

**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
December 20, 2021**

**Planning Commission
Commissioners**
Sara Vasquez, Chair
Tina Heany, Vice-Chair
Danny Ramirez
Wally Wolff

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Vasquez called the meeting to order at 7:02 p.m. The following were in attendance:

PRESENT: Vasquez, Heany, Wolff
ABSENT: Ramirez
STAFF: Hensley, Golding, Baldwin, McCurley, Hernandez
DEPUTY CITY ATTORNEY: Phan

2. PLEDGE OF ALLEGIANCE:

None.

3. APPROVAL OF MINUTES: November 15, 2021

Vasquez called for a motion on the November minutes. Heany motioned to approve the November 15, 2021 minutes, seconded by Wolff and carried 3-0-0-1 (Yes: Vasquez, Heany, Wolff; No: None; Abstain: None; Absent: Ramirez).

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. PUBLIC HEARINGS:

A. Site Plan and Design Review SPDR 2019-05; Subdivision 2020-01; and Planned Development Permit PDP 2019-01. A request for a 20-unit, multi-family residential condominium development project at 1401 Santo Domingo Avenue.

Nick Baldwin, Associate Planner, presented the staff report and answered questions from the Commission.

Public Comments

Eunice Figueras, Property Owner at 1835 Orange Grove, expressed concerns related to the project impacting her privacy.

Mark Surdam, the property owner at 1336 Heather Lane, reiterated comment made by the commissioners of the difficulty to visualize the project, and expressed the project's impact on adjacent properties and privacy issues.

Jimmy Lee, Architect/Applicant, answered questions from the Commission and addressed property owner's concerns.

Heany and Wolff discussed concerns of the residents' privacy and options to mitigate the issues with the applicant. As a result, Mr. Lee agreed to additional landscaping to address the privacy issues.

Action

Motion made by Heany, seconded by Wolff, to recommend City Council approval of: Subdivision 2020-01 (PC Resolutions 21-07), Planned Development Permit 2019-01 (PC Resolution 21-08), and SPDR 2019-05 (PC Resolution 21-09) with added conditions related to additional landscaping to improve privacy impacts. Motion carried 3-0-0-1.(Yes: Vasquez, Heany, Wolff; No: None; Abstain: None; Absent: Ramirez).

B. Conditional Use Permit 2020-02. A request for a wine bottling use with accessory retail and wine tasting at 2666 Huntington Drive.

Nick Baldwin, Associate Planner provided the staff report and answered questions from the Commission.

Public Comments

Keith Xie, the Applicant answered questions from Vasquez regarding wine bottling access and business operations.

Action

Motion by Vasquez to approve CUP 2020-02 (PC Resolution 21-10), seconded by Wolff. Motion carried 3-0-0-1. (Yes: Vasquez, Heany, Wolff; No: None; Abstain: None; Absent: Ramirez).

C. Conditional Use Permit 2020-03. A request to allow a warehousing use greater than 50,000 square feet at 1801 Flower Avenue.

Maia McCurley, Associate Planner, provided the staff report and answered questions from the Commission.

Public Comments

Maxwell Bonnie, the Applicant, provided additional information on the operation of the business and addressed the questions from the Commissioners.

Action

Motion by Wolff to approve CUP 2020-03 (PC Resolution 21-11), seconded by Heany. The motion was approved 3-0-0-1. (Yes: Vasquez, Heany, Wolff; No: None; Abstain: None; Absent: Ramirez).

6. BUSINESS ITEMS:

None.

7. ITEMS FROM DIRECTOR:

Hensley provided development and City Council updates. He answered questions from the Commission.

Phan informed the Commissioners of the City Council's direction to update the Commissioners serving terms.

8. ITEMS FROM COMMISSIONERS:

Heany expressed her happiness for the new development projects, thanked staff, and wished all a Merry Christmas.

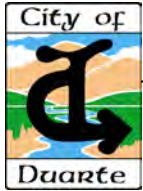
Vasquez and Wolff wished everyone a Merry Christmas and a Happy New Year.

Vasquez inquired about January's Planning Commission. Hensley indicated the meeting adjournment needs to be for Tuesday, January 18th versus 17th due to the holiday. He also informed the Commissioners of the likelihood of reassuming in-person meeting in January.

9. ADJOURNMENT: Tuesday, January 18, 2022

Vasquez moved to adjourn at 8:42 p.m., seconded by Wolff. The next meeting is scheduled for Tuesday, January 18, 2022

Craig Hensley, Secretary



PLANNING COMMISSION STAFF REPORT

Date: January 18, 2022

Project: Site Plan Design Review SPDR 2020-33
New Two-Story Home

Location: 2528 Gardi Street

Applicant: Christine and Carlos Guzman

SUMMARY

The property owners, Christine and Carlos Guzman, are proposing a new two-story, 3,234 square-foot, Spanish-style home at 2528 Gardi Street.

BACKGROUND

This project was initially recommended for approval by the Architectural Review Board (ARB) on February 8, 2021 and approved by the Planning Commission on February 16, 2021. The design of the house was significantly altered post-approval and is now back before the Planning Commission for consideration.

Per Section 19.122.030 of the Duarte Development Code (DDC), this project is required to be brought before the Architectural Review Board for recommendation to the Planning Commission for a decision. The ARB reviewed this project at their regularly scheduled meeting on December 13, 2021. The ARB was unanimous in recommending approval of the project.

Five notices were mailed to abutting property owners before the December 13, 2021 ARB meeting, and on January 6, 2022 related to tonight's Planning Commission meeting, pursuant to Section 19.122.040.F of the DDC. Staff received no comments in response.

PROJECT DESCRIPTION

The subject property is zoned R-1A, has a size of 12,170 square-feet and is developed with a 722 square-foot, two-bedroom one-bath house built in 1949. The rear of the property is developed with a pool and mature landscaping. The property is situated in a neighborhood mixed with single-story and two-story homes, including one other property on the block with a two-story home. The sizes of the other homes on the block range in size from 700 to 2,600 square feet.

The applicant is proposing to demolish the existing house and construct a new two-story, 3,434 square foot home. The new home will have four bedrooms and five baths, as well as a kitchen, dining room, great room, laundry room, and a foyer. There will be a covered porch in the front of the house and a large covered patio with deck above in the rear of the house. Parking for the property will be provided in the form of a detached, 557 square-foot two-car garage. An Accessory Dwelling Unit (ADU) is attached to the two-car garage. The ADU is not subject to review or consideration as a part of this design review process, and will be reviewed and permitted

separately according to State law. The existing pool and most of the landscaping in the rear yard are proposed to remain. New drought-tolerant landscaping is proposed in the front yard.

The new home will be designed in the Spanish architectural style, as demonstrated through the use of terracotta colored barrel concrete tiles, white stucco walls, gable roofs, open rafters, arched windows, and the use of a dark accent color. The windows selected for the house are a vinyl material, in a bronze color, and will be deeply recessed on the front elevation and part of the rear elevation and recessed two inches on all other elevations.

ANALYSIS

This project was designed to comply with the City's design guidelines, development standards, and parking requirements of the Duarte Development Code. Architectural design, landscaping, and off-site improvements are examined below to determine if the design proposed is consistent with the stated architectural style and compatible with other homes in the neighborhood.

Architectural Design

The new home will be designed in the Spanish architectural style, as demonstrated through the use of barrel concrete roof tiles, smooth white stucco walls, gable roofs, open rafters, arched porch entries, and the use of bronze as an accent color. The windows selected for the house are a bronze-colored vinyl material, and will be deeply recessed on the front elevation and a portion of the rear elevation, and recessed two inches everywhere else on the home. Compared to the previous design, this one will have a significantly larger second floor with a living area of 1,425 square feet. Also, this design features a large covered patio and second floor deck off the rear of the home, which each have sizes of approximately 345 square feet.

The proposed design is compatible with the block and the neighborhood, which is a mix of Ranch and Spanish/Mediterranean style homes. In regards to size and massing, the home is appropriate for the neighborhood since there is a mix of one and two story homes. The proposed design is in compliance with all development standards in the Duarte Development Code.

The Architectural Review Board discussed the matter of privacy related to this proposed design. In particular, they discussed the deck off the second floor on the rear elevation and its potential to impact privacy for the adjacent neighbors. They determined that the deck is appropriate for the home and the vicinity and would not create a significant impact on privacy of the adjacent neighbors due to its placement on the property, the existing landscape, and the lack of an abutting neighbor to the rear.

Landscaping

With the construction of a new house it is a requirement to install new landscaping on the property that matches the fresh look of the new home and complies with current Development Code. The subject property has a large backyard with mature landscaping that the property owner wishes to keep, but the existing front yard landscaping consists of grass and a mix of plant types, all of which have a faded appearance. No landscaping plan has been prepared for this project, but one will be required as a condition of approval and installation of new, drought tolerant landscaping in

the front yard must be complete prior to certificate of occupancy. A new street tree will be incorporated into the landscaping plan, as required by the Duarte Municipal Code.

Improvements in the Public Right of Way

In association with the construction with a new single-family residence, the Public Works Division has provided a list of required improvements to the public right of way in front of the subject property and these have been added as conditions of approval. These improvements mainly pertain to the restoration of the curb and gutter associated with the closure of the existing driveway and the repaving of the street in the event that replacement of wet utilities necessitates cutting into the street.

ENVIRONMENTAL

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15303, Class 3 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary in accordance with CEQA Guidelines and a Notice of Exemption has been prepared for this project.

RECOMMENDATION

Based on the information provided in the report, Staff recommends that Planning Commission review the information and adopt PC Resolution 2021-13, approving Site Plan Design Review application SPDR 2020-33 for a new two-story house, subject to conditions of approval.

Respectfully Submitted

Nick Baldwin, AICP
Associate Planner

ATTACHMENTS

Exhibit A: Resolution 2021-13
Exhibit B: Vicinity Map and Photos
Exhibit C: Project Plans

RESOLUTION PC 2021-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED CONSTRUCTION OF A NEW SINGLE-FAMILY TWO-STORY HOME LOCATED WITHIN THE R-1A SINGLE-FAMILY RESIDENTIAL ZONE AT 2528 GARDI STREET MEETS THE REQUIRED FINDINGS UNDER DUARTE DEVELOPMENT CODE SECTION 19.122.050(E) AND CONFORMS TO THE APPLICABLE STANDARDS IN DUARTE DEVELOPMENT CODE SECTIONS 19.122.040 & 19.44.010 AND THUS APPROVES SITE PLAN AND DESIGN REVIEW CASE 2020-33, SUBJECT TO CONDITIONS

WHEREAS, Table 7-2 listed in Section 19.122.030.B of the Duarte Development Code requires a recommendation from the Architectural Review Board and approval from the Planning Commission for new two-story residential construction; and

WHEREAS, on December 13, 2021, the Architectural Review Board reviewed the plans for SPDR 2020-33 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") has considered the project proposal, which provides, among other provisions, for the demolition of existing single-family single-story residence and the construction of a single-family two-story residence located at 2528 Gardi Street; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public meeting held on January 18, 2022.

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. That the Planning Commission approves Resolution PC 2021-13 with conditions of approval "Exhibit A" for the demolition of an existing single-family single-story home and the construction of a new single-family two-story home located at 2528 Gardi Street.

SECTION 2. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 3. The Planning Commission finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

The project conforms to the goals and objectives of the General Plan and the regulations of Chapter 19.10 (Residential Zones), including the intent and purpose, permitted uses, and other development standards. Furthermore, the project conforms to General Plan land use policy 1.1.2 by encouraging the development of a mix of housing types and densities to ensure a variety of housing to accommodate a range of tastes and incomes.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

The lot is approximately 12,170 square feet, which is adequate for the construction of single-family home of this size and style, as shown on the project proposal. Furthermore, the new home meets the development standards of the Duarte Development Code.

3. In compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development; and
 - a. *Compatibility. The project development has been designed in a manner that will provide a visual enhancement and improvement to the property and residential community. It complies with the requirements outlined in the R-1A zone and is consistent with the design of the existing homes within the surrounding neighborhood.*
 - b. *Architectural Design and Detail. The project is inspired by a Spanish architectural style and contains a variety of features and elements that are consistent with the proposed style. A combination of colors and materials, and architectural details all help create a visual enhancement to the surrounding neighborhood. Additionally, the two-story element of the design steps back from one story elements such as the entry porch and guest bedroom, which graduate the massing of the home from the street, all of which helps this two-story design better fit into the neighborhood.*
 - c. *Landscape, Lighting, Parking, Signs, and Other Design Details.*
 - *Equipment and Utilities. All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted in rear or side yard areas, or underground, and screened from the public right-of-way.*
 - *Fences/Walls. New block walls are proposed along portions of the east and west property lines. A condition of approval has been included that requires the new walls to be constructed to match the color, finish, and material of the existing walls to remain.*
 - *Landscaping. The subject property has a large backyard with mature landscaping that the property owner wishes to keep, but the existing front yard landscaping consists of grass and a mix of plant types, all of which have a faded appearance. No landscaping plan has been prepared for this project, but one will be required as a condition of approval and installation of new, drought tolerant landscaping in the front yard must be complete prior to certificate of occupancy*
 - *Lighting. The project does not include the approval of any lighting. Any future lighting proposals will require separate review and approval as necessary.*
 - *Parking. The project meets the off-street parking requirements of section 19.38.050 of the Duarte Development Code by providing adequate parking with a two-car garage.*
 - *Signs. The project does not include the approval of any signs.*
4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The site is sufficient in size and shape to accommodate the single-family home. The project

site is in a residential zone surrounded by other residential uses. The single-family home is suitable for the property and will not create any adverse impacts to the neighborhood.

SECTION 4. The Planning Commission approves Site Plan and Design Review Case 2020-33 based on the findings listed in Section 3 and the conditions of approval listed in “Exhibit A-1”.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 18th day of January 2022.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF DUARTE

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on January 18, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

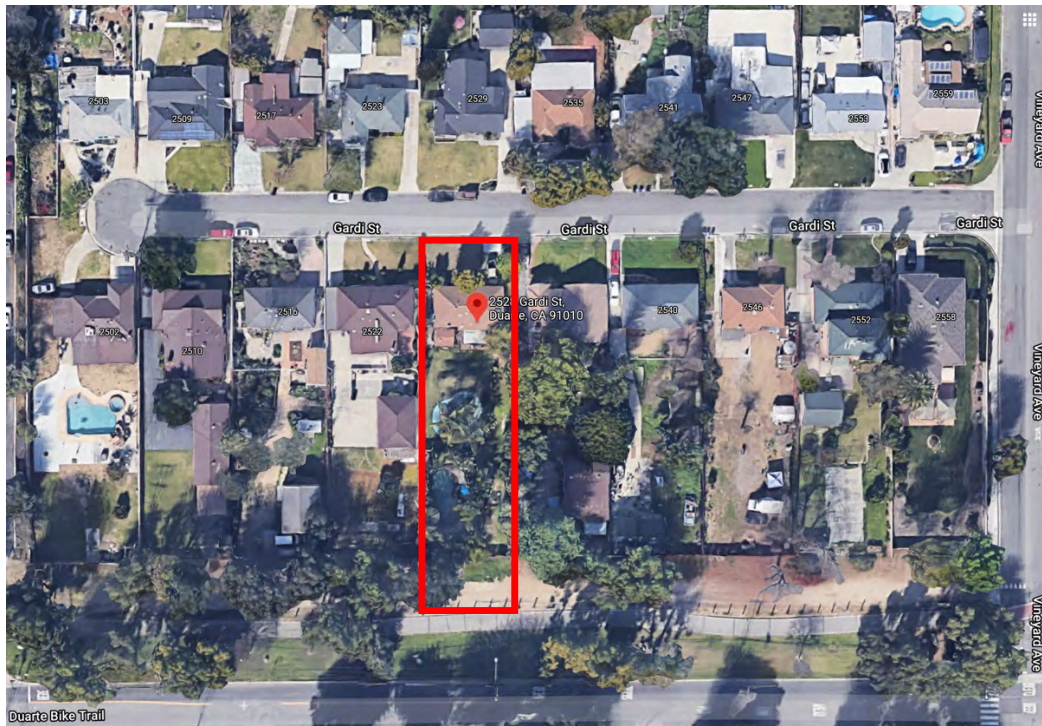
Craig Hensley, Community Development Director

EXHIBIT A-1
Conditions of Approval
Site Plan & Design Review 2020-33
New Single-Family, Two-Story Residence at 2528 Gardi Street

1. This approval is for the construction of a single-family residence located at 2528 Gardi Street, as depicted on the approved plans on file with the Planning Division. The elevations, colors, and materials, shall receive final Planning approval prior to Building and Safety plan check.
2. Any new exterior lighting shall be in compliance with Chapter 19.50.070 of the Duarte Development Code, and require approval from the Planning Division prior to installation and/or issuance of building permits. Details (cut-section drawings, manufacture brochure, etc) shall be provided to the Planning Division for review.
3. Street trees shall be planted, pursuant to Chapter 13.08 of the Duarte Municipal Code. Street trees shall be incorporated into the project's landscape and irrigation plan.
4. A landscape and irrigation plan for the front yard shall be submitted to the Planning Division for review and approval prior to permit issuance. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code, including but not limited to being permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, and ground cover, and compliance with maintenance and fuel modification requirements. Separate review fees may apply. Prior to the issuance of a Certificate of Occupancy, landscaping and irrigation shall be installed and functional. Landscaping shall be continuously maintained and permanently irrigated at all times.
5. A wall and fence plan shall be provided to the Planning Division for review prior to submission of construction drawings for Plan Check. The plan shall identify the height, color, material, and finish of all existing and proposed walls and fences along the perimeter of the property. New walls and fences shall match or closely coordinate with the existing walls and fences to remain. Approval of the plan shall be at the discretion of the Community Development Director or designee.
6. Revise plans to include the proposed location of the water heater. If a tankless water heater is selected, the water heater must be located in an inconspicuous location behind a wall/fence and/or gate, and/or located along the rear wall of the building. If the applicant elects to use a tanked water heater, the water heater must be located within the building, or located along the rear wall enclosed within the building in an enclosure that matches the roof, stucco, colors and materials of the approved house.
7. The property owner and/or applicant shall comply with the City's Construction Diversion Program. Prior to the issuance of any permits, the applicant shall submit a Construction Diversion form and required security deposit. Contact the Planning Division for more information.

8. The project shall comply with all the regulations of Chapter 19.10 (Residential Zones) of the Duarte Development Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.
9. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.
10. All utilities for direct service to the project shall be installed underground and appurtenant utility facilities (e.g. meters, transformers, etc.) concealed from view of the public right-of-way.
11. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Architectural Review Board.
12. Public Works Conditions
 - a. Remove and replace any broken or off-grade curb and gutter along the frontage of 2528 Gardi, as directed by the Public Works Inspector.
 - b. Install one new driveway apron in accordance with Standard Plans for Public Works Construction 110-2.
 - c. Grind and overlay two inches of asphalt/concrete to half the street width along property frontage as directed by the Public Works Inspector.
 - d. Install LID New Development Requirement as approved by the City Engineer.
 - e. Any existing improvements in the public right-of-way damaged or made off-grade during construction, including but not limited to traffic signals, light standards, aprons, sidewalk, curb ramps, curb, and/or gutter shall be removed and replaced in accordance with appropriate City Standard or as directed by the City Public Works Inspector.
 - f. Storm and/or nuisance water shall be contained on site. Contractor shall comply with NPDES requirements and use BMPs accordingly.
 - g. Remove construction graffiti.
13. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the Architectural Review Board.
14. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.

15. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District. Contact Duarte Unified School District for more information.
16. Building permits for this project must be issued within one-year from the date of approval from the Architectural Review Board or the application and approval shall expire.
17. The owner and contractors shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
18. A final inspection shall be made by the Planning Division prior to final of any building permits to ensure that all conditions have been met.
19. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of the approval letter. Said appeal must be in writing and filed with the City Clerk's office (DMC 19.144) and include all associated fees. The written appeal shall include reasons for the appeal.
20. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.



Aerial Photo



Subject Property, 2528 Gardi Street



Adjacent house to the east



Adjacent house to the west



House across the street



House across the street, to the west



House across the street, to the east



Two-story house at the end of the block

GENERAL NOTES

1. THESE PLANS REPRESENT THE FINISHED STRUCTURE AND ARE FOR GENERAL PERMITTING AND CONSTRUCTION PURPOSES ONLY. THEY ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED AND DO NOT INDICATE THE METHOD OF CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND OWNER TO SELECT, VERIFY, RESOLVE, AND INSTALL ALL EQUIPMENT, FINISHES, AND FEATURES. THE ARCHITECT SHALL BEAR NO RESPONSIBILITY FOR INFORMATION NOT INCLUDED IN THESE PLANS, NOR FOR COORDINATION, MODIFICATION, OR ACTUAL CONSTRUCTION OF THE BUILDING DESCRIBED HEREIN.

[illegible]

NEW SINGLE-FAMILY RESIDENCE WITH DETACHED GARAGE/ ADU.

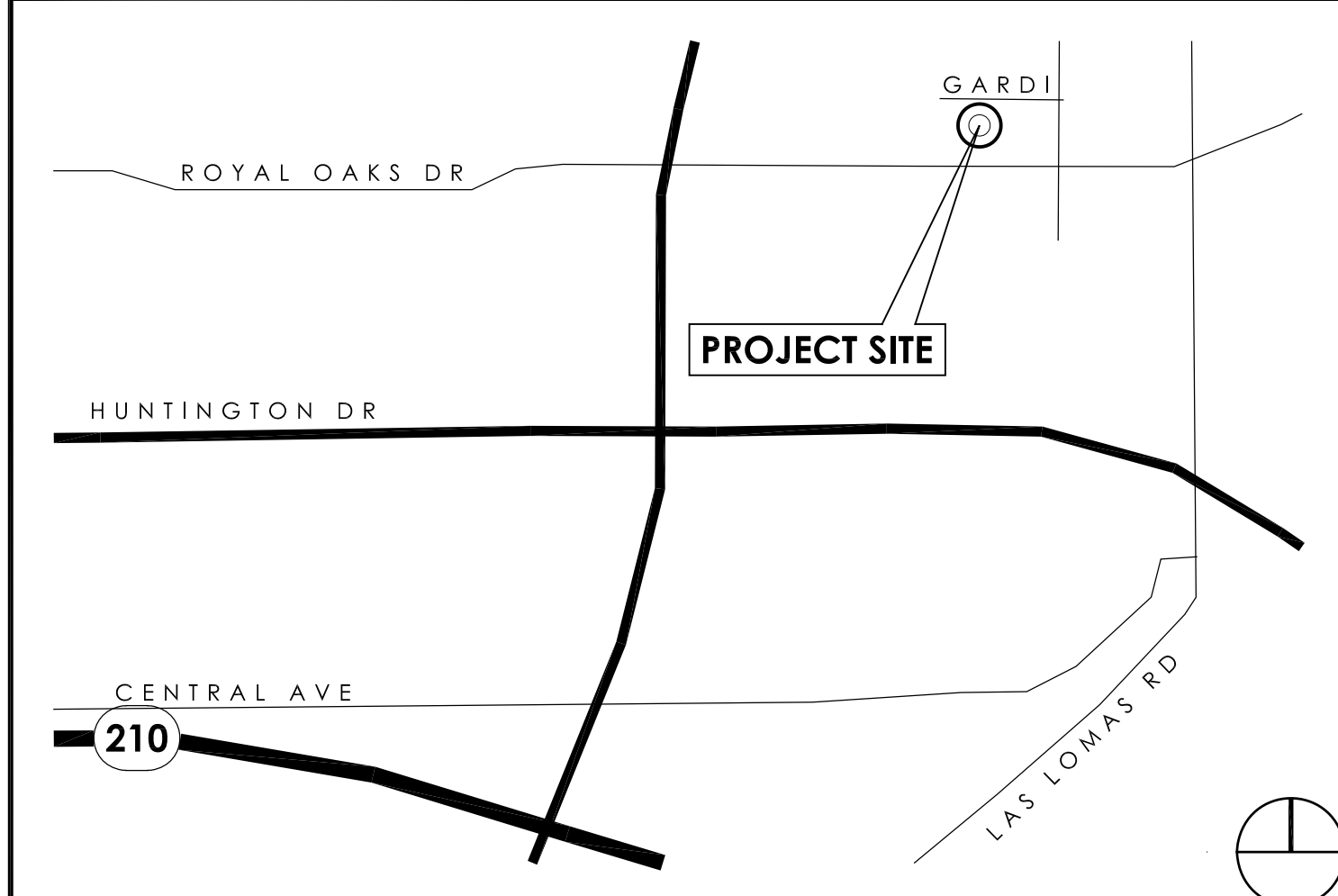
LEGAL DESCRIPTIONS					
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TRACT # 15056 LOT 90

SHEET INDEX

A-1 COVER SHEET AND SITE PLAN
A-2 MAIN RESIDENCE FLOOR PLANS AND ROOF PLAN
A-3 MAIN RESIDENCE EXTERIOR ELEVATIONS
A-4 GARAGE/ ACCESSORY DWELLING UNIT

