedications, and updates to the Arcadia Municipal Code regarding Noise, Gardening, and Landscaping, and Property Maintenance and Nuisance Abatement, are exempt from the requirements of CEQA pursuant to Section 15061(b)(3), as it can be seen with certainty that the proposed text amendments would not have a significant effect on the environment and thus, are not subject to CEQA review. See Attachment No. 4 for the Preliminary Environmental Assessment.

PUBLIC COMMENTS/NOTICE

The public hearing notice for this City Council meeting was published in the Arcadia Weekly on March 2, 2023. As of March 21, 2023, staff did not receive any additional concerns or comments from the public. There were no public comments on the proposed Text Amendments from the Planning Commission Hearing on February 14, 2023.

FISCAL IMPACT

The proposed text amendments would have no significant fiscal impact on the City's budget. The revenue received from any property maintenance or nuisance abatement would be for cost recovery only.

RECOMMENDATION

It is recommended that the City Council Introduce Ordinance No. 2396 and approve Text Amendment No. TA 22-03 amending various sections of Article IX, Chapter 1 of the Arcadia Municipal Code pertaining to Accessory Dwelling Units and Final Parcel Maps and amendments to Article IV, Chapter 6 (Noise Regulation) pertaining to the allowable hours for gardening and landscaping, and Chapter 4 (Property Maintenance and Nuisance Abatement Code) to establish new requirements and regulations for nuisance non-residential properties.

Approved:

:



Dominic Lazzaretto
City Manager

- Attachment No. 1: Ordinance No. 2396
 - Exhibit A – Accessory Dwelling Unit Ordinance
 - Exhibit B – Final Parcel Map with Dedications
 - Exhibit C – Noise Regulation for Gardening and Landscaping
 - Exhibit D – Property Maintenance and Nuisance Abatement Code
- Attachment No. 2: Excerpt of the Planning Commission Minutes, dated February 14, 2023
- Attachment No. 3: Planning Commission Resolution No. 2114 and Staff Report, dated February 14, 2023, including all the attachments
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Ordinance No. 2396

ORDINANCE NO. 2396

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, RELATED TO TEXT AMENDMENT NO. 22-03 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 OF THE ARCADIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND FINAL PARCEL MAPS WITH DEDICATIONS, AND AMENDING ARTICLE IV, CHAPTER 6 (NOISE REGULATION) PERTAINING TO THE ALLOWABLE HOURS FOR GARDENING AND LANDSCAPING, AND CHAPTER 4 (PROPERTY MAINTENANCE AND NUISANCE ABATEMENT CODE) TO ESTABLISH REQUIREMENTS AND REGULATIONS FOR NON-OPERATING PROPERTIES IN NON-RESIDENTIAL ZONES

WHEREAS, the Development Services Department initiated a text amendment to amend and update various sections of the City's Development Code and Municipal Code under Text Amendment No. 22-03 (referred to as "Text Amendment"); and

WHEREAS, the proposed Text Amendment will result in changes to: Article IX, Chapter 1, of the Municipal Code pertaining to Accessory Dwelling Units as shown under Exhibit "A" of this Ordinance; and Final Parcel Maps with Dedications as shown under Exhibit "B" of this Ordinance; and in changes to the Arcadia Municipal Code, Chapter 6 regarding the allowable hours for gardening and landscaping as shown under Exhibit "C" of this Ordinance; and in changes to Chapter 4 (Property Maintenance and Nuisance Abatement Code) establishing new requirements and regulations pertaining to non-operating properties in non-residential zones as shown under Exhibit "D" of this Ordinance; and

WHEREAS, on January 26, 2022, Planning Services completed an environmental review of the proposed Text Amendment and determined that it 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, the proposed Text Amendment is not subject to CEQA review; and

WHEREAS, on February 14, 2023, the Planning Commission held a duly-noticed public hearing and considered the Text Amendment; there were no comments from the public concerning the proposed Text Amendment; and

WHEREAS, after the public hearing, the Planning Commission adopted Resolution No. 2114 with a 5-0 vote, recommending that the City Council approve the Text Amendment, and directed staff to forward two of the Planning Commissioners' comments and recommended changes to the City Council; and

WHEREAS, such comments and recommended changes have been considered by the City Council; and

WHEREAS, on March 2, 2023, the City published notice of the City Council public hearing concerning the Text Amendment in a newspaper of general circulation (Arcadia Weekly); and

WHEREAS, on March 21, 2023, the City Council held a duly noticed public hearing on the Text Amendment, at which time all interested persons were given full opportunity to be heard and to present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The factual data submitted by the Development Services Department in the March 21, 2023, staff report is true and correct.

SECTION 2. This City Council finds, based upon the entire record, including without limitation to the staff report and related documents presented before the City Council:

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: The proposed Text Amendment will be consistent with the General Plan as the purpose of the proposed Text Amendment is to update the City's ADU Ordinance to comply with recently updated State ADUs provisions, expedite processing of final maps with a dedication by authorizing the City Engineer to approve these applications, change hours of operation for landscaping, gardening, and noise, and to implement a program to regulate non-operating nonresidential properties. This Ordinance will improve the condition of existing and future housing opportunities for all Arcadia residents, and remove governmental constraints, and improve the condition of commercial zones by regulating nuisance properties. The goals, policies, and program actions in the Ordinance are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that maintain Arcadia as a desirable place to live and do business.

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

FACTS: The proposed Text Amendment includes codifying development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with new State law. The new development standards and regulations for

Accessory Dwelling Units and Junior Accessory Dwelling Units are consistent with other applicable provisions of the Development Code. The changes to Division 5 of the Development Code will impact the way that Final Parcel Maps with Dedications are processed, and will be consistent with other provisions of the Development Code. Updating the City's regulations regarding landscaping hours on Sundays will not contradict or otherwise conflict with any provisions of the Development Code. Implementing a property maintenance and nuisance abatement program for commercial properties will not be in conflict with any provisions of the Development Code. Therefore, the proposed Text Amendment is internally consistent with other applicable provisions of this Development Code.

SECTION 3. The City Council hereby determines that the Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) which exempts from review where it can be seen with certainty that there is no possibility that the Text Amendment may have a significant effect on the environment and thus, is not subject to CEQA review.

SECTION 4. The City Council hereby adopts the Text Amendment.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published in the official newspaper of said City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

[SIGNATURES ON THE NEXT PAGE]

Passed, and adopted this 21st day of March, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Mauer
City Attorney

[Page Left Intentionally Blank]

EXHIBIT "A"

**Text Amendments to the Development Code – Accessory Dwelling
Units (ADUs)**

Development Code - Division 2 – Accessory Dwelling Units

The new language is shown in “red.” Strikethrough for any language to be deleted.

9102.01.080 Accessory Dwelling Units Amended by Ord. No. 2347

Amended by Ord. 2369 & 2370

Amended by Ord. No. 2375

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

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.

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. ~~No more than two bedrooms are allowed.~~

- b. **Junior Accessory Dwelling Unit.** The maximum size within an existing or proposed single-family dwelling is 500 square feet.
- c. An attached accessory dwelling unit that is created on a lot within an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, unless this would restrict the maximum size of the accessory dwelling unit to be smaller than 800 square feet.
- d. Application of other development standards **in this section**, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but ~~no~~ **any application of the percent-based floor area limit in paragraph A.4.c above or of an FAR, lot coverage, or front setback, or open space requirements may require the** ~~must~~ **yield to the extent necessary to allow an** accessory dwelling unit to be ~~less than~~ **up to** 800 square feet.

5. Maximum Height and Story

- ~~a. A single-story attached or detached accessory dwelling unit may not exceed 16 feet in height, measured to the top of the roof ridge.~~
- ~~b. A second-story or two-story attached accessory dwelling unit may not exceed the height of the primary dwelling.~~
- ~~c. A detached accessory dwelling unit may not exceed one 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 the minimum side and rear yard setbacks of at least four (4) feet.
- b. An attached accessory dwelling unit shall meet the same front setback as required for the primary residence.
- 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 space 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 in with Single-Family Dwelling Zones:** ~~Only one~~ : One accessory dwelling unit ~~or 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.
4. ~~The converted ADU shall not exceed 50% of the livable area of the primary residence. A converted JADU shall not exceed 50% of the livable area of the primary residence nor the maximum permitted size for a junior accessory dwelling unit.~~

B. **Detached Accessory Dwelling Unit in with Single-Family Dwelling Zones:** One detached, ~~new construction of an~~ **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 ~~structure~~ **peak height above grade** does not exceed ~~16 feet in height and one story~~ **the applicable height limit in subsection (e)(2) below.**

C. **Converted Accessory Dwelling Unit in Multifamily Dwellings Zones:** ~~Portions:~~ **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, communal rooms, or garages, may be if each converted into an accessory dwelling unit if it ADU complies with the state building standards for dwellings. ~~Up~~ 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 on a lot may have a converted accessory dwelling unit, and at least one (1) converted accessory dwelling unit is allowed within an existing multifamily dwelling structure.

D. **Detached Accessory Dwelling Unit in with Multifamily Dwellings Zones:** 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 total floor area is 800 square feet or less, and shall not be larger in size than any existing multifamily unit peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.

2. Accessory Dwelling Unit Permit

Any construction that exceeds does not comply with each of the requirements listed above listed in Subsection 1 above (Building Permits Only) shall require a ministerial Zoning Clearance for an Accessory Dwelling Unit. pursuant to the provisions of Section 9107.27 (Zoning Clearance for Accessory Dwelling Units).

3. Process and Timing

- a. A Zoning Clearance for an Accessory Dwelling Unit compliant with the standards of this Section 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:
 - i. The Applicant requests for a delay, in which case the 60 day time period is tolled for the period of the requested delay, or
 - ii. A 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.

1. Impact Fees.

1. Impact Fees. No impact fee is required for an accessory dwelling unit that is less than 750 square feet in size., except for school district impact fees, which may be required for accessory dwelling units greater than 500 square feet.
2. Any impact fee that is required for an accessory dwelling unit that is 750 square foot or larger in size must be charged proportionately in relation to the square footage of the primary dwelling, or the

average square footage of the multifamily dwelling units within a multifamily dwelling structure (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new dwelling). Impact fees does not include any connection fee or capacity charge for water or sewer service.

