

ORDINANCE NO. 904

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT 2020-02 REPLACING IN ITS ENTIRETY DUARTE DEVELOPMENT CODE CHAPTER 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WHEREAS, as of January 1, 2020, the City’s pre-existing ADU standards were superseded by State standards pursuant to Government Code Section 65852.2(a)(4), and the City is required to utilize these baseline standards until a compliant local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 this ordinance; and

WHEREAS, Planning Staff provided the draft ADU ordinance to the State Department of Housing and Community Development to confirm the ordinance’s consistency with state law and the ordinance was revised to incorporate all comments received and the City received conceptual approval in response; and

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

WHEREAS, on May 17, 2021, the Planning Commission held a duly noticed public hearing to consider the ordinance and after consideration of the information presented at the hearing, recommended 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

WHEREAS, notice of a public hearing of the City Council on the proposed Municipal Code Amendment 2020-02 was given in accordance with applicable law; and

WHEREAS, on July 13, 2021, the City Council of the City of Duarte held a duly noticed public hearing on the proposed Municipal Code Amendment 2020-02, and related environmental review. At the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. REPLACE DEVELOPMENT CODE CHAPTER 19.60.160 IN ITS ENTIRETY. Replace Chapter 19.60.160 “Accessory dwelling units” in its entirety with new language that complies with the updated requirements in State law regarding accessory dwellings and establishes development standards, permit processes, and related definitions.

Chapter 19.60160 is reflected in “Exhibit A” attached hereto and made a part of this ordinance by reference.

SECTION 2. MODIFYING CHAPTER 19.160.050 RELATED TO DEFINITIONS FOR ACCESSORY DWELLING UNITS. Modify the definitions chapter of the of the Duarte Development Code by adding “Accessory Dwelling Unit” which provides a reference for a new definition for ADUs under and under “Dwelling Unit” as well as deleting a refence and a definition for “Second Dwelling Unit”.

Modifications to the definitions within the Duarte Development Code arc illustrated in “Exhibit B” attached hereto and made a part of this ordinance.

SECTION 3. CEQA DETERMINATION. The City Council finds and determines that, pursuant to provisions of the California Environmental Quality Act (CEQA), the replacement of Chapter 19.60.160 to the Duarte Municipal Code to provide new development standards for ADUs and JADUs that comply with State law and the modification of Chapter 19.160.50 related to definitions for ADUs is exempt pursuant to statutory exemption Section 15282(h) of Title 14 of the California Code of Regulations.

The City Council further finds that the adoption of this Municipal Code Amendment will not result in negative impact to the environment; therefore, it is exempt from the provisions of CEQA and no further environmental review is necessary.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 5. POSTING OF ORDINANCE. The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following the second reading.


PASSED, APPROVED, AND ADOPTED on this 27th day of July 2021

 for
Bryan Urias, Mayor

APPROVED AS TO FORM:

ATTEST:


David B. Cosgrove, City Attorney


Annamarie Porter, Interim City Clerk

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

I, Annamarie Porter, Interim City Clerk of the City of Duarte, California, do hereby certify that Ordinance No. 904 was duly introduced at a regular meeting of the City Council held on the 13th day of July, 2021, and was approved and adopted by the City Council of the City of Duarte, California, at a regular meeting of said City Council held on the 27th day of July, 2021, by the following vote:

