



**CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
August 17, 2020**

**Planning Commission
Commissioners**
Paula Watson-Gardner, Chair
Sara Vasquez, Vice-Chair
George K. Farra
Tina Heany
Wally Wolff

NOTICE: Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020) addressing Brown Act regulations. This new order states that the City does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows the City to hold City Council meetings via teleconferencing and allows for members of the public to observe and address the meeting electronically.

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Watson-Gardner called the meeting to order at 7:04 p.m. The following were in attendance:

PRESENT:	Watson-Gardner, Vasquez, Heany, Farra, Wolff
ABSENT:	None
STAFF:	Hensley, Golding, Baldwin, Hernandez
DEPUTY CITY ATTORNEY:	Thai Phan

2. PLEDGE OF ALLEGIANCE:

Vasquez lead the Pledge of Allegiance.

3. APPROVAL OF MINUTES:

Farra motioned to approve the minutes of June 15, 2020. The motion was seconded by Heany and carried 5-0-0-0 by the following Roll Call vote: Yes: Watson-Gardner, Vasquez, Farra, Heany, Wolff; No: None.

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. BUSINESS ITEMS:

- A. Municipal Code Amendment 2020-02; A City-initiated request to replace in its entirety Duarte Development Code Chapter 19.60.160, to provide new development standards for accessory dwelling units that comply with State law; and to modify Chapter 19.160.050 related to definitions for accessory dwelling units.**

Attachments: [Staff Report - MCA 2020-02](#) and [PC Resolution 2020-05](#)

Hensley presented a letter to the Commission that was received before the meeting from the Californians for Homeownership, indicating the possible threat of legal action against the City if the ADU Ordinance is adopted. Hensley explained the reasons for both items being table to a future meeting.

Wolff inquired about the objections from the letter received. Hensley stated there were objections related to size limitations, affordability requirements and compliance with State laws.

Thai Phan, Deputy City Attorney provided a background and process on the new ADU Ordinance and State laws.

B. [Municipal Code Amendment 2020-03: A City-initiated request to amend Duarte Development Code sections 19.38.050, 19.38.100 and 19.38.120 that pertain to off-street parking to provide flexibility in parking locations, driveway widths, and other standards for residential properties](#)

Attachments: [Staff Report -MCA 2020-03](#) and [PC Resolution 2020-06](#).

Farra motioned to table both business items to a future meeting based on the input received. The motion was seconded by Vasquez and carried 5-0-0-0 by the following Roll Call Vote: Yes: Watson-Gardner, Vasquez, Farra, Heany, Wolff; No: None.

6. [ITEMS FROM DIRECTOR:](#)

Hensley provided development updates and answered Commissioners' inquiries.

7. [ITEMS FROM COMMISSIONERS:](#)

There were no comments from the Commissioners.

8. [ADJOURNMENT:](#)

Chairperson Watson-Gardner adjourned the meeting at 7:15 p.m. to Monday, September 21, 2020.

Craig Hensley, Secretary



PLANNING COMMISSION STAFF REPORT

Date: November 16, 2020

Subject: Study Session on Housing Element Update (6th Cycle) 2021-2029

Prepared By: Karen Warner, Housing Consultant and
Craig Hensley, Community Development Director

SUMMARY

Staff has initiated the process to update the Housing Element of the General Plan for the 2021-2029 period as required by State law. The Housing Element establishes policies and programs to address existing and projected housing needs, including the City's fair share of the Regional Housing Needs Assessment (RHNA). At the meeting, Director Hensley and Karen Warner, the City's housing element consultant, will provide an informational presentation that includes an overview of the Housing Element process, RHNA/site requirements, and consequences of non-compliance. Staff will solicit Commission input regarding the 2021 – 2029 Housing Element Update.

BACKGROUND

RHNA Process and Status

Every eight years the California Department of Housing and Community Development (HCD) re-evaluates the status of the housing market throughout the State, and develops a new set of housing production goals for the State and its subregions. These allocated housing production targets are called the "Regional Housing Needs Assessment", or RHNA. Each regional government, which in our case is the Southern California Association of Governments (SCAG), then allocates these regional housing targets to all its member cities and counties. The last time this process took place was in 2013 (the 5th RHNA cycle), and the result was that SCAG assigned Duarte a RHNA allocation of 337 units, distributed among the following income categories:

5th RHNA Cycle (2014 -2021)
Units Allocated to Duarte

Income Category	Housing Units
Very Low Income	131
Low Income	53
Moderate Income	55
Above Moderate	142
Total	337

Duarte was able to demonstrate in its 2014-2021 Housing Element the availability of adequate sites to address its RHNA by income category, and the City's Housing Element was certified by State HCD as being in compliance with State housing law. The City's sites strategy included:

- Entitled Projects (including Andres Duarte Terrace II)
- Vacant residential sites
- Gold Line Station Transit Oriented Development
- Santa Teresita Senior Housing Community
- Second Residential Units (now referred to as Accessory Dwelling Units)

The process for the 6th cycle RHNA is now underway, and with 1.34 million new housing units assigned to the SCAG region, this is the largest allocation the region has ever received, resulting in much higher RHNA allocations for SCAG cities and counties. At its September 3, 2020 meeting, SCAG's Regional Council officially adopted the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy on which the RHNA is based. Draft RHNA allocations were distributed to local jurisdictions on September 11, initiating a 45-day period in which jurisdictions can appeal their numbers based upon application of SCAG's methodology, local planning factors, or changed circumstances. However, SCAG has historically granted very few appeals, and any reduction in a jurisdiction's RHNA will require units to be reallocated among all jurisdictions in the SCAG region.

Duarte's draft RHNA allocation is for 886 units, distributed among the following income categories:

6th RHNA Cycle (2021 -2029)
Units Allocated to Duarte (Draft)

Income Category	Housing Units
Very Low Income	268
Low Income	144
Moderate Income	137
Above Moderate	337
Total	886

Duarte's RHNA allocation of 886 units represents a 163% increase above its prior allocation of 337 units. The City is not unique in this dramatic increase. The overall increase in the SCAG region was 225%, with many San Gabriel Valley communities receiving increased RHNA allocations above even the SCAG average.

6th RHNA Cycle (2021 -2029)
Units Allocated to Nearby Jurisdictions

Jurisdiction	5th cycle RHNA	6th cycle RHNA (draft)	% Change
Azusa	779 units	2,646 units	240%
Duarte	337 units	886 units	163%
Monrovia	389 units	1,665 units	328%
Sierra Madre	55 units	204 units	270%
Temple City	603 units	2,182 units	262%
SCAG Region	412,137 units	1,341,834 units	225%

Site Identification

Identification of sufficient sites at appropriate densities to meet the City’s RHNA is a key component of the Housing Element update. Recent changes in State Housing Element law under AB 879 and AB 1397 require substantial additional analysis to justify sites as suitable and available for development within the planning period. For example:

- Non-vacant sites, small sites (<0.5 acres), and large sites (>10 acres) are presumed to be inappropriate for development of housing for lower income households unless the jurisdiction can provide evidence why the sites would be appropriate, such as statements from developers or submitted plans.
- Vacant sites included in the prior two housing elements to accommodate lower income households, or non-vacant sites included in the prior element, cannot be used in future housing elements unless: a) the site is zoned to the minimum lower income density thresholds; and b) zoning allows for development by-right if at least 20% of units are affordable to lower income households.
- Unless a jurisdiction has established minimum densities, site capacity calculations must be adjusted downwards based on the following factors: a) land use controls and site improvements; b) realistic capacity of site; c) typical densities; and d) environmental and infrastructure constraints.

- Sites identified in the Housing Element that had either lower income units or a lower income occupant within the past five years must replace that housing at the same or lower income level as a condition of approval.

Layering these new requirements on a jurisdiction's sites inventory will both reduce the number of suitable sites, and the unit capacity on those sites that are deemed appropriate and available for development. And jurisdictions need to keep in mind the impact of "No Net Loss" Law (Government Code section 65863) that requires enough sites be maintained to meet the RHNA for all income levels throughout the planning period¹. State HCD recommends jurisdictions create a buffer in the inventory of at least 15-30% more capacity than required to ensure sufficient capacity exists throughout the planning period.

Inclusionary Housing Feasibility Study

The City suspended its Inclusionary Housing Ordinance (including the in-lieu fee) in 2016 due to concerns with market feasibility. The intent was to reexamine the effectiveness of an inclusionary program as a part of this housing element cycle. Thus, the scope of work for the Housing Element also included a feasibility study of the City's inclusionary housing ordinance, which has recently been completed by Harris & Associates.

Benefits of HCD Compliance

Staff understands the importance to Duarte of continuing to maintain a State-compliant Housing Element. Compliance provides the City access to a variety of State housing funds (including the SB 2 and LEAP funds recently awarded to the City), and provides added legal protection to the General Plan. If a court finds the Housing Element is not in compliance with state law, it must issue an order compelling the locality to bring its Housing Element into compliance within 120 days. The court must also suspend the jurisdiction's authority to move forward with development, including approval of certain development permits, until it complies with the court order. In addition, under AB 72, the State now has the authority to refer cities found out of compliance with housing laws to the Attorney General, as recently evidenced by the State's lawsuit against the City of Huntington Beach.

Community Input and Involvement

Of particular importance to the Housing Element update process is outreach to, and communication with, the overall citizenry; as well as early and ongoing education and outreach

¹ For example, if a city used the default density to count a site towards its lower income RHNA need in its Housing Element but approved a market rate development, they would need to make a finding they still have capacity to meet their lower income RHNA or make a new site available within 180 days.

to the City's decision-makers. Some of the strategies and efforts planned for obtaining community input include:

- Planning Commission Study Session
- Community Workshop
- Resident survey
- Public hearings before Planning Commission and City Council

To initiate the process of informing residents and securing input and participation, Staff will be creating a page on the City website to provide information about the process. This page should be available in the coming days.



