

**Regular Planning Commission Meeting
City Council Chambers
18747 Clarkdale Avenue
Artesia, CA 90701
(562) 865-6262**

**Tuesday, January 21, 2025
7:00 p.m.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENTS

This is the portion of the meeting set aside to invite public comments regarding any matter within the subject matter jurisdiction of the Planning commission. Public comments may also be submitted by email at publiccomments@cityofartesia.us before 12:00 p.m. on the date of the meeting. Public comments are limited to no more than three minutes each. If comments relate to a specific agenda item, those comments will be taken following the staff report for that item and prior to the Planning Commission vote. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items that are not listed on the agenda, but may refer the matter to staff or to a subsequent meeting. Those wishing to speak are asked to add your information at the digital public kiosk located at the entrance of the Council Chamber.

4A. Public Comments

5. COMMUNITY DEVELOPMENT DIRECTOR UPDATES

6. CONSENT CALENDAR - NONE

7. NEW BUSINESS - NON-PUBLIC HEARING - NONE

8. NEW BUSINESS - PUBLIC HEARING

8A. Case No. 2024-34: Amending the Artesia Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

— Recommended Action: Adopt Planning Resolution No. 2025-01P, Recommending That the City Council Adopt an Ordinance Amending Title 9, Chapter 2, Article 45 of the Artesia Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply with Recent Changes in State Law, and Finding the Action to Be Statutorily Exempt from CEQA under Public Resources Code § 21080.17

8B. Case No. 2024-38: Amending the Artesia Municipal Code Relating to Vacant Properties Code Amendment

- Recommended Action: Adopt PC Resolution No. 2025-02P, Recommending That the City Council Adopt an Ordinance Amending Chapter 24 (Vacant Buildings and Foreclosed Properties) of Title 5 (Public Welfare) of the Artesia Municipal Code Relating to the Maintenance of Vacant Properties; and
- Find that the adoption of the proposed Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

9. DISCUSSION / REPORT ITEMS FROM STAFF - NONE

10. COMMISSIONER COMMENTS

11. ADJOURNMENT

The City of Artesia complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the City Clerk’s office at 562-865-6262 at least 72 hours prior to the meeting. Copies of Staff Reports are on file in the Office of the City Clerk and are available for inspection.

Date Posted: January 16, 2025



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: January 21, 2025

ITEM NO: 8A.

TO: Honorable Chairperson and Members of the Planning Commission

SUBJECT: Case No. 2024-34: Amending the Artesia Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units

FROM: Art Bashmakian, Acting Planning Manager

REVIEWED AND APPROVED BY:

Nick Papajohn, Deputy City Attorney

Sal Lopez, Interim CD Director

Abel Avalos, City Manager

RECOMMENDATION:

Adopt Planning Resolution No. 2025-01P, recommending that the City Council Adopt an Ordinance Amending Title 9, Chapter 2, Article 45 of the Artesia Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply with Recent Changes in State Law, and Finding the Action to Be Statutorily Exempt from CEQA under Public Resources Code § 21080.17

BACKGROUND:

In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law as summarized below.

The Planning Commission previously recommended approving this proposed ordinance at its November 19, 2024, meeting. However, following the Planning Commission meeting, the City received comments from the Department of Housing and Community Development (“HCD”) identifying select provisions of the City’s ADU ordinance that HCD maintained should be revised to comply with state ADU law. Staff responded in December 2024, and agreed to incorporate HCD’s requested revisions into this effort (HCD’s letter and the City’s response are provided in Attachment 2). Generally speaking, HCD’s comments related to clarifying recent changes to state law (e.g., that owner occupancy is required for a JADU but not for an ADU), updating the statutory cross-references, and removing the deed restriction requirement for ADUs (while continuing to require one for JADUs, as required by Gov. Code section 66333).

ANALYSIS:

AB 2533 – Unpermitted ADUs and JADUs

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code, § 66332(a)–(f).)

SB 1211 – Replacement Parking Requirements; Multifamily ADUs

Replacement Parking

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Gov. Code, § 66314(d)(11).)

Multifamily ADUs

SB 1211 further defines *livable space* in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for ADUs within “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, or garages” The term “livable space” is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: “‘Livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.” (See amended Gov. Code, § 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an *existing* multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, § 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a *proposed* multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, § 66323(a)(4).)

Next Steps & Recommendation

Both AB 2533 and SB 1211 took effect on January 1, 2025. On November 18, 2024, the City Council adopted Urgency Ordinance No. 24-962U (“Urgency Ordinance”), which took immediate effect and amended the City’s ADU ordinance to comply with AB 2533 SB 1211. The code amendments provided in the attached ordinance (Exhibit A to Attachment 1) are near identical to the code amendments provided in the Urgency Ordinance, with the exception that the attached ordinance includes the minor revisions requested by HCD and additional clarifying staff-generated edits (e.g., adding subsection identifiers to the definitions section).

Adopting this proposed ordinance will amend Title 9, Chapter 2, Article 45, of the City of Artesia Municipal Code to ensure that the City’s ADU ordinance complies with recent changes in state law, address HCD’s comments, and incorporate other minor staff-generated revisions aimed at augmenting clarity for the benefit of staff and the general public. For these reasons, staff is recommending that the Planning Commission adopt the attached resolution (Attachment 1), to recommend that the City Council adopt the proposed ordinance.

Environmental Review

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law

FISCAL IMPACT:

There will be no direct fiscal impact associated with this code amendment.

RECOMMENDED ACTION:

Adopt Planning Resolution No. 2025-01P, Recommending That the City Council Adopt an Ordinance Amending Title 9, Chapter 2, Article 45 of the Artesia Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units to Comply with Recent Changes in State Law, and Finding the Action to Be Statutorily Exempt from CEQA under Public Resources Code § 21080.17

Attachments

[Artesia - PC Resolution 2025-01P.pdf](#)

[PC Resolution No.. 2025-01P - Exhibit A](#)

[HCD letter and City response letter.pdf](#)

**CITY OF ARTESIA
PLANNING COMMISSION**

RESOLUTION NO. 2025-01P

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARTESIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, ARTICLE 45 OF THE ARTESIA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH RECENT CHANGES IN STATE LAW, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

THE PLANNING COMMISSION OF THE CITY OF ARTESIA DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1: The Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).

SECTION 2: In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs.

SECTION 3: In 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law.

SECTION 4: AB 2533 and SB 1211 took effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211.

SECTION 5: On November 18, 2024, the City Council adopted Urgency Ordinance No. 24-962U (“Urgency Ordinance”), which took immediate effect and amended the City’s ADU ordinance to comply with AB 2533 SB 1211.

SECTION 6: On November 19, 2024, the Planning Commission conducted a duly noticed public hearing on Ordinance No. 2024-963 (“Regular ADU Ordinance”). The code amendments attached thereto are identical to the code amendments adopted by the City Council via the Urgency Ordinance. Following the public hearing, the Planning Commission voted to recommend that the City Council adopt the Regular ADU Ordinance.

