CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
June 15, 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 7:02 p.m. The following were in attendance:

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

2. PLEDGE OF ALLEGIANCE:

Heany lead the Pledge of Allegiance.

3. APPROVAL OF MINUTES:

Farra motioned to approve the minutes of May 18, 2020 and seconded by Heany. The motion was approved 5-0-0-0.

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. BUSINESS ITEMS:

A. Vehicle Miles Traveled (VMT) Policy - Setting of Thresholds of Significance for traffic analyses associated with development projects.

Attachments: Staff Report and PC Resolution 2020-05

Director Hensley introduced the consultant that has been working with the City and joint project with San Gabriel Valley Council of Governments. Erik Ruehr, presented a detailed report about the signed SB 743, changes in transportation studies done for CEQA, replacing

level of service, using Vehicles Miles Traveled (VMT), and answered questions from the Commissioners.

Hensley thanked Consultant Ruehr and discussed the philosophies of teamwork with other cities, majority of cities thresholds selection and answered questions from the Commissioners.

Chairperson Watson-Gardner opened Commissioner's inquiries.

Farra asked the following general questions related to: areas or potential projects that are not covered in the City; the definition and coverage area for the land use plan; the baseline area is the Northwest Subarea of the San Gabriel Valley; and how VMT compared with the proposed/certain land use plan of the Northwest area of the San Gabriel Valley and entire area including residential. Mr. Ruehr and Hensley responded to Farra's inquiries.

In addition, Farra asked if the City will be providing information to an applicant regarding the existing VMT for the area, what is the 85% VMT of the threshold that cannot exceed, and if the City had calculations currently available or when will they be available. Hensley responded.

Chairperson Watson-Gardner closed Commissioners' inquiries and called for a motion on the item.

Farra motioned to recommend with a caveat discussed previously that the City have the VMT numbers for the area and thresholds of significance before enforcing/applying to a new project. The motion was Seconded by Heany and carried 5-0-0-0 by the following Roll Call vote: Yes: Warson-Gardner, Vasquez, Farra, Heany, Wolff; No: None.

6. ITEMS FROM DIRECTOR:

Hensley provided development updates and answered Commissioner Farra's inquiry about the proposed Wyndham Hotel.

7. ITEMS FROM COMMISSIONERS:

There were no comments from the Commissioners.

8. ADJOURNMENT:

Chairperson Watson-Gardner adjourned the meeting at 7:48 p.m. to Monday, July 20, 2020.

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Craig Hensley, Secretary

PLANNING COMMISSION STAFF REPORT

Date: August 17, 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 State 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.

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 pertains 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 two Municipal Code Amendments. The first amendment, MCA 2020-02, 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. Also, the new changes to the law make it easier to convert garages to dwelling units, which is why Municipal Code Amendment MCA 2020-03 is proposed. This amendment will modify existing regulations pertaining to parking locations as well as parking space and drive aisle dimensions to provide additional options for off-street parking for all residential properties.

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.

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 COMPARISION 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. 1,000 sq. ft. for two-bedroom units. Increased sizes permitted for units with affordability covenants for low and very low income households. JADR 150 sq. ft. (minimum) to 500 sq. ft.
Lot Coverage	Maximum set by underlying zone.	Not permitted.
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. The proposed City Ordinance also offers increased unit size of up to 1,200 square feet for ADUs that enter into a covenant to rent to households at the low and very low-income level. JADUs are limited to a maximum floor area of 500 square feet.

- Owner Occupancy: The current City requirement mandates that the property owner must live in one of the units on the property, however the new State law prevents this requirement from being applied until 2025.

- 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.

- Affordability Requirement: Staff proposes a community standard to make all ADUs that exceed 500 square feet to be rented at an affordable rent level to households of lower income. This provision ensures that ADUs will address the affordability goal of the State that prompted these changes rather than simply assuming that rental price will drop based on unit size. Units under 500 square feet will not be required to be "affordable," but will likely be considered "affordable" due to their smaller floor area. When the City initially set

the maximum size for units, it was in part to encourage these units to be affordable. Larger units that are similar to the average multi-family unit in the city would likely not be affordable because unit size is typically directly related to rental cost. The proposed ordinance also offers increased unit size of up to 1,200 square feet for ADUs that enter into a covenant to be rented to households at the low and very low income levels. These approaches will support the City's desire to meet its affordability goals set by the Southern California Association of Governments through the Regional Housing Needs Assessment.

- 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. Furthermore, there is a companion code amendment that is being proposed to modify and liberalize off-street driveway and parking location standards for all residential properties. 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 a single family. By limiting the number of allowable bathrooms to one, the ADU is less likely to be used by multiple families and therefore the adverse impacts associated with overcrowding will be averted.

- 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. 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:

- 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 project water or sewer capacity for the City.

- 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.

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 2020-05 (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 2020-05
Exhibit C1 – Draft Ordinance for Accessory Dwelling Units
Exhibit C2 – Amendment of Definition for Accessory Dwelling Units

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

EXHIBIT A

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								

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

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	

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	—	

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	

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~~ ***a minimum of 2 – 3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property*** (in association with primary unit).
Multi-Family Dwellings	2 per unit in a garage, plus overflow and guest parking as follows: 1 overflow parking space per each 4 units 1 guest parking space per each 4 units See also 19.38.050(F) and (I).
Mobile Home Parks	1 per mobile home space plus 1 for each mobile home space for guest parking; guest parking to be separate from mobile home spaces
Live/Work Units	2 spaces per unit in a garage plus customer parking as determined through the Conditional Use Permit.
Senior Housing (when restricted to age 62 and older)	1 space per 1-bedroom unit. 2 spaces for each 2-bedroom unit.
Conversions of Existing Covered Parking Spaces for Single-Unit Dwelling	2 per unit in garage
Large and Small Family Child Day Care Facilities	Spaces required for dwelling unit only, plus 1 per each permanent non-resident employee

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.***

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.

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.

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 it 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.

(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, buy 1 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. 2020-05

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 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 17th day of August 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 August 17, 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 ¾ 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. “VERY LOW INCOME HOUSEHOLD” refers to households whose gross incomes do not exceed the qualifying very low income limit established in section 6932 of Title 25 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate of median income in the Los Angeles-Long Beach Primary Metropolitan Statistical Area, and as adjusted by the California Department of Housing and Community Development (HCD) . Pursuant to section 6926 of Title 25 of the California Code of Regulations, a low-income household is defined as households earning up to 50 percent of area median income, adjusted for household size appropriate for the unit and other factors determined by HUD.