D. Utility Fees.

1. ~~Converted accessory dwelling units and junior accessory dwelling units on a single family lot that were approved by a building permit only are not required to have a new or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility, nor is a construction fee or capacity charge required unless the accessory dwelling unit is constructed with a new single family home. All accessory dwelling units, except as noted above, require a new, separate utility connection directly between the accessory dwelling unit and the utility. The Director or designee and the Building Official has the discretion to not require a separate connection for certain utilities depending on the circumstances. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the accessory dwelling unit or junior accessory dwelling unit, based on either the floor area or the number of drainage fixture (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.~~

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.

a. ~~All accessory dwelling units that were created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the accessory dwelling unit was created.~~

1. An accessory dwelling unit that is created after that date **January 1, 2020**, but before January 1, 2025, is not subject to any owner-occupancy requirement.
2. All **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 in a lawful dwelling 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 **and/or exceeds the maximum size of 800 square feet for an accessory dwelling unit on a lot that already exceeds the maximum floor area** **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 ADU must match the architectural style of the primary dwelling and provide matching architectural elements, such as: exterior colors, materials, surface treatments, windows, trims, and exterior doors. 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** ~~be located on the side or rear building façade, not facing a public-right-of-way.~~
5. For new detached ADUs, there must be indentations ~~and~~ or projections provided that are at least 8-inches in depth on at least two of the exterior walls to break-up flat wall planes. The interior wall height shall be at least seven feet tall.
6. All windows that are located 9-feet in height above the finished floor must be clerestory windows (no dormers), and must be frosted or obscure glass.
- ~~7. A new detached ADU may not be located closer to the front property line than the primary residence dwelling.~~
- ~~8.~~ **7.** The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of the Interior. **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

- ~~9.~~ **8.** Landscaping **must be provided to provide screening between the ADU and adjacent parcels around the detached ADU 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** ~~and~~. Landscaping must be drought-tolerant or low water-using plants that utilize ~~a variety~~ **multiple varieties** of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living **and** continuous planting area, ~~and provide screening between the ADU and adjacent parcels.~~ Desert landscape or rock garden designs are not allowed.
- ~~10. All landscaping utilized must be taken from the city's approved planting materials listed in the City's Single Family Design Guidelines.~~

Other

- ~~14.~~ **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.

~~12. On corner lots, a separate walkway from the primary residence may be allowed to the detached ADU entrance and it must connect to the nearest public sidewalk or right of way.~~

~~13.~~ 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.

EXHIBIT "B"

Text Amendments to the Development Code - Subdivisions

Division 5 – Subdivisions

The new language is shown in “red.” ~~Strikethrough~~ for any language to be deleted.

9105.01.060 Advisory Agency

A. Advisory Agency

1. The designated advisory agencies specified in this Subsection shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.

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

Notes:

- (1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 9108.07 (Appeals); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.
- (2) Decisions of the Council may not be appealed.

2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

B. Appeal Authorities

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

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

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

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

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

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

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

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

1. Accepting offers of dedication and improvements for divisions of land resulting in five or more lots.
2. Review authority on amendments to recorded maps, condominiums/conversions, ~~tentative and final parcel maps with dedications~~, tentative and final tract maps, and reversions to acreage maps.
3. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of this Development Code.

9105.05.50 Final Tract or Parcel Map Approval and Recordation

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

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

H. Review and Approval by the Review Authority

1. **Timing of Review Authority's Review.** The review authority shall approve or deny the map after it receives the map from the City Engineer or, in the case of the Council, at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the Director and the subdivider.
2. **Criteria for Approval**
 - a. The review authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map and all conditions of approval.
 - b. If the map does not conform, the review authority shall not approve the map.
 - c. Where a map does not include any offers for dedication or improvement, the Director shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Section. If the map(s) does not conform, it shall not be approved.

3. **Applicable Ordinances, Policies, and Standards.** In determining whether to approve or deny a map, the review authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.
4. **Action Not to Approve a Final Tract or Parcel Map**
 - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
 - b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map ~~not~~ involving ~~any offers of dedication or improvement~~ **four or fewer parcels**, the Director, does not materially affect the validity of the map.

I. Map with Dedications

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

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

K. Recording of Final Tract and Parcel Maps

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

9105.09.070 Improvement Agreement Required

If all required improvements, engineering, and inspections are not satisfactorily completed before a parcel or final map is approved, the subdivider shall, before the approval of the parcel or final map, enter into an improvement agreement with the City where in consideration of the acceptance by the Council **or City Engineer** of the streets,

easements, and any other land offered for dedication, the subdivider and the subdivider's contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement in compliance with Government Code Section 66499.3.

9105.11.20 Dedications

D. Acceptance of Dedications

1. Council Action and Certification

- a. At the time the Council **or City Engineer** approves a final map, it shall also accept, subject to improvement, or reject any offer of dedication.
- b. The City Clerk shall certify on the map the action of the Council.

2. Deferred Acceptance

- a. If at the time the final map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected subject to Code of Civil Procedure Section 771.010, the offer of dedication shall remain open and the Council **or City Engineer** may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use, in compliance with Subparagraph B. 2. (Future Dedication), above.
- b. The acceptance shall be recorded in the office of the County Recorder.

EXHIBIT “C”

**Text Amendments to the Arcadia Municipal Code –Change in
Allowable Hours for Gardening and Landscaping**

Chapter 6 – Noise Regulations

The new language is shown in “red.” ~~Strikethrough~~ for any language to be deleted.

4630.2. Noise. Gardening And Landscaping.

No person shall operate any mechanical equipment related to the gardening and/or landscaping of any property within a residential zone other than from seven (7) a.m. to seven (7) p.m., Monday through Saturday, and from ~~nine (9) a.m.~~ **twelve (12) p.m.** to five (5) p.m. on Sundays within all residential zones; provided, however, that use of mechanical equipment for tree trimming on Sundays shall be prohibited. (Added by Ord. 2246 adopted 10-7-08)

EXHIBIT “D”

**Text Amendments to the Arcadia Municipal Code – Non-operating
Nonresidential Properties Regulations**

Chapter 4 – Property Maintenance and Nuisance Abatement Code

The new language is shown in “red.”

9407. Registration Of Non-Operating Properties.

9407.1 Purpose.

It is the purpose and intent of the City of Arcadia, through the establishment of a non-operating property registration program to protect commercial or industrial areas from becoming blighted by a lack of adequate maintenance and/or security of properties and to prevent these properties from becoming a further liability to the surrounding area and community. The purpose and intent of such program is to require property owners of non-operating properties to address the lack of adequate maintenance and security of their properties.

9407.2 Definitions.

For the purposes of this Division, the following definitions shall apply:

- A. “Non-operating property” means a building, structure, or lot intended for commercial or industrial uses but which is not currently operating any commercial or industrial operations. “Non-operating property” includes but is not limited to vacant properties, properties under development or redevelopment, properties in construction, and properties that have completed construction and are awaiting occupancy. “Non-operating property” does not include residential property other than vacant property that is intended or zoned for mixed uses.

9407.3 Registration.

- A. The owners of non-operating property shall register the property with the City. Registration shall be completed either voluntarily by the property owner or within thirty (30) days of service of an order to register. The Director, Building Official, or their respective designee may issue an order to register. Owners shall not be liable for failure to register unless the owner has been ordered to register in accordance with this section. The Director may waive the registration requirement for any property that is adequately secured and maintained, does not contain nuisance or substandard conditions, and does not contain conditions making it an accessible or attractive nuisance to trespassers.
- B. The registration shall identify the name and contact information for the property owner(s) and two authorized contacts for the property. At least one contact shall be identified as a twenty-four (24) hour contact phone number for a person or company who is authorized to act on behalf of the owner. The 24- hour contact must be local and must be able to respond to problems related to the property within one hour of receiving telephone notice.

EXCEPTION: If the owner provides the name of a bona fide property management company that is actively engaged in managing properties, that is available twenty-four hours a day to respond to calls and that has an office located within 20 miles of the property then the owner will not need to provide information for any additional contacts.

- C. In completing the registration, the property owner shall acknowledge that: (1) the property owner shall be strictly liable for any failure to maintain the property or to respond within a timely manner regarding problems at the property, and (2) the City may enter the property to summarily abate any substandard or nuisance condition.

- D. The property owner shall pay an annual fee to the City in an amount set by the City Council for the City's costs of administering the registration program. The fee shall be due together with the registration.
- E. The property owner and any other party responsible for the non-operating property shall be liable for the City's costs related to non-operating property, including but not limited to costs to respond to trespass and nuisance conditions, abatement and enforcement. Costs shall be recoverable pursuant to Section 9405. Unless prohibited by state law, the City may withhold issuance of business licenses, building permits, certificates of occupancy, and other permits, licenses, or entitlements until the property owner makes payment of all outstanding City costs.

9407.4 Violations

- A. It shall be unlawful and a violation of this Code for a property owner to fail to register a non-operating property, which shall be treated as a strict liability offense regardless of intent.
 - 1. An owner's failure to register a non-operating property shall be deemed an infraction and shall be punishable pursuant to Section 1200(b) of the Arcadia Municipal Code.
 - 2. An owner's failure to register a non-operating property shall be subject to administrative fines pursuant to Chapter 4A of Article I of the Arcadia Municipal Code.
 - 3. Each day that a non-operating property remains unregistered shall be a separate offense.
 - 4. The owner shall only be liable for a violation under this subsection if the City first gave an order to the owner to register.
- B. It shall be unlawful and a violation of this Code for an owner to fail to respond, either personally or through an authorized agent, to any contact from the City within 48 hours, or within one (1) hour if the contact relates to an immediate public health and safety concern, which shall be treated as a strict liability offense regardless of intent.
 - 1. If the owner or authorized contact person cannot be timely reached, does not timely respond, or does not abate any substandard conditions, it shall be grounds for the City to proceed with summary abatement and recover its costs pursuant to Sections 9404 and 9405 of the Arcadia Municipal Code.
 - 2. If an authorized contact person cannot be reached, the owner shall be liable for an infraction, which shall be punishable pursuant to Section 1200(b) of the Arcadia Municipal Code.
 - 3. If an authorized contact person cannot be reached, the owner shall be subject to an administrative fine pursuant to Chapter 4A of Article I of the Arcadia Municipal Code.

9407.5 Maintenance Standards

- A. Nonresidential properties shall not be substandard as defined in Section 9402.6. Substandard.
- B. Failure to adhere to the maintenance standards for nonresidential properties shall be a public nuisance, subject to abatement or summary abatement in accordance with this Code.