PLANNING COMMISSION STAFF REPORT

Date: November 16, 2020

To: Planning Commission

Location: City-wide

Project: **Municipal Code Amendment 2020-02**; A City-initiated request to replace in its entirety Duarte Development Code Chapter 19.60.160, to provide new development standards for accessory dwelling units that comply with State law; and to modify Chapter 19.160.050 related to definitions for accessory dwelling units

SUMMARY

On January 1, 2020, Assembly Bill 68, 587, 670, 671, and 881 and Senate Bill 13 became effective and amended various provisions of State law, including Government Code Sections 65852.2 and 65852.22, to limit and revise the standards cities may impose on accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The new law requires that State-mandated standards be adopted, but also allows the City to establish certain objective standards related to height and architectural requirements, which must be applied ministerially except where a property owner is seeking an exception to such standards. In 1991, the City established regulations for ADUs, previously referred to as “granny flats” or “second units.” These standards have functioned to mitigate the impacts of ADUs on neighborhood compatibility, parking, residential density, and aesthetics. Much of the City’s existing regulations regarding accessory dwellings have been invalidated by the new State law and must be substantially replaced to comply with the new State standards and to establish new local standards intended to preserve community character to the extent possible.

BACKGROUND

In recent years, the State of California has been grappling with housing issues that include a shortage in the number of housing units, affordability of the units available, and housing for elderly as the state population ages. Accessory dwelling units (ADUs) have been promoted by the State as an answer to all three of these challenges. In regard to increasing the number of units in areas where demand is strongest, the State concluded that a direct way to meet demand was to add density to existing residential properties. The State Legislature reasoned that the new accessory units would be smaller in size and rent for lower amounts than standard units, thereby adding more affordable units to the marketplace. Lastly, the addition of smaller units to existing residential properties offers the possibility of multigenerational housing on traditional single-family property. The State’s promotion of ADUs resulted in the adoption of sweeping legislation that requires local agencies to apply and/or adopt State-mandated standards.

The City has allowed accessory (second) units by right since the adoption of Ordinance 686 in 1991. The State has required modifications to second unit regulations several times since the passage of the original ordinance. The last significant revision to second unit regulations occurred in 2017. From 1991 and 2017, approximately ten second units were permitted in the City. In 2017, the state passed legislation requiring local jurisdictions to update local ordinances for ADUs to be in compliance with the standards set by the State, which were primarily focused on maximum allowable unit size and ADU parking. In response to this requirement, the City of Duarte adopted Ordinance 874 (Exhibit A), amending requirements for the development of ADUs in Duarte that incorporated all of the changes mandated by the State and added requirements meant to mitigate impacts to health and welfare of residential neighborhoods, such as the establishment of a minimum lot size requirement and the use of lot coverage to limit the total amount of development on a lot. Since the adoption of Ordinance 874, 15 accessory dwelling units have been built or are being constructed in Duarte (Exhibit D).

The State is now taking another step toward promotion of ADUs through the passage of laws that streamline their approval and weaken/remove local restrictions in an effort to have more such units built. Assembly Bills 68, 587, 670, 671, and 881 and Senate Bill 13 amend various provisions of State law, including Government Code Sections 65852.2 and 65852.22. The effective date for these new laws was January 1, 2020. The updated Government Code sections for ADUs and a smaller type of accessory unit, Junior Accessory Dwelling Units (JADUs) and a companion memo have been attached as Exhibit B to provide a complete accounting for how the laws have changed. As the laws pertain to Duarte, it requires the City to amend its regulations in several significant ways as shown in Table A, which is located in the analysis section of this staff report.

In response to the new ADU requirements by the State, the City is proposing MCA 2020-02, which will overhaul the City's regulations for ADUs by replacing the section in its entirety by inserting the standards imposed by the State, establishing new local development standards, and defining new terminology. It is important to replace rather than amend this Code section due to the addition of new definitions and complex processes which would not make sense in the current format.

The proposed ADU ordinance follows the standards required by state law (Exhibit B). The State allows local jurisdictions to create their own ordinances to govern ADUs, provided that the local ordinance is in full compliance with State law and this requirement leaves little room for the City to tailor the document to align with City standards and preferences.

It was the intent of Staff to bring this matter to hearing before the Planning Commission and City Council prior to the January 1, 2020, effective date of the new State regulations, but a combination of unclear development standards and late availability of advisory materials by the State (provided after the law was already effective) slowed the City's efforts. The onset of COVID-19 further complicated matters. A draft ordinance was prepared for the August 17, 2020 Planning Commission meeting, but an issue was raised just before the meeting regarding the affordability component of the ordinance and for this reason, the item was continued so that the document could better address the matter.

ANALYSIS

MCA 2020-02 revises City regulations to meet State-mandated requirements while at the same time sets regulations aimed at avoiding adverse impacts to the community. Due to the complexity and breadth of the changes required, Table A was created to show how the City must change its current ADU regulations.

Table A: ADU LAW COMPARISON TABLE		
Regulation	Current Ordinance	New Ordinance
Minimum Lot Size Requirement	6,000 sq. ft. minimum	Not permitted.
Unit Size Limit	400 sq. ft. for lots 6,000 - 15,000 sq. ft. in area. 700 sq. ft. for lots greater than 15,000 sq. ft. in area.	850 sq. ft. for studios and one-bedroom units (800 sq. ft. based upon setbacks and lot coverage, see below) 1,000 sq. ft. for two-bedroom units. JADU 150 sq. ft. (minimum) to 500 sq. ft.
Lot Coverage	Maximum set by underlying zone.	Not permitted for new structures with total area 800 sq. ft. or less. New structures over 800 sq. ft. shall meet lot coverage of underlying zone.
Owner Occupancy	Required	Not required until 2025.
Number of ADUs Allowable	1 ADU	Single-Family: Up to 1 attached, detached, or converted ADU and 1 JADU conversion. Multi-Family: Allows ADU conversions of up to 25% of dwelling units in a multi-family dwelling structure and up to 2 detached ADUs on a multi-family lot.

Zones Permitted	Single-Family and Multi-Family Residential zones, but only when the property is developed with a Single-Family Residence.	Single-Family, Multi-Family zones, and mixed-use zones that allow residential without qualification.
Setbacks	5 ft. side, 10 ft. rear for attached and 5 ft. rear for detached (Most Single-Family Residential zones)	4 ft. for side and rear for new structures with total area 800 sq. ft. or less. New structures over 800 sq. ft. shall meet setbacks of underlying zone. Conversion of existing structures or new ADUs built in the same location as existing structures exempt from setback requirements.
Parking	Not required if within a half mile of public transit. For areas more than a half mile from public transit, 1 additional parking space required for new attached or detached units.	Not required if within a half mile of public transit. For the areas more than a half mile from public transit, not required for conversion of existing structures, but 1 additional parking space required for new attached or detached units. Covered off-street parking spaces lost due to ADU conversion not required to be replaced with off-street parking.

Amendment of Section 19.160.050 – Definitions

Section 19.160.050 defines dwellings and describes Accessory Dwelling Units as one dwelling type. The proposal is to remove the definition for Accessory Dwelling Unit from this location and place an expanded version of the definition into the ADU Ordinance. The expanded definition will include Attached ADUs, Converted ADUs, Detached ADUs, JADUs, and ADU Kitchens.

Amendment of Section 19.60.160 – Accessory Dwelling Units

MCA 2020-02 also proposes the replacement of the ADU section in its entirety with a newly formatted set of regulations that comply with State law. The major changes to ADU regulations

are outlined in Table A that was provided earlier in this report. The new law requires the following changes:

- **Lot Size and Lot Coverage:** The City is required to eliminate minimum lot size requirements and lot coverage limits, which is significant since the both regulations were intended to prevent over-development of lots that would be inconsistent with the established character of the community.
- **Unit Size:** The new law increases the maximum unit size to 850 square feet of total floor area for studios and one-bedrooms and 1,000 square feet of total floor area for two bedrooms, which is significantly larger than the 400 and 700 square feet of total floor area caps that currently exist in the City's ADU regulations. The reasoning the City currently uses unit size limits is that ADU size should be proportional to property size and the absence of this type of restriction risks allowing accessory units that are disproportionately large for the property. JADUs are limited to a maximum floor area of 500 square feet.
- **Statewide Exemption ADU:** An ADU of up to 800 square feet, 16 foot in height and with 4-foot side and rear yard setbacks. State ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU.
- **Owner Occupancy:** The current City requirement mandates that for properties with ADUs the property owner must live in one of the units, however the new State law prevents this requirement from being applied until 2025. For properties with JADUs, however, the owner must live in one of the units on the property at the time of building occupancy.
- **Number of ADUs per Property:** The current City requirement limits ADUs to one per lot, but the new regulations state that an ADU and a JADU could be permitted on a lot. A JADU is an ADU that is entirely within a dwelling and has a floor area between 150 to 500 square feet in size. With the adoption of this requirement, single-family residential zoned lots could have up to three legal units on a lot.
- **Zones Permitted:** The City's current regulations allow ADUs in both single-family and multi-family zones, but only when the lot is developed with a single-family residence and the result of this restriction is that ADUs are mostly restricted to single-family residential lots. The new State requirement allows ADUs in single-family and multi-family residential lots without restriction and the implication of this change is that the development of ADUs in multi-family residential zoned lots is much more likely.

The previous paragraph and table discussed the regulations that the State required to be changed. These changes, to varying degrees, weaken the City's efforts to maintain the characteristics that define the City's land use patterns, individual neighborhoods, and community's values. State law left very little room for Cities to integrate their own objective standards that are

inline with their community values; however, the proposed Ordinance does so in the following ways.