8. “LOW INCOME HOUSEHOLD” refers to households whose gross incomes do not exceed the qualifying low income limit established in section 6932 of Title 25 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate of median income in the Los Angeles-Long Beach Primary Metropolitan Statistical Area, and as adjusted by the California Department of Housing and Community Development (HCD) . Pursuant to section 6928 of Title 25 of the California Code of Regulations, a low-income household is defined as households earning up to 80 percent of area median income, adjusted for household size appropriate for the unit and other factors determined by HUD.

9. “MODERATE INCOME HOUSEHOLD” refers to households whose gross incomes do not exceed the qualifying moderate income limit established in section 6932 of Title 25 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate of median income in the Los Angeles-Long Beach Primary Metropolitan Statistical Area, and as adjusted by the California Department of Housing and Community

Development (HCD) . Pursuant to section 6930 of Title 25 of the California Code of Regulations, a low-income household is defined as households earning up to 120 percent of area median income, adjusted for household size appropriate for the unit and other factors determined by HUD.

10. "AFFORDABLE HOUSING COST" for rental units is based on the California Health and Safety Code section 50053 (Section 50053) standards. Affordable housing cost is calculated based on the following parameters:
    a. Housing costs include rent plus utilities paid for by the tenants.
    b. The affordable housing cost calculations are based on the following benchmark standards:
        (1) The household size is set at one person more than the number of bedrooms in the unit;
        (2) Very low-Income rent is calculated based on 50% of area median income; and
        (3) Low income rent is calculated based on 80% of area median income; and
        (4) Moderate income rent is calculated based on 120% of area median income; and
        (5) Affordable housing cost is equal to 30% of the defined household income.
11. "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, including income and occupancy restrictions on units greater than 500 square feet in size. As applicable, the agreement shall also specify monitoring the ongoing affordability of the unit, and the process for qualifying prospective resident households for income eligibility.

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) .

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:

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. Owner-occupancy for all ADU/JADUs shall be required after January 1, 2025.

e. 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.

f. A second unit may not have utility services separate from those of the main residential structure on the same property.

g. 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. Any ADU with more than 500 square feet of livable area shall be an Affordable Unit as defined in this section that is restricted to a moderate income household and provided at an affordable housing cost; provided the unit is not restricted to a lower level on the Affordable Unit spectrum by another provision in this section.

3. ADUs are limited to a maximum of two bedrooms. Studio and one bedroom ADUs shall not exceed 850 square feet of total floor area. Two bedroom ADUs shall not exceed 1,000 square feet of total floor area. In no case shall the ADU be less than 150 square feet.

   Exception to unit size. The Director shall approve an exception to the maximum unit size set forth in table below upon request of an applicant in accordance with the requirements of this section. If an exception is granted, the accessory dwelling unit shall be restricted to occupancy by a low-income household and provided at an affordable housing cost as defined herein.

If the Unit Includes	Expansion up to 1,000 sq. ft.	Expansion up to 1,200 sq. ft.
One bedroom or less	Imposition of covenants requiring an affordable rent level to affordable households of low income.	Imposition of covenants requiring an affordable rent level to affordable households of very low income.
Two bedrooms	N/A	Imposition of covenants requiring an affordable rent level to affordable households of very low income.

Any ADU of 500 square-feet or greater shall be subject to the following rent restriction requirements:

a. Declaration of rent restrictions. The ADU permit with a unit size exception shall have a condition describing the type of rent restriction applicable to the property. The rent restriction shall be recorded in the County Recorder's Office as a declaration of rent restrictions (in a form provided by the City), and such restriction shall run with the land.

b. Affordable rent certification. An owner who has executed a declaration must submit to the city an accessory dwelling unit affordable rent certification: (i) on an annual basis, by each December 31 and as part of the annual City business license application and renewal; and (ii) upon any change in occupancy of the accessory dwelling unit. The accessory dwelling unit affordable rent certification must be on a form provided by the City and must specify whether or not the accessory dwelling unit is being occupied, the rent charged, the utilities that are included in the cost of rent, the household size of the accessory dwelling unit, the names and ages of the accessory dwelling unit occupants, the gross household income of the accessory dwelling unit household, and other information as determined appropriate by the City.

4. An 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.

5. An attached ADU shall not exceed the height and/or number of stories of the existing primary dwelling unit.

6. 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 vehicles, and the second floor ADU is equal to or less than the footprint of the first floor garage itself.

7. ADUs shall be limited to no more than one bathroom (toilet, sink, tub and/or shower).

8. 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.

9. 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.

10. 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.

11. An ADU shall conform to the front setback regulations of the underlying zone.

12. 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.

13. Exterior lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or any adjacent property.

14. 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.

15. 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.

16. Permanent footings and a foundation shall be required for all ADUs.

17. 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.

18. Detached and converted ADUs shall install rooftop solar panels as required by the Building Code.

19. 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 an 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.

20. 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. A minimum number of off-street uncovered parking stalls shall be provided to satisfy the parking requirements for the primary dwelling unit.

21. 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.

22. All accessory dwelling units with a total floor area greater than 500 square feet that are rented shall be designated as "affordable" and shall conform to the following standards:

    a. Said accessory dwelling units shall be rented to households that qualify for "Affordable" housing as defined by the most currently published United States Department of Housing and Urban Development Income Limits for Los Angeles County.

    b. The property owner of the property on which the accessory dwelling unit is to be located shall enter into and record an affordable housing contract per the approval of the city attorney, and such restriction shall run with the land.

    c. The property owner of the accessory dwelling unit shall comply and submit affordable housing reporting information as required by the affordable housing agreement approved by, and on file with, the City. The agreement shall include a certified annual report submitted by the property owner to the City demonstrating compliance with the affordable housing agreement.

    d. If the additional unit is rented, it shall not be rented for terms less than 30 days.

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, and include no more than one bedroom. 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, and the impact on the City's affordable housing supply.

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 it 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.

RESOLUTION NO. 2020-05

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 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 17th day of August 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 August 17, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Craig Hensley, Community Development Director

PLANNING COMMISSION STAFF REPORT

Date: August 17, 2020

To: Planning Commission

Location: City-wide

Project: **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

SUMMARY

Municipal Code Amendment (MCA) 2020-03 is designed to provide additional flexibility for off-street parking based upon the State's new mandates related to Accessory Dwelling Units (ADU's) and to address historical off-street parking practices and driveway modifications present in many neighborhoods throughout the City. MCA 2020-03 affects all residential properties within the City, not just those properties with an ADU. Almost all of the City's existing regulations regarding ADU's related to off-street parking have been invalidated by the new State law. This code amendment attempts to establish new local off-street parking and driveway standards that reduce impacts to public streets and on-street parking, and to preserve residential neighborhoods to the extent possible.

