

ORDINANCE NO. 2390

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA RELATED TO TEXT AMENDMENT NO. TA 22-02 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 OF THE ARCADIA DEVELOPMENT CODE INCORPORATING NEW OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY AND MIXED-USE DEVELOPMENT, UPDATES TO THE DENSITY BONUS ORDINANCE, AND MINOR CHANGES TO THE ACCESSORY DWELLING UNIT ORDINANCE WITH A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

WHEREAS, the City of Arcadia, California ("City") is a charter city and municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law Senate Bill 330 ("SB 330"), which became effective on January 1, 2020, that requires local governments to ministerially approve certain housing developments through a streamlined process by removing all discretionary reviews, including design review, and requiring these projects only be subject to objective design and development standards. The bill established a statewide housing emergency that will be effect until January 1, 2030; and

WHEREAS, the State also refined the Density Bonus Law with new legislations that went into effect January 1, 2022, that provide additional flexibility to developers in meeting requirements for a density bonus; and

WHEREAS, the City is proposing Text Amendment No. TA 22-02 to implement new Objective Design Standards for Multi-Family and Mixed-Use development to ministerially approve certain housing developments through a streamlined process by removing all discretionary reviews, including design review, and requiring these projects only be subject to objective design and development standards, as shown in Exhibit "A"

of this Ordinance, update the Density Bonus Ordinance to comply with the State's recent changes, as shown in Exhibit "B" of this Ordinance, and to make minor changes to the ADU Ordinance, as shown in Exhibit "C" of this Ordinance; and

WHEREAS, on June 23, 2022, Planning Services completed an environmental assessment of the proposed Text Amendment and recommended that the Planning Commission forward a recommendation to the City Council that the Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) where it can be seen with certainty that there is no possibility that the Text Amendment may have a significant effect on the environment, and the Text Amendment is not subject to CEQA; and

WHEREAS, on July 26, 2022, a duly noticed public hearing was held before the Planning Commission on Text Amendment No. TA 22-02, at which time the public was given full opportunity to be heard and present evidence; and

WHEREAS, after considering the evidence presented, the Planning Commission adopted Resolution No. 2101 with a 5-0 vote recommending that the City Council approve Text Amendment No. TA 22-02; and

WHEREAS, on August 16, 2022, the City Council held a duly noticed public hearing concerning the Text Amendment, at which time all interested persons were given full opportunity to be heard and to present evidence.

NOW, THEREFORE, the City Council of the City of Arcadia does ordain as follows:

**Section 1.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2.** The City Council finds, based upon the entire record:

1. The proposed Development Code amendment is consistent with the goals, policies, and objectives of the General Plan; and any applicable specific plan(s).

FACT: The proposed Text Amendment is consistent with the Housing Element Update that identifies goals, policies, and implementation programs addressing housing opportunities, the removal of governmental constraints, improving the condition of existing housing and providing equal housing opportunities for all Arcadia residents. These goals, policies, and program actions are consistent with all other Elements of the General Plan in that they further the City's overall goals to create a diverse, sustainable, and balanced community by implementing strategies and programs that contribute to economically and socially diverse housing opportunities that preserve and enhance Arcadia's character.

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

FACT: The proposed Text Amendment would make the Development Code consistent with State law by halting certain local restrictions on housing development and expediting the permitting process for multi-family housing to address the State housing shortage. The proposed Objective Design Standards will not change the development standards for multi-family and mixed-use zones. The update to the Density Bonus Ordinance and minor changes to the Accessory Dwelling Units ("ADU") Ordinance will bring both Ordinances into compliance with recent changes in State law. The Housing Element Update identifies goals and policies addressing housing opportunities, removal of governmental constraints, improving the condition of existing housing and providing equal housing opportunities for all Arcadia residents through the Development Code.

Therefore, the proposed Text Amendment is consistent with other applicable provisions of this Development Code.

**Section 3.** The City Council has determined that Text Amendment No. TA 22-02 is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that the Text Amendment would not have a significant effect on the environment and, thus, is not subject to CEQA review.

**Section 4.** For the foregoing reasons, the City Council adopts this Ordinance. Staff is authorized to correct typographical errors, spelling, formatting or codification and to make other minor revisions to improve the reader’s comprehension of the changes from these text amendments attached hereto under Exhibits A-C of this Ordinance, provided that any revisions do not alter the regulatory meaning and intent.

**Section 5.** The City Council hereby directs staff to prepare, execute, and file with the Los Angeles County Clerk a Notice of Exemption within five (5) working days of the adoption of this Ordinance.

**Section 6.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in the official newspaper of said City within fifteen (15) days after its adoption. This Ordinance shall take effect thirty-one (31) days after its adoption.

**Section 7.** The Custodian of Records for this Ordinance is Linda Rodriguez, Assistant City Clerk and the records comprising the administrative record for this Ordinance are located at Arcadia City Hall, 240 W. Huntington Drive, Arcadia CA.

Passed, approved and adopted by the City Council this 6th day of September, 2022.

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**/s/ Tom Beck**  
Mayor of the City of Arcadia

ATTEST:

**/s/ Gene Glasco**  
City Clerk

APPROVED AS TO FORM:

**/s/ Stephen P. Deitsch**  
Stephen P. Deitsch  
City Attorney

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

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2390 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at an adjourned regular meeting of said Council held on the 6th day of September, 2022 and that said Ordinance was adopted by the following vote, to wit:

AYES:       Danielson, Tay, Verlato, Cheng, and Beck

NOES:       None

ABSENT:     None

**/s/ Gene Glasco**  
City Clerk of the City of Arcadia

**EXHIBIT A**

**Multi-family and Mixed-Use Objective Design Standards**

(Follows this page)