VICINITY MAP



PROJECT SUMMERY TABLE									
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OWNER:	CARLOS AND CHRISTINE GUZMAN
PROPERTY ADDRESS:	2528 GARDI STREET, DUARTE, 91010
ASSESSOR'S PARCEL NUMBERS:	8602-008-026
GOVERNING AGENCY:	CITY OF DUARTE
ZONING:	R-1A
LAND AREA:	12,676 SQ.FT.
TYPE OF CONSTRUCTION:	V-N
AUTOMATIC FIRE SPRINKLERS:	YES, INSTALL PER NFPA-13
PROPOSED BUILDINGS:	
	MAIN RESIDENCE
	FIRST FLOOR 1,809 SQ.FT.
	SECOND FLOOR 1,425 SQ.FT.
	<u>TOTAL 3,234 SQ.FT.</u>
	CALIFORNIA ROOM 345 SQ.FT.
	COVERED PORCH 165 SQ.FT.
	ACCESSORY STRUCTURE
	GARAGE 557 SQ.FT.
	ADU (UNDER SEPARATE PERMIT) 558 SQ.FT.
	<u>TOTAL 1,115 SQ.FT.</u>
LOT COVERAGE	
	MAIN RESIDENCE COVERAGE 1,809 SQ.FT.
	CALIFORNIA ROOM COVERAGE 345 SQ.FT.
	COVERED PORCH COVERAGE 165 SQ.FT.
	<u>ACCESSORY STRUCTURE COVERAGE 1,115 SQ.FT.</u>
	<u>TOTAL 3,434 SQ.FT.</u>
	3,434/ 12,676 = 27.09% < 35%
MAX. BUILDING HEIGHT:	25'-2" < 35'-0"

GUZMAN RESIDENCE

2528 GARDI STREET, DUARTE, CALIFORNIA

CEDG ARCHITECTS

ARCHITECTURE //
BUILD //
LANDSCAPE //

// 401 e. columbia ave.
pomona, ca 91767

// 909.625.3916
// cedgarchitects.com
// info@cedgarchitects.com

STAMP



CONSULTANTS

PROJECT

GUZMAN RESIDENCE
2528 GARDI STREET
DUARTE, CA 91010

COVER SHEET

REVISIONS

1 PLANNING SUBMISSION 11/10/2021

PLANNING SUBMISSION 12/3/2021

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DATE: 9/27/2021

SCALE: AS NOTED

JOB NO: 20200601

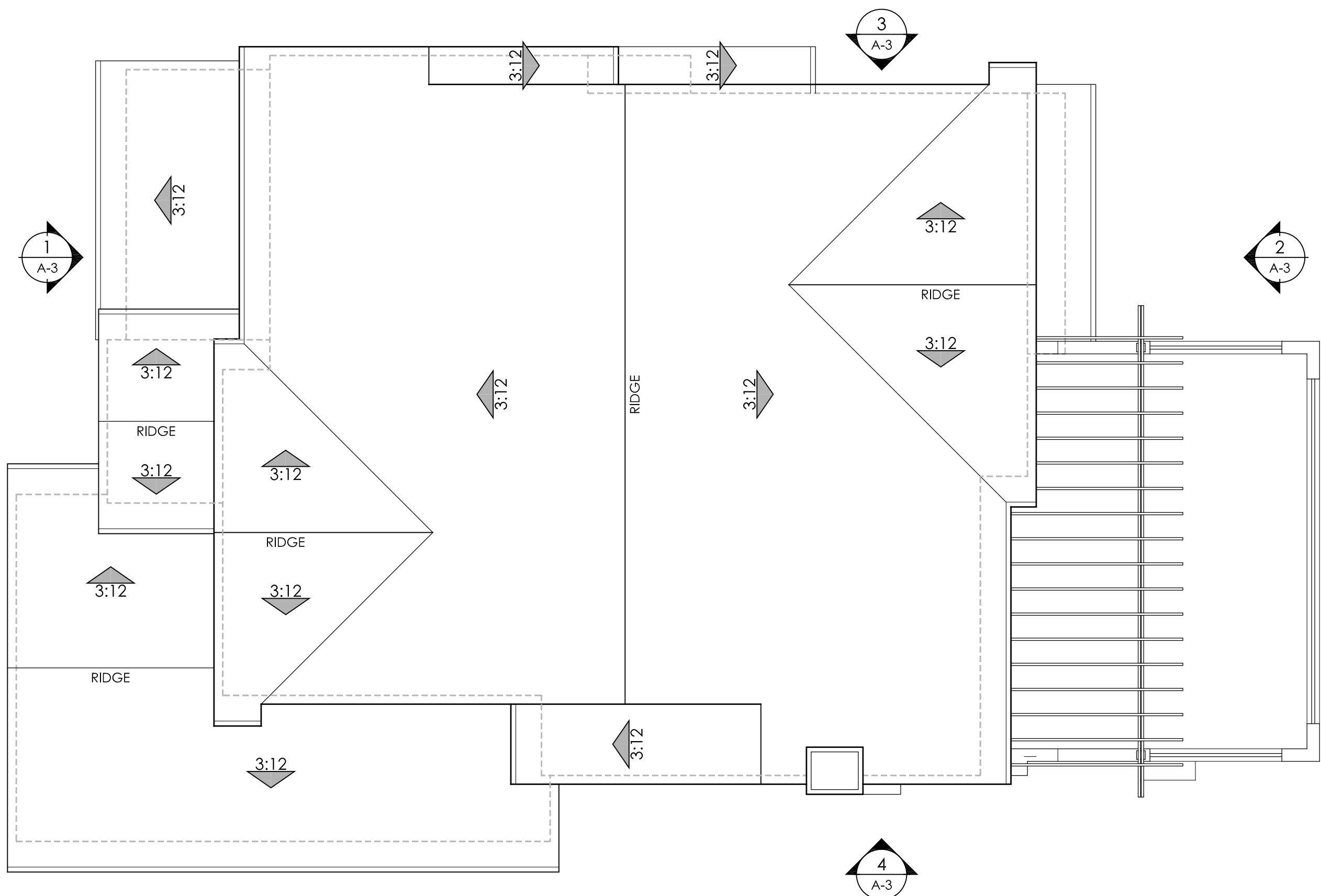
DWN BY: CCW

SHEET NO.

A-1

1 SITE PLAN
1/8" = 1'-0"

$$1/8'' = 1'-0'$$



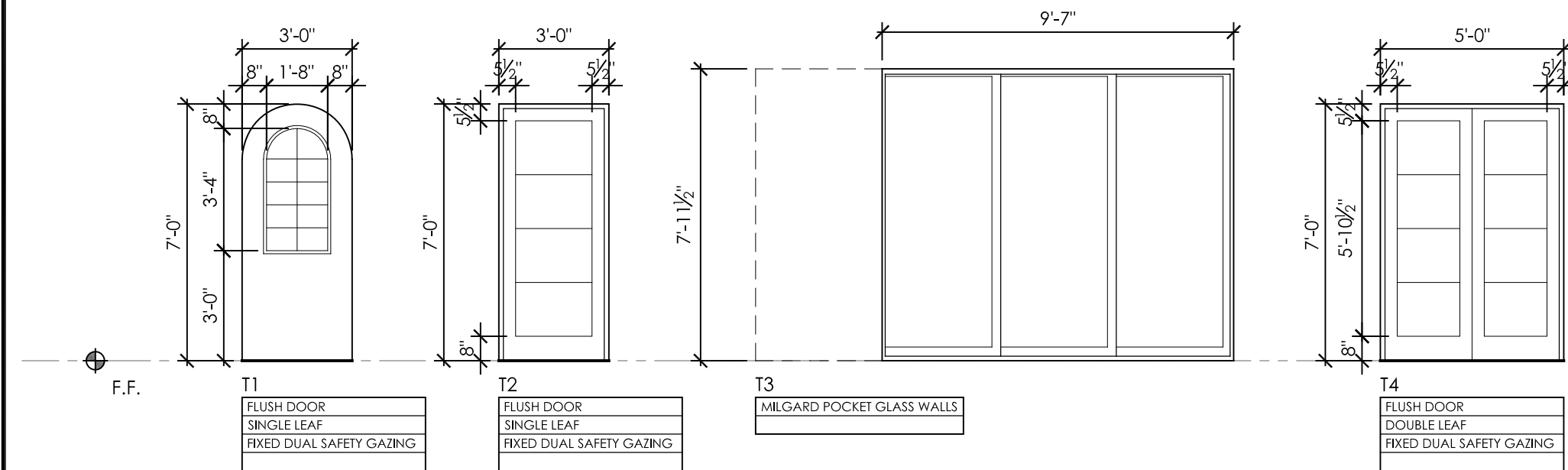
3 ROOF PLAN
3/16" = 1'-0"

MAIN RESIDENCE EXTERIOR DOOR SCHEDULE

DOOR#	DOOR TYPE	OPENING		DOOR PANEL					DOOR FRAME			REMARKS
		WIDTH	HEIGHT	THCKNSS	CORE	MATERIAL	FINISH	COLOR	MATERIAL	FINISH	COLOR	
FIRST FLOOR												
101	T1	3'-0"	7'-0"	1-3/4"	SC	WD/GL	ST	MAHOGANY	WD	ST	MAHOGANY	--
102	T2	3'-0"	7'-0"	1-3/4"	SC	WD/GL	ST	MAHOGANY	WD	ST	MAHOGANY	--
103	T3	9'-7"	7'-11 1/2"	-	-	ALU/GL	FCTRY	BRONZE	ALU	FCTRY	BRONZE	POCKET GLASS WALL BY MILGARD

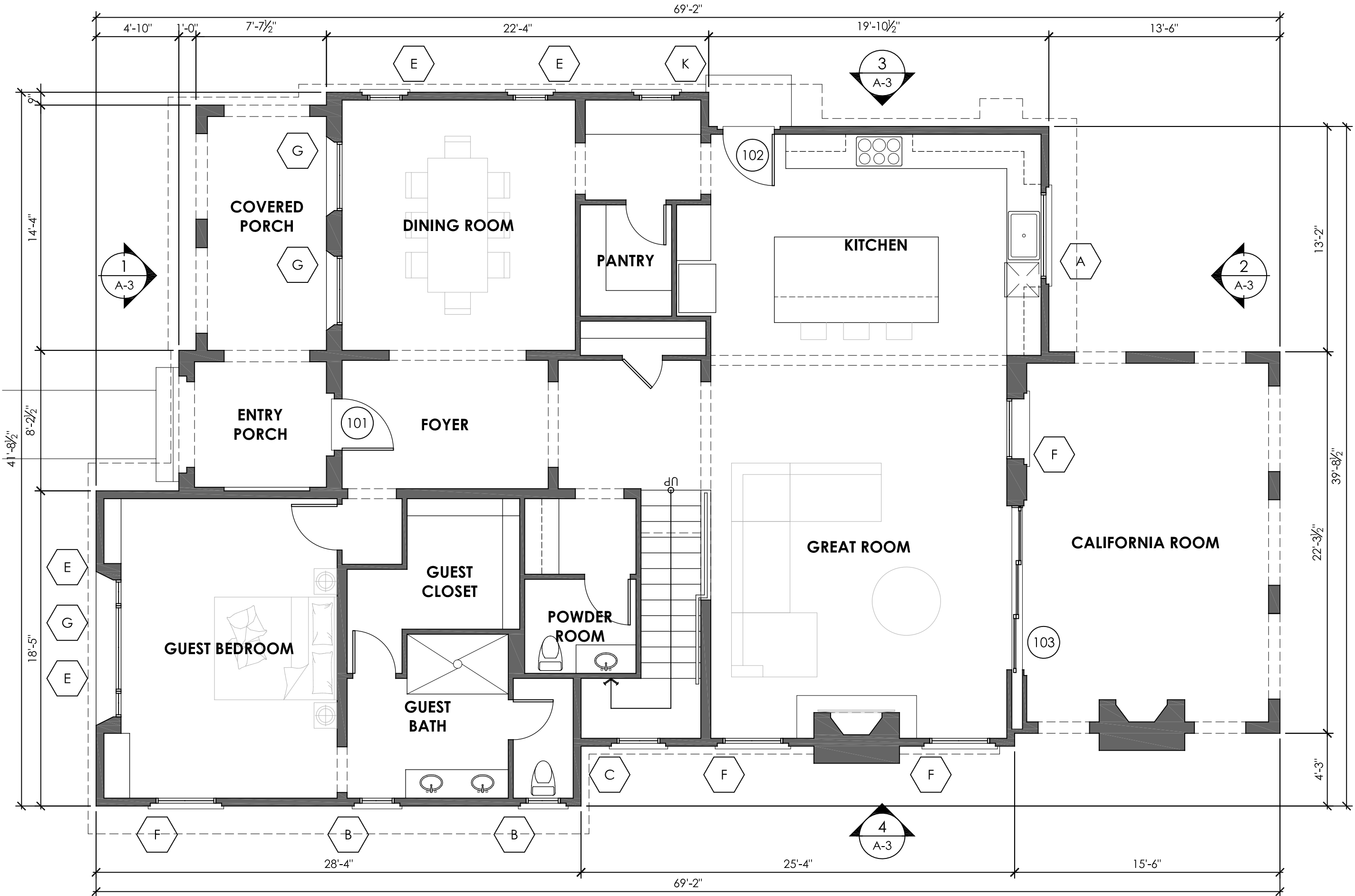
ABBREVIATIONS
CORE
SC = SOLID CORE
DOOR PANEL / FRAME MATERIAL
GL = TEMP. GLASS
WD = WOOD
ALU = ALUMINUM

DOOR SCHEDULE NOTES
A. CLOSER EFFORT TO BE 5 LBS AT INTERIOR & EXTERIOR DOORS, GATES, AND INTERIOR DOORS PER 11B-404.2.9 AND SHALL HAVE HINGES ADJUSTED SO THAT FROM THE OPEN POSITION OF 90°, THE DOOR OR GATE SHALL MOVE TO WITHIN 12° OF THE LATCH IN 5 SECONDS MINIMUM PER 11B-404.2.8.2. WHERE FIRE DOORS ARE REQUIRED, THE AUTHORITY HAVING JURISDICTION, MAY INCREASE THE MAXIMUM EFFORT TO OPERATE FIRE DOORS TO ACHIEVE POSITIVE LATCHING, BUT NOT TO EXCEED 15 LBS MAX.
B. PROVIDE WALL MOUNTED OR FLOOR MOUNTED DOOR STOPS FOR ALL DOORS.
C. INTERIOR AND EXTERIOR THRESHOLDS SHALL BE 1/2" MAXIMUM ABOVE THE FLOOR LEVEL. EXPOSED EDGE SHALL BE SLOPED OR BEVELED TO MAXIMUM 1:2 SLOPE WITH MAXIMUM 1/4" CHANGE IN VERTICAL ELEVATION.
D. SAFETY GLAZING SHALL COMPLY WITH CBC SECTION 2406.
E. PROVIDE SECURITY GLAZING AT ALL DOOR VISION PANEL LITES.

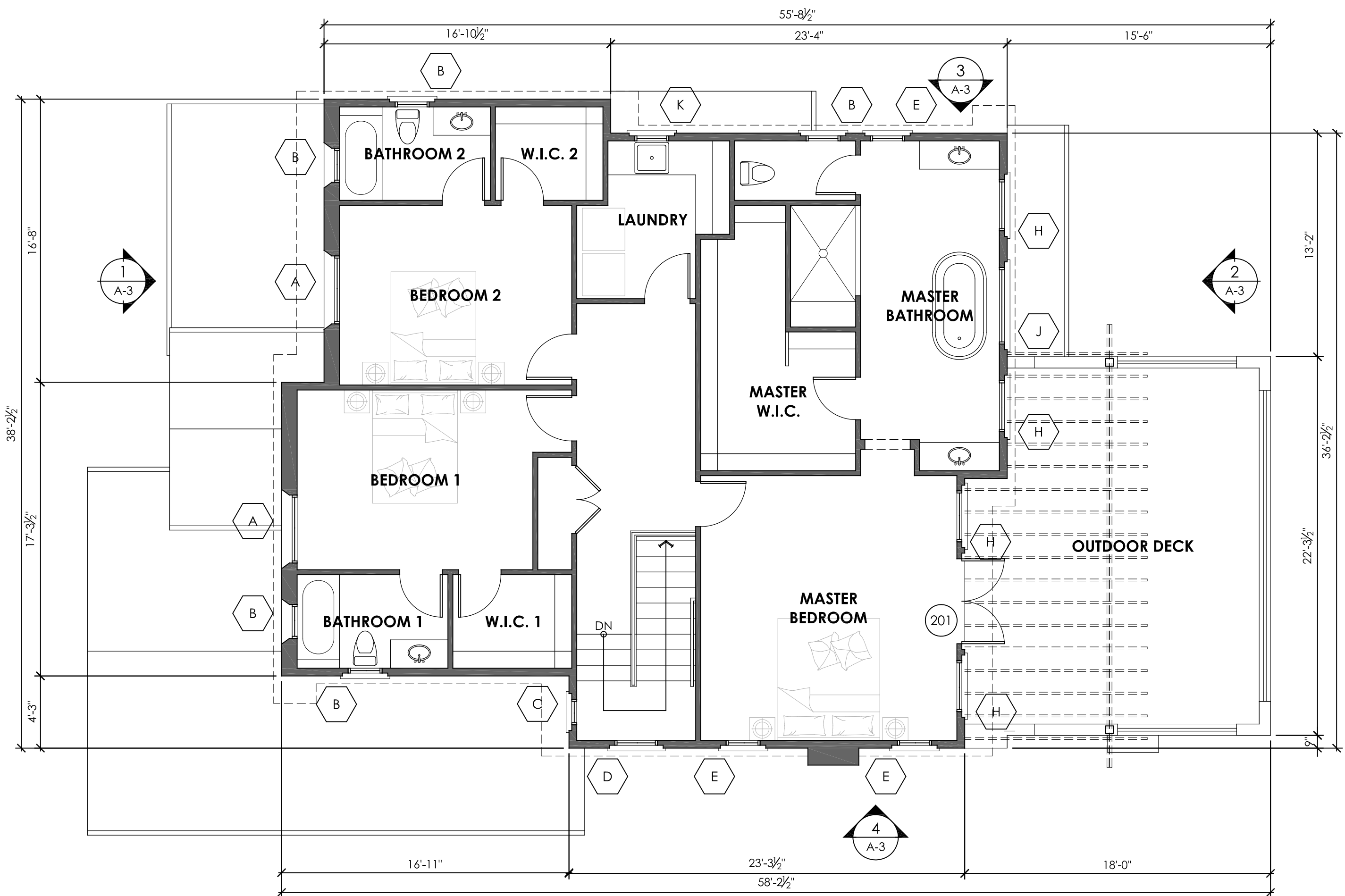


MAIN RESIDENCE WINDOW SCHEDULE

WINDOW #	WINDOW TYPE	MATERIAL	COLOR	SIZE		SILL HT.	Q'TY	REMARKS
				WIDTH	HEIGHT			
A	HORIZONTAL SLIDER	VINYL	BRONZE	5'-0"	4'-0"	3'-0"	3	TRINISC SERIES BY MILGARD
B	HORIZONTAL SLIDER	VINYL	BRONZE	2'-0"	1'-6"	5'-6"	6	TRINISC SERIES BY MILGARD
C	FIXED	VINYL	BRONZE	1'-6"	6'-0"	12'-0" @ 1ST FLR F.F.	1	TRINISC SERIES BY MILGARD
D	FIXED	VINYL	BRONZE	2'-4"	6'-0"	12'-0" @ 1ST FLR F.F.	1	TRINISC SERIES BY MILGARD
E	SINGLE HUNG	VINYL	BRONZE	2'-0"	4'-6"	2'-6"	7	TRINISC SERIES BY MILGARD
F	SINGLE HUNG	VINYL	BRONZE	3'-4"	4'-6"	2'-6"	4	TRINISC SERIES BY MILGARD
G	HORIZONTAL SLIDER	VINYL	BRONZE	4'-0"	4'-6"	2'-6"	3	TRINISC SERIES BY MILGARD
H	SINGLE HUNG	VINYL	BRONZE	3'-0"	5'-0"	2'-0"	4	TRINISC SERIES BY MILGARD
J	FIXED	VINYL	BRONZE	4'-4"	5'-0"	2'-0"	1	TRINISC SERIES BY MILGARD
K	SINGLE HUNG	VINYL	BRONZE	2'-0"	4'-0"	3'-0"	2	TRINISC SERIES BY MILGARD



1 FIRST FLOOR PLAN
3/16" = 1'-0"



2 SECOND FLOOR PLAN
3/16" = 1'-0"

STAMP



CONSULTANTS

PROJECT

GUZMAN RESIDENCE
2528 GARDI STREET
DUARTE, CA 91010

FLOOR PLANS
AND ROOF PLAN

REVISIONS

1	PLANNING SUBMISSION 11/10/2021
2	PLANNING SUBMISSION 12/3/2021
3	-

DATE: 9/27/2021

SCALE: AS NOTED

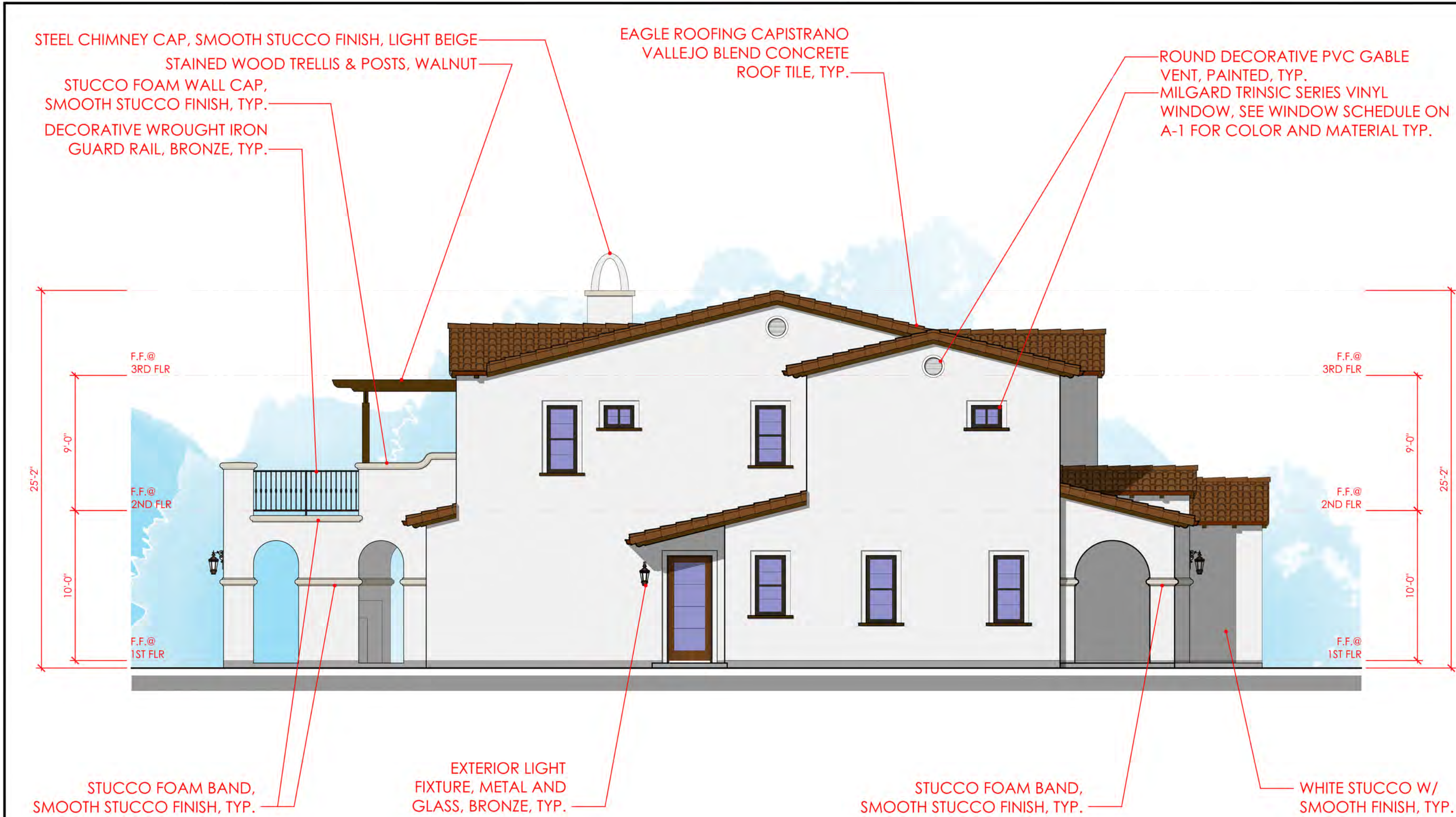
JOB NO: 20200601

DWN BY: CCW

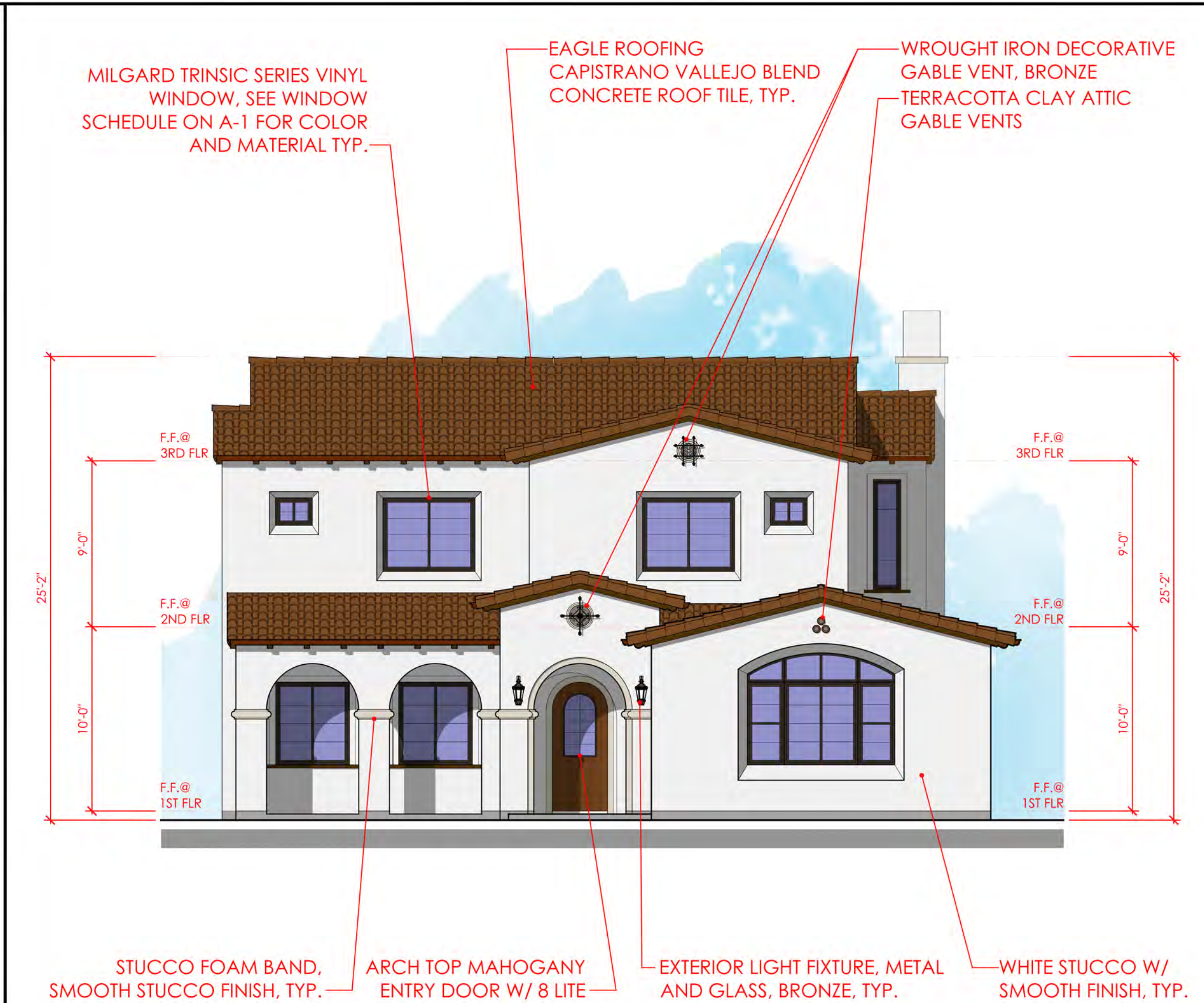
CHK BY: EGP

SHEET NO.