BACKGROUND

The most recent State laws related to ADU's effectively remove any ability for local jurisdictions to require off-street parking for the creation of ADU's or the conversion of garage or carports to ADU's. 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. Previous regulations included provisions for both off-street parking and off-street parking structures; and due to those requirements, there were very few issues with the parking impacts created by these types of units.

Duarte has a variety of residential neighborhoods that contain a range of housing types and off-street parking configurations, featuring both detached and attached garages. In older subdivisions built after World War II, most houses were provided a one-car garage with a single wide driveway. Subdivisions from the 1960's-1980's generally contained a two-car garage with a double-wide driveway. The newest subdivisions offered residents either a two or three-car garage with equal sized driveways. Condominium and townhouse developments provide a range of off-street parking options, from a single-car garage and driveway to a two-car garage without a driveway.

Off-street parking is a valuable commodity for most neighborhoods in the City. Since much of Duarte's housing stock consists of post-World War II housing, many houses have added additions or expanded over time, which have placed demand for off-street parking space. Additional vehicles, boats, RV's and trailers also compete for space on private property. Lastly, many garages are used for storage rather than to park cars, in addition to, a significant number of garages that have already been converted to unpermitted living units or bonus rooms. The impact of illegal garage conversions has led to a higher human density in much of the City. The result of these changes and the demand for off-street parking has led many homeowners to widen their driveways in ways that are not allowed per City Codes (Exhibit A).

ANALYSIS

With the variety in off-street parking arrangements and the option to convert garages into ADU's without having to replace parking on-site, in addition to widespread patterns of driveway modifications in many neighborhoods, the City is seeking alternatives to provide additional flexibility for residents who desire to continue providing ample off-street parking.

MCA 2020-03 revises Sections 19.38.050 (and Table 3-4), 19.38.100 and 19.38.120 to address both revisions to the Parking Code related to ADU's and to offer parking and driveway alternatives for residential properties (Exhibit B)

Amendment of Section 19.38.050 – Off-Street Parking Space Requirements
This section includes modifications to Table 3-4:

- Indicates that ADU parking is being addressed within its dedicated Chapter (19.60.160);
- Exempts ADU's from required parking unless required under Section 19.60.160; and

This section modifies Section 19.38.050.I.4:

- Excludes ADU's from the being considered as a "bedroom" for the purposes of allowing a waiver of garage parking requirements.

Amendment of Section 19.38.100 – Parking Space and Drive Aisle Dimensions
This section proposes the most significant changes under MCA 2020-03, including:

- Modification of Section 19.38.100 B.1 and B.2, expanding residential driveway widths – from 12' to 18' for a single storage space, from 20' to 27' for two storage spaces, and providing Director-level authority to determine driveway width for three or four storage spaces. These modifications provide the ability to widen driveways the width of an additional car, equivalent to 9'. Depending upon the length of the driveway, residents could expand their driveways to accommodate one, two, or in rare circumstances, 3+ vehicles, as further refined in the bullet below.

- Adding Section 19.38.100.B.14, conditions to expanding driveway widths – this section applies to situations where a resident desires to provide additional, non-covered off-street

parking to widen their driveway (to the widths described above) and has exhausted their ability to provide on-site parking as prescribed in Section 19.38.050.I.1-3. Section 19.38.050.I.1-3 lists standards for providing alternative parking arrangements and the priority in which they must be accomplished. Section 19.38.100.B.14 provides additional standards and further refines this situation:

- Driveways must first be expanded to the adjoining property line and include a 2' wide landscape planter;
- Driveways may thereafter be expanded towards the residence, not to exceed 5';
- Driveways serving side-loading garages will require a minimum turning radius and will not be permitted in front of these garage types; and
- Properties with alley access will be permitted driveways that meet setback standards;
- Expanded driveways are required to incorporate landscape planters at the beginning of the driveway to minimize the amount of hardscape nearest the street and to reduce driveway approaches;
- Driveway approach widening will require Director approval;
- All portions of the driveway, new and existing, must be paved in concrete or approved equivalent;
- Walkways adjoining driveway are limited to 4' in width, must be separated from the driveway by landscaping or a raised planter, or if walkways are abutting the driveway, decorative hardscape materials must be used to distinguish the walkway from the driveway.

Amendment of Section 19.38.120 – Parking Lot Location Requirements
This section includes minor modifications to 19.38.120.C:

- Clarifies that parking may be allowed in required landscape areas and in other vehicle parking areas, if compliant with 19.38.100.B.14 and other portions of the Chapter.

CONCLUSION

The modifications proposed in this code amendment are primarily a reaction to the imposition of State ADU law onto local land use decisions. Planning Staff is concerned about the aesthetic impacts that may result from allowing additional driveway width and additional off-street vehicle parking in front and side yards. Furthermore, without the ability to require off-street parking for garage conversions, which will likely be the most popular type of ADU, Staff is concerned about the impacts to on-street parking. However, not providing a reasonable solution to allowing additional off-street parking likely causes more on-street parking issues. Many neighborhoods already have issues with available street parking. In City discussions about ADU parking impacts, the Public Safety Department aired their concerns related to a saturation of on-street parking, such as: parking violations in front of fire hydrants, parking disruptions to mail and trash service, and resident complaints. The Planning Division believes the proposed parking modifications

provide additional flexibility for residents with or without ADU's, while mitigating on-street parking to the extent feasible.

RECOMMENDATION

Staff recommends that the Planning Commission review and adopt PC Resolution 2020-06 (Exhibit C) amending 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 (Exhibit C-1).

