

Arcadia Development Code List of Refinements

September 28, 2016

The revisions below reflect changes to the July 2016 Arcadia Development Code (Public Review Draft). Revisions are noted in red, with ~~strikethrough~~ for deletions and underline for additions.

Global changes

Correct numbering typo – e.g. 9.2.X revised to 9102.X

Division 1

Page 1-4 (Subsection 9101.020.040)

D. **Uses Not Permitted in Arcadia.** Notwithstanding the above, Bail Bonds, Boarding Houses, Check Cashing Establishments, ~~Medical Marijuana Dispensaries, Marijuana Manufacturers, Marijuana Cultivation, Delivery of Marijuana,~~ personal recreational use, possession, purchase, transport, or dissemination of marijuana, and any other uses determined by the Director to have equivalent characteristics and activities to these prohibited uses shall not be treated as permitted or conditionally permitted uses in any zone of the City of Arcadia.

E. Marijuana Cultivation, Use and Violations

1. Outdoor Cultivation of Marijuana. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

2. Indoor Cultivation of Marijuana

a. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

b. To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Planning Division. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence

c. The Planning Division will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements.

3. Medical Use of Marijuana

a. Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Subsection 9101.020.040.D.3 (Indoor Cultivation of Marijuana).

b. The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall

- be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
- 4. Commercial Use of Marijuana.** The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
- a. The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
 - b. The cultivation of marijuana;
 - c. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
 - d. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.
- 5. Marijuana Violations.** No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Section 1200 of this Municipal Code and/or under state law.

Division 2

Page 2-11 (Subsection 9102.01.040 - Additional Residential Development Standards in Single-Family Residential Zones)

B. Front Setbacks – Additional Standards in R-M, R-0, and R-1 Zones

1. Front Setback Exceptions

- a. **Front Setback Exception: R-M Zone.** ~~Where lots comprising 60 percent or more of the frontage in a city block are developed with larger front setbacks than required by Table 2-2 (Development Standards for Single-Family Residential Zones),~~ the front setback shall be the average of the two nearest developed lots that front on the same street at the time a building permit is issued, unless a greater setback is specified in Subsection 9103.01.060 (Setback Measurements and Exceptions).
- b. **Front Setback Exception: R-0 Zone.** ~~Where lots comprising 60 percent or more of the frontage in a city block are developed with larger front setbacks than required by Table 2-2 (Development Standards for Single-Family Residential Zones),~~ the front setback shall be the greater of (a) 35 feet; and (b) the average of the two nearest developed lots at the time a building permit is issued, unless a greater setback is specified in Subsection 9103.01.060 (Setback Measurements and Exceptions).
- c. **Front Setback Exception: R-1 Zone.** ~~Where lots comprising 60 percent or more of the frontage in a city block are developed with larger front setbacks than required by Table 2-2 (Development Standards for Single-Family Residential Zones),~~ the front setback shall be the greater of (a) 25 feet; and (b) the average of the two nearest developed lots at the time a building permit is issued, unless a greater setback is specified in Subsection 910.3.01.060 (Setback Measurements and Exceptions).

Page 2-16 (Subsection 9102.01.070 (Swimming Pools, Spas, Water Features, and Ornamental Features))

D. Ornamental Features. The following limitations shall apply for the installation of any ornamental feature (including statues and other ornamental art, but not including pools, spas, fountains, or ponds):

- 1. Maximum Height.** The maximum height of an ornamental feature shall not exceed four feet six inches, as measured from the adjacent existing grade.
- 2. Minimum Front Setback.** All ornamental features shall be at least 15 feet from the front property line.
- 3. Maximum Number.** The maximum number of ornamental features located within the front yard shall not exceed two.

Page 2-20 (Subsection 9102.01.100 - Additional Residential Development Standards in Multifamily Zones)

H. Exception to Height Limit in R-2 and R-3 Zones. In the R-2 and R-3 zones, the ridge of a pitched roof on a primary structure may extend up to three feet above the maximum height limit. No portion of a roof with only one sloping plane may extend beyond the maximum height limit (commonly known as "shed roof" design).

H. Landscaped Area Adjacent to Driveway

- 1. Whenever a driveway is located within a required side yard, a landscaped area at least a clear three feet in width shall be**

~~maintained between the property line and the driveway.~~

~~2. For any lot wider than 65 feet, a clear two foot wide landscaped area shall be maintained between any driveway and any building.~~

Page 2-30 (Subsection 9102.03.040 – Additional Regulations in C-R Zone)

A. Limitations on Non-Retail and Restaurant Uses.

1. Limit on Non-Retail Uses. For any regional shopping center within the C-R zone, the amount of gross leasable floor area occupied by non-retail uses shall be limited to 20 percent of the total gross leasable floor area of the center. For the purposes of this Subsection, non-retail uses shall include theaters, health clubs, offices, medical-related uses, and other uses as may be interpreted by the Director pursuant to Subsection 9101.02.030 (Procedures for Interpretation). ~~of this Code. Restaurants and patio areas are considered a retail use, and not subject to the 20 percent limitation.~~

2. Limit on Large Restaurant Uses. For any regional shopping center within the C-R zone, all restaurant uses shall be considered a retail use and shall not be subject to the 20 percent limitation indicated in Subsection 9102.03.050.A.1 (Limit on Non-Retail Uses). The amount of gross leasable floor area occupied by large restaurant uses (individually greater than 3,500 square feet) shall not exceed 10 percent of the total gross leasable floor area of the center.

3. No Limit on Small Restaurant Uses. For any regional shopping center within the C-R zone, individual restaurant uses smaller than 3,500 square feet shall be considered a retail use and shall not be subject to the 20 percent limitation indicated in Subsection 9102.03.050.A.1 (Limit on Non-Retail Uses) nor the 10 percent limitation indicated in Subsection 9102.03.050.A.2 (Limit on Large Restaurant Uses).

4. Zoning Clearance Required. Each new use within the C-R zone shall require a Zoning Clearance pursuant to Section 9107.27 (Zoning Clearances) to confirm ~~this limitation~~ compliance with this Subsection's limitation on types of uses.

~~2.C.~~ Parking Calculation. Parking for regional shopping center uses shall be based on the gross leasable area. Any floor area within the mall common area(s) devoted to portable carts (including kiosks) shall not be subject to the required off-street parking requirements.

~~D. 3-~~ Setbacks and Building Heights near Property Lines. All structures in the C-R zone shall be constructed within the areas shown on the Design Overlay Site Plan, as set forth by City Council Resolution (on file with the Planning Department). Structures located within Building Areas A and B, as shown in the applicable City Council Resolution, shall maintain a minimum setback of 20 feet from the Baldwin Avenue property line and shall be limited to one story, with a maximum height limit of 25 feet. Any structure maintaining a minimum setback of 35 feet from Baldwin Avenue shall be a maximum of one story, with a maximum height of 30 feet.

~~E. 4-~~ Building Areas Maximums. No more than one building containing a maximum square footage of 10,000 square feet shall be allowed within each Building Area A and Building Area B, as shown on the Design Overlay Site Plan, as set forth by City Council Resolution.

~~F. 5-~~ Kiosks. The minimum distance required between kiosks and carts shall comply with the California Building Code requirements. Each individual kiosk or cart shall not exceed 300 square feet in floor area.