- **Parking Incentive:** The new ADU laws required by the State do nothing to provide for off-street parking for the newly created ADUs and JADUs, attached ADUs that are a result of an expansion of the primary dwelling unit, or for garages or accessory structures that are converted to ADUs or JADUs. To address this it is proposed to allow two-story units when the second story is built on top of a garage that will retain its use for vehicle parking. This is an incentive to retain existing off-street, covered parking. Without addressing the potential parking demands created by ADU's, there may be serious implications to on-street parking.
- **Street Frontage and Front Setback:** These proposed regulations are designed to maintain the established neighborhood character of our residential neighborhoods. A requirement is proposed that would designate the unit closest to the street frontage as the primary unit. The next proposed requirement would require the ADU to have the same front yard setback as the primary dwelling unit. Without these standards, smaller sized ADUs would be the housing structure closest to the street frontage or have smaller front setbacks than the primary dwelling unit; disturbing the development pattern in all neighborhoods within the City.
- **Bathroom Limitation:** The regulations proposed limit ADUs to one bathroom to serve the unit. Accessory units are smaller than primary dwelling units by their nature and are intended for use by less occupants.
- **Limitation of Exemption to Setbacks and Lot Coverage Requirements:** New state law allows accessory dwelling units up to 800 square-feet in size to be exempt from common development standards set by the Code such as the lot coverage limit and minimum required setbacks (aka Statewide Exemption ADU). Instead, the law creates new lower setback requirements for ADUs and eliminates lot coverage requirements for qualifying ADUs. The City Ordinance includes a provision that requires ADUs that are built greater in size than 800 square feet of total area to comply with the development standards of the underlying zone, inclusive of lot coverage and setback requirements.

Optional Standards for Consideration:

State Law allows little flexibility for cities to incorporate local zoning and development standards. Staff has included several regulations, above, that are allowed under ADU law. The Planning Commission and City Council could consider exploring additional measures that may alleviate the impacts of ADU's on the community:

- **City-wide Parking Regulations:** As street parking becomes more competitive, it may make sense to allow street parking by permit only. There are already segments of the City that

function under this type of requirement and this proposal would expand it to cover the whole city.

- **Wet Utilities Study:** There is a provision in the new State law that allows cities to restrict ADUs where there is insufficient capacity in sewer or water infrastructure to support them. The City may wish to undertake a wet utility study to determine capacity for this reason. Currently, information is not available for Staff to estimate or forecast water or sewer capacity for the City. A study of this nature would likely be costly and need to be considered in a future City budget.
- **Fire Access, Traffic Flow, and Public Safety Study:** There is a provision in the new State law that allows cities to restrict ADUs where they impact traffic flow and public safety. The City may wish to undertake a study to determine if there are areas that are unsuitable for ADUs due to this concern. A study of this nature would likely be costly and need to be considered in a future City budget.

RECOMMENDATION

The amendment proposed by MCA 2020-02 will revise the Duarte Development Code in a manner that will meet the strict new ADU and JADU standards set by the State while also adding and adjusting other standards to mitigate adverse impacts in the community and to promote the creation of local affordable housing units.

With that, Staff recommends that the Planning Commission review and adopt PC Resolution 2020-06 (Exhibit C) replacing in its entirety Duarte Development Code Chapter 19.60.160, to provide new development standards for ADUs and JADUs that comply with State law, and to modify Chapter 19.160.050 related to definitions for accessory dwelling units.

Respectfully Submitted,



Nick Baldwin
Associate Planner

ATTACHMENTS

Exhibit A – Ordinance 874 – Existing City Regulations for ADUs

Exhibit B – Government Code Section 65852.2

Exhibit C – PC Resolution 2020-06

Exhibit C1 – Draft Ordinance for Accessory Dwelling Units

Exhibit C2 – Amendment of Definition for Accessory Dwelling Units

Exhibit D – List of Accessory Dwelling Units in Duarte

ORDINANCE NO. 874

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA AMENDING SECTIONS 19.10.020.A (Table 2-1 and Table 2-2) ALLOWED USES AND PERMIT REQUIREMENTS FOR SINGLE FAMILY AND MULTIFAMILY ZONES; 19.38.050.A (TABLE 3-4) OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL USES; 19.60.160 SECOND DWELLING UNITS; AND MODIFICATIONS TO DEFINITIONS IN SECTIONS 19.160.020, 19.160.050 AND 19.160.200 OF THE DUARTE DEVELOPMENT CODE RELATING TO THE REGULATIONS AND APPROVAL OF ACCESSORY (SECOND) DWELLING UNITS WITHIN THE CITY OF DUARTE

WHEREAS, the City of Duarte (“City”) seeks to ensure that the City’s zoning laws are consistent with the goals, policies and standards set forth in the City’s General Plan, federal law, and state law as it relates to the regulation and approval of second dwelling units within the City; and

WHEREAS, on September 27, 2016, Governor Brown approved California Assembly Bill 2299 (“AB 2299”) and California Senate Bill 1069 (“SB 1069”), which change the manner in which second dwelling units (now called “accessory dwelling units”) must be regulated and processed by local agencies;

WHEREAS, effective January 1, 2017, AB 2299 and SB 1069, codified at Gov. Code §§ 65852.2, 65582.1, 65583.1, 65589.4, 65852.150, and 66412.2, adopt new requirements for local agencies’ regulation of accessory dwelling units and approval of applications for accessory dwelling units; and

WHEREAS, AB 2299 and SB 1069 further provide that in the event a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of the new legislation, any conflicting provisions shall be null and void upon January 1, 2017, unless and until the agency adopts an ordinance that complies with AB 2299 and SB 1069; and

WHEREAS, the proposed amendments to the Duarte Development Code are intended to ensure the City’s procedural and substantive requirements for accessory dwelling units are consistent with the above-described recent changes to State law; and

WHEREAS, after the duly noticed public hearing, held on February 21, 2017, the Planning Commission adopted Resolution No. PC 17-08 recommending the City Council adopt and approve the proposed code amendments; and

WHEREAS, the proposed amendments to the Duarte Municipal Code are set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”)

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

SECTION 1: Recitals. The foregoing recitals are true and correct and are incorporated herein as through set forth in full.

SECTION 2: Adoption. Sections 19.10.020.A (Table 2-1 and Tale 2-2) allowed uses and permit requirements for single family and multifamily zones; 19.38.050.A (Table 3-4) off-street parking requirements for residential uses; 19.60.160 second dwelling units; and modifications to definitions in Sections 19.160.020, 19.160.050, and 19.160.200 of the Duarte Development Code are hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 3: No Changes to Permitted Uses/Density. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City’s Zoning Code and General Plan.

SECTION 4: CEQA Determination. In adopting this Ordinance, the City Council finds that the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because the project is

categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Sections 15061(b)(3); 15303; 15332; and 15378, in that it can be seen with certainty that the adoption of the Development Code amendments propose no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; pertain to new construction or conversion of small structures; and would qualify as infill development.

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

SECTION 6: Effective Date. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 7: Within fifteen (15) days of the date of adoption of this Ordinance, the City Clerk shall post a copy of said Ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED AND APPROVED on this 11th day of April, 2017.

/s/ Margaret Finlay
Mayor Margaret Finlay

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

I, Marla Akana, 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. 874 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 11th day of April, 2017, by the following Roll Call vote:

AYES: Councilmembers: Fasana, Kang, Paras-Caracci, Reilly, Finlay

NOES: Councilmembers: None

ABSENT: Councilmembers: None

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California

19.10.020 - Land use and permit requirements.

A. Allowed land uses.

- 1. Tables 2-1 and 2-2 indicate the uses allowed within each residential zone and any permits required to establish the use, pursuant to Article 7 (Permit Processing Procedures) and Article 8 (Development Code Administration).
- 2. Residential uses represent the primary allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses. Accessory uses deemed appropriate may only be permitted when provided as a secondary use on property for which a legally permitted/allowed residential unit exists or is proposed in conjunction with establishment of the accessory use, except as may be otherwise allowed in Article 6 (Nonconformities).
- 3. Land uses that are not listed in Tables 2-1 and 2-2 or are not shown in a particular zone are not allowed (see Uses Not Classified in Section 19.04.040), except as otherwise provided by Section 19.04.020 (Rules of Interpretation).
- 4. Where the last column in the Tables 2-1 and 2-2 includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Development Code may also apply as indicated in Section 19.10.090 (Other Applicable Regulations).
- 5. See Article 9 (Definitions) for land use definitions and explanations.

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								

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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)	—	—	—	—	—	—	P	
Mobile Housing Unit	—	—	—	—	—	—	—	
Second Accessory Dwelling Unit	A	A	A	A	A	A	A	See 19.60.160 (Second 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

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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	

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TABLE 2-2 ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTI- FAMILY RESIDENTIAL ZONES	P = Permitted by Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed			
Land Use	R-3	R-4	R- MH	Specific Use Regulations
Residential Uses				
Single-Family Dwellings	P	P	—	See 19.10.080 for Manufactured Housing.
Multi-Family Dwellings	P	P	—	
Two-Family Dwellings (Duplex)	P	P	—	
Mobile Homes	—	—	P	Applies to establishment of a single mobile home in an existing mobile home park
Mobile Home Parks			CUP	Applies to establishment of a new mobile home park
Care Uses				
Child Care Home - Large Family	—	—	—	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Child Care Home - Small Family	A	A	A	
Day Care Facility - 15 or more	CUP	CUP	—	
Residential Care	CUP	CUP	—	

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Facilities				
Agriculture and Animal-Related				
Animal Keeping	A	A	A	As regulated by Title 8 (Animals) of the Municipal Code.
Horticulture - Private	A	A	A	
Other Uses				
Accessory Structures and Uses	A	A	A	See 19.60.020 (Accessory Uses) See 19.60.160 (Accessory Dwelling Unit)
Educational Facilities - Private	CUP	CUP	CUP	
Golf Course, Country Club	CUP	CUP	CUP	
Home Occupations	A	A	A	See 19.60.070 (Home Occupations)
Places of Religious Assembly	CUP	CUP	CUP	See 19.60.140 (Places of Religious Assembly)
Recreational Vehicle Parking (open/outdoor parking)	—	—	A	See 19.38.160 (Recreational Vehicle Parking in Residential Zones)
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)			
Utilities	CUP	CUP	CUP	

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19.38.050 - Off-street parking space requirements

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).
Second Accessory Dwelling Unit	1 per second accessory dwelling unit; a minimum of 2 enclosed per site <i>a minimum of 2 – 3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property</i> (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

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19.60.160 – Second **Accessory** dwelling units.