Respectfully Submitted,

Nick Baldwin
Associate Planner

Jason Golding
Planning Manager

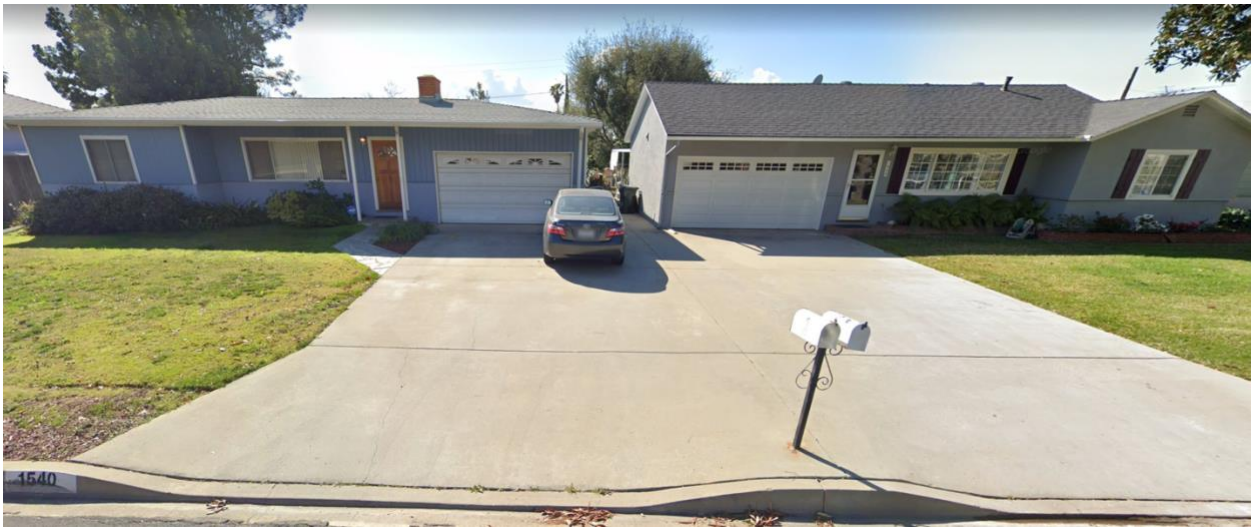
ATTACHMENTS

Exhibit A – Photos-discouraged parking and driveway configuration examples
Exhibit B – Photos-encouraged parking and driveway configuration examples
Exhibit C – PC Resolution 2020-06
Exhibit C1 – Amendment to Chapter 19.38.050, Table 3-4, 19.38.100, and 19.38.120

EXHIBIT A

DISCOURAGED PARKING AND DRIVEWAY CONFIGURATION EXAMPLES

2011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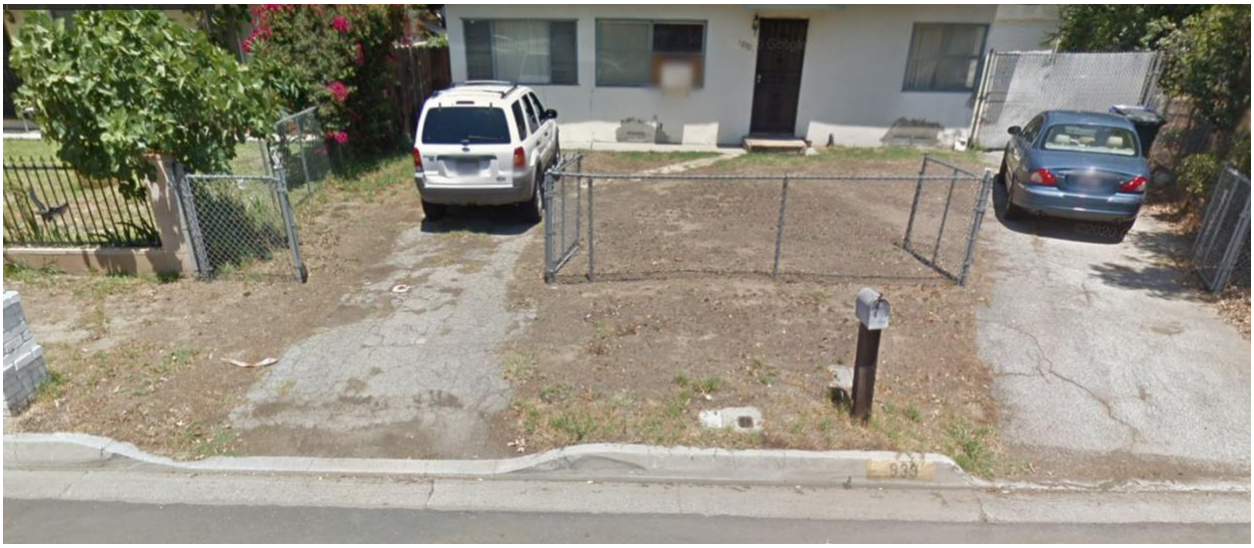
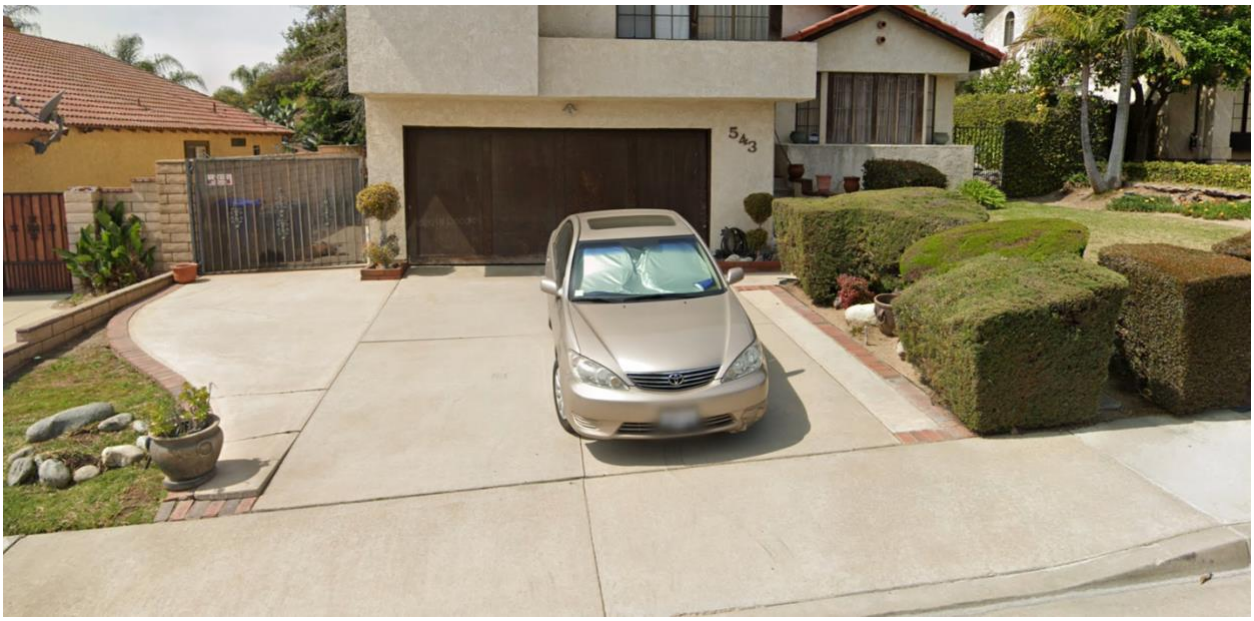
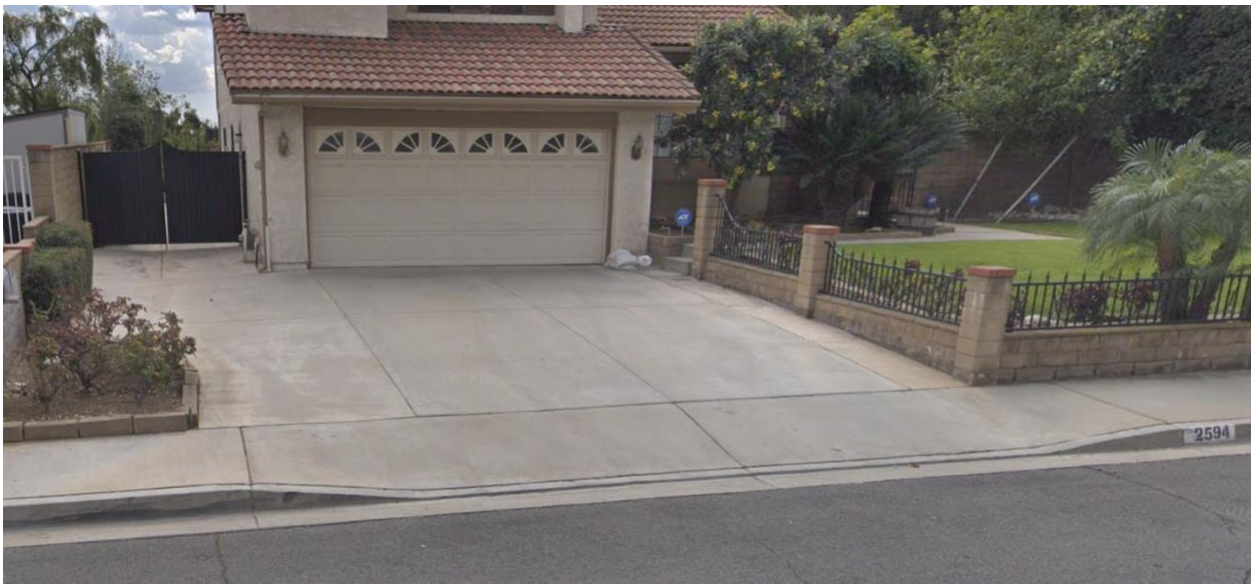


