

ORDINANCE NO. 2317

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA AMENDING VARIOUS SECTIONS OF ARTICLE IX OF THE ARCADIA MUNICIPAL CODE WITH AN ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE 2010 GENERAL PLAN UPDATE TO ADD A RESIDENTIAL-FLEX (R-F) OVERLAY ZONE AND TO ADD THE R-F OVERLAY ZONING TO THE 8.85-ACRE PROJECT AREA AT 30-188 LAS TUNAS DRIVE AND 119-123 W. LIVE OAK AVENUE

WHEREAS, the existing land uses of the 8.85-acre area between Las Tunas Drive and W. Live Oak Avenue, from Santa Anita Avenue to El Monte Avenue (the "Project Area") have not changed for many years, and there appears to be little potential for changes/improvements in the land uses of the Las Tunas Drive/W. Live Oak Avenue area under the current commercial zoning of the area; and

WHEREAS, following the recession, it is unlikely that retail will return to commercial corridors like this as it was in the past; and

WHEREAS, the City Council agreed that allowing residential developments on the 8.85-acre Project Area could provide a catalyst for revitalization of the area; and

WHEREAS, the City Council directed staff to work on a proposed establishment of a Residential-Flex (R-F) Overlay Zone to be applied to the 12 properties that comprise the Project Area; and

WHEREAS, the characteristics and primary benefits of the establishment of the R-F Overlay Zone on the Project Area (the "Project") are as follows:

- To the east of the Project Area along Live Oak Avenue is an area of the City that is designated and zoned for Mixed Use development that would allow standalone commercial, or ground floor commercial with multiple-family residential on second and third floors. The proposed Residential-Flex Overlay will permit a mixture of commercial

and residential uses within the 8.85-acre project location that will be a compatible continuation of this Mixed-Use area to the east.

- The Project Area is surrounded on all sides by public streets. Because no privately-owned properties abut the Project Area, any potential impacts to surrounding properties as a result of the Residential-Flex Overlay would be negligible.

- The Residential-Flex Overlay will foster new development to act as a catalyst for the redevelopment and revitalization of adjacent commercial uses. This will be of positive benefit to the surrounding properties and the City at large.

- The Residential-Flex Overlay will preserve the land use rights of the underlying commercial zoning and land use designations.

- Existing infrastructure, utilities, and public services are capable of accommodating any new growth resulting from the Residential-Flex Overlay. This is detailed in the Addendum to the EIR and Initial Environmental Study for this project.

- The development standards for a Residential-Flex Overlay will require a Conditional Use Permit for all new residential developments within the overlay area. This will ensure that new residential developments are appropriately designed based on the specifics of the site.

- Any future use of the Residential-Flex Overlay for other areas of the City besides the Project Area will be subject to a new General Plan Amendment and Zone Change that would be subject to consideration by the Planning Commission and City Council for its appropriateness at the given location; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), an Initial Environmental Study was conducted for the Project, and it was

found that there will be no new significant impacts, that there will not be any substantial increase in the severity of any previously-identified adverse environmental impacts, that no new mitigation measures are required, and that none of the conditions listed in Section 15162 of the CEQA Guidelines is applicable; therefore, pursuant to the provisions of CEQA, an Addendum to the previously Certified Environmental Impact Report (EIR) for the 2010 General Plan Update (SCH# 2009081034) (the “Addendum”) was prepared for the Project; and

WHEREAS, on March 25, 2014, a duly noticed public hearing was held before the Planning Commission on the Project and the Addendum, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, after the public hearing, the Planning Commission adopted Resolution No. 1904 by a 5-0 vote to recommend approval of the Project and Addendum to the City Council; and

WHEREAS, on May 6, 2014, a duly noticed public hearing was held before the City Council on the Project and the Addendum, 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, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The factual data submitted by the Development Services Department in the associated staff report are true and correct.

SECTION 2. Section 9231.13 of Chapter 2, Part 3, Division 1, of Article IX of the Arcadia Municipal Code is amended to read as follows:

“9231.13. R-F. RESIDENTIAL-FLEX OVERLAY ZONE.”