~~G. 6-~~ Valet Parking. Valet parking service in the C-R zone shall occupy no more than 10 percent of the total number of required off-street parking spaces of the associated use.

Page 2-34 (Subsection 9102.05.020 C. (Table 2-10))

Land Use	CBD	MU	DMU	CM
Eating and Drinking Establishments				
Accessory Food Service	A	A	A	<u>A</u>
Alcohol Sales (On-Sale, Accessory Only)	M	M	M	<u>M</u>

Page 2-38 (Subsection 9102.05.030): Footnote to Table 2-11

~~(2) An additional height bonus may be considered with a maximum of 65 feet through the approval of a Conditional Use Permit pursuant to Subsection 9.2.05.040.F (CBD Additional Height Bonus).~~

Page 2-40 (Subsection 9102.05.040 G.)

~~**G. — CBD Additional Height Bonus.** A request for an additional height bonus with a maximum height of 65 feet may be considered through the review and approval of a Conditional Use Permit pursuant to the requirements of Section 9.7.19 (Site Plan and Design Review) of this Development Code. Any project for which a height bonus is requested shall also provide one or more of the following:~~

- ~~1. — Additional shared parking facilities;~~
- ~~2. — Residential units above the ground floor;~~
- ~~3. — Day care facilities;~~
- ~~4. — Enhanced pedestrian areas, plazas, landscaping, public art, and water features;~~
- ~~5. — Outdoor cafes/restaurants; and/or;~~
- ~~6. — Traffic demand management facilities (e.g., carpool/vanpool parking, transit facilities, enhanced linkages to off site transit facilities).~~

Page 2-53 (Subsection 9102.11.020 Downtown Overlay Zone)

C. Development Standards. All development regulations in the Downtown Overlay zone will conform to standards established within the underlying zone where the overlay is applied, with the following exceptions:

1. **Maximum Floor Area Ratio (FAR).** Maximum FAR shall be 1.0 for non-residential uses.
2. **Maximum Structure Height.** Structure height shall be limited to ~~45~~48 feet.

Page 2-53 (Subsection 9102.11.030 Downtown Parking Overlay Zone)

C. Off-Site Parking. Off-site parking for new uses or new nonresidential construction may be permitted on either a privately owned property or public property through the Site Plan and Design Review process or other applicable discretionary review permit process for an individual use or development project, subject to Section 9103.07.090 and the following regulations:

1. **Location of Off-Site Parking.** ~~In no event shall any o~~An off-site parking facility servicing a use within the Downtown Parking Overlay Zone shall be located ~~outside of~~within the Downtown Parking Overlay Zone.

~~Deed Restriction Required. Where off site parking for an individual use or development project is approved, a deed restriction, subject to the review and approval of the City Attorney, shall be recorded against all affected properties. Such deed restriction shall indicate the restrictions on the properties relative to future use and development due to the off site parking arrangement.~~

2. **Irrevocable Access and/or Parking Easement.** If parking is provided at an off-site location, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this ~~section~~Chapter.

D. Alterations of Use – Nonconforming Remedy. Upon change of use within the Downtown Parking Overlay

Zone, if an immediately preceding use did not meet parking standards pursuant to Section 9103.07 (Off-Street Parking and Loading), the new use shall not be required to provide additional parking. Exception: The nonconforming remedy does not apply to uses that are only permitted on upper floors, pursuant to Table 2-10 in Subsection 9102.05.020.

Division 3

Page 3-10 (Subsection 9103.01.120 B.):
B. Applicability. Unless specifically exempted, this Section applies to any exterior lighting that is not within a fully enclosed building or structure. For additional standards associated with lighting in parking lots, see Section 9103.07.060 O. (Parking Lot Lighting).

Page 3-15 (Subsection 9103.050.030 A):
3. The need for any retaining walls and/or fences, and their heights, shall be determined by the Director and the Building Official through the Site Plan Review process. An administrative modification is not required for retaining walls and/or fences where there is a grade difference between the abutting property.

Page 3-28 (Subsection 9103.07.050 I)
I. **Tandem Parking Spaces.** Tandem parking spaces may be allowed in residential and mixed-use zones in compliance with the following requirements, and subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).

1. For multifamily development projects, tandem spaces shall not constitute more than 20 percent of all required spaces and shall not be permitted to meet guest parking requirements.

Page 3-29 (Subsection 9103.07.060 C, Table 3-6: Off-Street Parking Requirements: Office, Entertainment Services, Care Services, Eating and Drinking Establishment, and Vehicle Service Uses)

Land Use	Parking Spaces Required
Eating and Drinking Establishments	
Bars, Lounges, Nightclubs, and Taverns	10 spaces per 1,000 sf
Medical-Related Services	
Medical and Dental Offices	6 spaces per 1,000 sf
Vehicle Service Uses	
Service/Fueling Station	1 space per 200 sf of office or service area plus 1 space per service bay, plus any required for ancillary use

Page 3-29 (Subsection 9103.07.060 C, Table 3-7 – Off-Street Parking Requirements: Recreation, Education, and Public Assembly Uses)

Land Use	Parking Spaces Required
Public/Private Assembly: places of worship, recreation community structures, private clubs	1 space per 5 fixed seats; 1 space per 35 sf of floor area where no fixed seating; 1 space per 28 linear feet of bench/pew area

Page 3-33 (Subsection 9103.07.060 O.):
O. Parking Lot Lighting

Page 3-36 (Subsection 9103.07.090 Shared/Joint Use and Off-Site Parking)

B. Eligibility. ~~Where it can be demonstrated that two or more land uses can effectively share common parking facilities due to the nature of the uses and distinctly different demand for parking, or where off-site parking is proposed to meet parking requirements, then an application may be filed for such parking arrangement. Such application shall include a parking study that identifies the parking demand of all subject land uses and that clearly demonstrates how and why parking facilities can be shared. Nothing in this Division shall prohibit the collective use of space for off street parking, provided the collectively used space is equal to the sum of the requirements of each individual establishment participating in the collective use. When the required off street parking space is provided on a separate lot from the main building, there shall be recorded in the office of the County Recorder a covenant by the owner or owners of the lot for the benefit of the City to the effect that the owner or owners will continue to maintain parking space so long as the building is maintained.~~

1. The following categories of development shall be eligible to use shared use and/or off-site parking ~~arrangements~~standards to meet parking requirements:
 - a. Nonresidential new construction. ~~Nonresidential new construction on sites less than 20,000 square feet in size;~~
 - b. ~~New construction on sites greater than 20,000 square feet in size for retail commercial, mixed use development, public assembly, restaurants, and theaters; and c.~~ Additions to existing structures, rehabilitation of existing structures, or changes in use or occupancy in existing structures.
2. New and existing residential uses are not eligible to use shared use or off-site parking ~~standards~~arrangements.

C. Circumstances and Requirements for Allowing Shared Parking Arrangements

1. Off-site parking spaces may be relied upon to serve commercial uses, provided a shared parking study is completed by the applicant/developer and approved by the Director. The parking study shall be prepared by a registered traffic engineer and shall specifically analyze the parking demand for each use proposing to share the parking, each use's hours of operation, and other related issues of all involved uses.
2. No joint use or shared facility shall be located more than 1,500 feet from the use it is intended to serve unless located within the Downtown Parking Overlay.