EXHIBIT B

ENCOURAGED PARKING AND DRIVEWAY CONFIGURATION EXAMPLES

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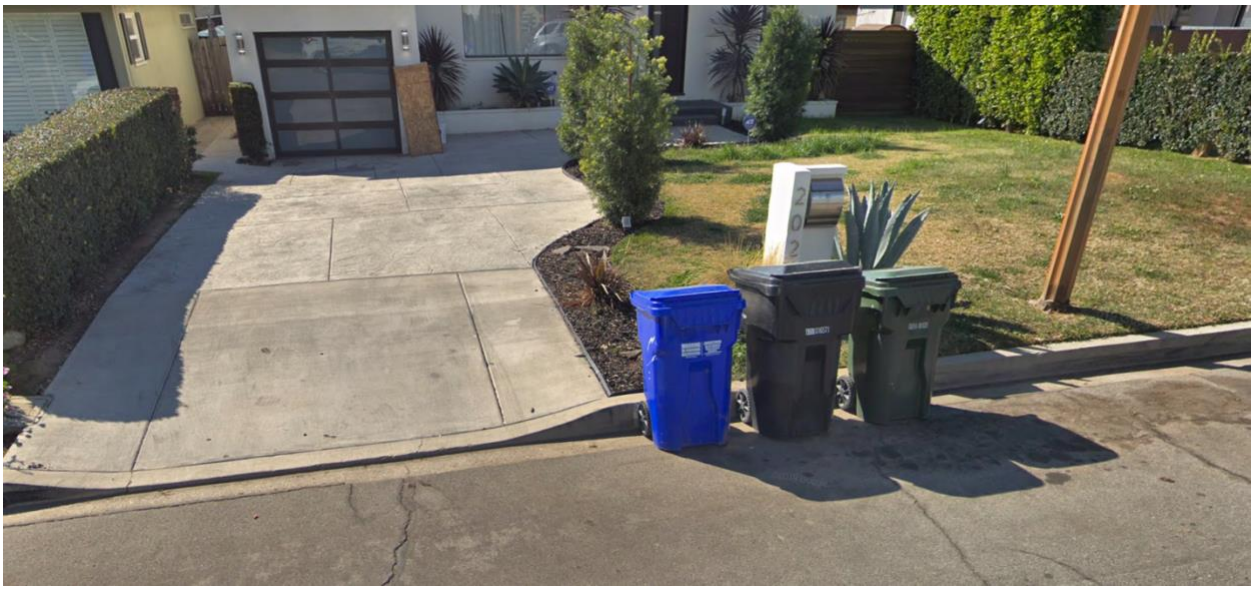
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RESOLUTION NO. PC 2020-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF DUARTE ADOPT MUNICIPAL CODE AMENDMENT 2020-03 AMENDING SECTIONS 19.38.050, 19.38.100 AND 19.38.120 OF THE DUARTE DEVELOPMENT CODE THAT PERTAIN TO OFF-STREET PARKING TO PROVIDE FLEXIBILITY IN PARKING LOCATIONS, DRIVEWAY WIDTHS, AND OTHER STANDARDS FOR RESIDENTIAL PROPERTIES

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2020-03 amends Sections 19.38.050 (and Table 3-4), 19.38.100 and 19.38.120 that pertain to off-street parking to provide flexibility in off-street parking locations, driveway widths, and other standards for residential properties of the Duarte Development Code, as set forth in Exhibit "A," attached hereto and made part of this Resolution; and

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") has considered Sections 19.38.050 and Table 3-4, 19.38.100 and 19.38.120 that pertain to off-street parking to provide flexibility in off-street parking locations, driveway widths, and other standards for residential properties; 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 on the Municipal Code Amendments 2020-03, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte and the Planning Commission received public testimony; 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 careful study and the public hearing held on August 17, 2020 the Planning Commission recommends the City Council approve Municipal Code Amendment 2020-03, which amends Chapter 19.38 of the Duarte Development Code.

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

SECTION 1. The Recitals above are true and correct and 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 all applicable specific plans;

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; in that they are intended to keep the City's Development Code consistent with State law; and

c. The proposed amendment is internally consistent with other applicable provisions of the Duarte Development Code.

SECTION 3. The Planning Commission finds and determines that the proposed amendments to Sections 19.38.050 and Table 3-4, 19.38.100 and 19.38.120 of the Duarte Development Code are in the best interests and welfare of the City and its residents.

