

ORDINANCE NO. 2400

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, RELATED TO TEXT AMENDMENT NO. TA 23-02 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1, OF THE ARCADIA DEVELOPMENT CODE TO IMPLEMENT REZONING STRATEGIES WITHIN THE ADOPTED HOUSING ELEMENT FOR THE 2021-2029 HOUSING CYCLE ALONG WITH AN ADDENDUM TO THE ADOPTED NEGATIVE DECLARATION FOR THE HOUSING ELEMENT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

WHEREAS, the City Council is authorized by Arcadia Municipal Code Section 9108.03 to review and approve amendments to the City’s Development Code; and

WHEREAS, Arcadia Municipal Code Section 9108.03 provides that amendments to the Development Code shall be accomplished by ordinance; and

WHEREAS, California State Housing Element Law establishes the requirements for Housing Elements, and California Government Code Section 65588 requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years, and currently the State is in the “6th Cycle” of Housing Element Updates, covering the time period of 2021-2029; and

WHEREAS, the California State Legislature identifies overall housing policies for the State with the goal of ensuring every resident has access to housing and suitable living environments, and additionally establishes a Regional Housing Needs Assessment (“RHNA”) which establishes projected allocations of housing units through local Councils of Governments that are attributed to each jurisdiction in the State; and

WHEREAS, the updated Housing Element must be adopted by City Council and found to be in substantial compliance by the California State Department of Housing and Community Development (“HCD”) in concert with statewide housing policies and in compliance with the established RHNA; and

WHEREAS, the subject rezoning efforts (a General Plan Amendment, Zone Change, and Text Amendment-- the “Rezoning Project”) were identified by HCD as being necessary prior to its determination that the Housing Element substantially complies with the law, and the Rezoning Project implements the strategies identified in the updated Housing Element to address the established RHNA; and

WHEREAS, the Rezoning Project amends the text of various sections of Article IX, Chapter 1, of the Arcadia Development Code to establish new zoning designations and amend existing regulations to reflect changes in density and residential allowances to support the rezoning strategies within the updated Housing Element; and

WHEREAS, the Rezoning Project will meet the requirements of Government Code Section 65583.2 (h) and (i) related to the accommodation of affordable housing; specifically in that developments in which at least 20 percent of the units are affordable to lower income households shall be allowed by-right; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), an Addendum to the Adopted Initial Study/Negative Declaration (“IS/ND”) was prepared for the Rezoning Project in compliance with CEQA and the local environmental review guidelines, and a Notice of Intent to Adopt a Negative Declaration for the Rezoning Project was posted with the Los Angeles County Clerk’s Office on December 21, 2023; and

WHEREAS, on January 23, 2024, a duly noticed public hearing was held before the Planning Commission on the Rezoning Project, at which time all interested persons were given full opportunity to be heard and to present evidence, and the Planning Commission subsequently voted 5-0 to recommend approval of the Rezoning Project to the City Council; and

WHEREAS, on February 6, 2024, a duly noticed public hearing was held before the City Council on the Rezoning Project, and the associated Addendum to the Adopted Initial Study/Negative Declaration, at which time this Ordinance was introduced and all interested persons were given full opportunity to be heard and to present evidence and all public comments on the environmental document were reviewed; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have been fulfilled.

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

SECTION 1. That the factual data submitted by the Development Services Department in the Staff Report dated February 6, 2024, are true and correct.

SECTION 2. That the City Council finds that based upon the entire record, including all written and oral evidence presented, pursuant to the Arcadia Development Code, all of the following findings can be 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 Amendments are in conformance with the General Plan. The Text Amendments proposed effectuate the rezones that implement the City's approved Housing Element, which is an integral part of the General Plan. There are five (5) separate zone change actions being proposed: Expansion of the Downtown Mixed-Use zone, establishment of a Downtown Mixed-Use Overlay, increasing density in the Mixed-Use Zone, Establishment of a Residential Flex Overlay Zone, and Increasing density in the Multi-Family Zone. The Text Amendments provide

new code sections or edits to existing sections that support these rezones so that the Development Code and General Plan are internally consistent.

The changes to the Downtown Mixed-Use zones, for example, will allow residential development in an urban, mixed-use format, in furtherance of the goals and polices found in the Land Use & Community Design Element, the Economic Development Element, the Circulation and Infrastructure Element and, most importantly, the Housing Element of the General Plan. The upzoning of both of the Mixed-Use Zone and the Multi-Family Residential Zones will enable more dense projects to be built and encourage the development of affordable housing, in furtherance of the goals and polices of the Housing Element and The Land Use & Community Design Element. The City's Housing Element requires that the City meet the State-mandated Regional Housing Needs Allocation. Mixed-use development in what was formerly commercial areas is the most effective and beneficial way to do so. The addition of the Residential Flex Overlay Zone achieves this. For all of these reasons, the proposed project is consistent with the General Plan.

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

Facts to Support the Finding: The purpose of the proposed Text Amendment is to effectuate the rezones required by the Housing Element Implementation Plan. As such, all Divisions of the Development Code have been evaluated to bring them all into compliance with each other, and with the General Plan. In addition to the rezones, additional text amendments to the Development Code are provided as part of this action to meet State law and standards related to the Government Code. As such, the proposed text amendments have been reviewed to ensure they are consistent with the other

applicable provisions of the Development Code, as well as State law. Finally, the proposed amendments have been reviewed by the City Attorney for internal consistency to ensure that there are no conflicting standards or uncertainties.

SECTION 3. The Rezoning Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (“CEQA”) and CEQA Guidelines. An Addendum to the Adopted Initial Study/Negative Declaration (“IS/ND”) has been prepared for the project for the City, as the lead agency. The Addendum was prepared pursuant with the requirements of CEQA on the basis that there was no substantial evidence that there may be significant environmental impacts on specific environmental areas because of the project. Subsequent housing developments proposed will, of course, be subject to compliance with CEQA as they are submitted.

SECTION 4. That for the foregoing reasons, the City Council approves Text Amendment No. TA 23-02 to amend the text of Article IX, Chapter 1 of the Arcadia Development Code to implement the rezoning strategies of the Housing Element as shown in Exhibit “A.” Development Services Staff is authorized to correct typographical errors, spelling, formatting, or codification and to make any minor revisions to improve reader’s comprehension of the Development Code provided that any revisions do no alter the regulatory meaning and intent. The Development Services Director or designee is further authorized to make any technical or clerical revisions or clarifications to the Housing Element and/or Development Code as may be required by HCD in order to be in substantial compliance with State law.

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

Passed, approved and adopted this 20th day of February, 2024

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

EXHIBIT “A”

Text Amendments to the Development Code

Division 1: Enactment, Applicability, and Enforcement

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Section 9101.01 – Zones Established

Subsections:

- 9101.03.010 Purpose and Intent
- 9101.03.020 Establishment of Zones

9101.01.010 Purpose and Intent

Zones have been established to classify, regulate, and restrict the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards and other open spaces about buildings; and regulate the density of people.

9101.01.020 Establishment of Zones

- A. General. The City is divided into zones to allow for orderly, planned development and to implement the General Plan. Table 1-1 (Zones Implementing the General Plan) identifies all zones. All zones shall be listed and appropriately designated on the official Zoning Map.
- B. Base Zone. Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- C. Overlay Zone. An overlay zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply.

Table 1-1
Zones Implementing the General Plan

Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
Residential Zones		
R-M	Residential Mountainous	Residential Estate
R-0 30,000	Low Density Residential	Residential Estate, Very Low Density Residential, Low Density Residential
R-0 22,000		
R-0 15,000		
R-0 12,500		
R-1 15,000	Low Density Residential	Very Low Density Residential, Low Density Residential
R-1 12,500		
R-1 10,000		
R-1 7,500		Very Low Density Residential, Low Density Residential, Horse Racing, Commercial
R-2	Medium Density Residential	Medium Density Residential
R-3-R	Restricted High Density Residential	High Density Residential
R-3	High Density Residential	High Density Residential
Commercial Zones		
C-O	Professional Office	Commercial
C-G	General Commercial	Commercial

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

Table 1-1
Zones Implementing the General Plan

Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
C-M	Commercial Manufacturing	Commercial/Light Industrial
CBD	Commercial Business District	Commercial
C-R	Regional Commercial	Regional Commercial
Mixed Use Zones		
DMU	Downtown Mixed Use	Downtown Mixed Use
MU	Mixed Use	Mixed Use
Industrial Zones		
M-1	Industrial	Industrial
Specific Plans		
SP-SA1	Specific Plan – Santa Anita 1 (Hale Medical Center)	Commercial
SP-SP	Specific Plan – Seabiscuit Pacifica	Commercial
SP-ALC	Specific Plan – Arcadia Logistics Center	Commercial/Light Industrial
SP-AP	Specific Plan – Arroyo Pacific	Downtown Mixed Use
Special Zones		
S-1	Special Use (Santa Anita Racetrack)	Horse Racing, Commercial
PF	Public Facilities	Public/Institutional
OS-OR	Open Space – Outdoor Recreation	Open Space – Outdoor Recreation
OS-RP	Open Space – Resources Protection	Open Space – Resources Protection
RR	Rail Right-of-Way	Rail Right-of-Way
Overlay Zones		
P	Automobile Parking Overlay	
D	Architectural Design Overlay	
DO	Downtown Overlay	Downtown Overlay
DTP	Downtown Parking Overlay	
H	Special Height Overlay	
RTE	Race Track Event Overlay	
R-F	Residential Flex Overlay	
<u>DMU</u>	<u>Downtown Mixed Use Overlay</u>	

Division 2: Zones, Allowable Uses, and Development Standards

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Section 9102.01 – Residential Zones

Subsections:

- 9102.01.010 Purpose and Intent
- 9102.01.020 Land Use Regulations and Allowable Uses
- 9102.01.030 Development Standards in Single-Family Residential Zones (R-M, R-0, R-1)
- 9102.01.040 Additional Residential Development Standards in Single-Family Residential Zones
- 9102.01.050 Permitted Projections in Single-Family Residential Zones
- 9102.01.060 Accessory Structures in Single-Family Residential Zones
- 9102.01.070 Swimming Pools, Spas, Water Features, and Ornamental Features
- 9102.01.080 Accessory Dwelling Units
- 9102.01.090 Development Standards in Multifamily Residential Zones (R-2, R-3, R-3-R)
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- 9102.01.120 Site Design and Architectural Standards
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- 9102.01.140 Other Applicable Regulations
- 9102.01.150 Urban Lot splits
- 9102.01.160 Two Unit Projects
- 9102.01.170 Multifamily Objective Development Standards
- 9102.01.180 Mixed-Use Objective Development Standards

9102.01.010 Purpose and Intent

The purpose of the residential zones is to:

1. Provide for a full range of housing types and densities consistent with the General Plan;
2. Preserve, protect, and enhance the character of **Arcadia's** residential neighborhoods and the quality of life of City residents;
3. Ensure adequate light, air, privacy, and open space for each dwelling; and
4. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

A. R-M Residential Mountainous Zone. The R-M zone is intended to provide areas for detached single-family dwelling units on estate-type lots in the hillside and valley areas of the City and accessory uses compatible with the residential use of the zone. This zone implements the General Plan Residential Estates designation.

B. R-0 Very Low Density Residential Zone. The R-0 zone is intended to provide areas for detached single-family dwelling units on large lots and accessory uses compatible with the residential use of the zone. This zone implements the General Plan Residential Estates, Very Low Density Residential, and Low Density Residential designations.

C. R-1 Low Density Residential Zone. The R-1 zone is intended to provide areas for detached single-family dwelling units and accessory uses compatible with the residential use of the zone. This zone implements the General Plan Very Low Density Residential and Low Density Residential designations.

D. R-2 Medium Density Residential Zone. The R-2 zone is intended to provide areas for a variety of dwelling types and accessory uses compatible with the residential use of the zone. Types of dwelling units include attached or detached single-unit and multi-unit homes and duplexes at a density of six to 12 dwelling units per acre. This zone implements the General Plan Medium Density Residential designation.

E. R-3 High Density Residential Zone. The R-3 zone is intended to provide areas for a variety of medium- to high-density residential development and accessory uses compatible with the residential use of the zone. Types of dwelling units include single-unit attached, townhomes, condominiums, and apartment structures at a density of 12-20 to 30-40 units per acre. This zone implements the General Plan High Density Residential designation.

F. R-3-R Restricted High Density Residential Zone. The R-3-R zone is intended to provide areas for medium to high-density residential development at a density of 12 to 30 units per acre but restricted to one story in height. Accessory uses compatible with the residential use of the zone are also permitted. This zone implements the General Plan High Density Residential designation.

9102.01.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2348

Amended by Ord. No. 2363

Amended by Ord. No. 2369 & 2370

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

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

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

“-” designates uses that are not permitted.

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

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

D. Housing Element Candidate Sites. Pursuant to Government Code Section 65583.2(c), residential uses shall be allowed by-right for housing development in which at least 20% of the units are affordable to lower-income households for sites that:

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

E. Multi-Family Uses Permitted By-Right. Multifamily residential uses are permitted by-right in the following zones when 20% or more affordable units are provided per Gov't Code Section 65583.2 (i): R-2, R-3, R-3-R, MU, DMU- and RF and DMU overlays.

