

Draft - Development Code and Tree Preservation Ordinance Text Amendment

Resolution No. 2072 – Exhibit “A”: List of Refinements

Dated: March 2, 2021

The revisions below reflect changes to the Development Code Amendments (Public Review Draft). Revisions are noted in **red**, with **strikethrough** for deletions and **underline** for additions.

Division	Page																																				
Division 2: Zones, Allowable Uses, and Development Standards																																					
<p>9102.01.080.B.1.C Converted Accessory Dwelling Unit in Multifamily Zones</p> <p>C. Converted Accessory Dwelling Unit in Multifamily Zones: Multiple accessory dwelling units within portions of <u>Portions of</u> existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, communal rooms; or garages, may be converted into an accessory dwelling unit if it complies with the state building standards for dwellings. Only one (1) converted accessory dwelling unit is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units on the lot may each have a converted accessory dwelling unit.</p>	Pg. 6																																				
<p>Table 2-8- Allowed Uses and Permit Requirements for Commercial and Industrial Zones</p> <p>Revise Brewery and Alcohol Production.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%; text-align: center;">Table 2-8 Allowed Uses and Permit Requirements for Commercial and Industrial Zones</th> <th colspan="5" style="text-align: left;"> P Permitted by Right ⁽¹⁾ A Permitted as an Accessory Use M Minor Use Permit C Conditional Use Permit -- Not Allowed </th> </tr> <tr> <th style="text-align: center;">Land Use</th> <th style="text-align: center;">C-O</th> <th style="text-align: center;">C-G</th> <th style="text-align: center;">C-R</th> <th style="text-align: center;">M-1</th> <th style="text-align: center;">Specific Use Regulations</th> </tr> </thead> <tbody> <tr> <td>Trade and Vocational Schools</td> <td style="text-align: center;">-</td> <td style="text-align: center;">C</td> <td style="text-align: center;">M</td> <td style="text-align: center;">C</td> <td></td> </tr> <tr> <td>Tutoring and Education Centers</td> <td style="text-align: center;">-</td> <td style="text-align: center;">C</td> <td style="text-align: center;">M</td> <td style="text-align: center;">--</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: left;">Industry, Manufacturing and Processing, and Warehousing Uses</td> </tr> <tr> <td>Brewery and Alcohol Production</td> <td style="text-align: center;">-</td> <td style="text-align: center;">C</td> <td style="text-align: center;">A</td> <td style="text-align: center;">CM <u>P</u></td> <td style="text-align: left;">Allowed as an accessory use to a restaurant in C-R zone.</td> </tr> </tbody> </table>	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	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	CM <u>P</u>	Allowed as an accessory use to a restaurant in C-R zone.	Pg. 12
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<p>Division 3: Regulations Applicable to All Zones – Site Planning and General Development Standards</p>	
<p>9103.11.040 Exempt Signs</p> <p>G. Signs Advertising Properties for Sale or Lease</p> <ol style="list-style-type: none"> 1. Only one sign advertising properties for sale or lease shall be allowed per property per street frontage. Signs shall be limited to a total height of six feet, with a maximum face area size of four six square feet in residential zones and 24 square feet in non-residential zones. For new commercial and industrial developments, the maximum face area is 32 square feet. 2. Primary sign may have one secondary attached sign not to exceed one square foot, and one brochure box. 3. The sign may be placed in a yard, in a window, or on a wall. 4. All signs shall be removed within 14 days after the sale, lease, or rental that has been completed. For those properties that continuously advertise properties for lease, such as a commercial center or an office building, such signs shall not be required to be removed but shall be integrated into the overall site and building design. 5. Signs shall only be posted on the subject property for sale, lease, or rent. <p>H. H. Signs or emblems of a religious, civil, philanthropic, or historical markers or plaques.</p> <p>I. I. J. Traffic Control and Directional Signs (with Limitations). On-site traffic control signs and signs providing directions to specific areas including, but not limited to, building entrances, parking facilities, and onsite facilities may be displayed. Such signs shall have a maximum area of four square feet and a maximum height of four feet.</p> <p>J. K. Vending Machine Signs. Signs on approved vending machines.</p>	<p>Pg. 46</p>
<p>9103.11.100 Temporary Signs</p> <p>D. Flags. Flags of the United States, the State of California, and other government entities shall be allowed in zones within subject to the following regulations:</p> <ol style="list-style-type: none"> 1. Flags mounted on a building shall allow for a minimum clearance of seven feet over a pedestrian right-of-way and 15 feet over a vehicular way. 2. A maximum of three flags shall be allowed on one flag pole on residential. 3. The maximum area of A flags shall not exceed 15 square feet per flag for residential zones. 4. 4. The maximum height of a flagpole shall conform to Subsection 9103.01.050.C.1 (Exceptions to Height Limits in All Zones – Flagpoles). 	<p>Pg. 62</p>
<p>9104.01.010 9104.02.210 Live/Work Units</p> <p>A. Purpose and Applicability. The provisions in this Subsection shall apply to live/work units, as defined in Division 9 (Definitions) and where allowed in compliance with Division 2 (Zones, Allowable Uses,</p>	<p>Pg. 68-69</p>

and Development Standards). Live/Work units are considered nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.