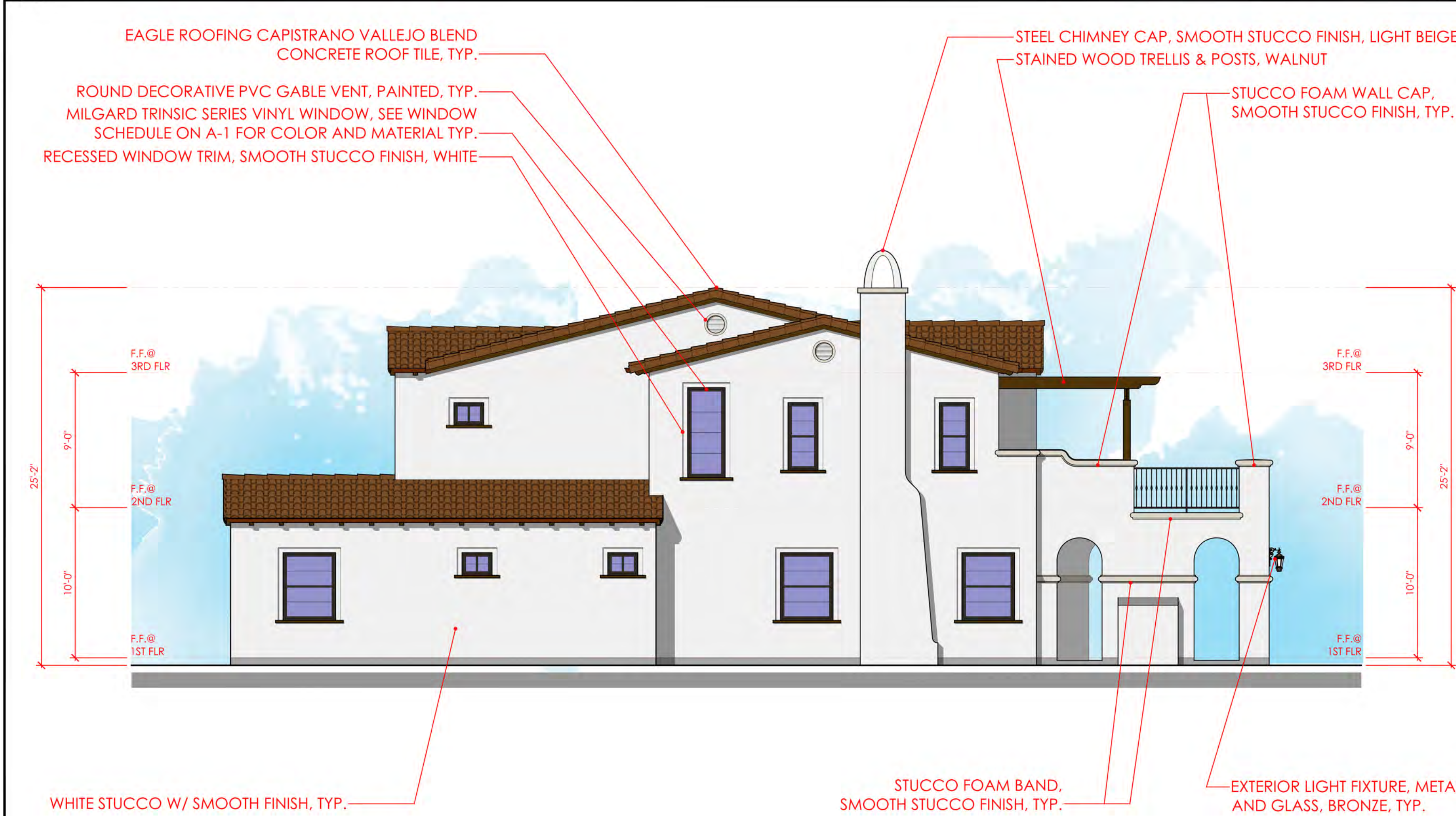
A-2



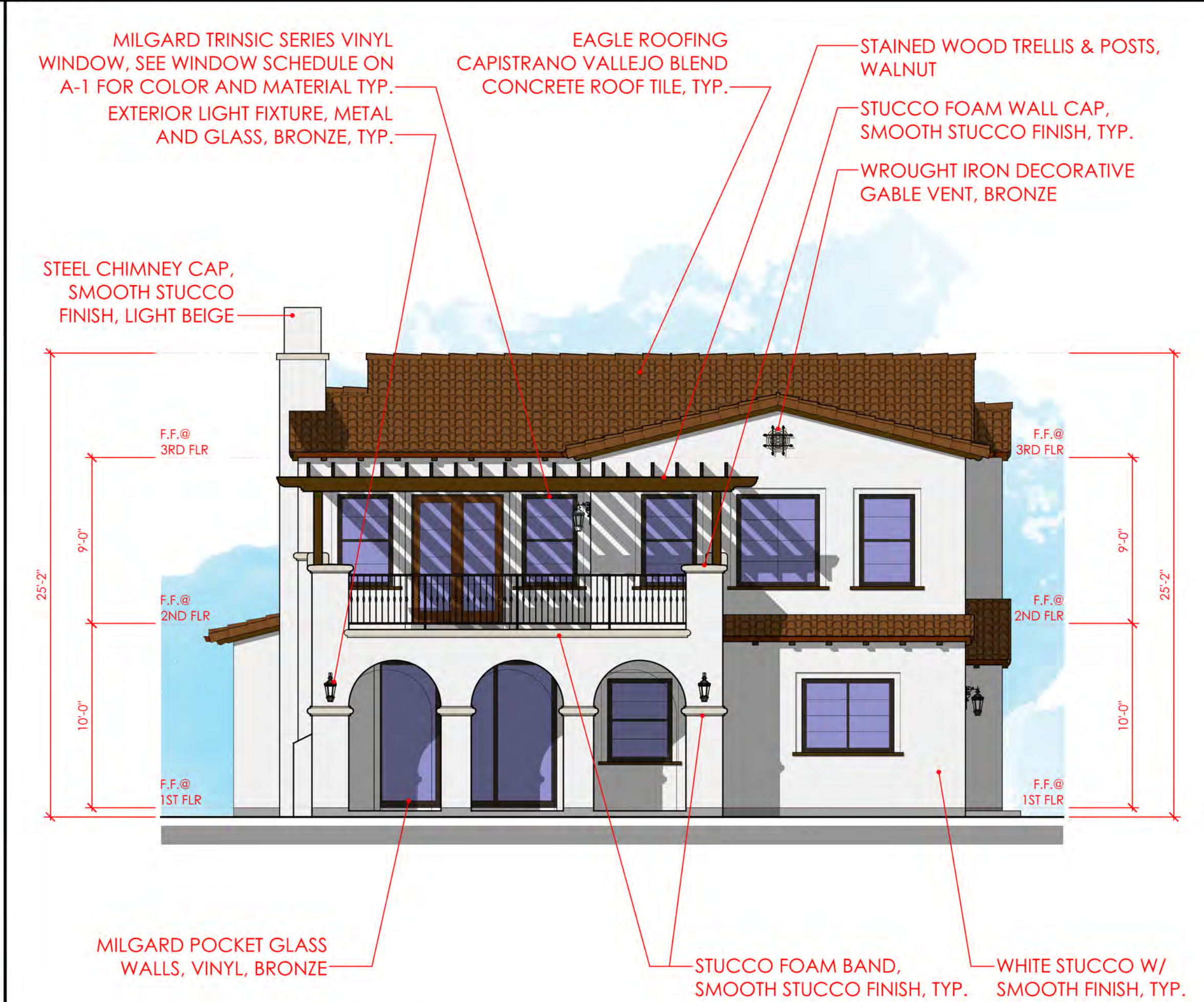
3 EAST ELEVATION
3/16" = 1'-0"



1 NORTH (STREET) ELEVATION
3/16" = 1'-0"



4 WEST ELEVATION
3/16" = 1'-0"



2 SOUTH (REAR) ELEVATION
3/16" = 1'-0"

CEDG ARCHITECTS
ARCHITECTURE //
BUILD //
LANDSCAPE //
// 401 e. columbia ave.
pomona, ca 91767
// 909.425.3916
// cedgarchitects.com
// info@cedgarchitects.com

STAMP

CONSULTANTS

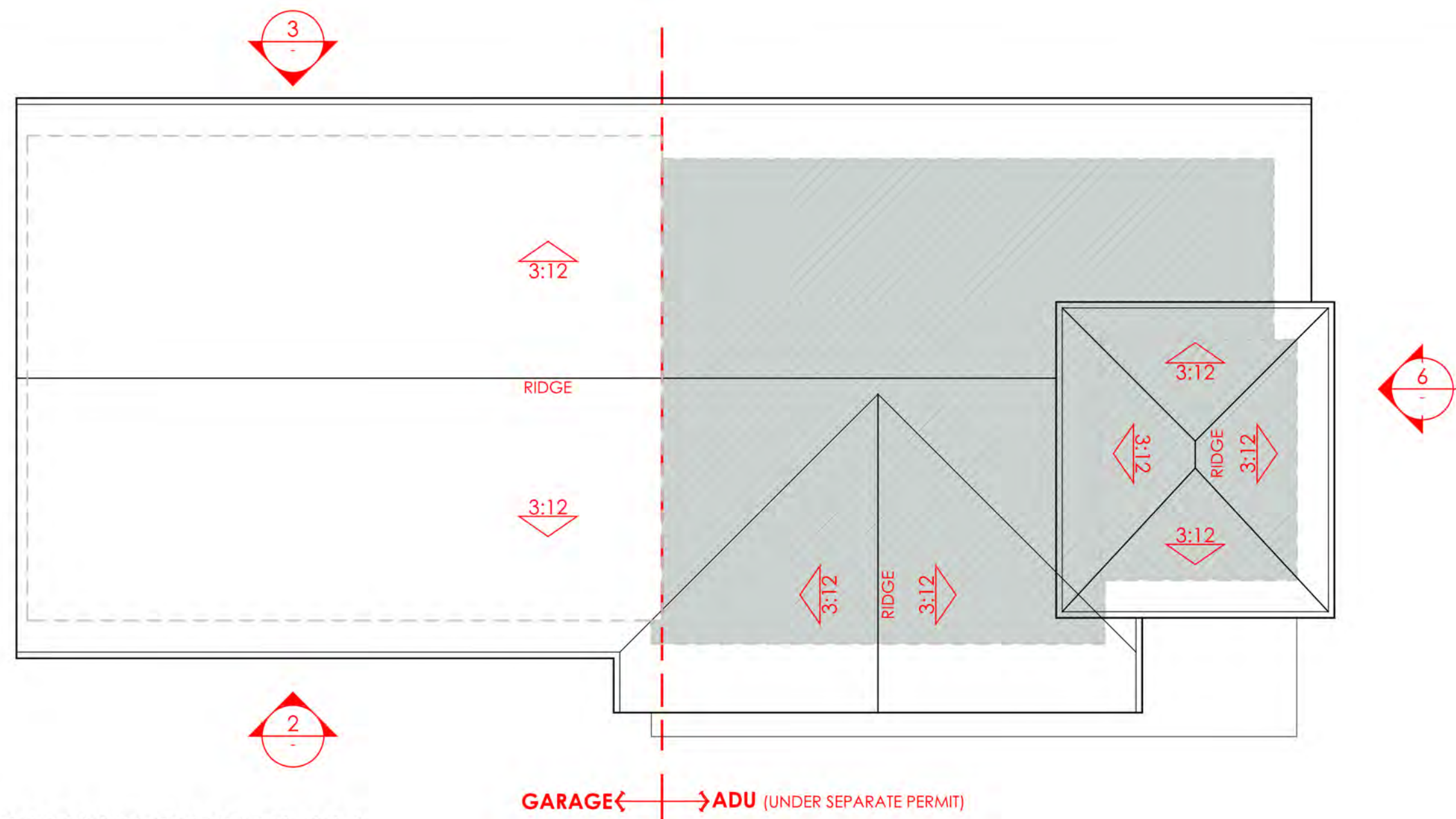
PROJECT
GUZMAN RESIDENCE
2528 GARDI STREET
DUARTE, CA 91010

EXTERIOR ELEVATIONS

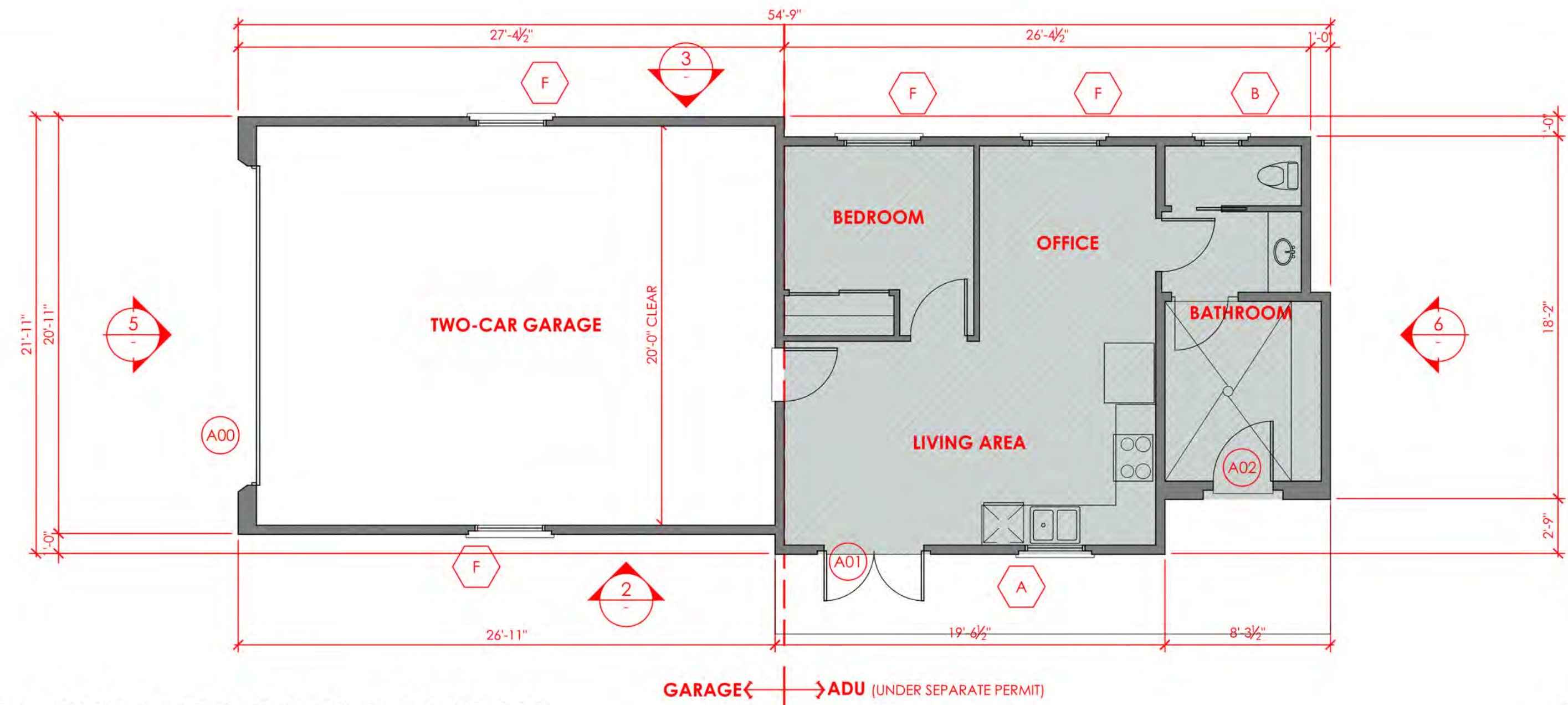
REVISIONS
1. PLANNING SUBMISSION 11/10/2021
2. PLANNING SUBMISSION 12/3/2021

DATE: 9/27/2021
SCALE: AS NOTED
JOB NO: 20200601
DWN BY: CCW
CHK BY: EGP

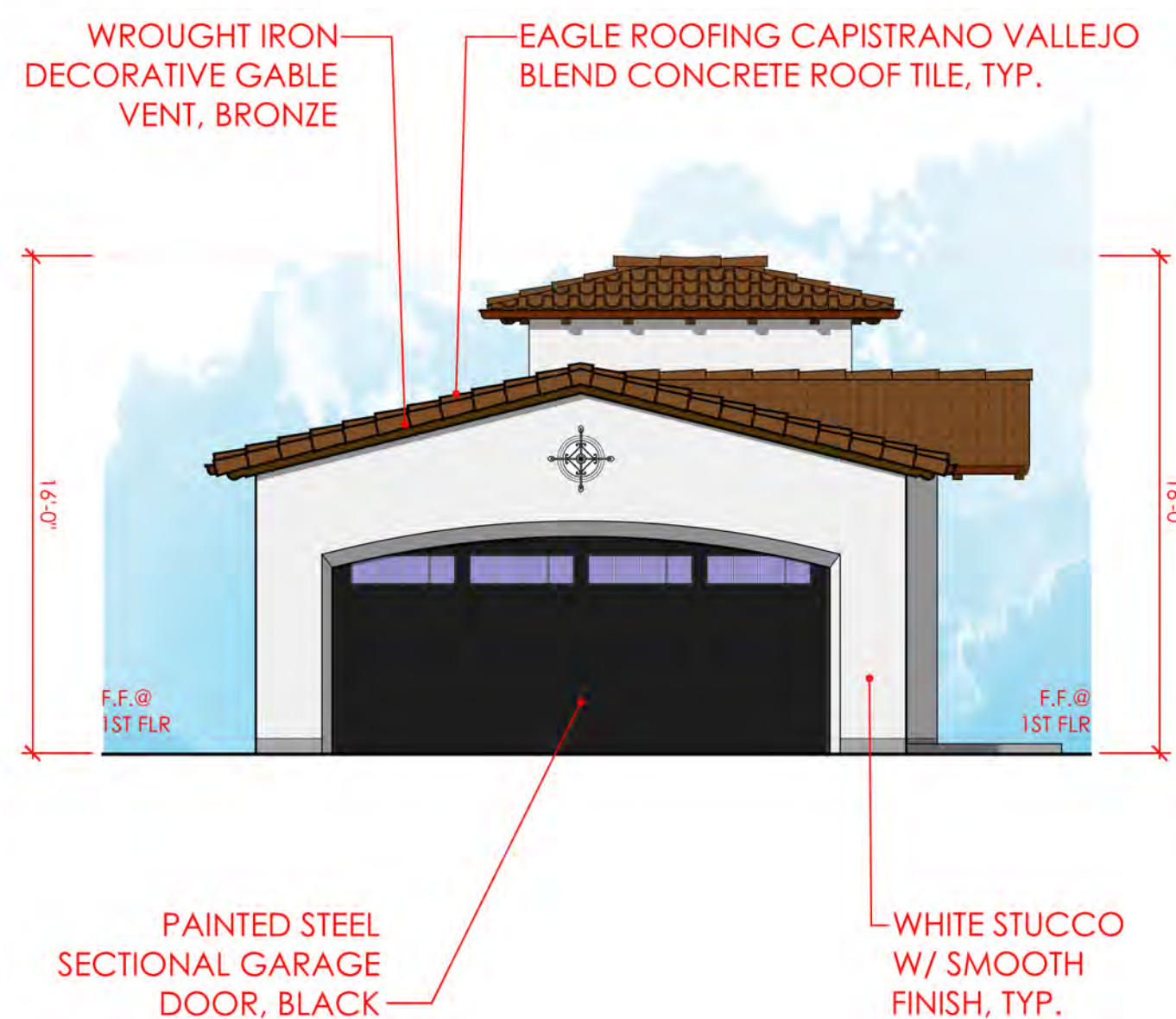
SHEET NO.
A-3



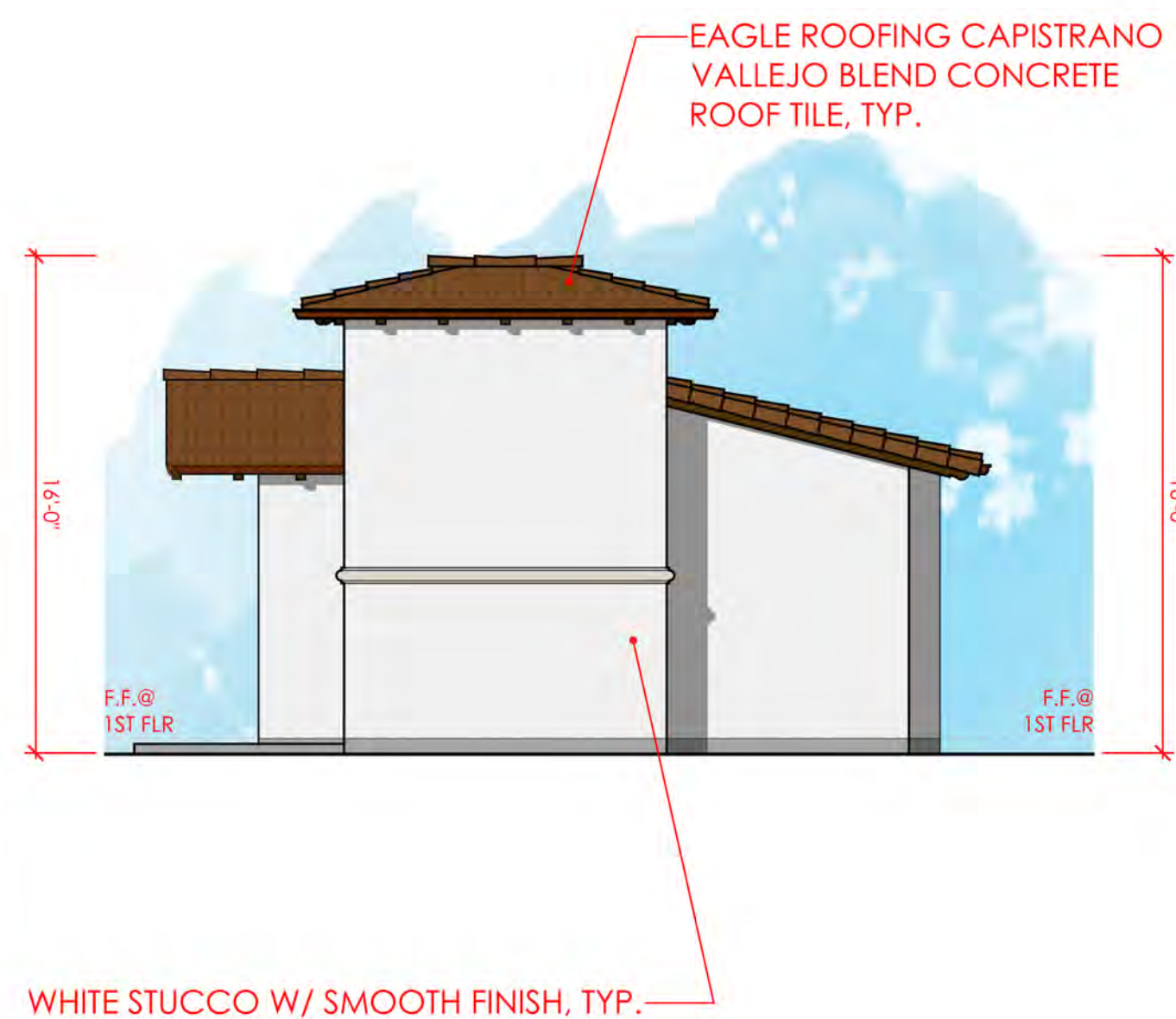
4 GARAGE/ADU ROOF PLAN
3/16"=1'-0"