SECTION 4. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the Planning Commission hereby recommends the City Council adopt and approve the proposed amendments to Sections 19.38.050 and Table 3-4, 19.38.100 and 19.38.120 of the Duarte Development Code.

SECTION 5. In recommending adoption of this Resolution, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA) pursuant to categorical exemptions Section 15301, 15302, 15303, 15304, and 15311 of Title 14 of the California Code of Regulations.

SECTION 6. 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 17th day of August 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 August 17, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Craig Hensley, Community Development Director

EXHIBIT C-1

*Note (not for codification): Amendments are shown as follows (deletion shown as strikethrough and addition as **bold** and underline):*

19.38.050 - Off-street parking space requirements.

Off-street parking spaces shall be provided in compliance with Table 3-4 through 3-8. These standards shall be considered the minimum required to preserve the public health, safety, and welfare, and more extensive parking provisions may be required by the Approving Authority in particular circumstances as deemed necessary by the Approving Authority in its own discretion.

A. *Off-street parking requirements.* Tables 3-4 through 3-8 set forth off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply to Tables 3-4 through 3-8:

1. "Square feet" (or "sf") means "gross square feet" and refers to total building floor area unless otherwise specified.

2. Where parking spaces are required based on a per-employee ratio, this shall be construed to be the total number of employees on the largest working shift.

3. For the purpose of calculating parking requirements, dens, studies, or other similar rooms that may be able to be used as bedrooms, as determined by the Director, shall be considered bedrooms.

4. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, each 20 linear inches of the bench or bleacher shall be considered a seat. If fixed seats are not provided, the total amount of seating shall be deemed to be the occupancy limit for the room in which the seating is provided as determined by the Building Department.

B. *Minimum parking requirements.* Unless off-street parking reductions are allowed pursuant to provisions herein, the number of off-street parking spaces required by Tables 3-4 through 3-8 shall be considered the minimum necessary for each use. In conjunction with discretionary development permits, the Approving Authority may increase or decrease these parking requirements if it is determined through a parking study as outlined in this Chapter that these requirements are inadequate for a specific project.

C. *Uses not listed.* The number of parking spaces required for uses not specifically listed in Tables 3-4 through 3-8 shall be determined by the Director based on common functional, product, or compatibility characteristics and activities with

the uses listed in Tables 3-4 through 3-8. Such determination is considered an interpretation of this Development Code and shall be decided and recorded as such, pursuant to the procedures established in Chapter 19.04 for making formal interpretations of this Code. Such interpretations shall have the same force in law as the provisions of this Chapter.

D. *Parking requirement determined by parking study.* In the event the proposed land use is for a multi-tenant and/or mixed use development or involves a Specific Plan or Planned Development Permit, the Director may authorize the preparation of a parking study to determine the required number of parking spaces as an alternative to the number of off-street parking as outlined in Tables 3-4 through 3-8and other applicable provisions of this Chapter, subject to the following conditions:

   1. Parking determined by a parking study shall be approved, modified and/or denied by the Commission pursuant to a conditional use permit as authorized and processed under the provisions of this Chapter.

   2. City has the right to select a consultant, which will be paid for by the applicant.

   3. The study shall have been undertaken and completed by a traffic engineer registered by the State of California and shall bear the stamp of that engineer.

   4. If the required parking is determined by such a parking study, future modification or improvement to the parking area which impacts the parking space layout, configuration, and/or number of stalls or if any such building or structure in the project is enlarged or increased in capacity by floor area or seats, or at such time that a usage requiring a higher number of parking spaces than an existing or previous use is applied, a new parking study pursuant to this Section shall be provided showing that the existing and/or proposed parking is adequate for such expansion and/or increased usage. Alternatively to a revised parking study, at the time of such expansion or increased usage, the applicant may comply with all provisions of this Chapter in effect at the time of the application.

E. *Calculation/rounding of quantities.* When the calculation of the required number of off-street parking spaces results in a fraction greater than 0.50 of a space, the total number of spaces shall be rounded up to the nearest whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.

F. *Additions to single-family residential with a garage containing fewer than two spaces.* Additions to single-family dwelling units that have a garage or covered parking space containing fewer than two spaces shall comply with the parking requirements as found in Table 3-4, unless the Director finds:

   1. Since the adoption of this Ordinance, the total additions to the property do not exceed 250 feet of habitable space; and

2. The single-family residence, prior to the construction of the addition, provided one covered parking space which complied with off-street parking requirements in effect at the time of construction of the residence; and

3. Following the construction of the addition, the single-family residence will continue to provide at least one covered parking space and additional spaces per 19.38.050.I, below, plus adequate ingress and egress thereto.

G. *Mixed-use without residential/multiple tenants.* Except as otherwise provided in this Chapter, for each separate use, a site with multi-tenants, or a combination of principal uses in any one facility, the development shall provide the aggregate number of parking spaces required for each separate use, unless a parking study has been prepared and approved pursuant to this Chapter or except as provided for in Section 19.38.140 (Off-site Shared Parking) or Section 19.38.150 (Joint Use Parking Facilities).

H. *Mixed-use with residential.*

1. The number of parking stalls shall be as outlined in Tables 3-4 through 3-8.

2. Any required guest parking for the residential uses may be provided through the required commercial parking.

3. The parking for the residential use which is required to be in a fully enclosed garage pursuant to Table 3-4 may be provided within an underground or aboveground parking structure rather than a garage.

4. With the exception of the guest parking, parking for the residential uses shall be provided and maintained separate and secure from the on-site public parking.

I. *Residential use—When required garage parking cannot be provided.* Notwithstanding the requirements for parking in a garage set forth in Table 3-4 for residential uses, wherever required garage parking cannot be provided due to physical limitations on a property, the Approving Authority may allow for an alternative parking arrangement for the remaining required spaces as follows:

1. As covered parking not within the driveway that provides access to the garage, or

2. As uncovered parking located behind the primary building line (see Article 9 for definition of primary building line) and not within the driveway that provides access to the garage, provided all requirements regarding front yard landscape coverage are met, or

3. On the driveway behind the primary building line, provided the driveway is of adequate length to accommodate such parking.

4. In cases where property limitations are present such that none of items 1, 2 or 3 above can be utilized, the approving authority may waive the garage parking requirement provided that: no more than 600 square feet of habitable building area has been added to the property since the adoption of this Ordinance; the house has no more than four bedrooms **(not**

including ADU/JADU's); and, all structures on the property are properly permitted.

