

RESOLUTION NO. 5288

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DETERMINING AND AMENDING REGULATIONS APPLICABLE TO REAL PROPERTY IN THE AREA WEST OF BALDWIN AVENUE AND NORTH OF FOOTHILL BOULEVARD "D" ARCHITECTURAL DESIGN ZONE AREA.

THE CITY COUNCIL OF THE CITY OF ARCADIA DOES DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. That the City Council hereby repeals Resolution No. 4219, and adopts the following Resolution pursuant to Ordinance No. 1439, for the property described in Exhibit "A", attached hereto.

To implement the regulations applicable to the real property within the Rancho Santa Anita Property Owners Association "D" Architectural Design Zone area, the Architectural Review Board is established and is hereinafter referred to as the "Board".

The governing body of the Board, is the Rancho Santa Anita Property Owners Association, Inc.

SECTION 2. In order to promote and maintain the quality single-family residential environment of the City of Arcadia, and to protect the property values and architectural character of such residential environments, in those portions of the City in which the residents have formed a homeowners association, and to accomplish the purposes set forth in Section 4, there is hereby established the following regulations and procedures in which said association may exercise plan review authority.

SECTION 3. In order that buildings, structures and landscaping on property within said area will be harmonious with each other and to promote the full and proper utilization of said property, the following conditions are hereby imposed upon all property in said area pursuant to the zoning regulations of the Arcadia Municipal Code, and all those in control of property within said area, are subject to this Resolution, and Ordinance No. 1832:

1. FLOOR AREA. No one-family dwelling shall be erected or permitted which contains less than 2,500 square feet of ground floor area. The space contained within any covered porch, balcony or garage attached to a dwelling shall be computed at one-half of the actual square footage therein contained. The minimum required floor area shall be deemed to include the area measured from the outer faces of the exterior walls.

2. FRONT YARD. No building or other structure shall be erected less than forty (40) feet from the front property line. If a dwelling with a larger front yard than the

minimum required by the underlying zone designation exists on a lot on either side of a lot proposed to be improved, the Board shall have the power to require an appropriate front yard on the lot to be improved, including a setback up to a size as large as an adjacent front yard.

3. REAR YARD. No building or other structure shall be erected less than forty (40) feet from the rear property line.

4. SIDE YARD. No building or other structure shall be erected less than fifteen (15) feet from the side yard property line.

5. CORNER LOTS. No building or other structure shall be erected less than twenty-five (25) feet from the side street property line.

6. FRONT OF DWELLING. Any dwelling placed or maintained on any lot shall face the front thereof.

7. GARAGES. Any separate garage not connected to the dwelling as an integral part thereof and located in the front 150 feet of the lot shall be not closer to the front property line than the main structure.

8. TREES. No living oak, sycamore, liquidambar, magnolia, or pine tree with a trunk diameter larger than six inches, measured at a point on the tree which is not more than three feet above the grade immediately adjacent to said tree, shall be cut down, killed or removed in any manner, without first securing the written permission of the Board. Such permission shall not be granted unless it is shown that the tree is a nuisance, and that there is no practical way of removing the nuisance except by cutting down, killing or removing it.

9. EXTERIOR BUILDING MATERIALS. Materials used on the exterior of any structure, including roofing, wall or fence greater than two (2) feet above the lowest adjacent grade, shall be compatible with materials of other structures on the same lot and with other structures in the neighborhood.

10. EXTERIOR BUILDING APPEARANCE. The appearance of any structure, including roof, wall or fence shall be compatible with existing structures, roofing, walls or fences in the neighborhood.

11. APPROVAL OF BOARD REQUIRED. No structure, roof, wall or fence greater than two (2) feet above the lowest adjacent grade, shall be erected, placed or replaced unless approved by the Board.

Plans for the erection, placement, or replacement of any structure, roof, wall or fence, showing the precise location on the lot of the structure, wall or fence, shall be submitted to the Board.

No structure, roof, wall or fence shall be erected, placed or replaced except in exact conformance with the plans approved by the Board.

If necessary to properly consider any application, the Board may require specific plans, working drawings, specifications, color charts and material samples.

The provisions of this requirement shall not apply if the project consists only of work inside a building which does not substantially change the external appearance of the building.