D. Findings for Granting Shared/Joint Use and Off-site Parking Arrangements. In granting a request for shared/joint use or off-site parking, the Review Authority shall make all of the following findings:

1. There is clear and convincing evidence that peak hour parking demand from all uses does not coincide and/or the uses are established in a way that the hours of operation are different for the various businesses or uses.
2. There is adequate parking provided for all participating users.
3. The shared/joint use or off-site parking arrangement will be an incentive to, and a benefit for, the nonresidential development.
4. Adjacent or nearby properties will not be adversely affected by the shared/joint use or off-site parking.
5. The parking arrangement is consistent with the General Plan and all requirements of this Code.

E. Legal Agreement Required. All ~~parking developed under shared use parking standards~~joint, shared, and off-site parking arrangements shall be required to enter into an agreement with the City and recorded with the Office of the County Recorder, requiring the parking to be operated on a nonexclusive basis, to be open and available to the public for shared use, short-term parking during normal business hours.

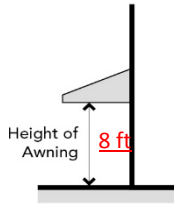
Page 3-42 (Subsection 9103.090.040.B Landscape Requirement for Residential Zones)

1. R-M, R-0 and R-1 Zones

<ul style="list-style-type: none"> a. Setbacks and setback areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner. b. Hardscape materials, inclusive of driveways and pedestrian walkways but not including artificial turf, shall not cover more than 40 percent of the required front setback. See Figure 3-17 (Front Setback Area-40% Landscaping Required).
<p>NEW SUBSECTION: Valet Parking (and renumber subsequent subsections) <u>Subsection 9103.07.100 Valet Parking</u></p> <p>A. <u>Where Permitted and Approval Process.</u> <u>Valet parking may be permitted in commercial and mixed-use zones subject to the approval of a Minor Use Permit, based on the approval process outlined this Section.</u></p> <p>B. <u>Review Criteria</u></p> <ul style="list-style-type: none"> 1. <u>Valet parking shall be subject to review of hours of operation, circulation and other pertinent impacts. All proposals for valet parking shall be accompanied by a parking study, prepared by a registered traffic engineer, that addresses circulation impacts, operational characteristics of the use, parking space size and configuration and other issues deemed necessary by the Director.</u> 2. <u>Valet parking shall be provided on the same site as the business for which the valet parking is being approved. In the event the location for the valet parking is off-site of the business, the provisions in this Section regulating off-site parking shall also be applicable.</u> <p>C. <u>Development Standards for Valet Parking Uses</u></p> <ul style="list-style-type: none"> 1. <u>Because of the unique characteristics of valet parking facilities, parking space size shall be determined on a case-by-case basis and not necessarily subject to the standards listed in this Section.</u> 2. <u>Valet parking facilities shall not be permitted to use parking that is specifically set aside or required for another use, unless a shared parking or off-site parking agreement, as applicable, is approved by the City.</u>
<p>Page 3-38 Subsection 9103.07.140 (Bicycle Parking Requirements)</p> <p>A. <u>General Provisions.</u> All new development, except that located in the R-M, R-0, and R-1 zones, shall be designed with the following:</p>
<p>Page 3-45 Subsection 9103.11.010 (Signs – Purpose)</p> <p>Because of the need to protect and enhance the City's unique character (<u>including special places and features such as a vibrant Downtown, the urban forest, attractive streetscapes, diverse parks, historic buildings and places, and entertainment destinations</u>), to protect public safety and property values, and to promote economic development and tourism through enhanced aesthetic appeal, the Council finds that proper sign control is an important governmental interest. The intent of the standards in this Section is as follows:</p>
<p>Page 3-49 Subsection 9103.11.0520 (Prohibited Signs)</p> <p>I. <u>Neon Sign.</u> A sign illuminated by a neon tube, or other visible light emanating gas tube, that is bent to form letters, symbols, or other graphics.</p>
<p>Page 3-51 (Table 3-13 of Subsection 9103.11.070 E.3 – Wall or Free Standing Signs, Maximum Sign Height/Dimensions)</p> <p>Monument sign: 68 ft. <u>high</u></p>
<p>Page 3-51 (Table 3-13 of Subsection 9103.11.070 F.1.a – Wall Signs, Maximum Sign Height/Dimensions)</p> <p>Maximum sign dimensions: Shall not exceed 40 percent of the horizontal length of the wall on which the sign is located and shall not exceed 6 feet in a vertical dimension.</p>
<p>Page 3-52 (Table 3-13 of Subsection 9103.11.070 F.1.b (Permanent Window Signs - Maximum Number)</p> <p>1) 1 sign per window, with window defined to include all glazed areas, including glass curtain walls <u>and doors of an individual storefront.</u></p>

<p>Page 3-52 (Table 3-13 of Subsection 9103.11.070 F.1.b – Permanent Window Signs, Location) 2) Signs shall be allowed only on windows located on the ground floor and second story of either a designated primary or secondary building frontage. Window signs shall not be allowed <u>on or</u> above the second story.</p>
<p>Page 3-52 (Table 3-13 of Subsection 9103.11.070 F.1.b – Permanent Window Signs, Maximum Sign Area) Window signs shall not occupy more than 25 percent of the total window/door area on either a designated primary or secondary building frontage any wall or storefront.</p>
<p>Page 3-52 (Table 3-13 of Subsection 9103.11.070 F.1.c – Freestanding Signs, Maximum Sign Height/Dimensions) Monument sign: 78 ft. <u>high</u></p>
<p>Page 3-53 (Table 3-13 of Subsection 9103.11.070 F.1.c – Freestanding Signs, Additional Regulations) 5) No illuminated sign shall be placed within 100 ft. of a property in a residential zone <u>or an existing place of religious assembly.</u></p>
<p>Page 3-54 (Table 3-13 of Subsection 9103.11.070 F.1.c – Freestanding Signs, Additional Regulations) 10) <u>Electronic changeable message signs shall be allowed only for gas station price signs and places of religious assembly, subject to issuance of a Minor Use Permit.</u></p>
<p>Page 3-54 (Table 3-13 of Subsection 9103.11.070 F.1.d – Blade Signs, Maximum Number) 2) May be provided in addition to allowed freestanding <u>or wall</u> sign. However, where a wall sign is provided, a blade sign is not allowed.</p>
<p>Page 3-54 (Table 3-13 of Subsection 9103.11.070 F.1.d – Blade Signs, Maximum Sign Height/Dimensions) The bottom of the sign shall maintain at least 108 feet of pedestrian clearance from the sidewalk level.</p>
<p>Page 3-55 (Table 3-13 of Subsection 9103.11.070 F.1.e – Awning and Canopy Signs, Additional Regulations) 5) <u>Awnings and canopies shall not be patched with fabric or painted over to revise sign content.</u></p>
<p>Page 3-56 and 3-57 (Table 3-13 of Subsection 9103.11.070 F.2.a (Wall Signs, Maximum Sign Height/Dimensions) Maximum sign dimensions: Shall not exceed 40 percent of the horizontal length of the wall on which the sign is located and shall not exceed 6 feet in a vertical dimension.</p>
<p>Page 3-57 (Table 3-13 of Subsection 9103.11.070 F.2.a (Wall Signs, Additional Regulations) 4) No illuminated sign shall be placed within 100 ft. of a property in a residential zone <u>or an existing place of religious assembly.</u></p>
<p>Page 3-57 (Table 3-13 of Subsection 9103.11.070 F.2.b (Permanent Window Signs - Maximum Number) 1) 1 sign per window, with window defined to include all glazed areas, including glass curtain walls <u>and doors of an individual storefront.</u></p>
<p>Page 3-57 (Table 3-13 of Subsection 9103.11.070 F.2.b (Permanent Window Signs – Maximum Sign Area) Window signs shall not occupy more than 25 percent of the total window/door area of any one tenant's wall or storefront space.</p>
<p>Page 3-57 (Table 3-13 of Subsection 9103.11.070 F.2.b (Permanent Window Signs - Location) 2) Signs shall be allowed only on windows located on the ground floor and second story of either a designated primary or secondary building frontage. Window signs shall not be allowed <u>on or</u> above the second story.</p>
<p>Page 3-57 (Table 3-13 of Subsection 9103.11.070 F.2.c (Freestanding Signs – Monument and Pylon, Maximum Sign Height/Dimensions) Monument sign: 78 ft. <u>high</u></p>
<p>Page 3-58 (Table 3-13 of Subsection 9103.11.070 F.2.c (Freestanding Signs – Monument and Pylon, Additional Regulations) 5) No illuminated sign shall be placed within 100 ft. of a property in a residential zone <u>or an existing place of religious assembly.</u> 10) <u>Electronic changeable message signs shall be allowed only for gas station price signs and places of religious assembly, subject to issuance of a Minor Use Permit.</u></p>
<p>Page 3-59 (Table 3-13 of Subsection 9103.11.070 F.2.d – Blade Signs, Maximum Number) 2) May be provided in addition to allowed freestanding <u>or wall</u> sign. However, where a wall sign is provided, a blade sign is not allowed.</p>
<p>Page 3-54 (Table 3-13 of Subsection 9103.11.070 F.1.d – Blade Signs, Maximum Sign Height/Dimensions) The bottom of the sign shall maintain at least 108 feet of pedestrian clearance from the sidewalk level.</p>