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Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
	P	A	M	C	--	Not Allowed	
Residential Uses							
Boarding House	--	--	--	--	--	--	
Dwellings							
Single-Family Dwelling	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)
Multifamily Dwelling	--	--	--	P	P	P	See Land Use Regulations and Allowable Uses (Section 9102.01.020)
Two-Family Dwelling	--	--	--	P	P	P	

Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
Accessory Dwelling Unit	A	A	A	A	A	A	
Short-Term Rental	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Agricultural Uses							
Urban Agriculture	A	A	A	A	A	A	See Subsection 9104.02.030 (Agricultural Uses –Urban Agriculture, Small Animal and Fowl, and Horses). See Subsection 9104.02.145 (Employee Housing)
Horse Keeping	A	A	A	--	--	--	
Small Animal and Fowl Keeping	A	A	A	--	--	--	
Education							
Schools, Private	C	C	C	C	C	C	May only be permitted as a Conditional Use, accessory to a Place of Religious Assembly.
Medical-Related and Care Uses							
Day Care, General	--	--	--	--	--	--	See Subsection 9104.02.080 (Day Care, General)
Day Care, Limited - Small Family	A	A	A	A	A	A	See Subsection 9104.02.100 (Day Care, Limited – Small Family)

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

9102.01.090 Development Standards in Multifamily Residential Zones (R-2, R-3, R-3-R)
Amended by Ord. No. 2347

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-1 ((Allowed Uses and Permit Requirements for Residential Zones) and 2-6 (Development Standards for Multifamily Residential Zones), and the development standards in Division 3 (Regulations Applicable to All Zones-Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-6. Development standards for accessory dwelling units are located in Section 9102.01.080 (Accessory Dwelling Units), garages and other parking areas are located in Section 9103.07 (Off-Street Parking and Loading).

Table 2-6
Development Standards for
Multifamily Residential Zones (R-2, R-3-R, R-3)

Development Feature	R-2	R-3-R	R-3	Additional Requirements
Lot Standards				
Minimum Lot Area (sq ft)	7,500	10,000	10,000	
Minimum Lot Width				
At Front Property Line	75 ft; 44 ft for cul-de-sac lots; 85 ft if reversed corner lot	100 ft	100 ft; 57 ft for cul-de-sac lots; 85 ft if reversed corner lot	
At Front Setback Line	75 ft; 85 ft if reversed corner lot	100 ft; 85 ft if reversed corner lot	100 ft; 85 ft if reversed corner lot	
Minimum Lot Depth	100 ft	100 ft	100 ft	

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Structure Form and Location Standards

Maximum Density	1 unit per 3,750 sf of lot area	1 unit per 1,450 sf of lot area	1 unit per 1,089 450 sf of lot area <u>(40 units/acre)</u>	
Minimum Density	2 units per lot	none	1 unit per 2,200 sf of lot area <u>(20 units/acre)</u>	See Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)

Minimum Setbacks

Front	25 ft	25 ft	25 ft	For other setback regulations refer to Subsections 9103.01.060 (Setback Measurements and Exceptions), 9102.01.100 (Additional Residential Development Standards in Multifamily Zones), and Subsection
Side <i>Interior</i>	10 ft	10 ft	10 ft	
<i>Corner and Reverse Corner (street side)</i>	25 ft	25 ft	25 ft	
Rear	10 ft	10 ft	10 ft	
Maximum Lot Coverage	N/A	N/A	N/A	
Minimum Distance between Structures	6 ft	6 ft	6 ft	
Maximum Height	30 ft	18 ft	30 ft	
Maximum Street-Facing Porch Height	14 ft	14 ft	14 ft	
Minimum Open Space (sq ft per unit)	100	100	100	
Garages and Parking Areas	See Section 9103.07 (Off-Street Parking and			

Section 9102.03 – Commercial and Industrial Zones

Subsections:

- 9102.03.010 Purpose and Intent
- 9102.03.020 Land Use Regulations and Allowable Uses
- 9102.03.030 Development Standards
- 9102.03.040 Additional Development Standards in All Commercial and Industrial Zones
- 9102.03.050 Additional Regulations in C-R Zone
- 9102.03.060 Site Plan and Design Review
- 9102.03.070 Other Applicable Regulations

9102.03.010 Purpose and Intent

- A. Purpose. The purpose of the Commercial and Industrial zones is to:
 1. Provide appropriately located areas for a wide range of commercial, office, and industrial uses to ensure the stability of the **City's** economy; provide a variety of goods and services for residents, employees, and visitors; and increase employment opportunities close to home for current and future residents consistent with the General Plan; and
 2. Ensure that new commercial, office, and industrial development is designed to minimize traffic and parking and impacts on surrounding residential neighborhoods, and is appropriate to the physical characteristics of the site and the area where the project is proposed.
- B. C-O Professional Office Zone. The C-O zone is intended to provide sites for development as administrative, financial, business, professional, medical and governmental offices. This zone implements the General Plan Commercial designation.
- C. C-G General Commercial Zone. The C-G zone is intended to provide areas for retail and service uses, offices, restaurants, public uses, and similar and compatible uses. This zone implements the General Plan Commercial designation.
- D. C-R Regional Commercial Zone. The C-R zone is intended to serve a regional market through regional commercial uses, retail uses, entertainment, restaurants and other similar compatible uses within regional shopping malls. This zone implements the General Plan Regional Commercial designation.
- E. M-1 Industrial Zone. The M-1 zone is intended to provide areas for an array of warehouse, distribution, light manufacturing, and assembly uses. This zone implements the General Plan Industrial designation.

9102.03.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2375

- A. Allowed Uses. Table 2-8 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) indicates the land use regulations for Commercial and Industrial zones and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

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

“-” designates uses that are not permitted.

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

C. Specific Use Regulations. Where the last column in Table 2-8 includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Business, Financial, and Professional					
Automated Teller Machines (ATMs)	P	P	P	--	
Check Cashing and/or Payday Loans	--	--	--	--	
Financial Institutions and Related Services	P	P	P	--	
Government Facilities	P	C	C	C	
Office, Business and Professional	P	P	P	A	In M-1, accessory office uses are limited to 25% of building floor area.
Eating and Drinking Establishments					
Bars, Lounges, Nightclubs, and Taverns	--	C	M	--	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Outdoor Dining (Incidental and on Public Property) – 12 seats or fewer	--	P	P	--	See Subsection 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining-Incidental)
Outdoor Dining (Incidental and on Public Property) – more than 12 seats	M	M	P	--	See Subsection 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining-Incidental)
Restaurant – Small (no alcohol)	P	P	P	M	
Restaurant – Large (no alcohol)	M	M	P	M	
Restaurant – Full or Limited Service With late hours – open between midnight and 6:00 AM	--	C	M	--	See Subsection 9104.02.150 (Extended Hours Uses)
Restaurant – Full or Limited Service, Serving Alcohol without late hours	M	M	P	--	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Restaurant – Full or Limited Service, Serving Alcohol with late hours	C	C	M	--	
Education					
Schools, Private	C	C	C	--	

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P	Permitted by Right ⁽¹⁾				
A	Permitted as an Accessory Use				
M	Minor Use Permit				
C	Conditional Use Permit				
--	Not Allowed				
Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Trade and Vocational Schools	--	C	M	C	
Tutoring and Education Centers	--	C	M	--	
Industry, Manufacturing and Processing, and Warehousing Uses					
Brewery and Alcohol Production	--	C	A	P	Allowed as an accessory use to a restaurant in C-R zone.
Data Centers	--	--	--	P	
Hazardous Waste Facilities	--	--	--	C	See Subsection 9104.02.160 (Hazardous Waste Facilities)
Food Processing	--	--	--	P	
Fulfillment Centers	--	--	--	P	
Light Industrial	--	--	--	P	
Heavy Industrial (under 40,000 square feet)	--	--	--	M	
Heavy Industrial (40,000 square feet and over)	--	--	--	C	
Recycling facilities					
Heavy processing	--	--	--	C	
Large collection	--	--	--	C	
Light processing	--	--	--	M	
Reverse Vending Machine(s)	--	P	--	P	
Small collection	--	P	--	P	
Research and Development	--	P	--	P	
Storage – Accessory	A	A	A	A	
Storage – Outdoor	--	--	--	C	
Storage – Personal	--	--	--	C	
Vehicle Storage	--	--	--	M	
Retail Warehouse (under 40,000 square feet)	--	--	--	P	
Retail Warehouse (40,000 square feet and over)	--	--	--	M	
Wholesaling	--	--	--	P	
Medical-Related and Care Uses					
Day Care, General	A	C	C	--	See Subsection 9104.02.080 (Day Care, General)
Emergency Shelters	--	--	--	P	See Subsection 9104.02.140 (Emergency Shelters)

Table 2-8
Allowed Uses and Permit Requirements for Commercial and Industrial Zones

Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Hospitals	C	--	--	P	
Medical Clinics	M	M	P	P	
Medical and Dental Offices	P	P	P	P	
Residential Care Facilities – Seven or More Persons	C P	C P	--	--	See Subsection 9104.02.260 (Residential Care Facilities)
Supportive Housing, Residential Care Facility Large Type	C	C	--	--	
Transitional Housing, Residential Care Facility Large Type	C	C	--	--	
Recreation and Entertainment					
Arcade (Electronic Game Center)	--	C	P	--	
Commercial Recreation - Indoors	--	C	P	C	
Commercial Recreation - Outdoors	--	C	C	C	
Karaoke and/or sing-along uses	--	C	M	--	See Subsection 9104.02.190 (Karaoke and/or Sing-Along Uses)
Health/Fitness Facilities, Small	--	M	P	--	
Health/Fitness Facilities, Large	--	C	P	--	
Indoor Entertainment	C	C	P	C	
Studios – Art and Music	--	M	P	--	
<u>Residential Uses</u>					
<u>Multifamily Dwelling</u>	– –	<u>P(1)</u>	–	–	<u>See Subsection 9102.11.050 (Residential Flex Overlay Zone)</u>
Retail Uses					
Alcohol Beverage Sales					
Alcohol Sales, Off-Sale	--	C	M	--	
Alcohol Sales, Off-Sale, Accessory to Eating and Drinking Establishment Only	--	M	M	--	
Alcohol Sales, Off-Sale, Accessory to a Hotel Only	--	M	--	--	
Building Material Sales and Services	--	C	--	P	
Pawn Shop	--	--	--	--	
Pet Stores, inclusive of grooming services	--	P	P	P	No overnight animal keeping
Plant Nursery	--	P	M	P	
Recreational Equipment Rentals	P	P	P	P	
Retail Sales	P	P	P	C	

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Retail Carts and Kiosks - Indoor	P	P	P	P	In C-R, indoor kiosks may be informational/unstaffed See Subsection 9104.02.110 (Displays and Retail Activities – Outdoor)
Retail Carts and Kiosks - Outdoor	--	M	P	--	
Secondhand Stores	--	C	P	C	
Swap Meets	--	C	--	C	

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Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones		P	Permitted by Right ⁽¹⁾			
		A	Permitted as an Accessory Use			
		M	Minor Use Permit			
		C	Conditional Use Permit			
		--	Not Allowed			
Land Use		C-O	C-G	C-R	M-1	Specific Use Regulations
Vehicle Rentals		--	--	--	P	In C-R zone, may not exceed 10,000 square feet for any individual vehicle sales establishment.
Vehicle Sales – New		--	C	P	C	
Vehicle Sales – Used		--	C	P	--	In C-R zone, may not exceed 10,000 square feet for any individual vehicle sales establishment.
Service Uses						
Animal Boarding/Kennels		--	--	--	C	See Subsection 9104.02.200 (Kennels; Animal Board and Care)
Animal Grooming		--	P	P	--	
Bail Bond Services		--	--	--	--	
Funeral Homes and Mortuaries		--	C	--	--	
Hotel and Motel		--	C	--	--	
Maintenance and Repair Services, Large Appliance		--	P	--	P	
Maintenance and Repair Services, Small Appliance		--	P	P	P	
Personal Services, General		P	P	P	C	
Personal Services, Restricted		--	C	C	--	
Postal Services		P	P	P	P	
Printing and Duplicating Services		P	P	P	P	
Vehicle Repair and Services						
Service/Fueling Station		C	C	C	C	See Subsection 9104.02.280 (Service/Fueling Stations)
Vehicle Washing/Detailing		--	C	A	C	
Vehicle Repair, Major		--	--	--	P	
Vehicle Repair, Minor		--	M	P	P	
Veterinary Services		--	C	C	C	See Subsection 9104.02.200 (Kennels; Animal Board and Care)

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Land Use	C-O	C-G	C-R	M-1	Specific Use Regulations
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities - Co-Location or Panel	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	--	C	C	C	
Car Sharing	P	P	P	M	Car sharing parking spaces may not occupy any space required for another use.
Off-Street Parking Facilities (not associated with a primary use)	P	P	P	C	Parking garages may front on Huntington Drive only when the ground floor adjacent to the street is constructed to accommodate commercial uses, not parking.
Recharging Stations	P	P	P	P	
Utility Structures and Service Facilities	P	P	P	P	Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).
Other Uses					
Assembly/Meeting Facilities, Public or Private	M	M	--	M	
Donation Box – Outdoor	M	M	--	M	See Subsection 9104.02.120 (Donation Box – Outdoor)
Drive-Through or Drive-Up Facilities	--	C	--	C	See Subsection 9104.02.130 (Drive-through and Drive-up Facilities)
Extended Hours Uses	C	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Places of Religious Assembly	M	M	--	M	
Stable, Public and Private	--	--	--	C	
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only
Vending Machines	P	P	P	P	Allowed indoors only

Note:

1) Residential Uses Only Permitted if affordable units provided per the City's Density Bonus requirements (Section 9103.15).

Section 9102.05 – Downtown Zones

Subsections:

- 9102.05.010 Purpose and Intent
- 9102.05.020 Land Use Regulations and Allowable Uses in Downtown Zones
- 9102.05.030 Development Standards in Downtown Zones
- 9102.05.040 Additional Development Standards in Downtown Zones
- 9102.05.050 Mixed-Use Lot Consolidation Incentive Program
- 9102.05.060 Site Plan and Design Review
- 9102.05.070 Other Applicable Regulations

9102.05.010 Purpose and Intent

Amended by Ord. No. 2356

The purposes of the Downtown zones are to:

1. Promote mixed use residential, retail, and office development at locations that will support transit use; and
2. Promote commercial and mixed-use development that will foster and enhance surrounding residential neighborhoods by improving access to a greater range of facilities and services.