12. ARCHITECTURAL REVIEW BOARD. The Board shall be empowered to transact business and exercise powers herein conferred, only if the following requirements exist:

- a. A formally organized property owner's organization exists in said area.
- b. The organization has by-laws adopted that authorize the establishment of the Board.
- c. Said by-laws provide for appointment of property owners, only, to the Board.
- d. Owners have been appointed to the Board in accordance with the by-laws.
- e. A copy of the by-laws and any amendments thereto have been filed with the City Clerk and the Director of Planning.
- f. The Board shall designate a custodian of records who shall maintain said records and make them available for public review upon reasonable request.
- g. Permanent written records of the meetings, findings, action, and decision of the Board shall be maintained by the Board.

Any decision by the Board shall be accompanied by specific findings setting forth the reasons for the Board's decision.

Any decision by the Board shall be made by a majority of the entire membership of the Board, and such decision shall be rendered by the Board members who considered the application.

A copy of the Board's findings and decision shall be mailed to the applicant within three (3) working days of the Board's decision.

h. All meetings of the Board shall be open to the public in accordance with the Ralph M. Brown Act (California Open Meeting Law).

13. POWERS OF THE BOARD. The Board shall have the power to:

a. Determine and approve an appropriate front yard pursuant to Condition 2 of Section 3.

b. Determine whether materials and appearance are compatible in accordance with the above Conditions 9 & 10 of Section 3.

c. If a grading plan is required for a building permit for a structure, the Board may require such plan to be submitted along with the building plans.

d. Any of the conditions set forth in Conditions 1 through 8 of Section 3, may be made less restrictive by the Board if the Board determines that such action will foster the development of a lot and will not adversely affect the use and enjoyment of the adjacent lots and the general neighborhood and would not be inconsistent with the provisions and intent of this Resolution.

e. The Board shall have the power to establish rules for the purpose of exercising its duties, subject to review and approval of the City. Copies of such rules shall be kept on file with the Secretary of the Association and the City Clerk.

14. SHORT REVIEW PROCESS PROCEDURE.

a. The Short Review Process may be used by the Board for the review of applications for modifications to the requirements set forth in Conditions 1 through 8 of Section 3, provided that the application for a Short Review Process shall be accompanied by a completed application form which shall contain the signatures of all contiguous property owners indicating their awareness and approval of the application.

b. The Board is not required to hold a noticed, scheduled meeting for the consideration of a Short Review Process Application.

c. The Board Chairman or another Board member designated by the Board Chairman, to act in his absence, shall render his decision on a Short Review Process application within ten (10) working days from the date such request is filed with the Board; failure to take action in said time shall, at the end of the ten (10) working day period, be deemed an approval of the plans.

d. The Board may determine which requirements set forth in Conditions 1 through 8 of Section 3 are not appropriate for the Short Review Process, and therefore require the Regular Review Process for the consideration of such Conditions. Any list of such Conditions which are not appropriate for the Short Review Process shall be filed in writing with the City Clerk and the Director of Planning.

15. REGULAR REVIEW PROCESS PROCEDURES.

a. The Regular Review Process shall be used by the Board for the review of the Conditions 1 through 8 of Section 3, (eligible for Short Review) in those cases in which the applicant failed to obtain the signatures of approval from all of the required property owners.

b. The Regular Review Process must be used for the review of applications to those Conditions 1 through 8 of Section 3, which the Board has determined are not appropriate for the Short Review Process pursuant to the above.

c. The Board is required to hold a noticed, scheduled meeting for the consideration of a Regular Review Process Application.

d. Notice of the Board's meeting shall be mailed, postage prepaid to the applicant and to all property owners within one hundred feet (100') of the subject property, not less than ten (10) calendar days before the date of such meeting.

The applicant shall also provide the Board with the last known name and address, of such owners as shown upon the assessment rolls of the City or of the County.

The applicant shall also provide the Board with letter size envelopes, which are addressed to the property owners who are to receive said notice. The applicant shall provide the proper postage on each of said envelopes.

e. Any decision by the Board shall be made by a majority of the entire membership of the Board, and such decision shall be rendered by the Board members who considered the application.

f. The Board shall render its decision on a Regular Review Process application within thirty (30) working days from the date such request is filed with the Board; failure to take action in said time shall, at the end of the thirty (30) working day period, be deemed an approval of the plans.