SECTION 3. Article IX, Chapter 2, Part 7 of the Arcadia Municipal Code is hereby amended by adding a new Division 10 to read as follows:

“DIVISION 10

R-F RESIDENTIAL-FLEX OVERLAY ZONE

9280. PURPOSE. The Residential-Flex Overlay Zone is intended to provide for greater flexibility in land use planning and to maximize the housing types and styles at a more affordable price range than is possible under the strict application of other sections of this Division. This Overlay Zone provides the option of building a residential project in an underlying commercial zone. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; and a residential project may serve as a catalyst for other types of development in the surrounding area. The Residential-Flex Overlay Zone is intended to maintain compatibility between residential and non-residential uses on adjacent lots through development standards and design guidelines. The standards in this section are applicable to standalone residential projects only; all other projects are subject to the requirements of the underlying zoning designation.

9280.1. RESIDENTIAL DENSITY.

Maximum density: 30 dwelling units per acre of lot area (one dwelling unit per 1,450 square feet).

Minimum density: 20 dwelling units per acre of lot area (one dwelling unit per 2,200 square feet).

9280.2. BUILDING HEIGHT.

No building hereafter erected, constructed or established shall exceed forty (40) feet in height, but not including roof-mounted equipment and accessory structural items as provided for in this Division.

9280.3. ROOF-MOUNTED EQUIPMENT AND ACCESSORY STRUCTURAL ITEMS.

Towers, chimneys, mechanical equipment and other roof-top structures shall not exceed a height of ten (10) feet above the roof of any building. Appurtenances not incorporated as architectural features shall be adequately screened. No roof-mounted equipment, vents, ducts, or dish antennas shall be visible from ground level from any adjacent parcel, or any City owned public right-of-way. This shall be accomplished by locating the equipment or appurtenance back from the edge of the roof, an architecturally-integrated parapet, or screening that is architecturally integrated with the main structure.

9280.4. BUILDING SETBACKS.

A. Street Side Setbacks. There shall be a front and street side yard setback of not less than ten (10) feet which may be used for landscaping, pedestrian circulation, entry court, etc.

B. Side Yard Setbacks. Interior side yard setbacks shall have a minimum depth of ten (10) feet. Exception: When adjacent to a commercially- or industrially-zoned property, a single-story garage or carport with no habitable or conditioned space, whether it be a separate structure, or attached to the residential structure, may have a

zero interior side yard setback, provided that the design complies with all applicable Building and Fire Codes.

C. Rear Yard Setbacks. There shall be a rear yard of a minimum depth of ten (10) feet. Exception: When adjacent to a commercially- or industrially-zoned property, a single-story garage or carport with no habitable or conditioned space, whether it be a separate structure, or attached to the residential structure, may have a zero rear yard setback, provided that the design complies with all applicable Building and Fire Codes.

D. Greater setbacks than those specified above may be required through the Design Review and Conditional Use Permit process, depending on particular site conditions.

9280.5. PRIVATE OPEN SPACE.

A. A minimum of 50 square feet of private open space shall be provided for each unit. Open space can be in the form of private balconies, courtyards, patios, rooftop gardens or terraces.

B. Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.

9280.6. PARKING REQUIREMENTS.

A. Two (2) parking spaces shall be provided per unit.

B. Guest parking shall be provided at the rate of one (1) parking space for every two (2) dwelling units. Where the calculation results in a number other than a whole number, the requirement shall be rounded to the next higher whole number.

C. Parking space dimensions shall be a clear nine (9) feet wide by eighteen (18) feet deep.

9280.7. LANDSCAPING.

All areas of the subject site not devoted to driveways or walkways shall be properly landscaped and maintained. Specific landscaping plans shall be reviewed through the Design Review process.

9280.8. PROJECTIONS.

The following regulations shall apply to projections:

A. Cornices, eaves, belt courses, sills and buttresses or other architectural features may extend or project into the required distance between buildings on the same lot, and into a required front, rear or side yard, provided that such projection shall not exceed a maximum of twenty-four inches (24").

B. No fire escapes or open stairways shall project into any required front, rear or side yard.

C. Balconies may extend or project into a required front, rear or side yard, provided that such projection shall not exceed a maximum of sixty inches (60") nor shall such projection be closer than sixty inches (60") from any property line.

D. Trellis structures, patio covers or awnings not exceeding eight feet (8') in height may extend or project into a required rear or side yard provided that such projection shall comply with the provisions of the Building Code.

9280.9. DRIVEWAY REQUIREMENTS.

The following shall apply to driveways:

A. Any driveway to a parking space shall be at least nine feet (9') wide and shall provide the minimum vertical and horizontal clearances as required by the Building Official and/or the Fire Marshal.

B. Every driveway serving as access to more than twelve (12) required parking spaces, or which is more than one hundred twenty-five feet (125') long, shall be not less than eighteen feet (18') wide with the minimum vertical and horizontal clearances as required by the Building Official and/or Fire Marshal.