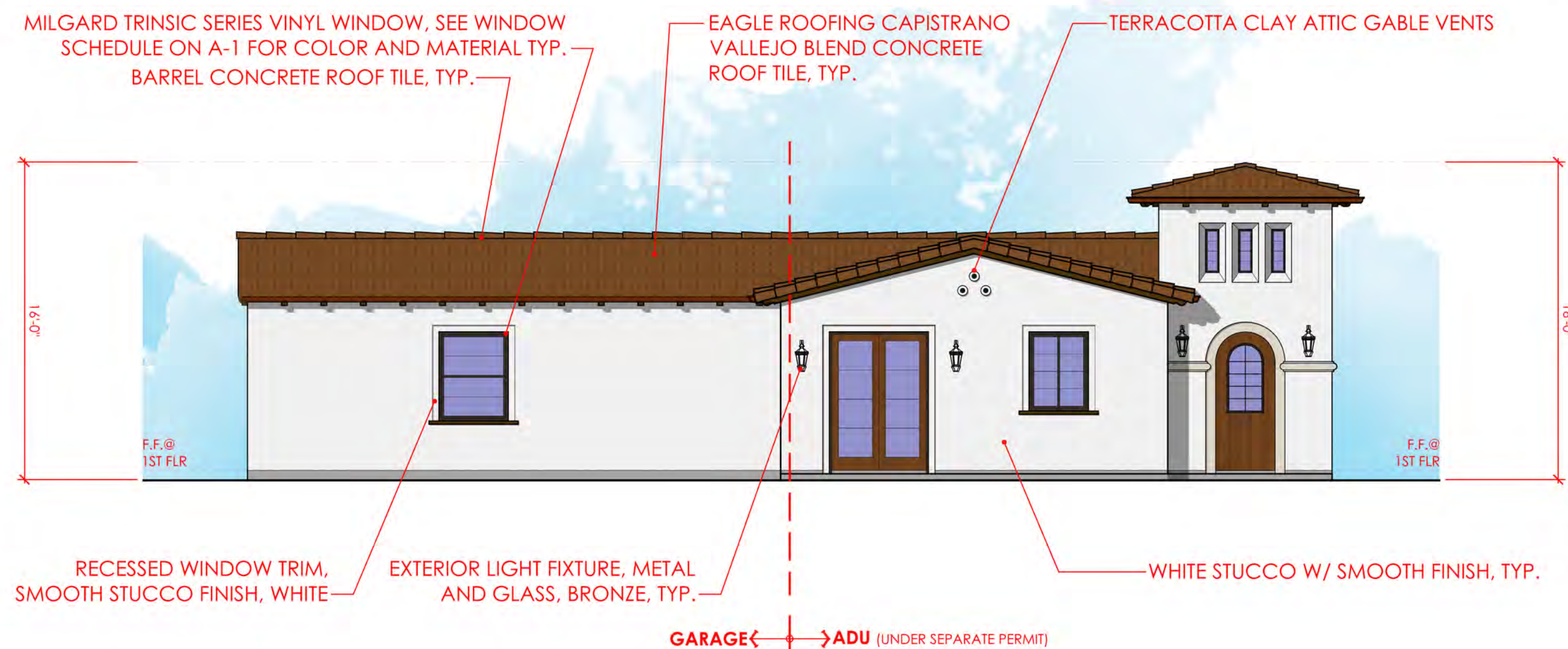
1 GARAGE/ADU FLOOR PLAN
3/16"=1'-0"



5 GARAGE/ADU NORTH ELEVATION
3/16"=1'-0"



6 GARAGE/ADU SOUTH ELEVATION
3/16"=1'-0"



2 GARAGE/ADU WEST ELEVATION
3/16"=1'-0"

GARAGE/ ADU EXTERIOR DOOR SCHEDULE

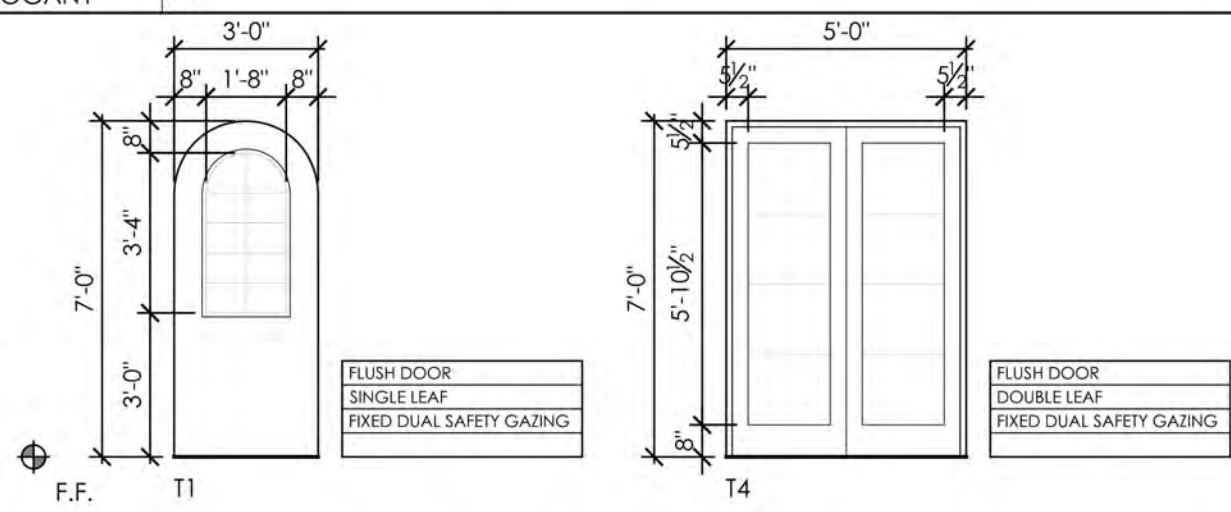
DOOR#	DOOR TYPE	OPENING		THCKNSS	DOOR PANEL			DOOR FRAME			REMARKS
		WIDTH	HEIGHT		CORE	MATERIAL	FINISH	MATERIAL	FINISH	COLOR	
A00	GARAGE	16'-0"	7'-0"	-	-	STL/GL	PT	-	-	-	COURTYARD COLLECTION GARAGE DOOR BY OVERHEAD DOOR
A01	T4	5'-0"	7'-0"	1-3/4"	SC	WD/GL	ST	WD	ST	MAHOGANY	-
A02	T1	3'-0"	7'-0"	1-3/4"	SC	WD/GL	ST	WD	ST	MAHOGANY	-

ABBREVIATIONS

CORE	DOOR PANEL/ FRAME MATERIAL	DOOR PANEL/ FRAME FINISH	REMARKS
SC = SOLID CORE	GL = TEMP. GLASS	PT = PAINT	
STL = STEEL	WD = WOOD	ST = STAIN	
	ALU = ALUMINUM	FCTRY = FACTORY	

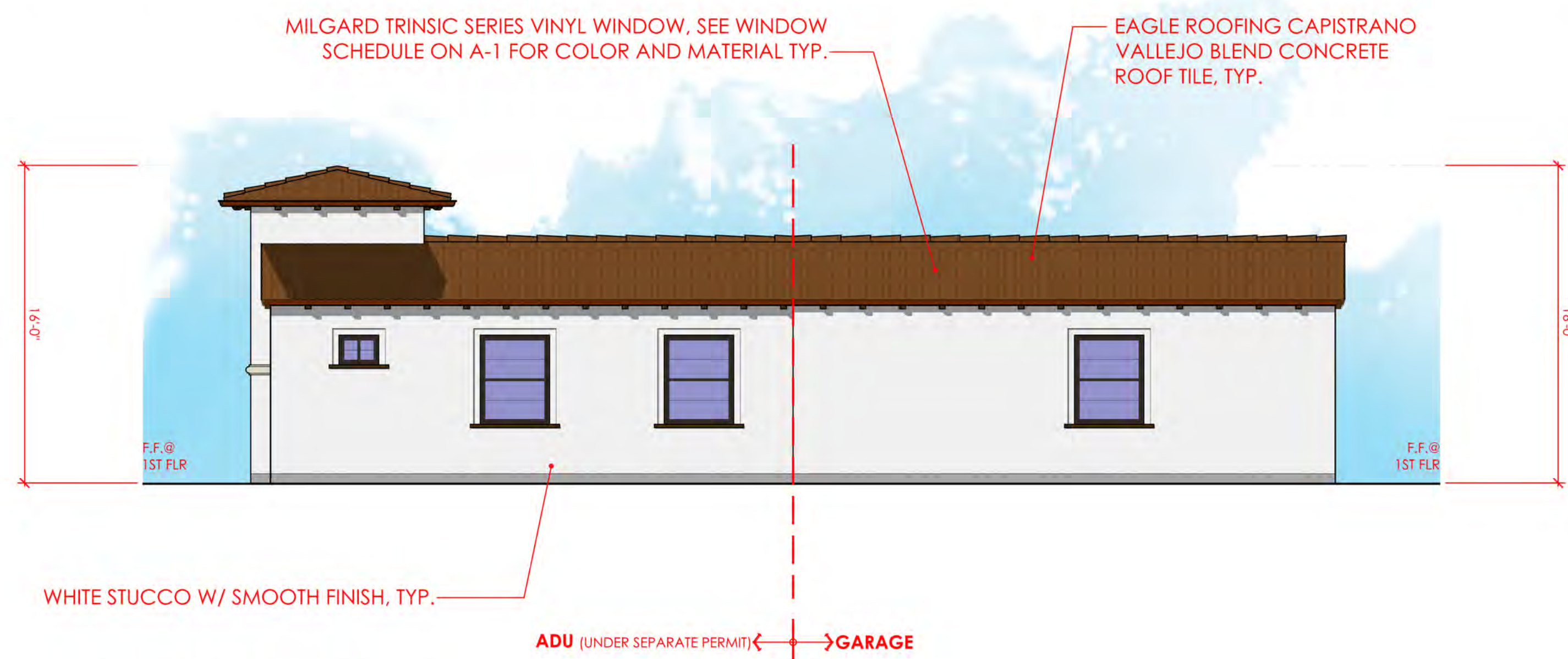
DOOR SCHEDULE NOTES

- A. CLOSER EFFORT TO BE 5 LBS AT INTERIOR & EXTERIOR DOORS, GATES, AND INTERIOR DOORS PER 118-404.2.9 AND SHALL HAVE HINGES ADJUSTED SO THAT FROM THE OPEN POSITION OF 90°, THE DOOR OR GATE SHALL MOVE TO WITHIN 12" OF THE LATCH IN 5 SECONDS MINIMUM PER 118-404.2.8.2, WHERE FIRE DOORS ARE REQUIRED, THE AUTHORITY HAVING JURISDICTION, MAY INCREASE THE MAXIMUM EFFORT TO OPERATE FIRE DOORS TO ACHIEVE POSITIVE LATCHING, BUT NOT TO EXCEED 15 LBS MAX.
- B. PROVIDE WALL MOUNTED OR FLOOR MOUNTED DOOR STOPS FOR ALL DOORS.
- C. INTERIOR AND EXTERIOR THRESHOLDS SHALL BE 1/2" MAXIMUM ABOVE THE FLOOR LEVEL. EXPOSED EDGE SHALL BE SLOPED OR BEVELED TO MAXIMUM 1:2 SLOPE WITH MAXIMUM 1/4" CHANGE IN VERTICAL ELEVATION.
- D. SAFETY GLAZING SHALL COMPLY WITH CBC SECTION 2406.
- E. PROVIDE SECURITY GLAZING AT ALL DOOR VISION PANEL LITES.



GARAGE/ ADU WINDOW SCHEDULE

WINDOW#	WINDOW TYPE	MATERIAL	COLOR	SIZE		SILL HT.	Q'TY	REMARKS
				WIDTH	HEIGHT			
A	HORIZONTAL SLIDER	VINYL	BRONZE	5'-0"	4'-0"	3'-0"	1	TRINSIC SERIES BY MILGARD
B	HORIZONTAL SLIDER	VINYL	BRONZE	2'-0"	1'-6"	5'-6"	1	TRINSIC SERIES BY MILGARD
F	SINGLE HUNG	VINYL	BRONZE	3'-6"	4'-6"	2'-6"	4	TRINSIC SERIES BY MILGARD
L	FIXED	VINYL	BRONZE	0'-8"	2'-2"	10'-0"	3	TRINSIC SERIES BY MILGARD



3 GARAGE/ADU EAST ELEVATION
3/16"=1'-0"

STAMP



CONSULTANTS

PROJECT

GUZMAN RESIDENCE
2528 GARDI STREET
DUARTE, CA 91010

GARAGE/ADU PLANS AND ELEVATION

REVISIONS

- 1 PLANNING SUBMISSION 11/10/2021
2 PLANNING SUBMISSION 12/3/2021

DATE: 9/27/2021

SCALE: AS NOTED

JOB NO: 20200601

DWN BY: CCW

CHK BY: EGP

SHEET NO.

A-4



MEMORANDUM

TO: DUARTE PLANNING COMMISSION

FROM: JASON GOLDING, PLANNING DIVISION MANAGER

DATE: JANUARY 18, 2022

SUBJECT: CONTINUATION OF 7.A – CONDITIONAL USE PERMIT 2021-02

Conditional Use Permit 2021-02 for a proposed massage business at 2163 Huntington Drive will be continued to the next regular Planning Commission meeting on February 22, 2022. The applicant continues to work with City Staff from both the Public Safety Department and Planning Division on issues related to the vetting and background process, as well as operational plan items. Due to these issues, the Staff Report and Planning Commission Resolution are incomplete and are not provided in your packets.



PLANNING COMMISSION STAFF REPORT

Date: January 18, 2022

Project: Municipal Code Amendment 2022-01

Subject: A City-initiated request to establish and amend definitions and regulations for Urban Lot Splits and Duplex Developments in Single-Family Residential Zones to implement recently enacted state law (Senate Bill 9)

Location: City-wide

SUMMARY

On September 16, 2021, the Governor signed into law Senate Bill No. 9 (SB 9). This bill, which took effect January 1, 2022, requires the ministerial approval of two dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted. This is in addition to permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in some cases. Additionally, SB 9 requires ministerial approval of lot splits in single-family residential zones and allows two units to be built on each resulting parcel. SB 9 allows jurisdictions to adopt local ordinances to establish regulations that do not conflict with the bill, including regulations that prohibit ADUs in conjunction with projects that propose lot splits with duplexes on each lot.

Municipal Code Amendment 2022-01 proposes to modify Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and to add Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code. These changes would affect all properties located in Single-Family Residential Zones.

SB 9 took effect on January 1, 2022, and State development provisions will remain in effect until a City has adopted their own regulations (Exhibit A). This situation therefore compels the City to establish interim standards regarding duplex developments and lot splits to regulate SB 9 projects. If adopted, these regulations will allow the City to exercise as much local control as allowed by State law, while providing time for Staff to consider creating a companion illustrative design supplement for added clarity related to architectural and site design standards. For this reason, Staff has developed a proposed ordinance in compliance with SB 9, which is summarized below.

BACKGROUND

Introduced by Senator Toni Atkins on December 7, 2020, and approved by Governor Gavin Newsom on September 16, 2021, this bill will require (as of January 1, 2022) local agencies to ministerially approve up to two residential units on properties currently zoned for single-family residential uses, and/or the subdivision of a parcel zoned for single-family residential use into

two parcels of approximately equal size, each of which may contain two residential units. ADUs and JADUs would additionally be permitted under SB 9, resulting in the potential for up to eight total units occupying space currently zoned for one single-family residence. However, SB 9 allows local agencies to pass ordinances with objective development standards, if such standards do not physically preclude the ability of a property owner to develop two residential units of at least 800 square feet in size on each lot. Furthermore, cities may prohibit ADUs/JADUs in conjunction with an Urban Lot Split that proposes duplex development on each lot.

ANALYSIS

SB 9 requires ministerial approval by the City of: 1) two-lot subdivisions of single-family residential lots, 2) development projects for up to two units per lot in single-family zones, and 3) a project that includes both 1 and 2 above. State law outlines requirements for the ministerial approval of a two-lot subdivision and/or two-unit (duplex) development, the core requirements being:

- Each new lot must be at least 1,200 square feet;
- Each new lot must be relatively equal in lot area and no lot can be less than 40% of the original lot size;
- Lots previously subdivided via SB 9 cannot be subdivided again; and
- The City cannot establish regulations that prohibit units of at least 800 square feet in size.

Pursuant to SB 9, local agencies may impose objective zoning, subdivision, and design review standards as long as such standards do not physically preclude the ability of a property owner to develop two residential units of at least 800 square feet in size. Examples of standards that may be imposed include height limits and setbacks (no more than four feet for side and rear setbacks), so long as those standards do not reduce the amount of permitted development to less than that currently permitted. Agencies cannot require new setbacks for an existing structure, or a structure built in the same location and same dimensions as an existing structure. Agencies may require owner-occupancy of a site that is subdivided. If a lot split is proposed, an owner-occupancy affidavit is required stating that the applicant intends to live in one of the units for three years from the date of approval. Units created through SB 9 provisions may not be used for short-term rentals of less than 30 days.

Additionally, agencies may prohibit the construction of ADUs and JADUs in conjunction with the provisions of SB 9 if the proposal includes both an Urban Lot Split and a duplex development. Urban Lot Split projects will generally yield a total of four (4) units on all resulting lots. Duplex developments not involving an Urban Lot Split are allowed to construct or otherwise maintain ADUs, pursuant to the City's Accessory Dwelling Unit Ordinance and State

law. This type of development typically would allow for a total of four (4) dwelling units, a duplex and two ADU's, on the property.

Local agencies may require a maximum of one parking space per unit, unless units are within one half-mile walking distance of a transit stop, high-quality transit corridor, or if there is a car share vehicle located within one block of the parcel. Staff has included a provision requiring the new units to build their required parking within a garage. The City has also included a requirement that existing garages need to be maintained unless it precludes development of a minimum 800 square foot unit. Furthermore, the use of garages is incentivized throughout the proposed ordinance by allowing second story duplexes on top of a minimum two-car garage, and by discounting the floor area used for garages.

SB 9 allows local Building Officials to deny a duplex project or Urban Lot Split only by making a written finding, based on a preponderance of evidence, that the project would have a specific adverse impact on public health and safety or the physical environment, and that there is no feasible method to mitigate or avoid such an impact. A "specific adverse impact" must be significant, quantifiable, and direct, based on an objective written public health or safety standard that existed at the time the project application was deemed complete. Inconsistency with a city's General Plan or zoning ordinance does not constitute a specific adverse impact. Staff will be reviewing these projects on a case-by-case basis to determine whether a specific adverse impact finding can be made.

In order to preserve local authority as allowed under the law, Staff is recommending that the Planning Commission consider approving a resolution recommending that the City Council amend the Zoning Code by: 1) adding a new section (19.010.035) in the R-1 Single-Family zone; 2) adding Chapter 19.88 (Urban Lot Splits); and 3) modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions).

Section 19.010.035 - Duplex Developments in Single-Family Residential Zones

This proposed new section would create applicability, processes, objective development standards, and other requirements for two-unit (duplex) developments in all single-family residential zoned properties (Exhibit B-1). Other residential zones that currently allow two or more units are not subject to SB 9 regulations. The highlights of the recommended development standards for duplex developments include:

- A requirement to limit the size of new units to 800 square feet, not including provided garage space.
- A one-story height limitation for projects; however, two-story SB 9 projects may be constructed over a minimum two car garage.
- The provisions for setbacks, lot coverage and other R-1 Single Family zoning standards allowed pursuant to SB 9.

- A requirement of one parking space per new unit, and the requirement to maintain existing garages, to the extent allowed by State law.
- Landscaping requirements to ensure sufficient green space.
- Objective design standards required to comply with Chapter 19.44 – Architectural and Design Standards.
- A prohibition on short-term rental of duplex units developed under the provisions of SB 9.

Section 19.088 – Urban Lot Splits

The proposed ordinance provides requirements for Urban Lot Splits within a new Chapter 19.88, located in the Subdivision section of the Development Code (Exhibit B-2). These regulations were crafted to retain, to the extent allowed, the existing open space character and quality of the single-family areas of the City. Urban Lot Split projects, in addition to incorporating a majority of the regulation applicable to Duplex Developments, are proposing the following objective standards in R-1 zoning districts:

- Neither resulting parcel shall be smaller than 40% of the lot area of the original parcel proposed for subdivision, with any resulting parcel being no less than 1,200 square feet;
- No more than two units are permitted on any parcel created by an Urban Lot Split;
- A prohibition on ADUs and JADUs in conjunction with projects seeking to incorporate both an Urban Lot Split and development of duplexes;
- No flag lots shall be created as a result of an Urban Lot Split if the subject property is adjacent to an alley, located on a corner lot, or on a through lot;
- No right-of-way dedications shall be imposed upon Urban Lot Split projects; and
- Requirement of an owner-occupancy affidavit for lot split applications, consistent with SB 9;

The objective standards created would generally create a “front” lot (adjacent to the street) and a “rear” lot (generally the back half of a lot, adjacent to the alley, if there is one) if an Urban Lot Split is completed. Flag lot standards have been included within this Chapter to ensure there is fire access and a minimum lot frontage accessible to a street. Additional flag lot standards require the use of block walls and landscaping within the pole portion of the flag lot.

Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions)

The modifications to the above chapters would alter existing language within the Development Code in a variety of ways to react to the changes required under SB9 (Exhibit B-3). These include the addition/modification of definitions, references to the new Section 19.10.035 and new Chapter 19.88, changes to the allowed uses table, changes to the Site Plan and Design Review process and noticing for all single-family residential projects, and various added footnotes.

One of the more significant changes alters the procedural and noticing requirements related to the Site Plan and Design Review (SPDR) process. SB 9 now mandates ministerial project approval with no required hearing. The Code currently requires many single-family residential projects to receive approval from either the Architectural Review Board or Planning Commission, through a hearing process. Furthermore, the Duarte Development Code now requires notification to abutting property owners for many second-story development projects. Staff is suggesting this change to create a consistent and equitable SPDR process (Staff or Director level approvals) for all single-family residential projects and eliminate hearings and notifications that would otherwise be prohibited under SB 9.

Future Considerations

Due to the quick timeframe between the Governor's signing of the law and the effective date, in addition to the uncertainties in the language of the law, many cities have yet to craft regulations for SB 9 projects. Many Planning Departments are waiting on guidance and handbooks from the State Department of Housing and Community Development, and the outcome of challenges to the law.

Based upon these circumstances, Staff is proposing an ordinance, that while designed to provide interim standards for SB 9 projects, is drafted to be applicable in the long-term. Based upon how the courts and the State interpret SB 9, Staff will begin exploring the creation of an architectural and site design standards guidebook for residents and developers. The conceptual intent of this document will be to provide illustrative-based standards for the design of single-family residential lots and buildings.

ENVIRONMENTAL

Pursuant to Government Code Sections 65852.21(j) and 66411.7(n), the proposed code amendments related to the implementation of Senate Bill 9 are not considered a "project" for purposes of the California Environmental Quality Act (CEQA), and therefore do not require any environmental review under CEQA.