- A. Purpose. This Section provides locational, developmental, and operational standards for second **accessory** dwelling units.
- B. Applicability. The provisions in this Section shall apply to second **accessory** dwelling units as defined in Article 9 and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and the following standards.
- C. City standards. A second **accessory** dwelling unit as authorized by Government Code Section 65852.2 shall comply with all of the following locational and developmental standards:
 - 1. The second **accessory** dwelling unit shall comply with all of the development standards applicable to the specific residential zone in which it is located.
 - 2. ***The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.***
 - 3. The parcel proposed for the second **accessory** dwelling unit shall contain a minimum of 6,000 square feet, ***unless the accessory dwelling unit is located entirely within an existing structure.***
 - 4. Either the primary unit or the second **accessory** dwelling unit shall be occupied as a primary residence by the property owner.
 - 5. There shall not be more than one second **accessory** dwelling unit on each parcel.
 - 6. The second **accessory** dwelling unit shall be physically attached to the primary residence and shall be designed so that it can revert back to being used as an integral portion of the attached single-family residence in the event that the unit is no longer used as a second dwelling unit ***or located within the living area of the primary residence or detached from the primary residence and located on the same lot as the primary residence.***
 - 7. Colors, materials, roof form, windows, and window trim shall match those of the primary structure.
 - 8. The **attached** second **accessory** dwelling unit shall be designed to maintain the appearance of a single-family dwelling.
 - 9. The maximum floor area of the second **accessory** dwelling unit shall comply with the following:
 - a. ~~The maximum floor area of the second dwelling unit shall not exceed 700 square feet.~~ ***Attached or detached accessory dwelling units shall not exceed fifty percent of the total floor area, excluding garages, of the existing dwelling unit up to a maximum of 400 square feet, for lot sizes up to 15,000 square feet.***

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- ~~b. The maximum floor area of the second dwelling unit may be allowed to increase up to 1,200 square feet, provided the unit is deed restricted to be affordable to low-income households. **Attached or detached accessory dwelling units, shall not exceed fifty percent of the total floor area, excluding garages, of the existing dwelling unit up to a maximum of 700 square feet, for lot sizes greater than 15,000 square feet.**~~
- 10. **An accessory dwelling unit shall not contain more than one bedroom, which shall comply with the minimum bedroom size required by the Building Code.** ~~The maximum number of allowable bedrooms within the second dwelling unit shall comply with the following:~~
 - ~~a. The second dwelling unit shall not contain more than two bedrooms, which shall comply with the minimum bedroom size required by this Development Code.~~
 - ~~b. A maximum of three bedrooms shall be allowed for second dwelling units over 700 square feet in size, when deed restricted to be affordable to low-income households.~~
- 11. In addition to all other required off-street parking, there shall be at least one additional off-street parking space for the second **accessory** dwelling unit. The parking space may be uncovered and may be in tandem with the existing off-street parking facilities. **However, these parking standards shall not be imposed on accessory units in any of the following instances:**
 - a. The accessory dwelling unit is located within one-half mile of public transit. Public transit is hereafter defined as a "Major Transit Stop", pursuant to Public Resources Code 21094.5.5.**
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district.**
 - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.**
 - d. When on-street parking permits are required but not offered to the occupancy of the accessory dwelling unit.**
 - e. When there is a car share vehicle located within one block of the accessory dwelling unit.**
- 12. At the time that the second **accessory** dwelling unit is assigned a street address, it may be given the primary residential numerical address with the alphabetical letter "A" following the numerical designation.
- 13. All gas, sewer, water, and other utility hook-ups shall be part of the primary dwelling unit.
- 14. **Approval by the local health officer where a private sewage disposal system is being used, if required.**

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15. The ~~second~~ **accessory** dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations.
16. ~~A site plan~~ **Conceptual development plans** and elevations shall be subject to Site Plan and Design Review before the issuance of any Building Permits for the ~~second~~ **accessory** dwelling unit in compliance with Chapter 19.122 (Site Plan and Design Review).
17. A deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this Section, and a conformed copy submitted to the City before final building (occupancy) approval.
18. A yearly administrative hearing and/or inspection, if warranted, shall be held by the Director to ensure compliance with all applicable conditions, standards, and terms.

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19.160.020 - "A" definitions.

Accessory Dwelling Unit. See "Dwelling Unit."

Accessory Use. See "Use."

Accessory Building or Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure, and as may be further defined by the Building Code as requiring a Building Permit.

Acupuncture. A form of medical treatment involving the use of pressure, needles, or similar applications.

Administrative Variance. See "Variance."

Adult-Oriented Businesses. See Chapter 19.62 (Adult Business Uses).

Agriculture. All methods of production and management of crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting and marketing. Horticulture is not included.

Alcohol Sales, Off-Sale. Any establishment in which alcoholic beverages are sold; served, or given away for consumption off the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained any ABC Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale, Accessory Only. Any establishment that has all of the following characteristics:

- A. Alcoholic beverages are sold, served, or given away for consumption on site.
- B. The establishment will sell or sells alcoholic beverages only as an accessory use to a commercial recreation use. Examples include snack bars and concession stands at facilities sport venues (e.g., baseball, football, rugby, soccer, etc.). For the purposes of this definition, a snack bar or concession stand is an establishment that sells confections, snacks, or other light meals for consumption on-site and that provides no inside seating or drive-through service for customers.

Alley. A public thoroughfare or lane (not more than 30 feet wide) that affords only a secondary means of access to abutting property (see Figure 9-1).

Amateur Radio Antenna. An amateur radio antenna is an antenna at a height and dimension sufficient to accommodate amateur radio service communications in compliance with Part 97 of Title 47 of the Code of Federal Regulations (or successor regulations).

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Ambulance Fleet Services. A base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department stand by for emergency calls.

Amendment. A change in the wording, context, or substance of this Development Code, or a change in the zone boundaries upon the zoning map which is a part of this Title, in the manner prescribed by the Development Code.

Animal Hospital/Clinic. See "Veterinary Services."

Animal Keeping. The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 8 of the Duarte Municipal Code.

Animal Sales and Services:

- **Animal Boarding/Kennels.** The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).
- **Animal Grooming.** The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by this Development Code. Overnight boarding is not allowed.
- **Animal Retail Sales.** The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale.

Antenna Tower. See "Wireless Telecommunications Facilities."

Apiary. A facility where beehives of honey bees are housed (also known as a bee yard).

ARB. See "Architectural Review Board."

Arcade (Electronic Game Center). An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using. See also "Internet/Cyber Cafe."

Architectural Review Board. The Architectural Review Board (ARB) of the City of Duarte.

Area Median Income. The median household income for Los Angeles County as provided by Section 50093(c) of the California Health and Safety Code.

Artist Studios. See "Studio - Art, Dance, Martial Arts, Music."

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Assembly/Meeting Facilities, Public or Private. A facility for public or private assembly and meetings, exclusive of "Places of Religious Assembly," which is defined separately. Examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

ATM (Automated Teller Machine). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

Attic. The area located between the top plate and the roof or ridge of a building, as further defined in the Building Code (see Figure 9-2).

Auto Repair. See "Vehicle Repair and Service."

Auto Service or Servicing. See "Vehicle Repair and Service."

Auto Accessory Service. See "Vehicle Repair and Service."

Automatic Controller. A mechanical or solid-state irrigation system timer capable of operating irrigation valve stations to set the days and length of time of a water application.

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19.160.050 - "D" definitions.

Day Care, General. Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Article 2 of this Development Code.

Day Care, Limited. Nonresidential, nonmedical care and supervision of 14 or fewer persons on a less than 24-hour basis.

- **Child Day Care:**
 - **Child Care Home, Small Family (8 or fewer children).** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.
 - **Child Care Home, Large Family (9 to 14 children).** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.
 - **Fifteen or more children.** See "Day Care, General" for facilities serving 15 or more children.
- **Adult Day Care.** See "Day Care, General."

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks city permits or approvals for all or part of a development.

Development Agreement. Means an agreement entered into between the city and a developer pursuant to Section 65864 of the California Government Code.

Discretionary Approval.

1. Any entitlement or approval required by Title 18 or Title 19 of this code, including but not limited to, conditional use permit, variance, and subdivision map, or

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2. Architectural design review approval, if no other entitlement or approval is required by Title 18 or Title 19 of this code.

Donation Box. A bin, storage shed, or similar facility measuring no more than eight feet wide by eight feet long and eight feet high, and established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies.

Drip Irrigation. A method of micro-irrigation wherein water is applied to the soil surface as drops or small streams through emitters.

Drought-tolerant Plants. Plants that require less water because they are adapted to regions with frequent drought or to soils with low water-holding capacity.

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.
- ~~**Second 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.~~

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- Two-Family Dwelling (Duplex) Unit. A building containing two complete dwelling units designed for the independent occupancy of two households.
- See also "Manufactured Housing" and "Mobile Housing Unit."

19.160.200 - "S" definitions.

Schools, Public and Private. A public or private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include trade schools or non-tuition part-time instruction at places of religious assembly. See "Education Facility."

~~Second Dwelling Unit. "See "Dwelling Unit."~~

Secondary Use. See "Use."

Secondhand Store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Self-service Display. The display or storage of products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

Senior Citizen. Generally, any person 62 years of age or older. However, for purposes of any State or federal housing programs, the age may be 55 years or older.

Sensitive Use. See "Use."

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other structure or development feature (see Figure 9-7)

- Front Setback. The minimum distance required between a structure and the front property line.
- Primary Building Line. That portion of the front yard area defined by the space between the front property line and the entire building frontage of the primary structure, whether or not all facade portions of the primary structure coincide with the front setback line (see Figure 9-7).
- Side Setback. The minimum distance required between a structure and a side property line.

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- **Rear Setback.** The minimum distance required between a structure and the rear property line.