A. CBD Commercial Business District Zone. The Commercial Business District zone is intended to promote a strong pedestrian-oriented environment and to serve community and regional needs for retail and service uses, professional offices, restaurants, public uses, and other similar and compatible uses. Residential uses are permitted above ground floor commercial or adjacent to a commercial development. Both uses must be located on the same lot or on the same project site. This zone implements the General Plan Commercial designation.

B. MU Mixed Use Zone. The Mixed Use zone is intended to provide opportunities for commercial and residential mixed-use development that takes advantage of easy access to transit and proximity to employment centers, and encourages pedestrian activity. A wide range of integrated commercial and residential uses are appropriate. Residential uses are permitted above ground floor commercial or adjacent to a commercial development, or as standalone projects if affordable housing units are provided. Both uses must be located on the same lot or on the same project site, and exclusive residential structures are not allowed. This zone implements the General Plan Mixed Use designation.

C. DMU Downtown Mixed Use Zone. The Downtown Mixed Use zone is intended to provide opportunities for complementary service and retail commercial businesses, professional offices, and residential uses located within the City's downtown. A wide range of commercial and residential uses are appropriate, oriented towards pedestrians to encourage shared use of parking, public open space, and interaction of uses within the zone. Residential uses are permitted above ground floor commercial or adjacent to a commercial development, or as standalone projects if affordable housing units are provided. Both uses must be located on the same lot or on the same project site, and exclusive residential structures are not allowed. This zone implements the General Plan Downtown Mixed Use designation.

D. C-M Commercial Manufacturing Zone. The C-M zone is intended to provide areas for a complementary mix of light manufacturing businesses, minor vehicle service and repairs, and support office and retail uses. A wide range of small-scale industrial and quasi-industrial uses with minimal impact to surrounding uses are appropriate. Retail uses are limited to business services, food service, and convenience goods for those who work in the area. Residential uses are not permitted in this zone limited to various properties north of Downtown as allowed under the Downtown Mixed Use Overlay Zone. This zone implements the General Plan Commercial/Light Industrial designation.

9102.05.020 Land Use Regulations and Allowable Uses in Downtown Zones

Amended by Ord. No. 2348 & 2356

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2375

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A. Allowed Uses. Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) indicates the land use regulations for the Downtown zones and any permits required to establish the use, pursuant to Division 7

(Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

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

“UF” designates uses that are permitted on upper floors only, and are not allowed on the ground floor of a structure.

-- designates uses that are not permitted.

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

C. Specific Use Regulations. Where the last column in Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Land Use	P	Permitted by Right			Specific Use Regulations	
	A	Permitted as an Accessory Use				
C	Conditional Use Permit			Upper Floor Permitted, Not Allowed on Ground Floor		
M	Minor Use Permit					
--	Not Allowed					
(UF)	Upper Floor Permitted, Not Allowed on Ground Floor					
CBD	MU	DMU	CM			
Business, Financial, and Professional						
Automated Teller Machines (ATMs)	P	P	P	P		
Check Cashing and/or Payday Loans	--	--	--	-		
Financial Institutions and Related Services	M	M	M	-		
Government Facilities	C	C	C	C		
Offices, Business and Professional	P	P	P	P		
Eating and Drinking Establishments						
Accessory Food Service	A	A	A	A		
Alcohol Sales (On-site, Accessory Only)	M	M	M	M		
Bars, Lounges, Nightclubs, and Taverns	C	C	C	C		
Outdoor Dining (Incidental and on Public Property) – 12 seats or fewer	P	P	P	P	See Subsections 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining – Incidental)	
Outdoor Dining (Incidental and on Public Property) – more than 12 seats	M	M	M	M	See Subsections 9104.02.230 (Outdoor Dining Uses on Public Property) and 9104.02.240 (Outdoor Dining – Incidental)	
Restaurant – Small (with no Alcohol Sales)	P	P	P	P		
Restaurant – Large (with no Alcohol Sales)	P	P	P	P		

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Land Use	P	Permitted by Right			
	A	Permitted as an Accessory Use			
C	Conditional Use Permit				
M	Minor Use Permit				
--	Not Allowed				
(UF)	Upper Floor Permitted, Not Allowed on Ground Floor				
	CBD	MU	DMU	CM	Specific Use Regulations
Restaurant – Small or Large With late hours – open between midnight and 6:00 A.M.)	M	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)
Restaurant – Small or Large Serving Alcohol, within 150 ft of residential zone	M	M	M	M	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Restaurant – Small or Large Serving Alcohol, not within 150 ft of residential zone	P	M	P	M	
Education					
Schools, Public and Private	--	--	--	--	
Trade and Vocational Schools	C (UF)	--	C (UF)	C	
Tutoring and Education Centers	C (UF)	--	--	C (UF)	
Industry, Manufacturing and Processing, and Warehousing Uses					
Brewery and Alcohol Production, with-onsite tasting and associated retail commercial use	M	M	M	M	
Brewery and Alcohol Production	--	--	--	P	
Data Centers	--	--	--	C	
Food Processing	--	--	--	C	
Fulfillment Centers	--	--	--	C	
Light Industrial	--	--	--	P	
Warehouse Retail (under 40,000 square feet)	--	--	--	P	
Warehouse Retail (40,000 square feet and over)	--	--	--	C	
Recycling facilities					
Heavy processing	--	--	--	--	
Large collection	--	--	--	C	
Light processing	--	--	--	--	
Reverse Vending Machine(s)	--	--	--	P	
Small collection	--	--	C	P	
Research and Development	--	M	M	P	
Storage – Accessory	A	A	A	A	
Storage – Personal	--	--	--	M	
Wholesaling	--	--	--	P	
Medical-Related and Care Uses					
Day Care, General	--	--	--	C	
Hospitals and Medical Clinics	--	--	--	C	
Medical and Dental Offices	P	P	P	P	
Recreation and Entertainment					
Arcade (Electronic Game Center)	M	M	M	M	

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Land Use	Table 2- 10 Allowed Uses and Permit Requirements for Downtown	P	Permitted by Right		
		A	Permitted as an Accessory Use		
C	Conditional Use Permit				
M	Minor Use Permit				
--	Not Allowed				
(UF)	Upper Floor Permitted, Not Allowed on Ground Floor				
CBD	MU	DMU	CM	Specific Use Regulations	
Commercial Recreation	C	C	C	C	
Karaoke and/or sing-along uses	M	M	M	M	See Subsection 9104.02.190 (Karaoke and/or Sing-Along Uses)
Health/Fitness Facilities, Small	M	M	M	M	
Health/Fitness Facilities, Large	M (UF)	C	C	C	
Indoor Entertainment	M	M	M	M	
Studios – Art and Music	M	M	M	P	
Residential Uses					
Accessory Dwelling Unit	A	A	A		If the site currently has a single-family dwelling or a multifamily dwelling.
Live/Work Unit	M	M	M	--	See Subsection 9104.02.210 (Live/Work Units)
Multifamily Dwelling <u>(2)</u>	M	M	M	--	Permitted only in conjunction with a commercial use <u>(See Section 9102.050.010) - Standalone</u> <u>R</u> esidential uses are permitted <u>if affordable housing units are provided</u> (see footnote 2 below) <u>above ground floor commercial or adjacent to a commercial development. Both uses must be located on the same lot or on the same project site. See See Map for C-M parcels with DMU overlay permitting residential use -</u>
Supportive Housing – Housing Type	<u>M (UF)P</u>	<u>M (UF)P</u>	<u>M (UF)P</u>	--	<u>Transitional and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.</u>
Transitional Housing – Housing Type	<u>M (UF)P</u>	<u>M (UF)P</u>	<u>M (UF)P</u>	--	
Short-Term Rental	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Retail Uses					
Alcohol Beverage Sales					
Alcohol Sales (off-sale)	M	M	M	C	See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Alcohol Sales (off-sale, accessory only)	M	M	M	M	
Building Material Sales and Services	--	--	--	--	

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Pawn Shop	--	--	--	--	
Plant Nursery	--	--	--	--	
Pet Stores, with inclusive of grooming services	P	P	P	P	Animal grooming shall be limited to 50% of the business. No overnight animal keeping.
Recreational Equipment Rentals	P	P	P	P	
Retail Sales	P	P	P	P	
Retail Carts and Kiosks – Indoor	P	P	P	P	
Retail Carts and Kiosks – Outdoor	M	M	M	M	See Subsection 9104.02.110 (Displays and Retail Activities – Outdoor)
Secondhand Stores	--	--	--	M	
Swap Meets	--	--	--	--	
Vehicle Rentals	--	--	--	P	
Vehicle Sales – New and/or Used	C	--	--	C	At least 50% of the vehicles sold or leased from the applicable site during each calendar year shall be new automobiles.
Service Uses					
Animal Boarding/Kennels	--	--	--	C	
Animal Grooming	M	M	M	M	
Bail Bond Services	--	--	--	--	
Funeral Homes and Mortuaries	--	--	--	--	
Hotels and Motels	C	C	C	C	
Maintenance and Repair Services, Large Appliance	--	--	--	P	
Maintenance and Repair Services, Small Appliance	P	P	P	P	
Personal Services, General	P	P	P	P	
Personal Services, Restricted	C	C	C	C	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Veterinary Services	--	--	--	C	
Vehicle Repair and Services					
Service/Fueling Station	C	--	--	--	
Vehicle Washing/Detailing	A	--	--	C	
Vehicle Repair, Major	--	--	--	M	
Vehicle Repair, Minor	A	--	--	P	
Transportation, Communication, and Infrastructure Uses					
Antennas and Wireless Communication Facilities - Co-location	P	P	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones.
Antennas and Wireless Communication Facilities – Panel	P	P	P	P	See Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	C	
Car Sharing	P	P	P	P	Car sharing parking spaces may not occupy any space required for another use.

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Off-Street Parking Facilities (not associated with a primary use)	C	C	C	C	
Recharging Stations	P	P	P	P	

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Land Use	CBD	P	Permitted by Right	
		A	Permitted as an Accessory Use	
C	Conditional Use Permit			
M	Minor Use Permit			
--	Not Allowed			
(UF)	Upper Floor Permitted, Not Allowed on Ground Floor			
Specific Use Regulations				
Utility Structures and Service Facilities	P	P	P	P Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).
Other Uses				
Assembly/Meeting Facilities, Public or Private	--	--	--	M
Donation Box – Outdoor	--	--	--	M
Extended Hours Use	M	C	M	C See Subsection 9104.02.150 (Extended Hours Uses)
Places of Religious Assembly	--	--	--	M
Drive-Through or Drive-Up Facilities	--	--	--	C See Subsection 9104.02.130 (Drive-through and Drive-up Facilities)
Reverse Vending Machines – Consumer Goods	P	P	P	P Allowed indoors only
Vending Machines	P	P	P	P Allowed indoors only
Urban Agriculture	A	A	A	A

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

(2) Residential uses are permitted by right when 20% or more affordable units are provided for lower-income households. By-right development will not require a MUP, planned unit development permit, or other discretionary review or approval except for the City's Subdivision requirements and Objective Development Standards.

9102.05.030 Development Standards in Downtown Zones

Amended by Ord. No. 2356

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

Table 2-11
Development Standards for
Downtown Zones

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

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Maximum Residential Density	80 units/acre	<u>5030</u> units/acre	80 units/acre	Residential not allowed <u>except for parcels with</u> <u>a DMU or RF Overlay</u>	<u>See Note (3) below.</u>
<u>Minimum Residential Density</u>	-	<u>40</u> units/acre	<u>20</u> units/acre	<u>N/A</u> <u>20</u> units/acre	Accommodate a <u>minimum of 16 units per</u> <u>site.</u>
Maximum FAR ⁽²⁾	1.0	1.0	1.0	0.5	
Minimum Storefront Width	25 ft	N/A	N/A	N/A	
Minimum Setback					

Table 2-11
Development Standards for
Downtown Zones

Development Feature	CBD ⁽¹⁾	MU	DMU ⁽¹⁾	CM	Additional Requirements
Front or adjacent to a street	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	10 ft	
Side (Interior)					
Abutting nonresidential or mixed-use zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	10 ft	10 ft	10 ft	10 ft	
Side (Street side)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	5 ft	
Rear					
Abutting Nonresidential or Downtown zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	20 ft	15 ft	15 ft	10 ft	
Maximum Height	60 ft	<u>6040ft</u>	60 ft	40 ft	
Minimum Open Space for Residential Uses	100 sf per unit	100 sf per unit	100 sf per unit	N/A	See Subsection 9102.05.040.D (Open Space Requirements for Residential Uses in CBD, MU, and DMU Zones)

Notes:

- (1) See City Center Design Plan for additional design guidelines.
- (2) FAR maximum is applicable only to nonresidential component of a development.
- (3) Utilize DMU Zone development standards for a residential project located on a C-M zoned parcel within the DMU Overlay area and use the RF Development standards for a residential project located on a C-M zoned parcel within the RF Overlay area.

9102.05.040 Additional Development Standards in Downtown Zones

Amended by Ord. No. 2356

- A. Commercial Uses along Street Frontages. In order to maintain an active pedestrian environment within all Downtown Zones, commercial uses shall be encouraged, but not required along street frontages. Residential may be permitted above ground floor commercial or adjacent to a commercial development, where allowed per Table 2-10 and in compliance with development standards set forth in Table 2-11.
- B. Setbacks When Abutting a Residential Zone
 - 1. When abutting a residential zone, no portion of any structure shall encroach through a plane projected from an angle of 45 degrees, as measured at the ground level along the residentially zoned abutting property line.
 - 2. Where a property line abuts a dedicated alley which separates the property from abutting residential zoned property, the setback shall be measured from the centerline of the alley, and no portion of any structure shall encroach through a plane projected from an angle of 45 degrees, as measured at the ground level along the centerline of the alley.
- C. No Parking within Front and/or Street Side Setbacks. No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.
- D. Minimum Ground Floor Height. The minimum ground-floor height for structures with commercial uses on the ground floor

shall be not less than 12 feet, six inches.