SECTION 7: On November 25, 2024, the City received correspondence from the California Department of Housing and Community Development (“HCD”) identifying select provisions of the City’s ADU ordinance that HCD maintained should be revised to comply with state ADU law. Staff responded in December 2024, and agreed to incorporate HCD’s requested revisions into the City’s Regular ADU Ordinance.

SECTION 8: On January 21, 2025, the Planning Commission conducted a duly noticed public hearing on the updated Regular ADU Ordinance.

SECTION 9: The Planning Commission recommends that the City Council find that, under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 10: The Planning Commission hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 11: Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopt the ordinance attached hereto as Exhibit “A.”

SECTION 12: This Resolution shall become effective upon its adoption. The Planning Clerk shall certify to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.

PASSED, APPROVED AND ADOPTED THIS 21st DAY of JANUARY 2025.

Victor Manalo, Chairperson

ATTEST:

Okina Dor, Planning Clerk

ROLL CALL VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

EXHIBIT A
PROPOSED ORDINANCE

EXHIBIT “A-1”
Title 9, Chapter 2, Article 45 – Accessory Dwelling Units
(Deletions in strikethrough and additions underlined)

§ 9-2.4501 Purpose.

The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with ~~California Government Code Sections 65852.2 and 65852.22~~Chapter 13 of Division 1 of Title 7 of the California Government Code.

§ 9-2.4502 Effect of Conforming.

An ADU or JADU that conforms to the standards in this section will not be:

- (a) Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
- (b) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- (c) Considered in the application of any local ordinance, policy, or program to limit residential growth.
- (d) Required to correct a nonconforming zoning condition, as defined in Section ~~9-2.4503(g)~~ 9-2.4503(h). This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

§ 9-2.4503 Definitions.

As used in this article, terms are defined as follows:

- (a) "Accessory dwelling unit or ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - (1) An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - (2) A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- (b) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (c) "Complete independent living facilities" means permanent provisions for living,

sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.

(d) "Efficiency kitchen" means a kitchen that includes all of the following:

- (1) A cooking facility with appliances.
- (2) A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

(e) "Junior accessory dwelling unit or JADU" means a residential unit that satisfies all of the following:

- (1) It is no more than 500 square feet in size.
- (2) It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
- (3) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
- (4) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
- (5) It includes an efficiency kitchen, as defined in Subsection (d).

(f) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

(g) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(h) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(i) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

(j) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(k) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the

public.

§ 9-2.4504 Approvals.

The following approvals apply to ADUs and JADUs under this section:

- (a) *Building-permit Only.* If an ADU or JADU complies with each of the general requirements in Section 9-2.4505, it is allowed with only a building permit in the following scenarios:
 - (1) Converted on Single-family Lot: One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) 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; and
 - (ii) Has exterior access that is independent of that for the single-family dwelling; and
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (iv) The JADU complies with the requirements of Government Code ~~Section 65852.22~~ Sections 66333 through 66339.
 - (2) Limited Detached on Single-Family Lot. One detached, new construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection (a)(1)(i) above), if the detached ADU satisfies each of the following limitations:
 - (i) The side- and rear-yard setbacks are at least four feet.
 - (ii) The total floor area is 800 square feet or smaller.
 - (iii) The peak height above grade does not exceed the applicable height limit in Section 9-2.4505(b) below.
 - (3) Converted on Multi-Family Lot. One or more ADUs within portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with State building standards for dwellings. Under this subsection, at least one converted ADU is allowed within an existing multi-family dwelling, up to

a quantity equal to 25% of the existing multi-family dwelling units.

- (4) Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot ~~that has an existing or~~ with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies ~~both~~ all of the following ~~limitations~~:

- (i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
- (ii) The peak height above grade does not exceed the applicable height limit provided in Section 9-2.4505(b).
- (iii) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

(b) *ADU Permit.*

- (1) Except as allowed under Subsection (a) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Sections 9-2.4505 and 9-2.4506.
- (2) The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU permit processing fee is determined by the Director of Community Development and approved by the City Council by resolution.

(c) *Process and Timing.*

- (1) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (2) The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - (i) The applicant requests a delay, in which case the 60 day time period is tolled for the period of the requested delay; or
 - (ii) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, the City may delay acting on the permit

application for the ADU or JADU until the City acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

- (3) If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60 day time period established by Subsection (c)(2) above.
- (4) A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

§ 9-2.4505 General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs that are approved under Section 9-2.4504(a) or (b):

(a) *Zoning.*

- (1) An ADU subject only to a building permit under Section 9-2.4504(a) may be created on a lot in a Residential or Mixed-Use Zone.
- (2) An ADU or JADU subject to an ADU permit under Section 9-2.4504(b) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- (3) In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

(b) *Height.*

- (1) Except as otherwise provided by the subsections below, a detached ADU created on a lot with an existing or proposed single-family or multi-family dwelling unit may not exceed 16 feet in height.
- (2) A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multi-family dwelling unit that is located within 1/2 mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof

pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- (3) A detached ADU created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
- (4) An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this Subsection (b) may not exceed two stories.
- (5) For purposes of this Subsection (b), height is measured above existing legal grade to the peak of the structure.

(c) *Fire Sprinklers.*

- (1) Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
- (2) The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(d) *Rental Term.* No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

(e) *No Separate Conveyance.* An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section ~~65852.26~~ 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

(f) *Septic System.* If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(g) *Owner Occupancy.* As required by State law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this Subsection (g) does not apply if the property is

entirely owned by another governmental agency, land trust, or housing organization.

- ~~(1) — An ADU that is permitted after January 1, 2020, but before January 1, 2025, is not subject to any owner-occupancy requirement.~~
 - ~~(2) — Unless applicable law requires otherwise, all ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property must reside on the property as the person's legal domicile and permanent residence.~~
 - ~~(3) — As required by State law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this Subsection (g) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.~~
- (h) *Deed Restriction.* Prior to issuance of a certificate of occupancy for ~~an ADU or a~~ JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director of Community Development. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
- (1) ~~Except as otherwise provided in Government Code Section 65852.26 66341, the ADU or~~ The JADU may not be sold separately from the primary dwelling.
 - (2) The ADU ~~or~~ JADU is restricted to the approved size and to other attributes allowed by this section.
 - (3) The deed restriction runs with the land and may be enforced against future property owners.
 - (4) The deed restriction may be removed if the owner eliminates the ADU ~~or~~ JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU ~~or~~ JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU ~~or~~ JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU ~~or~~ JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU ~~or~~ JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this

Code.

- (5) The deed restriction is enforceable by the Director or designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ~~ADU~~ or JADU in violation of the recorded restrictions or abatement of the illegal unit.

(i) *Building and Safety.*

- (1) Must Comply with Building Code. Subject to this Subsection (i), all ADUs and JADUs must comply with all local Building Code requirements.
- (2) No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local Building Code, as described in Section 310 of the California Building Code, unless the Building Official or Plan Check Engineer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this Subsection (i) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

§ 9-2.4506 Specific ADU Requirements.