16. EXPIRATION OF BOARD'S APPROVAL. If for a period of one (1) year from date of approval, any project for which plans have been approved by the Board, has been unused, abandoned or discontinued, said approval shall become null and void and of no effect.

17. LIMIT ON BOARD'S POWERS. The Board shall not have the power to waive any regulations in the Code pertaining to the basic zone of the property in said area. The Board may, however, make a recommendation to the City agency, which will be considering any such waiver request, regarding waiving such regulations.

18. APPEAL. Appeals from the Board shall be made to the Planning Commission. Said appeal shall be made in writing and delivered to the Planning Department within seven (7) working days of the Board's decision and shall be accompanied by an appeal fee in accordance with the applicable fee schedule adopted by resolution of the City Council.

Upon receipt in proper form of an appeal from the Board's decision, such appeal shall be processed by the Planning Department in accordance with the same procedures applicable to appeals from the Modification Committee.

19. STANDARDS FOR BOARD DECISIONS AND APPEALS. The Board and any body hearing an appeal from the Board's decision shall be guided by the following principles:

a. Control of architectural appearance and use of materials shall not be so exercised that individual initiative is stifled in creating the appearance of external features of any particular structure, building, fence, wall or roof, except to the extent necessary to establish contemporary accepted standards of harmony and compatibility acceptable to the Board or the body hearing an appeal in order to avoid that which is excessive, garish, and substantially unrelated to the neighborhood. (Pertains to Conditions Nos. 9 & 10 of Section 3 of this Resolution - Exterior Building Materials & Exterior Building Appearance).

b. Good architectural character is based upon the principles of harmony and proportion in the elements of the structure as well as the relationship of such principles to adjacent structures and other structures in the neighborhood. (Pertains to Conditions Nos. 9 & 10 of Section 3 of this Resolution - Exterior Building Materials & Exterior Building Appearance).

c. A poorly designed external appearance of a structure, wall, fence, or roof, can be detrimental to the use and enjoyment and value of adjacent property and neighborhood. (Pertains to Conditions Nos. 9 & 10 of Section 3 of this Resolution - Exterior Building Materials & Exterior Building Appearance).

d. A good relationship between adjacent front yards increases the value of properties and makes the use of both properties more enjoyable. (Pertains to Condition No. 2 of Section 3 of this Resolution - Front yards).

SECTION 4. The City Council finds and determines that the public health, safety and general welfare of the community require the adoption of this Resolution. It is determined that the various land use controls, and property regulations as set forth herein are substantially related to maintenance of Arcadia's environment, for the purpose of assuring that the appearance of structures will be compatible and harmonious with the use and enjoyment of surrounding properties. Design controls and aesthetic considerations will help maintain the beauty of the community, protect property values, and help assure protection from deterioration, blight, and unattractiveness all of which can have a negative impact on the environment of the community, effecting property values, and the quality of life which is characteristic of Arcadia.

It is further determined that the purpose and function of this Resolution is consistent with the history of the City and continued efforts through various means to

maintain the City's land use, environmental, and economic goals and to assure perpetuation of both the psychological benefits and economic interests concomitant to an attractive, well maintained community with emphasis on residential living.

All findings and statements of purpose in related Resolutions which pre-existed this Resolution or prior covenants, conditions, and restrictions constitute part of the rationale for this Resolution and are incorporated by reference.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have adopted this Resolution and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid.

SECTION 6. That the City Clerk shall certify to the adoption of this Resolution.

Passed, approved and adopted this 1st day of April, 1986.

/s/ DONALD PELLEGRINO
Mayor of the City of Arcadia

ATTEST:

/s/ CHRISTINE VAN MAANEN
City Clerk of the City of Arcadia

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

I, CHRISTINE VAN MAANEN, Clerk of the City of Arcadia, hereby certify that the foregoing Resolution No. 5288 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 a regular meeting of said Council held on the 1st day of April, 1986, and that said Resolution was adopted by the following vote, to wit:

AYES: Councilmen Gilb, Hannah, Lojeski, Young and Pellegrino

NOES: None

ABSENT: None

/s/ CHRISTINE VAN MAANEN
City Clerk of the City of Arcadia

EXHIBIT "A"

The property bounded on the south by the centerline of Foothill Boulevard; on the west by the east line of Michillinda Avenue; on the east by the centerline of Baldwin Avenue; and on the north by the City limits.

EXHIBIT "A"