E. Open Space Requirements for Residential Uses in CBD, MU and DMU Zones

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

F. Roof Decks. Roof decks are permitted, subject to Site Plan and Design Review, in the MU and DMU zones provided that roof decks meet the following development standards:

1. Location. Roof decks shall be set back five feet from all building lines of the structure. The building line shall be measured from the roof edge of the story directly below the deck.
2. Height Limits. The guardrail and other objects, whether permanent or temporary, which rest upon the roof deck such as patio furniture, landscaping, swimming pool features, and storage, shall be allowed to exceed the maximum height limit specified in Subsection 9102.05.030 (Development Standards in Downtown Zones) by up to five feet. Exterior stairways and other access features such as stairwells or elevators for access to roof decks shall not exceed the residential zoning district's height limit by more than 10 feet and shall be architecturally integrated into the design of the structure.
3. Screening. The roof deck area shall be appropriately designed so as not to be visible from all sides of the structure or from the grade below. Appropriate screening shall be architecturally compatible with and integrated into the existing structure as determined by the Director. The solid screening may include roofing, solid parapet walls, or other methods architecturally compatible with the design of the structure.
4. Architecturally Compatible. The roof deck shall be architecturally compatible with the existing exterior materials and colors of the existing structure, and appear as an integral part of the roof system.
5. Furniture. All furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

9102.05.050 Mixed-Use Lot Consolidation Incentive Program

To encourage the assemblage of smaller lots into larger lots that can be developed more efficiently into a mixed-use project, the following incentives may be provided to a qualifying development at the Director's discretion:

- A. Waiver of planning permit application fees.
- B. Priority in permit processing.

9102.05.060 Site Plan and Design Review

Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.

9102.05.070 Other Applicable Regulations

In addition to the requirements contained in this Section 9102.05 (Downtown Zones), regulations contained in the following Divisions may apply to development in mixed use zones.

Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
Division 3 – Regulations Applicable to All Zones - Site Planning and General Development Standards
Division 4 – Regulations for Specific Land Uses and Activities

Section 9102.07 – Special Use Zone (Santa Anita Racetrack)

Subsections:

- 9102.07.010 Purpose and Intent
- 9102.07.020 Land Use Regulations and Allowable Uses
- 9102.07.030 Development Regulations Specific to S-1
- 9102.07.040 Site Plan and Design Review – S-1
- 9102.07.050 Other Applicable Regulations

9102.07.010 Purpose and Intent

The Special Use (S-1) zone is intended to provide for the continued operation of the Santa Anita Racetrack and to allow for horseracing, related activities, and authorized special events. This zone implements the General Plan Horse Racing designation.

9102.07.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2375

A. Allowed Land Uses. Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) establishes the land use regulations for the Special Use zone and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for the zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

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

“--” designates uses that are not permitted.

For Temporary Uses, see Subsection 9102.07.020.D (Permitted Uses Exception).

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

C. Specific Use Regulations. Where the last column in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

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Table 2-12 Allowed Uses and Permit Requirements for Special Purpose Zones		P A M C --	Permitted by Right Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed
Land Use	S-1		Specific Use Regulations
Eating and Drinking Establishments			
Bars, Lounges, Nightclubs, and Taverns	P		Shall be located within Grandstand Structure for non-horse racing activities and not open to the public between 1:00 AM and 10:00 AM. See Subsection 9104.02.040 (Alcoholic Beverage Sales)
Restaurant, Large or Small, with or without On-Sale Alcohol	P		Shall be located within Grandstand Structure for non-horse racing activities. Year-round usage of the restaurant is permitted.
Events			
Assembly/Meeting Facilities, Public or Private and Places of Religious Assembly	P		
Food and Beverage Events	P		
Filming Activities	P		
Non-profit and Public/Quasi Public Events	P		
Seasonal Sales	P		
Vehicle Sales, New	P		
Recreation			
Daytime Sports and Athletic Events (live)	P		
Horse Breeding, Training, and Shows	P		
Ride and Drives	P		
Sporting Event Viewing (not live)	P		Subject to performance standards of Subsection 9102.07.020.F (Allowed Special Event/Temporary Uses).
Residential			
<u>Caretaker Units</u>	P		<u>Permitted when associated with horse racing activities.</u>
<u>Employee Housing</u>	P		<u>See Subsection 9104.02.145 (Employee Housing)</u>
Transportation, Communication, and Infrastructure Uses			
Antennas and Wireless Communication Facilities – Co-location or Panel	P		Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	C		
Car Sharing	P		Car sharing parking spaces may not occupy any space required for another use.
Construction Offices	P		

Table 2-12 Allowed Uses and Permit Requirements for Special Purpose Zones		P	Permitted by Right
Land Use	S-1	A	Permitted as an Accessory Use
Recharging Stations	P	M	Minor Use Permit
Off-Street Parking Facilities (not associated with a primary use)	P	C	Conditional Use Permit
Other Uses		--	Not Allowed
Vending Machines	P	Specific Use Regulations	
Reverse Vending Machines – Consumer Goods	P		

D. Permitted Uses Exception. The Director shall review all proposed individual events and activities listed as Permitted Uses in Subsection 9102.07.020.B (Director Determination). Permitted uses listed in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) that exceed 10,000 people at any given time and/or that the Director finds to have additional impacts may be subject to a Temporary Use Permit pursuant to Section 9107.23.

E. Allowed Special Event/Temporary Uses

1. Temporary Use Permit Required. Any use not listed as a permitted use in Table 2-12 12 (Allowed Uses and Permit Requirements for Special Purpose Zones) and not held in conjunction with live racing is required to apply for a Temporary Use Permit subject to the requirements of Section 9107.23 (Temporary Use Permits) of this Development Code. A Temporary Use Permit is not required for any temporary uses, individual events, and activities that are held within any of the parking lot, infield area and/or paddock area during a live racing event.
2. Types of Events. Temporary Uses allowed in the S-1 zone and subject to a Temporary Use Permit shall include, but are not limited to the following:
 - a. Circuses, carnivals, and fixed-run traveling or seasonal shows;
 - b. Concerts and outdoor entertainment;
 - c. Cultural, lifestyle, music, and technology festivals;
 - d. Sporting events and shows;
 - e. Farmers' Markets, antique shows, and craft fairs;
 - f. Movie festivals and premiers;
 - g. Planned helicopter landings and air shows;
 - h. Parades, cycling and running/walking events;
 - i. Specialty auto, truck, motorcycle and recreational vehicle shows; and
 - j. Trade shows and expos.
3. Location. Temporary uses are not permitted within the parking lots, unless otherwise allowed by Temporary Use Permit.
4. Number of Events. Temporary events on Racetrack properties are limited to two simultaneous events, regardless of whether the event is listed as a Permitted Use in Table 2-12 (Allowed Uses and Permit Requirements for Special Purpose Zones) or as an Allowed Special Event/Temporary Use by Subsection 9102.07.020.F.2 (Types of Events), unless all events are less than 5,000 persons and as otherwise approved by the Director.
5. Conditions of Approval and Referral to Council. The Director may place conditions on any use or event, or may refer any application for such use or event to the City Council for consideration. Conditions of approval may include, but are not limited to the following:
 - a. Additional setbacks and buffers;

- b. Restrictions on outdoor lighting;
- c. Restriction of points of vehicular and/or pedestrian ingress and egress;
- d. Regulation of noise, vibration, odors, etc
- e. Regulation of the number, height and size of structures, equipment and/or signs;
- f. Limitation of the hours and/or days of the proposed use;
- g. If special sales are proposed, limitations on the locations where sales may occur, the number of vendors, and the types of goods sold; and
- h. If food sales are located outside, a requirement that all appropriate health department permits have been secured and are in good standing.

F. Sporting Event Viewing (not live) Performance Standards. The following performance standards shall be applied to allowable activities using a satellite feed, as identified in Subsection 9102.07.020 (Land Use Regulations and Allowable Uses).

1. Hours and Number of Persons. No persons, other than employees of the race track, shall be allowed in the unenclosed areas of the grandstand and race track between the hours of 6:00 pm and 8:00 am, except that between 6:00 pm and 8:00 am, up to 3,500 patrons of the racetrack may occupy the outside box seat, Club Court, and Turf Club areas existing at the racetrack as of May 2, 2000, in order to watch and listen to individual televisions located at tables therein or to view the big screen monitor in the infield of the racetrack.
2. No Outdoor Sound Amplification. There shall be no outdoor sound amplification or use of outdoor loudspeakers between the hours of 6:00 p.m. and 8:00 a.m., unless approved by a Temporary Use Permit.
3. Closed Windows. Windows in the enclosed restaurant located within the grandstand structure shall be closed between the hours of 6:00 p.m. and 8:00 a.m.
4. Parking Fee. There shall be no parking fee for events taking place after 6:00 p.m. The northerly parking lot shall not be utilized for patron parking.

9102.07.030 Development Regulations Specific to S-1

- A. General. New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in this Section—unless a Master Plan or Specific Plan has been approved—and the development standards in Division 3 (Regulations Applicable to All Zones). Standards for accessory structures are outlined in Subsection 9103.03.050 (Canopy Structures).
- B. Development Standards
 1. Floor Area Ratio. The maximum permitted floor area ratio (FAR) is 0.3.
 2. Height Limit and Lot Size. No height limit or minimum lot size is established for this zone.
- C. Additional Setbacks
 1. Huntington Drive Setback. Other than service/fueling stations, no building or structure shall be located closer than 150 feet to the outside edge of the Huntington Drive right-of-way.
 2. Setback for Stables. No stable or other building or structure for the shelter of horses or other animals shall be located within 250 feet of any public street or highway.

9102.07.040 Site Plan and Design Review – S-1

- A. Applicability and Authority. Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards), including issuance of a building permit or sign permit, approval or conditional approval of a conditional use permit, variance or modification with respect to any and all exterior alterations, additions and new construction, installation of exterior lighting for the infield and parking areas, and installation of perimeter

and parking lot landscaping and signing improvements, shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code and this Section. In the S-1 Zone, the review and approval, conditional approval or disapproval shall be by the Commission and Council, except as noted in Subsection 9102.07.040.C (Administrative Design Review). The provisions of this Section shall not apply to building permits for work which is located entirely within a building and which does not alter the external appearance of the building.

- B. Design Review Procedures. The following design review procedures are intended to implement the goals of the City's General Plan and the following purposes:
 - C. Ensure that the architectural design of any additions, exterior alterations and new structures, and their materials and colors are visually harmonious and compatible with the existing racetrack architectural design and functionally build upon the racetrack's attributes.
 - D. Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures and do not dominate their surroundings to an extent inappropriate to their use.
 - 1. Ensure that new buildings and structures respect the architectural and cultural heritage represented by the existing racetrack buildings.
 - 2. Ensure that the grandstands remain recognizable from key locations along the perimeter of the racetrack.
 - 3. Ensure that the design and location of signs and their materials and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site and ensure that signs are visually harmonious with surrounding development.
 - E. Administrative Design Review. The Director shall have the authority to review and approve, conditionally approve, or disapprove applications for:
 - 1. Minor exterior alterations not affecting the architectural integrity of the existing grandstand façade
 - 2. Minor modifications to existing housing for racetrack employees
 - 3. Minor improvements directed towards stabling and care of thoroughbreds
 - 4. Minor exterior lighting plans within the infield and parking areas
 - 5. Landscaping improvements
 - 6. Minor sign improvements

9102.07.050 Other Applicable Regulations

In addition to the requirements contained in this Chapter 9102.07 (Special Use Zone), regulations contained in the following Chapters may apply to development in special use zones.

- Division 2 – Zones, Allowable Uses, and Development Standards (Section 9102.11 Overlay Zones)
- Division 3 – Regulations Applicable to All Zones – Site Planning and General Development Standards
- Division 4 – Regulations for Specific Land Uses and Activities

Section 9102.11 – Overlay Zones

Subsections:

- 9102.11.010 D - Architectural Design Overlay Zone
- 9102.11.020 DO Downtown I Overlay Zone
- 9102.11.030 DTP - Downtown Parking Overlay Zone
- 9102.11.040 H Special Height Overlay Zone
- 9102.11.050 RF Residential Flex Overlay Zone
- 9102.11.060 RTE Race Track Event Overlay Zone
- 9102.11.070 P Vehicle Parking Overlay Zone
- 9102.11.080 DMU Downtown Mixed Use Overlay Zone

9102.11.050 RF Residential Flex Overlay Zone

- A. Purpose and Intent. The Residential-Flex “RF” Overlay Zone is established to provide for greater flexibility in land use planning and to maximize the housing types and styles at a more affordable price range than may be possible under the strict application of other sections of this Division. The RF Overlay Zone provides the option to build a residential project in a commercial zone. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; also, a residential project may serve as a catalyst for other types of development in the surrounding area. The RF Overlay Zone is intended to maintain compatibility between residential and non-residential uses on adjacent lots through development standards and design guidelines. The standards in this section are applicable to stand-alone residential projects only; all other projects are subject to the requirements of the underlying zoning designation.
- B. Allowed Uses. In addition to the land use regulations of the underlying zone, ~~residential uses shall be permitted in the RF Overlay zone with the review and approval of a Conditional Use Permit pursuant to the requirements of Section 9107.09 (Conditional Use Permits and Minor Use Permits) of this Development Code~~ ~~allow residential developments by-right when 20 percent or more of the units are affordable to lower income households on sites identified as part of the Residential Flex Overlay Zone. By-right development will not require a CUP, planned unit development permit, or other discretionary review or approval except for the City's Subdivision requirements and Objective Development Standards~~ Refer to Section 9103.15.030 of the Code for additional incentives and concessions for affordable housing development.
- C. Development Standards. New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-15 (Development Standards for Residential Flex Overlay Zone) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-15 (Development Standards for Residential Flex Overlay Zone).