The following requirements apply only to ADUs that require an ADU permit under Section 9-4.4504(a)(4)(b).

(a) *Maximum Size.*

- (1) The maximum size of a detached or attached ADU subject to this subsection is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- (2) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50% of the floor area of the existing primary dwelling.
- (3) Application of other development standards in this subsection, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection or of an FAR, front setback, lot coverage limit, or open space requirement may require the ADU to be less than 800 square feet.

- (b) *Setbacks.*
- (1) An ADU that is subject to Section 9-2.4506 must conform to a 25 foot front-yard setback, subject to Subsection (a)(3).
 - (2) An ADU that is subject to this section must conform to four foot side- and rear-yard setbacks.
 - (3) No setback is required for an ADU that is subject to Section 9-2.4506 if the ADU is constructed in the same location and to the same dimensions as an existing structure.
- (c) *Lot Coverage.* No ADU subject to Section 9-2.4506 may cause the total lot coverage of the lot to exceed 50%, subject to Subsection (a)(3) above.
- (d) *Minimum Open Space.* No ADU subject to this Section 9-2.4506 may cause the total percentage of open space of the lot to fall below 50%, subject to Subsection (a)(3) above.
- (e) *Passageway.* No passageway, as defined by Section 9-2.4503~~(h)~~(i), is required for an ADU.
- (f) *Parking.*
- (1) No Parking Required. California Government Code Section ~~65852.2~~ 66322 prohibits the City from requiring an off-street parking space for an ADU that is located within 1/2 mile walking distance of public transit. All lots in the City that are eligible for the creation of an ADU subject to this section are located within 1/2 mile walking distance of public transit. Consequently, no off-street parking is required for an ADU subject to this subsection.
 - (2) No Replacement. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- (g) *Architectural Requirements.*
- (1) The materials and colors of the exterior walls, roof, and windows and doors must ~~match~~ be the appearance of same as those of the primary dwelling.
 - (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.
 - (5) The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
 - (6) ~~Windows and doors~~No window or door of the ADU may ~~not~~ have a direct line of sight to an adjoining residential property. ~~Fencing~~Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass~~may be used to provide screening and to~~ prevent a direct line of sight.
 - (7) All windows and doors in an ADU are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilized frosted or obscure glass.
- (h) *Landscape Requirements.* Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:
- (1) At least one fifteen (15) gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one twenty-four (24) inch box size plant shall be provided for every 10 linear feet of exterior wall.
 - (2) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed.
 - (3) All landscaping must be drought-tolerant.
- (i) *Historical Protections.* An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

§ 9-2.4507 Fees.

- (a) *Impact Fees.*
- (1) No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection, "impact fee" means a "fee" under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act (Government Code Section 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
 - (2) Any impact fee that is required for an ADU that is 750 square feet or

larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).

(b) *Utility Fees.*

- (1) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- (2) Except as described in Subsection (b)(1), converted ADUs on a single-family lot that are created under Section 9-2.4504(a)(1) are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- (3) Except as described in Subsection (b)(1), all ADUs that are not covered by Subsection (b)(2) require a new, separate utility connection directly between the ADU and the utility.
 - (i) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - (ii) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

§ 9-2.4508 Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- (a) *Generally.* The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- (b) *Unpermitted ADUs and JADUs constructed before ~~2018~~2020.*
 - (1) **Permit to Legalize.** As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~2020, if denial is based on either of the following grounds:
 - (i) The ADU or JADU violates applicable building standards, or

- (ii) The ADU or JADU does not comply with ~~the~~ State ADU or JADU law (~~Government Code Section 65852.2~~) or this ADU ordinance (Section 9-2.4501 et seq.).

(2) Exceptions.

- (i) Notwithstanding Subsection (b)(1), the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, ~~2018~~2020, if the City makes a finding that correcting a violation is necessary to ~~protect the health and safety of the public or of occupants of the structure~~ comply with the standards specified in California Health and Safety Code section 17920.3.
- (ii) Subsection (b)(1) does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannan Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



November 25, 2024

Peter Kann, Planning Manager
Planning Department
City of Artesia
18747 Clarkdale Avenue
Artesia, CA 90701

Dear Peter Kann:

RE: Review of Artesia's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 – 66342)

Please Note: As of January 1, 2025, with the chaptering of Senate Bill (SB) 1211 (Chapter 296, Statutes of 2024), under Government Code section 66323, subdivision (a)(4)(A)(ii), there is an allowance for "...up to 8 detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling."

Thank you for submitting the City of Artesia (City) ADU Ordinance No. 23-939 (Ordinance), adopted March 13, 2023, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU and junior accessory dwelling unit (JADU) Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than December 25, 2024.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

1. **Statutory Numbering** - The Ordinance contains several references to code sections that were deleted by SB 477, effective March 25, 2024. These include Government Code sections 65852.2, 65852.22 and 65852.26. The contents of these sections were relocated to Government Code, Title 7, Division 1, Chapter

13 (sections 66310-66342, see Enclosure). The City must amend the Ordinance to refer to the correct code sections.

2. 9-2.4504 a.2 – *Unit Allowance* – The Ordinance allows, “One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (a)a.1 above...” This restricts ADU development to one per lot.

Government Code section 66323, subdivision (a), states, “Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure.” Paragraph (2) permits “[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks.” The use of the term “any” followed by an enumeration of by right ADU types permitted indicate that any of these ADU types can be combined on a lot zoned for single family dwellings.

This permits a homeowner, who meets specified requirements, to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setbacks pursuant to the subdivision, the local agency cannot deny the application, nor deny a permit for a JADU under this section. Therefore, the City must amend the Ordinance to provide for all ADU combinations described in Government Code section 66323.

3. 9-2.4505 g – *Owner Occupancy* – The Ordinance states, “All ADUs that are permitted on or after January 1, 2025, are subject to an owner-occupancy requirement.” However, Government Code section 66315 states, “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” Therefore, the City must amend the Ordinance to remove the owner-occupancy requirement and comply with State ADU Law.
4. 9-2.4505 h – *Deed Restriction* – The Ordinance states, “Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the

Director of Community Development.” Government Code section 66315 states, “Section 66314 establishes the maximum standards that a local agency shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.” Therefore, although deed restrictions are required for JADUs, they are not allowed for ADUs. The City must amend the Ordinance accordingly.

5. 9-2.4506 g.6 and i – *Local Development Standards* – The Ordinance states, “Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.” It later requires that “An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.” However, local development standards may not preclude a unit created subject to Government Code section 66323. The City must amend the Ordinance accordingly.

The City has two options in response to this letter.¹ The City can either amend the Ordinance to comply with State ADU Law² or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.³ If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁴

HCD appreciates the City’s efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Mike Van Gorder at Mike.VanGorder@hcd.ca.gov if you have any questions.

Sincerely,

Jamie Candelaria
Senior Housing Accountability Manager

¹ Gov. Code, § 66326, subd. (c)(1).

² Gov. Code, § 66326, subd. (b)(2)(A).

³ Gov. Code, § 66326, subd. (b)(2)(B).