Shopping Center. Commercial sites that are primarily retail with two or more separate businesses managed as a total entity and sharing common access, circulation, signage and pedestrian and parking areas so that a public right-of-way does not need to be used to get from business to another. General guidelines follow, but the Director may make a determination on a case-by-case basis.

- **Neighborhood.** A shopping center that provides a limited number of frequent or recurrently needed personal items or services for residents in an immediate neighborhood that generally has up to 100,000 square feet of combined gross leasable area, without a significant anchor store, and draws its clientele from a five-minute driving radius from the center.
- **Community.** A shopping center that provides a variety of retail or personal services for patrons that contains approximately 100,000 to 250,000 square feet of combined gross leasable area, may have up to two anchor stores, has a site of 5 or more acres, and draws its clientele from about a 10-minute drive from the center.
- **Regional.** A shopping center that contains a wide range of retail and service establishments, including at least three anchor stores, having at least 250,000 square feet of combined gross leasable space, and draws its clientele from as much as a 45 minute drive from the center.

Sign. See Chapter 19.42 (Signs).

Single-family Dwelling. See "Dwelling, Single-family."

Site. A lot or group of contiguous lots not divided by any alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Development Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Special Events and Temporary Uses. Any activity of limited duration that is permitted through the issuance of a Temporary Use Permit, see Chapter 19.124 (Temporary Use Permits). This definition includes carnivals, farmers' markets, seasonal sales, and promotional events.

Specific Plan. Under Article 8 of the Government Code (Section 65450 et seq.), a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

Static water pressure. The pipeline or municipal water supply pressure when water is not flowing.

Storage:

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- Storage—Accessory. The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.
- Storage—Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.
- Storage—Personal Storage Facility. See "Personal Storage."

Story. The portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. See also "Basement" and "Attic."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground (see Figure 9-8), except for walls and fences.

- Accessory Structure. See "Accessory Structure."
- Attached Structure. Any structure that has a wall or roof in common with another structure.
- Primary Structure. A structure that is conducted as the primary or predominant use of the lot and/or building site.

Studio - Art, Dance, Martial Arts, Music. Small-scale instructional facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples include: individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided.

Substantial Rehabilitation or Substantially Rehabilitated. The substantial rehabilitation of a dwelling unit(s) as defined in Section 33413(b)(2)(iv) of the California Health and Safety Code.

Supermarket. A self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service. May include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and a pharmacy,

Swap Meet. Any event at which two or more persons offer personal property, new and/or used, for sale or exchange and at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange, and/or at which a fee is generally charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange.

(Ord. No. 852, § 5, 8-26-2014)

Exhibit B

California Code, Government Code - GOV § 65852.2

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the

standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f)(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013 , the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

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

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

(3) For purposes of this section, “neighborhood” has the same meaning as set forth in Section 65589.5 .

(4) “Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code .

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code .

(5) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) 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 government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

RESOLUTION NO. 2020-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT MUNICIPAL CODE AMENDMENT 2020-02 REPLACING IN ITS ENTIRETY DUARTE DEVELOPMENT CODE CHAPTERS 19.60.160 REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS; AND MODIFYING CHAPTER 19.160.050 RELATED TO DEFINITIONS FOR ACCESSORY DWELLING UNITS

WHEREAS, the City of Duarte acknowledges the value of accessory dwellings as a more affordable housing option and has long held a process for approval of this type of dwelling within the City; and

WHEREAS, effective January 1, 2020, several bills (Assembly Bill 68, 587, 670, 671, 881 and Senate Bill 13) amended various provisions of State law, including Government Code Section 65852.2, to limit and revise the standards cities may impose on second units (hereafter termed “accessory dwelling units” or “ADU”; and “junior accessory dwelling units” or “JADU”); and

WHEREAS, as amended, Government Code Sections 65852.2 and 65852.22 require that the City incorporate State-mandated standards for certain types of ADUs and JADUs; and

WHEREAS, in addition, Government Code Section 65852.2 allows the City to establish certain objective standards related to height and architectural requirements, which must be applied ministerially, except where a property owner is seeking an exception to such standards. The City currently has standards in place related to parking, height, setback, lot coverage, and architectural requirements, which have functioned to mitigate the impacts of ADUs and JADUs on parking, neighborhood density, and aesthetics, in addition to providing standards related to fire and life safety necessary for the preservation of the public health and safety, some of which were invalidated by the new State laws; and

WHEREAS, as of January 1, 2020, the City’s pre-existing ADU standards were superseded by State standards pursuant to Government Code Section 65852.2(a)(4), and the City is required to utilize these baseline standards until a compliant local ordinance is adopted; and

WHEREAS, notwithstanding any other ordinance or provision of the Duarte Development Code, no application for a building permit or other land use entitlement shall be accepted for processing or approved for an ADU and/or JADU proposed to be located in a residential zone unless it satisfies all the requirements in this Ordinance; and

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2020-02 replaces in its entirety Duarte Development Code Chapter 19.60.160, to provide new development standards for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) that comply with State law as set forth in Exhibit “C-1,” attached hereto and made part of this Resolution; and to modify Chapter 19.160.050 related to definitions for ADUs, as set forth in Exhibit “C-2,” attached hereto and made part of this Resolution; and

WHEREAS, the Planning Commission of the City of Duarte (“Planning Commission”) has considered Chapter 19.60.160, to provide new development standards for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) that comply with State law; and to modify Chapter 19.160.050 related to definitions for ADUs; and

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

WHEREAS, on August 17, 2020, the Planning Commission held a duly noticed public hearing to consider the establishment of standards for Accessory Dwelling Units and Junior Accessory Dwelling Units within all the City’s Single-Family Residential and Multiple-Family Residential Zones; and

WHEREAS, the Planning Commission continued the meeting per Staff’s request to allow for analysis to be completed on affordability issues raised by an interested party; and

WHEREAS, on November 16, 2020, the Planning Commission held a duly noticed public hearing to consider the establishment of standards for Accessory Dwelling Units and Junior Accessory Dwelling Units within all the City’s Single-Family Residential and Multiple-Family Residential Zones; and

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

WHEREAS, after consideration of the information presented, the Planning Commission recommends that the Duarte City Council adopt the proposed Ordinance amending Sections 19.60.160 and 19.160.050, to amend the zoning definitions, development standards, and parking standards to allow Accessory Dwelling Units and Junior Accessory Dwelling Units in Single-Family and Multi-family residential zones, consistent with applicable State laws; and

NOW, THEREFORE, the Planning Commission of the City of Duarte does hereby resolves 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 Sections 19.60.160 and 19.160.050, to amend the zoning definitions and development standards to allow Accessory Dwelling Units and Junior Accessory Dwelling Units in all Single-Family and Multi-family Residential zones, consistent with applicable state laws.

- 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 regulations to be consistent with the Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations mandated by the State. The State's intended purpose for the revision to the law is to create more housing that is affordable, which is a goal rooted in the public interest of the City. The State's requirements, however, are far-reaching and weaken existing City regulations that mitigate potential negative impacts caused by ADUs and JADUs; thus, 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 amendment will not impact other provisions of this Development Code. Duarte Development Code Section 19.60.160 will be the location for regulations for accessory dwelling units and junior accessory dwelling units within the Code. The existing definition for accessory dwelling in the Code that is located at 19.160.50 will be removed and relocated to the proposed ADU ordinance.

SECTION 4. The Planning Commission finds and determines that the proposed amendments to Duarte Development Code Sections 19.60.160, for ADUs and JADUs, and 19.160.050, for definitions 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 to Section 19.160.050 to change the location of and expand the definition for ADUs and for the amendment to Section 19.60.160 to amend the regulations for ADUs to comply with the new state law codified in Government Code Sections 65852.2 and 65852.22.

SECTION 6. In recommending adoption of this Resolution, the Planning Commission finds and determines the project is exempt from review under the California

Environmental Quality Act (CEQA). The ordinance is intended to modify existing local regulatory requirements to be consistent with and implement State and local law which encourage development of ADUs and JADUs, and as such is exempt from CEQA under statutory exemption in Section 15282(h) of the CEQA Guidelines and Section 21080.17 of the Public Resources Code.

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 16th day of November, 2020.

Paula Watson-Gardner, 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 November 16, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT C-1

19.60.160- Accessory dwelling units.

- A. *Purpose.* The purpose of this section is to comply with Government Code sections 65852.2 and 65852.22 and recent amendments thereto, which allow the City to enact certain standards for the development of accessory dwelling units and junior accessory dwelling units in residential zones within the City. It is also the purpose of this section to ensure the availability of affordable housing for family members, students, and the elderly, among others, in the City while mitigating impacts to traffic, utilities, public health and safety and preserving the character of residential neighborhoods.
- B. *Applicability.* The provisions in this Section shall apply as defined below and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and as permitted within this section.
1. "ACCESSORY DWELLING UNIT." Accessory dwelling unit (also "ADU," "second unit," or "granny unit") shall mean an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include a kitchen as defined in this Chapter, a $\frac{3}{4}$ or full bath, and permanent provisions for living, sleeping, eating, cooking, sanitation, and storage on the same parcel where the primary single-family or multi-family residence is situated. An accessory dwelling unit also includes an "Efficiency Unit" as defined in Health and Safety Code section 17958.1 and a "Manufactured Home" as defined in Health and Safety Code section 18007.
 2. "ATTACHED ADU" shall mean a new ADU is constructed as a physical expansion (i.e. addition) to the primary dwelling and is attached to the single-family dwelling or multifamily dwelling unit by one or more common walls.
 3. "CONVERTED ADU" shall mean an ADU created within the interior of an Existing Structure that occupies part or all of the floor area of the existing structure. A converted ADU does not include an ADU that would: (a) increase the height of an existing structure; (b) require removal of more than 50 cubic yards as part of the excavation of an existing structure; or (c) increase the total floor area of the existing structure by more than 150 square feet beyond its existing physical dimensions for the purpose of accommodating ingress and egress.
 4. "DETACHED ADU" shall mean a new ADU that is located on the property such that the unit does not share any walls with the single-family dwelling

or multi-family dwelling unit, and the distance between the nearest point of any portion of the ADU and the single-family dwelling or multifamily dwelling unit is a minimum of six (6) feet.