Table 2-15

Development Feature	Development Standards for Residential Flex Overlay Zones			Additional Requirements
	R-F Live Oak	Las Tunas	Commercial General (CG) ²	
Maximum Height	40		60 ft	See Subsection 9103.01.050 (Height Measurements and Exceptions)
Residential Density				
Maximum	30 units/acre or 1 unit/1,450 sf ⁵⁰ units/acre			
Minimum	20 units/acre or 1 unit/2,200 ³⁰ units/acre			
Minimum Setbacks ⁽¹⁾				
Front or adjacent to a street	10 ft			
Side (interior)	10 ft			
Side (Street side)	10 ft			
Distance between Structures – Minimum	6-ft			
Minimum Open Space for Residential Uses	100 sf per unit			

Notes:

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

(2) Residential units are permissible if affordable units are provided per the City's Density Bonus requirements (Section 9103.15). Properties within the CG zone with a Residential Flex Overlay may only be developed with residential uses if identified in the available sites list within the 6th Cycle Housing Element Update on file in the Development Services Department.

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

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

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

F.G. Open Space

1. Type. Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces.

2. Minimum Dimension. Balconies that are 30 inches or less in width or depth shall not be counted as open space.
3. Encroachment. Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.

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

1. Adjacent to Existing Residential

- a. 10-foot minimum building setback from property line (See "A" in Figure 2-B)
- b. 3-foot minimum building stepback for building heights greater than 30 feet (See "B" and "C" In Figure 2-B), when significant adjacent view impacts can be demonstrated.
- c. Appropriate planting, trees or other natural materials shall be provided within the view plane of adjacent residential uses.
 - i. All plantings or other natural materials shall be at full maturity within 1 year of installation and shall be maintained in a manner that preserves its natural state.
 - ii. Planting materials shall be primarily evergreen and shall limit shedding or loss of leaves during winter months.
 - iii. Deciduous trees and plantings shall be limited in a manner that does not demonstrably impact the screening from adjacent properties.

2. Exceptions. Special exceptions may be granted to setback, stepback and screening requirements through the processing of a modification application if the following can be demonstrated by the project applicant. All exception requests shall be subject to the provisions of the City's adopted Objective Design Standards.

- a. The setback standards preclude the applicant from reaching minimum densities and can be demonstrated conclusively by the applicant
- b. The standards preclude the development of affordable housing units and can be demonstrated conclusively by the applicant.
- c. Unique site conditions or factors that may preclude the ability to comply with setback standard and/or the installation of landscape screening.

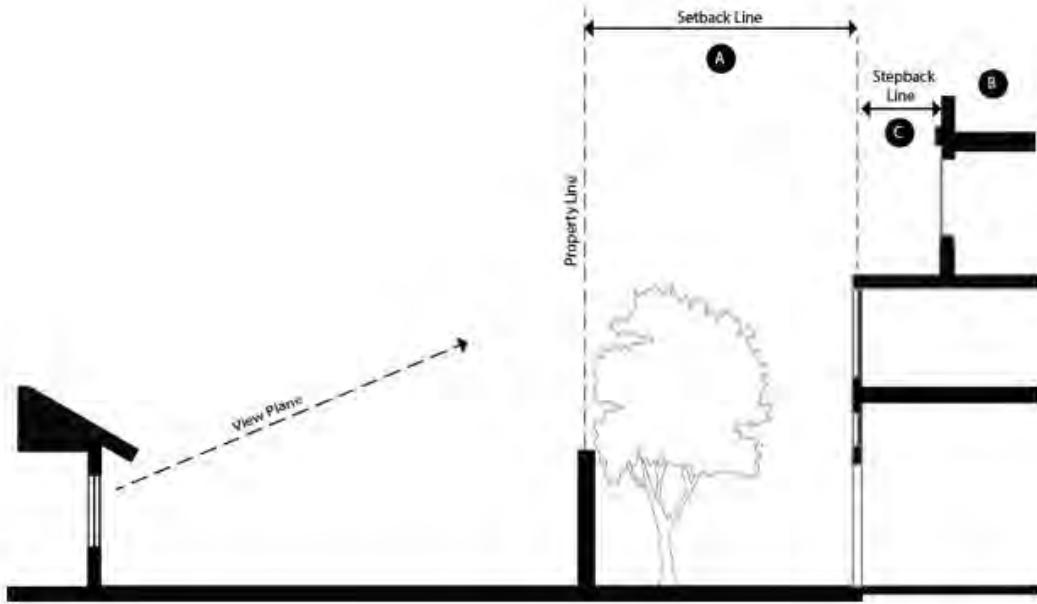


Figure 2-B: Setback and Step Back Provisions

I. Design Review

1. Applicability. Structures erected or modified to accommodate the land uses allowed by this Section shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.

(H)2.-Design Review Criteria. The project design shall be compatible with the scale and quality of development within the underlying zone and surrounding area. In conducting a review of projects subject to the requirements of this Section, the Review Authority may utilize design guidelines/criteria that have been adopted by the City in order to provide guidance to project proponents on how to best achieve the City's expectations for quality development; implementation of the applicable General Plan goals and policies; and maintenance of the public health, safety, general welfare and property throughout the underlying zone. Existing land uses shall be considered in the review of projects utilizing the Residential Flex Overlay Zone. Neighborhood Serving Retail, such as supermarkets/grocery stores shall be retained and integrated into new projects to the extent feasible to maintain commercial retail and services to serve the needs of the local and surrounding community.

9102.11.080 DMU - Downtown Mixed Use Overlay Zone

Amended by Ord. No. XXXX

- A. Purpose and Intent. The Downtown Mixed Use Overlay Zone (DMU) is established as an overlay on commercial manufacturing (C-M) zoned parcels adjacent to the existing Downtown Mixed-Use Zone in the Downtown area. The DMU Overlay Zone provides opportunities for high density residential projects in a commercial zone to revitalize the downtown district. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; also, a residential project may serve as a catalyst for other types of development in the surrounding area. The Downtown Mixed Use Overlay Zone is intended to provide opportunities for more intense residential uses on commercial parcels that encourages transit-oriented development in proximity to transit centers, employment centers, and commercial uses.
- B. Allowed Uses. Any use permitted in the Downtown Mixed Use Overlay zone will conform to the use regulations established within the zone to which the overlay is applied. Residential uses are allowed subject to the development standards mentioned in Section 9102.11.080(C)(1) below.
- C. Development Standards. All development regulations in the Downtown Mixed Use Overlay zone will conform to the standards established within the underlying zone where the overlay is applied, with the following exceptions:
 1. Utilize development standards for Downtown Mixed Use (DMU) zones if a residential project is developed with units affordable to low- and lower-income households. Refer to Table 2-11 Development Standards for Downtown Zones.
- D. Incentives for Affordability Provisions. Allow residential developments by-right when 20 percent or more of the units are affordable to lower income households. By-right development will not require a MUP, planned unit development permit, or other discretionary review or approval except for the City's subdivision requirements and Objective Design Standards. Refer to Section 9103.15.030 of the Code for additional incentives and concessions for affordable housing development.

Section 9102.13 – Specific Plans

Subsections:

- 9102.13.010 Purpose and Intent
- 9102.13.020 Effect of Specific Plan Zone
- 9102.13.030 Required Contents of a Specific Plan
- 9102.13.040 Land Use and Development Standards
- 9102.13.050 Establishment of Specific Plan Zones

9102.13.010 Purpose and Intent

The Specific Plan (SP) zone is established to implement Sections 65450 through 65457 of the California Government Code. As provided for in the Government Code, a Specific Plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. A Specific Plan may be adopted for any property or group of properties meeting the criteria set forth in this Division and Section 9107.21 (Specific Plans). The Specific Plan zone shall apply to all properties lying within the bounds of a specific plan that has been adopted by resolution or ordinance of the Council.

9102.13.020 Effect of Specific Plan Zone

Once adopted, a specific plan shall govern all use and development of properties within the bounds of that specific plan. Where a specific plan is silent with regard to particular development standards, the provisions of this Code shall govern. The Director shall have the authority to determine which 9103.07 of this Code apply where a specific plan is silent.

9102.13.030 Required Contents of a Specific Plan

The required contents of a specific plan shall be as set forth in Government Code Section 65450 et seq.

9102.13.040 Land Use and Development Standards

Each adopted specific plan establishes the land use regulations and development standards applicable to the properties within the specific plan. To the extent that any development standard is not provided by an individual specific plan, such standard shall be in accordance with the provisions of the zone in this Division that most closely resembles the zone in the specific plan.

9102.13.050 Establishment of Specific Plan Zones

Adopted specific plans in Arcadia are listed below. These specific plans define the development standards and guidelines for each corresponding specific plan zone.

- A. SP-SA1 (Hale Medical Center). The Hale Medical Center Specific Plan regulates the development and design of the Hale Medical Center structure and is designated SP-SA1 on the Zoning Map. Regulations and design elements for the SP-SA1 zone, with related implementing actions, are set forth in the Hale Medical Center Specific Plan.
- B. SP-SP (Seabiscuit Pacifica). The Seabiscuit Pacifica Specific Plan regulates the development and design of structures within the Seabiscuit Pacifica Specific Plan, designated SP-SP on the Zoning Map. Land use regulations, development standards, and required design elements for the SP-SP zone, with related implementing actions, are set forth in the Seabiscuit Pacifica Specific Plan.
- C. SP-ALC (Arcadia Logistic Center). The Arcadia Logistic Center Specific Plan regulates the development and design of structures within the Arcadia Logistic Center Specific Plan, designated SP-ALC on the Zoning Map. Land use regulations, development standards, and required design elements for the SP-ALC zone, with related implementing actions, are set forth in the Arcadia Logistic Center Specific Plan.
- D. SP-AP (Arroyo Pacific School). The Arroyo Pacific Specific Plan regulates the development and design of structures within the Arroyo Pacific Specific Plan; designated SP-AP on the Zoning Map. Land use regulations, development standards, and required design elements for the SP-AP zone, with related implementing actions, are set forth in the Arroyo Pacific Specific Plan.

Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards

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9103.01.010 Off-Street Parking for Residential Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2375

A. Number Required. Unless off-street parking reductions are allowed in compliance with provisions identified, off-street parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses). These standards shall be considered the minimum required to preserve the public health, safety, and welfare of the community. An increase or decrease in the parking requirements may be determined by the Review Authority in particular circumstances where these requirements are inadequate for a specific project. These cases shall be determined through a parking study as outlined in this Division.

B. Off-Street Parking Requirement Calculations. Table 3-3 (Off-Street Parking Requirements: Residential Uses) establishes the off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply:

1. **“Square feet” or “sf” shall mean “square feet of floor area” and refer** to floor area as defined in Division 9 (Definitions), unless otherwise specified.
2. Any fractional parking space greater than or equal to one-half shall be rounded to the next whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.

C. Off-Street Residential Parking Requirements for Residential Uses

1. **Uses Not Listed.** The number of parking spaces required for land uses not specifically listed shall be determined by the Director based on common functional, product, or compatibility characteristics and activities. The determination is considered a formal interpretation of the Development Code and shall be decided and recorded accordingly. The interpretations shall have the same force of law as the provisions of this Section. Any inclusion of land uses in this Section shall be defined and included in Division 9 (Definitions), and shall be included in the land uses in Division 2 (Zones, Allowable Uses, and Development Standards).

Table 3-3
Off-Street Parking Requirements:
Residential Uses

Land Use	Minimum Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	<ul style="list-style-type: none">• 2 spaces per dwelling unit in a garage for units less than 5,000 square feet in size with up to 4 bedrooms• 3 spaces per dwelling unit in a garage for units 5,001 square feet or more in size and/or with 5 or more bedrooms ⁽¹⁾
Accessory Dwelling Unit	Refer to Section 9102.01.080
Multifamily Dwellings	For the R-2, R-3 and R-3-R Zones: <ul style="list-style-type: none">• 2 covered spaces per unit, plus guest parking as follows:<ul style="list-style-type: none">• 1 guest parking space for every 2 units For the <u>Residential Flex Overlay Zones</u> : <ul style="list-style-type: none">• 1 space per studio unit• 1.5 spaces per unit
Mixed Use Units	<ul style="list-style-type: none">• 1 space per studio unit• 1.5 spaces per unit• 1 guest space for every 3 units
Live/Work Units	1 space per unit and 1 space per 1,000 square feet of nonresidential floor area

Senior Housing (when restricted to age 62 and older)	For senior affordable apartment housing: 1 space per unit, and 1 guest space for every 4 units for assisted living facilities: 1.5 spaces per unit For senior market rate housing: 2 spaces per unit
--	---

Notes:

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

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

D. Parking Location

- 1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
- 2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.
- 3. When required off-street parking spaces are provided on a separate lot from the building or land use, Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking) shall apply.

9103.01.020 Mixed-Use (Nonresidential and Residential Combined) Parking Standards
Amended by Ord. No. 2375

A. Mixed-Use with Residential. This subsection applies to mixed-use developments as defined in Division 9 (Definitions) and where allowed by Division 2 (Zones, Allowable Uses, and Development Standards).

1. The number of parking stalls provided shall be as outlined in Tables 3-3, 3-5, 3-6, 3-7, and 3-8.
2. No more than 50 percent of the required guest parking spaces for the residential units may be shared with the required commercial parking spaces.
3. The parking for the residential use required to be in a fully enclosed garage in compliance with Table 3-3 may be provided within an underground or aboveground parking structure rather than a garage.
4. With the exception of the guest parking, parking for the residential uses shall be provided and maintained separate and secure from the on-site public parking.
5. A 25 percent reduction may be applied to the project for all commercial uses if the parking area is located within 1,320 feet of a light rail station.
6. If affordable residential units are proposed with mixed-use developments, refer to Section 9103.15.030 of the Arcadia Municipal Code for incentives and concessions to parking standards.