⁴ Gov. Code, § 66326, subd. (c)(1).

State ADU/JADU Law Statutory Conversion Table

New Government Code Sections	Previous Government Code Sections
Article 1. General Provisions	
66310	65852.150 (a)
66311	65852.150 (b)
66312	65852.150 (c)
66313	General Definition Section 65852.2 (j) 65852.22 (j)
Article 2. Accessory Dwelling Unit Approvals	
66314	65852.2(a)(1)(A), (D)(i)-(xii), (a)(4)-(5)
66315	65852.2 (a)(8)
66316	65852.2 (a)(6)
66317	65852.2 (a)(3), (a)(7)
66318	65852.2 (a)(9), 65852.2 (a)(2)
66319	65852.2 (a)(10)
66320	65852.2 (b)
66321	65852.2 (c)
66322	65852.2 (d)
66323	65852.2 (e)
66324	65852.2 (f)
66325	65852.2 (g)
66326	65852.2 (h)
66327	65852.2 (i)
66328	65852.2 (k)
66329	65852.2 (l)
66330	65852.2 (m)
66331	65852.2 (n)
66332	65852.23.
Article 3. Junior Accessory Dwelling Units	
66333	65852.22 (a)
66334	65852.22 (b)
66335	65852.22 (c)
66336	65852.22 (d)
66337	65852.22 (e)
66338	65852.22 (f)-(g)
66339	65852.22 (h)
Article 4. Accessory Dwelling Unit Sales	
66340	65852.26 (b)
66341	65852.26 (a)
66342	65852.2 (a)(10)



"Service Builds Tomorrow's Progress"

THE CITY OF ARTESIA, CALIFORNIA

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701

Telephone 562 / 865-6262

FAX 562 / 865-6240

December 17, 2024

VIA EMAIL

Department of Housing and Community Development
Housing Policy Development Division
Jamie Candelaria, Senior Housing Accountability Manager
Email: Jamie.Candelaria@hcd.ca.gov

**Re: City of Artesia's Responses to HCD's Review of Artesia's ADU
Ordinance Under State ADU Law (Gov. Code, § 6310-66342)**

Dear Jamie Candelaria,

This correspondence responds to the Department of Housing and Community Development's ("HCD") comments dated November 25, 2024, regarding Ordinance No. 23-939 — which was adopted by the City Council on March 13, 2023, and submitted to HCD shortly thereafter. This correspondence is submitted in accordance with Government Code section 66326. The City's responses are as follows:


1. In response to HCD's Comment #1, the City will update its accessory dwelling unit ordinance (provided in Artesia Municipal Code Title 9, Article 45 et seq. and referred to as the "ADU Ordinance") to refer to SB 477's updated statutory references.
2. In response to HCD's Comment #2, the City will review and revise its ADU Ordinance to conform to the statute.
3. In response to HCD's Comment #3, the City will revise its ADU Ordinance to remove the ADU owner-occupancy requirement.
4. In response to HCD's Comment #4, the City will revise its ADU Ordinance to remove the deed restriction requirement for ADUs.
5. In response to HCD's Comment #5, the City will revise its ADU ordinance to clarify that none of the standards provided in Artesia Municipal Code section 9-2.4506 apply to ADUs created under Government Code section 66323.

The City anticipates taking an ordinance with the above changes to the Planning Commission in January 2025 and to the City Council for adoption immediately thereafter. The updated ADU Ordinance will also include changes necessitated by SB 1211 and AB

2533 (which take effect on January 1, 2025)¹. Once adopted by the City Council, the City will forward a copy of the updated ADU ordinance to HCD within 60 days. (Gov. Code, § 66326(a).)

Thank you for your attention to this matter. If you have any questions, please contact me at (562) 865-6262 Ext. 227 or odor@cityofartesia.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Okina Dor", enclosed within a large, loopy oval shape.

Okina Dor
Community Development Director
City of Artesia

¹ On November 18, 2024, the City Council adopted Urgency Ordinance No. 24-962U, which updated the ADU Ordinance to comply with SB 1211 and AB 2533. The forthcoming ADU Ordinance will include the SB 1211 and AB 2533 revisions from Urgency Ordinance No. 24-962U and the revisions profiled in the responses above.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: January 21, 2025

ITEM NO: 8B.

TO: Honorable Chairperson and Members of the Planning Commission

SUBJECT: Case No. 2024-38: Amending the Artesia Municipal Code Relating to Vacant Properties Code Amendment

FROM: Art Bashmakian, Acting Planning Manager

REVIEWED AND APPROVED BY:

Nick Papajohn, Deputy City Attorney

Sal Lopez, Interim CD Director

Abel Avalos, City Manager

RECOMMENDATION:

1. Adopt PC Resolution 2025-02P, Recommending that the City Council Adopt an Ordinance Amending Chapter 24 (Vacant Buildings and Foreclosed Properties) of Title 5 (Public Welfare) of the Artesia Municipal Code Relating to the Maintenance of Vacant Properties; and
2. Find that the adoption of the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BACKGROUND:

The City Council has declared that vacant properties are a significant source of blight in both residential and non-residential neighborhoods. When left vacant and neglected, these properties not only detract from the appearance of surrounding areas but also pose serious safety risks, such as fire hazards and attracting criminal activity, particularly illegal drug-related offenses.

Properties that remain unoccupied, whether they are vacant lots or deteriorating buildings, contribute to the further deterioration of the neighborhood. These properties can depress property values, hinder economic development, and slow appreciation of nearby properties, which ultimately impacts tax revenues. In addition, the neglect of such properties requires increased municipal services, which strains local resources. The unsafe and unhealthy conditions they create significantly affect the well-being of nearby residents and businesses, interfering with their use and enjoyment of their properties and constituting a public nuisance.

On August 28, 2024, the Commission instructed staff to amend Chapter 24 (Vacant Buildings and Foreclosed Properties) of Title 5 (Public Welfare) of the Artesia Municipal Code concerning the maintenance of vacant properties. The amendments are intended to make the provisions more comprehensive, expand coverage to include vacant lots, and align the City's Municipal Code more closely with the standards set by the cities of Bellflower, Norwalk, and Downey.

ANALYSIS:

Staff has followed the guidance and recommendations provided by the Commission and conducted a review of the Municipal Codes of Bellflower, Norwalk, and Downey regarding vacant or improved vacant lots and properties. Based on this review, staff recommend several changes to enhance the regulations, ensuring that vacant properties within the City are effectively managed and potential challenges are mitigated.

The proposed amendments to the ordinance introduce several significant updates aimed at strengthening the maintenance, security, and overall management of vacant properties. These revisions are designed to address issues related to public safety, property upkeep, and the prevention of blight, ensuring that vacant properties do not negatively impact the surrounding community.