Page 3-63 Figure 3-22: Height of Awning



Page 3-63 Subsection 9103.11.070 (Permanent Signs by Zone)

Removed Figure 3-22: Required Separation of Wall Signs

Page 3-66 Subsection 9103.11.110 (Temporary Signs, Temporary Signs)

2. Restriction on Placement.

a. Temporary signs shall not be placed on awnings or canopies.

b. Temporary signs shall not be placed in public rights-of-way.

Page 3-66 (Table 3-14 of Subsection 9103.11.100 - Temporary Signs)

Table 3-14 Temporary Signs: Residential Zones	
Number and Size Allowed	1 Not to exceed 3 ft high or 6 sf in area per face allowed (2 allowed at this size for corner properties) 1 Not to exceed 6 sf per face, mounted on post/arm 6 ft. maximum height (1 allowed at this size for corner properties only)
Duration	The temporary sign may be displayed as follows: 1) For an event lasting fewer than three days, the temporary sign may be erected up to seven days prior to the event and shall be removed within 48 hours following the conclusion of the event. 2) For an event lasting more than three days, the temporary sign may be erected up to 14 days prior to the event and shall be removed within 48 hours following the conclusion of the event. 3) For Federal, State, and local government elections, temporary signs may be erected up to 45 90 days prior to the election and shall be removed within seven days following the election.
Allowable Sign Types	Freestanding, wall, and p ortable. All other sign types shall be prohibited.
Allowable Sign Placement	On private property At least 10 ft from adjoining premises, 3 ft from the sidewalk in the direction of the residence, or at least 5 ft from a paved road (if no sidewalk exists)
Materials	Non-illuminated, non-reflective surface. Signs may not be made of canvas, fabric, vinyl plastic, or other similar material.
Installation	Temporary signs may <u>only</u> be ground-mounted on a pole, flush on building wall, or attached to a fence, or on metal stands.

Page 3-67 (Table 3-15 of Subsection 9103.11.100 - Temporary Signs)

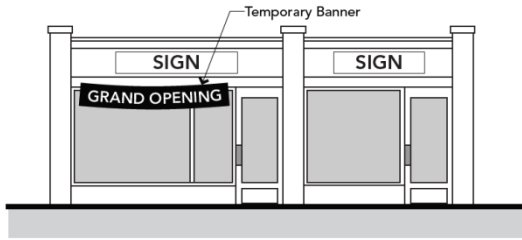
Table 3-15 Temporary Signs: Non -Residential Zones	
Number and Size Allowed	1 Not to exceed 3 ft high or 6 sf in area per face allowed (2 allowed at this size for corner properties)

	<p>1-n Not to exceed 6 sf per face, mounted on post/arm 6 ft. maximum height (1 allowed at this size for corner properties only)</p>
Duration	<p>The temporary sign may be displayed as follows:</p> <ol style="list-style-type: none"> 1) For an event lasting fewer than three days, the temporary sign may be erected up to seven days prior to the event and shall be removed within 48 hours following the conclusion of the event. 2) For an event lasting more than three days, the temporary sign may be erected up to 14 days prior to the event and shall be removed within 48 hours following the conclusion of the event. 3) For Federal, State, and local government elections, temporary signs may be erected up to 4590 days prior to the election and shall be removed within seven days following the election.
Allowable Sign Types	<p>Freestanding, wallbanner, and portable. All other sign types shall be prohibited. <u>See Subsection 9103.11.100.B (Temporary Banners) for regulations specific to temporary banners.</u></p>
Allowable Sign Placement	<p>On private property, <u>except as allowed in Subsection 9103.11.100.C (Portable and A-Frame Signs).</u> At least 10 ft from adjoining premises <u>and in conformance with Subsection 9103.01.070 (Vehicular Visibility Standards).</u></p>
Materials	<p>Non-illuminated, non-reflective surface. Signs may not be made of canvas, fabric, vinyl plastic, or other similar material.</p>
Installation	<p>Temporary signs may be mounted on a pole, flush on building wall, attached to a fence, or on metal stands.</p>
<p>Page 3-67 (Subsection 9103.11.100A - Temporary Signs)</p> <p>5. Additional Conditions. Temporary window signs that exceed the allowable maximum sign area shall be allowed to advertise special events, provided a business shall not use such temporary window signs for more than 60 cumulative days in any one calendar year. A Temporary Sign Permit shall be obtained from the Planning Division before the painting, posting, or affixing of any temporary sign. <u>Exception: A Temporary Sign Permit is not required for temporary signs associated with Federal, State, and local government elections.</u></p>	
<p>Page 3-69 Subsection 9103.11.110 (Iconic Signs)</p> <p>1. Preserve the City's unique character <u>(including special places and features such as a vibrant Downtown, the urban forest, attractive streetscapes, diverse parks, historic buildings and places, and entertainment destinations),</u> history, and identity, as it may be reflected in iconic signs;</p>	
<p>Page 3-70 Subsection 9103.11.120A (Procedures for Sign Permits, Exemptions, and Revocations)</p> <p>2. Approving Authority</p> <ol style="list-style-type: none"> a. The Director shall review all Sign Permit applications for conformance with the provisions of this Section. The Director shall approve or deny the permit application within 30 90 days from the receipt of a complete application and the applicable fees. b. Failure of the Director to approve or deny the permit application within the 30 days shall result in the permit being denied. e.<u>b.</u> If the application is denied, the Director shall notify the applicant with the reason(s) stated for denial. Notification shall be sent to the address provided on the application, which shall be considered the correct address. Each applicant has the burden to furnish any change of address to the Director. d.<u>c.</u> In the event an application is denied, the applicant may appeal the Director's decision in compliance with Section 9108.07 (Appeals). 	
<p>Page 3-75 Subsection 9103.11.170 (Abandoned Signs)</p> <ol style="list-style-type: none"> 1. The sign identifies or advertises a business that has ceased for more than 18090 days; 2. The sign is located upon a structure that has been abandoned by its owner for more than 18090 days; 3. The sign pertains to a bona fide business, lessor, service, owner, or product that has been unavailable upon the site for more than 18090 days; or 	

