



NON-OPERATING PROPERTY REGISTRATION FORM

Applicable To: Vacant commercial or industrial (including mixed-use) properties that are not actively engaged in commercial or industrial operations, properties under development or re-development, properties under construction, and properties that have completed construction and are awaiting occupancy

PLEASE COMPLETE THE FOLLOWING INFORMATION (REQUIRED):

ADDRESS OF NON-OPERATING PROPERTY _____

REGISTRATION TYPE: **NEW REGISTRATION:** **UPDATED REGISTRATION:**

*Please note that a fee of \$1,613 is due at the time of registration submittal. See "Filing Requirements."

PROPERTY OWNER NAME(S): _____

NAME OF PERSON REGISTERING PROPERTY (If different from Owner): _____

OWNER MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

OWNER PHONE NUMBER: _____

OWNER E-MAIL ADDRESS: _____

1. AUTHORIZED CONTACTS: *Provide two authorized contacts below. Check the box for the preferred contact who is local, authorized to act on behalf of the property owner, and available by telephone 24 hours a day). One contact box must be checked. Please refer to Section 2 if you would prefer to provide contact information for a local property management company.*

CONTACT 1:

NAME: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

CONTACT 2:

NAME: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

2. PROPERTY MANAGEMENT COMPANY: *As an alternative to having the two above contacts, a property management company that is located within 20 miles of the City and can respond within one (1) hour and on a 24-hour basis, can be provided as the authorized contact. The following company has been hired by the owner and is authorized to take actions related to the property.*

Property Management Company Information

COMPANY NAME: _____ CONTACT NAME: _____

PHONE NUMBER: _____

PROPERTY OWNER AKNOWLEDGEMENT

(REQUIRED)

I, the property owner, hereby declare under penalty of perjury that all information submitted for this application is true and correct. I acknowledge that I am strictly liable for failures to maintain the property and/or for a response in a timely manner and would be subject to all additional costs incurred by the City in relation to the maintenance or security of the property.

PROPERTY OWNER'S SIGNATURE

DATE

DATE FILED

RECEIPT NO.

PAID

RECEIVED BY

FILING REQUIREMENTS

The application must include all of the following materials. To ensure that your application package is complete, please check-off the boxes next to the required application materials.

- Completed application form
- Filing Fee - \$1,613

The City of Arcadia's Non-Operating Property Registration requires an annual fee of \$1,613, subject to change. Payment is due upon initial registration and is required annually. Payment reminders will be sent out at the beginning of the month that the renewal is due and should be paid within 30 days of the due date. The City has the sole discretion to remove a property from the Non-Operating Property registry.

Should you need to update your application, please contact the Codes Services Division at (626) 574-5432 or DSDCodeServices@ArcadiaCA.gov.

Payments can be made in person at Arcadia City Hall, via mailed check, or online at www.ArcadiaA.gov/EDGE.

ATTACHMENTS

- A. Ordinance No. 2396: Exhibit D - Text Amendments to the Arcadia Municipal Code — Non-operating Nonresidential Properties Regulations
- B. Payment Options Form
- C. Arcadia Police Department Trespass Arrest Form

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.

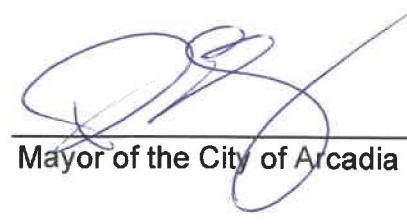
SECTION 3. The City Council hereby determines that the Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) which exempts from review where it can be seen with certainty that there is no possibility that the Text Amendment may have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

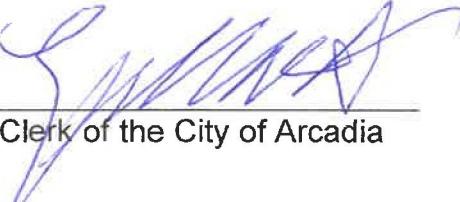
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

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 “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.

Payment Options for the Non-Operating Property Registry

Below are the currently available payment methods for registering your Non-Operating Property:

- Register and Pay Online:

For the quickest and most convenient payment, we encourage you to use our online portal at ArcadiaCA.gov/EDGE.

- In-Person:

If you prefer to apply for the Non-Operating Property Registry and make your payment in person, you may visit City Hall, located at 240 W. Huntington Drive. Please visit the Building and Planning counter and request to speak to Code Enforcement staff to initiate the process. For accepted payment options, please contact the City of Arcadia Cashier's Office at (626) 574-5464.

- Mail (Check):

Please download the Non-Operating Property registration form at ArcadiaCA.gov/NOP. Completed application forms and payment can be submitted through the mail. Please send your application form and check to:

City of Arcadia
240 West Huntington Dr.
P.O. Box 60021
Arcadia, CA 91066

Ensure that your check is payable to the City of Arcadia and includes your property information for accurate processing. Please be aware that the Non-Operating Property Registry requires registration and payment within 30 days of an order to register. Ensure that payment is mailed and received by the deadline to avoid penalties.

Should you have any questions, contact Code Services at (626) 574-5432 or by emailing DSDCodeServices@ArcadiaCA.gov.

ARCADIA POLICE DEPARTMENT



Roy Nakamura - *Chief of Police*



Trespass Arrest Authorization

I, _____, hereby certify that I am the owner/owner's agent of the property located at _____.

As the owner/owner's agent of the aforementioned property, I hereby make a specific request and authorize the Arcadia Police Department to act on my behalf to enforce the provisions of the Arcadia Municipal Code 4224 – Trespass Upon Private Property Prohibited, and in that regard to warn and if deemed necessary by the police acting as my agent, to arrest trespassers on the aforementioned property.

I understand that this request and authorization shall be effective on _____ and shall expire 90 days from said date. I further agree that if necessary, I will appear in court and testify under penalty of perjury as to the truth of the statements contained in this letter and the fact that by this correspondence I have authorized the Arcadia Police Department to act as my agent when enforcing the provisions of the Arcadia Municipal Code 4224.

Signature: _____

Print Name: _____

Address: _____

Phone #: _____