EXCEPTION: Two (2) nine-foot (9') wide driveways may be provided in lieu of one (1) eighteen-foot (18') wide driveway; provided that one (1) driveway is specified for ingress only and the other driveway is specified for egress only.

C. All driveway ramps shall comply with the standards on file with the Development Services Department.

D. Each driveway adjacent to the rear of a parking space shall have a width that provides the required safe ingress and egress with the minimum vertical and horizontal clearances as required by the Building Official and/or Fire Marshal.

E. Every driveway shall be entirely paved.

F. Community driveways shall be permitted provided the owners of the lots show proof of a recorded easement or other legal instruments authorizing the use of such shared driveway arrangements and provided that a Covenant in recordable form approved by the City Attorney, is by its terms to be for the benefit of, enforceable by, and to be released only by the City, and is executed by all the owners of all property affected thereby. The Covenant shall state that such community driveway shall be usable by the tenants and owners of the properties proposed to be served by the community driveway. Recordation of this instrument shall be completed prior to the issuance of a Building Permit.

G. Eaves, no portion of which is less than thirteen feet (13') above the pavement, may overhang any driveway a distance of not more than three feet (3').

H. Utility pole cross-arms and utility service wires may be located not less than thirteen feet (13') in height above the paved surface of any driveway.

9280.10. SWIMMING POOLS AND SPAS.

The minimum distance between swimming pools or spas and the first floor access openings shall be as follows:

A. When the diagonal dimension of a swimming pool or spa is less than nine (9) feet, said minimum distance shall be five (5) feet.

B. When the diagonal dimension of a swimming pool or spa is nine (9) feet or greater, said minimum distance shall be fifteen (15) feet.

All pools, spas, and similar water features of eighteen (18) inches or more in depth shall be enclosed by a structure and/or fence, as required by the City's Building and Safety Codes.

9280.11. DISTANCE BETWEEN BUILDINGS.

Buildings on the same lot shall have a minimum separation of six feet (6').

9280.12. LAUNDRY ROOM.

If a laundry area is not provided in every unit, a common laundry area shall be provided with a minimum of one (1) washer and one (1) dryer for each ten (10) units and shall be centrally located to the units to be served.

9280.13. TRASH AND RECYCLABLES.

Each project shall be provided with trash and recyclables collection and loading area(s). Said area(s) shall be completely screened from view by a covered enclosure of

which three (3) sides shall consist of six-foot (6') high, fully grouted, decorative masonry walls, and fully enclosed with solid metal gates painted a color that is compatible with the enclosure walls. The interior dimensions of the enclosure(s) shall provide for convenient access to the trash/recyclables containers. The interior of the enclosure(s) shall be equipped with minimum three (3) inch thick bumpers to prevent the containers from damaging the enclosure.

Trash and recyclables areas shall have full roofs to reduce storm water pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible with the site's architecture, and adequate height clearance shall be provided to enable ready access to any storage containers. Trash and recyclables areas shall not be in any required front or street side setback areas and not less than ten (10) feet from an interior side or rear property line.

If a project contains ten (10) dwelling units or more, at least two (2) trash enclosures shall be provided, the location of which shall be subject to the review and approval of the Development Services Director or designee.

9280.14. MECHANICAL EQUIPMENT.

Mechanical and plumbing equipment, including, but not limited to, ventilation fans, heating, cooling and air conditioning equipment, water heaters, spa and pool equipment and any other similar equipment, shall not exceed the height limit prescribed in this Chapter and shall be screened from the street or placed on the roof below the ridge line out of view from the street(s). Said equipment shall not be located within any required front or street side yard setback, and shall not be set back less than five (5) feet from an interior side and/or rear property line.

9280.15. BACKFLOW PREVENTION DEVICES.

Backflow prevention devices, if located within a front yard or a side yard on the street side of a corner lot, shall be screened as follows:

A. On backflow devices with piping sizes of three (3) inches or larger, screening is required by either a decorative masonry wall or planter box, as per the current standards on file in the Development Services Department.

B. Backflow devices with piping sizes of two and one-half (2 ½) inches and smaller must be screened by either planting or a decorative masonry wall, as per the current standards on file in the Development Services Department.

C. The required screening material shall be architecturally compatible with the on-site development, and subject to the review and approval of the Development Services Director or designee.