Page 3-85 Subsection 9103.11.190 (Definitions)

Temporary Sign. A sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, fabric, cardboard, wall board, or other light nondurable materials, with or without frames, designed to be displayed for a limited period of time, generally fewer than 60 days in a calendar year. ~~Typically displayed by an establishment to promote a sale, new product line, management change, service, liquidation sales, going out of business sales, person running for public office, or similar special activities or events.~~

Add Figure 3-33 Temporary Banners:



Division 4

Division 4: Regulations for Specific Land Uses and Activities

Table of Contents

9104.02.300 Short Term Rentals [RESERVED].....	13
---	----

Page 4-27 (Subsection 9104.02.190 B.1):

Accessory to an Eating or Drinking Establishment Use. Karaoke uses shall only be permitted as an accessory use to the following eating and drinking establishment, as defined in Division 9 (Definitions): Bars, Lounges, Nightclubs, Taverns; ~~Coffee Shops/Cafes~~; Restaurant, Large; and Restaurant, Small. Floor area devoted to karaoke uses shall not exceed 49 percent of the area devoted to seating and dining.

Page 4-28 (Subsection 9104.02.210 – Live/Work Units)

- 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, and Development Standards). Live/Work units are considered nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- C. **Ground Floor Use.** Where ground floor commercial uses are required, live/work units shall not exceed 25 percent of the ~~required~~ ground floor ~~commercial use building~~ area.

Page 4-43 (Subsection 9104.02.290 – Shopping Cart containment and Retrieval)

- B. **Unauthorized Removal of Shopping Carts from the Premises.** Unauthorized removal of a shopping cart from the premises or parking area of a retail establishment is prohibited. Procedures related to removal and possession of any shopping carts shall be pursuant to Business and Professions Code, Sections 22435 et seq. In addition, all provisions of this Subsection shall apply. In the case of conflict between this Subsection and the above referenced sections of the Business and Professions Code, the Business and Professions Code shall apply.

Page 4-45 (Subsection 9104.02.300 – Short-Term Rentals and Home Sharing)

Eliminate the section on Short-Term Rentals per the Council's direction at the CC Study Session on September 20, 2016

~~Short-Term Rentals~~

~~A. Purpose and Applicability. This Subsection provides standards for the location and operation of short-term rentals as defined in Division 9 (Definitions). A short-term rental shall only be allowed as an accessory use on lots occupied by a legal residential dwelling unit and shall comply with all applicable standards identified in this Subsection. If any provision of this Subsection conflicts with any provision of the Municipal Code, the terms of this Subsection shall prevail.~~

~~B. Business License Required. The operator of a short-term rental shall procure a City Business License issued in compliance with Municipal Code Article VI (Businesses, Professions, Trades, and Occupations). All existing short-term rentals shall conform to all applicable Development Code requirements upon issuance and renewal of the annual Business License.~~

~~C. Transit Occupancy Tax ("TOT"). Transient Occupancy Taxes (TOT) shall be collected on all short-term rentals pursuant to Municipal Code Article II, Chapter 6, Part 6 (Transient Occupancy Tax). If a hosting platform does not collect payment for the rental, hosts are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City on a monthly basis. If a hosting platform does collect payment for rentals, then it and the host shall both have legal responsibility for the collection and remittance of the TOT.~~

~~D. Permits Required~~

~~1. Short-Term Rental Permit. A short-term rental is allowed, provided that a Short-Term Rental Permit is first obtained pursuant to Municipal Code Section 6325.8 (Short-Term Rentals) and all of the standards and conditions contained in this Subsection are fulfilled.~~

~~2. Zoning Clearance. The operator of a short-term rental shall procure a Zoning Clearance, issued in compliance with Section 9107.27 (Zoning Clearance), for each individual rental occurrence.~~

~~E. Rental Agreement. A short-term rental agreement shall not exceed 14 days of occupancy, which shall be consecutive days.~~

~~F. Limitation on Number of Rental Occurrences. A short-term rental shall be rented no more than five individual times per year.~~

~~G. Performance Standards. The following requirements for short-term rentals shall constitute minimum requirements. The unit shall be brought into compliance with these requirements and any other applicable City codes and ordinances in order for the use to be allowed:~~

~~1. Compliance. A short-term rental shall be in compliance with any and all applicable provisions of State and Federal law and the Arcadia Municipal Code, including the California Fire Code, California Building Code, California Health and Safety Code, and other relevant laws and codes.~~

~~2. Noise. All short-term rentals shall comply with the noise standards set forth in Article IV, Chapter 6 (Noise Regulations) of the Municipal Code. Quiet hours shall be between the hours of 10:00 PM and 7:00 AM.~~

~~3. Maximum Occupancy. The maximum occupancy of a short-term vacation rental shall be no more than two persons per bedroom, plus two additional persons per property, excluding children under three years of age.~~

~~4. Signage. There shall be no signs on the property, either temporary or permanent, visible from the public right-of-way, advertising the short-term rental use.~~

~~5. Building Exterior. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be reasonably recognized as serving a nonresidential use (either by color, construction, dust, lighting, materials, noise, odors, sounds, vibrations, etc. or that disturbs the peace). The existence of a short-term rental shall not be apparent beyond the boundaries of the subject site.~~

~~6. **Visitor Limit.** A short term rental may not generate the number of visitors (e.g., pedestrian and/or vehicular traffic) beyond that considered normal within the surrounding residential neighborhood. A short term rental shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage.~~

~~7. **Posted Notice Within Unit.** Each short term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:~~

~~a. The name of the local managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis.~~

~~b. The maximum number of occupants allowed to stay overnight in the unit.~~

~~c. Stated quiet hours.~~

~~H. **Property Maintenance.** Short term rental units shall be maintained in a clean and sanitary condition and free from hazards, which shall include meeting the following requirements:~~

~~a. Permanent use of extension cords for appliances, heaters, lamps or other fixtures shall be prohibited.~~

~~b. Bedroom windows shall be operable to allow for emergency access.~~

~~c. Accumulation of trash and debris on the site or within the unit shall be prohibited.~~

~~d. Trash shall be removed from the premises upon the expiration of the term of each lease or rental agreement. Trash storage on site shall not be allowed, unless commercial trash collection is provided.~~

~~e. The main entrance to the unit shall be illuminated when the unit is occupied, provided that the exterior lighting shall be designed and located in compliance with the site development standards for the zoning district in which the unit is located. An operational motion activated light fixture may satisfy this requirement.~~

~~1. **Call Response Availability.** The owner or local managing agency, property manager, or agent shall be personally available by telephone on a 24-hour basis to respond to calls regarding the condition or operation of the unit. Failure to respond to calls in a timely and appropriate manner may result in revocation of the Short Term Rental Permit. For purposes of this paragraph, responding in a timely and appropriate manner means that an initial call shall be responded to within two hours of the time the initial call was made, and a corrective action plan shall commence within 24 hours of the initial call to address any violation of this Chapter.~~

~~L. **Prohibition of Home Sharing.** No person, including any hosting platform operator, shall undertake, maintain, authorize, aid, facilitate or advertise any home sharing activity, or any other activity that is not in compliance with this Code.~~

Page 4-48 (Subsection 9104.02.320 – Storage Containers - Temporary Portable, B. Standards)

2. One storage container is permitted on residential properties. A storage container shall be permitted on residential property for a period not to exceed 14 consecutive days within a six month period. Such a use shall be considered an exempt temporary use, pursuant to Subsection 9107.23.040 (Exempt Temporary Uses).