Key changes include:

- **Security Measures:** The ordinance now includes provisions to secure properties, such as repairing fences, locking gates, and securing openings like doors and windows to prevent unauthorized access.
- **Landscape and Irrigation Requirements:** Property owners must submit a landscape and irrigation plan for vacant lots that includes drought-tolerant vegetation and an automatic irrigation system. These plans must be approved by the Community Development Director, and the landscaping must be maintained in good condition at all times. Additionally, vacant properties must have landscaping around all perimeters adjacent to public rights-of-way(s).
- **Maintenance of Water Features:** Stricter regulations are introduced for pools, spas, and other water features to ensure they remain free of pollutants, debris, and standing water that could attract pests. These features must be securely covered and maintained to prevent water accumulation.
- **Mitigation Plans for Long-Term Vacancies:** For properties vacant for more than 45 days, owners must submit a Vacant Property Mitigation Plan. This plan will outline how the property will be regularly inspected, secured, and maintained, including requirements for removing interior furniture and personal items and ensuring clear visibility of the property's interior.
- **Additional Maintenance and Security Measures:** The Director is authorized to impose additional security measures, including security lighting, increased inspection frequency, or the employment of security guards, to ensure the property's safety and compliance with the ordinance.
- **Recordation Requirements for Property Transfers:** When a loan or deed of trust secured by real property is transferred, the new beneficiary and trustee must record the assignment with the Los Angeles County Recorder's Office within 10 days. Any changes in the trustees must also be recorded with updated contact details.

These amendments aim to promote a more proactive approach to vacant property management, ensuring effective upkeep and security while safeguarding the community's health, safety, and aesthetic standards. By establishing clear guidelines and expanding enforcement mechanisms, the city will be better equipped to preserve the integrity of its neighborhoods and mitigate the negative effects of vacant and neglected properties.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of this Resolution or the subsequent adoption of the Ordinance by City Council.

ENVIRONMENTAL:

In accordance with the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from environmental review as it does not meet the definition of a "project" under CEQA Guidelines Section 1578(b)(5). The adoption of this Ordinance is an administrative action that will not cause any direct or physical changes to the environment, and no further analysis is required.

PUBLIC NOTICE:

Notice of the public hearing was published in the Los Cerritos Community News on January 10, 2025. Notice of the public hearing was also posted at three locations within City's bulletin board.

RECOMMENDATION:

1. Adopt PC Resolution 2025-02P, Recommending That the City Council Adopt an Ordinance Amending Chapter 24 (Vacant Buildings and Foreclosed Properties) of Title 5 (Public Welfare) of the Artesia Municipal Code Relating to the Maintenance of Vacant Properties; and
2. Find that the adoption of the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Attachments

[PC Resolution No. 2025-02P.pdf](#)

[PC Exhibit A to Resolution No. 2025-02P.pdf](#)

[Public Notice re ADU and Vacant Properties.pdf](#)

**CITY OF ARTESIA
PLANNING COMMISSION**

RESOLUTION NO. 2025-02P

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF ARTESIA, CALIFORNIA, RECOMMENDING THAT THE CITY
COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 24
(VACANT BUILDINGS AND FORECLOSED PROPERTIES) OF
TITLE 5 (PUBLIC WELFARE) OF THE ARTESIA MUNICIPAL
CODE RELATING TO THE MAINTENANCE OF VACANT
PROPERTIES**

**THE PLANNING COMMISSION OF THE CITY OF ARTESIA DOES
HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:**

SECTION 1: The City of Artesia ("City") is authorized under the California Constitution with the police power to safeguard public health, welfare, and safety.

SECTION 2: The City of Artesia recognizes that vacant properties are a major cause and source of blight in both residential and non-residential neighborhoods.

SECTION 3: Vacant properties, including lots and buildings, whether or not those buildings are boarded, substandard, structurally deficient, or any part of the property is poorly maintained, neglected for a long term, or exhibiting any combination of these negative qualities, contribute to the growth of blight within the City, depress market values of surrounding properties, discourage economic development, retard appreciation of property values thereby reducing tax revenues, necessitate additional governmental services, significantly interfere with the use and enjoyment of neighboring properties, create an unhealthy and unsafe condition affecting the public and constitutes an unreasonable use of property and a public nuisance.

SECTION 4: The purpose of this Ordinance is to amend Chapter 24 of Title 5 (Public Welfare) of the Artesia Municipal Code ("AMC") entitled, "Vacant Buildings and Foreclosed Properties," to ensure that owners of vacant properties are known to the City and other interested parties (and can be reached if necessary), ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations, and ensure that owners meet minimum standards of maintenance of vacant properties.

SECTION 5: The Planning Commission finds that the adoption and implementation of the procedures and standards set forth in the attached draft Ordinance (Exhibit A) for the identification and abatement of public nuisances

within the City is within the power and authority of the City to protect the public health, safety, and welfare of the City's citizens.

SECTION 6: The Planning Commission of the City of Artesia conducted a duly noticed public hearing on January 21, 2025, to consider the attached Ordinance.

SECTION 7: The Planning Commission finds that the adoption of the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 8: The Planning Commission hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law.

SECTION 9: Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopt the ordinance attached hereto as Exhibit "A."

SECTION 10: This Resolution shall become effective upon its adoption. The Planning Clerk shall certify to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.

PASSED, APPROVED AND ADOPTED THIS 21th DAY of JANUARY 2025.

Victor Manalo, Chairperson

ATTEST:

Art Bashmakian, Planning Clerk

ROLL CALL VOTE:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. 25-966

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARTESIA, CALIFORNIA, AMENDING CHAPTER 24 (VACANT PROPERTIES) OF TITLE 5 (PUBLIC WELFARE) OF THE ARTESIA MUNICIPAL CODE RELATING TO THE MAINTENANCE OF VACANT PROPERTIES

WHEREAS, the City of Artesia ("City") is authorized under the California Constitution with the police power to safeguard public health, welfare, and safety;

WHEREAS, the City Council declares that vacant properties are a major cause and source of blight in both residential and non-residential neighborhoods;

WHEREAS, properties that remain vacant and unoccupied for any appreciable period of time become a life-safety hazard, fire hazard, and attract crime (frequently involving illegal drug-related activity);

WHEREAS, vacant properties, including lots and buildings, whether or not those buildings are boarded, substandard, structurally deficient, or any part of the property is poorly maintained, neglected for a long term, or exhibiting any combination of these negative qualities, contribute to the growth of blight within the City, depress market values of surrounding properties, discourage economic development, retard appreciation of property values thereby reducing tax revenues, necessitate additional governmental services, significantly interfere with the use and enjoyment of neighboring properties, create an unhealthy and unsafe condition affecting the public and constitutes an unreasonable use of property and a public nuisance;

WHEREAS, the purpose of this Ordinance is to amend Chapter 24 of Title 5 (Public Welfare) of the Artesia Municipal Code ("AMC") entitled, "Vacant Properties," to ensure that owners of vacant properties are known to the City and other interested parties (and can be reached if necessary), ensure that owners of vacant properties are aware of the obligations of ownership under relevant codes and regulations, and ensure that owners meet minimum standards of maintenance of vacant properties;

WHEREAS, the City Council finds that the adoption and implementation of the procedures and standards set forth below for the identification and abatement of public nuisances within the City is within the power and authority of the City to protect the public health, safety, and welfare of the City's citizens;