RECOMMENDATION

The proposed amendment (MCA 2022-01) is intended to maintain a reasonable amount of local control, as allowed by SB 9, for the approval of two-unit (duplex) developments and Urban Lot Splits.

Staff recommends that the Planning Commission review and adopt PC Resolution 2022-01 (Exhibit B) recommending that the City Council modify Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code.

Respectfully Submitted,

Jason Golding
Planning Manager

EXHIBITS

A. Senate Bill 9

B. PC Resolution 2022-01

B-1. Draft Ordinance No. _____ of the City Council of the City of Duarte, California, adopting Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law

Senate Bill No. 9
CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective

subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

DIGEST KEY

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 65852.21 is added to the Government Code, to read:

65852.21.

(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b)

(1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2)

(A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B)

(i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SECTION 2.

Section 66411.7 is added to the Government Code, to read:

66411.7.

(a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2)

(A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c)

(1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3)

(A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g)

(1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j)

(1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (l) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SECTION 3.

Section 66452.6 of the Government Code is amended to read:

66452.6.

(a)

(1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b)

(1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the

remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a

written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SECTION 4.

The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SECTION 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

PC RESOLUTION NO. 22-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT MUNICIPAL CODE AMENDMENT 2022-01 MODIFYING CHAPTERS 19.10 (RESIDENTIAL ZONES), 19.38 (OFF-STREET PARKING REGULATIONS AND DESIGN), 19.122 (SITE PLAN AND DESIGN REVIEW), AND 19.160 (DEFINITIONS); AND ADDING CHAPTER 19.88 (URBAN LOT SPLITS) IN ARTICLE 5 (SUBDIVISIONS) WITHIN THE DUARTE DEVELOPMENT CODE THEREBY ESTABLISHING DEFINITIONS AND REGULATIONS FOR URBAN LOT SPLITS AND DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES TO IMPLEMENT RECENTLY ENACTED STATE LAW

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill No. 9 (SB 9). In summary, SB 9 requires that local agencies ministerially approve certain subdivisions of one single-family residential lot into two without discretionary review, and requires a local agency to ministerially approve a proposed development project of up to two units on a lot in a single-family residential zone without discretionary review; and

WHEREAS, SB 9 would set forth what a local agency can and cannot require in approving the construction of two residential units and the subdivision of an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of two units; among other prohibitions; and

WHEREAS, SB 9 took effect on January 1, 2022; therefore, it is necessary for the City to establish objective standards regarding duplex developments and urban lot splits to regulate SB 9 projects; and

WHEREAS, the Planning Commission desires to establish objective standards to preserve the City's quality of life as characterized by the City's General Plan; and

WHEREAS, the Planning Commission seeks and intends to protect the health, safety, and welfare of the residents of the City of Duarte by establishing regulations for urban lot splits and two-unit developments in single family residential zones; and

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2022-01 modifies Chapters 19.10 (Residential Zones) by adding a new Section 19.010.035 (Duplex Developments in Single-Family Residential Zones) to the Duarte Development Code to provide objective development standards, as allowed by State law, for up to two dwelling units; adding a new Chapter 19.88 (Urban Lot Splits) to Article 5 (Subdivisions) to the Duarte Development Code to provide objective subdivision and development standards, pursuant to State law; and modifying Chapters

19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions) of the Duarte Development Code establishing definitions, citations and miscellaneous regulations for urban lot splits and duplex developments, as set forth in Exhibit “B-1,” attached hereto and made part of this Resolution; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on January 18, 2022, the Planning Commission held a duly noticed public hearing to consider adopting a resolution to recommend that the City Council adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law; and

WHEREAS, the Planning Commission has considered the staff report and all the information, evidence, and testimony received at the public hearing; and

WHEREAS, after consideration of the information presented, the Planning Commission recommends that the Duarte City Council adopt the proposed Ordinance modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

NOW, THEREFORE, the Planning Commission of the City of Duarte does hereby resolve as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and fully incorporated herein by this reference.

SECTION 2. Based upon substantial evidence presented to the Planning Commission during the public hearing, including written staff reports and verbal testimony, the Planning Commission hereby finds and determines that the findings for Development Code Amendments, as set forth in Duarte Development Code Section 19.142.060:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan.

The proposed amendment includes modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby

establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones, consistent with applicable state laws to implement recently enacted state law.

- b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendments revise current single-family residential, off-street parking, site plan and design review, definitions, and subdivision regulations to accommodate duplex developments and urban lot split regulations mandated by the State. The State's intended purpose for the revision to the law is to address housing affordability, which is a goal rooted in the public interest of the City. The State's requirements, however, are far-reaching and undermine City policies to increase housing supply near transit and within various Specific Plan areas, and weaken City regulations designed to maintain the character, scale, and density of our established neighborhoods. The proposed Ordinance includes standards that protect neighborhoods to the extent possible.

- c. The proposed amendment is internally consistent with applicable provisions of this Development Code.

The proposed amendments include significant revisions to the R-1 Single Family Residential Zone and create a new chapter related to Urban Lot Splits. These modifications required a variety of other changes that ensure the Code is accurate, readable, and can be implemented. The code amendment has been written to be internally consistent with the Duarte Development Code.

SECTION 4. The Planning Commission finds and determines that the proposed amendments to Duarte Development Code modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones are in the best interest and welfare of the City and its residents.

SECTION 5. Based upon the substantial evidence and testimony received at a public hearing and the findings and conclusions set forth herein, the Planning Commission hereby recommends that the City Council adopt and approve the proposed amendment modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones, consistent with applicable state laws to implement recently enacted state law.

SECTION 6. In recommending adoption of this Resolution, the Planning Commission finds and determines that the proposed code amendments related to the implementation of Senate Bill 9 are not considered a "project" for purposes of the California Environmental

Quality Act (CEQA), pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and therefore do not require any environmental review under CEQA.

SECTION 7. The chair shall sign this Resolution and the Secretary shall attest and certify to the passage and adoption of this Resolution

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a public meeting held on the 18th day of January, 2022.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF DUARTE

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on January 18, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT 2022-01 MODIFYING CHAPTERS 19.10 (RESIDENTIAL ZONES), 19.38 (OFF-STREET PARKING REGULATIONS AND DESIGN), 19.122 (SITE PLAN AND DESIGN REVIEW), AND 19.160 (DEFINITIONS); AND ADDING CHAPTER 19.88 (URBAN LOT SPLITS) IN ARTICLE 5 (SUBDIVISIONS) WITHIN THE DUARTE DEVELOPMENT CODE THEREBY ESTABLISHING DEFINITIONS AND REGULATIONS FOR URBAN LOT SPLITS AND DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES TO IMPLEMENT RECENTLY ENACTED STATE LAW

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill No. 9 (SB 9). In summary, SB 9 requires that local agencies ministerially approve certain subdivisions of one single-family residential lot into two without discretionary review, and requires a local agency to ministerially approve a proposed development project of up to two units on a lot in a single-family residential zone without discretionary review; and

WHEREAS, SB 9 would set forth what a local agency can and cannot require in approving the construction of two residential units and the subdivision of an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of two units; among other prohibitions; and

WHEREAS, SB 9 took effect on January 1, 2022; therefore, it is necessary for the City to establish objective standards regarding duplex developments and urban lot splits to regulate SB 9 projects; and

WHEREAS, the Planning Commission desires to establish objective standards to preserve the City's quality of life as characterized by the City's General Plan; and

WHEREAS, the Planning Commission seeks and intends to protect the health, safety, and welfare of the residents of the City of Duarte by establishing regulations for urban lot splits and two-unit developments in single family residential zones; and

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2022-01 modifies Chapters 19.10 (Residential Zones) by adding a new Section 19.010.035 (Duplex Developments in Single-Family Residential Zones) to the Duarte Development Code to provide objective development standards, as allowed by State law, for up to two dwelling units as set forth in Exhibit "B-1"; adding a new Chapter 19.88 (Urban

Lot Splits) to Article 5 (Subdivisions) to the Duarte Development Code to provide objective subdivision and development standards, pursuant to State law, as set forth in Exhibit “B-2”; and modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions) of the Duarte Development Code establishing definitions, citations and miscellaneous regulations for urban lot splits and duplex developments, as set forth in Exhibit “B-3,” all attached hereto and made part of this Resolution; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on January 18, 2022, the Planning Commission held a duly noticed public hearing to consider adopting a resolution to recommend that the City Council adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law; and

WHEREAS, after consideration of the information presented, the Planning Commission adopted a resolution recommending that the Duarte City Council adopt the proposed Ordinance modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

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

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The following section of the Duarte Development Code is added to read as follows:

SECTION 19.10.035 - DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES

A. **Purpose.** The purpose of this section is to allow and appropriately regulate Duplex (Two-Family Dwelling Unit) Developments in Single-Family Residential Zones in accordance with Government Code section 65852.21.

B. *Definitions.*

1. “Car share vehicle” is a motor vehicle that is operated as part of a regional fleet by a private or public car sharing company or organization and provides hourly or daily service.
2. “Unit” is any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an accessory dwelling unit (ADU), or a junior accessory dwelling unit (JADU).

C. *Application, Review Process, Standard for Denial.*

1. An application for a Duplex project must be submitted on the city’s approved form and include all items required as part of the application submittal package.
2. A full title report shall be provided as part of the application.
 - a. In the event the property has not already been legally subdivided, the applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
3. The owner shall sign an affidavit, in the form approved by the City Attorney, stating that the Duplex would not require demolition or alteration of any of the following types of housing listed in Subsection D.5.a-d.
 - a. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
4. Only a complete application will be considered. The city will inform the applicant within 30 days after submittal whether the application is complete. If the city does not respond within 30 days after submittal, the application is deemed incomplete.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application. An application submitted without the established fee is deemed incomplete.
6. An application for a Duplex development shall be considered ministerially, without discretionary review or hearing.
7. An application for a Duplex development shall be approved or denied by the Community Development Director through the Site Plan and Design Review process, further described in Chapter 19.122.

8. Notwithstanding subsection 6, the City may deny an application for a Duplex development if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed Duplex development would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. **Accessory Dwelling Unit Ineligibility.** Parcels containing both a Duplex and subject to an Urban Lot Split as those terms both defined in Article 9 shall be ineligible for an accessory dwelling unit or junior accessory dwelling unit permit under Section 19.60.160 of this Code. Operation of an accessory dwelling unit or junior accessory dwelling unit in violation of this subsection shall be a violation of this Section and grounds for enforcement pursuant to subsection L.

E. **Applicability.** Proposed Duplex developments must satisfy each of the following:

1. Zoning. Located within a Single-Family Zoning District.
2. Lot Location. Located on a parcel that meets all requirements of subsections(a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4, as may be amended from time to time.
3. Subdivision Map Act Compliance. Located on a lot that has been legally subdivided.
4. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
5. No Impact on Protected Housing. The Duplex project must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060– 7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a Duplex project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to,

surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. Demolition.

- a. Not more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel may be demolished unless the site has not been occupied by a tenant in the last three years.
- b. If approved by the Community Development Director, any Duplex project that involves an existing dwelling unit proposed for demolition of more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel must comply with the replacement provisions of Government Code 66300(d).

F. **Development Standards.** A Duplex development shall comply with the following development standards. In the cases where the following standards preclude development of an 800 square foot dwelling, the plan check review process will allow deviations sufficient to accommodate such development.

1. Configuration.

- a. Proposed adjacent or connected units shall be permitted if they meet building code standards, are designed to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed in this section, as applicable.
- b. Required parking for units associated with a Duplex project shall be accessed via an alley, if there is an alley.

2. Quantity.

- a. No more than two units of any kind may be built on a lot that results from an Urban Lot Split, as prescribed under Chapter 19.88.
- b. A lot that is not created by an Urban Lot Split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the City's ADU ordinance.

3. Unit Size.

- a. The total floor area of each unit built that is developed under this section must be no greater than 800 square feet, exclusive of any enclosed garage space.
- b. Notwithstanding paragraph (a), if the Duplex application proposes to add one new unit to a unit that was legally established prior to submission of the Duplex application, the existing, legally established unit may retain its dimensions at the time the Duplex application is submitted. A unit that was

legally established prior to submission of the Duplex application which retains its dimensions pursuant to this paragraph may not be expanded except as provided by paragraph (c).

- c. A unit that was legally established prior to submission of the Duplex application and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the Duplex project.
4. Lot Coverage. The City's existing lot coverage standards for the Single-Family Residential Zones shall apply to projects subject to this Section.
5. Setbacks. The City's existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Section.
 - a. Side and Rear. Duplex developments shall be setback at least four feet (4') from the side and rear property lines.
 - b. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. Building Separation. A minimum separation of 10 feet (10'), measured from wall to wall, shall be required between detached dwelling units located on the same site.
 - d. Projections into Setbacks. See Chapter 19.32.
6. Height.
 - a. Any new units built shall be one-story and no taller than 16 feet (16') to the highest ridgeline, and no taller than ten feet (10') to the top plate.
 - b. Heights above 16 feet (16') are allowed for existing or proposed units with a garage, in which the first-floor garage is maintained as off-street parking for two or more vehicles and the second-floor dwelling unit is equal to or less than the footprint of the first-floor garage itself. The garage must be accessible from a paved driveway that connects to a street or alley.
7. Foundations. A permanent foundation shall be required for all new units.
8. Landscaping. The City's existing landscape, irrigation, and hardscape standards for the Single-Family Residential Zones shall apply to projects subject to this Section as required by Chapters 19.40.
9. Accessible Roof Areas. For units subject to this Section – accessible decks, patios, balconies, and similar private open spaces above the top plate of any new or remodeled existing dwelling unit are prohibited.

10. Lighting. Exterior lighting shall be shielded or directed downwards.
11. Parking.
 - a. Existing off-street garage parking and driveway must be maintained as part of a Duplex project.
 - b. Required parking shall be one off-street parking space within an enclosed garage per each dwelling unit, unless one of the following applies:
 - i The parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as defined in Sections 21155 or 21064.3 of the California Public Resources Code.
 - ii The parcel is located within one block of a car-share vehicle location, as defined in this section.
 - c. Any parking and access, as required or otherwise proposed, for a Duplex development lot shall be accessed via an alley, if there is an alley.
12. Pedestrian access. Access to a public street or alley shall be provided with an exterior pedestrian pathway from the primary entrances of each unit to the adjoining sidewalk, street, or alley.

G. **Other Standards.** All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of State law, in addition to the following:

1. Design Standards. Units and any other accessory structures shall comply with applicable objective design standards, as further described in Section 19.44.010.
2. Utilities. Each dwelling unit on a parcel must have its own direct utility connection to the utility service provider.
3. Onsite Wastewater Treatment System. For dwelling units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, and compliance with Chapter 6.13 of the Duarte Municipal Code, which implements the County of Los Angeles Local Agency Management Program (Ordinance No. 2018-0037).

H. **Standards Precluding Development.** If an applicant submits plans showing that any of the objective standards which otherwise apply to Duplex applications would have the effect of physically precluding the construction of up to two units or would physically preclude either of the two units from being at least 800 square feet in floor area, the Community Development Director shall permit the minimum deviation of the objective standards shown to physically preclude the construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area necessary to physically permit the Duplex project.

I. **Regulation of Uses**

1. Residential Only. No non-residential use is permitted on the lot.
2. Short-term Rentals. No unit on the lot may be rented for a period of less than 30 days.

J. ***Separate Conveyance.***

1. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
2. Condominium airspace divisions and common interest developments are not permitted within the lot.
3. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

K. ***Restrictive Covenant.*** The applicant shall sign and record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition on non-residential uses on the lot.
2. A prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.
3. All required parking shall be maintained, and useable for the parking of motor vehicle(s).
4. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

L. ***Remedies.*** If a Duplex project violates any part of this code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

- c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
- d. Record a notice of violation.
- e. Withhold any or all future permits and approvals.
- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

SECTION 3. The following chapter of the Duarte Development Code is added to read as follows:

CHAPTER 19.88 - URBAN LOT SPLITS

A. **Purpose.** The purpose of this section is to allow and appropriately regulate Urban Lot Splits in Single-Family Residential Zones in accordance with Government Code section 66411.7.

B. **Definitions.**

- 1. "Acting in concert" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
- 2. "Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street, or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.
- 3. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a private or public car sharing company or organization and provides hourly or daily service.
- 4. "Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.
- 5. "Unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an accessory dwelling unit (ADU), or a junior accessory dwelling unit (JADU).

C. **Application, Review Process, Standard for Denial.**

1. An application for an Urban Lot Split must be submitted on the City's approved form and include all items required as part of the application submittal package.
2. The owner shall sign an affidavit, in the form approved by the City Attorney, stating that the proposed Urban Lot Split would not require demolition or alteration of any of the following types of housing listed in Subsection E.6.a-d.
 - b. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
3. The owner and applicant shall sign an affidavit, in the form approved by the City Attorney, stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.
4. Only a complete application will be considered. The city will inform the applicant within 30 days after submittal whether the application is complete. If the city does not respond within 30 days after submittal, the application is deemed incomplete.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application. An application submitted without the established fee is deemed incomplete.
6. An application for an Urban Lot Split shall be considered ministerially, without discretionary review or hearing, pursuant to Table 5-1 (Subdivision Review Authorities) listed in Chapter 19.70.
7. Ministerial approval of both a tentative and final parcel map are required for an Urban Lot Split. Ministerial approval of a final parcel map means that all required documents have been recorded and proof of recordation is provided to the City.
8. Notwithstanding subsection 7, the City may deny an application for an Urban Lot Split if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed Urban Lot Split would have a specific, adverse impact, as defined in subsection (d) of Government Code Section 65411.7, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. ***Accessory Dwelling Unit Ineligibility.*** Parcels containing both a Duplex Development and subject to an Urban Lot Split as those terms both defined in Article 9 shall not contain an accessory dwelling unit or junior accessory dwelling unit under Section 19.60.160 of this Code. Operation of an accessory dwelling unit or junior accessory dwelling unit in violation

of this subsection shall be a violation of this Section and grounds for enforcement pursuant to subsection L.

E. ***Applicability.*** A proposed Urban Lot Split must satisfy each of the following:

1. Zoning. Located within a Single-Family Zoning District.
2. Lot Location. Located on a parcel that meets all requirements of subsections(a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4, as may be amended from time to time.
3. No Prior Urban Lot Split
 - a. The lot to be split was not established through a prior Urban Lot Split.
 - b. The lot to be split is not adjacent to any lot that was established through a prior Urban Lot Split by the owner of the lot to be split or by any person acting in concert with the owner.
4. Subdivision Map Act Compliance.
 - a. The Urban Lot Split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”) and applicable sections of Article 5 (Subdivisions) of this Code, except as otherwise expressly provided in this section.
 - b. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an Urban Lot Split.
5. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
6. No Impact on Protected Housing. The Urban Lot Split must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060– 7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.
 - d. Housing that has been occupied by a tenant in the last three years.

7. Demolition.

- a. Not more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel may be demolished unless the site has not been occupied by a tenant in the last three years.
- b. If approved by the Community Development Director, any Urban Lot Split project that involves an existing dwelling unit proposed for complete demolition must comply with the replacement provisions of Government Code 66300(d).

F. ***Development Standards***

- 1. Lot Size. An Urban Lot Split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:
 - a. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;
 - b. Neither resulting parcel shall be smaller than 1,200 square feet; and
 - c. No flag lots shall be created as a result of the lot split if the existing parcel is adjacent to an alley, is a corner lot or through lot.
- 2. General Development Standards
 - a. Front lot lines shall conform to the minimum public street frontage requirements of this Development Code.
 - b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum parcel sizes described in Paragraph 1 of Subsection E. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.
 - c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not straight but shall follow the appropriate course.
 - d. Lot lines facing a street shall generally be parallel to the street.
 - e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.
 - f. Lot lines shall be contiguous with existing zoning boundaries.
 - g. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in this Development Code.

- h. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, open yard, floor area ratio, parking), nor increase the nonconformity of an existing nonconforming structure.
- 3. Flag Lot Development Standards. The following regulations apply only to an Urban Lot Split, as defined by this Chapter, when up to one flag lot is to be developed with a Duplex Development.
 - a. Each flag lot shall be designed to provide a "pole" that functions primarily as an accessway from the street to the main body ("flag" portion) of the lot. The pole portion shall be deemed to end, and the flag portion of the lot shall be deemed to commence, at the extension of the newly created front property line of the Urban Lot Split. See Figure 5-1.
 - b. Any parking and access, as required or otherwise proposed, for an Urban Lot Split lot shall be accessed via an alley, if there is an alley.
 - c. 20 feet (20') of street frontage (pole width) shall be maintained throughout the length of the pole.
 - d. Driveways.
 - iii Only one driveway accessing a street shall be allowed per parcel.
 - iv Driveways shall be no narrower than 10 feet (10') and no wider than 14 feet (14').
 - v The remaining pole width which is not used for a driveway shall be landscaped and irrigated with planting material and/or hardscape, and permanently maintained, in compliance with Chapter 19.40 of the City's Development Code.
 - vi All driveways shall be clear and unobstructed for a height of 12 feet above ground.
 - vii All driveways for private automobile storage spaces and the actual spaces shall be paved with Portland cement concrete or approved equivalent at least three inches thick.
 - e. Walls – The use of decorative block walls are required, as permitted by Chapter 19.36 of the City's Development Code.
 - f. All flag lots proposed in this Chapter shall comply with all requirements of the Fire Department, the Public Works Division, and the Building Division.

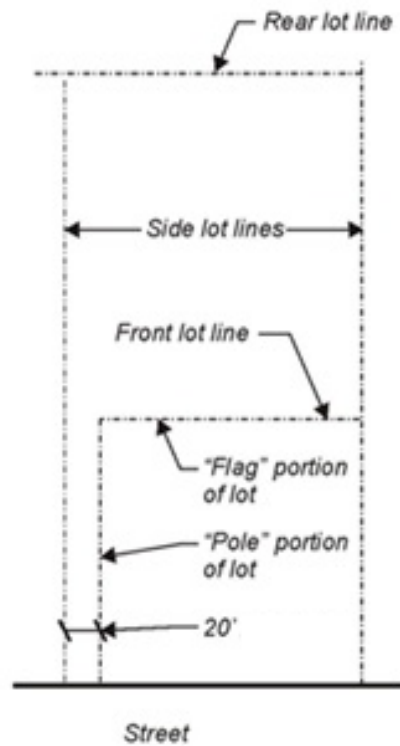


FIGURE 5-1

4. Easements. The owner shall dedicate all easements over the resulting parcels required for the provision of utilities, and public services and facilities, as determined by the City Engineer.
5. Configuration.
 - a. Proposed adjacent or connected units shall be permitted if they meet building code standards, are designed to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed in this section, as applicable.
 - b. Required parking for an Urban Lot Split lot shall be accessed via an alley, if there is an alley.
6. Quantity.
 - a. Notwithstanding any provision of Government Code Sections 65852.2, 65852.21, 65852.22, 65915, or 66411.7, no more than two units can occupy a parcel created through an Urban Lot Split. In addition, parcels containing both a Duplex as that term is defined in Section 19.010.035 and subject to or created by an Urban Lot Split as that term is defined in this Section shall be ineligible for an accessory dwelling unit or junior accessory dwelling unit permit under Section 19.60.160.

7. Unit Size.
 - a. The total floor area of each unit built that is developed under this section must be no greater than 800 square feet, exclusive of any enclosed garage space.
 - b. A unit that was legally established on the lot prior to the Urban Lot Split and that is larger than 800 square feet is limited to the lawful floor area at the time the application for the Urban Lot Split is submitted, provided that the unit may not thereafter be expanded.
 - c. A unit that was legally established prior to the submission of the Urban Lot Split application and that is smaller than 800 square feet may be expanded to 800 square feet after the Urban Lot Split occurs.
8. Lot Coverage. The City's existing lot coverage standards for the Single-Family Residential Zones shall apply to projects subject to this Chapter.
9. Setbacks. The City's existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Chapter.
 - a. Side and Rear. Units on Urban Lot Split parcels shall be setback at least four feet (4') from the side and rear property lines.
 - b. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. Building Separation. A minimum separation of 10 feet (10'), measured from wall to wall, shall be required between detached units located on the same site.
 - d. Projections into Setbacks. See Chapter 19.32.
10. Height.
 - a. Any new units built shall be one-story and no taller than 16 feet (16') to the highest ridgeline, and no taller than ten feet (10') to the top plate.
 - b. Heights above 16 feet (16') are allowed for existing or proposed dwelling units with a garage, in which the first-floor garage is maintained as off-street parking for two or more vehicles and the second-floor dwelling unit is equal to or less than the footprint of the first-floor garage itself. The garage must be accessible from a paved driveway that connects to a street or alley.
11. Foundations. A permanent foundation shall be required for all new units.