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 **(ADU/JADU's exempted)**. See also 19.38.050(I).
Accessory Dwelling Unit	**See Chapter 19.60.160** 1 per accessory dwelling unit; a minimum of 2—3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property (in association with primary unit).
Multi-Family Dwellings	2 per unit in a garage, plus overflow and guest parking as follows: 1 overflow parking space per each 4 units 1 guest parking space per each 4 units See also 19.38.050(F) and (I).**and 19.60.160.**
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	2 per unit in garage

Single-Unit Dwelling	
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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19.38.100 - Parking space and drive aisle dimensions.

A. *Parking space dimensions.* Table 3-9 sets forth minimum size requirements for individual parking spaces. Design standards for handicapped parking stalls shall be provided in compliance with current requirements of the Uniform Building Code.

TABLE 3-9
OFF-STREET VEHICLE PARKING SPACE DIMENSIONS

Type of Parking Stall	Size of Parking Stall (minimum)	
	Width	Length
Standard	9 ft.	18 ft. [1]
Compact (Section 19.38.110 - Compact Parking Spaces)	8 ft.	16 ft.
Parallel	9 ft.	24 ft.
Motorcycle	4 ft.	7 ft.
Residential Garage	10 ft.	20 ft.
Tandem Space (1 space)	11 ft.	19 ft., 6 in.

Note:
1. See overhang standards in Section 19.38.180 (Design Standards for Parking Lots)

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B. *Driveway and drive aisle dimension.*

1. Driveway widths shall be a minimum of 10 feet and a maximum of 12 feet for one storage space**, except as provided in Section 14 below, up to a maximum of 18 feet.**
2. Driveway width shall be a minimum of 12 feet and a maximum of 20 feet **for two storage spaces, except as provided in Section 14 below, up to a maximum of 27 feet. Driveway widths for three or four storage spaces shall be determined by the Director.** provided, h **H**owever, that where the driveway provides access through a side yard to a rear garage, and if 12 feet in width are not available, the driveway shall be of the width available, but in no event less than 10 feet. This width may be reduced to nine feet clear in the R-1 and R-1A zones.
3. Driveway widths shall be a minimum of 16 feet and a maximum of 25 feet for five or more storage spaces, except that where the length of the driveway exceeds 125 feet, the minimum width for five or more storage spaces shall be 20 feet.
4. Where separate driveways are provided for ingress and egress, the minimum width for each shall be 12 feet and the maximum width for each shall be 20 feet, and the direction of travel shall be clearly indicated on the site by permanent identification.
5. All driveways shall be clear and unobstructed for a height of 12 feet above ground.
6. The width of the driveway shall be based upon the full potential use of the property based upon zoning at time of construction.
7. All driveways for private automobile storage spaces and the actual spaces shall be paved with portland cement concrete or approved equivalent at least three inches thick.
8. Driveways must lead to an approved off-street parking structure, garage or carport. Where driveways no longer lead to an off-street parking structure, garage or carport, the driveway approach, curb and gutter shall be replaced to the satisfaction of the City Engineer and the paved parking surface shall be replaced with landscaping. However, for properties that have an approved alley access to a garage, additional access from the front yard may be permitted when: the driveway provided leads to a side yard having a minimum width of nine feet; the driveway has a maximum width of 12 feet; and, there is no more than one front yard driveway.
9. The minimum separation distance of any two driveways on the same property shall be 20 feet.
10. All access shall be from a dedicated street or alley.
11. On sites with less than 80 feet of frontage, no more than two driveways shall be permitted. On sites with 80 feet or more of frontage, additional driveways may be approved through the Site Plan and Design Review process (Chapter 19.122).

12. The maximum distance between the outside edge on a driveway and the property line shall be five feet.

13. Drive aisles serving four or more parking spaces shall have the minimum dimension listed in Table 3-10.

14. In the circumstances where off-street parking cannot be provided through compliance with Section 19.38.050.I.1-3, driveways located within the front, side or rear yards may be expanded beyond the width of a garage or carport, subject to the following conditions:

a. Driveways may first be expanded towards the adjoining property line, if feasible, but in no case shall the driveway be closer than two feet from the adjoining property line. The two-foot setback between the edge of the driveway and the adjoining property line shall be improved as landscaping. The Director may approve an alternative arrangement (e.g. wall, barrier or other landscape option) that maintains separation between adjoining properties and driveways;

b. Driveways may be expanded towards the center of the property, not to exceed five feet in width, if subsection a is not feasible or the driveway nearest the adjoining property line has been widened to its extents;

c. Driveways serving side loading garages (or former garages) shall maintain a minimum inside turning radius of fifteen feet, and are not allowed beyond a point parallel with the existing or former garage door;

d. For properties where off-street parking is or was formerly accessed via an alley, driveways may be permitted in the rear yard with a minimum setback of three feet to abutting property lines, or ten feet from a corner property line;

e. Expanded driveways must incorporate a landscaped planter within the parkway distance shown on the Street Plan, or at the beginning of the driveway if the parkway is improved with sidewalk and/or landscaped parkway, or as otherwise approved by the Director, with the intent to minimize the amount of driveway/hardscape nearest the street and to reduce the width of driveway approaches;

f. Driveway approach widening shall require approval from the Director prior to the issuance of a City Encroachment Permit;

g. All portions of the existing driveway, new or expanded driveway, and driveway approach shall consist of Portland cement concrete or approved equivalent at least three inches thick;

h. Walkways adjoining a driveway may not exceed four feet in width and shall maintain a three-foot landscaped setback from a driveway or be separated from the driveway by a raised landscaped planter constructed of decorative block, brick, or other City-approved material, no less than two feet in width and one foot in height. Walkways that must be located directly abutting a driveway shall consist of decorative

paving materials, such as brick, pavers, tile, scored and/or tinted concrete, aggregate concrete or other impervious materials as to clearly distinguish the walkway from the driveway.

i. The Director may consider modifications to one or more of subsections above that uphold the intent of said subsection(s).

TABLE 3-10
STANDARD VEHICLE SPACE REQUIREMENTS

Parking Stall Angle	Stall Width	Stall Depth [1]	Stall Length	Aisle Width	
				One-Way	Two-Way
Standard Parallel	9 ft	9 ft	24 ft	12 ft	25 ft
30-Degree	9 ft	16.8 ft	18 ft	13 ft	20 ft
45-Degree	9 ft	19 ft	12.7 ft	15 ft	20 ft
60-Degree	9 ft	20 ft	10.4 ft	18 ft	22 ft
90-Degree	9 ft	18 ft	9 ft	25 ft	26 ft

19.38.120 - Parking lot location requirements.

A. Except as otherwise allowed herein, all required off-street parking spaces shall be accessible from a street **or alley** at all times.