WHEREAS, at a regularly scheduled meeting, the City Council held a hearing concerning the municipal code amendments contained herein as required by law and received testimony from City staff and all interested parties regarding the proposed amendments; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

SECTION 1.Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2.Amending Chapter 24 (Vacant Buildings and Foreclosed Properties) of Title 5 (Public Welfare) of the Artesia Municipal Code is hereby amended in its entirety to read as follows with additions shown as underline and deletions in ~~strike through~~:

“CHAPTER 24

VACANT BUILDINGS AND FORECLOSED PROPERTIES

Sections:

5-24.010	Purpose
5-24.020	Definitions
5-24.030	Authority to Administer and Enforce Chapter; Monitoring Program
5-24.040	Scope
5-24.050	Service Requirements
5-24.060	Registration and Exemptions
5-24.070	Registration Procedure
5-24.080	Notice
5-24.090	Maintenance Requirements for Vacant Buildings <u>Properties</u>; Quarterly Inspections
5-24.100	<u>Recordation of Transfer to Loan/Deed of Trust</u>
5-24.110	Fees
5-24.120	Enforcement

5-24.010 Purpose.

The purpose of this chapter is to ensure all vacant ~~buildings and foreclosed~~ properties comply with minimum property maintenance requirements, to encourage proactive and preventive maintenance of properties, to ensure maintenance issues are quickly and efficiently remedied, and to promote the health, safety, and welfare of the people of the City of Artesia.

5-24.020 Definitions.

For the purposes of carrying out the intent of this chapter, unless the content clearly indicates to the contrary, the following words, phrases, and terms shall have the following meanings:

(a) *Building* means any structure, including, but not limited to, any residential, commercial, industrial, or assembly structure, approved for occupancy on either a lot of record or within a single project approved by the City pursuant to the City’s Zoning Code.

(b) *Director* means the Director of the Artesia Community Development Department, or his or her designee.

(c) *Owner* means and includes any person having legal title to, or who leases, rents, occupies or has charge, control, or possession of, any real property in the City, including all persons shown as owners on the last equalized assessment roll of the County Assessor's Office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court-appointed administrators, conservators, guardians, receivers, and any beneficiary and trustee who holds a deed of trust on a property in the City.

(d) *Person* means any natural person or legal entity.

(e) *Vacant ~~building~~ property* means any ~~building that is~~ parcel of land, including lots, which can be undeveloped, and may include any building on the parcel, that is (1) unoccupied and unsecured, (2) unoccupied and secured by fence or boarding or other similar means, (3) unoccupied and has multiple code violations, (4) has been unoccupied for more than 30 days, (5) unoccupied and subject to a current notice of default, notice of trustee's sale, or pending tax assessors lien sale; or (6) unoccupied and conveyed by a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust or conveyed via a deed in lieu of foreclosure.

(f) *Unoccupied* means not legally occupied. Factors that may be used, typically in combination, to determine whether a building is unoccupied include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers, or mail; past due utility notices; the existence of real property tax delinquencies for the land upon which the building is located; disconnected utilities; accumulation of trash, junk, or other debris; the presence of non-functional or broken doors or windows; the absence of doors or windows; the absence of window coverings such as curtains, blinds, or shutters; the absence of furnishings or personal items consistent with residential or commercial furnishings consistent with the permitted uses within the zone of the real property; statements by neighbors, passersby, delivery agents, government employees that the property is unoccupied.

Securing means and includes such measures as may be directed by the Director that assist in rendering real property inaccessible to unauthorized persons including, without limitation, the repair of fences, walls, and other barriers, chaining or pad locking of gates, or the repair or boarding of doors, windows, or other openings.

5-24.030 Authority to Administer and Enforce Chapter; Monitoring Program

(a) **Administration.** The Director is authorized to administer and enforce this chapter. The Director may adopt supplemental regulations or policies to implement and interpret this chapter. These regulations or policies must conform with the purpose of this chapter.

(b) **Monitoring Program for Vacant Properties.** A program monitoring vacant buildings properties is hereby established. The Director has the duty to do the following pursuant to the monitoring program:

(1) Inspect properties in the City to identify ~~buildings~~ properties that are vacant.

(2) Order vacant ~~buildings~~ properties to comply with this chapter and any other applicable codes.

(3) Order vacant ~~buildings~~ properties that are open and accessible to be secured against unlawful entry in accordance with this chapter.

(4) Initiate proceedings against the owner of any vacant ~~buildings~~ property found to be in violation of this chapter or any other applicable code.

(5) Maintain surveillance over vacant ~~buildings~~ properties so that timely code enforcement proceedings are commenced in the event the property becomes substandard or a nuisance.

(6) Any condition caused or permitted to exist in violation of any provision of this Code is deemed to be a public nuisance and may be summarily abated as such by the City, and each day that condition continues will constitute a new and separate offense pursuant to Chapter 1-2 of this Code.

(7) A commercial building is further defined as described in this Code.

5-24.040 Scope.

(a) **Applicability.** The provisions of this chapter apply to all improved real property throughout the City of Artesia where any of the conditions specified in this chapter are found to exist.

(b) **Regulations Cumulative.** The regulations provided by this chapter are cumulative to each other and to any other regulations under City, State, or federal law.

5-24.050 Service Requirements.

Any notice required to be served under this chapter must be completed by either personal delivery or ~~first-class~~ first-class mail. Service by mail is deemed complete at the time of deposit in the mail. Any notice issued to a registrant may be sent to the mailing address listed on the application submitted to the City. Failure of any registrant to receive a properly addressed notice by mail does not invalidate any action, decision, determination, or proceeding under this chapter.

5-24.060 Registration and Exemptions.

(a) **Registration Required.** An owner of a vacant ~~buildings~~ property must register their property with the Director within 30 days of the ~~buildings~~ property becoming vacant, in accordance with the requirements of this chapter. Each beneficiary/trustee who holds a deed of trust on a property located within the City shall perform an inspection of the property in question prior to recording a notice of default or similar instrument with the Los Angeles County Recorder's Office. If the ~~buildings~~ property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed vacant.

(b) **Exemptions.** The provisions of this chapter do not apply to the following vacant ~~buildings~~ properties:

(1) **Active Construction.** Vacant ~~buildings~~ properties where all of the following conditions are satisfied:

i. There is a valid building permit for repair, rehabilitation, or construction of ~~the~~ a vacant building on the vacant property; and

ii. The owner is progressing diligently to complete such repair or rehabilitation within one year of the issuance of the building permit; and

iii. The owner regularly removes exterior trash, debris, and graffiti.

(2) **Active Marketing.** The ~~buildings~~ property complies with all codes, is ready for occupancy, and is actively being offered for sale, lease, or rent.

5-24.070 Registration Procedure.

(a) **Application Required.** Any person seeking to register a vacant ~~buildings~~ property must submit a complete, written application to the City using a form adopted by the City for that purpose.