5. "JUNIOR ACCESSORY DWELLING UNIT" (also known as "JUNIOR ADU" or "JADU") shall mean a unit that is between 150 and 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
6. "ADU KITCHEN" shall mean a sanitary cooking, food preparation, and storage area of the ADU that includes the following:
 - a. A cooking facility with permanent utility connections to electrical and/or gas-powered appliances;
 - b. A food preparation area that includes a sink, garbage disposal, and countertop of no less than 30" in length;
 - c. A cabinet storage area of no less than 18 cubic feet.
7. "ACCESSORY DWELLING UNIT (ADU) AGREEMENT" means a legally binding agreement between a property owner and the City which sets forth those provisions necessary to ensure fulfillment of the requirements of this Division.

C. *Location and Zoning Requirements.* An Accessory Dwelling Unit may be located only on residentially zoned lots.

1. One detached, attached, or converted ADU may be constructed on a single-family residential lot.
2. One JADU may be constructed on a single-family residential lot zoned to allow residential use.
3. One JADU and one detached ADU may be constructed on a single-family residential lot where the JADU and ADU meet the requirements in Government Code section 65852.2(e).
4. Up to two detached ADUs may be constructed on a multi-family lot where the detached ADUs meet the requirements in Government Code section 65852.2(e)
5. Converted ADUs may be built in multi-family residential dwellings, but the number of converted ADUs is limited to up to 25% of the total number of multi-family residential units where the converted ADUs meet the requirements in Government Code section 65852.2(e). Converted ADUs in multi-family zoned lots shall be limited to the portions of the dwellings that are non-living space.
6. Any ADU/JADU legally created shall be governed by the zoning regulations in effect at the time of approval.

D. *ADUs/JADU Restrictions.* All ADU/JADUs shall be subject to the following restrictions:

1. The development and use of the ADU/JADU shall only be valid and permitted based on the terms established in this Section.
2. A deed restriction shall be required for all ADUs/JADUs. Prior to obtaining a building permit for an ADU/JADU, a deed restriction shall be approved by the Community Development Director or his/her designee and the City Attorney, which shall include the restrictions and limitations identified in this Paragraph, along with specific information about the subject property and project. Prior to the issuance of a certificate of occupancy or granting of final inspection for the construction of the project, the applicant shall record the deed restriction with the County Recorder's Office and provide a copy of the final recorded deed restriction with the Community Development Department, stating that, amongst others:
 - a. An ADU/JADU deed restriction shall run with the land and shall be binding upon any successor in ownership of the property.
 - b. The ADU/JADU shall not be sold separately from the primary residence.
 - c. If the ADU/JADU is rented, it shall not be rented for a period of less than 30 consecutive days.
 - d. Owner-occupancy is required for parcels with a JADU, consistent with Paragraph G of this Section.
 - e. Owner-occupancy for all ADU/JADUs shall be required after January 1, 2025.
 - f. The ADU/JADU shall be restricted to the total floor area approved at the time of building permit issuance. Any owner wishing to incorporate the total floor area of the ADU/JADU back into the primary Dwelling Unit must request termination of the ADU/JADU use under this Section, satisfying all zoning and development standards such as setbacks, floor area, lot coverage, and parking.
 - g. A second unit may not have utility services separate from those of the main residential structure on the same property.
 - h. The Owner and all successors in interest in the subject property shall maintain the ADU/JADU in accordance with all applicable regulations established in this Section and any

approval granted by the City. Violations and lack of compliance with any provisions of this Section may result in legal action against the property Owner, including revocation of any right to maintain an ADU/JADU on the property.

E. Review Process for ADUs and JADUs.

1. Permit Review and Timelines. The Community Development Department Director or his/her designee shall ministerially review and approve an ADU/JADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU/JADU complies with the requirements contained in this Section. Where an ADU/JADU permit application is submitted with an application for a single-family dwelling that is subject to design review under Chapter 19.122 of the Duarte Development Code, the ADU/JADU permit application will be considered separately without discretionary review or a public hearing.
 - a. ADU/JADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code section 65852.2.
 - b. In addition to obtaining an ADU/JADU permit, the applicant shall be required to obtain a building permit, tree removal permit, if applicable, and other applicable construction permit requirements prior to the construction of the ADU/JADU.

F. ADU Development Standards. ADUs shall comply with the following development standards:

1. ADUs shall comply with Government Code section 65852.2(e)(1).
2. Studio and one bedroom ADUs shall not exceed 850 square feet of total floor area. ADUs with two bedrooms shall not exceed 1,000 square feet of total floor area. In no case shall the ADU be less than 150 square feet.
3. An attached ADU shall not exceed 50% of the total floor area of the existing primary dwelling on the subject lot, however this requirement shall not reduce the maximum allowable size to less than 800 square feet of total floor area.
4. An attached ADU shall not exceed the height and/or number of stories of the existing primary dwelling unit.
5. A detached ADU shall be limited to a maximum height of 16 feet and one story in height. Two story detached ADUs that include heights above 16 feet are allowed for existing or proposed detached garages where the first floor garage is maintained as off-street parking for two or more vehicles, and the second floor ADU is equal to or less than the footprint of the first floor garage itself.

6. ADUs shall be limited to no more than one bathroom (toilet, sink, tub and/or shower).
7. The primary dwelling unit shall be the unit closest to the street frontage. The primary dwelling unit can be converted to be the accessory dwelling unit provided the newly designated primary dwelling unit is the one closest to the street frontage.
8. No setback shall be required for a converted ADU that is within an existing structure or within a structure constructed in the same location and dimensions as an existing structure, subject to Building Codes requirements. For all other ADUs that are not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure, the required setback from side and rear lot lines shall be no less than four (4) feet. All other ADUs that are above 800 square feet and do not meet the above criterion, shall provide minimum side and rear setbacks that meet the Duarte Development Code.
9. The maximum lot coverage for the underlying zone may be exceeded to accommodate the construction of ADUs equal to or less than 800 square feet in total floor area. For ADUs greater than 800 square feet in total floor area, the Duarte Development Code requirements related to lot coverage, minimum landscape area, maximum hardscape area, and all other local development standards.
10. An ADU shall conform to the front setback regulations of the underlying zone.
11. An ADU shall be similar in the building materials, color, style, massing, and form of the primary residence. Architectural details, including, but not limited to, wall modulation, windows, roof pitch and lines, eaves, fascia boards, and trim shall match the primary residence on the property, provided that no ADU shall include any second story balcony or similar open space on the second story.
12. Exterior lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or any adjacent property.
13. An ADU shall have a separate exterior access. The exterior access shall be a standard exterior door and shall be located in a manner that will preserve, to the greatest extent feasible, the privacy of the primary residence and any adjoining residences and, to the greatest extent feasible, shall not be visible from the street. Access from the exterior access point of the ADU to the street shall be provided on a decorative paved pathway.
14. Any common wall separating an attached ADU from the primary dwelling unit and/or main building shall be soundproofed. Details of the proposed means of soundproofing shall be submitted with plans

for construction.

15. Permanent footings and a foundation shall be required for all ADUs.
16. When an ADU is attached to or converted within a primary dwelling that is required to have fire sprinklers, then the ADU shall also install fire sprinklers.
17. New detached ADUs shall install rooftop solar panels as required by the Building Code.
18. In addition to the off-street parking space(s) required for the primary residence, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of Public Transit. For purposes of this chapter, "public transit" has the same meaning as in Government Code section 65852.2(j)(10).
 - b. The ADU is entirely within a proposed or existing primary dwelling or other existing structure.
 - c. The ADU is located within a historic district.
 - d. On-street parking permits are required but not offered to the occupant of the ADU.
 - e. There is a City-approved and dedicated parking space for a car share vehicle located within one block of the ADU.
19. When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of covered parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU. If the ADU is removed from use, the single-family or multifamily dwelling unit shall be required to comply with parking standards established in Chapter 19.38 of the Duarte Development Code as well as all other development standards applicable to the zoning district.
20. Required parking space(s) shall be a minimum of 20 feet in length. The required parking spaces for the ADU may be uncovered. For single-family residential properties, the only allowable driveways leading to required parking spaces shall be ones paved in Portland cement concrete.
21. Any common wall separating the ADU from the primary dwelling unit and/or main building shall be soundproofed. Details of the proposed means of soundproofing shall be submitted with plans for construction.

G. *JADU Development Standards.* Junior Accessory Dwelling Units shall comply with the following:

1. The Owner of a parcel proposed for a JADU shall occupy as a principal residence either the single-family dwelling unit or the JADU. The JADU shall be considered to be in compliance with this code only so long as the owner occupies either the single-family dwelling unit or the JADU.
2. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
3. The JADU shall be a minimum of 150 square feet and a maximum of 500 square feet of total floor area. The floor area of a shared sanitation facility shall not be included in the total floor area of the JADU.
4. One JADU may be constructed on a lot zoned for single-family residential use, where there is a single-family dwelling unit existing or proposed to be built on the lot. The JADU must be contained entirely within the walls of the existing or proposed single-family dwelling unit.
5. The JADU shall include an efficiency kitchen meeting the requirements of California Government Code section 65852.22.
6. Any common wall separating the JADU from the primary dwelling unit and/or main building shall be soundproofed. Details of the proposed means of soundproofing shall be submitted with plans for construction.
7. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
8. An interior entry to the main living area shall be provided to serve a JADU. Such interior entry may include a second interior doorway for sound attenuation.
9. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
10. A JADU may not be connected to a detached ADU.
11. Any exterior improvements associated with the development of a JADU shall conform to zoning regulations and any existing land use entitlements on the property.
12. No additional parking is required for a JADU.

H. *Termination of Permit and Use for ADUs and JADUs.*

1. In his or her sole discretion, the Community Development Director may grant an owner's request to terminate an ADU/JADU permit and deed

restriction. The Community Development Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit.