3. On nonresidential properties with less than 20,000 square feet of area, one container is permitted; on properties with 20,000 or more square feet of area, two containers are permitted. In no case shall there be more than two storage containers located on a single property or development site. Storage container(s) utilized for construction-related storage shall be permitted on nonresidential properties for the duration of construction activities and shall be considered a component of a construction yard, as permitted by Subsection 9107.23.040 (Exempt Temporary Uses). Storage container(s) utilized for non-construction related storage shall be permitted for a period not to exceed 30 consecutive days within a six month period.

Division 5	
Page 5-16 (Subsection 9105.03.110 D.): Approval of First Extension — Director. The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:	
Page 5-28 (Subsection 9105.07.030 – Lot Line Adjustments)	
A. Conditions for Allowing Lot Line Adjustments	
2. Purpose. This Subsection provides a procedure for the filing, review, and determination of a lot line adjustment which allows for an adjustment of the lot lines between four or fewer existing adjoining lots:	
a. Where the land taken from one lot is added to an adjoining lot, and where a greater or lesser number of lots than originally existed are not created;	

Division 6	
Page 6-9 (Subsection 9106.05.030 – Destruction of Legal Nonconforming Uses)	
9106.05.030 Destruction of Legal Nonconforming Uses. A nonconforming structure(s) involuntarily damaged or partially destroyed by explosion, fire, act of nature, or act of the public enemy may be repaired or rebuilt and re-occupied only as follows:	
A. Cost Does Not Exceed 75 Percent. If the cost of repairing or replacing the damaged portion of the structure(s) does not exceed 75 percent of the structures' appraised value, immediately preceding the involuntary destruction, the structure may be restored, provided all of the following conditions are met:	
Page 6-10 (Subsection 9106.05.040 – Residential Exceptions)	
B. Reconstruction or Replacement – Multifamily Dwelling. An involuntarily damaged or destroyed multifamily nonconforming dwelling unit(s) located in any zone other than M-1 (Industrial Zone) may be reconstructed or replaced with a new structure with the same footprint (including preexisting nonconforming setbacks), height, and number of dwelling units, in compliance with current Building and Fire Code requirements and Government Code Sections 65852.25 and 65863.4.	

Division 7			
Page 7-12 (Subsection 9107.05.040 – Table 7-2):			
Type of Administrative Modification Allowed	Minor Director’s Review	Major Director’s Review	Commission’s Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Fence, wall, and hedge regulations, except along the street side of a corner parcel	X	X	
Front lot line determination	X		
Ornamental Features (height or number of features)		X	

Sign Regulations		X	X
------------------	--	---	---

Page 7-17 (Subsection 9107.07.030 (A)(1-2) – Procedures for Certificate of Demolition:

A. Structures that are 50 Years or Older, and Structures of Unknown Age

1. If the structure is 50 years old or older, or the age of the structure cannot be determined, a qualified Architectural Historian or Historian, at the expense of the property owner, shall conduct an assessment to determine if the structure and/or site has any historical significance and is eligible for listing in the California Register of Historic Resources. The application shall provide evidence and supporting documentation as to the historic significance or lack of significance of the structure, including photographic evidence as to the current condition, and an evaluation by a qualified Architectural Historian or Historian. If a survey was completed of the subject structure and the survey is more than five years old, the survey can only be used as a guide.

2. The qualified Architectural Historian or Historian shall document the structure and complete a full evaluation of the structure(s) and/or site and complete the California Department of Parks and Recreation Primary Record Form (DPR 523A), a Building, Structure, and Object (BSO) Record Form (DPR 523B); and Location Map Form (DPR 523J) and submit the forms with the City's application for a Certificate of Demolition. ~~If additional information is needed to determine if the structure is a historical resource, a Building, Structure, and Object (BSO) Record Form (DPR 523B) may be required for the Director to make this determination.~~ Detailed instructions for preparing the documentation forms may be found at the California Office of Historic Preservation website.

Page 7-17 (Subsection 9107.07.030 (B) – Procedures for Certificate of Demolition):

~~**B. Application for a Certificate of Demolition.** An application for a Certificate of Demolition 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 Certificate of Demolition applications, together with the required fee in compliance with the Fee Schedule. 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. Buildings or Structures that are Fifty (50) Years or Older, and Structures of Unknown Age That Are Not Exempt from CEQA.** The Evaluator shall determine if the building, structures, objects or site is eligible for listing in the California Register of Historical Resources, per the definitions in Section 21084.1 of the California Environmental Quality Act (CEQA) Statute and Section 15064.5 of the CEQA Guidelines. Under CEQA, evaluation of the potential impact to "historic resources" is a two-step process: the first is to determine whether the property is an "historic resource" as defined in Section 15064.5(a)(3) of CEQA; and, if it is an "historic resource," the second is to evaluate whether the action or project proposed by the Applicant would cause a "substantial adverse change" or "materially impaired" to the historic resource. Once this determination has been made, the type of environmental documentation needed for the proposed project can be determined.~~

Page 7-19 (Subsection 9107.07.050 - Referral to Commission):

A. Complete Application. An application for a Certificate of Demolition that has been referred by the Director to the Planning Commission shall be accompanied by an environmental document, full evaluation of the potential historic resource, plans, and specifications for the proposed new construction, including other necessary documents to support the request. An application shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures) and with the required fee in compliance with the Fee Schedule.

- ~~1. In order to determine the significance of the structure and if demolition would impair a significant cultural resource in compliance with the CEQA Guidelines, the property shall be further evaluated and a Building, Structure, and Object Record (BSO) Form shall be completed using the California Register criteria with a technical analysis for the Initial Study. The evaluation shall be performed by a qualified Architectural Historian or Historian that meets the Secretary of~~

~~the Interior's Professional Qualifications.~~

~~2- The application for a Certificate of Demolition shall include all of the applicable fees specified in the Fee Schedule. A mailing list and labels for the owners for all the properties located within a 300-foot radius of the subject property shall also be provided.~~

B. **Procedure. Notice and Hearing Required:** The Commission shall consider the Certificate of Demolition at a public hearing. ~~The public hearing shall be scheduled once the Director has determined the application complete. Notice of the public hearing shall be given and the hearing shall be conducted. The consideration shall occur not less than 20 days after notice of the consideration has been mailed to each property owner located within 300 feet of the subject property,~~ in compliance with to Section 9108.13 (Public Notices and Hearings).

Page 7-48 (Subsection 9107.19.030 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 ~~and hearing~~ required, in compliance with Subparagraph 9107.19.040 E. 2., below, as specified for the review of single-family dwellings.