## Section 9102.01.150 – Multifamily Objective Development Standards

- A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective criteria for eligible residential development in the City. The intent is to provide clear design direction that enhances an area's unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.
- B. **Background.** Since 2017, the Governor has signed into law multiple housing bills, including Senate Bill 35 and Senate Bill 330 which provide for streamlined, ministerial approval processes for eligible multifamily residential development (two or more residential units), subject to certain conditions which may include affordability requirements, and where consistent with objective zoning and design standards.
- C. **Applicability.** The provisions of this chapter apply to all newly constructed residential projects, in all zones, that qualify for streamlined, ministerial processing per the Housing Accountability Act (HAA), and which meet the definition of "housing development projects" under California Government Code §69988.5(h)(2). These include multifamily housing with two or more units, and mixed-use projects with up to two-thirds of the project. Eligible residential projects shall comply with all objective development standards, City policies, thresholds of significance, zoning regulations, and design standards as established in the General Plan and the Arcadia Development Code.
  - 1. **Modification.** Residential projects seeking a modification(s) to any development standards set forth in the Arcadia Development Code shall not be eligible for streamlined, ministerial processing per SB 35.
  - 2. **Waiver on Objective Development Standards** Up to three (3) objective development standards from all of the individual sub-items under each category may be waived for any eligible mixed-use residential project without the requirement for an additional application. The applicant must provide an explanation as to why the development standard is not applicable or cannot be achieved. The waiver is subject to review and approval by the Director or designee. These decisions are not appealable.
  - 3. **Conflicting Standards.** Projects must meet objective development standards in this Division, in addition to all pertinent sections of the Arcadia Development Code and the California Building Code (CBC). If there is any conflict between these objective standards and existing City and/or State requirements, the more restrictive objective standard applicable to the project shall apply.
  - 4. **Severability.** In the event that a development standard is found to be unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, and all other development standards will remain enforceable.
- D. **Objective Development Standards Site and Building Design.**
  - 1. **Site Design.** Site planning refers to the arrangement of - and relationships between - buildings, parking areas, common and private open space, landscaping, and pedestrian connections. The site planning topics in this chapter include site layout and building placement, vehicular surface parking and access, pedestrian circulation and access, landscaping, and common and private open space.
    - a. Existing mature trees should be preserved and incorporated into development proposals.



- b. Decks and balconies should be recessed and/or incorporated into the massing of the home, rather than protruding out of the home, to enhance privacy.
- 2. **Building Form, Massing, and Articulation.** Building form, massing and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.
  - a. **Massing** Where applicable, the third floor of the building must be set back a minimum of three feet from the first or first and second floor footprint.
  - b. **Wall Plane Variation.** All exterior walls must have a minimum two-foot variation in depth at least every 40 feet of wall length to provide relief along the wall plane. In addition, all walls shall include at least two of the following features: windows, trellises, arcades, balconies, different exterior material, or awnings.
  - c. **Cantilevers.** The upper floors shall not overhang or cantilever more than four feet over any of the lower floors.
  - d. **Four-sided Architecture.** Buildings shall be designed and articulated with details, articulation, different materials and/or colors, and different elements on all sides. The street-facing façade(s) shall feature additional elements or materials. Entirely blank walls are not allowed along any façade.
- 3. **Roofs.**
  - a. Roofs shall consist of a single style and slope throughout the project. On a building with a pitched roof, no portion of the main roof shall be flat.
- 4. **Parapets.**
  - a. Parapets shall be capped with precast treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment.
  - b. Parapet material should match the building façade.
- 5. **Building and Unit Entries.**
  - a. **Street-Facing Entry.** Buildings located adjacent to the street shall have a ground-level primary building entry facing the primary street. The development shall also have front facing units that faces the site's primary public street.
  - b. **Non-Street-Facing Entry.** Buildings not located adjacent to a street shall have unit front entryways oriented to face internal common open space areas such as landscaped courtyards, plazas, or paseos.
  - c. **Corner Buildings.** An entry to a residential unit must be located within 25 feet of the corner of the building.
  - d. Every building shall contain at least one pedestrian entry that does not require access through a parking garage.
  - e. Corinthian columns are not permitted.
  - f. **Definition of Entries.** Both primary building and individual unit entries shall incorporate the following to clearly define the entrance:
    - i. Entry shall match the first floor plate height. Entry designs greater than one-story are not allowed.

- ii. Entries should provide a sheltered area in front of the primary door. Flat roof porches are not allowed.
- 6. **Windows.** Window materials, color, and style shall be the same on all elevations.
  - a. Windows shall be recessed at least two inches from the face of the exterior wall.
  - b. When utilized, functional and decorative shutters shall be at least one-half the width of the window (for paired shutters), or a matching width (for a single shutter).
  - c. Architectural window detailing, such as sills, trim, and/or awnings should be provided.
- 7. **Materials and Colors.**
  - a. **Colors and Materials.** No more than three exterior paint colors and three façade materials shall be used. Glossy and/or reflective colors and materials are prohibited.
  - b. **Restriction on Materials Where Visible from Public Right-of-Way.** Bare concrete masonry unit blocks and slumpstone are prohibited on any area of the development visible from a public right-of-way.
  - c. **Material Transitions.** Changes or transitions in façade treatment, such as veneers or textured materials, shall wrap around the corners of the building and extend at least 6 feet beyond the corners, or terminate at the nearest window or door.
  - d. **Architectural Consistency.** Affordable units and market rate units within the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.
- E. **Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Section 9103.07, Off-Street Parking and Loading, of the Arcadia Development Code.
  - 1. **Enhanced Paving for Entry Driveways.** The first 15 feet of the primary vehicular driveway, starting from the property line, shall use colored, stamped, or textured concrete, pavers, or permeable paving treatments such as grass-crete. The enhanced paving shall be applied throughout the driveway to break up the appearance of the concrete.
  - 2. **Projects with Controlled Entrances.** Projects with controlled entrances, including vehicular access gates to parking areas, shall accommodate at minimum the length of one vehicle (20 feet) entering the site without queuing into the street or public sidewalk.
- F. **Pedestrian Circulation and Access.**
  - 1. **Pedestrian Walkways.** Pedestrian walkways shall be provided according to the following standards:
    - a. **Walkway Width.** Pedestrian walkways shall be provided with a minimum width of four feet.
    - b. **Materials.** Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.
  - 2. **Walkways Adjacent to Driveways.** Clear, safe pedestrian access should be

provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.

