

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 Dedication 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.

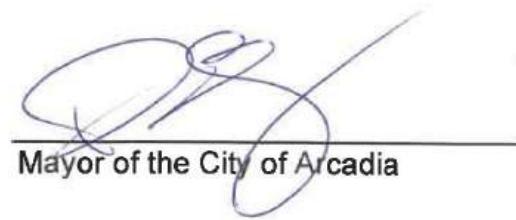
SECTION 3. The City Council hereby determines that the Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) which exempts from review where it can be seen with certainty that there is no possibility that the Text Amendment may have 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 18th day of April, 2023.



Mayor of the City of Arcadia

ATTEST:



City Clerk

APPROVED AS TO FORM:



Michael J. Mauer
City Attorney

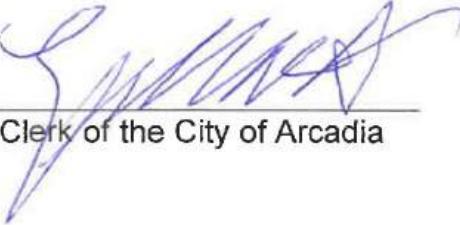
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2396 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 18th day of April, 2023 and that said Ordinance was adopted by the following vote, to wit:

AYES: Cao, Kwan, Wang, Verlato, and Cheng

NOES: None

ABSENT: None



City Clerk of the City of Arcadia

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 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 ~~on~~ 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 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. ~~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. ~~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”

Text Amendments to the Development Code - Subdivisions

Division 5 – Subdivisions

The new language is shown in “red.” ~~Strikethrough~~ for any language to 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 | Recommen d | Decision | Appeal | Appeal |
| Final Parcel Maps, With Dedications | 9105.05 | Recommen d | Recommend Decision | | Decision |
| Final Tract Maps, Vesting Tract Maps | 9105.03.100 | Recommen 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 | Recommen d | | Decision | Appeal |
| Tentative Parcel Maps, Vesting Tentative Parcel Maps | 9105.03 | Recommen d | | Decision | Appeal |
| Tentative Parcel Maps, With Dedications | 9105.05 | Recommen d | | 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 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.