Section 9103.15 – Density Bonuses for Affordable and Senior Housing

Subsections:

9103.15.010 Purpose and Applicability

9103.15.020 Density Bonus

9103.15.030 Incentives and Concessions

9103.15.040 Findings

9103.15.050 Application Requirements

9103.15.060 Location and Type of Designated Uses

9103.15.010 Purpose and Applicability

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

9103.15.020 Density Bonus

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

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

- At least 5% of the for-sale or rental housing units are restricted to very low-income residents.
- At least 10% of the for-sale or rental housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale development are restricted to moderate income residents.
- At least 33% of the housing units in a proposed condominium project (from an apartment conversion) are restricted to low or moderate income residents, or at least 15% of the housing units are restricted to lower income residents.
- **100% of the housing units (other than manager's units) are restricted to very low, lower and moderate-income residents (with a maximum of 20% moderate).**
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low-income level. The ten percent shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.
- At least 20% of the housing units are for low-income students in housing dedicated for full-time students at accredited colleges. Lower-income students is defined in Government Code Section 65915(o)(4).
- The project donates at least one acre of land to the city or county for very low-income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development of at least 35 units (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

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

9103.15.030 Incentives and Concessions

A. Determination of Density Bonus. The amount of a density bonus and the extent of other incentives allowed for a proposed housing development shall be determined by the Council in compliance with Government Code Section 65915. If a density bonus or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Development Code, the Council may modify or waive other development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

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

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

32%	50%	50%	27%	35%	20%	20%	35%
33%	50%	50%	28%	35%	20%	20%	35%
34%	50%	50%	29%	35%	20%	20%	35%
35%	50%	50%	30%	35%	20%	20%	35%
36%	50%	50%	31%	35%	20%	20%	35%
37%	50%	50%	32%	35%	20%	20%	35%
38%	50%	50%	33%	35%	20%	20%	35%
39%	50%	50%	34%	35%	20%	20%	35%
40%	50%	50%	35%	35%	20%	20%	35%
41%	50%	50%	38.75%	35%	20%	20%	35%
42%	50%	50%	42.5%	35%	20%	20%	35%
43%	50%	50%	46.25%	35%	20%	20%	35%
44%	50%	50%	50%	35%	20%	20%	35%
100%**	80%	80%	80%	35%	20%	20%	35%

* No affordable units are required for senior units.

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

C. Density Bonus for Childcare

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

D. Density for Condominium Conversion

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

E. Other Incentives

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

Number of incentives or concessions	Extremely Low Income percentage	Very Low Income percentage	Lower Income percentage	Moderate Income percentage	Lower Income Students (Student Housing Development)

1	<u>5%</u>	5%	10%	10%	<u>20%</u>
2	<u>10%</u>	10%	17%	20%	<u>--</u>
3	<u>15%</u>	15%	24%	30%	<u>--</u>
4*	<u>100% Low/Very Low/Mod (20% Moderate allowed)</u>	<u>100% Low/Very Low/Mod (20% Moderate allowed)</u>	<u>100% Low/Very Low/Mod (20% Moderate allowed)</u>	<u>100% Low/Very Low/Mod (20% Moderate allowed)</u>	<u>--</u>
<p><u>*If the project is located within one-half mile of a major transit stop or is located in a very low vehicle traffic area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.</u></p> <p><u>Note: "Lower income households" includes very low income households, as defined in Government Code Section 50105, and extremely low income households, as defined in Government Code Section 50106.</u></p>					

3. Types of Available Concessions or Incentives. A qualifying project may request available incentives or concessions in addition to the density bonus from the following categories:
 - a. Expedited review process for developers applying for Federal and State Tax Credits if a percentage of the units are designated to extremely low income households as shown in the table above; or
 - b. Expedited permit processing, fee waivers and deferrals for projects targeted for persons with developmental disabilities; or
 - c. Expedited review process, fee waivers and deferrals, or other regulatory incentives or concessions proposed by the developers for the development of senior housing and services at the discretion of the Reviewing Authority; or
 - a-d. A reduction in the site development standards of this Development Code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements); or
 - b-e. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.
4. Additional Concessions or Incentives. The Council shall have the discretion to approve additional concessions or incentives to a qualifying project based on the superior merits of that particular project, as determined by the Council. If a development standard would physically prevent the project from being constructed at the permitted density even with approved concessions and incentives, a developer may propose to have that standard waived or reduced. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled to per Section 2 above, unless the concession is to the development standards.

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

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

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

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

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

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

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

Project Type	Parking Spaces Required
Rental/for sale projects with at least 11% very low income or 20% lower income units within $\frac{1}{2}$ mile of an accessible major transit stop	0.5 spaces per unit
For sale projects with at least 40% moderate income units within $\frac{1}{2}$ mile of an accessible major transit stop	0.5 spaces per bedroom
Rental projects 100% affordable to lower income within $\frac{1}{2}$ mile of an accessible major transit stop	0 spaces per unit
Rental senior projects 100% affordable to lower income households, either with paratransit service or within $\frac{1}{2}$ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit
Rental special needs projects 100% affordable to lower income households, either with paratransit service or within $\frac{1}{2}$ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit
Rental supportive housing developments 100% affordable to lower income households	0 spaces per unit

H. Housing Restrictions

- Rental Units - Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for that unit. The income and rent restrictions must remain in place for a 55 year term for very low or lower income units.

2. For Sale Units – Affordable units for sale must be sold at an affordable housing cost to a person or family of very low, low or moderate income, as required, and is subject to an equity sharing agreement pursuant to Government Code Section 65915(c)(2).

9103.15.040 Findings

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

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

9103.15.050 Application Requirements

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

9103.15.060 Location and Type of Designated Uses

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

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9104.02.140 Emergency Shelters

A. Purpose and Applicability. Consistent with Government Code § 65582, 65583(a) and 65589.5, all California cities are required to identify a zone in which to permit emergency shelters as a matter of right. The purpose of regulating the siting of emergency shelters is to ensure the development of emergency shelters do not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of nearby residents and businesses while providing for the housing needs of the homeless. In compliance with Government Code Section 65573 subdivision (a)(4), emergency shelters shall be a permitted use as a matter of right, without the requirement of a conditional use permit or other discretionary permits in applicable zoning classifications that permit residential uses and residential mixed uses, as specified in AMC Division 2: Zones, Allowable Uses, and Development Standards.

Permit processing, development, and management standards applied in this section shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

B. Use Standards

1. No emergency shelter shall contain more than 30 beds and shall serve no more than 30 homeless persons at any one time.
2. Occupancy by an individual or family may not exceed 180 consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program. Services shall be provided to assist residents to obtain permanent shelter, income, and services. No individual or household may be denied emergency shelter because of an inability to pay.
3. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights of way. The intensity shall comply with standard City performance standards for outdoor lighting.
4. Onsite management of the facility shall be required during all open hours of operation.
5. The emergency shelter provider/operator shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, transportation issues, security, screening to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for resident.
6. The emergency shelter facility shall demonstrate that it is in and maintains in good standing with County and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.

B. Development and Use Standards. The development and use standards set forth in Division 3 for the zone in which the emergency shelter is located shall apply, unless otherwise specified here.

Emergency shelters may only be subject to those development standards that apply to residential or commercial development within the same zone except that the City of Arcadia provides the following objective standards for emergency shelters:

1. No emergency shelter shall contain more than 30 beds and shall serve no more than 30 homeless persons at any one time.
2. Longer residency by those enrolled and regularly participating in a training or rehabilitation program. Services shall be provided to assist residents to obtain permanent shelter, income, and services. No individual or household may be denied emergency shelter because of an inability to pay.

3. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. The intensity shall comply with standard City performance standards for outdoor lighting.
4. No more than one emergency shelter shall be permitted within a radius of 300 feet of another such facility.
5. Interior on-site waiting and client intake areas must be at least 200 square feet. Outdoor onsite waiting areas may be a maximum of 100 square feet, and must be located within 50 feet of the public right-of-way.
6. Parking and outdoor facilities shall be designed to provide security for residents, visitors, and employees.
7. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s)
 - b. Recreation room
 - c. Counseling center
 - d. Child care facilities
 - e. Other support services deemed appropriate by the Director
118. Provide sufficient on-site parking for emergency shelters to accommodate all employees in the emergency shelter. Parking standards described in Section 9103.07 (Off-Street Parking and Loading) shall not require more parking for emergency shelters than other residential or commercial uses within the same zone.

3. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and public rights of way. The intensity shall comply with standard City performance standards for outdoor lighting.
71. No more than one emergency shelter shall be permitted within a radius of 300 feet of another such facility.
82. Interior on site waiting and client intake areas must be at least 200 square feet. Outdoor onsite waiting areas may be a maximum of 100 square feet, and must be located within 50 feet of the public right of way.
39. Parking and outdoor facilities shall be designed to provide security for residents, visitors, and employees.
104. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s)
 - b. Recreation room
 - c. Counseling center
 - d. Child care facilities
 - e. Other support services deemed appropriate by the Director
115. Provide sOn site parking for emergency shelters shall be provided employees as set forth inParking standards described in Section 9103.07 (Off Street Parking and Loading)shall.

C. Management Standards. Emergency shelters may only be subject to those management standards that apply to residential or commercial development within the same zone except that the City of Arcadia provides the following objective standards for emergency shelters:

1. The emergency shelter provider/operator shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, transportation issues, security, screening to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for resident.

2. Onsite management of the facility shall be required during all open hours of operation.
3. The emergency shelter facility shall demonstrate that it is in and maintains in good standing with County and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.

9104.02.145 Employee Housing

A. Purpose and Applicability. Consistent with California Health and Safety Code 17021.5, 17021.6, and 17021.8, the Employee Housing Act requires cities to establish administrative requirements for the construction and maintenance of employee housing, as defined in Section 9109.01.060 of the Municipal Code.

B. Standards. For the zones in which employee housing is permitted in Division 2, the following standards shall apply:

1. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.
2. Employee housing consisting of no more than 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.

Division 7: Permit Processing Procedures

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Section 9107.03 – Application Processing Procedures

Subsections:

- 9107.03.010 Purpose and Intent
- 9107.03.020 Application Submittal
- 9107.03.030 Eligible Applicants
- 9107.03.040 Submittal Requirements
- 9107.03.050 Filing Fees and Requirements
- 9107.03.060 Initial Application Completeness Review
- 9107.03.070 Environmental Assessment
- 9107.03.080 Application Review and Determinations

9107.03.010 Purpose and Intent

Amended by Ord. No. 2347

Amended by Ord. No. 2363

Amended by Ord. No. 2375

- A. This Division provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by the City and specified in this Development Code.
- B. Table 7-1 (Review Authority), identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Development Code.

Table 7-1
Review Authority

Type of Action	Applicable Code Section	Role of Review Authority ⁽¹⁾		
		Director	Commission	Council
Legislative Actions				
Development Agreements and Amendments	9107.11	Recommend ⁽¹⁾	Recommend	Decision
Development Code Amendments	9108.03	Recommend ⁽¹⁾	Recommend	Decision
General Plan Amendments	9108.03	Recommend ⁽¹⁾	Recommend	Decision
Specific Plans and Amendments	9107.21	Recommend	Recommend	Decision
Zoning Map Amendments	9108.03	Recommend	Recommend	Decision
Planning Permits and Approvals and Administrative Actions				
Administrative Modifications	9107.05	See Table 7-2 for specified thresholds		
Certificates of Demolition	9107.07	Decision	Appeal	Appeal
Conditional Use Permits	9107.09	Recommend	Decision ⁽²⁾⁽⁴⁾	Appeal
Home Occupation Permits	9107.13	Decision ⁽³⁾	Appeal	Appeal
Interpretations	9101.03	Decision ⁽³⁾	Appeal	Appeal
Minor Use Permits	9107.09	Decision ⁽³⁾	Appeal	Appeal
Planned Developments	9107.15	Recommend	Decision ⁽⁴⁾	Appeal
Reasonable Accommodations	9107.17	Decision ⁽⁴⁾	Appeal	Appeal
Sign Permits	9103.11	Decision ⁽³⁾	Appeal	Appeal
Site Plan and Design Review (See Table 7-3 for specified thresholds.)	9107.19	Decision ⁽³⁾	Decision/ Appeal ⁽⁴⁾	Appeal
Site Plan and Design Review: Homeowners Association Areas (See Table 7-4 for specified thresholds.)	9107.20	Decision (6)	Appeal	Appeal
Temporary Use Permits	9107.23	Decision ⁽³⁾	Appeal	Appeal

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Protected Tree Permits				
Removal of Dead, Diseased, and Hazardous Tree	9110.01	Decision	Appeal	Appeal
Tree Encroachment	9110.01	Decision	Appeal	Appeal
Removal of Healthy Tree	9110.01	Decision	Appeal	Appeal
Variances	9107.25	Recommend	Decision ⁽⁴⁾	Appeal
Zoning Clearances (ADU)	9107.27	Issue	Appeal ⁽⁵⁾	Appeal ⁽⁵⁾

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision making body; "Decision" means that the Review Authority makes the final decision on the matter; "Issue" means that the Review Authority grants the Zoning Clearance after confirming compliance with all applicable provisions of this Development Code; and "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).
- (2) The final Review Authority for a Conditional Use Permit granting a Density Bonus, in compliance with Section 9107.03 (Application Processing Procedures) shall be the Council, with the Commission first making a written recommendation to the Council.
- (3) The Director may defer action and refer the request to the Commission for consideration and final decision.
- (4) The Commission may defer action and provide a recommendation to the Council for consideration and final decision.
- (5) A Zoning Clearance (ADU) may only be appealed if a determination pursuant to 9103.070.050.D.4.a or 9107.27.030.D.1 has been made.
- (6) For Site Plan and Design Review: Homeowners Association Areas, the Director Review shall include reviews by the Director under the City Review process, reviews by the HOA ARB Chairperson under the Short Review process and reviews by the HOA Architectural Review Board under the Regular Review process