Attachment No. 2

Planning Commission Minutes
February 14, 2023



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 14, 2023**

-EXCERPT-

- 1. Resolution No. 2114** – Recommending that the City Council approve Text Amendment No. TA 22-03 amending various sections of Article IX, Chapter 1 (Development Code) of the Arcadia Municipal Code pertaining to Accessory Dwelling Units (ADU) and Final Parcel Maps with dedications, and amending Article IV of the Arcadia Municipal Code, Chapter 6 (Noise Regulation) the allowable hours for gardening, and landscaping, and Chapter 4 (Property Maintenance and Nuisance Abatement Code) to establish requirements and regulations for non-operating properties in non-residential zones
CEQA: Exempt
Recommendation: Adopt

Applicant: City of Arcadia – Development Services Department

MOTION- PUBLIC HEARING

Deputy Development Services Director, Lisa Flores, presented some background on the four text amendments and handed it over to Assistant Planner Alison MacCarley to present the proposed changes.

Commissioner Wilander asked if there is any possibility to also change Saturday's hours for the gardening and landscaping ordinance. Ms. Flores said the comments and recommendations can be passed on to the City Council, but the Commission can certainly recommend any other changes to the hours.

Commissioner Tallerico then asked if there are a lot of non-operating properties.

Management Analyst, Alana Bautista, explained there are not many non-operating properties in non-residential areas that are a nuisance. However, the City wanted to establish a program that would hold those that are a nuisance responsible.

Chair Thompson asked about Accessory Dwelling Units and the regulation regarding the proximity to public transit. He then asked about the dedications on the Parcel Maps.

Ms. MacCarley explained the State would like to encourage the use of public transportation and therefore incorporated that regulation for Accessory Dwelling Units. Regarding the Parcel Maps, Ms. MacCarley explained the goal is to streamline the process.

Chair Thompson added he does not agree with amending the gardening allowable hours to noon on Sundays.

Vice Chair Tsoi asked for clarification for the definition of non-operating properties and Ms. Bautista confirmed that this amendment does not include residential properties as there is already a program in place that requires the registration of vacant residential properties.

Commissioner Hui commented on the lack of maintenance of non-residential properties. Staff clarified this would be addressed through Code Services and the properties would be subject to notices of violations and if escalated, administrative citations.

City Attorney Mike Mauer went into detail about the new process for addressing non-operating nuisance properties and how property maintenance will be enforced.

Vice Chair Tsoi asked about the new height limit for Accessory Dwelling Units. Ms. MacCarley explained the City will still be limiting detached ADU to single story where we are allowed to.

Commissioner Hui asked about second stories on garages. Ms. MacCarley explained ADU are permitted in garages as a conversion, but not above a detached garage.

It was moved by Vice Chair Tsoi seconded by Commissioner Wilander, to close the public hearing.

Without objection, the motion was approved.

DISCUSSION

Chair Thompson and Commissioner Wilander would like their comments forward to the City Council and that the gardening hours on Sunday should change to 9 a.m. instead of noon since most property owners, like themselves, would prefer to mow their lawn or get their yard work done before it gets hot in the summertime. Starting any yard work at noon would be brutal because of the heat.

MOTION

It was motioned by Commissioner Wilander and seconded by Commissioner Tallerico to adopt Resolution No. 2114 recommending that the City Council approve the Text Amendment No. TA 22-03 amending various sections of Article IX, Chapter 1 (Development Code) of the Arcadia Municipal Code pertaining to Accessory Dwelling Units (ADU) and Final Parcel Maps with dedications, and amending Article IV of the Arcadia Municipal Code, Chapter 6 (Noise Regulation) the allowable hours for gardening, and landscaping, and Chapter 4 (Property Maintenance and Nuisance Abatement Code) to establish requirements and regulations for non-operating properties in non-residential zones

ROLL CALL

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

Motion was approved.

Attachment No. 3

Planning Commission Resolution No. 2114
and Staff Report

RESOLUTION NO. 2114

RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. 22-03 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 (DEVELOPMENT CODE) OF THE ARCADIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS (ADU) AND FINAL PARCEL MAPS WITH DEDICATIONS, AND AMENDING ARTICLE IV OF THE ARCADIA MUNICIPAL CODE, CHAPTER 6 (NOISE REGULATION) THE ALLOWABLE HOURS FOR GARDENING, AND LANDSCAPING, AND CHAPTER 4 (PROPERTY MAINTENANCE AND NUISANCE ABATEMENT CODE) TO ESTABLISH REQUIREMENTS AND REGULATIONS FOR NON-OPERATING PROPERTIES IN NON-RESIDENTIAL ZONES

WHEREAS, the Development Services Department has initiated a Text Amendment No. TA 22-03 to amend and update various sections of the City's Development Code, Article IX, Chapter 1 and the City's Municipal Code, Chapters 4 and 6 (referred to as "Text Amendment"); and,

WHEREAS, the proposed Text Amendment would result in changes to the Development Code to Division 2: Accessory Dwelling Units and Division 5: Subdivisions. The proposed Text Amendment would also result in changes to Chapter 6 of Municipal Code pertaining to noise related to gardening and landscaping and Chapter 4 of the Municipal Code regarding Property Maintenance and Nuisance Abatement Code; as shown in Exhibit "A through D" of this Resolution; and,

WHEREAS, on January 26, 2022, Planning Services completed an environmental review of the proposed Text Amendment and determined that the project is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines 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 26, 2023, 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 14, 2023, 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 14, 2023, 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 will be consistent with the General Plan as the purpose of the proposed text amendments are to update the City's ADU Ordinance to comply with recently updated State ADUs provisions, expedite processing of final maps with a dedication by authorizing the City Engineer to approve these applications, change hours of operation for landscaping, gardening, and noise, and to implement a program to regulate non-operating nonresidential properties. The Ordinance will improve the condition of existing and future housing opportunities for all Arcadia

residents, and remove governmental constraints, and improve the condition of commercial zones by regulating nuisance properties. The goals, policies, and program actions in the Ordinance are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that maintain Arcadia as a desirable place to live and do business.

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

FACT: The proposed Text Amendment includes codifying development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with new state law. The Text Amendment replaces existing language within the Development Code that heretofore was compliant with state law. The new development standards and regulations for accessory dwelling units and junior accessory dwelling units are consistent with the remainder of the regulations for development and construction in residential zones throughout the City. The changes to Division 5 of the Development Code will impact the way that Final Parcel Maps with Dedications are processed, and will be consistent with other provisions of the Development Code.


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

Section 4. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission hereby recommends that the City Council approve Text Amendment No. TA.22-03, as reflected in Exhibits "A through D" of Draft Ordinance No. 2390 of this Resolution.

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

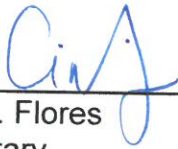
(SIGNATURES ON NEXT PAGE)

Passed, approved and adopted this 14th day of February, 2023.



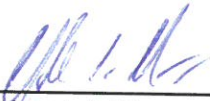
Brad Thompson
Chair, Planning Commission

ATTEST:



Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Mauer
City Attorney

EXHIBIT “A”

Development Code, Division 2 – ADUs

Development Code - Division 2 – Accessory Dwelling Units

The new language is shown in “red.” Strikethrough for any language to be deleted.

9102.01.080 Accessory Dwelling Units Amended by Ord. No. 2347

Amended by Ord. 2369 & 2370

Amended by Ord. No. 2375

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

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.

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. ~~No more than two bedrooms are allowed.~~
- b. **Junior Accessory Dwelling Unit.** The maximum size within an existing or proposed single-family dwelling is 500 square feet.

- c. An attached accessory dwelling unit that is created on a lot within an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, unless this would restrict the maximum size of the accessory dwelling unit to be smaller than 800 square feet.
- d. Application of other development standards **in this section**, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but ~~no~~ **any application of the percent-based floor area limit in paragraph A.4.c above or of an FAR, lot coverage, or front setback, or open space requirements may require the** **must yield to the extent necessary to allow an** accessory dwelling unit to be **less than up to** 800 square feet.

5. Maximum Height and Story

- ~~a. A single story attached or detached accessory dwelling unit may not exceed 16 feet in height, measured to the top of the roof ridge.~~
- ~~b. A second story or two story attached accessory dwelling unit may not exceed the height of the primary dwelling.~~
- ~~c. A detached accessory dwelling unit may not exceed one 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 the minimum side and rear yard setbacks of at least four (4) feet.
- b. An attached accessory dwelling unit shall meet the same front setback as required for the primary residence.
- 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 space 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 in with Single-Family Dwelling Zones:** ~~Only one~~ : **One** accessory dwelling unit ~~or 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.
4. ~~The converted ADU shall not exceed 50% of the livable area of the primary residence. A converted JADU shall not exceed 50% of the livable area of the primary residence nor the maximum permitted size for a junior accessory dwelling unit.~~

B. **Detached Accessory Dwelling Unit in with Single-Family Dwelling Zones:** ~~One detached, new construction of an~~ **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 ~~structure~~ **peak height above grade** does not exceed ~~16 feet in height and one story~~ **the applicable height limit in subsection (e)(2) below.**

C. **Converted Accessory Dwelling Unit in Multifamily Dwellings Zones:** ~~Portions:~~ **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, communal rooms, or garages, ~~may be if each~~ converted into an accessory dwelling unit if ~~it ADU~~ **ADU** complies with the state building standards for dwellings. ~~Up 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 on a lot may have a converted accessory dwelling unit, and at least one (1) converted accessory dwelling unit is allowed within an existing multifamily dwelling structure.~~

D. **Detached Accessory Dwelling Unit in with Multifamily Dwellings Zones:** 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 total floor area is 800 square feet or less, and shall not be larger in size than any existing multifamily unit.~~ **peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.**

2. Accessory Dwelling Unit Permit

Any construction that ~~exceeds~~ **does not comply with each of** the requirements listed ~~above~~ listed in Subsection 1 above (Building Permits Only) shall require a **ministerial** Zoning Clearance for an Accessory Dwelling Unit. ~~pursuant to the provisions of Section 9107.27 (Zoning Clearance for Accessory Dwelling Units).~~

3. Process and Timing

- a. A Zoning Clearance for an Accessory Dwelling Unit compliant with the standards of this Section 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:
 - i. The Applicant requests for a delay, in which case the 60 day time period is tolled for the period of the requested delay, or
 - ii. **A 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.**

1. Impact Fees.

1. Impact Fees. No impact fee is required for an accessory dwelling unit that is less than 750 square feet in size., ~~except for school district impact fees, which may be required for accessory dwelling units greater than 500 square feet.~~
2. ~~Any impact fee that is required for an accessory dwelling unit that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling, or the average square footage of the multifamily dwelling units within a multifamily dwelling structure (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new dwelling). Impact fees does not include any connection fee or capacity charge for water or sewer service.~~

D. Utility Fees.

- ~~1. Converted accessory dwelling units and junior accessory dwelling units on a single-family lot that were approved by a building permit only are not required to have a new or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility, nor is a construction fee or capacity charge required unless the accessory dwelling unit is constructed with a new single-family home. All accessory dwelling units, except as noted above, require a new, separate utility connection directly between the accessory dwelling unit and the utility. The Director or designee and the Building Official has the discretion to not require a separate connection for certain utilities depending on the circumstances. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the accessory dwelling unit or junior accessory dwelling unit, based on either the floor area or the number of drainage fixture (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.~~
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.