12. Landscaping. The City's existing landscape, irrigation, and hardscape standards for the Single-Family Residential Zones shall apply to projects subject to this Chapter as required by Chapters 19.40.
13. Accessible Roof Areas. For all units subject to the Section – accessible decks, patios, balconies, and similar private open spaces above the top plate of any dwelling unit are prohibited.
14. Lighting. Exterior lighting shall be shielded or directed downwards.
15. Parking.
 - a. Existing off-street garage parking and driveway must be maintained as part of an Urban Lot Split project.
 - b. Required parking shall be one off-street parking space within an enclosed garage per each dwelling unit, unless one of the following applies:
 - i The parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as defined in Sections 21155 or 21064.3 of the California Public Resources Code.
 - ii The parcel is located within one block of a car-share vehicle location, as defined in this section.
 - c. Any parking and access, as required or otherwise proposed, for units on an Urban Lot Split parcel shall be accessed via an alley, if there is an alley.
16. Pedestrian Access. Access to a public street or alley shall be provided with an exterior pedestrian pathway from the primary entrances of each dwelling unit to the adjoining sidewalk, street, or alley.

G. **Other Standards.** All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of State law, in addition to the following:

1. Design Standards. Units and any other accessory structures shall comply with applicable objective design standards, as further described in Section 19.44.010.
2. Utilities. Each unit on an Urban Lot Split parcel must have its own direct utility connection to the utility service provider.
3. Onsite Wastewater Treatment System. For units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, and compliance with Chapter 6.13 of the Duarte Municipal Code, which implements the County of Los Angeles Local Agency Management Program (Ordinance No. 2018-0037).

H. **Standards Precluding Development.** If an applicant submits plans showing that any of the objective standards which otherwise apply to Urban Lot Split applications would have

the effect of physically precluding the construction of up to two units or would physically preclude either of the two units from being at least 800 square feet in floor area, the Community Development Director shall permit the minimum deviation of the objective standards shown to physically preclude the construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area necessary to physically permit the Urban Lot Split project.

I. ***Regulation of Uses***

1. Residential Only. No non-residential use is permitted on the lot.
2. Short-term Rentals. No unit on the lot may be rented for a period of less than 30 days.

J. ***Separate Conveyance.***

1. Within a resulting lot.
 - a. Primary dwelling units on a lot that is created by an Urban Lot Split may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an Urban Lot Split.
 - c. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
2. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the Urban Lot Split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate Covenants, Conditions, and Restrictions ("CC&Rs"), easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

K. ***Restrictive Covenant.*** Prior to the approval and recordation of the parcel map, the applicant shall sign and record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section.
2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel.
3. A prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.

4. All required parking shall be maintained, and useable for the parking of motor vehicle(s).
5. A statement that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This paragraph shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

L. **Remedies.** If an Urban Lot Split violates any part of this code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - d. Record a notice of violation.
 - e. Withhold any or all future permits and approvals.
 - f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

SECTION 4. The following chapters of the Duarte Development Code are amended to read as follows:

Modifications to Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions)

(DELETIONS SHOWN AS DOUBLE STRIKE THROUGH AND ADDITION AS BOLD AND <u>UNDERLINE</u>):
--

A. Modify 19.10.010.B {"R-1 Single-Family Residential Zones (Very Low Density and Low Density)} of Section 19.10.010 ("Purpose of Residential Zones") of Chapter 19.10 ("Residential Zones") of Article 2 ("Zones, Allowable Uses, and Development Standards") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

R-1 Single-Family Residential Zones (Very Low Density and Low Density).

4. The R-1 zones are established to provide areas for the development and preservation of residential subdivisions consisting of detached residences and accessory uses compatible with the residential use of the zone. There are six single-family (R-1) residential zones that provide a variety of living environments based upon the required minimum net lot size. No more than one dwelling unit is allowed on each lot, except as otherwise provided in Section 19.60.160 (Second Dwelling Units), **Section 19.10.035 (Duplex Developments in Single-Family Residential Zones), and/or Chapter 19.88 (Urban Lot Splits).** Required minimum lot sizes for each of the six zones are as follows:

5. 1. R-1: 6,500 square foot minimum lot size.
6. 2. R-1A: 7,500 square foot minimum lot size.
7. 3. R-1B: 10,000 square foot minimum lot size.
8. 4. R-1D: 20,000 square foot minimum lot size (Hillside area).
9. 5. R-1E: 20,000 square foot minimum lot size (Non-hillside area).
10. 6. R-1F: 80,000 square foot minimum lot size.

B. Modify Table 2-1 ("Allowed Uses and Permit Requirements") of Section 19.10.020 ("Land Uses and Permit Requirements") of Chapter 19.10 ("Residential Zones") of Article 2 ("Zones, Allowable Uses, and Development Standards") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

TABLE 2-1 ALLOWED USES AND PERMIT REQUIREMENTS	Single-Family and Two-Family Residential Zone Permit Requirements							
	P = Permitted By Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed							
Land Use	R-1	R-1A	R-1B	R-1D	R-1E	R-1F	R-2	Specific Use Regulations
Residential Uses								
Single-Family Dwellings	P	P	P	P	P	P	P	See Table 7-2 (Article 7) for Site Plan Review Requirements. See

								19.10.050 for R-1D zone special requirements. See 19.10.080 (Manufactured Homes)
Multi-Family Dwellings	—	—	—	—	—	—	—	
Two-Family Dwellings (Duplex)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>See 19.10.035 (Duplex Developments in Single-Family Residential Zones)</u>
Mobile Housing Unit	—	—	—	—	—	—	—	
Accessory Dwelling Unit	A	A	A	A	A	A	—	See 19.60.160 (Accessory Dwelling Units)
Care Uses								
Child Care Home - Large Family	A	A	A	A	A	A	A	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Child Care Home - Small Family	A	A	A	A	A	A	A	
Day Care General - 15 or more children	—	—	—	—	—	—	—	
Agriculture and Animal-Related								
Animal Keeping	A	A	A	A	A	A	A	As regulated by Title 8 (Animals) of the Municipal Code
Horse Keeping	—	—	—	MUP	A	A	—	See 19.60.080 (Horse Keeping)
Horticulture - Private	A	A	A	A	A	A	A	
Other Uses								
Accessory Structures and Uses	A	A	A	A	A	A	A	See 19.60.020 (Accessory Uses)
Educational Institution - Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Golf Course, Country Club	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Home Occupations	A	A	A	A	A	A	A	See 19.60.070 (Home Occupations)
Places of Religious Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See 19.60.140 (Places of Religious Assembly)

Recreational Vehicle Parking (Open/outdoor parking)	A	A	A	A	A	A	A	See 19.38.160 (Recreational Vehicle Parking in Residential Zones)
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)							
Utilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

C. Modify Table 2-3 (“Development Standards for Single-Family and Two-Family Residential Zones”) of Section 19.10.030 (“Development Standards”) of Chapter 19.10 (“Residential Zones”) of Article 2 (“Zones, Allowable Uses, and Development Standards”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

TABLE 2-3 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONES								
Development Feature (minimum unless otherwise indicated)	R-1 ²	R-1A ²	R-1B ¹	R-1D ¹	R-1E	R-1F ¹	R-2	Additional Requirements
Lot Area (sqft) ⁴	6,500	7,500	10,000	20,000	20,000	80,000	8,000	
Lot Width ⁴								
Interior Lot	60 ft	60 ft	70 ft	90 ft	90 ft	100 ft	60 ft	
Corner Lot	65 ft	65 ft	75 ft	95 ft	95 ft	120 ft	65 ft	
Lot Adjacent to Freeway or Railroad ROW	70 ft	0 ft	N/A	N/A	95 ft	N/A	70 ft	
Cul-de-sac Lot	35 ft	35 ft	40 ft	45 ft	45 ft	55 ft	35 ft	
Lot Depth ⁴								
When fronting on:								
Local Street	90 ft	90 ft	100 ft	135 ft	135 ft	200 ft	90 ft	
When fronting or backing:								
Major or Secondary Highway	110 ft	110 ft	110 ft	135 ft	135 ft	200 ft	110 ft	

When backing:								
Freeway or Railroad ROW	115 ft	115 ft	115 ft	135 ft	135 ft	200 ft	115 ft	
Setbacks <u>4, 5</u>								
Front								
Public Street Private Street	20 ft	20 ft	20 ft	20 ft	20 ft	30 ft	20 ft	Front setback shall be consistent with the average setback along the same block, but in no circumstances shall be less than 20 ft in all zones except R-1F, where the minimum shall be 30 ft.
Side								
Interior	5 ft	5 ft	5 ft	8 ft	8 ft	15 ft	5 ft	See Section 19.10.040 (Multi-Story Setback)
Corner	10 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	
Reverse Corner	15 ft	15 ft	15 ft	15 ft	15 ft	20 ft	15 ft	
Rear								
Single Story	10 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	See Section 19.34.030.B (Accessory Structures)
Two Story	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	
Abutting an Alley	25 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	Measured from the opposite side of the alley
Lot Coverage (maximum) <u>4, 5</u>	35% or 40% for single-story units on lots 8,000 sf or less	35% or 40% for single-story units on lots 8,000 sf or less	35%	35%	35%	12.5% for single-story units or 10% for two-story units	55%	See Section 19.10.030.D (Exceptions to Maximum Lot Coverage)

Height ⁵ (maximum)	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	18 ft; 1 story	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	See Section 19.32.040 (Height Measurement and Exceptions). See also Section 19.10.050 (R-1D Zone: Additional Standards).
Floor Area of Dwelling Unit ⁵	Minimum required floor area of dwelling units.							
Studio/Bachelor (sq ft)	1,000	1,000	1,000	1,400	1,400	1,400	600	All bedrooms require a functional closet space located in each bedroom.
1 Bedroom (sq ft)	1,000	1,000	1,000	1,400	1,400	1,400	750	
2 Bedrooms (sq ft)	1,200	1,200	1,200	1,600	1,600	1,600	950	
3 Bedrooms (sq ft)	1,400	1,400	1,400	1,800	1,800	1,800	1,250	
More than 3 Bedrooms (sq ft + sq ft per additional room [p.a.r.])	1,400 + 200 p.a.r.	1,400 + 200 p.a.r.	1,400 + 200 p.a.r.	1,800 + 225 p.a.r.	1,800 + 225 p.a.r.	1,800 + 225 p.a.r.	1,250 + 175 p.a.r.	

Notes:

1. Properties within the R-1F, R-1D, and R-1B zones shall be subject to additional hillside development standards set forth in Chapter 19.46 (Hillside Development Standards).
2. Properties within the R-1 and R-1A zones located north of Sunnydale Drive and Brookridge Road shall be subject to additional hillside development standards set forth in Chapter 19.46 (Hillside Development Standards).
3. See also Section 19.10.040 (Multi-Story Setback), Section 19.32.020 (Permitted Projections into Required Setback Areas), and Section 19.32.050 (Yards — Measurement and Requirements).

4. See also Section 19.88 (Urban Lot Splits).

5. See also Section 19.10.035 (Duplex Developments in Single-Family Residential Zones).

D. Modify Table 3-4 (“Off Street Parking Requirements-Residential Zones”) of Section 19.138.050 (“Off Street Parking Space Requirements”) of Chapter 19.38 (“Off Street Parking Regulations and Design”) of Article 3 (“Regulations Applicable to all Zones”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

TABLE 3-4 OFF-STREET PARKING REQUIREMENTS RESIDENTIAL USES	
Land Use	Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	2 per dwelling unit in a garage for units with up to 4 bedrooms; 3 per dwelling unit in a garage for units with 5 or more bedrooms. See also 19.38.050(I), <u>19.10.035, 19.88.</u>
Accessory Dwelling Unit	1 per accessory dwelling unit; a minimum of 2—3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property (in association with primary unit).
Multi-Family Dwellings	2 per unit in a garage, plus overflow and guest parking as follows: 1 overflow parking space per each 4 units 1 guest parking space per each 4 units See also 19.38.050(F) and (I).
Mobile Home Parks	1 per mobile home space plus 1 for each mobile home space for guest parking; guest parking to be separate from mobile home spaces
Live/Work Units	2 spaces per unit in a garage plus customer parking as determined through the Conditional Use Permit.
Senior Housing (when restricted to age 62 and older)	1 space per 1-bedroom unit. 2 spaces for each 2-bedroom unit.
Conversions of Existing Covered Parking Spaces for Single-Unit Dwelling	2 per unit in garage
Large and Small Family Child Day Care Facilities	Spaces required for dwelling unit only, plus 1 per each permanent non-resident employee

E. Modify 19.38.100.B (“Drive and Drive Aisle Dimension”) of Section 19.38.100 (“Parking Space and Drive Aisle Dimension”) of Chapter 19.38 (“Off-Street Parking Regulations and

Design”) of Article 3 (“Regulations Applicable to all Zones”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

Driveway and drive aisle dimension.

1. Driveway widths shall be a minimum of 10 feet and a maximum of 12 feet for one storage space.
2. Driveway width shall be a minimum of 12 feet and a maximum of 20 feet **for two to four storage spaces**; provided, however, that where the driveway provides access through a side yard to a rear garage, and if 12 feet in width are not available, the driveway shall be of the width available, but in no event less than 10 feet. This width may be reduced to nine feet clear in the R-1 and R-1A zones.
3. Driveway widths shall be a minimum of 16 feet and a maximum of 25 feet for five or more storage spaces, except that where the length of the driveway exceeds 125 feet, the minimum width for five or more storage spaces shall be 20 feet.
4. Where separate driveways are provided for ingress and egress, the minimum width for each shall be 12 feet and the maximum width for each shall be 20 feet, and the direction of travel shall be clearly indicated on the site by permanent identification.
5. All driveways shall be clear and unobstructed for a height of 12 feet above ground.
6. The width of the driveway shall be based upon the full potential use of the property based upon zoning at time of construction.
7. All driveways for private automobile storage spaces and the actual spaces shall be paved with **P**ortland cement concrete or approved equivalent at least three inches thick.
8. Driveways must lead to an approved off-street parking structure, garage or carport. Where driveways no longer lead to an off-street parking structure, garage or carport, the driveway approach, curb and gutter shall be replaced to the satisfaction of the City Engineer and the paved parking surface shall be replaced with landscaping. However, for properties that have an approved alley access to a garage, additional access from the front yard may be permitted when: the driveway provided leads to a side yard having a minimum width of nine feet; the driveway has a maximum width of 12 feet; and, there is no more than one front yard driveway.
9. The minimum separation distance of any two driveways on the same property shall be 20 feet.
10. All access shall be from a dedicated street or alley.
11. On sites with less than 80 feet of frontage, no more than two driveways shall be permitted. On sites with 80 feet or more of frontage, additional driveways may be approved through the Site Plan and Design Review process (Chapter 19.122).
12. The maximum distance between the outside edge on a driveway and the property line shall be five feet.
13. Drive aisles serving four or more parking spaces shall have the minimum dimension listed in Table 3-10.
14. **Driveway widths associated with development of an Urban Lot Split are provided under Chapter 19.88.**

F. Modify Table 7-2 (“Review Authority for Site Plan and Design Review”) of Section 19.122.030 (“Review Authority”) of Chapter 19.122 (“Site Plan and Design Review”) of Article 7 (“Permit Processing Procedures”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

TABLE 7-2 REVIEW AUTHORITY FOR SITE PLAN AND DESIGN REVIEW	Review Level (1) (2)				
	Staff (3)	Director (4)	ARB	Commission	Council
RESIDENTIAL CONSTRUCTION ACTIVITIES (5)					
Residential New Construction					
1-Story Single-family and Two-family	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
2-Story Single-family and Two-family	—	<u>Decision</u>	Decision <u>Appeal</u>	Decision	Appeal
Multi-family (attached or detached)	—	—	Recommend	Decision	Appeal
Residential Additions, Modifications, and/or Accessory Structures					
R-1D zone < 250 sq. ft.		Decision	Appeal	Appeal	Appeal
R-1D zone > 250 sq. ft.	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 1 st -story construction < 600 sq. ft.	Decision	Appeal	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 1 st -story construction > 600 sq. ft.	—	Decision	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction < 250 sq. ft.	—	Decision	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction between 250 sq. ft. and 600 sq. ft.	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction > 600 sq. ft.	—	<u>Decision</u>	Recommend <u>Appeal</u>	Decision <u>Appeal</u>	Appeal

R-3 and R-4 zones construction including expansion of square footage (main building or accessory structures) or change in number of units	—	—	Decision	Appeal	Appeal
Other Residential Construction or Improvements (6)					
Facade or exterior improvements in the R-1 and R-2 zones	Decision	Appeal	Appeal	Appeal	Appeal
Facade or exterior improvements (inclusive of color changes) in the R-3 and R-4 zones	—	Decision	Appeal	Appeal	Appeal
Fences and walls (all)	Decision	Appeal	Appeal	Appeal	Appeal
Front yard porches	Decision	Appeal	Appeal	Appeal	Appeal
Pools and spas	Decision	Appeal	Appeal	Appeal	Appeal
Roof pitch changes	Decision	Appeal	Appeal	Appeal	Appeal
NONRESIDENTIAL CONSTRUCTION ACTIVITIES					
Nonresidential New Construction (including Accessory Structures)					
All new structures, except accessory structures and signs	—	—	Recommend	Decision	Appeal
Accessory structures	—	Decision	Appeal	Appeal	Appeal
Nonresidential Additions and Modifications					
Additions < 2500 sq. ft.	—	Recommend	Decision	Appeal	Appeal
Additions > 2500 sq. ft.	—	—	Recommend	Decision	Appeal
Other Nonresidential Construction					
Facade or exterior improvements (inclusive of color changes)	—	Decision	Appeal	Appeal	Appeal
Fences and walls (all)	Decision	Appeal	Appeal	Appeal	Appeal
Landscaping	—	Decision	Appeal	Appeal	Appeal
Restriping of parking lots	Decision	Appeal	Appeal	Appeal	Appeal
Roof pitch changes	Decision	Appeal	Appeal	Appeal	Appeal
SIGNS AND SIGN PROGRAMS					
Comprehensive Sign Programs	—	—	Decision	Appeal	Appeal

Signs (excluding freeway and monument signs) permanent and temporary	Decision	Appeal	Appeal	Appeal	Appeal
Freeway signs	—	—	Decision	Appeal	Appeal
Monument signs	—	Decision	Appeal	Appeal	Appeal
OTHER REVIEW					
Joint and Off-Site Parking Plans	—	Decision	Appeal	Appeal	Appeal
Open Space Plans	—	Decision	Appeal	Appeal	Appeal
Outdoor Dining < 800 sq. ft.	—	Decision	Appeal	Appeal	Appeal
Outdoor Dining > 800 sq. ft.	—	Recommend	Recommend	Decision	Appeal
Planned Development Permits	—	—	Recommend	Decision	Appeal
Specific Plans	—	—	Recommend	Recommend	Decision
Subdivisions/Condominiums	—	—	Recommend	Recommend	Decision

G. Modify 19.122.040.F.1-3 (“Public Hearing and Notice Provisions”) of Section 19.122.040 (“Application Filing, Processing and Review”) of Chapter 19.122 (“Site Plan and Design Review”) of Article 7 (“Permit Processing Procedures”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

Public hearing and notice provisions.

1. A public hearing shall not be required for any Site Plan and Design Review application, except when the Site Plan and Design Review application is accompanied by a companion quasi-judicial or legislative matter that would otherwise require a public hearing, and except for those items specified in Subparagraph 2., below; **and for projects considered under Section 19.10.035 (Duplex Developments in Single-Family Residential Zones), and/or Chapter 19.88 (Urban Lot Splits).**
2. Required notice for specified Site Plan and Design Review applications shall **apply** to ~~be as follows:~~
 - ~~a. For all single-family new construction structures or single-family second-story additions, notice shall be provided to all abutting residential property owners before the initial decision.~~
 - ~~b. For all non-single-family new construction structures or additions exceeding 500 square feet and when adjacent to a residential zone, notice shall be provided to all abutting residential property owners before the initial decision.~~
3. When a public hearing is required, notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 19.146 (Public Notices and Hearings).

H. Modify "Dwellings" of 19.160.050 ("D" Definitions) of Chapter 19.160 ("Definitions") of Article 9 ("Definitions") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

19.160.050 - "D" definitions.

Dwelling. A structure or portion thereof designed exclusively for permanent residential purposes, but not including hotels, motels, emergency shelters, or extended stay locations.

- Accessory Dwelling Unit. An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.
- Dwelling Unit. Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.
- Multi-Family Dwelling Unit. A structure or portion thereof containing three or more dwelling units designed for the independent occupancy of three or more households.
- Primary Dwelling Unit. An existing single-unit residential structure on a single lot with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities, and occupied by one household.
- Single-Family Dwelling Unit. A detached structure containing no more than one dwelling unit which, regardless of form of ownership, is designed and/or used to house not more than one household, including all domestic employees for such household.
- Two-Family Dwelling (Duplex) Unit. ~~A building containing two complete dwelling units designed for the independent occupancy of two households.~~ **A development of two primary dwelling units (either attached or detached), or if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.**
- See also "Manufactured Housing" and "Mobile Housing Unit."

I. Add "Urban Lot Splits" to Section 19.160.220 ("U" Definitions) of Chapter 19.160 ("Definitions") of Article 9 ("Definitions") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

19.160.220 - "U" definitions.

Unit. See "Dwelling."

Uninhabitable. A structure or property that is not appropriate for human occupancy, as defined by the Building Code.

Urban Lot Split. means a subdivision of an existing legal parcel in a single-family residential zone to create no more than two new parcels of approximately equal lot area, subject to the requirements of this section.

Urgent Care Facility. A public or private hospital-based or free-standing facility, that includes x-ray and laboratory equipment and a life support system, licensed or legally operating as an urgent care facility, primarily providing minor emergency and episodic

medical care with one or more physicians, nurses, and x-ray technicians in attendance at all times when the facility is open.

Use. The purpose for which land or a structure is, arranged, designed, intended, maintained, or occupied.

- Accessory Use. A use customarily incidental to, related, and clearly subordinate to a legal primary use established on the same parcel, and which does not alter the primary use or serve property other than the parcel where the primary use is located.
- Allowed Use. A use of land identified by Article 2 (Zones, Allowable Uses, and Development Standards) as allowed or conditionally allowed that may be established with a land use permit, subject to compliance with all applicable provisions of Article 2.
- Compatible Use. A use that by its manner of operation, is suitable in the district in which it may generally be considered as a primary use or is reasonable given its proximity to residential or other known sensitive uses. Said use of land and/or buildings shall be in harmony with the uses on the property as well as abutting properties.
- Conditional Use. A use permitted on a particular lot and within a zone only upon a finding that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Development Code and authorized by the Planning Commission and the granting of a valid permit.
- Conforming Use. A lawfully established use of property that operates in compliance with all applicable provisions of this Development Code.
- Nonconforming Use. Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.
- Primary Use. The principal or predominant use of any lot, building, or structure.
- Secondary Use. Any use that is specifically allowed in the zone in which it is located but is subordinate to the primary use in terms of occupied structure area or lot area.
- Sensitive Use. Any kindergarten, elementary school, middle school, high school, public library, public park, religious institution, or youth-oriented establishment characterized by either or both of the following: (1) the establishment advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors; or (2) the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.
- Temporary Use. A use of land that is designed, operated, and occupies a site for a limited period of time. See Chapter 19.124 (Temporary Use Permits) for a list of allowed temporary uses.

Utilities. All lines and facilities owned and/or operated by a licensed provider and related to the provision, distribution, collection, transmission, or disposal of water, storm drainage, sanitary sewage, oil, gas, electricity, information, telecommunications, telephone cable, and similar services. Includes facilities for the generation of electricity. Does not include "Communications Facilities" or "Wireless Telecommunications Facilities."

SECTION 5. The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), because proposed code amendments related to the implementation of Senate Bill 9 are not considered a “project” for purposes of CEQA and therefore do not require any environmental review under CEQA.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933(c) by publishing the following:

SUMMARY OF ORDINANCE NO. _____

NOTICE IS HEREBY GIVEN that the Duarte City Council, at its regular meeting of _____, 2022, introduced for first reading, Ordinance No. _____ which will adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

A certified copy of the Ordinance is available for review in the City Clerk’s Office at City Hall, located at 1600 Huntington Drive, Duarte, California 91010. The Ordinance is scheduled to be considered and potentially adopted at the regularly scheduled City Council meeting of _____, 2022. The Ordinance will take effect 30 days after second reading and adoption.

After second reading/adoption of this Ordinance, if adopted:

SUMMARY OF ADOPTED ORDINANCE NO. _____

NOTICE IS HEREBY GIVEN that on _____, 2022, the City Council adopted Ordinance No. _____.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT 2022-01 MODIFYING CHAPTERS 19.10 (RESIDENTIAL ZONES), 19.38 (OFF-STREET PARKING REGULATIONS AND DESIGN), 19.122 (SITE PLAN AND DESIGN REVIEW), AND 19.160 (DEFINITIONS); AND ADDING CHAPTER 19.88 (URBAN LOT SPLITS) IN ARTICLE 5 (SUBDIVISIONS) WITHIN THE DUARTE DEVELOPMENT CODE THEREBY ESTABLISHING DEFINITIONS AND REGULATIONS FOR URBAN LOT SPLITS AND DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES TO IMPLEMENT RECENTLY ENACTED STATE LAW

I, ANNETTE JUAREZ, City Clerk of the City of Duarte, DO HEREBY CERTIFY that the above and foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council held on _____, 2022, by the following vote, to wit:

AYES:
NOES:
ABSENT:

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by a vote of no less than a majority of City Council at a regular meeting of the City Council of the City of Duarte held on the _____ day of _____, 2022.