- G. **Common Public and Private Open Space.** Common and private open spaces shall be provided as required by the underlying zone in Division 2, Zones, Allowable Uses, and Development Standards, of the Arcadia Development Code.

1. **Common Open Space.** Projects providing common open space shall satisfy the requirements below with passive or active recreation amenities as defined below. An applicant may provide common open space through an amenity not on this list if it is readily accessible by all residents for recreation and social purposes.
  - a. **Passive Recreation Amenities.** Picnic/barbeque area, open courtyard, dog park/dog run, rooftop deck, fire pit area, or other outdoor gathering spaces.
  - b. **Active Recreation Amenities.** Athletic gyms or courts (e.g. basketball, tennis, bocce ball), swimming pool or spa, playground.
  - c. **Common Open Space Requirements.** Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site.
2. **Private Open Space.** When roof decks are proposed, landscape planters such as planter boxes, potted plants, and/or boxed trees, shall be located along the edges of the roof deck to provide a screening buffer.

- H. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or open space. Landscape planters must be provided throughout the development.

1. **Plant Selection.** Projects shall utilize native California and drought-tolerant plants selected from the City's Residential Landscaping Guide.

- I. **Parking Area Design.**

1. Semi-subterranean parking structures are not allowed. A parking structure shall be considered to be semi-subterranean if the structure is partially underground.
2. **Materials and Colors.** Where applicable, a parking structure shall utilize the same colors and materials as the primary residential buildings.
3. **Orientation.** Parking areas shall be located behind or within the building or buildings so that it is not visible from the primary street frontage.
4. **Garage Doors.** Garage doors shall be oriented to face away from the primary street.
5. **Access.** Where applicable, alleys should be utilized to provide access to parking and service areas.

- J. **Fences and Walls.** Site walls shall be constructed to match the primary building colors and materials. Fences and walls shall be constructed of materials such as wood, vinyl, wrought iron, brick, and stone. Chain link is prohibited. Refer to the Arcadia Development Code for additional regulations associated with fences and walls.

1. Both sides of all perimeter walls and fences should be architecturally treated. Walls shall be finished with a trim cap.

2. Where fences and walls of different materials or finishes intersect, a natural transition or break (such as a column or pilaster) shall be provided.
- K. **Lighting.** Outdoor light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
- L. **Vents and Exhaust.** All wall-mounted utility elements shall be located to ensure they are concealed from public view. All flashing, sheet metal vents, exhaust fans/ventilators, and meter boxes shall be painted to match the building wall material and/or color.
- M. **Rooftop Equipment.** Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

## Section 9102.01.160 – Mixed-Use Objective Development Standards

- A. **Purpose.** The purpose of these design standards is to provide the public, building and design professionals, and decision-makers with objective development standards for mixed-use development in the City. The intent is to provide clear design direction that enhances an area's unique character and sense of place, respects existing neighborhood compatibility and privacy, and ensures a high-quality living environment.
- B. **Background.** In 2017, the Governor signed into law multiple housing bills, including Senate Bill 35 and SB 330 which provide for streamlined, ministerial approval processes for eligible multifamily and mixed-use residential development, subject to certain conditions which may include affordability requirements, and consistent with objective zoning and design standards.
- C. **Applicability.** The provisions of this chapter apply to all newly constructed residential projects, in all zones, that qualify for streamlined, ministerial processing per the Housing Accountability Act (HAA), and which meet the definition of "housing development projects" under California Government Code §69988.5(h)(2). These include mixed-use projects with up to two-thirds of the project dedicated to residential square footage. Eligible residential projects shall comply with all objective development standards, City policies, thresholds of significance, zoning regulations, and design standards.
  - 1. **Modification.** Residential projects seeking a modification(s) to any development standards set forth in the Arcadia Development Code shall not be eligible for streamlined, ministerial processing per SB 35.
  - 2. **Waiver on Objective Development Standards.** Up to three (3) objective development standards from all of the individual sub-items under each category may be waived for any eligible mixed-use residential project without the requirement for an additional application. The applicant must provide an explanation as to why the development standard is not applicable or cannot be achieved. The waiver is subject to review and approval by the Director or designee. These decisions are not appealable.
  - 3. **Conflicting Standards.** Projects must meet objective standards in this Division, in addition to all pertinent sections of the Arcadia Development Code and the California Building Code (CBC). If there is any conflict between these objective standards and existing City and/or State requirements, the more restrictive objective standard applicable to the project shall apply.
  - 4. **Severability.** In the event that a development standard is found to be unenforceable, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, and all other development standards will remain enforceable.
- D. **Site and Building Design.**
  - 1. **Site Design.**

- a. Existing mature trees shall be preserved and incorporated into development proposals.
  - b. Decks and balconies shall be recessed and/or incorporated into the massing of the building, rather than protruding out of the building, to enhance privacy.
  - c. Where applicable, active commercial uses, including retail, restaurant, and personal services shall be located on the ground floor fronting the sidewalk.
  - d. Where applicable, private amenities, such as plazas and open space shall be located in the interior of the site or otherwise away from the street.
2. **Building Form, Massing, and Articulation.** Building form, massing and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in building form.
  - a. **Massing.** For projects over two stories in height, portions of the upper stories shall be recessed at least two feet from the front façade to reduce the overall massing of the building at the pedestrian level.
  - b. **Wall Plane Variation.** All exterior walls must have a minimum two-foot variation in depth at least every 40 feet of wall length to provide relief along the wall plane. In addition, all walls must include at least two of the following features: windows, trellises, arcades, balconies, different exterior material, or awnings.
  - c. **Four-sided Architecture.** Buildings shall be designed and articulated with details, articulation, materials, and elements on all sides. The street-facing façade(s) shall feature additional elements or materials. Entirely blank walls are not allowed along any façade.
3. **Setbacks Facing Primary Street.** Setbacks facing the primary street shall be landscaped and/or be publicly accessible except where used for outdoor dining (subject to a separate permit). These setbacks shall contain at least two public amenities per 50 linear feet such as benches, shade structures, public art pieces, planters, or other design element.
4. **Ground Floor Character.**
  - a. **Ground Floor Transparency.** Exterior walls facing a public street must include windows and doors for at least 50 percent of the building wall area. Parking garages are not required to meet this requirement.
  - b. **Weather Protection.** Awnings or similar weather protection elements may be fixed or retractable.
5. **Corner Buildings.** Corner buildings greater than 30 feet in height shall include at least one of the following features:
  - a. A building entrance should be located within 40 linear feet of the corner of the building.
  - b. A different material application and window arrangement from the rest of the building façade for the corner of the building.

- c. At the building corner, there must be a break in the building wall or it must be stepped back to break-up the straight plane.

6. **Building and Unit Entries.**

- a. **Street-Facing Entry.** Mixed-use buildings located within 20 feet of the primary street right-of-way shall provide a ground-level primary building entry directly from the public sidewalk. Primary building entries shall provide one or more of the following:
  - 1. Entry flanked by columns, decorative fixtures, or other similar elements.
  - 2. Entry recessed within a large arch or cased decorative opening.
  - 3. Entry emphasized by a change in roofline of at least 12 inches, a tower, or a break in the wall façade.
  - 4. Entry covered by a large portico projecting at least 6 feet from the wall façade.
  - 5. Entry covered by an awning.
  - 6. Entry accessed from a common open space area such as a landscaped courtyard, plaza, or paseo.
- b. Entry designs greater than one story are not allowed.
- c. Every building shall contain at least one primary building entrance that does not require access through a parking garage.
- d. Corinthian columns are prohibited.

7. **Roofs.** Roofs must consist of a single style and slope throughout the project.

8. **Parapets.**

- a. Parapets shall be capped with precast treatment, continuous banding, or projecting cornices, dentils, or similar edge treatment.
- b. Parapet material shall match the immediately adjacent building façade.

9. **Windows.** Window materials, color, and style shall be the same on all elevations.

- a. Windows shall be recessed at least two inches from the face of the exterior wall.
- b. When utilized, functional and decorative shutters shall be at least one-half the width of the window (for paired shutters), or a matching width (for a single shutter).
- c. Architectural window detailing, such as sills, trim, and/or awnings shall be provided.
- d. A single window style and material shall be used throughout the development to provide a coordinated appearance.

10. **Materials and Colors.**

- a. **Colors and Materials.** No more than three exterior paint colors and three façade materials shall be used. Glossy and/or reflective colors and materials are prohibited.
- b. **Restriction on Materials Where Visible from Public Right-of-Way.** Bare concrete masonry unit blocks and slumpstone are prohibited on any area of the development visible from a public right-of-way.

- c. **Material Transitions.** Changes or transitions in façade treatment, such as veneers or textured materials, shall wrap around the corners of the building and extend at least 6 feet beyond the corners, or terminate at the nearest window or door.
- d. **Architectural Consistency.** Affordable units and market rate units within the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.

**E. Vehicular Parking and Access.** Vehicular parking and access shall comply with the provisions of Chapter 17.38, Parking and Loading, of the Arcadia Development Code.

- 1. **Enhanced Paving for Entry Driveways.** The first 15 feet of the primary vehicular driveway, starting from the property line, shall use colored, stamped, or textured concrete, pavers, or permeable paving treatments such as grass-crete. The enhanced paving shall be applied throughout the driveway to break up the appearance of the concrete.
- 2. **Projects with Controlled Entrances.** Projects with controlled entrances, including vehicular access gates to parking areas, shall accommodate at minimum the length of one vehicle (20 feet) entering the site without queuing into the street or public sidewalk.
- 3. **Parking Structure Location.** Parking structures and garages shall not be located adjacent to the primary street frontage. See Section 9102.01.150.J, Parking Structure Design.

**E. Pedestrian Circulation and Access.**

- 1. **Pedestrian Walkways.** Pedestrian walkways shall be provided according to the following standards:
  - a. **Walkway Width.** Pedestrian walkways shall be provided with a minimum width of four feet.
  - b. **Materials.** Pedestrian walkways shall be constructed of firm, stable and slip-resistant materials such as poured-in-place concrete (including stamped and textured concrete), concrete pavers, or permeable pavers.
- 2. **Walkways Adjacent to Driveways.** Clear, safe pedestrian access shall be provided from parking areas to building entrances within pedestrian walkways. When all unit entries face a driveway, pedestrian walkways shall be located parallel to the driveway to minimize the need for pedestrians to cross drive aisles.
- 3. **Through-Lot Connections.** Through lots located more than 300 feet from an intersecting street or pedestrian walkway shall provide a publicly accessible sidewalk or pedestrian walkway connecting the two streets.

**G. Common and Private Open Space.** Common and private open spaces shall be provided as required by the underlying zone in Division 2, Zones, Allowable Uses, and Development Standards, of the Arcadia Development Code.

- 1. **Common Open Space.** Projects providing common open space shall satisfy the requirements below with passive or active recreation amenities as defined below. An applicant may provide common open space through an amenity



not on this list if it is readily accessible by all residents for recreation and social purposes.

- a. **Passive Recreation Amenities.** Picnic/barbeque area, open courtyard, dog park/dog run, rooftop deck, fire pit area, or other outdoor gathering spaces.
- b. **Active Recreation Amenities.** Athletic gyms or courts (e.g. basketball, tennis, bocce ball), swimming pool or spa, playground.
- c. **Common Open Space Requirements.** Common open space shall be located and arranged to allow visibility into the space from pedestrian walkways on the interior of the site.

2. **Private Open Space.** When roof decks are proposed, landscape planters such as planter boxes, potted plants, and/or boxed trees, shall be located along the edges of the roof deck to provide a screening buffer.
3. **Mixed Use Developments.** Where a project includes both residential and commercial uses, the open space provided for residents must be secured and accessible only from the residential area of the project. Publicly accessible open space such as plazas and courtyards does not count as open space for the residential uses.

H. **Landscaping.** Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or open space. Projects shall utilize native California and drought-tolerant plants selected from the City's Residential Landscaping Guide.

I. **Parking Structure Design.**

1. Semi-subterranean parking structures are not allowed. A parking structure shall be considered semi-subterranean if the parking garage/structure is partially underground.
2. **Materials and Colors.** The parking structure shall utilize the same colors and materials as the residential building of residential portion of the building.
3. **Orientation.** Parking structure and garage entries shall face away from the primary street where possible. Where a parking garage is proposed, it shall be wrapped with residential units along street frontages to allow for continuation of the street scene. No garage shall face the primary street, unless it is the only point of access or a secondary access is necessary.
4. **Parking separation.** For mixed-use projects, parking for residents shall be separated from commercial and guest parking. This may be achieved through the implementation of a gate within a parking structure.
5. **Access.** Where applicable, alleys shall be utilized to provide access to parking and service areas.

J. **Fences and Walls.** Site walls shall be constructed to match the primary building colors and materials. Fences and walls shall be constructed of materials such as wood, vinyl, wrought iron, brick, and stone. Chain link is prohibited. Refer to the Arcadia Development Code for additional regulations associated with fences and walls.

1. Both sides of all perimeter walls and fences shall be architecturally treated. Walls shall be finished with a trim cap. Walls shall be finished and designed to complement the surrounding development.
  2. Where fences and walls of different materials or finishes intersect, a natural transition or break (such as a column or pilaster) shall be provided.
- K. **Lighting.** Outdoor light fixtures, including pole lights, wall-mounted lights and bollards shall be fully shielded and downward-facing in order to minimize glare and light trespass within and beyond the project site.
- L. **Vents and Exhaust.** All wall-mounted utility elements shall be located to ensure they are concealed from public view. All flashings, sheet metal vents, exhaust fans/ventilators, and meter boxes shall be painted to match the building wall material and/or color.
- M. **Rooftop Equipment.** Rooftop equipment that is not able to be concealed within the architecture of the building shall be screened from view behind a parapet wall or through the use of screens. Screens must have the same façade treatment as the structure.

**EXHIBIT B**

**Density Bonus Ordinance Update**

(Follows this page)

## Section 9103.15 – Density Bonuses for Affordable and Senior

### Housing Subsections:

9103.15.010 Purpose and Applicability  
9103.15.020 Density Bonus  
9103.15.030 Incentives and Concessions  
9103.15.040 Findings  
9103.15.050 Application Requirements  
9103.15.060 Location and Type of  
Designated Uses

### 9103.15.010 Purpose and Applicability

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

### 9103.15.020 Density Bonus

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

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

- At least 5% of the for-sale or rental housing units are restricted to very low-income residents.
- At least 10% of the for-sale or rental housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale development are restricted to moderate income residents.
- At least 33% of the housing units in a proposed condominium project (from an apartment conversion) are restricted to low or moderate income residents, or at least 15% of the housing units are restricted to lower income residents.

- 100% of the housing units (other than manager's units) are restricted to very low, lower and moderate-income residents (with a maximum of 20% moderate).
- At least 10% of the housing units are for transitional foster youth, disabled veterans or homeless persons, with rents restricted at the very low-income level.
- At least 20% of the housing units are for low-income students in housing dedicated for full-time students at accredited colleges. "Low-income students" is defined in Government Code Section 65915(o)(3).
- The project donates at least one acre of land to the city or county for very low-income units, and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing.
- The project is a senior citizen housing development of at least 35 units (no affordable units required).
- The project is a mobile home park age-restricted to senior citizens (no affordable units required).

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

#### 9103.050.030 Incentives and Concessions

- A. Determination of Density Bonus.** The amount of a density bonus and the extent of other incentives allowed for a proposed housing development shall be determined by the Council in compliance with Government Code Section 65915. ~~An additional density bonus incentive shall be granted if an applicant proposes to construct a housing development that conforms with Government Code Section 65915(b)(1) and that includes a child care facility located on the premises of, as part of, or adjacent to the project.~~ If a density bonus and/or other incentives cannot be accommodated on a site due to strict compliance with the provisions of this Development Code, the Council may modify or waive other development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.
- B. Calculating Density Bonus.** The calculation of a density bonus in compliance with this subsection that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purposes of calculating a bonus, the residential units do not have to be based upon individual subdivision maps or lots. **A minimum density bonus of 20% and up to 80% above the maximum density will be calculated as follows:**

<u>Affordable Unit Percentage</u>	<u>Very Low Income Density Bonus</u>	<u>Low Income Density Bonus</u>	<u>Moderate Income Density Bonus</u>	<u>Land Donation Density Bonus</u>	<u>Senior Housing*</u>	<u>Foster Youth/ Disabled Veterans/ Homeless</u>	<u>College Students</u>
5%	20%	-	-	-	20%	-	-

6%	22.5%	-	-	-	20%	-	-
7%	25%	-	-	-	20%	-	-
8%	27.5%	-	-	-	20%	-	-
9%	30%	-	-	-	20%	-	-
10%	32.5%	20%	5%	15 %	20%	20%	-
11%	35%	21.5%	6%	16 %	20%	20%	-
12%	38.75 %	23%	7%	17 %	20%	20%	-
13%	42.5%	24.5%	8%	18 %	20%	20%	-
14%	46.25 %	26%	9%	19 %	20%	20%	-
15%	50%	27.5%	10%	20 %	20%	20%	-
16%	50%	29%	11%	21 %	20%	20%	-
17%	50%	30.5%	12%	22 %	20%	20%	-
18%	50%	32%	13%	23 %	20%	20%	-
19%	50%	33.5%	14%	24 %	20%	20%	-
20%	50%	35%	15%	25 %	20%	20%	35%
21%	50%	38.75%	16%	26 %	20%	20%	35%
22%	50%	42.5%	17%	27 %	20%	20%	35%
23%	50%	46.25%	18%	28 %	20%	20%	35%
24%	50%	50%	19%	29 %	20%	20%	35%
25%	50%	50%	20%	30 %	20%	20%	35%
26%	50%	50%	21%	31 %	20%	20%	35%
27%	50%	50%	22%	32 %	20%	20%	35%
28%	50%	50%	23%	33 %	20%	20%	35%
29%	50%	50%	24%	34 %	20%	20%	35%
30%	50%	50%	25%	35 %	20%	20%	35%
31%	50%	50%	26%	35 %	20%	20%	35%
32%	50%	50%	27%	35 %	20%	20%	35%
33%	50%	50%	28%	35 %	20%	20%	35%
34%	50%	50%	29%	35 %	20%	20%	35%
35%	50%	50%	30%	35 %	20%	20%	35%
36%	50%	50%	31%	35	20%	20%	35%

				%			
37%	50%	50%	32%	35%	20%	20%	35%
38%	50%	50%	33%	35%	20%	20%	35%
39%	50%	50%	34%	35%	20%	20%	35%
40%	50%	50%	35%	35%	20%	20%	35%
41%	50%	50%	38.75%	35%	20%	20%	35%
42%	50%	50%	42.5%	35%	20%	20%	35%
43%	50%	50%	46.25%	35%	20%	20%	35%
44%	50%	50%	50%	35%	20%	20%	35%
100%**	80%	80%	80%	35%	20%	20%	35%

\* No affordable units are required for senior units.

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

### C. Density Bonus for Childcare

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

### D. Density for Condominium Conversion

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

### C. E. Other Incentives

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

allowed as follows:

Number of incentives or concessions	Very Low Income percentage	Low Income percentage	Moderate Income percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

**3. Types of Available Concessions or Incentives.** A qualifying project may request available incentives or concessions in addition to the density bonus from the following categories:

- a. A reduction in the site development standards of this Development Code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements); **or**
- ~~b. Approval of mixed-use zoning not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located; and/or~~
- b. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.

**3.4. Additional Concessions or Incentives.** The Council shall have the discretion to approve additional concessions or incentives to a qualifying project based on the superior merits of that particular project, as determined by the Council. **If a development standard would physically prevent the project from being constructed at the permitted density even with approved concessions and incentives, a developer may propose to have that standard waived or reduced. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled to per Section 2 above, unless the concession is to the development standards.**

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

- a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code



Section 65915(c); or

- b. The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, ~~or the physical environment~~, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

- c. The concession or incentive would be contrary to state or federal law.

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

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

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

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

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

Project Type	Parking Spaces Required
Rental/for sale projects with at least 11% very low income or 20% lower income units within ½ mile of an accessible major transit stop	0.5 spaces per unit
For sale projects with at least 40% moderate income units within ½ mile of an accessible major transit stop	0.5 spaces per bedroom
Rental projects 100% affordable to lower income within ½ mile of an accessible major transit stop	0 spaces per unit
Rental senior projects 100% affordable to lower income households, either with paratransit service or within ½ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit
Rental special needs projects 100% affordable to lower income households, either with paratransit service or within ½ mile of an accessible bus route (operating at least 8 times per day)	0 spaces per unit

Rental supportive housing developments100% affordable to lower income households	0 spaces per unit
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#### H. Housing Restrictions

1. **Rental Units** – Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for that unit. The income and rent restrictions must remain in place for a 55 year term for very low or lower income units.
2. **For Sale Units** – Affordable units for sale must be sold at an affordable housing cost to a person or family of very low, low or moderate income, as required, and is subject to an equity sharing agreement pursuant to Government Code Section 65915(c)(2).

#### 9103.15.0640 Findings

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

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

#### 9103.15.0450 Application Requirements

- A. **Site Plan and Design Review.** An application for Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review) of this Code shall be required for any density bonus request.
- B. **Continued Availability.** The application for the density bonus project shall include the procedures proposed by the developer to maintain the continued affordability of the designated lower-income units as follows. These provisions shall apply to both rental and for-sale ownership units.
  1. **Development Projects with Public Funding.** A project that receives a direct financial contribution or other financial incentives from a public source (including the City, the

Department of Housing and Urban Development, or State tax credit program), ~~or~~ **and** a density bonus ~~and at least one other concession or incentive~~ in compliance with this Section, shall maintain the availability of the designated lower-income units for a minimum of 55 years, as required by Government Code Sections 65915(c) ~~and 65916~~.

2. **Private Development Projects—Density Bonus Only.** Privately financed projects that receive a density bonus ~~as the only incentive~~ from the City shall maintain the availability of the designated lower-income ~~rental~~ units for a minimum of ~~30~~ 55 years. **Privately financed projects that receive a density bonus from the City and include for-sale units shall maintain the availability of any lower-income or moderate-income units for a minimum of 45 years.**

#### **9103.15.0560 Location and Type of Designated Uses**

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

**EXHIBIT C**

**Accessory Dwelling Unit Ordinance Minor Changes**

(Follows this page)

## **9102.01.080 Accessory Dwelling Units**

**Amended by Ord. No. 2347**

**Amended by Ord. 2369 & 2370**

**Amended by Ord. No. 2375**

Accessory dwelling units and junior accessory dwelling units, as defined in Division 9 (Definition) of this Development Code, are allowed in the R-0, R-1, and R-M, R-2, and R-3, CBD, MU, and DMU zones, developed with at least one dwelling. Accessory dwelling units are subject to all development standards for the underlying zoning of the property, as set forth in Table 2-2 (Development Standards for Single-Family Residential Zones) or in Table 2-6 (Development Standards for Multiple-Family Residential Zones) unless otherwise specified in **this Section** ~~Subsection 9102.01.080.B.~~

### **A. Development Standards**

1. **General.** Except as identified in this Subsection, accessory dwelling units shall comply with all the development standards (setbacks, lot coverage, height, etc.). All accessory dwelling units shall be clearly subordinate in location and size to the primary structure and consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles. Accessory dwelling units shall have a defined and independent exterior access. An accessory dwelling unit is allowed on a site only when a primary ~~residence~~ **dwelling** exists.
2. **Location:** An accessory dwelling unit is permitted on any residentially zoned property if a single-family dwelling **or multifamily dwelling** exists on the lot or will be constructed in conjunction with the accessory dwelling unit. An accessory dwelling unit may be either attached to the existing dwelling unit, or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. A junior accessory dwelling unit (JADU) may only be located within an existing or proposed single-family structure.

One of the following is allowed:

1. One Attached ADU (may not be allowed with detached ADU or JADU); or
  2. One Detached ADU or a JADU by itself; or
  3. One Detached ADU with one JADU
3. **Maximum Floor Area and Lot Coverage.** No accessory dwelling unit may cause the total Floor Area Ratio (FAR) of the lot to exceed 45%, ~~No accessory dwelling unit may~~ **or** cause the lot coverage of the lot to exceed 50%. **If either requirement would preclude development of an accessory dwelling unit up to 800 square feet in size, the requirement does not apply.**
  4. ~~**Minimum Open Space.** No ADU to this Section may cause the total percentage of open space of the lot to fall below 50 percent.~~

#### **5.4. Maximum Size**

- a. **Accessory Dwelling Unit.** The maximum size of **a** detached or attached accessory dwelling unit is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.

- b. **Junior Accessory Dwelling Unit.** The maximum size within an existing or proposed single-family dwelling is 500 square feet.
- c. An attached accessory dwelling unit that is created on a lot within an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, **unless this would restrict the maximum size of the accessory dwelling unit to be smaller than 800 square feet.**
- d. Application of other development standards, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but no application of FAR, lot coverage, or open space requirements may require the accessory dwelling unit to be less than 800 square feet.

## **6. 5. Maximum Height and Story**

- a. A single-story attached or detached accessory dwelling unit may not exceed 16 feet in height, measured to the top of the roof ridge.
- b. A second story or two-story attached accessory dwelling unit may not exceed the height of the primary ~~residence~~ **dwelling**.
- c. A detached accessory dwelling unit may not exceed one story.

- 7. 6. Required Setbacks.** A ~~D~~detached **and attached** accessory dwelling units shall meet the minimum side and rear yard setbacks of at least four (4) feet. An attached accessory dwelling unit shall meet the same **front** setback as required for the primary residence.

~~*Note: Per Government Code Section 65852.2 (a)(1)(d)(vii), the required side and rear yard setback for an attached ADU shall be 4 feet, and not the same setback as the primary house.*~~

- 8. 7. Required Parking.** An accessory dwelling unit shall be provided with a minimum of one on-site parking space (covered or uncovered). The uncovered parking space shall be located on a paved surface, and may be provided in the setback areas or as tandem parking. **For required parking space dimensions, please refer to Division 3.**

When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the required parking spaces shall be replaced as specified in Table 3-3. If code compliant replacement parking cannot be provided, the replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to, covered spaces, uncovered spaces, or tandem spaces or by the use of mechanical automobile parking lifts within an enclosed garage (~~Note: This section was previously in Division 3~~).

- ~~a. The property is an R-M zoned property, a hillside property, located within a designated fire zone, or a non-conforming lot, or if the Director determines that such parking arrangements are not feasible based upon specific safety conditions, or that such arrangements are not permitted anywhere in the City.~~

- 9.8. Fire Sprinklers.** An accessory dwelling unit is required to have sprinklers if the primary ~~residence~~ **dwelling** is also required to have fire sprinklers.

**B. Permit Procedures for Accessory Dwelling Units and Junior Accessory Dwelling Units.** If the accessory dwelling unit does qualify for a Building Permit Only, the procedures specified in Subsection 9102.01.080.B.2, shall be followed.

**1. Building Permit Only.** An accessory dwelling unit or junior accessory dwelling unit is only subject to a building permit when it is proposed on a residential or mixed use zone and meets one of the following scenarios:

**A. Converted Accessory Dwelling Unit in Single-Family Zones:** Only one accessory dwelling unit or junior accessory dwelling unit on a lot with a proposed or existing single family dwelling on it, where the accessory dwelling or junior accessory dwelling unit:

1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
2. Has exterior access that is independent of that for the single-family dwelling.
3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
4. The converted ADU shall not exceed 50% of the livable area of the primary residence. A converted JADU shall not exceed 50% of the livable area of the primary residence nor the maximum permitted size for a junior accessory dwelling unit.

**B. Detached Accessory Dwelling Unit:** One detached, new construction of an accessory dwelling unit on a lot with a proposed or existing single-family dwelling (in addition to any junior accessory dwelling unit that might otherwise be established on the lot under Subsection A), if the detached accessory dwelling unit satisfies the following limitations:

1. The side and rear yard setbacks are at least four (4) feet.
2. The total floor area is 800 square feet or less.
3. The structure does not exceed 16 feet in height and one-story.

**C. Converted Accessory Dwelling Unit in Multifamily Zones:** Portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, communal rooms, or garages, may be converted into an accessory dwelling unit if it complies with the state building standards for dwellings. **Up to 25 percent of the existing multifamily dwelling units on a lot may have a converted accessory dwelling unit, and at least one (1) converted accessory dwelling unit is allowed within an existing multifamily dwelling structure.** ~~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.~~

**D. Detached Accessory Dwelling Unit in Multifamily Zones:** No more than two detached accessory dwelling units may be located on a lot that has an existing multifamily dwelling. Each detached accessory dwelling unit must

satisfy the following requirements:

1. The side and rear yard setbacks are at least four (4) feet.
2. The total floor area is 800 square feet or less, and shall not be larger in size than any existing multifamily unit.

## **2. Accessory Dwelling Unit Permit**

Any construction that exceeds the requirements listed above listed in Subsection 1 above (Building Permits Only) shall require a Zoning Clearance for an Accessory Dwelling Unit pursuant to the provisions of Section 9107.27 (Zoning Clearance for Accessory Dwelling Units).

## **3. Process and Timing**

**A.** A Zoning Clearance for an Accessory Dwelling Unit **compliant with the standards of this Section** permit is considered and approved ministerially, without discretionary review or a hearing, unless the unit exceeds the code requirements (e.g. FAR) and is subject to an Administrative Modification.

**B.** The City must act on an application within 60 days from the date the City receives a completed application, unless either:

1. The Applicant requests for a delay, in which case the 60 day time period is tolled for the period of the requested delay, or
2. A junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application until the City acts on the application for the new single-family dwelling, but the application to create the junior accessory dwelling unit is still considered ministerially without discretionary review or a hearing.

**4. ~~Covenant Required.~~** ~~An accessory dwelling unit is not intended for sale separate from the main dwelling unit and lot or to be used as a short term rental (terms less than 28-30 days). A covenant in a form approved by the City Attorney shall be recorded for each accessory dwelling unit specifying its size, location, and attributes, and requiring that the accessory dwelling unit shall not be sold independently of the main dwelling unit and lot and that no more than one lease agreement for terms of no less than 28-30 days may be entered into at any time.~~

*~~Note: Per Government Code Section 65852.2 (e)(4), the minimum rental lease term for an ADU shall be longer than 30 days, not the 28 days.~~*

## **C. Impact Fees.**

1. Impact Fees. No impact fee is required for an accessory dwelling unit that is less than ~~800~~ **750** square feet in size, **except for school district impact fees, which may be required for accessory dwelling units greater than 500 square feet.**



2. Any impact fee that is required for an accessory dwelling unit that is ~~800~~ 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling, **or the average square footage of the multifamily dwelling units within a multifamily dwelling structure** (e.g. the floor area of the primary dwelling, divided by the floor area of the accessory dwelling unit, times the typical fee amount charged for a new dwelling). Impact fees ~~does~~ not include any connection fee or capacity charge for water or sewer service.

#### **D. Utility Fees.**

1. Converted accessory dwelling units and junior accessory dwelling units on a single-family lot that were approved by a building permit only are not required to have a new or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility, ~~Nor~~ **nor** is a construction fee or capacity charge required unless the accessory dwelling unit is constructed with a new single-family home. All accessory dwelling units ~~and junior accessory dwelling units~~, **except as noted above**, require a new, separate utility connection directly between the accessory dwelling unit ~~or junior accessory dwelling unit~~ and the utility. **The Director or designee and the Building Official has the discretion to not require a separate connection for certain utilities depending on the circumstances.**

The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the accessory dwelling unit or junior accessory dwelling unit, based on either the floor area or the number of drainage-fixtures (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

#### **E. Owner Occupancy.**

- a. All accessory dwelling units that were created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the accessory dwelling unit was created.
- b. An accessory dwelling unit that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
- c. All accessory dwelling units that are created on or after January 1, 2025, are subject to an owner-occupancy requirement. A person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
- d. All junior accessory dwelling units are subject to an owner-occupancy requirement. A person with legal or equitable title to the property must reside on the property, in either the primary dwelling or junior accessory dwelling unit, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

#### **F. Nonconforming Accessory Dwelling Units and Discretionary Approval**

Any proposed accessory dwelling unit or junior accessory dwelling unit that does not conform to the objective design standards and/or exceeds the maximum size of 800 square feet for an accessory dwelling unit on a lot that already exceeds the maximum floor area, may be considered by the City with an Administrative Modification process in Section 9107.05.

## **G. Objective Design Standards for Accessory Dwelling Units**

### **Architectural**

- ~~1. The materials and colors of the exterior walls, roof, eaves, and windows and doors must match the appearance and architectural design of those of the primary dwelling.~~  
The ADU must match the architectural style of the primary dwelling and provide matching architectural elements, such as: exterior colors, materials, surface treatments, windows, trims, and exterior doors.
2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.
5. For new detached ADUs, there must be indentations and/or projections provided that are at least 8-inches in depth on at least two of the exterior walls to break-up flat wall planes. The interior wall height shall be at least seven feet tall.
6. All windows that are located 9-feet in height above the finished floor must be clerestory windows (no dormers), and must be frosted or obscure glass.
7. A new detached ADU may not be located closer to the front property line than the primary residence dwelling.
- ~~8. On a new detached ADU, exposed gutters and downspouts are not allowed.~~
- ~~9-8.~~ The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of the Interior.

### **Landscape**

- 10 ~~9.~~ Landscaping around a detached ADU must be drought-tolerant or low water-using plants that utilize a variety of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living, continuous planting area, and provide screening between the ADU and adjacent parcels. Desert landscape or rock garden designs are not allowed.

- 11 **10.** All landscaping utilized must be taken from the city's approved planting materials listed in the City's Single-Family Design Guidelines.

**Other**

12. **11.** The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the Fire Department.
- 13 ~~Each parking space shall be at least 10 feet in width and 20 feet in length. When a parking space is adjacent to a solid wall or structure, the parking space shall be 11'-6" in width and 20 feet in length.~~
- 14 ~~Each parking space that is provided in an enclosed garage in a single-family zoned property shall be at least ten feet wide and twenty feet long and have at least seven and a half feet vertical clearance. On multifamily and mixed-use zoned properties, the parking space shall be 9 feet in width and 19 feet in length.~~
- 15 **12.** On corner lots, a separate walkway from the primary residence may be allowed to the detached ADU entrance and it must connect to the nearest public sidewalk or right-of-way.
- 16 **13.** ADUs must have clear addressing visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.