- ~~a. All accessory dwelling units that were created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the accessory dwelling unit was created.~~
1. An accessory dwelling unit that is created after that date **January 1, 2020**, but before January 1, 2025, is not subject to any owner-occupancy requirement.
2. All **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 in a lawful dwelling 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 **and/or exceeds the maximum size of 800 square feet for an accessory dwelling unit on a lot that already exceeds the maximum floor area 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 ADU must match the architectural style of the primary dwelling and provide matching architectural elements, such as: exterior colors, materials, surface treatments, windows, trims, and exterior doors.

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

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

Other

11. ~~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.~~
12. ~~On corner lots, a separate walkway from the primary residence may be allowed to the detached ADU entrance and it must connect to the nearest public sidewalk or right of way.~~
13. ~~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.**

EXHIBIT "B"

Development Code, Division 5 - Subdivisions

Division 5 – Subdivisions

The new language is shown in “red.” Strikethrough for any language to be deleted.

9105.01.060 Advisory Agency

A. Advisory Agency

- The designated advisory agencies specified in this Subsection shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions on these applications, and shall have the authority to act upon the applications as specified below.

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

Notes:

- "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 9108.07 (Appeals); "Recommend" means that the review authority makes a recommendation to a higher decision-making review authority.
- Decisions of the Council may not be appealed.

2. Any advisory agency shall have the authority to refer an application to the Commission or Council for action, as indicated in Table 5-1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Subsection, any application filed in compliance with this Section that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 7-1 (Review Authority), located within Division 7 (Permit Processing Procedures).

B. Appeal Authorities

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

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

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

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

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

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

1. Taking action to recommend approval, conditional approval, or denial of condominiums/conversions, tentative tract map applications, and reversion to acreage maps to the Council.
 2. Hearing appeals of decisions of the City Engineer and Director.
 3. Reviewing and taking action to approve, conditionally approve, or deny commercial condominium and residential condominium conversion applications.
- F. **Council.** The Council shall be responsible for all of the following:
1. Accepting offers of dedication and improvements for divisions of land resulting in five or more lots.
 2. Review authority on amendments to recorded maps, condominiums/conversions, ~~tentative and final parcel maps with dedications~~, tentative and final tract maps, and reversions to acreage maps.
 3. Taking action to approve, conditionally approve, or deny any application referred by another review authority or by appeal, or any land division application with an associated permit application filed in compliance with the requirements of this Development Code.

9105.05.50 Final Tract or Parcel Map Approval and Recordation

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

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

H. **Review and Approval by the Review Authority**

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

- a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Section, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
- b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map ~~not involving any offers of dedication or improvement~~ **four or fewer parcels**, the Director, does not materially affect the validity of the map.

I. Map with Dedications

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

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

K. Recording of Final Tract and Parcel Maps

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

9105.09.070 Improvement Agreement Required

If all required improvements, engineering, and inspections are not satisfactorily completed before a parcel or final map is approved, the subdivider shall, before the approval of the parcel or final map, enter into an improvement agreement with the City where in consideration of the acceptance by the Council **or City Engineer** of the streets, easements, and any other land offered for dedication, the subdivider and the subdivider's contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement in compliance with Government Code Section 66499.3.

9105.11.20 Dedications

D. Acceptance of Dedications

1. Council Action and Certification

- a. At the time the Council or City Engineer approves a final map, it shall also accept, subject to improvement, or reject any offer of dedication.
- b. The City Clerk shall certify on the map the action of the Council.

2. Deferred Acceptance

- a. If at the time the final map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected subject to Code of Civil Procedure Section 771.010, the offer of dedication shall remain open and the Council or City Engineer may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including benches, bus turnouts, landing pads, shelters, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use, in compliance with Subparagraph B. 2. (Future Dedication), above.
- b. The acceptance shall be recorded in the office of the County Recorder.

EXHIBIT "C"

Arcadia Municipal Code, Chapter 6 – Noise Regulations

Chapter 6 – Noise Regulations

The new language is shown in “red.” ~~Strikethrough~~ for any language to be deleted.

4630.2. Noise. Gardening And Landscaping.

No person shall operate any mechanical equipment related to the gardening and/or landscaping of any property within a residential zone other than from seven (7) a.m. to seven (7) p.m., Monday through Saturday, and from ~~nine (9) a.m.~~ **twelve (12) p.m.** to five (5) p.m. on Sundays within all residential zones; provided, however, that use of mechanical equipment for tree trimming on Sundays shall be prohibited. (Added by Ord. 2246 adopted 10-7-08)

EXHIBIT “D”

**Municipal Code, Chapter 4 – Property Maintenance and
Nuisance Abatement for Non-Operating Properties in Non-
Residential Zones**

Chapter 4 – Property Maintenance and Nuisance Abatement Code

The new language is shown in “red.” Strikethrough for any language to be deleted.

9407. Registration Of Non-Operating Properties.

9407.1 Purpose.

It is the purpose and intent of the City of Arcadia, through the establishment of a non-operating property registration program to protect commercial or industrial areas from becoming blighted by a lack of adequate maintenance and/or security of properties and to prevent these properties from becoming a further liability to the surrounding area and community. The purpose and intent of such program is to require property owners of non-operating properties to address the lack of adequate maintenance and security of their properties.

9407.2 Definitions.

For the purposes of this Division, the following definitions shall apply:

- A. “Non-operating property” means a building, structure, or lot intended for commercial or industrial uses but which is not currently operating any commercial or industrial operations. “Non-operating property” includes but is not limited to vacant properties, properties under development or redevelopment, properties in construction, and properties that have completed construction and are awaiting occupancy. “Non-operating property” does not include residential property other than vacant property that is intended or zoned for mixed uses.

9407.3 Registration.

- A. The owners of non-operating property shall register the property with the City. Registration shall be completed either voluntarily by the property owner or within thirty (30) days of service of an order to register. The Director, Building Official, or their respective designee may issue an order to register. Owners shall not be liable for failure to register unless the owner has been ordered to register in accordance with this section. The Director may waive the registration requirement for any property that is adequately secured and maintained, does not contain nuisance or substandard conditions, and does not contain conditions making it an accessible or attractive nuisance to trespassers.
- B. The registration shall identify the name and contact information for the property owner(s) and two authorized contacts for the property. At least one contact shall be identified as a twenty-four (24) hour contact phone number for a person or company who is authorized to act on behalf of the owner. The 24-hour contact must be local and must be able to respond to problems related to the property within one hour of receiving telephone notice.

EXCEPTION: If the owner provides the name of a bona fide property management company that is actively engaged in managing properties, that is available twenty-four hours a day to respond to calls and that has an office located within 20 miles of the property then the owner will not need to provide information for any additional contacts.

- C. In completing the registration, the property owner shall acknowledge that: (1) the property owner shall be strictly liable for any failure to maintain the property or to respond within a timely manner regarding problems at the property, and (2) the City may enter the property to summarily abate any substandard or nuisance condition.
- D. The property owner shall pay an annual fee to the City in an amount set by the City Council for the City's costs of administering the registration program. The fee shall be due together with the registration.

- E. The property owner and any other party responsible for the non-operating property shall be liable for the City's costs related to non-operating property, including but not limited to costs to respond to trespass and nuisance conditions, abatement and enforcement. Costs shall be recoverable pursuant to Section 9405. Unless prohibited by state law, the City may withhold issuance of business licenses, building permits, certificates of occupancy, and other permits, licenses, or entitlements until the property owner makes payment of all outstanding City costs.

9407.4 Violations

- A. It shall be unlawful and a violation of this Code for a property owner to fail to register a non-operating property, which shall be treated as a strict liability offense regardless of intent.
 - 1. An owner's failure to register a non-operating property shall be deemed an infraction and shall be punishable pursuant to Section 1200(b) of the Arcadia Municipal Code.
 - 2. An owner's failure to register a non-operating property shall be subject to administrative fines pursuant to Chapter 4A of Article I of the Arcadia Municipal Code.
 - 3. Each day that a non-operating property remains unregistered shall be a separate offense.
 - 4. The owner shall only be liable for a violation under this subsection if the City first gave an order to the owner to register.
- B. It shall be unlawful and a violation of this Code for an owner to fail to respond, either personally or through an authorized agent, to any contact from the City within 48 hours, or within one (1) hour if the contact relates to an immediate public health and safety concern, which shall be treated as a strict liability offense regardless of intent.
 - 1. If the owner or authorized contact person cannot be timely reached, does not timely respond, or does not abate any substandard conditions, it shall be grounds for the City to proceed with summary abatement and recover its costs pursuant to Sections 9404 and 9405 of the Arcadia Municipal Code.
 - 2. If an authorized contact person cannot be reached, the owner shall be liable for an infraction, which shall be punishable pursuant to Section 1200(b) of the Arcadia Municipal Code.
 - 3. If an authorized contact person cannot be reached, the owner shall be subject to an administrative fine pursuant to Chapter 4A of Article I of the Arcadia Municipal Code.

9407.5 Maintenance Standards

- A. Nonresidential properties shall not be substandard as defined in Section 9402.6. Substandard.
- B. Failure to adhere to the maintenance standards for nonresidential properties shall be a public nuisance, subject to abatement or summary abatement in accordance with this Code.