B. Limitations on Use. The nonresidential component of a live/work project shall be a use allowed within the applicable zone in compliance with Division 2 (Zones, Allowable Uses, and Development Standards). A live/work unit shall not be allowed to include any of the following land uses or activities:

1. Vehicle Repair and Service
2. Maintenance and Repair Services
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
4. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents due to the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

~~C. Ground Floor Use. Where ground floor commercial uses are required, live/work units shall not exceed 25 percent of the ground floor building area.~~

C.D. Design Standards

1. Floor Area Requirement. ~~A live/work unit shall have a minimum floor area of at least seven hundred fifty (750) square feet.~~ The ~~nonresidential~~ portion of the live/work unit shall be at least 25 percent, but no more than 50 percent, of the area of each unit, in order to ensure that the ~~residential commercial~~ portion remains accessory to the primary ~~residential commercial~~ use and comply with California Building Code requirements. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
2. Separation and Access of Individual Units. Each live/work unit shall be separated from other units and other uses in the building. Access to each unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.
3. Facilities to Accommodate Commercial Activities. A live/work unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.
4. Integration of Living and Working Space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Subsection, and living and working space may be separated by interior courtyards or similar private space.

D.E. Operating Requirements

1. Occupancy. A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.

<p>2. Business License Required. At least one of the residents of a live/work unit shall be required to have a business license with the City of Arcadia, issued pursuant to Municipal Code Article VI (Businesses, Professions, Trades, and Occupations).</p> <p>3. Sale or Rental of Portions of Unit. No portion of a live/work unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.</p> <p>4. Non-Resident Employees. One person who does not reside in the live/work unit may work in the unit unless this employment is prohibited or limited by the minor use permit. The employment of two or more persons who do not reside in the live/work unit may be permitted, subject to minor use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Building Code, Occupational Safety and Health Administration (OSHA), and other state and federal regulations.</p> <p>5. Client and Customer Visits. Client and customer visits to live/work units are permitted subject to any applicable conditions of the minor use permit, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas or uses.</p>	
<p>Division 9: Definitions</p>	
<p>9109.01.050 – “D” Definitions</p> <p>Day Spa. Health, beauty, and relaxation services that deal with the cosmetic, therapeutic, and/or holistic treatments, where people visit for professionally administered personal care treatments. This use can include massage services as an ancillary.</p>	<p>New</p>
<p>9109.01.170 – “P” Definitions</p> <p>Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:</p> <ul style="list-style-type: none"> • acupuncture and acupressure • barber shops, hair salon, blowdry bar • clothing rental shops • cryotherapy • dry cleaning pick up stores with limited on-site cleaning equipment • locksmiths • nail salon • shoe repair and maintenance (small and large appliances) shops • tailors and seamstresses • ticket services shops • Beauty services such as facials and non-surgical facial enhancements <p>Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:</p> <ul style="list-style-type: none"> • Day spa • fortune-telling and psychic services • laundromats (self-service laundries) 	<p>Pg. 103</p>

<ul style="list-style-type: none"> • massage establishments (massage establishments shall only be allowed-as ancillary use within a Day Spa in CBD, MU, and DMU zones and not as a standalone use). • palm and card readers • tanning salons • tattoo and body piercing services 	
<p>Division 10: Tree Preservation Ordinance</p>	
<p>9110.01.070.A.3 Encroachment into a Protected Zone of Protected Trees</p> <p>3. C. Tree Permit for Encroachment into a Protected Zone of Protected Trees.</p> <p>1. An application for a tree permit for encroachment into a protected zone of a protected tree shall be made to the Community Development Division.</p> <p>2. A fee per the City's fee schedule.</p> <p>3. A fee, as deemed necessary by the Director, for the City to hire a Certified Arborist to evaluate the tree and potential locations for replacement trees, accompanied by appropriate photographs showing the existing tree to be removed and locations for replacement trees.</p> <p>a) A tree report is required from a Certified Arborist. The tree report shall specify the location and condition of the trees, include potential impacts of the development, recommended actions and mitigation measures in order to preserve the long-term health of the trees. The tree report shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> 1. An explanation why is it necessary to encroach upon the tree(s); 2. An explanation why is the encroachment upon the tree(s) more desirable than an alternative project design; and 3. An explanation of any mitigation measures. <p>b) Upon the receipt of the an application to encroach into the protected zone of a protected tree, the Director or designee shall have fourteen <u>thirty (30) days</u> ten (10) working days to action on approve, conditionally approve, or deny the application, unless it is being acted upon with another application discretionary permit.</p>	<p>Pg. 116</p>