9107.03.020 Application Submittal

- A. Concurrent Filing. An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map, etc.), shall file all related applications concurrently, together with all application fees required by Subsection 9107.03.050 Filing Fees Requirements), below, unless these requirements are waived by the Director.
- B. Concurrent Processing. Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest Review Authority designated by this Development Code for any of the applications. For example, a project for which applications for Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission being the final decision making authority for the Conditional Use Permit as otherwise required by Table 7-1 (Review Authority), above. In the example cited, the Commission would still hear all of the applications (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the Council.
- C. Pre-Application Conference
 1. A prospective applicant is strongly encouraged to request a pre-application conference with the Director or designated Department Staff member before completing and filing a permit application required by this Development Code.
 2. The purpose of a pre-application conference is to generally:
 - a. Inform the applicant of City requirements as they apply to the proposed project;
 - b. Discuss the City's review process, possible project alternatives, or modifications; and
 - c. Identify information and materials the City will require with the application, including any necessary technical studies and information anticipated for the environmental review of the project.
 3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a **recommendation for approval or denial of the application or project by the City's representative**.
 4. **Failure of the City's representative to identify all required studies or all applicable requirements at the time of pre-application review** shall not constitute a waiver of those studies or requirem

Section 9107.17 – Reasonable Accommodation

Subsections:

9107.17.010 Purpose and Intent

9107.17.020 Applicability

9107.17.030 Application Requirements

9107.17.040 Review Authority

9107.17.050 Review Procedures

9107.17.060 Findings and Decision

9107.17.070 Rescission of Approval of Reasonable Accommodation

9107.17.080 Post Decision Procedures

9107.17.010 Purpose and Intent

It is the policy of the City to provide individuals with disabilities Reasonable Accommodation in rules, policies, practices, and procedures to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the California Fair Employment and Housing Act, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to in this Section as the “Acts”). This Section provides a procedure for making requests for Reasonable Accommodations in land use, zoning and building regulations, policies, practices, and procedures of the City to comply fully with the purpose and intent of the fair housing laws and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA).

9107.17.020 Applicability

A. Eligible Applicants

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. This Section is intended to apply to those persons who are defined as disabled or handicapped under the Acts.

4. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

B. Eligible Requests

1. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for Reasonable Accommodation shall comply with Subsection 9107.17.030 (Application Requirements), below.

C. RLUIPA. Deviations from the requirements and regulations specified in this Development Code may be approved if it is found that consistent with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), enforcement of a regulation results in a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless it is determined that imposition of the burden on that assembly, institution, or person accomplishes furtherance of a compelling governmental interest where the burden is found to be the least restrictive means of furthering that compelling governmental interest.

9107.17.030 Application Requirements

A. Application. An application for a Reasonable Accommodation shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Reasonable Accommodation applications. ~~– together with the required fee in compliance with the Fee Schedule. Any information identified by an applicant as confidential shall be retained in a manner to respect the privacy rights of the applicant and shall not be made available for public inspection.~~ It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 9107.17.060 (Findings and Decision), below. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).

B. Filing with Other Land Use Applications. If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit, Site Plan and Design Review, etc.), then the applicant shall file the information required by Subsection A. (Application), above, together with the materials required for the other discretionary permit.

9107.17.040 Review Authority

A. Director. A request for Reasonable Accommodation shall be reviewed, and a determination shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.

B. Other Review Authority. A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed and determined by the authority reviewing the companion discretionary land use application.

9107.17.050 Review Procedures

A. **Director's Review.** The Director shall make a written determination within ~~45-30~~ days following the submittal of a complete application and either approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Subsection 9107.17.060 (Findings and Decision), below.

B. Other Review Authority. ~~For requests for reasonable accommodations involving any applications for discretionary approval, the application for reasonable accommodation shall be processed and considered separately from any discretionary elements of the same proposal. The applications for discretionary approval shall be separately considered and shall be subject to the procedures for consideration in compliance with the applicable review procedure for the companion discretionary review, depending on the type of application. The appropriate Review Authority shall act on all discretionary permits, but not the reasonable accommodation request. The written determination on whether to approve or deny the request for Reasonable Accommodation shall be made by the authority responsible for reviewing the companion discretionary land use application(s) in compliance with the applicable review procedure for the companion discretionary review. The written determination to approve or deny the request for Reasonable Accommodation shall be made in compliance with Subsection 9107.17.060 (Findings and Decision), below.~~

C. Stays. If necessary to reach a determination on the request for Reasonable Accommodation, the Review Authority may request additional information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the ~~45-30~~-day period to issue a decision is stayed until the applicant responds to the request.

9107.17.060 Findings and Decision

Amended by Ord. No. 2347

- A. Findings. The written decision to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:
 - 1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
 - 2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
 - 3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City, as defined in the Fair Housing Laws and interpretive case law;
 - 4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
 - 5. Whether the requested Reasonable Accommodation would have potential impact on surrounding sites and uses;
 - 6. Whether the physical attributes of the property and structures are suitable to support the Reasonable Accommodation; and
 - 7. Other Reasonable Accommodations that may provide an equivalent level of benefit.
- B. Grant with Modifications. In approving a request for Reasonable Accommodation, the Review Authority may grant the request with modifications deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection A (Findings), above.
- C. Written Decision. **The written decision on the request for a Reasonable Accommodation shall include the Review Authority's findings and any other relevant information upon which the decision is based. All written decisions shall give notice of the applicant's right of appeal in compliance with Section 9108.07 (Appeals). Subsection E.** The notice of decision shall be sent to the applicant.
- D. Other Applicable Regulations. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- E. Appeal. The written decision of the Review Authority shall be final unless appealed. in compliance with Section 9108.07 (Appeals).
 - 1. Within 30 days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.;
 - 2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible;
 - 3. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection;
 - 4. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available;

Rescission of Approval of Reasonable Accommodation

F. Rescission. A grant ~~or grant with modifications~~ made in compliance with this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection B (Discontinuance), below.

G. Discontinuance

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is deemed ceased or discontinued for at least 180 consecutive days. For purposes of this Subsection, the terms ceased or discontinued shall be defined as an abandonment of the rights, irrespective of the owner's or occupant's intent.
2. If the person(s) initially occupying a residence vacate, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:
 - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days following the date of a request by the Review Authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

9107.17.070 Post Decision Procedures

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

Section 9107.19 – Site Plan and Design Review

Subsections:

- 9107.19.010 Purpose and Intent
- 9107.19.020 Applicability
- 9107.19.030 Authority
- 9107.19.040 Application Filing, Processing, and Review
- 9107.19.050 Findings and Decision
- 9107.19.060 Conditions of Approval
- 9107.19.070 Issuance of Other Required Permits and Approvals
- 9107.19.080 Minor Changes by Director
- 9107.19.090 Post Decision Procedures

9107.19.010 Purpose and Intent

- A. Purpose. The purpose of this Section is to provide a process for the appropriate review of development projects.
- B. Intent. The intent of this Section is to ensure that all approved site and structural development:
 - 1. Respects the physical and environmental characteristics of the site;
 - 2. Ensures safe and convenient access and circulation for pedestrians and vehicles;
 - 3. Exemplifies the best professional high quality design practices;
 - 4. Allows for and encourages individual identity for specific uses and structures;
 - 5. Encourages the maintenance of a distinct neighborhood and/or community identity;
 - 6. Minimizes or eliminates negative or undesirable visual impacts; and
 - 7. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure, associated with the subject development.

9107.19.020 Applicability

- A. Site Plan and Design Review Required. No one shall construct any structure, or relocate, rebuild, or significantly enlarge or modify any existing structure or site until a Site Plan and Design Review has been approved in compliance with this Section and Table 7-3 (Review Authority for Site Plan and Design Review), below.
- B. Referral to Director. The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Section.
- C. **Located within Homeowner's Associations (HOA's).** Single-family residential properties/homes located within the City designated homeowner's association areas are not subject to the City's Site Plan and Design Review process. However, the Associations shall adhere to and apply the Design Guidelines as well as the Association's enabling resolution in their Design Review Process.
- D. Compliance with Section Required

1. Building or Grading Permits, Business Licenses, or Certificates of Occupancy shall not be issued until the requirements of this Section are met.
2. Any permit or approval specified in Subparagraph 1., above, issued in violation of this provision shall be deemed void.

E. Definitions. The term “significantly enlarge or modify” shall be defined as follows:

1. Residential Enlargement or Modification. Residential enlargements or modifications larger than 500 square feet or 25 percent of the existing gross floor area before the addition, whichever is less;
2. Nonresidential Enlargement or Modification. Nonresidential enlargement, modification, reconstruction, rehabilitation, or remodel equal to or exceeding 25 percent of the existing gross floor area of the structure before the construction; and
3. Unimproved Nonresidential Property. In the case of improvements to unimproved nonresidential property or improvements to nonresidential property that would not require modification of a structure, all plans shall be reviewed.

F. Use of the City's Design Guidelines

1. Established by Council Resolution. General design review criteria and related guidelines for residential and nonresidential projects shall be established by resolution of the Council.
2. Influence Design. **The City's Design Guidelines are intended to be used to generally influence the design of single-family, multifamily, commercial, industrial, and mixed use development, and the exterior alterations or re-development of land uses.** The Design Guidelines should be used as a starting point for the creative design process and should not be looked upon as the only solution for design.
3. Strive for Creativity and Innovation. Owners of properties should strive to be creative and innovative and look beyond franchise or boilerplate architectural, signage, and landscape architectural design treatment.

9107.19.030 Authority

- A. Site Plan and Design Review Required. Structures erected or modified to accommodate the land use activities listed in Division 2 (Zones, Allowable Uses, and Development Standards) shall require the approval of a Site Plan and Design Review.
- B. Required Before Issuance of Other Required Permits. Site Plan and Design Review approval shall be required before the issuance of a Building or Grading Permit, Business License, or Certificate of Occupancy for any new structure (not including fences or walls), and existing structures to be reconstructed or remodeled (including facade improvements) that increase the gross floor area by 500 square feet (for residential projects only) or 25 percent of the existing gross floor area of the structure before the construction, whichever is less, or to increase structure height.
- C. Applicable Review Authority
 1. Applicable Review Authority
 - a. The applicable Review Authority shall be as specified in Table 7-3 (Review Authority for Site Plan and Design Review), below. The three levels of review specified in Table 7-3 shall be further defined as follows:
 - (1) Director (Very Minor Review). Review and decision by the Director with no public notice or hearing required.
 - (2) Director (Minor Review). Review and decision by the Director with public notice required, in compliance with Subparagraph 9107.19.040 E. 2., below, as specified for the review of single-family dwellings.
 - (3) Commission (Major Review). Review and decision by the Commission with public notice and hearing required, in compliance with Section 9108.13 (Public Notices and Hearings).

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b. The applicable Review Authority may instead defer action and refer the application to the Review Authority that would normally consider the matter as if an appeal had been filed in compliance with Table 7-1 (Review Authority) and Table 7-3 (Review Authority for Site Plan and Design Review).

2. Exceptions to Table 7-3. If the Site Plan and Design Review application is filed along with a companion discretionary land use application (e.g., Conditional Use Permit, etc.) the decision to approve or deny the Site Plan and Design Review shall be made by the Review Authority responsible for reviewing the companion discretionary land use application in compliance with the applicable review procedures for the companion discretionary review and Table 7-1 (Review Authority). The decision to approve or deny the Site Plan and Design Review shall be made in compliance with Subsection F. (Required findings), below.

Table 7-3 Review Authority for Site Plan and Design Review			
Type of Construction Activity	Role of Review Authority ^{(1) (2) (3)}		
	Director (Very Minor Review)	Director (Minor Review)	Commission (Major Review)
Antennas and Wireless Communication Facilities ⁽⁴⁾			
Panel – New panel with substantial changes resulting in an increase in dimensions of the existing facilities.	Recommend	Decision	Appeal
Standalone Facility	Recommend	Recommend	Decision
All other Antennas and Wireless Communication Facilities are subject to the issuance of a Zoning Clearance			
Residential New Construction, Additions, and/or Accessory Structures			
New single-family residence	Recommend	Decision	Appeal
Minor first floor single-family residential additions and detached accessory structures.	Decision	Appeal	Appeal
Second story addition to an existing residence.	Recommend	Decision	Appeal
All development located on hillsides having a natural slope gradient of 20 percent or greater	Recommend	Decision	Appeal
Multifamily Residential New Construction, Additions, and/or Modifications			
Multifamily residential construction proposing up to 20 dwelling units, excluding parcel or tract maps.	Recommend	Decision	Appeal
Multifamily residential construction proposing 21 or more dwelling units.	Recommend	Recommend	Decision
<u>Multifamily residential construction proposing 1620 or more dwelling units in the DMU, CBD, MU, Residential Flex Overlay zones and DMU Overlay Zone ⁽⁵⁾</u>	<u>Recommend</u>	<u>Decision</u>	<u>Appeal</u>
Any addition (main building or accessory structures) or change in number of units	Recommend	Decision	Appeal
Other Residential Construction or Improvements			
Covered patios, facade improvements, fences, gates, gazebos, patio enclosures, roofing materials, trellises, walls, window change outs, swimming pools, spa, decks, roofs, landscaping, and other types of exterior alterations, as deemed appropriate by the Director.	Decision	Appeal	Appeal
Nonresidential Construction			
Nonresidential enlargements or modifications, up to a maximum of 1,500 square feet or 25 percent of the existing gross floor area, whichever is less	Decision	Appeal	Appeal
Nonresidential enlargements or modifications, that exceeds 1,501 square feet or 25 percent of the existing gross floor area.	Recommend	Decision	Appeal
Nonresidential construction, up to a maximum of 20,000 square feet of gross floor area.	Decision	Appeal	Appeal

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Table 7-3
Review Authority for Site Plan and Design Review

Type of Construction Activity	Role of Review Authority ^{(1) (2) (3)}		
	Director (Very Minor Review)	Director (Minor Review)	Commission (Major Review)
Nonresidential construction, 20,001 square feet or more of gross floor area.	Recommend	Decision	Appeal
All development projects in excess of two acres or structures in excess of 40,000 square feet.	Recommend	Recommend	Decision
Other Nonresidential Construction or Improvements			
Cargo Containers	Decision	Appeal	Appeal
Covered patios, facade improvements, fences, gates, gazebos, patio enclosures, roofing materials, trellises, walls, window change outs, awnings, decks, roofs, landscaping, parking, outdoor dining area, and other types of exterior alterations, as deemed appropriate by the Director.	Decision	Appeal	Appeal
Other Review			
Shared/Joint and Off-Site Parking Plans	Recommend	Decision	Appeal
Outdoor Dining	Recommend	Decision	Appeal

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "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).
- (2) The Review Authority may defer action and refer the request to the next higher Review Authority for the final decision.
- (3) Any decision of the Commission is appealable to the Council, in compliance with Section 9108.07 (Appeals).
- (4) Antennas and Wireless Communication Facilities.
 - (a) Panel. A wireless communication facility where the antennae are mounted on the roof or top of a building or structure, or the side of a building or structure, other than on a standalone facility.
 - (b) Standalone Facility. A wireless communication facility where the antennae are mounted to a dedicated ground-based structure in order to elevate the antennae to a useable altitude (ie: monopole, cell tower, etc.).
- (5) Multifamily Residential Development. Owner-occupied and rental multifamily uses (including those in a mixed-use format) in which 20 percent or more of units are affordable to lower-income households.