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

I, Lisa Flores, Secretary of the Planning Commission of the City of Arcadia, hereby certify that the foregoing Resolution No. 2114 was passed and adopted by the Planning Commission of the City of Arcadia, signed by the Chair and attested to by the Secretary at a regular meeting of said Planning Commission held on the 14th day of February, 2023, and that said Resolution was adopted by the following vote, to wit:

AYES: Chair Thompson, Vice Chair Tsoi, Hui, Wilander, and Tallerico

NOES: None

ABSENT: None



Lisa L. Flores
Secretary of the Planning Commission



STAFF REPORT

Development Services Department

DATE: February 14, 2023
TO: Honorable Chair and Planning Commission
FROM: Lisa Flores, Deputy Development Services Director
By: Alison MacCarley, Assistant Planner

SUBJECT: RESOLUTION NO. 2114 – RECOMMENDING THAT THE CITY COUNCIL APPROVE TEXT AMENDMENT NO. 22-03 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 (DEVELOPMENT CODE) OF THE ARCADIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS (ADU) AND FINAL PARCEL MAPS WITH DEDICATIONS, AND AMENDING ARTICLE IV OF THE ARCADIA MUNICIPAL CODE, CHAPTER 6 (NOISE REGULATION) THE ALLOWABLE HOURS FOR GARDENING, AND LANDSCAPING, AND CHAPTER 4 (PROPERTY MAINTENANCE AND NUISANCE ABATEMENT CODE) TO ESTABLISH REQUIREMENTS AND REGULATIONS FOR NON-OPERATING PROPERTIES IN NON-RESIDENTIAL ZONES
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Development Services Department has initiated a Text Amendment to amend and update various sections of the City’s Development Code and Municipal Code. The Text Amendment consists of: 1) An update of the Accessory Dwelling Unit Ordinance in the Development Code due to recent changes in State law; 2) Changes to approval process for Final Parcel Maps with Dedications in the Development Code; 3) A minor change to Chapter 6 of Municipal Code pertaining to noise related to gardening and landscaping; and 4) An amendment to Chapter 4 of the Municipal Code (Property Maintenance and Nuisance Abatement Code) to establish requirements and regulations pertaining to non-operating properties in non-residential zones. As such, it is recommended that the Planning Commission adopt Resolution No. 2114, recommending that the City Council approve Text Amendment No. TA 22-03 and determine the Text Amendment is exempt from the California Environmental Quality Act (“CEQA”).

BACKGROUND

Accessory Dwelling Unit Ordinance Update

Over the past decade, the State legislature has enacted legislation that has reduced barriers for property owners to develop accessory dwelling units on residentially zoned properties. Accessory Dwelling Units are seen by housing advocates and the State legislators as a way to relieve some of the stress of the ongoing housing availability crisis within the State. Accessory Dwelling Units are fully contained, secondary units which can be rented out separately from primary dwelling on any residentially zoned property in the City. In 2022, the California State Legislature approved, and Governor Newsom signed, two new laws; AB 2221 and SB 897. These two bills went into effect on January 1, 2023. These two laws amended Government Code Section 65852.2 include changes to the existing Accessory Dwelling Unit (ADU) laws, as shown in the text amendment, which is later discussed under the Analysis – refer to Exhibit A of Attachment No. 1. The City seeks to update the current ADU ordinance to comply with the new regulations and clarify development standards regarding ADUs in the City.

Final Parcel Maps with Dedications

Staff undertook a review of the City's processes for various project types and identified Final Parcel Maps with Dedications as a process that can be simplified and expedited. The Development Code requires that all Final Parcel Maps with Dedications shall be approved by the City Council. However, this process can be streamlined where the dedication and parcel map can be accepted and approved by the City Engineer as long as the tentative parcel map with the dedication was approved by the Planning Commission.

Change in Allowable Hours for Gardening and Landscaping

At the January 19, 2021, City Council meeting, the City Council discussed the possibility of changing the allowable hours for noise related to gardening and landscaping in the residential areas, which are currently Monday through Saturday from 9:00 a.m. to 5:00 p.m., and on Sundays from 7:00 a.m. to 7:00 p.m. A staff report was prepared at that time that included an evaluation of the City's current regulations, a study of neighboring cities' regulations, the low volume of complaints the City receives regarding this matter, and proposed alternative regulatory options. At the conclusion of the City Council's discussion, the City Council made the decision to table the subject. The subject was brought forward again at the November 1, 2022, City Council meeting for further discussion. As a result of the discussion at this meeting, the City Council voted 4-1 for staff to prepare an Ordinance to amend Article IV, Section 4630.2 of the Arcadia Municipal Code to change the hours of operation for noise related to gardening and landscaping only on Sundays from 9:00 a.m. to 5:00 p.m. to 12:00 p.m. to 5:00 p.m.

New Requirements and Regulations for Non-Operating Properties in Non-Residential Zones

The City is proposing new requirements and regulations for registration of non-operating properties in non-residential zones. The purpose of establishing a registration program on non-operating properties is to protect the commercial or industrial areas from becoming blighted by a lack of adequate maintenance and/or security and to prevent these properties from becoming a further liability to the surrounding area and community. Although this does not occur frequently, the City has dealt with non-operating properties that have presented serious maintenance and security issues that have required responses from various City departments. Establishing this program would enable the City to charge for costs incurred through inspections, abatements, emergency calls, and other various responses on a non-operating property.

DISCUSSION

There are four text amendments being proposed. Two of which are changes to the Arcadia Development Code regarding the Accessory Dwelling Units (ADU) regulations and Final Parcel Map with a dedication, and the other two changes are to the City's Municipal Code regarding the change in hours for gardening and landscaping and a new program pertaining to Property Maintenance and Nuisance Abatement for "non-occupant" properties.

1. Accessory Dwelling Unit Ordinance Update

The City has updated the Accessory Dwelling Unit (ADU) Ordinance four times in the last five years to comply with all the changes that the State has made to the ADU laws. The State has included more changes to the ADU regulations that went into effect on January 1, 2023. The City, therefore, must update its ADU ordinance to be in compliance with State law.

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

- **Maximum height for Attached ADUs in any Residential Zone:** The maximum height for an attached ADU is 25 feet or the maximum height limit that applies to the primary dwelling, whichever is lower, and it is still limited to a maximum of two stories. Previously, the maximum height for attached ADUs was the height of the existing primary dwelling.
- **Maximum Height in Multi-family Zones:** The maximum height for a detached ADU was increased from 16 feet to 18 feet tall, as measured to the top of the ridge but the limitation of a single-story will remain the same.

- **Front Setback:** The front setback for a primary home can be modified to allow the primary dwelling to encroach into the front setback provided that it allows for construction of an up-to 800 square foot ADU that meets height limits and complies with four-foot side and rear setback requirements.
- **Junior Accessory Dwelling Units (JADUs):** A Junior Accessory Dwelling Unit (JADU) must be “within the walls” of a proposed or existing single-family dwelling. This location requirement now expressly includes existing attached garages. The maximum square footage for a JADU still remains at 500 square feet.
- **ADUs Near a High-Quality Transit** - This is a new regulation that now allows a detached ADU that is within half a mile of walking distance from high quality transit and within a single-family or multi-family zone up to 18 feet (was 16 feet) in height and single story plus an additional two (2) feet in height may be allowed for the structure to match the roof pitch of the existing primary structure.

The changes to allowable ADU heights will affect all ADUs within the City. To summarize, all detached ADUs, regardless of the zone, will continue to be limited to one story. For single-family zoned properties, the allowed maximum height will only change to be 18 feet for properties within a half mile walking distance of the train station or a high-quality transit corridor. Only a small number of single-family zoned properties fall within the half mile walking distance area. All other single-family zoned properties will continue to have a maximum height of 16 feet. In all multi-family zones, the maximum allowable ADU height has increased from 16 feet to 18 feet.

The State has also changed the applicability of front setbacks regarding Statewide Exempt ADUs (SEADU). A SEADU is an ADU of up to 800 square feet with minimum four feet rear and side setbacks, and a maximum height of 16 feet, and is a ministerial action. It may be attached or detached. When in cases that there is not enough room in the rear or side yard area(s) for a SEADU, the primary dwelling may encroach into the front yard setback in order to accommodate the construction of a new SEADU in the rear or side yard area.

State law now clarifies that existing attached garage(s) may be converted into JADUs, however it will still be limited to 500 square feet. Previously, it was unclear under State law whether attached garages were considered “within the walls of the primary dwelling”. The State has now clarified that attached garages are “within the walls of the primary dwelling” and therefore can be converted into JADUs. Where an attached garage is larger than 500 square feet, only a maximum of 500 square feet can be converted into a JADU – the balance area would remain as a garage.

2. *Final Parcels Maps with Dedications*

Under the current provisions of the Development Code, a Final Parcel Map with a dedication requires approval by the City Council. As a charter city, the City of Arcadia has authority over its municipal affairs, which include establishing procedures for the acceptance of dedications. Approval of a final parcel map is a ministerial action, provided that the final map is consistent with and implements the requirements of an approved tentative map. The City Engineer thus makes the determination whether any dedications are appropriate, and the City Council's approval is mere procedural formality. The Subdivision Map Act allows for a procedure where the City Engineer approves a final map with dedications, but the procedure still requires formal notice to the City Council and an opportunity to appeal the final map approval to the City Council. This procedure is potentially more cumbersome to implement rather than providing a more efficient process. Therefore, the City Council may exercise its home rule authority in order to streamline the process, and thus the proposed text amendment no longer requires that a final parcel map with a dedication be approved by the City Council. If the dedication changes in any way, it would have to be referred back to the Planning Commission for re-approval. The City Engineer would not have any authority to act on a land use decision. By changing this process, it should reduce the review period by four weeks.

Change in Allowable Hours for Gardening and Landscaping

As a result of the discussion at the November 1, 2022, City Council meeting, on allowable hours for noise related to gardening and landscaping in the residential areas and with the intention to minimize noise created from gardening and landscaping on Sundays, the City Council voted 4-1 for staff to prepare an Ordinance to amend Article IV, Section 4630.2 of the Arcadia Municipal Code to change the hours of operation for noise related to gardening and landscaping only on Sundays from 9:00 a.m. to 5:00 p.m. to 12:00 p.m. to 5:00 p.m.. Amending the hours on Sundays would shorten the time frame for gardening and landscaping on this day and would limit noise that is produced from these activities in the early morning. The allowable hours on Monday through Saturday will remain the same, which are from 7:00 a.m. to 7:00 p.m.

Arcadia Municipal Code pertaining to Property Maintenance and Nuisance Abatement Code

The proposed program would apply to all "non-operating" properties, which the ordinance defines as commercial or industrial (including mixed use) that are not actively engaged in commercial or industrial operations. The definition includes vacant properties, as well as those under construction or redevelopment. The goal is to that the City has a responsive contact that can respond quickly to issues on site and can be responsible for ensuring the site is sufficiently secured and maintained. The property owner of a non-operating property would be required to register the property with the City only if ordered by the City. In addition to registering the property with the City, the property owner would be required to pay an annual registration fee and would be subject to any and all additional

costs incurred by the City in relation to the maintenance or security of the property. The annual registration fee would be required for as long as the property remains on the registry and the City would have the sole authority to remove the property from the registry. As part of the regulations of these properties, the City is also proposing that conditions of approval be placed on project approvals and entitlements. These conditions of approval would focus on the maintenance and security of a property once it has been developed. Development Services Department would ensure these conditions of approval are implemented.