Page 7-49 (Subsection 9107.19.030 C – Authority; Table 7-3)

Type of Construction Activity	Role of Review Authority		
	Director (Very Minor Review)	Director (Minor Review)	Commission (Major Review)
Nonresidential construction, 20,001 square feet or more of gross floor area.	Recommend	Decision <u>Recommend</u>	Decision <u>Appeal</u>
<u>Signs and Sign Programs</u>			
Comprehensive Sign Programs (including amendments)	Decision	Appeal	Appeal
Signs (excluding temporary signs)	Decision	Appeal	Appeal
Signs with LED message board	Recommend	Decision	Appeal

Page 7-52 (Subsection 9107.19.040 E – Public Notice, Hearing, and Appeal Provisions)

- 3. **Director's Site Plan and Design Reviews (Minor Review).**
A public notice ~~and hearing~~ shall be required for the Director's decision on a Site Plan and Design Review (Minor Review) application, in compliance with Subparagraph 9107.19.040 E. 2., above, as specified for the review of single-family dwellings.

Page 7-60 (Subsection 9107.23.040 - Exempt Temporary Uses)

E. Temporary Portable Storage Containers on Residential Property. ~~Temporary Portable Storage Containers located on residential property that comply with standards listed in Subsection 9104.020.320 (Storage Containers - Temporary Portable).~~

Page 7-68 (Subsection 9107.25.050) Variance Findings and Decision

~~2.—Findings for Offsite Parking Variance.—The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off site, or to allow in lieu fees or facilities instead of the required on-site parking spaces, shall require that the Review Authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subparagraph B.1 (General Findings), above:~~

~~a.—The Variance will be an incentive to, and a benefit for, the nonresidential development; and~~

~~b.—The Variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.~~

Division 8

Page 8-3 (Subsection 9108.03.020 Initiation of Amendment):

9108.03.020 Initiation of Amendment

An amendment may be initiated by motion of the Council or Commission action, proposed by the Director, or as follows.

- A. **General Plan or Zoning Map Amendment.** In the case of the General Plan or the Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent of property for which the amendment is sought. If the property is under multiple ownerships, all owners or their authorized agents shall join in filing the application.
- B. **Development Code Amendment.** In the case of this Development Code, the Council may also adopt an urgency measure as an interim ordinance, in compliance with Government Code Sections 36937 and 65858.

Page 8-4 (Subsection 9108.03.040 Commission's Action on Amendment):

A. Commission's Recommendation to Council

1. **All Amendments.** Following the public hearing, the Commission shall adopt a resolution containing its written recommendation(s), findings, and reasons for the recommendation(s), and forward the resolution to the Council specifying whether to approve, approve in modified form, or deny the proposed amendment, based on the findings identified in Subsection 9108.03.060 (Findings and Decision), below.
2. **Recommendation for Approval of Development Code or Zoning Map Amendments.** A recommendation for approval or approval in modified form of a Development Code or Zoning Map amendment shall require only a majority vote of the Commissioners present.
3. **Recommendation for Approval of General Plan Amendments.** A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total voting membership of the Commission in compliance with Government Code Section 65354.

Page 8-5 (Subsection 9108.03.050 Council's Action on Amendment):

A. Council's Action

1. **All Amendments.** Upon receipt of the Commission's recommendation to approve or approve in modified form the proposed amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Subsection 9108.03.060 (Findings and Decision),

below.

2. **Development Code or Zoning Map Amendments.** The action by the Council to approve, or approve in modified form, the Commission's recommendation regarding a Development Code or Zoning Map amendment shall be by a majority vote of the Council members present, adopted by ordinance, and shall be final and conclusive.
3. **General Plan Amendments.** The action by the Council to approve, or approve in modified form, the Commission's recommendation regarding a General Plan amendment shall require the affirmative vote of not less than a majority of the total ~~voting~~ membership of the Council in compliance with Government Code Section 65356, adopted by resolution, and shall be final and conclusive.

Page 8-5 (Subsection 9108.03.060 – Findings and Decision):

A. Findings for General Plan Amendments.

1. The amendment is internally consistent with all other provisions of the General Plan; and
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and.
- ~~3. For site specific General Plan amendments only, the affected site is physically suitable in terms of design, location, operating characteristics, shape, size, and the provision of public and emergency vehicle access (e.g., fire and medical) and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located~~

B. Findings for Development Code and Zoning Map Amendments. In addition to the findings specified in Subparagraph A. (Findings for General Plan Amendments), above, the following additional findings shall be made for all Development Code and Zoning Map amendments.

1. The proposed amendment is consistent with the General Plan and any applicable specific plan(s); and
2. For Development Code amendments only, the proposed amendment is internally consistent with other applicable provisions of this Development Code.
- ~~3. For Zoning Map amendments only, the affected site is physically suitable in terms of design, location, operating characteristics, shape, size, and the provision of public and emergency vehicle access (e.g., fire and medical) and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zoning designation and the proposed or anticipated use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.~~

Page 8-9 (Subsection 9108.07.020 Appeal Subjects and Jurisdiction):

A. Code Administration and Interpretation. Any determination of the Director and/or Department staff on the meaning or applicability of the regulations contained in this Development Code that ~~are believed to be in error, and~~ cannot be resolved with the Director, may be appealed to the Commission and then to the Council:

Page 8-9 (Subsection 9108.07.030 Calls for Review):

B. Process for Calling for a Review

1. **Initiation by Commissioners.** ~~One or more~~ Any Commissioner may initiate a call for review of a Director's determination or decision by filing a written request with the Department before the effective date of the action, which means within 10 days following the date of the determination or decision.