AYES: FINLAY, KANG, LEWIS, PARAS-CARACCI, SCHULZ, TRUONG

NOES: NONE

ABSENT: URIAS

ABSTAIN: NONE



Annamarie Porter, Interim City Clerk

EXHIBIT A

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, a $\frac{3}{4}$ or full bath, and permanent provisions for living, sleeping, eating, cooking, sanitation, and storage on the same parcel where the primary single-family or multi-family residence is situated. An accessory dwelling unit also includes an "Efficiency Unit" as defined in Health and Safety Code section 17958.1 and a "Manufactured Home" as defined in Health and Safety Code section 18007.
 2. "ATTACHED ADU" shall mean a new ADU is constructed as a physical expansion (i.e. addition) to the primary dwelling and is attached to the single-family dwelling or multifamily dwelling unit by one or more common walls.
 3. "CONVERTED ADU" shall mean an ADU created within the interior of an Existing Structure that occupies part or all of the floor area of the existing structure. A converted ADU does not include an ADU that would: (a) increase the height of an existing structure; (b) require removal of more than 50 cubic yards as part of the excavation of an existing structure; or (c) increase the total floor area of the existing structure by more than 150 square feet beyond its existing physical dimensions for the purpose of accommodating ingress and egress.
 4. "DETACHED ADU" shall mean a new ADU that is located on the property

such that the unit does not share any walls with the single-family dwelling or multi-family dwelling unit, and the distance between the nearest point of any portion of the ADU and the single-family dwelling or multifamily dwelling unit is a minimum of six (6) feet.

5. "JUNIOR ACCESSORY DWELLING UNIT" (also known as "JUNIOR ADU" or "JADU") shall mean a unit that is between 150 and 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
6. "ADU KITCHEN" shall mean a sanitary cooking, food preparation, and storage area of the ADU that includes the following:
 - a. A cooking facility with permanent utility connections to electrical and/or gas-powered appliances;
 - b. A food preparation area that includes a sink, garbage disposal, and countertop;
 - c. A cabinet storage area that is of a reasonable size in relation to the size of the ADU.
7. "ACCESSORY DWELLING UNIT (ADU) AGREEMENT" means a legally binding agreement between a property owner and the City which sets forth those provisions necessary to ensure fulfillment of the requirements of this Division.

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

1. One detached, attached, or converted ADU may be constructed on a single-family residential lot.
2. One JADU may be constructed on a single-family residential lot zoned to allow residential use.
3. One JADU and one detached or converted 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); however a

minimum of one ADU shall be permitted. Converted ADUs in multi-family zoned lots shall be limited to the portions of the dwellings that are non-living space.

6. Any ADU/JADU legally created shall be governed by the zoning regulations in effect at the time of approval.

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

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

zoning and development standards such as setbacks, floor area, lot coverage, and parking.

- g. A second unit may not have utility services separate from those of the main residential structure on the same property.
- h. The Owner and all successors in interest in the subject property shall maintain the ADU/JADU in accordance with all applicable regulations established in this Section and any approval granted by the City. Violations and lack of compliance with any provisions of this Section may result in legal action against the property Owner, including revocation of any right to maintain an ADU/JADU on the property.

E. *Review Process for ADUs and JADUs.*

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

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

- 1. Studio and one bedroom ADUs shall not exceed 850 square feet of total floor area. ADUs with more than one bedroom shall not exceed 1,000 square feet of total floor area. In no case shall the ADU be less than 150 square feet.
- 2. An attached ADU shall not exceed 50% of the total floor area of the existing primary dwelling on the subject lot, however this requirement

shall not reduce the maximum allowable size to less than 800 square feet of total floor area.

3. An attached ADU shall not exceed the height and/or number of stories of the existing primary dwelling unit.
4. A detached ADU shall be limited to a maximum height of 16 feet and one story in height. Two story detached ADUs that include heights above 16 feet are allowed for existing or proposed detached garages where the first floor garage is maintained as off-street parking for two or more vehicles, and the second floor ADU is equal to or less than the footprint of the first floor garage itself.
5. 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.
6. 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.
7. Exterior lighting shall be shielded or directed so that it does not glare off-site or illuminate the primary residence or any adjacent property, where feasible.
8. 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 are encouraged to be provided on a decorative paved pathway.
9. 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.
10. 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.

11. New detached ADUs shall install rooftop solar panels as required by the Building Code.
 12. 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:
 - c. 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).
 - d. The ADU is entirely or partially within a proposed or existing primary dwelling or other existing structure.
 - e. The ADU is located within a historic district.
 - f. On-street parking permits are required but not offered to the occupant of the ADU.
 - g. There is a City-approved and dedicated parking space for a car share vehicle located within one block of the ADU.
 13. 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.
 14. 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.
- G. *JADU Development Standards*. Junior Accessory Dwelling Units shall comply with the following:
- I. The Owner of a parcel proposed for a JADU shall occupy as a principal residence either the single-family dwelling unit or the JADU. The JADU shall be considered to be in compliance with this code only so long as the owner occupies either the single-family dwelling unit or the JADU.

2. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
3. The JADU shall be a minimum of 150 square feet and a maximum of 500 square feet of total floor area. The floor area of a shared sanitation facility shall not be included in the total floor area of the JADU.
4. One JADU may be constructed on a lot zoned for single-family residential use, where there is a single-family dwelling unit existing or proposed to be built on the lot. The JADU must be contained entirely within the walls of the existing or proposed single-family dwelling unit.
5. The JADU shall include an efficiency kitchen meeting the requirements of California Government Code section 65852.22.
6. Any common wall separating the JADU from the primary dwelling unit and/or main building shall be soundproofed. Details of the proposed means of soundproofing shall be submitted with plans for construction.
7. A separate exterior entry from the main entrance to the single-family dwelling shall be provided to serve a JADU.
8. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
9. A JADU may not be connected to a detached ADU.
10. Any exterior improvements associated with the development of a JADU shall conform to zoning regulations and any existing land use entitlements on the property.
11. No additional parking is required for a JADU, unless the JADU is created from the conversion of existing, attached garage space. In this case, replacement off-street garage parking is required.

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

1. In his or her sole discretion, the Community Development Director may grant an owner's request to terminate an ADU/JADU permit and deed restriction. The Community Development Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit.
2. As a condition of termination, the Community Development Director shall require the owner to make modifications to the property to comply

with: (1) current building code requirements; and (2) current development standards in effect at the time the request is made to terminate the use of the ADU or JADU, including but not limited to, setbacks, heights, and parking. The owner shall apply for a building permit to make such modifications as required by the City's Building and Fire Codes.

3. In no case shall the ADU or JADU permit be terminated, if the proposed termination would require a variance to exceed the allowable lot coverage of the single-family dwelling unit.
4. Where a request is to terminate an ADU that was created from the conversion or demolition of a garage, carport, or covered parking structure, the garage, carport, or covered parking structure must be converted back to off-street parking.

I. Violations and Enforcement

1. Violations and Enforcement for units described in the subsection shall be in compliance with Chapter 19.154 of the Duarte Development Code.

EXHIBIT B

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

Antenna Tower. See "Wireless Telecommunications Facilities."

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

ARB. See "Architectural Review Board."

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

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

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

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

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

- banquet rooms

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

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

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

Auto Repair. See "Vehicle Repair and Service."

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

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

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

19.160.050 - "D" definitions.

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

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

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

all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.

- Fifteen or more children. See "Day Care, General" for facilities serving 15 or more children.
- Adult Day Care. See "Day Care, General."

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

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

Discretionary Approval.

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

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

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

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

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

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

- **Accessory Dwelling Unit. An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.**
- Dwelling Unit. Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.
- Multi-Family Dwelling Unit. A structure or portion thereof containing three or more dwelling units designed for the independent occupancy of three or more households.
- Primary Dwelling Unit. An existing single-unit residential structure on a single lot with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities, and occupied by one household.

- Single-Family Dwelling Unit. A detached structure containing no more than one dwelling unit which, regardless of form of ownership, is designed and/or used to house not more than one household, including all domestic employees for such household.
- ~~Second Dwelling Unit. An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.~~
- Two-Family Dwelling (Duplex) Unit. A building containing two complete dwelling units designed for the independent occupancy of two households.
- See also "Manufactured Housing" and "Mobile Housing Unit."

19.160.200 - "S" definitions.

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

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

Secondary Use. See "Use."

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

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

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

Sensitive Use. See "Use."

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

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

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

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

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

Sign. See Chapter 19.42 (Signs).

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

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

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

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

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

Storage:

- Storage—Accessory. The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.

- Storage—Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.
- Storage—Personal Storage Facility. See "Personal Storage."

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

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

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

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

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

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

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