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 will be consistent with the General Plan as the purpose of the proposed text amendments are to update the City's ADU Ordinance to comply with recently updated State ADUs provisions, expedite processing of final maps with a dedication by authorizing the City Engineer to approve these applications, change hours of operation for landscaping, gardening, and noise, and to implement a program to regulate nuisance nonresidential properties. The Ordinance will improve the condition of existing and future housing opportunities for all Arcadia residents, and remove governmental constraints, and improve the condition of commercial zones by regulating nuisance properties. The goals, policies, and program actions in the Ordinance are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that maintain Arcadia as a desirable place to live and do business.

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

Facts to Support the Finding: The proposed Text Amendment includes codifying development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with new State law. The new development standards and regulations for accessory dwelling units and junior accessory dwelling units are consistent with other applicable provisions of the Development Code. The changes to Division 5 of the Development Code will impact the way that Final Parcel Maps with Dedications are processed, and will be consistent with other provisions of the Development Code. Updating the City's regulations regarding landscaping hours on Sundays will not contradict or otherwise processed with any provisions of the Development Code. Implementing a property maintenance and nuisance abatement

program for commercial properties will not be in conflict with any provisions of the Development Code. Therefore, the proposed Text amendment is internally consistent with other applicable provisions of this Development Code.

ENVIRONMENTAL ASSESSMENT

The California Environmental Quality Act (CEQA) together with State CEQA Guidelines and procedures require that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The proposed update to the ADU Ordinance, Final Parcel Map with Dedications, and update to the Arcadia Municipal Code regarding Noise, Gardening, and Landscaping, and Property Maintenance and Nuisance Abatement are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed text amendments 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 of the Development Code 9108.13.020.B.2, if the number of property owners to whom notice would be mailed is more than 1,000, a notice may be published in a general circulation news publication. Accordingly, a public hearing notice for Text Amendment No. TA 22-03 was published in the Arcadia Weekly on January 26, 2023. As of February 9, 2023, no comments were received in response to the notice.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2114, recommending that the City Council approve Text Amendment No. TA 22-03 amending various sections of Chapter 1, Article IX, of the Arcadia Development Code related to Accessory Dwelling Units and Final Parcel Maps as well as amendments to Article IV, Chapter 6 (Noise Regulation) regarding noise, gardening, and landscaping, and Chapter 4 (Property Maintenance and Nuisance Abatement Code) to establish requirements and regulations for nuisance nonresidential properties and with a statutory exemption from the California Environmental Quality Act.

If any Planning Commissioner or other interested party has any questions or comments regarding this matter prior to the February 14, 2023, hearing, please contact Assistant Planner, Alison MacCarley at (626) 574-5447, or by email at Amaccarley@ArcadiaCA.gov

Text Amendment No. 22-03
February 14, 2023
Page 8 of 8

Approved:

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

Lisa L. Flores
Deputy Development Services Director

Attachment No. 1: Resolution No. 2114 with Text Amendments
Attachment No. 2: Preliminary Exemption Assessment

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Ordinance No. 2396 related to Text Amendment no. TA 22-03 amending various sections of Article IX, Chapter 1 (Development Code) Of The Arcadia Municipal Code Pertaining To Accessory Dwelling Units (ADU) and Final Parcel Maps with Dedications, and amending Article IV, Chapter 6 (Noise Regulation) regarding Noise, Gardening, And Landscaping, And Chapter 4 (Property Maintenance and Nuisance Abatement Code) To Establish Requirements and Regulations For Nuisance Nonresidential Properties	
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, Final Parcel Map with Dedications, and update to the Arcadia Municipal Code regarding Noise and Nuisance Nonresidential Properties 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: February 6, 2023

Staff: Alison MacCarley, Assistant Planner

**ARCADIA CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, MARCH 7, 2023**

1. **CALL TO ORDER** – Mayor Cheng called the Regular Meeting to order at 7:03 p.m.
2. **INVOCATION** – Pastor Terrence Shay (Arcadia Resident), First Chinese Baptist Church of Walnut
3. **PLEDGE OF ALLEGIANCE** – Council Member Cao
4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cao, Kwan, Wang, Verlato, and Cheng
ABSENT: Verlato

City Manager Lazzaretto noted for the record that Mayor Pro Tem Verlato had shared that she would be late to the meeting, but was expected to arrive shortly.

Mayor Pro Tem Verlato arrived at 7:08 p.m.

5. **SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto announced that Presentation Item 6.d. regarding the American Red Cross Month Proclamation will be moved to the March 21, 2023, City Council Meeting.

6. **PRESENTATIONS**

- a. Presentation of adoptable dog by the Pasadena Humane Society.
- b. Presentation of Mayor's Certificate to Arcadia resident Dr. Elizabeth Budde for her exceptional work related to cancer treatment.
- c. Presentation of the 2023 Arbor Day Proclamation.
- d. Presentation of the American Red Cross Month Proclamation.
- e. Presentation of Mayor's Certificates to the Arcadia High School Constitution Team for placing first at the Southern California regional competition.

Presentation Item 6d. was moved to the March 21, 2023, City Council Meeting.

7. **PUBLIC COMMENTS**

Dr. Dino Clarizio, an Arcadia resident and physician, appeared and expressed his support for the proposed Health Commission; and recommended that the commission provide support to seniors.

Dr. Mark Feng, an Arcadia resident and urologist, appeared and expressed his support for the proposed Health Commission; he stated that he would like the commission to help residents navigate through the complexity of the health care system, provide resources towards education

and health care; and recommended that the commission serve as the liaison to advocate for those resources through medical entities in the City.

Charles Funaro, an Arcadia resident and retired attorney, appeared in support of the proposed Health Commission; he indicated that the commission would enable health care providers to efficiently collaborate in providing a rapid response during natural disasters; and stated that the commission will offer health care providers opportunities to reach the community through events and programs towards improving mental and physical health.

Bob Morales, an Arcadia resident, appeared in support of the proposed Health Commission; he spoke about the challenges the City faced during the pandemic; he indicated that the commission is a great solution to keep the community informed of any potential health challenges; and stated that he strongly supports a commission that can advise City leaders on matters of public health.

Father Kevin Rettig, Pastor of Holy Angels Catholic Church, appeared in support of the proposed Health Commission and recommended that the commission provide the community, specifically the elderly, administrative support to navigate health care challenges.

Nilo Salazar, an Arcadia resident and Senior Citizen Commission Member, appeared and expressed his support for the proposed Health Commission; he recommended that the commission educate residents on health and wellness; provided various health and safety topics; and encouraged the City Council to approve the commission.

8. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (*including reports from the City Council related to meetings attended at City expense [AB 1234]*).

Council Member Cao reported that he attended State Senator Portantino and California Insurance Commissioner Ricardo Lara's Emergency Preparedness Virtual Town Hall; Clean Power Alliance Meeting; Foothill Transit Authority Meeting; Arcadia Pony Little League Opening Day Ceremony; Arcadia High School Orchestra Benefit Dinner; Arcadia American Little League Opening Day Ceremony; Arcadia Santa Anita League Opening Day Ceremony; Planning Commission Meeting; Supervisor Kathryn Barger's "An Evening with Fifth District Cities" Event; and LA County Division, League of California Cities Meeting.

Council Member Kwan reported that she attended State Senator Portantino and California Insurance Commissioner Ricardo Lara's Emergency Preparedness Virtual Town Hall; Arcadia Pony Little League Opening Day Ceremony; Arcadia High School Orchestra Benefit Dinner; Arcadia Unified School District Board Meeting; Arcadia Woman's Club Meeting; Senior Citizen's Commission Meeting; and Supervisor Kathryn Barger's "An Evening with Fifth District Cities" Event.

Council Member Wang reported that she attended State Senator Portantino and California Insurance Commissioner Ricardo Lara's Emergency Preparedness Virtual Town Hall; Arcadia Pony Little League Opening Day Ceremony; Arcadia High School Orchestra Benefit Dinner; Arcadia American Little League Opening Day Ceremony; Arcadia Santa Anita League Opening Day Ceremony; China Town Leadership Opening Ceremony; and the Arcadia Chamber of Commerce Community Connection and Coffee Meeting. She also noted that she met with Pete Siberell, Director of Special Projects at Santa Anita Park, to discuss ideas on promoting public use of the Santa Anita Park event room, and attended the Los Angeles Chamber of Commerce 6th Annual Event.

Mayor Pro Tem Verlato expressed encouragement for the level of City Council support and attendance at community events. She requested City Council support of a resolution on a future

agenda endorsing front-of-package food labeling to help bring national awareness of food ingredients and to address obesity. A motion was made by Council Member Cao and seconded by Council Member Kwan to add this item to a future City Council Meeting. The City Council concurred.

Mayor Cheng spoke about the Arcadia Woman's Club; he noted that the Clubhouse is a local designated landmark and encouraged new residents to join the Club.

9. CONSENT CALENDAR

- a. Regular Meeting Minutes of February 21, 2023.
CEQA: Not a Project
Recommended Action: Approve

- b. Contract with Kordich Construction, Inc. for the Sewer Main Replacement Program in the amount of \$570,650.
CEQA: Exempt
Recommended Action: Approve

It was moved by Mayor Pro Tem Verlato, seconded by Council Member Wang, and carried on a roll call vote to approve Consent Calendar Items 9.a through 9.b.

AYES: Verlato, Wang, Cao, Kwan, and Cheng
NOES: None
ABSENT: None

10. CITY MANAGER

- a. Presentation, discussion, and direction regarding the creation of a City Health Commission.
CEQA: Not a Project
Recommended Action: Provide Direction

Deputy City Manager Bruno provided the PowerPoint presentation.

After City Council discussion, a motion was made by Council Member Cao, seconded by Council Member Wang, and carried on a roll call vote to bring back this item to a future Study Session for further discussion.

AYES: Cao, Wang, Kwan, Verlato, and Cheng
NOES: None
ABSENT: None

- b. Report, discussion, and direction concerning regulations on the use of artificial turf as a part of residential landscaping.
CEQA: Not a Project
Recommended Action: Provide Direction

Assistant City Manager Kruckeberg provided the PowerPoint presentation.