(b) **Application Contents.** The City will not deem an application complete until all information, documents, and fees required under this chapter has been provided to the City. At minimum, any applicant requesting registration of a vacant ~~buildings~~ property pursuant to this chapter must submit the following information and documentation:

(1) The name and address of each owner and any property management company (as applicable) responsible for the security, maintenance, and marketing of the property in question.

(2) A maintenance plan describing and documenting how the maintenance requirements of this chapter will be complied with.

(3) The methods by which the owner has secured the property against unauthorized entry,

(4) A statement regarding any future plans for the property.

(5) Proof of fire and liability insurance coverage.

(6) Such other identification and information as the Director may require.

(c) **Registration Fee.** Each applicant must pay the nonrefundable registration fee, as established by resolution of the City Council, at the time of registration and annually thereafter.

(d) **Annual Registration.** The registration pursuant to this section must be renewed annually. A registration is valid upon issuance and continues in effect ~~for one year~~ from the date of issue until expiration. It expires automatically on December 31st of

each calendar year ~~one year~~ following the date of its issuance, unless suspended, revoked, or renewed in accordance with this chapter.

(e) Notice City of Changes to Registration. Any person, partnership, association, corporation, fiduciary, or other legal entity that has registered a property under this chapter must notify the Director in writing of any change of information contained in the registration within 10 days of the change.

5-24.080 Notice

Whenever the Director has cause to believe, based upon an inspection, complaint, or report from another agency or person, that a building property is vacant and it has not been registered as required by this chapter, then the Director may serve the owner with a written notice requiring the owner to register the building property with the Department as vacant and pay the registration fee within the period of time specified in the notice, which may be no greater than 30 days.

5-24.090 Maintenance Requirements for Vacant Buildings Properties;

Inspections.

(a) Maintenance Required; Director Modification. Each vacant building property that is subject to registration must be maintained in compliance with applicable federal, State, and local law and the maintenance and security requirements provided in subsections (b) through (g) below. The Director may modify the requirements, below, at his or her discretion in the case of a partially vacant building property. The Director may also modify or waive some or all of these requirements in the case of a building property that has been damaged by fire, a natural disaster, or other calamity.

(b) (b) Unimproved Vacant Lot Types. Persons owning or maintaining vacant lots that were never developed or became vacant after pre-existing buildings, structures or impervious surfaces were removed, must provide a landscape and irrigation plan to the Director for approval within 30 days of the real property becoming vacant.

(c) Exterior Maintenance. Upon approval of a landscape and irrigation plan, a vacant property The owner must actively maintain and monitor the exterior of any the building(s) and the grounds, including all lots, so that they remain in continuing compliance with all applicable codes and regulations, and do not contribute to and are not likely to contribute to blight. Active maintenance and monitoring shall include, but not be limited to:

(1) A landscaped area must be provided and maintained on all perimeters of a vacant property located adjacent to all streets, alleys, or other public right-a-way.

(2) Landscaped areas must be planted with natural, drought-tolerant vegetation consisting of a combination of trees, shrubs, and groundcover, subject to approval of the Director. For detailed coverage requirements, please refer to Section 9-2.1503 of this Code.

(3) Maintenance of landscaping and plant materials must be in good condition at all times.

(4) Property must be equipped with an operable automatic irrigation system for the ground cover, which must be installed and maintained in good condition at all times. Approved ground cover types for the property include grass, artificial turf, decomposed granite, mulch, woodchips, and gravel or rocks. Detailed coverage requirements for these ground covers can be found in Section 9-2.1503(b) of this Code.

(5) Regular removal of all exterior trash, debris, and graffiti from the property building and its associated lots.

(6) Maintenance of the exterior of the building of any structure on the vacant property, and all associated lots, in a good condition that is structurally safe and preserves the physical integrity of the structure, including but not limited to paint and finishes, foundation, roof, chimneys, flues, gutters, downspouts, scuppers, flashing, skylights, windows, exterior stairs and decks. All painted area to cover graffiti shall be painted to match the color of the building.

(7) Prevention of criminal activity on the premises and trespass by unauthorized persons.

(8) Turning off all utilities that are not necessary for the upkeep and maintenance of the property building.

(9) Swimming pools, spas, fountains, or other bodies of water that are not maintained to be free and clear of pollutants or debris, or that are likely to harbor mosquitoes, insects, or vectors are prohibited. This includes, but is not limited to, water that is clouded or green, water containing bacterial growth, algae, insect larvae, insect remains, or animal remains. Additionally, swimming pools must be covered, secured, and maintained in such a way that water cannot collect or accumulate either in the pool or on top of the cover thereon.

(d) Landscape and Irrigation Plan. Before the City issues a demolition permit on any vacant property in which the construction of a new building, structure, parking lot, or impervious surface is not scheduled to commence within 30 days after demolition, the responsible party must submit a landscape and irrigation plan for review and approval by the Director (with the appropriate plan check fees). The Director may impose any reasonable conditions of approval on the landscape and irrigation plan to ensure that the property will be adequately maintained during the time that it is vacant. Upon approval of the plan, the landscape and irrigation improvements to the vacant property, as specified on the plan, must be completed to the satisfaction of the Director within 30 days after approval of the plans.

(e) Interior Maintenance. The owner must preserve the interior of any the building on the property from damage by the elements or plumbing leaks and keep it free from accumulation of garbage and other debris, and from infestation by rodents, insects, or other pests.

(f) Security. Each vacant building property must be secured against unauthorized entry. The methods of security shall be as approved by the Director, who shall take into consideration whether the property has been cited for nuisance activities or criminal conduct by another department of the City or another government agency. To

enhance safety and prevent unauthorized access, the following specific security measures are required:

(1) A wrought iron, heavy-duty vinyl, combination blocks & wrought-iron, or other suitable fencing material approved by the Director must be located behind all required perimeter landscaping. The fencing height must comply with Section 9-2.1401 of this Code. All fences and barriers must be provided with a gate to allow access to the vacant property for emergency access.

(2) All perimeter fences and barriers must be maintained in good condition at all times by the responsible party. Any on-site graffiti must be removed by the responsible party within 24 hours of discovery or notification by the City. The responsible party must inspect the property at reasonable intervals for any on-site graffiti and take other steps to reasonably ensure that there is no on-site graffiti.

(g) **Insurance.** The owner must maintain fire and liability insurance coverage as determined necessary by the Director. Any insurance policy must require advanced, written notice to the Director in the event of cancellation of insurance or a reduction in coverage.

(h) **Sign Posting.** The owner of the vacant building property is required to post a sign ~~at the front of the building on the property~~, in a conspicuous location protected from the weather, that provides the current name, address, and phone number of the owner of record or property manager. If a notice of default or foreclosure has been recorded for the property, the lender's name, address, and telephone number must also be provided. The sign may be no smaller than 8-1/2 inches by 11 inches.

(i) **Additional Requirements for Commercial Buildings.** In addition to the above requirements, any vacant commercial building property, ~~including all lots, be~~ must be maintained in accordance with the following requirements:

(1) If the property has a Bbuilding(s) with fire sprinkler systems, those systems must be maintained in working order.