2. As a condition of termination, the Community Development Director shall require the owner to make modifications to the property to comply with: (1) current building code requirements; and (2) current development standards in effect at the time the request is made to terminate the use of the ADU or JADU, including but not limited to, setbacks, heights, and parking. The owner shall apply for a building permit to make such modifications as required by the City's Building and Fire Codes.
3. In no case shall the ADU or JADU permit be terminated, if the proposed termination would require a variance to exceed the allowable lot coverage of the single-family dwelling unit.
4. Where a request is to terminate an ADU that was created from the conversion or demolition of a garage, carport, or covered parking structure, the garage, carport, or covered parking structure must be converted back to off-street parking.

I. Violations and Enforcement for ADUs and JADUs.

1. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Section. An ADU or JADU will be found in violation of this Section when the dwelling unit has been created without the required City approvals or does not comply with the standards and deed restrictions established in this Section.
2. The City may pursue any remedies provided by law against the Owner of an ADU or JADU found to be in violation of this Section, or an ADU or JADU not maintained in conformance with this Section, including:
 - a. Revocation of the ADU/JADU permit;
 - b. Where an ADU/JADU has been improperly terminated and is being used as habitable space for the single-family dwelling unit, removal of the Floor Area serving as habitable space; and
 - c. In any civil enforcement action, the City is entitled to recover attorneys' fees and costs from an owner who is determined to have an illegal ADU or JADU, or is in violation of this Section.
3. Hearing/Inspection. A yearly administrative hearing and/or inspection may be held by the Director to ensure compliance with all applicable conditions, standards, and terms.

EXHIBIT C-2

*Note (not for codification): Section 19.160.050 to Chapter 19.160 "Definitions," to Article 9 "Definitions," to Title 19 "Planning and Zoning," of the Duarte Municipal Code is amended as follows (deletion shown as ~~strikethrough~~ and addition as **bold and underline**):*

19.160.020 - "A" definitions.

Accessory Dwelling Unit. See "Dwelling Unit."

Accessory Use. See "Use."

Accessory Building or Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure, and as may be further defined by the Building Code as requiring a Building Permit.

Acupuncture. A form of medical treatment involving the use of pressure, needles, or similar applications.

Administrative Variance. See "Variance."

Adult-Oriented Businesses. See Chapter 19.62 (Adult Business Uses).

Agriculture. All methods of production and management of crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting and marketing. Horticulture is not included.

Alcohol Sales, Off-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption off the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained any ABC Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale, Accessory Only. Any establishment that has all of the following characteristics:

- A. Alcoholic beverages are sold, served, or given away for consumption on site.
- B. The establishment will sell or sells alcoholic beverages only as an accessory use to a commercial recreation use. Examples include snack bars and concession stands at facilities sport venues (e.g., baseball, football, rugby, soccer, etc.). For the purposes of this definition, a snack bar or concession stand is an

establishment that sells confections, snacks, or other light meals for consumption on-site and that provides no inside seating or drive-through service for customers.

Alley. A public thoroughfare or lane (not more than 30 feet wide) that affords only a secondary means of access to abutting property (see Figure 9-1).

Amateur Radio Antenna. An amateur radio antenna is an antenna at a height and dimension sufficient to accommodate amateur radio service communications in compliance with Part 97 of Title 47 of the Code of Federal Regulations (or successor regulations).

Ambulance Fleet Services. A base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department stand by for emergency calls.

Amendment. A change in the wording, context, or substance of this Development Code, or a change in the zone boundaries upon the zoning map which is a part of this Title, in the manner prescribed by the Development Code.

Animal Hospital/Clinic. See "Veterinary Services."

Animal Keeping. The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 8 of the Duarte Municipal Code.

Animal Sales and Services:

- Animal Boarding/Kennels. The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).
- Animal Grooming. The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by this Development Code. Overnight boarding is not allowed.
- Animal Retail Sales. The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale.

Antenna Tower. See "Wireless Telecommunications Facilities."

Apiary. A facility where beehives of honey bees are housed (also known as a bee yard).

ARB. See "Architectural Review Board."

Arcade (Electronic Game Center). An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for

which the player or user pays money for the privilege of playing or using. See also "Internet/Cyber Cafe."

Architectural Review Board. The Architectural Review Board (ARB) of the City of Duarte.

Area Median Income. The median household income for Los Angeles County as provided by Section 50093(c) of the California Health and Safety Code.

Artist Studios. See "Studio - Art, Dance, Martial Arts, Music."

Assembly/Meeting Facilities, Public or Private. A facility for public or private assembly and meetings, exclusive of "Places of Religious Assembly," which is defined separately. Examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

ATM (Automated Teller Machine). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

Attic. The area located between the top plate and the roof or ridge of a building, as further defined in the Building Code (see Figure 9-2).

Auto Repair. See "Vehicle Repair and Service."

Auto Service or Servicing. See "Vehicle Repair and Service."

Auto Accessory Service. See "Vehicle Repair and Service."

Automatic Controller. A mechanical or solid-state irrigation system timer capable of operating irrigation valve stations to set the days and length of time of a water application.

19.160.050 - "D" definitions.

Day Care, General. Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Article 2 of this Development Code.

Day Care, Limited. Nonresidential, nonmedical care and supervision of 14 or fewer persons on a less than 24-hour basis.

- **Child Day Care:**
 - **Child Care Home, Small Family (8 or fewer children).** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.
 - **Child Care Home, Large Family (9 to 14 children).** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.
 - **Fifteen or more children.** See "Day Care, General" for facilities serving 15 or more children.
- **Adult Day Care.** See "Day Care, General."

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks city permits or approvals for all or part of a development.

Development Agreement. Means an agreement entered into between the city and a developer pursuant to Section 65864 of the California Government Code.

Discretionary Approval.

1. Any entitlement or approval required by Title 18 or Title 19 of this code, including but not limited to, conditional use permit, variance, and subdivision map, or
2. Architectural design review approval, if no other entitlement or approval is required by Title 18 or Title 19 of this code.

Donation Box. A bin, storage shed, or similar facility measuring no more than eight feet wide by eight feet long and eight feet high, and established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies.

Drip Irrigation. A method of micro-irrigation wherein water is applied to the soil surface as drops or small streams through emitters.

Drought-tolerant Plants. Plants that require less water because they are adapted to regions with frequent drought or to soils with low water-holding capacity.

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.
- ~~Second 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.~~
- Two-Family Dwelling (Duplex) Unit. A building containing two complete dwelling units designed for the independent occupancy of two households.
- See also "Manufactured Housing" and "Mobile Housing Unit."

19.160.200 - "S" definitions.

Schools, Public and Private. A public or private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include trade schools or non-tuition part-time instruction at places of religious assembly. See "Education Facility."

~~Second Dwelling Unit. "See "Dwelling Unit."~~

Secondary Use. See "Use."

Secondhand Store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Self-service Display. The display or storage of products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

Senior Citizen. Generally, any person 62 years of age or older. However, for purposes of any State or federal housing programs, the age may be 55 years or older.

Sensitive Use. See "Use."

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other structure or development feature (see Figure 9-7)

- Front Setback. The minimum distance required between a structure and the front property line.
- Primary Building Line. That portion of the front yard area defined by the space between the front property line and the entire building frontage of the primary structure, whether or not all facade portions of the primary structure coincide with the front setback line (see Figure 9-7).
- Side Setback. The minimum distance required between a structure and a side property line.
- Rear Setback. The minimum distance required between a structure and the rear property line.

Shopping Center. Commercial sites that are primarily retail with two or more separate businesses managed as a total entity and sharing common access, circulation, signage and pedestrian and parking areas so that a public right-of-way does not need to be used to get from business to another. General guidelines follow, but the Director may make a determination on a case-by-case basis.

- **Neighborhood.** A shopping center that provides a limited number of frequent or recurrently needed personal items or services for residents in an immediate neighborhood that generally has up to 100,000 square feet of combined gross leasable area, without a significant anchor store, and draws its clientele from a five-minute driving radius from the center.
- **Community.** A shopping center that provides a variety of retail or personal services for patrons that contains approximately 100,000 to 250,000 square feet of combined gross leasable area, may have up to two anchor stores, has a site of 5 or more acres, and draws its clientele from about a 10-minute drive from the center.
- **Regional.** A shopping center that contains a wide range of retail and service establishments, including at least three anchor stores, having at least 250,000 square feet of combined gross leasable space, and draws its clientele from as much as a 45 minute drive from the center.

Sign. See Chapter 19.42 (Signs).

Single-family Dwelling. See "Dwelling, Single-family."

Site. A lot or group of contiguous lots not divided by any alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Development Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Special Events and Temporary Uses. Any activity of limited duration that is permitted through the issuance of a Temporary Use Permit, see Chapter 19.124 (Temporary Use Permits). This definition includes carnivals, farmers' markets, seasonal sales, and promotional events.

Specific Plan. Under Article 8 of the Government Code (Section 65450 et seq.), a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

Static water pressure. The pipeline or municipal water supply pressure when water is not flowing.

Storage:

- **Storage—Accessory.** The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.
- **Storage—Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.
- **Storage—Personal Storage Facility.** See "Personal Storage."

Story. The portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that

portion of a building included between the upper surface of the topmost floor and the ceiling above. See also "Basement" and "Attic."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground (see Figure 9-8), except for walls and fences.

- Accessory Structure. See "Accessory Structure."
- Attached Structure. Any structure that has a wall or roof in common with another structure.
- Primary Structure. A structure that is conducted as the primary or predominant use of the lot and/or building site.

Studio - Art, Dance, Martial Arts, Music. Small-scale instructional facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples include: individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided.

Substantial Rehabilitation or Substantially Rehabilitated. The substantial rehabilitation of a dwelling unit(s) as defined in Section 33413(b)(2)(iv) of the California Health and Safety Code.

Supermarket. A self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service. May include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and a pharmacy,

Swap Meet. Any event at which two or more persons offer personal property, new and/or used, for sale or exchange and at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange, and/or at which a fee is generally charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange.