<p>2. Initiation by Council Members</p> <p>a. Any One or more Council members may initiate a call for review of a Commission's or Director's determination or decision by filing a written request with the City Clerk before the effective date of the action, which means within 10 days following the date of the determination or decision.</p> <p>4. Requests for Verbatim Transcript. If by its action the Commission or Council requests a verbatim transcript for use at the call for review hearing, a copy shall be made available for inspection by any interested party. No fees shall be required in the case of a call for review.</p> <p>5.4. Majority Vote by Review Authority. If the Commission or Council, as applicable, votes to review the determination or decision, a subsequent review hearing shall be scheduled to consider the merits of the review. Following a majority vote to proceed, the request shall be treated in compliance with Subsection 9108.07.040 (Filing and Processing of Appeals).</p>
<p>Page 8-10 (Subsection 9108.07.030 B.7.- Process for Calling for a Review, Effect of Call for Review):</p> <p>b. The timely filing of a call for review does not extend the time in which an appeal of a determination or decision shall be filed. The normal appeal period shall continue to run in compliance with Subparagraph 9108.0307.040 B. (Timing and form of Form and Timing of an Appeal), below.</p>
<p>Page 8-10 (Subsection 9108.07.030 B – Process for Calling for a Review):</p> <p>9. Withdrawal or Failure of a Call for Review. If a request for a call for review is withdrawn after filing, or is rejected, the remaining days of the call for review period shall start from the date on which the call for review is withdrawn or is rejected run until the original 10-day period has expired.</p>
<p>Page 8-11 (Subsection 9108.07.040 B. – Filing and Processing of Appeals, A. Eligibility):</p> <p>1. Eligible Appellants. An appeal in compliance with this Section may be filed by any aggrieved <u>interested</u> person(s).</p> <p>2. Aggrieved Interested Person(s). For purposes of this Section an aggrieved <u>interested</u> person(s) is a person who informed the City of his or her concerns about an application for a permit or approval at a public hearing, either in person or through a representative, or by other appropriate means (e.g., in writing), or was unable to do so for good cause and pays the applicable fee in compliance with the Fee Schedule; and</p> <p>a. Objects to the action taken on the permit or approval;</p> <p>b. Completes the required City appeal form completely and accurately. The appeal will not be deemed complete and timely filed until all information on the appeal form is verified by the office receiving the appeal form; and</p> <p>c. Wishes to appeal any appealable action to a higher Review Authority.</p> <p>3. Appeals by Councilmember or Commissioner. Any action or decision by the Commission, Director, or Department staff rendered in compliance with this Development Code may be appealed by a Councilmember or Commissioner acting as an individual, <u>in compliance with the requirements of the Fair Political Practices Act.</u></p>
<p>Page 8-11 (Subsection 9108.07.040 B. – Filing and Processing of Appeals, Form and Timing of Appeal):</p> <p>4. Fees for Verbatim Transcript. If the appeal is to include a verbatim transcript or recording, the appellant shall so specify in the written appeal and in addition to the filing fee shall deposit with the City Treasurer the estimated cost of preparing two copies of a verbatim transcript or recording. One copy shall be delivered to the appellant upon payment of the balance due, if any, upon the cost of its preparation and the other copy delivered to the City Clerk for use by the City on the appeal; any excess of the deposit over the cost shall be refunded.</p>
<p>Page 8-15 (Subsection 9108.09.040 Findings to Modify or Revoke):</p> <p>A. Permits. A Conditional Use Permit, Minor Use Permit, or other City planning permit or approval (except a Variance or Administrative Modification, see Subsection B., below) may be modified or revoked by the Review Authority (e.g.,</p>

Director, Commission, or Council) that originally approved the permit, if the Review Authority first makes any one of the following findings:

1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the improvement/use has become detrimental to the public health, safety, ~~and/or~~ general welfare ~~require the modification or revocation or constitutes or is creating a nuisance;~~
- ~~6. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or~~

Page 8-16 (Subsection 9108.09.050 Notice and Hearing Required):

~~A. Hearing~~

- ~~1A.~~ The appropriate Review Authority shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Development Code. The hearing shall be noticed and conducted in compliance with Section 9108.13 (Public Notices and Hearings).
- ~~2B.~~ At least 10 days before the public hearing, notice shall be mailed or delivered to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property, for which the permit or approval was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.

~~B. Mailing of Notice. Notice shall be deemed delivered two days after being mailed through the United States Postal Service, postage paid, or by some other method providing for proof of delivery.~~

Page 8-19 (Subsection 9108.11.070 Performance Guarantees):

A. Deposit of Security

1. As a condition of approval of an Administrative Modification, Conditional Use Permit, Home Occupation Permit, Minor Use Permit, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, or Variance, upon a finding that the City's health, safety, and general welfare warrant, the Review Authority may require the execution of a covenant to deposit security and the deposit of security in a reasonable amount and form approved by the ~~Director~~ City Attorney to ensure the faithful performance of one or more of the conditions of approval of the permit or Variance in the event that the obligor fails to perform.

Page 8-19 (Subsection 9108.11.080 Expiration):

1. Exercised

- a. To ensure continued compliance with the provisions of this Development Code, the permit or approval shall be exercised by the applicant within 12 months following the date of final approval, unless otherwise specified in the permit or approval, or an extension is approved by the applicable Review Authority, in compliance with Subsection 9108.11.090 (Time Extensions). In the event the permit or approval has not been fully exercised in that time period, the permit or approval shall expire and be deemed void (vs. shall be subject to review by the Review Authority who originally granted the permit or approval to determine whether a good faith intent to exercise the permit or approval has been demonstrated).
- b. Additionally, if after construction has started, commencement work is discontinued for a period of 12 months, or the proposed use is discontinued for a period of 12 months, the permit or approval shall ~~expire and be deemed void (vs. shall~~ be subject to review by the Review Authority who originally granted the permit or approval to determine whether a good faith intent to commence the contemplated use or development granted by the permit or approval has been demonstrated).

Page 8-27 (Subsection 9108.13.050 Recommendation by Commission):

A. **Recommendation and Findings to the Council.** After a public hearing on a proposed amendment to this Development Code, the General Plan, the Zoning Map, a development agreement, or a specific plan, the recommendation and findings of the Commission ~~and the minutes of the Commission meeting~~ shall be forwarded to the Council.

B. **Recommendation and Findings to the Applicant.** The recommendation, and findings, ~~and minutes~~ shall be mailed to the applicant at the address shown on the application.

Page 8-27 (Subsection 9108.13.060 Decision and Notice):

A. **Decision**

1. The Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Subsection 9108.13.040 (Hearing Procedure), above.
2. Unless otherwise required by law (i.e., votes by the Commission on a General Plan amendment in compliance with Government Code Section 65354), a majority ~~of those entitled to vote~~ ~~or majority of the quorum~~ shall be required for any formal action by the applicable Review Authority.

Division 9

Page 9-14 (Subsection 9109.010.060):

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.

~~Coffee Shops/Cafes. Establishments that primarily serve nonalcoholic beverages, such as coffee, juices or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.~~

Page 9-20 (Subsection 9109.010.090):

~~**Home Share and Home Sharing.** An activity whereby a resident hosts visitors in their dwelling, for compensation, and for a short term period of 14 days or less, while at least one of the dwelling unit's primary residents lives on-site, in the dwelling unit, throughout the visitors' stay.~~

~~**Hosting Platform.** A marketplace in whatever form or format which facilitates the home sharing or vacation rental, through advertising, match making or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.~~

Page 9-24 (Subsection 910.010.130)

Lot Area, Net. The ultimate lot area after the area of right-of-way dedications and private street easements have been subtracted.

Page 9-25 (Subsection 9109.010.140):

Marijuana (Cannabis). All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include (1) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product. ~~Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof, the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the~~

~~plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972.~~

~~**Commercial Marijuana Activity.** The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.~~

~~**Delivery.** The commercial transfer of marijuana or marijuana products to a customer. "Marijuana Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.~~

~~**Manufacture.** To compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.~~

~~**Marijuana Accessories.** Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.~~

~~**Marijuana Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.~~

~~**Marijuana Dispensary.** A facility where ~~marijuanacannabis~~, ~~marijuanacannabis~~ products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale.~~

~~**Marijuana Distribution.** The procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.~~

~~**Marijuana Licensee.** The holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.~~

~~**Marijuana Products.** Marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.~~

~~**Sale.** Any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.~~

~~**Marijuana Manufacturer.** A person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container~~

~~**Marijuana Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. E. "Delivery" means the commercial transfer of cannabis or cannabis products, and includes origination or termination within the City as well as a delivery business.~~

Page 9-29 (Subsection 9109.010.170):

~~**Person.** Any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.~~

~~**Private Residence.** A house, an apartment unit, a mobile home, or other similar dwelling.~~

Page 9-35 (Subsection 9109.01.200)

~~**Short-Term Rental.** A residential unit offered for tourist or transient use by the permanent resident of the residential unit for a period of fourteen (14) consecutive calendar days or less.~~