Mayor _____

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____ 2022, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:

City Clerk Annette Juarez
City of Duarte, California

PC RESOLUTION NO. 22-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT MUNICIPAL CODE AMENDMENT 2022-01 MODIFYING CHAPTERS 19.10 (RESIDENTIAL ZONES), 19.38 (OFF-STREET PARKING REGULATIONS AND DESIGN), 19.122 (SITE PLAN AND DESIGN REVIEW), AND 19.160 (DEFINITIONS); AND ADDING CHAPTER 19.88 (URBAN LOT SPLITS) IN ARTICLE 5 (SUBDIVISIONS) WITHIN THE DUARTE DEVELOPMENT CODE THEREBY ESTABLISHING DEFINITIONS AND REGULATIONS FOR URBAN LOT SPLITS AND DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES TO IMPLEMENT RECENTLY ENACTED STATE LAW

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill No. 9 (SB 9). In summary, SB 9 requires that local agencies ministerially approve certain subdivisions of one single-family residential lot into two without discretionary review, and requires a local agency to ministerially approve a proposed development project of up to two units on a lot in a single-family residential zone without discretionary review; and

WHEREAS, SB 9 would set forth what a local agency can and cannot require in approving the construction of two residential units and the subdivision of an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of two units; among other prohibitions; and

WHEREAS, SB 9 took effect on January 1, 2022; therefore, it is necessary for the City to establish objective standards regarding duplex developments and urban lot splits to regulate SB 9 projects; and

WHEREAS, the Planning Commission desires to establish objective standards to preserve the City's quality of life as characterized by the City's General Plan; and

WHEREAS, the Planning Commission seeks and intends to protect the health, safety, and welfare of the residents of the City of Duarte by establishing regulations for urban lot splits and two-unit developments in single family residential zones; and

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2022-01 modifies Chapters 19.10 (Residential Zones) by adding a new Section 19.010.035 (Duplex Developments in Single-Family Residential Zones) to the Duarte Development Code to provide objective development standards, as allowed by State law, for up to two dwelling units; adding a new Chapter 19.88 (Urban Lot Splits) to Article 5 (Subdivisions) to the Duarte Development Code to provide objective subdivision and development standards, pursuant to State law; and modifying Chapters

19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions) of the Duarte Development Code establishing definitions, citations and miscellaneous regulations for urban lot splits and duplex developments, as set forth in Exhibit “B-1,” attached hereto and made part of this Resolution; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on January 18, 2022, the Planning Commission held a duly noticed public hearing to consider adopting a resolution to recommend that the City Council adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law; and

WHEREAS, the Planning Commission has considered the staff report and all the information, evidence, and testimony received at the public hearing; and

WHEREAS, after consideration of the information presented, the Planning Commission recommends that the Duarte City Council adopt the proposed Ordinance modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

NOW, THEREFORE, the Planning Commission of the City of Duarte does hereby resolve as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and fully incorporated herein by this reference.

SECTION 2. Based upon substantial evidence presented to the Planning Commission during the public hearing, including written staff reports and verbal testimony, the Planning Commission hereby finds and determines that the findings for Development Code Amendments, as set forth in Duarte Development Code Section 19.142.060:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan.

The proposed amendment includes modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby

establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones, consistent with applicable state laws to implement recently enacted state law.

- b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendments revise current single-family residential, off-street parking, site plan and design review, definitions, and subdivision regulations to accommodate duplex developments and urban lot split regulations mandated by the State. The State's intended purpose for the revision to the law is to address housing affordability, which is a goal rooted in the public interest of the City. The State's requirements, however, are far-reaching and undermine City policies to increase housing supply near transit and within various Specific Plan areas, and weaken City regulations designed to maintain the character, scale, and density of our established neighborhoods. The proposed Ordinance includes standards that protect neighborhoods to the extent possible.

- c. The proposed amendment is internally consistent with applicable provisions of this Development Code.

The proposed amendments include significant revisions to the R-1 Single Family Residential Zone and create a new chapter related to Urban Lot Splits. These modifications required a variety of other changes that ensure the Code is accurate, readable, and can be implemented. The code amendment has been written to be internally consistent with the Duarte Development Code.

SECTION 4. The Planning Commission finds and determines that the proposed amendments to Duarte Development Code modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones are in the best interest and welfare of the City and its residents.

SECTION 5. Based upon the substantial evidence and testimony received at a public hearing and the findings and conclusions set forth herein, the Planning Commission hereby recommends that the City Council adopt and approve the proposed amendment modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones, consistent with applicable state laws to implement recently enacted state law.

SECTION 6. In recommending adoption of this Resolution, the Planning Commission finds and determines that the proposed code amendments related to the implementation of Senate Bill 9 are not considered a "project" for purposes of the California Environmental

Quality Act (CEQA), pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and therefore do not require any environmental review under CEQA.

SECTION 7. The chair shall sign this Resolution and the Secretary shall attest and certify to the passage and adoption of this Resolution

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a public meeting held on the 18th day of January, 2022.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF DUARTE

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on January 18, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT 2022-01 MODIFYING CHAPTERS 19.10 (RESIDENTIAL ZONES), 19.38 (OFF-STREET PARKING REGULATIONS AND DESIGN), 19.122 (SITE PLAN AND DESIGN REVIEW), AND 19.160 (DEFINITIONS); AND ADDING CHAPTER 19.88 (URBAN LOT SPLITS) IN ARTICLE 5 (SUBDIVISIONS) WITHIN THE DUARTE DEVELOPMENT CODE THEREBY ESTABLISHING DEFINITIONS AND REGULATIONS FOR URBAN LOT SPLITS AND DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES TO IMPLEMENT RECENTLY ENACTED STATE LAW

WHEREAS, on September 16, 2021, the Governor signed into law Senate Bill No. 9 (SB 9). In summary, SB 9 requires that local agencies ministerially approve certain subdivisions of one single-family residential lot into two without discretionary review, and requires a local agency to ministerially approve a proposed development project of up to two units on a lot in a single-family residential zone without discretionary review; and

WHEREAS, SB 9 would set forth what a local agency can and cannot require in approving the construction of two residential units and the subdivision of an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of two units; among other prohibitions; and

WHEREAS, SB 9 took effect on January 1, 2022; therefore, it is necessary for the City to establish objective standards regarding duplex developments and urban lot splits to regulate SB 9 projects; and

WHEREAS, the Planning Commission desires to establish objective standards to preserve the City's quality of life as characterized by the City's General Plan; and

WHEREAS, the Planning Commission seeks and intends to protect the health, safety, and welfare of the residents of the City of Duarte by establishing regulations for urban lot splits and two-unit developments in single family residential zones; and

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2022-01 modifies Chapters 19.10 (Residential Zones) by adding a new Section 19.010.035 (Duplex Developments in Single-Family Residential Zones) to the Duarte Development Code to provide objective development standards, as allowed by State law, for up to two dwelling units as set forth in Exhibit "B-1"; adding a new Chapter 19.88 (Urban

Lot Splits) to Article 5 (Subdivisions) to the Duarte Development Code to provide objective subdivision and development standards, pursuant to State law, as set forth in Exhibit “B-2”; and modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions) of the Duarte Development Code establishing definitions, citations and miscellaneous regulations for urban lot splits and duplex developments, as set forth in Exhibit “B-3,” all attached hereto and made part of this Resolution; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on January 18, 2022, the Planning Commission held a duly noticed public hearing to consider adopting a resolution to recommend that the City Council adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law; and

WHEREAS, after consideration of the information presented, the Planning Commission adopted a resolution recommending that the Duarte City Council adopt the proposed Ordinance modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

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

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The following section of the Duarte Development Code is added to read as follows:

SECTION 19.10.035 - DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES

A. **Purpose.** The purpose of this section is to allow and appropriately regulate Duplex (Two-Family Dwelling Unit) Developments in Single-Family Residential Zones in accordance with Government Code section 65852.21.

B. *Definitions.*

1. “Car share vehicle” is a motor vehicle that is operated as part of a regional fleet by a private or public car sharing company or organization and provides hourly or daily service.
2. “Unit” is any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an accessory dwelling unit (ADU), or a junior accessory dwelling unit (JADU).

C. *Application, Review Process, Standard for Denial.*

1. An application for a Duplex project must be submitted on the city’s approved form and include all items required as part of the application submittal package.
2. A full title report shall be provided as part of the application.
 - a. In the event the property has not already been legally subdivided, the applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
3. The owner shall sign an affidavit, in the form approved by the City Attorney, stating that the Duplex would not require demolition or alteration of any of the following types of housing listed in Subsection D.5.a-d.
 - a. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
4. Only a complete application will be considered. The city will inform the applicant within 30 days after submittal whether the application is complete. If the city does not respond within 30 days after submittal, the application is deemed incomplete.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application. An application submitted without the established fee is deemed incomplete.
6. An application for a Duplex development shall be considered ministerially, without discretionary review or hearing.
7. An application for a Duplex development shall be approved or denied by the Community Development Director through the Site Plan and Design Review process, further described in Chapter 19.122.

8. Notwithstanding subsection 6, the City may deny an application for a Duplex development if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed Duplex development would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. Accessory Dwelling Unit Ineligibility. Parcels containing both a Duplex and subject to an Urban Lot Split as those terms both defined in Article 9 shall be ineligible for an accessory dwelling unit or junior accessory dwelling unit permit under Section 19.60.160 of this Code. Operation of an accessory dwelling unit or junior accessory dwelling unit in violation of this subsection shall be a violation of this Section and grounds for enforcement pursuant to subsection L.

E. Applicability. Proposed Duplex developments must satisfy each of the following:

1. Zoning. Located within a Single-Family Zoning District.
2. Lot Location. Located on a parcel that meets all requirements of subsections(a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4, as may be amended from time to time.
3. Subdivision Map Act Compliance. Located on a lot that has been legally subdivided.
4. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
5. No Impact on Protected Housing. The Duplex project must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060– 7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a Duplex project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to,

surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. Demolition.

- a. Not more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel may be demolished unless the site has not been occupied by a tenant in the last three years.
- b. If approved by the Community Development Director, any Duplex project that involves an existing dwelling unit proposed for demolition of more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel must comply with the replacement provisions of Government Code 66300(d).

F. **Development Standards.** A Duplex development shall comply with the following development standards. In the cases where the following standards preclude development of an 800 square foot dwelling, the plan check review process will allow deviations sufficient to accommodate such development.

1. Configuration.

- a. Proposed adjacent or connected units shall be permitted if they meet building code standards, are designed to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed in this section, as applicable.
- b. Required parking for units associated with a Duplex project shall be accessed via an alley, if there is an alley.

2. Quantity.

- a. No more than two units of any kind may be built on a lot that results from an Urban Lot Split, as prescribed under Chapter 19.88.
- b. A lot that is not created by an Urban Lot Split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the City's ADU ordinance.

3. Unit Size.

- a. The total floor area of each unit built that is developed under this section must be no greater than 800 square feet, exclusive of any enclosed garage space.
- b. Notwithstanding paragraph (a), if the Duplex application proposes to add one new unit to a unit that was legally established prior to submission of the Duplex application, the existing, legally established unit may retain its dimensions at the time the Duplex application is submitted. A unit that was

legally established prior to submission of the Duplex application which retains its dimensions pursuant to this paragraph may not be expanded except as provided by paragraph (c).

- c. A unit that was legally established prior to submission of the Duplex application and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the Duplex project.
4. Lot Coverage. The City's existing lot coverage standards for the Single-Family Residential Zones shall apply to projects subject to this Section.
5. Setbacks. The City's existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Section.
 - a. Side and Rear. Duplex developments shall be setback at least four feet (4') from the side and rear property lines.
 - b. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. Building Separation. A minimum separation of 10 feet (10'), measured from wall to wall, shall be required between detached dwelling units located on the same site.
 - d. Projections into Setbacks. See Chapter 19.32.
6. Height.
 - a. Any new units built shall be one-story and no taller than 16 feet (16') to the highest ridgeline, and no taller than ten feet (10') to the top plate.
 - b. Heights above 16 feet (16') are allowed for existing or proposed units with a garage, in which the first-floor garage is maintained as off-street parking for two or more vehicles and the second-floor dwelling unit is equal to or less than the footprint of the first-floor garage itself. The garage must be accessible from a paved driveway that connects to a street or alley.
7. Foundations. A permanent foundation shall be required for all new units.
8. Landscaping. The City's existing landscape, irrigation, and hardscape standards for the Single-Family Residential Zones shall apply to projects subject to this Section as required by Chapters 19.40.
9. Accessible Roof Areas. For units subject to this Section – accessible decks, patios, balconies, and similar private open spaces above the top plate of any new or remodeled existing dwelling unit are prohibited.

10. Lighting. Exterior lighting shall be shielded or directed downwards.
11. Parking.
 - a. Existing off-street garage parking and driveway must be maintained as part of a Duplex project.
 - b. Required parking shall be one off-street parking space within an enclosed garage per each dwelling unit, unless one of the following applies:
 - i The parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as defined in Sections 21155 or 21064.3 of the California Public Resources Code.
 - ii The parcel is located within one block of a car-share vehicle location, as defined in this section.
 - c. Any parking and access, as required or otherwise proposed, for a Duplex development lot shall be accessed via an alley, if there is an alley.
12. Pedestrian access. Access to a public street or alley shall be provided with an exterior pedestrian pathway from the primary entrances of each unit to the adjoining sidewalk, street, or alley.

G. **Other Standards.** All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of State law, in addition to the following:

1. Design Standards. Units and any other accessory structures shall comply with applicable objective design standards, as further described in Section 19.44.010.
2. Utilities. Each dwelling unit on a parcel must have its own direct utility connection to the utility service provider.
3. Onsite Wastewater Treatment System. For dwelling units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, and compliance with Chapter 6.13 of the Duarte Municipal Code, which implements the County of Los Angeles Local Agency Management Program (Ordinance No. 2018-0037).

H. **Standards Precluding Development.** If an applicant submits plans showing that any of the objective standards which otherwise apply to Duplex applications would have the effect of physically precluding the construction of up to two units or would physically preclude either of the two units from being at least 800 square feet in floor area, the Community Development Director shall permit the minimum deviation of the objective standards shown to physically preclude the construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area necessary to physically permit the Duplex project.

I. **Regulation of Uses**

1. Residential Only. No non-residential use is permitted on the lot.
2. Short-term Rentals. No unit on the lot may be rented for a period of less than 30 days.

J. ***Separate Conveyance.***

1. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
2. Condominium airspace divisions and common interest developments are not permitted within the lot.
3. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

K. ***Restrictive Covenant.*** The applicant shall sign and record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition on non-residential uses on the lot.
2. A prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.
3. All required parking shall be maintained, and useable for the parking of motor vehicle(s).
4. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

L. ***Remedies.*** If a Duplex project violates any part of this code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

- c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
- d. Record a notice of violation.
- e. Withhold any or all future permits and approvals.
- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

SECTION 3. The following chapter of the Duarte Development Code is added to read as follows:

CHAPTER 19.88 - URBAN LOT SPLITS

A. ***Purpose.*** The purpose of this section is to allow and appropriately regulate Urban Lot Splits in Single-Family Residential Zones in accordance with Government Code section 66411.7.

B. ***Definitions.***

- 1. "Acting in concert" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
- 2. "Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street, or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.
- 3. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a private or public car sharing company or organization and provides hourly or daily service.
- 4. "Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.
- 5. "Unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an accessory dwelling unit (ADU), or a junior accessory dwelling unit (JADU).

C. ***Application, Review Process, Standard for Denial.***

1. An application for an Urban Lot Split must be submitted on the City's approved form and include all items required as part of the application submittal package.
2. The owner shall sign an affidavit, in the form approved by the City Attorney, stating that the proposed Urban Lot Split would not require demolition or alteration of any of the following types of housing listed in Subsection E.6.a-d.
 - b. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
3. The owner and applicant shall sign an affidavit, in the form approved by the City Attorney, stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.
4. Only a complete application will be considered. The city will inform the applicant within 30 days after submittal whether the application is complete. If the city does not respond within 30 days after submittal, the application is deemed incomplete.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application. An application submitted without the established fee is deemed incomplete.
6. An application for an Urban Lot Split shall be considered ministerially, without discretionary review or hearing, pursuant to Table 5-1 (Subdivision Review Authorities) listed in Chapter 19.70.
7. Ministerial approval of both a tentative and final parcel map are required for an Urban Lot Split. Ministerial approval of a final parcel map means that all required documents have been recorded and proof of recordation is provided to the City.
8. Notwithstanding subsection 7, the City may deny an application for an Urban Lot Split if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed Urban Lot Split would have a specific, adverse impact, as defined in subsection (d) of Government Code Section 65411.7, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. ***Accessory Dwelling Unit Ineligibility.*** Parcels containing both a Duplex Development and subject to an Urban Lot Split as those terms both defined in Article 9 shall not contain an accessory dwelling unit or junior accessory dwelling unit under Section 19.60.160 of this Code. Operation of an accessory dwelling unit or junior accessory dwelling unit in violation

of this subsection shall be a violation of this Section and grounds for enforcement pursuant to subsection L.

E. ***Applicability.*** A proposed Urban Lot Split must satisfy each of the following:

1. Zoning. Located within a Single-Family Zoning District.
2. Lot Location. Located on a parcel that meets all requirements of subsections(a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4, as may be amended from time to time.
3. No Prior Urban Lot Split
 - a. The lot to be split was not established through a prior Urban Lot Split.
 - b. The lot to be split is not adjacent to any lot that was established through a prior Urban Lot Split by the owner of the lot to be split or by any person acting in concert with the owner.
4. Subdivision Map Act Compliance.
 - a. The Urban Lot Split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”) and applicable sections of Article 5 (Subdivisions) of this Code, except as otherwise expressly provided in this section.
 - b. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an Urban Lot Split.
5. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
6. No Impact on Protected Housing. The Urban Lot Split must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060– 7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.
 - d. Housing that has been occupied by a tenant in the last three years.

7. Demolition.

- a. Not more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel may be demolished unless the site has not been occupied by a tenant in the last three years.
- b. If approved by the Community Development Director, any Urban Lot Split project that involves an existing dwelling unit proposed for complete demolition must comply with the replacement provisions of Government Code 66300(d).

F. ***Development Standards***

1. Lot Size. An Urban Lot Split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:
 - a. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;
 - b. Neither resulting parcel shall be smaller than 1,200 square feet; and
 - c. No flag lots shall be created as a result of the lot split if the existing parcel is adjacent to an alley, is a corner lot or through lot.
2. General Development Standards
 - a. Front lot lines shall conform to the minimum public street frontage requirements of this Development Code.
 - b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum parcel sizes described in Paragraph 1 of Subsection E. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.
 - c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not straight but shall follow the appropriate course.
 - d. Lot lines facing a street shall generally be parallel to the street.
 - e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.
 - f. Lot lines shall be contiguous with existing zoning boundaries.
 - g. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in this Development Code.

- h. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, open yard, floor area ratio, parking), nor increase the nonconformity of an existing nonconforming structure.
- 3. Flag Lot Development Standards. The following regulations apply only to an Urban Lot Split, as defined by this Chapter, when up to one flag lot is to be developed with a Duplex Development.
 - a. Each flag lot shall be designed to provide a "pole" that functions primarily as an accessway from the street to the main body ("flag" portion) of the lot. The pole portion shall be deemed to end, and the flag portion of the lot shall be deemed to commence, at the extension of the newly created front property line of the Urban Lot Split. See Figure 5-1.
 - b. Any parking and access, as required or otherwise proposed, for an Urban Lot Split lot shall be accessed via an alley, if there is an alley.
 - c. 20 feet (20') of street frontage (pole width) shall be maintained throughout the length of the pole.
 - d. Driveways.
 - iii Only one driveway accessing a street shall be allowed per parcel.
 - iv Driveways shall be no narrower than 10 feet (10') and no wider than 14 feet (14').
 - v The remaining pole width which is not used for a driveway shall be landscaped and irrigated with planting material and/or hardscape, and permanently maintained, in compliance with Chapter 19.40 of the City's Development Code.
 - vi All driveways shall be clear and unobstructed for a height of 12 feet above ground.
 - vii All driveways for private automobile storage spaces and the actual spaces shall be paved with Portland cement concrete or approved equivalent at least three inches thick.
 - e. Walls – The use of decorative block walls are required, as permitted by Chapter 19.36 of the City's Development Code.
 - f. All flag lots proposed in this Chapter shall comply with all requirements of the Fire Department, the Public Works Division, and the Building Division.

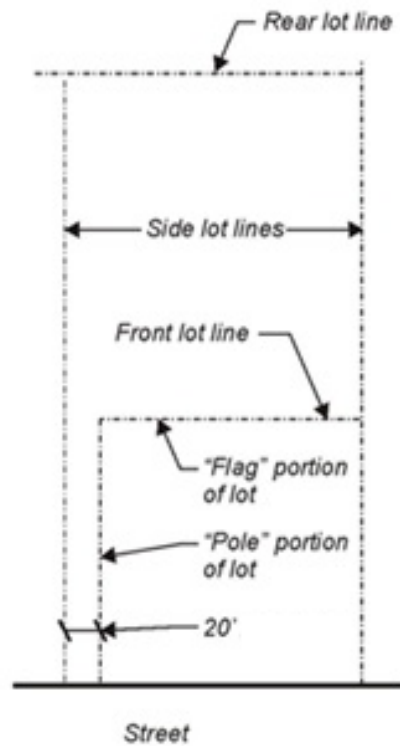


FIGURE 5-1

4. Easements. The owner shall dedicate all easements over the resulting parcels required for the provision of utilities, and public services and facilities, as determined by the City Engineer.
5. Configuration.
 - a. Proposed adjacent or connected units shall be permitted if they meet building code standards, are designed to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed in this section, as applicable.
 - b. Required parking for an Urban Lot Split lot shall be accessed via an alley, if there is an alley.
6. Quantity.
 - a. Notwithstanding any provision of Government Code Sections 65852.2, 65852.21, 65852.22, 65915, or 66411.7, no more than two units can occupy a parcel created through an Urban Lot Split. In addition, parcels containing both a Duplex as that term is defined in Section 19.010.035 and subject to or created by an Urban Lot Split as that term is defined in this Section shall be ineligible for an accessory dwelling unit or junior accessory dwelling unit permit under Section 19.60.160.

7. Unit Size.
 - a. The total floor area of each unit built that is developed under this section must be no greater than 800 square feet, exclusive of any enclosed garage space.
 - b. A unit that was legally established on the lot prior to the Urban Lot Split and that is larger than 800 square feet is limited to the lawful floor area at the time the application for the Urban Lot Split is submitted, provided that the unit may not thereafter be expanded.
 - c. A unit that was legally established prior to the submission of the Urban Lot Split application and that is smaller than 800 square feet may be expanded to 800 square feet after the Urban Lot Split occurs.
8. Lot Coverage. The City's existing lot coverage standards for the Single-Family Residential Zones shall apply to projects subject to this Chapter.
9. Setbacks. The City's existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Chapter.
 - a. Side and Rear. Units on Urban Lot Split parcels shall be setback at least four feet (4') from the side and rear property lines.
 - b. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. Building Separation. A minimum separation of 10 feet (10'), measured from wall to wall, shall be required between detached units located on the same site.
 - d. Projections into Setbacks. See Chapter 19.32.
10. Height.
 - a. Any new units built shall be one-story and no taller than 16 feet (16') to the highest ridgeline, and no taller than ten feet (10') to the top plate.
 - b. Heights above 16 feet (16') are allowed for existing or proposed dwelling units with a garage, in which the first-floor garage is maintained as off-street parking for two or more vehicles and the second-floor dwelling unit is equal to or less than the footprint of the first-floor garage itself. The garage must be accessible from a paved driveway that connects to a street or alley.
11. Foundations. A permanent foundation shall be required for all new units.

12. Landscaping. The City's existing landscape, irrigation, and hardscape standards for the Single-Family Residential Zones shall apply to projects subject to this Chapter as required by Chapters 19.40.
13. Accessible Roof Areas. For all units subject to the Section – accessible decks, patios, balconies, and similar private open spaces above the top plate of any dwelling unit are prohibited.
14. Lighting. Exterior lighting shall be shielded or directed downwards.
15. Parking.
 - a. Existing off-street garage parking and driveway must be maintained as part of an Urban Lot Split project.
 - b. Required parking shall be one off-street parking space within an enclosed garage per each dwelling unit, unless one of the following applies:
 - i The parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as defined in Sections 21155 or 21064.3 of the California Public Resources Code.
 - ii The parcel is located within one block of a car-share vehicle location, as defined in this section.
 - c. Any parking and access, as required or otherwise proposed, for units on an Urban Lot Split parcel shall be accessed via an alley, if there is an alley.
16. Pedestrian Access. Access to a public street or alley shall be provided with an exterior pedestrian pathway from the primary entrances of each dwelling unit to the adjoining sidewalk, street, or alley.