(2) If the property has a building(s) Buildings with a centralized and registered fire and burglar alarm system, those systems must be maintained in working order.

(3) Buildings without fire sprinkler systems or fire alarm or burglar alarm systems shall be provided with continuous physical monitoring by means of an onsite patrol. "Continuous physical monitoring" shall mean the use of a licensed security agency operating in the City of Artesia and providing regular surveillance of the vacant building property, as part of the agency's security route.

(j) **Quarterly Inspections.** The City shall inspect each registered vacant building property on a quarterly basis to ensure ongoing compliance with the requirements of this Section. Any failure of an owner to comply shall be subject to the City's enforcement of the provisions of this chapter.

(k) **Mitigation Plan.** Properties, buildings, or structures that are vacant for more than forty-five consecutive calendar days, in addition to the requirements of subsections (b) through (h), responsible parties of any real property, building, or portion thereof, that

has been vacant for at least 45 consecutive calendar days shall also adhere to the following:

(1) Submit a Vacant Property Mitigation Plan to the Planning Division, which demonstrates how the property will be regularly inspected, secured, and maintained in a manner that protects the health, safety, general welfare, and aesthetic standards of the community, as well as which demonstrates goals and plans for demolishing any vacant structure or for the re-occupancy of the vacant property.

(2) Conduct or cause to be conducted sufficient and adequate inspections of any vacant property, building or structure, or portion thereof, to monitor and immediately abate any condition that does not adhere to the provisions of this chapter and Code. Such inspections shall be conducted at a minimum, once each calendar week, and the results of the inspections shall be documented and be submitted in writing to the Director within 48 hours of each inspection.

(3) Remove all furniture and personal property from the interior of any real property, building, or structure, or portion thereof, that is vacant.

(4) Remove all curtains, blinds, and window coverings from all windows located on the ground level of any vacant building or structure to allow a clear view to the interior of the vacant building or structure, or portion thereof.

(l) **Additional Requirements.** In addition to the specific maintenance and security requirements provided in this chapter, the Director shall have the authority to require responsible parties for vacant properties subject to the registration pursuant to this chapter to implement additional maintenance and security measures in order to effectuate the purpose of this chapter. This may include, but is not limited to, the installation of security lighting, increasing the frequency of on-site inspections, employment of an on-site security guard, and/or posting additional signage at the property.

5-24.100 Recordation of Transfer to Loan/Deed of Trust.

Within 10 calendar days following the purchase or transfer of a loan or deed of trust secured by real property, the new beneficiary and trustee shall record with the Los Angeles County Recorder's Office an assignment of rents or similar document. This document must list the name of the person purchasing or acquiring the loan or deed of trust, along with the mailing address and contact number of the new beneficiary and trustee responsible for receiving payments associated with the loan or deed of trust. This requirement shall not apply to the sale or transfer of a property when such sale or transfer does not include the sale or transfer of any loan or deed of trust associated with such property.

Within 10 calendar days following the change of a trustee in a deed of trust secured by real property, the beneficiary shall record with the Los Angeles County Recorder's office a Substitution of Trustee or similar document that lists the name of all new trustees, as well as the mailing address and contact telephone number of all new trustees.

5-24.1010 Fees.

The City Council may establish by resolution, and from time to time may amend, a registration fee to defray the administration of this chapter, including but not limited to, the registration process, monitoring vacant ~~buildings~~ properties, and enforcing this chapter. The fee required under this chapter is in addition to any other license, permit, or fee required by any other section or chapter of this code. The amount of any fee, cost or charge imposed pursuant to this Chapter is a debt to the City of Artesia that may be recovered by any means authorized by law.

5-24.1240 Enforcement.

(a) **Violations Unlawful.** It is unlawful and declared a public nuisance for any person to operate, conduct, or maintain a vacant building contrary to the provisions of this chapter.

(b) **Criminal Penalties.** Any person who violates any provision of this chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000 per each violation per day, or by imprisonment in the County jail not exceeding six months, or by both; except the City Attorney, in his or her discretion, may prosecute a violation of this chapter as an infraction subject to the penalties in Section 1-2.01 of this code.

(c) **Administrative Citations.** Administrative citations may be issued for violations of the provisions of this chapter, as set forth in Chapter 7 of Title 1 of this code.

(d) **Civil or Equitable Enforcement.** The City Attorney may bring a civil or equitable action to seek the abatement of any violation of this chapter.

(e) **Aiding, Abetting, and Omissions.** Whenever in this chapter any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(f) **Ongoing Violations.** Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.

(g) **Remedies Cumulative.** The remedies, procedures, and penalties provided by this Chapter are cumulative to each other and to any other remedies, procedures, and penalties available under City, State, or ~~federal~~ Federal law Law.

SECTION 3. CEQA. The City Council determines that the adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application thereof to any person or place, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof,

irrespective of the fact than any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Certification and Publication. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2025.

ALI TAJ, MAYOR

ATTEST:

JENNIFER ALDERETE, CITY CLERK

APPROVED AS TO FORM:

HONGDAO NGUYEN, CITY ATTORNEY

**CITY OF ARTESIA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT the Planning Commission of the City of Artesia will hold a Planning Commission Meeting in the City Council Chambers of Artesia City Hall located at 18747 Clarkdale Avenue, Artesia, California at 7:00 PM on Tuesday, January 21, 2025 to conduct a **Public Hearing** to consider the following item:

Project Description: Case No. 2024-34: The Planning Commission will consider Resolution No. 2025-01P.

Resolution 2025-01P recommends that the City Council of Artesia adopt an Ordinance amending Title 9 (Planning and Zoning), Chapter 2 (Zoning), Article 45 (Accessory Dwelling Units) of the City of Artesia Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units to comply with recent changes in State Law, and finding the action to be Statutorily Exempt from CEQA under Public Resource Code Section 21080.17.

Project Description: Case No. 2024-38: The Planning Commission will consider Resolution No. 2025-02P.

Resolution 2025-02P recommends that the City Council of Artesia adopt an Ordinance amending Chapter 24 (Vacant Properties) of Title 5 (Public Welfare) of the City of Artesia Municipal Code relating to the maintenance of vacant properties. The recommendation also makes a determination of exemption under CEQA pursuant to State CEQA Guidelines Sections 15378(b)(5). Adoption of the Ordinance is an organizational or administrative activity of the City that will not result in direct or indirect physical changes in the environment.

Project Location: Citywide.

Members from the public who would like to address the Planning Commission may appear at the public hearing during the consideration of this item and state their opinion. If you have written comments that you wish to submit, please deliver them to the Artesia City Clerk's Office, 18747 Clarkdale Avenue, Artesia, CA, or by email: planning@cityofartesia.us prior to the start of the public hearing. If you have questions about this notice or the proposed action, please contact the Artesia Community Development Department at (562) 865-6262 or by the email above.

If you challenge any action related to this public hearing in court, you may be limited to raising only those issues you raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

PUBLISHED: January 10, 2025