After discussion, the City Council directed staff to bring back a report at a future City Council meeting to consider staff's general recommendation allowing a higher percentage of Artificial Turf

in front and corner yards and continue to regulate as hardscape, to include what other cities are doing, and to address the City Council's maintenance and heat concerns.

11. ADJOURNMENT

The City Council adjourned at 9:59 p.m. to Tuesday, March 21, 2023, at 6:00 p.m. in the City Council Conference Room.



Linda Rodriguez
Assistant City Clerk



STAFF REPORT

Public Works Services Department

DATE: March 21, 2023

TO: Honorable Mayor and City Council

FROM: Paul Cranmer, Public Works Services Director
By: Tiffany Lee, P.E. Senior Civil Engineer

SUBJECT: RESOLUTION NO. 7486 AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET, AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$79,497.70, OFFSET BY A REDUCTION IN AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDS, AND APPROVE A CONTRACT WITH 316 ENGINEERING & CONSTRUCTION, INC. FOR THE WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$435,907, INCLUDING A 10% CONTINGENCY

CEQA: Exempt

Recommendation: Adopt and Approve

SUMMARY

The City of Arcadia’s Water Main Replacement Program is designed to replace aged and deteriorating water mains throughout the City’s water distribution system. The water main replacement project identified as part of the Fiscal Year 2022-23 Capital Improvement Program (“CIP”) includes the replacement of the 4-inch water main along the Alley south of La Porte Street between First Avenue and Saint Joseph Street. To ensure the City is receiving the most competitive prices and quality service for this work, a formal bidding process was conducted; 316 Engineering & Construction, Inc. submitted the lowest responsive bid.

It is recommended that the City Council adopt Resolution No. 7486 amending the Fiscal Year 2022-23 Capital Improvement Program Budget, authorizing a supplemental budget appropriation for the Water Main Replacement Project in the amount of \$79,497.70, offset by a reduction in American Rescue Plan Act (“ARPA”) Funds, and approving a contract with 316 Engineering & Construction, Inc. for the Water Main Replacement Project in the amount of \$435,907, including a 10% contingency.

BACKGROUND

The 4-inch steel water main along the Alley south of La Porte Street between First Avenue and Saint Joseph Street was installed in 1916. A copy of the Project Location Map is shown on Exhibit “A”. In recent years, Public Works Services maintenance crews have made several emergency repairs to this water main, primarily due to its age. The proposed project will replace the existing 4-inch steel water main with an 8-inch ductile iron water main. Ductile iron is the industry standard for water pipe and has corrosion resistance and strength. Ductile iron can also tolerate movement or deflection without breaking. This will result in improving the overall reliability of the City’s water distribution system.

DISCUSSION

A Notice Inviting Bids was published in the City’s adjudicated newspaper and bid packages were provided to contractors that perform this type of work. On February 28, 2023, the City Clerk received eight sealed bids with the following results:

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
316 Engineering & Construction, Inc.	Rosemead	\$ 435,907.00
G&A Nelos Construction, Inc.	Lake Elsinore	\$ 498,851.28
Palp, Inc. dba Excel Paving	Long Beach	\$ 523,737.00
GCI Construction, Inc.	San Clemente	\$ 540,644.00
Cedro Construction, Inc.	Santa Paula	\$ 546,515.00
Dominguez General Engineering Inc.	Pomona	\$ 616,140.00
Colich & Sons L.P.	Gardena	\$ 763,030.00
Bonadiman Water Inc.	Riverside	\$ 899,850.00

Bid documents were reviewed for content and the contractor’s background was also investigated. Based on the review, it has been determined that 316 Engineering & Construction, Inc. is the lowest responsive bidder for this work. 316 Engineering & Construction, Inc. has successfully completed other projects for the City of Arcadia, and has also completed similar projects for LA County Public Works, and the cities of Adelanto, El Monte, and Lynwood.

Funds in the amount of \$400,000 are budgeted in the Fiscal Year 2022-23 Capital Improvement Program Budget for the Water Main Replacement Project. The total cost for this project is \$435,907. Furthermore, a 10% contingency is being requested for this project to ensure sufficient budget, in the event of unforeseen additional work that may be necessary. Inflation has contributed to an increase in material costs and labor rates, consequently, the amount budgeted is less than the actual cost of this project. Therefore, a budget appropriation is being requested in the amount of \$79,497.70 to supplement the existing Water Main Replacement Project Budget and cover the entire project cost.

ENVIRONMENTAL ANALYSIS

This project involves the replacement and minor alteration of an existing utility system with no expansion of the system, and therefore, qualifies as a Class 2 categorical exemption per Section 15302(2) of the California Environmental Quality Act ("CEQA").

FISCAL IMPACT

Funds in the amount of \$400,000 have been budgeted in the Fiscal Year 2022-23 Capital Improvement Program for the Water Main Replacement Project. The total cost for this Project is \$435,907 and with the addition of a 10% contingency, the project cost would be \$479,497.70. A budget appropriation in the amount of \$79,497.70, offset by a reduction in ARPA funds, will supplement the existing Water Main Replacement Project Budget to cover the entire potential project cost. This project is an eligible use of ARPA funds and the City currently has ample ARPA funds available to cover the requested amount. In the event the contingency is not needed, unused funds will be returned to the ARPA reserve.

RECOMMENDATION

It is recommended that the City Council determine that this project is exempt under the California Environmental Quality Act ("CEQA"); and adopt Resolution No. 7486 amending the Fiscal Year 2022-23 Capital Improvement Program Budget, authorizing a supplemental budget appropriation for the Water Main Replacement Project in the amount of \$79,497.70, offset by a reduction in American Rescue Plan Act ("ARPA") funds, and approve a contract with 316 Engineering & Construction, Inc. for the Water Main Replacement Project in the amount of \$435,907, including a 10% contingency.

Approved:


Dominic Lazzaretto
City Manager

Resolution No. 7486 Award Water Main Replacement Project
March 21, 2023
Page 4 of 4

Attachments: Exhibit "A" - Project Location Map
Proposed Contract
Resolution No. 7486

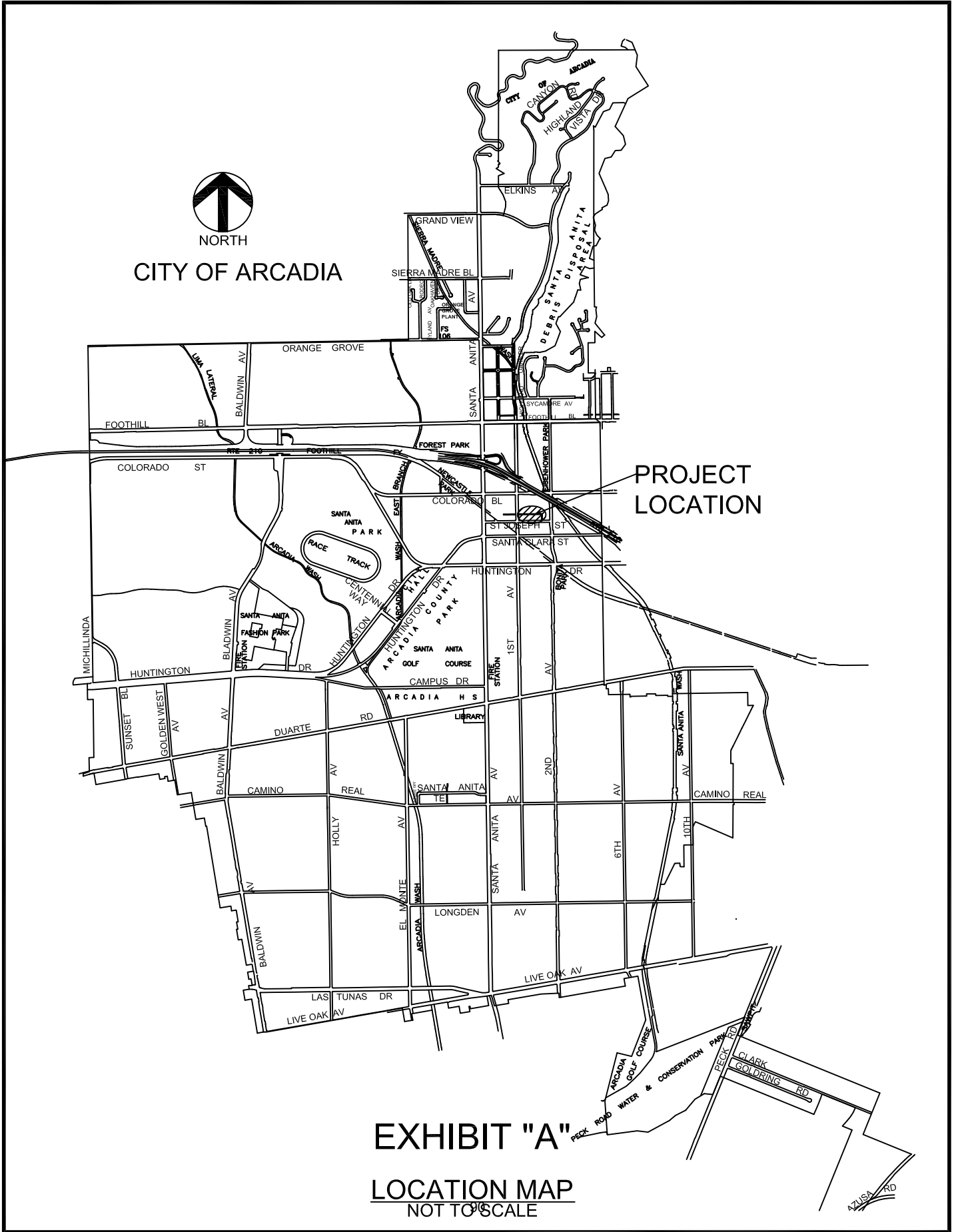
Water Main Replacement Project

Project No.: 65720523



NORTH

CITY OF ARCADIA



PROJECT
LOCATION

EXHIBIT "A"

LOCATION MAP
NOT TO SCALE

AZUSA RD

CITY OF ARCADIA

**WATER MAIN REPLACEMENT PROJECT
PROJECT No.: 65720523**

CONTRACT

**BETWEEN
CITY OF ARCADIA
AND
316 ENGINEERING & CONSTRUCTION, INC.**

**CONTRACT FOR THE
CITY OF ARCADIA**

This CONTRACT, No. _____ is made and entered into this ____ day of _____, _____, by and between City of Arcadia, sometimes hereinafter called "City," and **316 Engineering & Construction, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

A. SCOPE OF WORK. The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

Water Main Replacement Project / Project No.: 65720523

The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

B. TIME FOR COMPLETION. Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **Forty-Five (45) CALENDAR DAYS** calendar days from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

C. CONTRACT PRICE. The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **FOUR HUNDRED THIRTY-FIVE THOUSAND, NINE HUNDRED SEVEN DOLLARS AND NO CENTS (\$435,907.00)**. Payment shall be made as set forth in the General Conditions.