Section 9107.27 – Zoning Clearances

Subsections:

9107.27.010 Purpose

9107.27.020 Applicability

9107.27.030 Review Procedure

9107.27.040 Post Decision Procedures

9107.27.010 Purpose

Amended by Ord. No. 2347

Zoning Clearance is a nondiscretionary administrative verification procedure used by the City to verify that a proposed land use, improvement, or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use, improvement, or structure.

9107.27.020 Applicability

Amended by Ord. No. 2347

Where Division 2 (Zones, Allowable Uses, and Development Standards) or another provision of this Development Code requires a Zoning Clearance as a prerequisite to establishing a land use, improvement, or structure, a Zoning Clearance shall be required at the time of the Director's review of any of the following:

- A. Initiation of a Land Use. A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure or improvement.
- B. Change of Use
 - 1. Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall first be obtained.
 - 2. A Zoning Clearance shall also be required even if the lessee, operator, or owner of the previous use did not file for or receive a Zoning Clearance.
- C. Business License. A Zoning Clearance shall be obtained before the City issues a new or modified Business License.
- D. Change of Tenancy or Ownership. A new Zoning Clearance shall be obtained for a change of lessee, operator, or owner even when the change does not involve a change in the use being conducted on the subject property. The purpose of this provision is to ensure that the new lessee, operator, or owner is made aware of the Development Code requirements applicable to the subject use and any conditions of approval imposed on a discretionary permit authorizing the subject use.
- E. New Paving or Impervious Surfaces Not Requiring a Construction Permit. A Zoning Clearance shall be obtained before installing asphalt, concrete, or other paving flatwork on the ground that would affect the impervious surface coverage or structure coverage standards specified in Division 2 (Zones, Allowable Uses, and Development Standards).
- F. Other Activities. Any other activities as specified in this Development Code.
- G. Accessory Dwelling Units: Unless otherwise exempt, a Zoning Clearance for Accessory Dwelling Units shall be obtained prior to submittal of an application for a building plan check and a permit to construct an accessory dwelling unit.
- H. Multifamily Housing Developments. Unless otherwise exempt, a Zoning Clearance for multifamily housing developments on commercial properties in Downtown Area shall be obtained prior to submittal of an application for a building

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plan check and a permit to construct multifamily housing developments. A qualifying development includes residential uses in the DMU Overlay focus area and the Residential Overlay in CG Zones where 20% or more affordable units are provided.

Division 9: Definitions

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9109.01.010 – “E” Definitions

Amended by Ord. No. 2375

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Eating and Drinking Establishments

Bar, Lounges, Nightclubs, Taverns. Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. May include food services as an accessory use.

Outdoor Dining. A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.

Restaurant, Large. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is greater than 2,000 square feet. Includes restaurants, gastropubs and other eating and drinking establishments that serve alcoholic beverages for consumption on the premises.

Restaurants, Small. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, where the total space dedicated to the use is 2,000 square feet or less. Includes restaurants, gastropubs and other eating and drinking establishments that serve alcoholic beverages for consumption on the premises.

Eave. The extension of a roof beyond an exterior wall, with no enclosed area underneath it (see Figure 9-9: Eave).

Figure 9-9
Eave



Electronic Cigarettes and Vaping Device. An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other similar product. "Electronic smoking and vaping device" includes any such electronic smoking or vaping device, whether manufactured, distributed, marketed, or sold as an electronic cigarette (e-cigarette), an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, personal product vaporizer (i.e., liquid, dry herb, oils, wax, etc.), electronic nicotine delivery system, e-hookah, or any other similar system. "Electronic smoking and vaping device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

Electronic Submittal. The utilization of one or more of the following: email, the internet, facsimile (fax).

Electronic Game Center. **See “Arcade.”**

Emergency Shelter. Housing with minimal supportive services for homeless persons. Occupancy is limited to a maximum of six months. See definition in Health and Safety Code (Section 50801[e]). No individual or household may be denied emergency shelter because of an inability to pay. Per Government Code section 65583 subdivision (a)(4), “emergency shelter” shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. This definition is established pursuant to the provisions of California Health and Safety Code (Section 50801[e]), as amended. See definition in Health and Safety Code (Section 50801[e]), as may be as amended.

Employee Housing. The term Employee Housing shall mean any portions of any housing accommodations for employees, including farmworker housing (as defined in Section 17008 of the California Health and Safety CodeSection 17008 of the California Health and Safety Code, as may be amended) which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act (Health and Safety Code Section 17000 et seq.).

Employee housing for six or fewer employees shall be treated as single-family dwelling and permitted in the same manner as other dwellings of the same type in the same zone.

Employee housing consisting of no more than 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.

Enclosed. A **building or structure that is surrounded by walls on all sides.** “Unenclosed” shall mean a building or structure that is not enclosed.

Environmental Analysis. An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

Establishment. **See “Business and Business Activity.”**

Extended Hours Use. Any non-residential use that operates for at least one hour between the hours of 10:00 PM and 5:00 AM. In Downtown Zones (CBD, MU, DM, and C-M Zones), Extended Hours Use is any non-residential use that operates for at least one hour between the hours of midnight and 6:00 AM.

Extended Stay Hotel. **See “Long-Term Stay Hotel.”**

9109.01.020 – “F” Definitions

Amended by Ord. No. 2375

Façade. The portion of any exterior elevation of a structure from grade to the top of the roofline and the width of the structure.

Family. A group of persons, whether related or unrelated, who live together in a nontransient and interactive manner, including the joint use of common areas of the premises which they occupy and sharing household activities and responsibilities such as meals, chores, and expenses. **Notwithstanding the foregoing, any group of persons required to be considered as a “family” for zoning purposes pursuant to California Health & Safety Code Sections 1267.8, 1566.3, 1568.0831, 1569.85, 11834.23, or any other state law shall be deemed to be a family for purposes of this code.**

FAR. See Floor Area Ratio (FAR).

Farmers Market. An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Farmers’ Markets can also include limited sales of crafts and goods.

Farmworker Housing. A housing accommodation developed for, or provided to, farmworkers. Farmworker housing may be a farmworker dwelling or a farmworker housing complex. Farmworker Housing shall be permitted in residential and non-residential zones.

Farmworker dwelling unit. A structure which is occupied solely by up to six agricultural (farm) employees or one agricultural (farm) employee and the worker’s household.

Farmworker housing complex. A living unit or units for agricultural (farm) employees and their families consisting of up to thirty-six (36) beds in a group quarters or up to twelve (12) farmworker dwelling units or spaces designed for use by a single family or household.

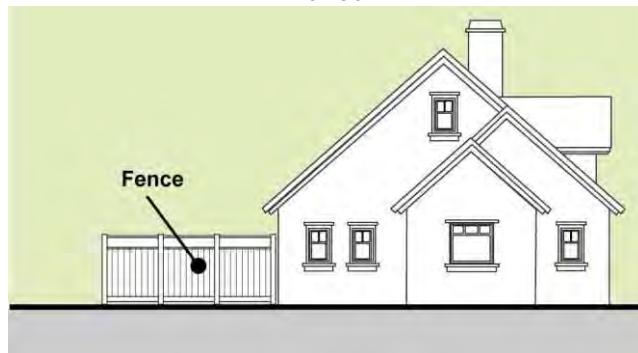
Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land (see Figure 9-10: Fence). Fences may also be walls, hedges, and screen planting. See also “**Wall**.”

Decorative Column on Fence. A vertical supporting member with an aesthetically significant textured surface, including, but not limited to stucco, split face, stone veneer, brick veneer, wood veneer, ledgestone, solid stone, solid brick, and solid wood.

Decorative Fence. A fence that is aesthetically significant in design and construction with a non-detracting color, and a compatible finish that is consistent with the structure(s) on the property and adjacent properties.

Fence Cap. A horizontal surface atop a column.

Figure 9-10
Fence



Filming Activities. All uses, structures and activities related to the production of motion pictures, television programming music and corporate videos, advertisements, and commercial still photography. Said activities include, but are not limited to, preparation, filming, and strike time, and the ancillary functions accessory thereto.

Final Map. A map showing a subdivision of lots prepared in compliance with the provisions of this Division and the Act (Government Code Sections 66410 et seq.) and in a manner to be filed in the office of the County Recorder. The map may be a final map, final parcel map, final vesting map, or final vesting parcel map.

Financial Institutions and Related Services. A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money. This does not include Check Cashing Shops/Payday Loans.

Fireplace. An assembly consisting of a hearth and fire chamber of noncombustible material and provided with a chimney, for use with solid or gaseous fuels.

Fire Escape. A form of egress for emergency purpose, typically a set of stairs located on the exterior of a building.

Flood hazard. A potential danger to life, land, or improvements due to inundation or stormwater runoff having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of water courses.

Floor. See “**Story**.”

9109.01.030 – “T” Definitions

Tankless Water Heater. Any water heater that instantly heats water as it flows through the device, and does not retain any water internally except for what is in the heat exchanger coil.

Tasting Room. **See “Alcohol Sales, On-Sale, Accessory Only.”**

Temporary Use. **See “Use.”**

Temporary Use Permit. A permit required to allow for short term activities. See Section 9107.23 (Temporary Use Permits).

Tent. **See “Canopy or Canopy Structure.”**

Tentative Map. A map prepared for the purpose of dividing a legal lot into five or more lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing). **See also “Vesting Tentative or Tentative Parcel Map.”**

Tentative Parcel Map. A map prepared for the purpose of dividing a legal lot into four or fewer lots and prepared in compliance with the provisions of this Division, the Act (Government Code Sections 66410 et seq.), and in a manner to be recorded in the office of the County Recorder, filed in compliance with Section 9105.03 (Tentative Map Filing and Processing). **See also “Vesting Tentative or Tentative Parcel Map.”**

Thrift Store. **See “Secondhand Store.”**

Tobacco Paraphernalia. Any instrument or paraphernalia that is designed for the smoking or ingestion of lawful tobacco products including without limitation cigarette papers, cigarette wrappers, cigar wrappers, blunt wraps, pipes, holders, clips, and cigarette rolling machines. “Tobacco paraphernalia” excludes “drug paraphernalia” as that term is defined in Health and Safety Code Section 11364.5(d), as amended from time to time.

Tobacco Product. Any substance containing tobacco or derived from tobacco and any substance used in electronic cigarette and vaping devices including but not limited to cigarettes, cigars, e-juice, e-liquid, e-nicotine, smoke juice, pipe tobacco, rolling tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, nicotine gel, nicotine lollipops, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. “Tobacco products” do not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Tobacco Shop. A retail establishment that primarily sells tobacco products, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories. A “tobacco shop” does not include any type of “tobacco smoking establishment” or “electronic cigarette and vaping establishment.”

Townhome (Townhouse). Townhomes are multi-family dwellings that are attached along common walls, where an individual unit occupies the space from the ground to the roof (units cannot be stacked).

Trade and Vocational Schools. A vocational school (or career school), providing vocational education, is a school in which students are taught the specific skills needed to perform a particular job.

| Transitional Housing. The term Transitional Housing (per California Government Code Section 65582^[h], as may be amended) shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance. Transitional housing may be designed as a residential group living facility or as a regular residential use and includes the following:

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Transitional Housing - Housing Type. Two or more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no on-site social services are provided.

Transitional Housing - Residential Care Facility Small Type. One residential facility on a parcel with six residents or fewer (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen.

Transitional Housing - Residential Care Facility Large Type. A residential facility with seven or more residents that operates as a group living facility where the residents share a common living area and a kitchen.

Trash Enclosure. A structure suitable to contain trash, garbage, and refuse for collection on a regular basis.

Tree, Mature. Any self-supporting woody perennial plant which has a diameter six inches or greater measured at breast height (i.e., 4.5 feet from ground).

Tree Preservation. Arcadia recognizes oaks, sycamores and mature trees as significant aesthetic and ecological resources, and as such has a Tree Preservation Ordinance. See Article IX, Chapter 7, Tree Preservation.

Trellis. A frame of lattice used especially as a screen or a support for climbing plants.

Tutoring and Educational Centers. A business where supplemental educational instruction in specific subjects and skills is provided to school-age children.