G. **Other Standards.** All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of State law, in addition to the following:

1. Design Standards. Units and any other accessory structures shall comply with applicable objective design standards, as further described in Section 19.44.010.
2. Utilities. Each unit on an Urban Lot Split parcel must have its own direct utility connection to the utility service provider.
3. Onsite Wastewater Treatment System. For units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, and compliance with Chapter 6.13 of the Duarte Municipal Code, which implements the County of Los Angeles Local Agency Management Program (Ordinance No. 2018-0037).

H. **Standards Precluding Development.** If an applicant submits plans showing that any of the objective standards which otherwise apply to Urban Lot Split applications would have

the effect of physically precluding the construction of up to two units or would physically preclude either of the two units from being at least 800 square feet in floor area, the Community Development Director shall permit the minimum deviation of the objective standards shown to physically preclude the construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area necessary to physically permit the Urban Lot Split project.

I. ***Regulation of Uses***

1. Residential Only. No non-residential use is permitted on the lot.
2. Short-term Rentals. No unit on the lot may be rented for a period of less than 30 days.

J. ***Separate Conveyance.***

1. Within a resulting lot.
 - a. Primary dwelling units on a lot that is created by an Urban Lot Split may not be owned or conveyed separately from each other.
 - b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an Urban Lot Split.
 - c. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.
2. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the Urban Lot Split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate Covenants, Conditions, and Restrictions (“CC&Rs”), easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

K. ***Restrictive Covenant.*** Prior to the approval and recordation of the parcel map, the applicant shall sign and record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section.
2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel.
3. A prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.

4. All required parking shall be maintained, and useable for the parking of motor vehicle(s).
5. A statement that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This paragraph shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

L. **Remedies.** If an Urban Lot Split violates any part of this code or any other legal requirement:

1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
2. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - d. Record a notice of violation.
 - e. Withhold any or all future permits and approvals.
 - f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

SECTION 4. The following chapters of the Duarte Development Code are amended to read as follows:

Modifications to Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions)

(DELETIONS SHOWN AS ~~DOUBLE STRIKE THROUGH~~ AND ADDITION AS **BOLD** AND UNDERLINE):

A. Modify 19.10.010.B {"R-1 Single-Family Residential Zones (Very Low Density and Low Density)} of Section 19.10.010 ("Purpose of Residential Zones") of Chapter 19.10 ("Residential Zones") of Article 2 ("Zones, Allowable Uses, and Development Standards") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

R-1 Single-Family Residential Zones (Very Low Density and Low Density).

4. The R-1 zones are established to provide areas for the development and preservation of residential subdivisions consisting of detached residences and accessory uses compatible with the residential use of the zone. There are six single-family (R-1) residential zones that provide a variety of living environments based upon the required minimum net lot size. No more than one dwelling unit is allowed on each lot, except as otherwise provided in Section 19.60.160 (Second Dwelling Units), **Section 19.10.035 (Duplex Developments in Single-Family Residential Zones), and/or Chapter 19.88 (Urban Lot Splits).** Required minimum lot sizes for each of the six zones are as follows:

5. 1. R-1: 6,500 square foot minimum lot size.
6. 2. R-1A: 7,500 square foot minimum lot size.
7. 3. R-1B: 10,000 square foot minimum lot size.
8. 4. R-1D: 20,000 square foot minimum lot size (Hillside area).
9. 5. R-1E: 20,000 square foot minimum lot size (Non-hillside area).
10. 6. R-1F: 80,000 square foot minimum lot size.

B. Modify Table 2-1 ("Allowed Uses and Permit Requirements") of Section 19.10.020 ("Land Uses and Permit Requirements") of Chapter 19.10 ("Residential Zones") of Article 2 ("Zones, Allowable Uses, and Development Standards") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

TABLE 2-1 ALLOWED USES AND PERMIT REQUIREMENTS	Single-Family and Two-Family Residential Zone Permit Requirements							
	P = Permitted By Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed							
Land Use	R-1	R-1A	R-1B	R-1D	R-1E	R-1F	R-2	Specific Use Regulations
Residential Uses								
Single-Family Dwellings	P	P	P	P	P	P	P	See Table 7-2 (Article 7) for Site Plan Review Requirements. See

								19.10.050 for R-1D zone special requirements. See 19.10.080 (Manufactured Homes)
Multi-Family Dwellings	—	—	—	—	—	—	—	
Two-Family Dwellings (Duplex)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>See 19.10.035 (Duplex Developments in Single-Family Residential Zones)</u>
Mobile Housing Unit	—	—	—	—	—	—	—	
Accessory Dwelling Unit	A	A	A	A	A	A	—	See 19.60.160 (Accessory Dwelling Units)
Care Uses								
Child Care Home - Large Family	A	A	A	A	A	A	A	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Child Care Home - Small Family	A	A	A	A	A	A	A	
Day Care General - 15 or more children	—	—	—	—	—	—	—	
Agriculture and Animal-Related								
Animal Keeping	A	A	A	A	A	A	A	As regulated by Title 8 (Animals) of the Municipal Code
Horse Keeping	—	—	—	MUP	A	A	—	See 19.60.080 (Horse Keeping)
Horticulture - Private	A	A	A	A	A	A	A	
Other Uses								
Accessory Structures and Uses	A	A	A	A	A	A	A	See 19.60.020 (Accessory Uses)
Educational Institution - Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Golf Course, Country Club	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Home Occupations	A	A	A	A	A	A	A	See 19.60.070 (Home Occupations)
Places of Religious Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See 19.60.140 (Places of Religious Assembly)

Recreational Vehicle Parking (Open/outdoor parking)	A	A	A	A	A	A	A	See 19.38.160 (Recreational Vehicle Parking in Residential Zones)
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)							
Utilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

C. Modify Table 2-3 (“Development Standards for Single-Family and Two-Family Residential Zones”) of Section 19.10.030 (“Development Standards”) of Chapter 19.10 (“Residential Zones”) of Article 2 (“Zones, Allowable Uses, and Development Standards”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

TABLE 2-3 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONES								
Development Feature (minimum unless otherwise indicated)	R-1 ²	R-1A ²	R-1B ¹	R-1D ¹	R-1E	R-1F ¹	R-2	Additional Requirements
Lot Area (sqft) ⁴	6,500	7,500	10,000	20,000	20,000	80,000	8,000	
Lot Width ⁴								
Interior Lot	60 ft	60 ft	70 ft	90 ft	90 ft	100 ft	60 ft	
Corner Lot	65 ft	65 ft	75 ft	95 ft	95 ft	120 ft	65 ft	
Lot Adjacent to Freeway or Railroad ROW	70 ft	0 ft	N/A	N/A	95 ft	N/A	70 ft	
Cul-de-sac Lot	35 ft	35 ft	40 ft	45 ft	45 ft	55 ft	35 ft	
Lot Depth ⁴								
When fronting on:								
Local Street	90 ft	90 ft	100 ft	135 ft	135 ft	200 ft	90 ft	
When fronting or backing:								
Major or Secondary Highway	110 ft	110 ft	110 ft	135 ft	135 ft	200 ft	110 ft	

When backing:								
Freeway or Railroad ROW	115 ft	115 ft	115 ft	135 ft	135 ft	200 ft	115 ft	
Setbacks <u>4, 5</u>								
Front								
Public Street Private Street	20 ft	20 ft	20 ft	20 ft	20 ft	30 ft	20 ft	Front setback shall be consistent with the average setback along the same block, but in no circumstances shall be less than 20 ft in all zones except R-1F, where the minimum shall be 30 ft.
Side								
Interior	5 ft	5 ft	5 ft	8 ft	8 ft	15 ft	5 ft	See Section 19.10.040 (Multi-Story Setback)
Corner	10 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	
Reverse Corner	15 ft	15 ft	15 ft	15 ft	15 ft	20 ft	15 ft	
Rear								
Single Story	10 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	See Section 19.34.030.B (Accessory Structures)
Two Story	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	
Abutting an Alley	25 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	Measured from the opposite side of the alley
Lot Coverage (maximum) <u>4, 5</u>	35% or 40% for single-story units on lots 8,000 sf or less	35% or 40% for single-story units on lots 8,000 sf or less	35%	35%	35%	12.5% for single-story units or 10% for two-story units	55%	See Section 19.10.030.D (Exceptions to Maximum Lot Coverage)

Height ⁵ (maximum)	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	18 ft; 1 story	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	See Section 19.32.040 (Height Measurement and Exceptions). See also Section 19.10.050 (R-1D Zone: Additional Standards).
Floor Area of Dwelling Unit ⁵	Minimum required floor area of dwelling units.							
Studio/Bachelor (sq ft)	1,000	1,000	1,000	1,400	1,400	1,400	600	All bedrooms require a functional closet space located in each bedroom.
1 Bedroom (sq ft)	1,000	1,000	1,000	1,400	1,400	1,400	750	
2 Bedrooms (sq ft)	1,200	1,200	1,200	1,600	1,600	1,600	950	
3 Bedrooms (sq ft)	1,400	1,400	1,400	1,800	1,800	1,800	1,250	
More than 3 Bedrooms (sq ft + sq ft per additional room [p.a.r.])	1,400 + 200 p.a.r.	1,400 + 200 p.a.r.	1,400 + 200 p.a.r.	1,800 + 225 p.a.r.	1,800 + 225 p.a.r.	1,800 + 225 p.a.r.	1,250 + 175 p.a.r.	

Notes:

1. Properties within the R-1F, R-1D, and R-1B zones shall be subject to additional hillside development standards set forth in Chapter 19.46 (Hillside Development Standards).
2. Properties within the R-1 and R-1A zones located north of Sunnydale Drive and Brookridge Road shall be subject to additional hillside development standards set forth in Chapter 19.46 (Hillside Development Standards).
3. See also Section 19.10.040 (Multi-Story Setback), Section 19.32.020 (Permitted Projections into Required Setback Areas), and Section 19.32.050 (Yards — Measurement and Requirements).

4. See also Section 19.88 (Urban Lot Splits).

5. See also Section 19.10.035 (Duplex Developments in Single-Family Residential Zones).

D. Modify Table 3-4 (“Off Street Parking Requirements-Residential Zones”) of Section 19.138.050 (“Off Street Parking Space Requirements”) of Chapter 19.38 (“Off Street Parking Regulations and Design”) of Article 3 (“Regulations Applicable to all Zones”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

TABLE 3-4 OFF-STREET PARKING REQUIREMENTS RESIDENTIAL USES	
Land Use	Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	2 per dwelling unit in a garage for units with up to 4 bedrooms; 3 per dwelling unit in a garage for units with 5 or more bedrooms. See also 19.38.050(I), <u>19.10.035, 19.88.</u>
Accessory Dwelling Unit	1 per accessory dwelling unit; a minimum of 2—3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property (in association with primary unit).
Multi-Family Dwellings	2 per unit in a garage, plus overflow and guest parking as follows: 1 overflow parking space per each 4 units 1 guest parking space per each 4 units See also 19.38.050(F) and (I).
Mobile Home Parks	1 per mobile home space plus 1 for each mobile home space for guest parking; guest parking to be separate from mobile home spaces
Live/Work Units	2 spaces per unit in a garage plus customer parking as determined through the Conditional Use Permit.
Senior Housing (when restricted to age 62 and older)	1 space per 1-bedroom unit. 2 spaces for each 2-bedroom unit.
Conversions of Existing Covered Parking Spaces for Single-Unit Dwelling	2 per unit in garage
Large and Small Family Child Day Care Facilities	Spaces required for dwelling unit only, plus 1 per each permanent non-resident employee

E. Modify 19.38.100.B (“Drive and Drive Aisle Dimension”) of Section 19.38.100 (“Parking Space and Drive Aisle Dimension”) of Chapter 19.38 (“Off-Street Parking Regulations and

Design”) of Article 3 (“Regulations Applicable to all Zones”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

Driveway and drive aisle dimension.

1. Driveway widths shall be a minimum of 10 feet and a maximum of 12 feet for one storage space.
2. Driveway width shall be a minimum of 12 feet and a maximum of 20 feet **for two to four storage spaces**; provided, however, that where the driveway provides access through a side yard to a rear garage, and if 12 feet in width are not available, the driveway shall be of the width available, but in no event less than 10 feet. This width may be reduced to nine feet clear in the R-1 and R-1A zones.
3. Driveway widths shall be a minimum of 16 feet and a maximum of 25 feet for five or more storage spaces, except that where the length of the driveway exceeds 125 feet, the minimum width for five or more storage spaces shall be 20 feet.
4. Where separate driveways are provided for ingress and egress, the minimum width for each shall be 12 feet and the maximum width for each shall be 20 feet, and the direction of travel shall be clearly indicated on the site by permanent identification.
5. All driveways shall be clear and unobstructed for a height of 12 feet above ground.
6. The width of the driveway shall be based upon the full potential use of the property based upon zoning at time of construction.
7. All driveways for private automobile storage spaces and the actual spaces shall be paved with **P**ortland cement concrete or approved equivalent at least three inches thick.
8. Driveways must lead to an approved off-street parking structure, garage or carport. Where driveways no longer lead to an off-street parking structure, garage or carport, the driveway approach, curb and gutter shall be replaced to the satisfaction of the City Engineer and the paved parking surface shall be replaced with landscaping. However, for properties that have an approved alley access to a garage, additional access from the front yard may be permitted when: the driveway provided leads to a side yard having a minimum width of nine feet; the driveway has a maximum width of 12 feet; and, there is no more than one front yard driveway.
9. The minimum separation distance of any two driveways on the same property shall be 20 feet.
10. All access shall be from a dedicated street or alley.
11. On sites with less than 80 feet of frontage, no more than two driveways shall be permitted. On sites with 80 feet or more of frontage, additional driveways may be approved through the Site Plan and Design Review process (Chapter 19.122).
12. The maximum distance between the outside edge on a driveway and the property line shall be five feet.
13. Drive aisles serving four or more parking spaces shall have the minimum dimension listed in Table 3-10.
14. **Driveway widths associated with development of an Urban Lot Split are provided under Chapter 19.88.**

F. Modify Table 7-2 (“Review Authority for Site Plan and Design Review”) of Section 19.122.030 (“Review Authority”) of Chapter 19.122 (“Site Plan and Design Review”) of Article 7 (“Permit Processing Procedures”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

TABLE 7-2 REVIEW AUTHORITY FOR SITE PLAN AND DESIGN REVIEW	Review Level (1) (2)				
	Staff (3)	Director (4)	ARB	Commission	Council
RESIDENTIAL CONSTRUCTION ACTIVITIES (5)					
Residential New Construction					
1-Story Single-family and Two-family	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
2-Story Single-family and Two-family	—	<u>Decision</u>	Decision <u>Appeal</u>	Decision	Appeal
Multi-family (attached or detached)	—	—	Recommend	Decision	Appeal
Residential Additions, Modifications, and/or Accessory Structures					
R-1D zone < 250 sq. ft.		Decision	Appeal	Appeal	Appeal
R-1D zone > 250 sq. ft.	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 1 st -story construction < 600 sq. ft.	Decision	Appeal	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 1 st -story construction > 600 sq. ft.	—	Decision	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction < 250 sq. ft.	—	Decision	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction between 250 sq. ft. and 600 sq. ft.	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction > 600 sq. ft.	—	<u>Decision</u>	Recommend <u>Appeal</u>	Decision <u>Appeal</u>	Appeal

R-3 and R-4 zones construction including expansion of square footage (main building or accessory structures) or change in number of units	—	—	Decision	Appeal	Appeal
Other Residential Construction or Improvements (6)					
Facade or exterior improvements in the R-1 and R-2 zones	Decision	Appeal	Appeal	Appeal	Appeal
Facade or exterior improvements (inclusive of color changes) in the R-3 and R-4 zones	—	Decision	Appeal	Appeal	Appeal
Fences and walls (all)	Decision	Appeal	Appeal	Appeal	Appeal
Front yard porches	Decision	Appeal	Appeal	Appeal	Appeal
Pools and spas	Decision	Appeal	Appeal	Appeal	Appeal
Roof pitch changes	Decision	Appeal	Appeal	Appeal	Appeal
NONRESIDENTIAL CONSTRUCTION ACTIVITIES					
Nonresidential New Construction (including Accessory Structures)					
All new structures, except accessory structures and signs	—	—	Recommend	Decision	Appeal
Accessory structures	—	Decision	Appeal	Appeal	Appeal
Nonresidential Additions and Modifications					
Additions < 2500 sq. ft.	—	Recommend	Decision	Appeal	Appeal
Additions > 2500 sq. ft.	—	—	Recommend	Decision	Appeal
Other Nonresidential Construction					
Facade or exterior improvements (inclusive of color changes)	—	Decision	Appeal	Appeal	Appeal
Fences and walls (all)	Decision	Appeal	Appeal	Appeal	Appeal
Landscaping	—	Decision	Appeal	Appeal	Appeal
Restriping of parking lots	Decision	Appeal	Appeal	Appeal	Appeal
Roof pitch changes	Decision	Appeal	Appeal	Appeal	Appeal
SIGNS AND SIGN PROGRAMS					
Comprehensive Sign Programs	—	—	Decision	Appeal	Appeal

Signs (excluding freeway and monument signs) permanent and temporary	Decision	Appeal	Appeal	Appeal	Appeal
Freeway signs	—	—	Decision	Appeal	Appeal
Monument signs	—	Decision	Appeal	Appeal	Appeal
OTHER REVIEW					
Joint and Off-Site Parking Plans	—	Decision	Appeal	Appeal	Appeal
Open Space Plans	—	Decision	Appeal	Appeal	Appeal
Outdoor Dining < 800 sq. ft.	—	Decision	Appeal	Appeal	Appeal
Outdoor Dining > 800 sq. ft.	—	Recommend	Recommend	Decision	Appeal
Planned Development Permits	—	—	Recommend	Decision	Appeal
Specific Plans	—	—	Recommend	Recommend	Decision
Subdivisions/Condominiums	—	—	Recommend	Recommend	Decision

G. Modify 19.122.040.F.1-3 (“Public Hearing and Notice Provisions”) of Section 19.122.040 (“Application Filing, Processing and Review”) of Chapter 19.122 (“Site Plan and Design Review”) of Article 7 (“Permit Processing Procedures”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

Public hearing and notice provisions.

1. A public hearing shall not be required for any Site Plan and Design Review application, except when the Site Plan and Design Review application is accompanied by a companion quasi-judicial or legislative matter that would otherwise require a public hearing, and except for those items specified in Subparagraph 2., below; **and for projects considered under Section 19.10.035 (Duplex Developments in Single-Family Residential Zones), and/or Chapter 19.88 (Urban Lot Splits).**
2. Required notice for specified Site Plan and Design Review applications shall **apply** to ~~be as follows:~~
 - ~~a. For all single-family new construction structures or single-family second-story additions, notice shall be provided to all abutting residential property owners before the initial decision.~~
 - ~~b. For all non-single-family new construction structures or additions exceeding 500 square feet and when adjacent to a residential zone, notice shall be provided to all abutting residential property owners before the initial decision.~~
3. When a public hearing is required, notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 19.146 (Public Notices and Hearings).

H. Modify "Dwellings" of 19.160.050 ("D" Definitions) of Chapter 19.160 ("Definitions") of Article 9 ("Definitions") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

19.160.050 - "D" definitions.

Dwelling. A structure or portion thereof designed exclusively for permanent residential purposes, but not including hotels, motels, emergency shelters, or extended stay locations.

- Accessory Dwelling Unit. An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.
- Dwelling Unit. Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.
- Multi-Family Dwelling Unit. A structure or portion thereof containing three or more dwelling units designed for the independent occupancy of three or more households.
- Primary Dwelling Unit. An existing single-unit residential structure on a single lot with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities, and occupied by one household.
- Single-Family Dwelling Unit. A detached structure containing no more than one dwelling unit which, regardless of form of ownership, is designed and/or used to house not more than one household, including all domestic employees for such household.
- Two-Family Dwelling (Duplex) Unit. ~~A building containing two complete dwelling units designed for the independent occupancy of two households.~~ **A development of two primary dwelling units (either attached or detached), or if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.**
- See also "Manufactured Housing" and "Mobile Housing Unit."

I. Add "Urban Lot Splits" to Section 19.160.220 ("U" Definitions) of Chapter 19.160 ("Definitions") of Article 9 ("Definitions") to Title 19 ("Development Code") of the City of Duarte Municipal Code as follows:

19.160.220 - "U" definitions.

Unit. See "Dwelling."

Uninhabitable. A structure or property that is not appropriate for human occupancy, as defined by the Building Code.

Urban Lot Split. means a subdivision of an existing legal parcel in a single-family residential zone to create no more than two new parcels of approximately equal lot area, subject to the requirements of this section.

Urgent Care Facility. A public or private hospital-based or free-standing facility, that includes x-ray and laboratory equipment and a life support system, licensed or legally operating as an urgent care facility, primarily providing minor emergency and episodic

medical care with one or more physicians, nurses, and x-ray technicians in attendance at all times when the facility is open.

Use. The purpose for which land or a structure is, arranged, designed, intended, maintained, or occupied.

- Accessory Use. A use customarily incidental to, related, and clearly subordinate to a legal primary use established on the same parcel, and which does not alter the primary use or serve property other than the parcel where the primary use is located.
- Allowed Use. A use of land identified by Article 2 (Zones, Allowable Uses, and Development Standards) as allowed or conditionally allowed that may be established with a land use permit, subject to compliance with all applicable provisions of Article 2.
- Compatible Use. A use that by its manner of operation, is suitable in the district in which it may generally be considered as a primary use or is reasonable given its proximity to residential or other known sensitive uses. Said use of land and/or buildings shall be in harmony with the uses on the property as well as abutting properties.
- Conditional Use. A use permitted on a particular lot and within a zone only upon a finding that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Development Code and authorized by the Planning Commission and the granting of a valid permit.
- Conforming Use. A lawfully established use of property that operates in compliance with all applicable provisions of this Development Code.
- Nonconforming Use. Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.
- Primary Use. The principal or predominant use of any lot, building, or structure.
- Secondary Use. Any use that is specifically allowed in the zone in which it is located but is subordinate to the primary use in terms of occupied structure area or lot area.
- Sensitive Use. Any kindergarten, elementary school, middle school, high school, public library, public park, religious institution, or youth-oriented establishment characterized by either or both of the following: (1) the establishment advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors; or (2) the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.
- Temporary Use. A use of land that is designed, operated, and occupies a site for a limited period of time. See Chapter 19.124 (Temporary Use Permits) for a list of allowed temporary uses.

Utilities. All lines and facilities owned and/or operated by a licensed provider and related to the provision, distribution, collection, transmission, or disposal of water, storm drainage, sanitary sewage, oil, gas, electricity, information, telecommunications, telephone cable, and similar services. Includes facilities for the generation of electricity. Does not include "Communications Facilities" or "Wireless Telecommunications Facilities."

SECTION 5. The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), because proposed code amendments related to the implementation of Senate Bill 9 are not considered a “project” for purposes of CEQA and therefore do not require any environmental review under CEQA.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933(c) by publishing the following:

SUMMARY OF ORDINANCE NO. _____

NOTICE IS HEREBY GIVEN that the Duarte City Council, at its regular meeting of _____, 2022, introduced for first reading, Ordinance No. _____ which will adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

A certified copy of the Ordinance is available for review in the City Clerk’s Office at City Hall, located at 1600 Huntington Drive, Duarte, California 91010. The Ordinance is scheduled to be considered and potentially adopted at the regularly scheduled City Council meeting of _____, 2022. The Ordinance will take effect 30 days after second reading and adoption.

After second reading/adoption of this Ordinance, if adopted:

SUMMARY OF ADOPTED ORDINANCE NO. _____

NOTICE IS HEREBY GIVEN that on _____, 2022, the City Council adopted Ordinance No. _____.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT 2022-01 MODIFYING CHAPTERS 19.10 (RESIDENTIAL ZONES), 19.38 (OFF-STREET PARKING REGULATIONS AND DESIGN), 19.122 (SITE PLAN AND DESIGN REVIEW), AND 19.160 (DEFINITIONS); AND ADDING CHAPTER 19.88 (URBAN LOT SPLITS) IN ARTICLE 5 (SUBDIVISIONS) WITHIN THE DUARTE DEVELOPMENT CODE THEREBY ESTABLISHING DEFINITIONS AND REGULATIONS FOR URBAN LOT SPLITS AND DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES TO IMPLEMENT RECENTLY ENACTED STATE LAW

I, ANNETTE JUAREZ, City Clerk of the City of Duarte, DO HEREBY CERTIFY that the above and foregoing Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council held on _____, 2022, by the following vote, to wit:

AYES:
NOES:
ABSENT:

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by a vote of no less than a majority of City Council at a regular meeting of the City Council of the City of Duarte held on the _____ day of _____, 2022.

Mayor _____

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____ 2022, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:

City Clerk Annette Juarez
City of Duarte, California