9280.16. UTILITIES.

All utilities on the site for direct service to the area thereon shall be installed underground except as otherwise approved by the Council by precise plan of design. The owner or developer is responsible for complying with the requirements of this Section and shall make the necessary arrangements as required by the serving utilities for the installation of such facilities. For the purpose of this Section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes, meters and meter cabinets, and concealed ducts in an underground system may be terminated above ground, but shall not be located in any required front or street side yard setback.

9280.17. EXTERIOR LIGHTING.

Exterior lighting shall be hooded and arranged to reflect away from adjoining properties and streets. Lights on freestanding poles or standards shall not exceed a height of fifteen (15) feet. Exterior light fixtures may be mounted on any exterior wall or structure at a maximum of fifteen feet (15') above the adjacent finished grade level.

Exception: A light fixture adjacent to an upper story balcony, deck, or exterior door(s) may be mounted on the wall at a maximum height of eight feet (8') above the finished floor level.

9280.18. FENCES, WALLS AND GATES. FRONT YARD AND STREET SIDE YARD.

All fences, walls or gates, including height, design, and location within the front yard setback area shall be subject to Architectural Design Review.

For purposes of this Section, the front yard area shall be defined as the area extending across the full width of the lot between the front lot line and required front yard setback.

A decorative fence shall mean aesthetically significant in design and construction with a non-detracting color, and a compatible finish that is consistent with the main structure(s) and adjacent properties. A decorative column is a vertical supporting member with an aesthetically significant textured surface, including, but not limited to, stucco, split face, solid masonry, or masonry veneer. A cap is a horizontal surface atop a column.

Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing are not permitted. Temporary construction fencing that are of chain link or wire type may be permitted within the front and street-side setback areas.

9280.19. FENCES AND WALLS. INTERIOR SIDE AND REAR YARD AREAS.

Fences and walls located within the required side and rear yard areas are permitted up to six (6) feet in height.

EXCEPTION: When located adjacent to commercially- or industrially-zoned property, the fence or wall may be a maximum of eight (8) feet in height.

Measurement of a Fence or Wall Height. The fence or wall height shall be measured from the lowest adjacent grade at the base to the uppermost part of the fence or wall. No spears (i.e. apache, aristocrat with crushed spears, or any spear like features) shall be permitted on a fence, wall, or gate.

Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing are not permitted.

9280.20. VEHICULAR VISIBILITY STANDARDS FOR DRIVEWAYS AND INTERSECTIONS.

No buildings, structures, fences, walls, gates, hedge shrubbery, landscape architectural features, or dense landscaping exceeding three (3) feet in height shall be located within the driveway visibility area per the standards on file with the Development Services Department.

On corner lots located at the intersection of two or more streets, alleys, or common driveways no buildings, structures, fences, walls, gates, hedge shrubbery, landscape architectural features or dense landscaping shall exceed three (3) feet in

height within twenty-five (25) feet of an intersection of a vehicular an adjacent street intersection.

9280.21. DESIGN REVIEW CRITERIA.

In conducting a review of projects subject to the requirements of this Chapter, the reviewing body may utilize design guidelines/criteria that have been adopted by the City in order to provide guidance to project proponents on how to best achieve the City's expectations for quality development; implementation of the applicable General Plan goals and policies; and maintenance of the public health, safety, general welfare and property throughout the underlying zone. Any applicable design guidelines/criteria shall be available for review at the Planning Division at City Hall.

9280.22. DEVELOPMENT APPROVAL.

Prior to commencing any residential project within the Residential-Flex Overlay Zone, all building and site plans shall be subject to design review by the Development Services Department, as well as review by the Building Services. Through a Conditional Use Permit process, the Development Services Department will review project design and seek to ensure compatibility of the project with the scale and quality of development within the underlying zone and surrounding area. The Development Services Department will make recommendations regarding project design and compatibility to the Planning Commission, for consideration in connection with the Planning Commission's decision on the final design review and/or conditional use permit. The Planning Commission's decision is subject to appeal to the City Council within five (5) business days from the date of such decision. The City Council's decision shall be final.”

SECTION 4. The City Council approves Zone Change No. ZC 14-02 to add the Residential-Flex (R-F) Overlay Zoning to the properties between Las Tunas Drive and W. Live Oak Avenue, from Santa Anita Avenue to El Monte Avenue.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published in the official newspaper of said City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

Passed, approved and adopted this 21st day of May, 2014.

/S/ John Wuo
Mayor of the City of Arcadia

ATTEST:

/S/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/S/ Stephen P. Deitsch
City Attorney