	MAIN DWELLING			ADU STRUCTURE								Notes	
	Address		Zone	Main Dwelling Size (S.F.)	ADU Size (S.F.)	Converted? If converted, indicate previous use	Attached or Detached	Bedroom Quantity	Bathroom Quantity	Date Approved (Entitlement Approval)	Date Permitted		Date Finaled
ACCESSORY DWELLING UNIT (ADU) LOG	1538	FAIRDALE	R-1	2,020	700		Attached	1	1		1984*	*	
	1034	KELLWIL	R-1	1,037	580		Attached	1	1		1988*	*	
	1819	BROADLAND	R-1	1,707	542		Attached	1	1		2001*	*	
	1538	GLENFORD	R-1	2,272	698		Attached	2	1		2001*	*	
	245	VINEYARD	R-1E	2,073	696		Attached	1	1		2003*	*	
	822	OAK	R-1	1,152	587		Attached	1	1		2005*	*	
	2066	CITRUSVIEW	R-1	1,116	308		Attached	1	1		2006*	*	
	2541	MARKWOOD	R-1D	2,065	1,200		Attached	2	1		2006*	*	
	2727	STARPINE	R-1B	4,578	349		Attached	1	1		2008*	*	
	1540	BRYCEDALE	R-1	1,041	1,818		Attached	N/A	N/A		2008*	*	Add'l research needed if future projects proposed. ADU sf #'s are suspect.
	911	MILTONWOOD	R-1	1,415	630		Attached	1	1		2009*	*	
	2246	ROYAL OAKS	R-1	2,207	440		Attached	1	1		2009*	*	
	2013	CITRUSVIEW	R-1	1,630	273		Attached	1	1		2009*	*	
	1563	THIRD	R-1	1,642	664		Attached	1	1		12/1/16	2/14/17	
	2041	BROACH	R-1	1,120	700		Attached	1	2		12/27/16	11/29/17	
	2521	MARKWOOD	R-1E	1,476	559		Detached	1	1		8/27/17	11/6/19	
	2187	BROACH	R-1	950	396		Attached	1	1		9/14/17	2/21/18	
	518	GREENBANK	R-1	1,387	400		Attached	1	1	6/11/18	7/24/18	11/1/18	
	2019	PARK ROSE	R-1	1,242	398		Attached	1	1	7/26/18	7/26/18	10/11/18	
	948	LEWISTON	R-1	880	400		Detached	1	1	8/30/18	8/30/18	10/10/18	
	2509	GARDI	R-1A	1,799	400		Detached	1	1	5/7/18	9/10/18	1/2/19	
	1836	DELFORD	R-1	1,033	400		Detached	1	1	8/1/18	9/20/18	5/29/19	
	1609	DENNING	R-1	959	155		Detached	1	1		12/19/18	7/13/20	
	1618	BROADLAND	R-1	1,260	384		Detached	1	1	10/8/18	1/24/19	3/13/19	
	960	HURSTVIEW	R-1	1,490	348		Attached	1	1	12/17/19	1/29/20		
	2227	PARK ROSE	R-1	960	400		Detached	1	1		3/19/19	10/24/19	
	2533	MARKWOOD	R-1	3,577	700		Detached	1	1	12/5/18	3/13/19	7/13/20	
	2264	ROYAL OAKS	R-1	2,163	400		Attached	1	1				Legalize unpermitted ADU. Approved, pending permit issuance
	1624	BRADBURY	R-1	1,667	382		Detached	1	1	1/13/20	3/5/20		Attached to rear of garage. Garage remains as garage.
	2153	BROACH	R-1	950	400		Detached	1	1	2/20/20	5/6/20		
	2204	PARK ROSE	R-1	1,514	434		Detached	1	1	6/2/20	7/23/20		Garage Conversion and Main Dwelling addition of 288 sq. ft.
	1609	DENNING	R-1	959	400		Detached	1	1	9/9/20	9/24/20		
	1343	STARHAVEN	R-1	1,887	420		Attached	1	1	7/23/20			
1424	THREE RANCH	R-1	1,328	603		Detached				9/15/20			
2236	PARK ROSE	R-1							4/9/19			Code Enforcement Case: In building plan check. NB planner.	
1852	BROADLAND	R-1	1,669	392		Attached	1	1	9/3/20			Code Enforcment Case: In plan check. IG planner. Attached to side of garage. Half of garage added to adu, one car garage remainder.	
2239	GOLDEN MEADOW	R-1D	2,491	700		Detached	1	1	11/9/20				

* PERMITS ISSUED PRIOR TO CITY'S PERMITTING SOFTWARE IN PLACE. PLEASE REFER TO PAPER PERMITS IN BUILDING PACKET OR LASERFICHE FOR ISSUANCE AND FINALED DATE.

RESOLUTION NO. 2020-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT MUNICIPAL CODE AMENDMENT 2020-02 REPLACING IN ITS ENTIRETY DUARTE DEVELOPMENT CODE CHAPTERS 19.60.160 REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS; AND MODIFYING CHAPTER 19.160.050 RELATED TO DEFINITIONS FOR ACCESSORY DWELLING UNITS

WHEREAS, the City of Duarte acknowledges the value of accessory dwellings as a more affordable housing option and has long held a process for approval of this type of dwelling within the City; and

WHEREAS, effective January 1, 2020, several bills (Assembly Bill 68, 587, 670, 671, 881 and Senate Bill 13) amended various provisions of State law, including Government Code Section 65852.2, to limit and revise the standards cities may impose on second units (hereafter termed “accessory dwelling units” or “ADU”; and “junior accessory dwelling units” or “JADU”); and

WHEREAS, as amended, Government Code Sections 65852.2 and 65852.22 require that the City incorporate State-mandated standards for certain types of ADUs and JADUs; and

WHEREAS, in addition, Government Code Section 65852.2 allows the City to establish certain objective standards related to height and architectural requirements, which must be applied ministerially, except where a property owner is seeking an exception to such standards. The City currently has standards in place related to parking, height, setback, lot coverage, and architectural requirements, which have functioned to mitigate the impacts of ADUs and JADUs on parking, neighborhood density, and aesthetics, in addition to providing standards related to fire and life safety necessary for the preservation of the public health and safety, some of which were invalidated by the new State laws; and

WHEREAS, as of January 1, 2020, the City’s pre-existing ADU standards were superseded by State standards pursuant to Government Code Section 65852.2(a)(4), and the City is required to utilize these baseline standards until a compliant local ordinance is adopted; and

WHEREAS, notwithstanding any other ordinance or provision of the Duarte Development Code, no application for a building permit or other land use entitlement shall be accepted for processing or approved for an ADU and/or JADU proposed to be located in a residential zone unless it satisfies all the requirements in this Ordinance; and

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2020-02 replaces in its entirety Duarte Development Code Chapter 19.60.160, to provide new development standards for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) that comply with State law as set forth in Exhibit “C-1,” attached hereto and made part of this Resolution; and to modify Chapter 19.160.050 related to definitions for ADUs, as set forth in Exhibit “C-2,” attached hereto and made part of this Resolution; and

WHEREAS, the Planning Commission of the City of Duarte (“Planning Commission”) has considered Chapter 19.60.160, to provide new development standards for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) that comply with State law; and to modify Chapter 19.160.050 related to definitions for ADUs; and

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

WHEREAS, on August 17, 2020, the Planning Commission held a duly noticed public hearing to consider the establishment of standards for Accessory Dwelling Units and Junior Accessory Dwelling Units within all the City’s Single-Family Residential and Multiple-Family Residential Zones; and

WHEREAS, the Planning Commission continued the meeting per Staff’s request to allow for analysis to be completed on affordability issues raised by an interested party; and

WHEREAS, on November 16, 2020, the Planning Commission held a duly noticed public hearing to consider the establishment of standards for Accessory Dwelling Units and Junior Accessory Dwelling Units within all the City’s Single-Family Residential and Multiple-Family Residential Zones; and

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

WHEREAS, after consideration of the information presented, the Planning Commission recommends that the Duarte City Council adopt the proposed Ordinance amending Sections 19.60.160 and 19.160.050, to amend the zoning definitions, development standards, and parking standards to allow Accessory Dwelling Units and Junior Accessory Dwelling Units in Single-Family and Multi-family residential zones, consistent with applicable State laws; and

NOW, THEREFORE, the Planning Commission of the City of Duarte does hereby resolves 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 Sections 19.60.160 and 19.160.050, to amend the zoning definitions and development standards to allow Accessory Dwelling Units and Junior Accessory Dwelling Units in all Single-Family and Multi-family Residential zones, consistent with applicable state laws.

- 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 regulations to be consistent with the Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations mandated by the State. The State's intended purpose for the revision to the law is to create more housing that is affordable, which is a goal rooted in the public interest of the City. The State's requirements, however, are far-reaching and weaken existing City regulations that mitigate potential negative impacts caused by ADUs and JADUs; thus, 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 amendment will not impact other provisions of this Development Code. Duarte Development Code Section 19.60.160 will be the location for regulations for accessory dwelling units and junior accessory dwelling units within the Code. The existing definition for accessory dwelling in the Code that is located at 19.160.50 will be removed and relocated to the proposed ADU ordinance.

SECTION 4. The Planning Commission finds and determines that the proposed amendments to Duarte Development Code Sections 19.60.160, for ADUs and JADUs, and 19.160.050, for definitions 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 to Section 19.160.050 to change the location of and expand the definition for ADUs and for the amendment to Section 19.60.160 to amend the regulations for ADUs to comply with the new state law codified in Government Code Sections 65852.2 and 65852.22.

SECTION 6. In recommending adoption of this Resolution, the Planning Commission finds and determines the project is exempt from review under the California

Environmental Quality Act (CEQA). The ordinance is intended to modify existing local regulatory requirements to be consistent with and implement State and local law which encourage development of ADUs and JADUs, and as such is exempt from CEQA under statutory exemption in Section 15282(h) of the CEQA Guidelines and Section 21080.17 of the Public Resources Code.

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 16th day of November, 2020.

Paula Watson-Gardner, 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 November 16, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director