D. LIQUIDATED DAMAGES. In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum set forth in Special Conditions, Article 1.11 for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not exclude recovery of other damages specified in the Contract Documents.

E. COMPONENT PARTS OF THE CONTRACT. The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Bid Bond
- Designation of Subcontractors
- Information Required of Bidders
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor Registration Certification

Performance Bond
Payment (Labor and Materials) Bond
General Conditions
Special Conditions
Technical Specifications
Addenda
Plans and Drawings
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except Sections 1-9
Applicable Local Agency Standards and Specifications, as last revised
Approved and fully executed change orders
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

F. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE. Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

G. INDEMNIFICATION. Contractor shall provide indemnification and defense as set forth in the General Conditions.

H. PREVAILING WAGES. Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Administrative Office or may be obtained online at dir.ca.gov and which must be posted at the job site.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

CITY OF ARCADIA

316 ENGINEERING & CONSTRUCTION, INC.

By: _____
Dominic Lazzaretto
City Manager

By: _____
Signature

Print Name and Title

Attest:

By: _____
City Clerk

By: _____
Signature

Print Name and Title

Approved as to Form:

Michael J. Maurer
City Attorney

RESOLUTION NO. 7486

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AMENDING THE FISCAL YEAR 2022-23 CAPITAL IMPROVEMENT PROGRAM BUDGET, AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION FOR THE WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$79,497.70, OFFSET BY A REDUCTION IN AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS

WHEREAS, the Fiscal Year 2022-23 Capital Improvement Program includes funding for the Water Main Replacement Project; and

WHEREAS, the 4-inch steel water main along the Alley south of La Porte Street between First Avenue and Saint Joseph Street was installed in 1916; and

WHEREAS, in recent years, Public Works Services maintenance crews have made several emergency repairs to the water main along the Alley south of La Porte Street between First Avenue and Saint Joseph Street due to the age of the water main; and

WHEREAS, the Water Main Replacement Project will replace the existing 4-inch steel water main with an 8-inch ductile iron water main; and

WHEREAS, ductile iron is the industry standard for water pipe and has corrosion resistance and strength to tolerate movement or deflection without breaking; and

WHEREAS, the Project will result in improving the overall reliability of the City's water distribution system; and

WHEREAS, the total amount of \$435,907 is necessary for the Water Main Replacement Project; and

WHEREAS, with a request for a 10% contingency, the project cost would be \$479,497.70; and

WHEREAS, only \$400,000 was included in the FY 2022-23 Capital Improvement Program for this project; and

WHEREAS, an appropriation in the amount of \$79,497.70 is needed to complete the Water Main Replacement Project; and

WHEREAS, the City Manager has certified that there are sufficient American Rescue Plan Act Funds for appropriation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The sum of Seventy-Nine Thousand Four Hundred Ninety-Seven Dollars and Seventy Cents (\$79,497.70) is hereby appropriated in the FY22-23 Capital Improvement Program Budget, offset with an equal reduction in ARPA Funds.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

[SIGNATURES ON THE NEXT PAGE]


Passed, approved and adopted this 21st day of March, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney



STAFF REPORT

Office of the City Manager

DATE: March 21, 2023

TO: Honorable Mayor and City Council

FROM: Dominic Lazzaretto, City Manager
By: Chen Suen, Fire Chief

SUBJECT: RESOLUTION NO. 7487 ADOPTING AND PROCLAIMING THE TERMINATION OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)

CEQA: Not a Project

Recommendation: Adopt

SUMMARY

On March 16, 2020, the City Manager, acting as the City's Director of Emergency Services, proclaimed the existence or threatened existence of a local emergency due to the COVID-19 pandemic. Shortly thereafter, the City Council adopted Resolution No. 7300 ratifying and declaring the existence of a local emergency regarding the Novel Coronavirus (COVID-19).

Today, knowledge about the spread and effects of COVID-19 has significantly improved, including the widespread availability of vaccines, and COVID-19 no longer presents conditions of extreme peril. Throughout the local emergency period, the City of Arcadia was able to effectively manage services, personnel, equipment, and facilities with limited disruption to the public, and that remains the case now. As such, these sustained conditions warrant the termination of the local emergency. Under the same reasoning, the County, State, and Federal governments have all declared the end of emergency conditions. It is recommended that City Council adopt Resolution No. 7487 proclaiming the termination of a Local Emergency regarding the Novel Coronavirus (COVID-19).

BACKGROUND

On February 26, 2020, the Center for Disease Control confirmed the first possible case of COVID-19 through community transmission in the United States. In the initial weeks of the pandemic, COVID-19 quickly spread globally to over 155 countries/regions, infecting hundreds of thousands of people around the globe and leading to millions of deaths worldwide.

On March 4, 2020, the Health Officer of Los Angeles County determined that there was an imminent and proximate threat to public health from the introduction of COVID-19 in Los Angeles County and declared a Local Health Emergency. The Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles. Also on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions that were already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19. On March 11, 2020, the World Health Organization (“WHO”) publicly characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a National Emergency due to the continued spread and the effects of COVID-19.

On March 16, 2020, the City Manager, acting as the City’s Director of Emergency Services, proclaimed the existence or threatened existence of a local emergency due to the COVID-19 pandemic. Shortly thereafter, the City Council adopted Resolution No. 7300 ratifying and declaring the existence of a local emergency regarding the Novel Coronavirus (COVID-19).

DISCUSSION

California Government Code 8630, et seq., requires the governing body to review the continued need for a declared local emergency at least once every 60 days until the governing body terminates the local emergency, and the governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions permit. Governor Newsom’s State of Emergency Proclamation, issued on March 4, 2020, waived the 60-day time period in California Government Code 8630, within which local government authorities must renew a local emergency. Under California’s emergency proclamation, any declared local emergency will remain in effect until each local governing body terminates its respected local emergency.

The City of Arcadia has been operating under a proclaimed local emergency for COVID-19 since March 17, 2020. During the past three years, the spread and effects of COVID-19 constituted conditions of extreme peril to the health and safety of persons and property within the City of Arcadia. Today, the spread and effects of COVID-19 have significantly decreased and no longer constitute conditions of extreme peril. Despite the challenges during this unprecedented period, the City of Arcadia has been able to effectively control services, personnel, equipment, and facilities. As such, these sustained conditions warrant the termination of the local emergency.

Under the same reasoning, on October 17, 2022, Governor Newsom announced that the COVID-19 State of Emergency for California would end on February 28, 2023. On February 10, 2023, United States President Joseph Biden Jr. announced that the COVID-19 National Emergency is anticipated to end on May 11, 2023. Further, the Los Angeles

County Board of Supervisors unanimously voted on February 28, 2023 to terminate the COVID-19 Local Emergency on March 31, 2023. With the terminations of local emergencies at the federal, state, and county levels, it is recommended that the City Council pursue a similar action through the adoption and proclamation of Resolution No. 7487.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), per section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3), no environmental review is required.

FISCAL IMPACT

This item does not have an impact on the Fiscal Year 2022-23 City Budget.

RECOMMENDATION

It is recommended that City Council adopt Resolution No. 7487 proclaiming the termination of a Local Emergency regarding the Novel Coronavirus (COVID-19).

Approved:



Dominic Lazzaretto
City Manager

Attachment: Resolution No. 7487

RESOLUTION NO. 7487

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA
ADOPTING AND PROCLAIMING THE TERMINATION OF A LOCAL
EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)

WHEREAS, on March 4, 2020, the Health Officer of Los Angeles County determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 (Corona Virus Disease 19) in Los Angeles County and declared a Local Health Emergency and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles; and

WHEREAS, on March 4, 2020, Governor Newsom of the State of California declared a State of Emergency in response to the COVID-19; and,

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) publicly characterized COVID-19 as a pandemic; and,

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continue spread and the effects of COVID-19; and,

WHEREAS, the City Manager, as Director of Emergency Services, issued a Proclamation of Local Emergency on March 16, 2020, stating the existence of a local emergency in the City and requesting that the City Council ratify the Proclamation; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 7300, ratifying the City Manager’s Proclamation of a Local Emergency and proclaiming the existence of a local emergency in response to COVID-19; and

WHEREAS, California Government Code Section 8630, et seq., and City of Arcadia Municipal Code Section 2211.2 empower the City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, California Government Code 8630, et seq., requires the governing body to review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency and the governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.; and

WHEREAS, Governor Newsom's State of Emergency Proclamation, issued on March 4, 2020, waived the 60-day time period in California Government Code 8630, within which local government authorities must renew a local emergency. Any local emergency proclaimed therefore would remain in effect until each local governing authority terminates its respected local emergency; and

WHEREAS, on October 17, 2022, Governor Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023; and

WHEREAS, on February 10, 2023, United States President Joseph Biden Jr. announced that the COVID-19 National Emergency is anticipated to end on May 11, 2023; and

WHEREAS, on February 28, 2023, Governor Newsom terminated the COVID-19 State of Emergency; and

WHEREAS, on February 28, 2023, the Los Angeles County Board of Supervisors unanimously voted to terminate the County's COVID-19 Local Emergency, effective March 31, 2023.

NOW, THEREFORE, the City Council of the City of Arcadia, State of California, does hereby resolve:

1. That the above recitals are true and correct and based thereon, finds that the spread of COVID-19 has significantly decreased, and the situation no longer severely impairs the public health and safety within the City of Arcadia and does not constitute conditions of extreme peril to the safety of persons and property within the City of Arcadia;
2. That these conditions are no longer beyond the control of the services, personnel, equipment, and facilities of the City of Arcadia;
3. That the conditions no longer warrant and necessitate the proclamation of the existence of a local emergency.

BE IT FURTHER RESOLVED that the City Council of the City of Arcadia, State of California, does hereby proclaim the local emergency regarding Novel Coronavirus (COVID-19) will terminate on March 31, 2023.

[SIGNATURES ON NEXT PAGE]

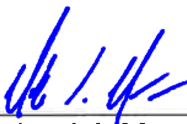
Passed, approved and adopted this 21st day of March, 2023.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney