

ORDINANCE NO. 2397

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, RELATED TO TEXT AMENDMENT NO. 23-01 AMENDING DIVISION 2 OF ARTICLE IX, CHAPTER 1 (DEVELOPMENT CODE) OF THE ARCADIA MUNICIPAL CODE TO ALLOW TUTORING AND EDUCATIONAL CENTERS IN PLACES OF RELIGIOUS ASSEMBLY THROUGH A CONDITIONAL USE PERMIT

WHEREAS, the Development Services Department initiated a text amendment to amend and update various sections of the City's Development Code under Text Amendment No. 23-01 (referred to as "Text Amendment"); and

WHEREAS, the Text Amendment proposed changes to Article IX, Chapter 1, of the Municipal Code pertaining to: (i) allowing tutoring and educational centers in places of religious assembly through a Conditional Use Permit as shown under Exhibit "A" of this Ordinance; and (ii) allowing more artificial turf in the front and street side yards on residentially zoned properties; and

WHEREAS, on June 5, 2023, Planning Services completed an environmental review of the proposed Text Amendment and determined that it is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061 (b)(3) of the CEQA Guidelines, where it can be seen with certainty that the Text Amendment would not have a significant effect on the environment and, thus, the proposed Text Amendment is not subject to CEQA review; and

WHEREAS, on July 25, 2023, the Planning Commission held a duly-noticed public hearing and considered the Text Amendment; there was one public comment in favor of the proposed changes from one of the affected property owners with non-permitted artificial turf; and

WHEREAS, after the public hearing, the Planning Commission adopted Resolution No. 2129 with a 4-0 vote, recommending that the City Council approve the Text Amendment; and

WHEREAS, on September 14, 2023, the City published notice of the City Council public hearing concerning the Text Amendment in a newspaper of general circulation (Arcadia Weekly); and

WHEREAS, on October 3, 2023, the City Council held a duly noticed public hearing on the Text Amendment, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, after the public hearing, the City Council took two separate actions on the Text Amendment. The first motion was a 4-0 vote (with Councilmember Wang recused) to approve the text amendment and introduce Ordinance No. 2397 to allow tutoring and educational centers in places of religious assembly through a Conditional Use Permit. The second motion was a 5-0 vote to approve the second text amendment and introduce Ordinance No. 2397 to allow more artificial turf in the front and street side yards on residentially zoned properties; and

WHEREAS, on October 17, 2023, the City Council voted 4-0 (with Councilmember Wang recused) to approve the text amendment and re-introduce Ordinance No. 2397 to allow tutoring and education centers in places of religious assembly through a Conditional Use Permit without substantive modification but severed from the proposed text amendments to regulations on artificial turf, which the City Council voted unanimously to table for further discussion.

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

SECTION 1. The factual data submitted by the Development Services Department in the October 3, 2023, staff report is true and correct.

SECTION 2. This City Council finds, based upon the entire record, including without limitation to the staff report and related documents presented before the City Council:

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

FACTS: The proposed amendments are consistent with the policies of the General Plan, which serves as a guide to address the long-term physical development and growth of the City.

The proposed amendment to allow tutoring and educational centers to serve as accessory uses at places of religious assembly through a Conditional Use Permit process is consistent with the General Plan because it encourages the City to tailor its regulations to respond to the market as it changes, maximize revenue, and maintain appropriate business mix and to provide economic opportunities for the various uses in the City. Allowing tutoring and educational centers would be an appropriate mix of uses within a place of religious assembly since many of these religious facilities already offer this type of service or programs through their ministry and have the facility to accommodate such use. This proposed amendment is consistent with the following General Plan goal and policies:

Economic Development Element

- Policy ED-1.9: Tailor regulations to respond to market changes, maximize revenue, and maintain the appropriate business mix.

Land Use Element

- Goal LU-1: A balance of land uses that preserves Arcadia's status as a Community of Homes and a community of opportunity.
- Policy LU-1.2: Promote new uses of land that provide diverse economic, social, and cultural opportunities, and that reinforce the characteristics that make Arcadia a desirable place to live.

The proposed amendment to allow tutoring and educational centers in places of religious assembly will help the existing religious organizations provide other opportunities that are currently compatible with their existing operation. Therefore, the proposed Text Amendment and ordinance are consistent with the City's adopted General Plan and any applicable specific plan(s).

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

FACTS: The proposed amendment is internally consistent with other applicable provisions of this Development Code in that tutoring and educational centers within places of religious assembly would be subject to a discretionary review through a Conditional Use Permit to ensure that all potential impacts will be addressed and that the proposed use would be compatible with the existing use on-site and with the surrounding business and/or community. Therefore, the Text Amendment is internally consistent with other applicable provisions of this Development Code.

SECTION 3. The City Council hereby determines that the Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) which exempts from review where it can be seen with certainty that there is no possibility that the Text Amendment may have a significant effect on the environment and thus, is not subject to CEQA review.

SECTION 4. The City Council hereby adopts Ordinance No. 2397 to allow tutoring and educational centers in places of religious assembly through a Conditional Use Permit.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be posted per Resolution No. 7483. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

Passed, and adopted this 7th day of November, 2023.

/s/ April A. Verlato
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/s/ Michael J. Mauer
Michael J. Mauer
City Attorney

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

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2397 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 7th day of November, 2023 and that said Ordinance was adopted by the following vote, to wit:

AYES: Cheng, Kwan, Cao, and Verlato

NOES: None

ABSENT: None

ABSTAIN: Wang

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

EXHIBIT “A”

Development Code, Division 2 – Land Use Regulations and Allowable Uses

Development Code - Division 2 – Land Use Regulations and Allowable Uses

The new language is shown in “red.” ~~Strikethrough~~ for any language to deleted

9102.01.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2348

Amended by Ord. No. 2363

Amended by Ord. No. 2369 & 2370

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

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

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

“--” designates uses that are not permitted.

- B. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.
- C. Specific Use Regulations.** Where the last column in Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

Table 2-1 Allowed Uses and Permit	P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed						
	Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R
	Specific Use Regulations						
	Other Uses						

Antennas and Wireless Communication Facilities - Co-location or Panel	--	--	--	--	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	--	--	--	
Places of Religious Assembly	--	C	C	C	C	--	Tutoring and Educational Centers may be permitted as an Accessory Use
Sports Courts (Private)	P	P	P	P	P	P	Must comply with Subsection 9104.02.330 (Sports Courts in
Sports Courts (Private) with	M	M	M	M	M	M	
Recharging Stations	A	A	A	A	A	A	
Utility Structures and Service	C	C	C	C	C	C	

9102.03.020 Land Use Regulations and Allowable Uses Amended by Ord. No. 2375

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

“P” represents permitted

(allowed) uses. “A” represents

accessory uses.

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

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

“--” designates uses that are not permitted.

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

substantially similar to the land uses below are prohibited.

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

Table 2-8 Allowed Uses and Permit	Permitted by Right ⁽¹⁾					Specific Use Regulations
	P A M C --	Permitted as an Accessory Use Minor Use Permit Conditional Use Permit Not Allowed				
Land Use	C-O	C-G	C-R	M-1		
Other Uses						
Assembly/Meeting Facilities, Public or Private	M	M	--	M		
Donation Box – Outdoor	M	M	--	M	See Subsection 9104.02.120 (Donation Box)	
Drive-Through or Drive-Up Facilities	--	C	--	C	See Subsection 9104.02.130 (Drive-through and Drive-up)	
Extended Hours Uses	C	C	M	C	See Subsection 9104.02.150 (Extended Hours Uses)	
Places of Religious Assembly	M	M	--	M	Tutoring and Educational Centers may be permitted as an Accessory Use under a	
Stable, Public and Private	--	--	--	C		
Reverse Vending Machines – Consumer	P	P	P	P	Allowed indoors only	
Vending Machines	P	P	P	P	Allowed indoors only	

9102.05.020 Land Use Regulations and Allowable Uses in Downtown Zones

Amended by Ord. No. 2348 & 2356

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2375

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

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

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

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

"C" designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 09 (Conditional Use Permits and Minor Use Permits) of this Development Code.

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

"--" designates uses that are not permitted.

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

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

Table 2-10 Allowed Uses and Permit Land Use	P A C M -- (UF)	Permitted by Right Permitted as an Accessory Use Conditional Use Permit Minor Use Permit Not Allowed Upper Floor Permitted, Not Allowed on Ground Floor			
	CBD	MU	DMU	CM	Specific Use Regulations
Utility Structures and Service Facilities	P	P	P	P	Subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan
Other Uses					
Assembly/Meeting Facilities, Public or	--	--	--	M	
Donation Box – Outdoor	--	--	--	M	
Extended Hours Use	M	C	M	C	See Subsection 9104.02.150 (Extended
Places of Religious Assembly	--	--	--	M	Tutoring and Educational Centers may be permitted as an Accessory Use under a
Drive-Through or Drive-Up Facilities	--	--	--	C	See Subsection 9104.02.130 (Drive- through and Drive-up
Reverse Vending Machines – Consumer Goods	P	P	P	P	Allowed indoors only
Vending Machines	P	P	P	P	Allowed indoors only
Urban Agriculture	A	A	A	A	

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