B. All required off-street parking spaces shall be located on the same lot or within the same development as the use and/or development requiring such spaces.

C. Required off-street parking spaces shall not be located within any required front yard or required street side yard setback of any parcel, **unless otherwise allowed through 19.38.050.B.14.** However, parking spaces in addition to the minimum required may be allowed in the front and street-side side yards of single-family residential lots in compliance with all of the following conditions:

1. Vehicle parking (and access thereto) shall be parked on a permanently paved surface.
2. Parking is not allowed within any required landscape area or any area not designated as a driveway or vehicle parking area.

3. Parking may not occur within any required clear site distance triangle area on a corner lot.

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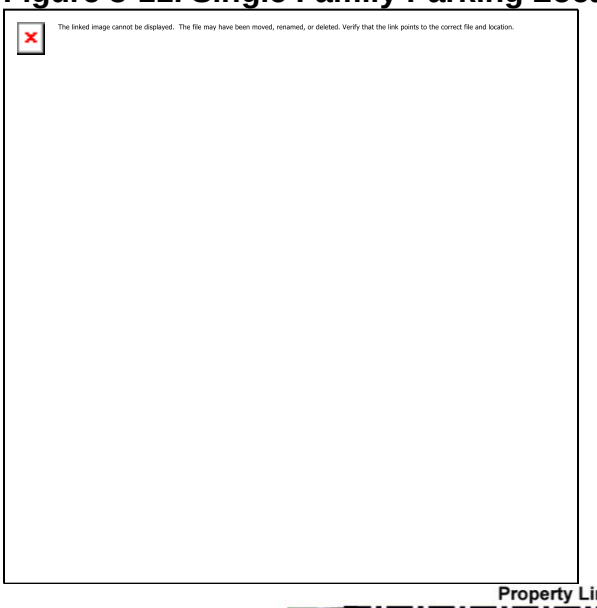
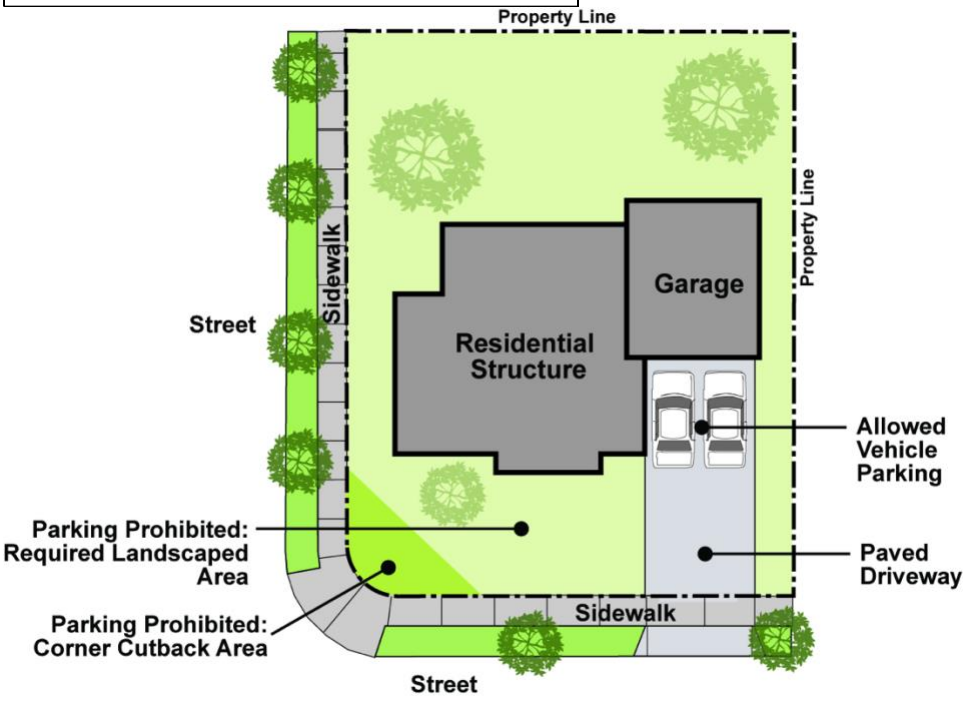
Figure 3-11. Single Family Parking Location Requirements





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D. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian accessway or fire safety equipment. Such access shall be a clear minimum width of 44 inches, no part of which shall be within a parking space.

RESOLUTION NO. PC 2020-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF DUARTE ADOPT MUNICIPAL CODE AMENDMENT 2020-03 AMENDING SECTIONS 19.38.050, 19.38.100 AND 19.38.120 OF THE DUARTE DEVELOPMENT CODE THAT PERTAIN TO OFF-STREET PARKING TO PROVIDE FLEXIBILITY IN PARKING LOCATIONS, DRIVEWAY WIDTHS, AND OTHER STANDARDS FOR RESIDENTIAL PROPERTIES

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2020-03 amends Sections 19.38.050 (and Table 3-4), 19.38.100 and 19.38.120 that pertain to off-street parking to provide flexibility in off-street parking locations, driveway widths, and other standards for residential properties of the Duarte Development Code, as set forth in Exhibit "A," attached hereto and made part of this Resolution; and

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") has considered Sections 19.38.050 and Table 3-4, 19.38.100 and 19.38.120 that pertain to off-street parking to provide flexibility in off-street parking locations, driveway widths, and other standards for residential properties; 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 on the Municipal Code Amendments 2020-03, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte and the Planning Commission received public testimony; 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 careful study and the public hearing held on August 17, 2020 the Planning Commission recommends the City Council approve Municipal Code Amendment 2020-03, which amends Chapter 19.38 of the Duarte Development Code.

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

SECTION 1. The Recitals above are true and correct and 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 all applicable specific plans;

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; in that they are intended to keep the City's Development Code consistent with State law; and

c. The proposed amendment is internally consistent with other applicable provisions of the Duarte Development Code.

SECTION 3. The Planning Commission finds and determines that the proposed amendments to Sections 19.38.050 and Table 3-4, 19.38.100 and 19.38.120 of the Duarte Development Code are in the best interests and welfare of the City and its residents.

SECTION 4. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the Planning Commission hereby recommends the City Council adopt and approve the proposed amendments to Sections 19.38.050 and Table 3-4, 19.38.100 and 19.38.120 of the Duarte Development Code.

SECTION 5. In recommending adoption of this Resolution, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA) pursuant to categorical exemptions Section 15301, 15302, 15303, 15304, and 15311 of Title 14 of the California Code of Regulations.

SECTION 6. 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 17th day of August 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 August 17, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Craig Hensley, Community Development Director