

ORDINANCE NO. 907

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

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

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

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

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

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

WHEREAS, in accordance with Section 19.142.020 of the Duarte Development Code, Municipal Code Amendment 2022-01 modifies Chapters 19.10 (Residential Zones) by adding a new Section 19.010.035 (Duplex Developments in Single-Family Residential Zones) to the Duarte Development Code to provide objective development standards, as allowed by State law, for up to two dwelling units; adding a new Chapter 19.88 (Urban Lot Splits) to Article 5 (Subdivisions) to the Duarte Development Code to provide objective subdivision and development standards, pursuant to State law; and modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions) of the Duarte Development Code establishing definitions, citations and miscellaneous regulations for urban lot splits and duplex developments, all attached hereto and made part of this Resolution; and

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

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

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

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

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

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

SECTION 19.10.035 - DUPLEX DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES

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

B. **Definitions.**

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

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

1. An application for a Duplex project must be submitted on the city’s approved form and include all items required as part of the application submittal package.
2. A full title report shall be provided as part of the application.
 - a. In the event the property has not already been legally subdivided, the applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
3. The owner shall sign an affidavit, in the form approved by the City Attorney, stating that the Duplex would not require demolition or alteration of any of the following types of housing listed in Subsection D.5.a-d.
 - a. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
4. Only a complete application will be considered. The city will inform the applicant within 30 days after submittal whether the application is complete. If the city does not respond within 30 days after submittal, the application is deemed incomplete.

5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application. An application submitted without the established fee is deemed incomplete.
6. An application for a Duplex development shall be considered ministerially, without discretionary review or hearing.
7. An application for a Duplex development shall be approved or denied by the Community Development Director through the Site Plan and Design Review process, further described in Chapter 19.122.
8. Notwithstanding subsection 6, the City may deny an application for a Duplex development if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed Duplex development would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

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

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

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

parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

6. Demolition.

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

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

1. Configuration.

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

2. Quantity.

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

3. Unit Size.

- a. The total floor area of each unit built that is developed under this section must be no greater than 800 square feet, exclusive of any enclosed garage space.
- b. Notwithstanding paragraph (a), if the Duplex application proposes to add one new unit to a unit that was legally established prior to submission of the Duplex application, the existing, legally established unit may retain its dimensions at the time the Duplex application is submitted. A unit that was legally established prior to submission of the Duplex application which retains its dimensions pursuant to this paragraph may not be expanded except as provided by paragraph (c).
- c. A unit that was legally established prior to submission of the Duplex application and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the Duplex project.

4. Lot Coverage. The City's existing lot coverage standards for the Single-Family Residential Zones shall apply to projects subject to this Section.
5. Setbacks. The City's existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Section.
 - a. Side and Rear. Duplex developments shall be setback at least four feet (4') from the side and rear property lines.
 - b. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. Building Separation. A minimum separation of 10 feet (10'), measured from wall to wall, shall be required between detached dwelling units located on the same site.
 - d. Projections into Setbacks. See Chapter 19.32.
6. Height.
 - a. Any new units built shall be one-story and no taller than 16 feet (16') to the highest ridgeline, and no taller than ten feet (10') to the top plate.
 - b. Heights above 16 feet (16') are allowed for existing or proposed units with a garage, in which the first-floor garage is maintained as off-street parking for two or more vehicles and the second-floor dwelling unit is equal to or less than the footprint of the first-floor garage itself. The garage must be accessible from a paved driveway that connects to a street or alley.
7. Foundations. A permanent foundation shall be required for all new units.
8. Landscaping. The City's existing landscape, irrigation, and hardscape standards for the Single-Family Residential Zones shall apply to projects subject to this Section as required by Chapters 19.40.
9. Accessible Roof Areas. For units subject to this Section – accessible decks, patios, balconies, and similar private open spaces above the top plate of any new or remodeled existing dwelling unit are prohibited.
10. Lighting. Exterior lighting shall be shielded or directed downwards.
11. Parking.
 - a. Existing off-street garage parking and driveway must be maintained as part of a Duplex project.
 - b. Required parking shall be one off-street parking space within an enclosed garage per each dwelling unit, unless one of the following applies:
 - i. The parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as defined in Sections 21155 or 21064.3 of the California Public Resources Code.
 - ii. The parcel is located within one block of a car-share vehicle location, as defined in this section.

- c. Any parking and access, as required or otherwise proposed, for a Duplex development lot shall be accessed via an alley, if there is an alley.
- 12. Pedestrian access. Access to a public street or alley shall be provided with an exterior pedestrian pathway from the primary entrances of each unit to the adjoining sidewalk, street, or alley.

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

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

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

I. **Regulation of Uses**

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

J. **Separate Conveyance.**

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

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

- 1. A prohibition on non-residential uses on the lot.
- 2. A prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.

3. All required parking shall be maintained, and useable for the parking of motor vehicle(s).
 4. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- L. **Remedies.** If a Duplex project violates any part of this code or any other legal requirement:
1. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
 2. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - d. Record a notice of violation.
 - e. Withhold any or all future permits and approvals.
 - f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

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

CHAPTER 19.88 - URBAN LOT SPLITS

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

B. **Definitions.**

1. "Acting in concert" means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
2. "Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street, or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.
3. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a private or public car sharing company or organization and provides hourly or daily service.
4. "Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

5. “Unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under this section of this code, an accessory dwelling unit (ADU), or a junior accessory dwelling unit (JADU).

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

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

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

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

1. Zoning. Located within a Single-Family Zoning District.
2. Lot Location. Located on a parcel that meets all requirements of subsections(a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4, as may be amended from time to time.
3. No Prior Urban Lot Split
 - a. The lot to be split was not established through a prior Urban Lot Split.
 - b. The lot to be split is not adjacent to any lot that was established through a prior Urban Lot Split by the owner of the lot to be split or by any person acting in concert with the owner.
4. Subdivision Map Act Compliance.
 - a. The Urban Lot Split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., “SMA”) and applicable sections of Article 5 (Subdivisions) of this Code, except as otherwise expressly provided in this section.
 - b. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an Urban Lot Split.
5. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
6. No Impact on Protected Housing. The Urban Lot Split must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060– 7060.7) at any time in the 15 years prior to submission of the Urban Lot Split application.
 - d. Housing that has been occupied by a tenant in the last three years.
7. Demolition.
 - a. Not more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel may be demolished unless the site has not been occupied by a tenant in the last three years.
 - b. If approved by the Community Development Director, any Duplex project that involves an existing dwelling unit proposed for demolition of more than 25 percent of the existing exterior structure walls of an existing dwelling on the parcel must comply with the replacement provisions of Government Code 66300(d).

F. ***Development Standards***

1. Lot Size. An Urban Lot Split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:
 - a. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;
 - b. Neither resulting parcel shall be smaller than 1,200 square feet; and
 - c. No flag lots shall be created as a result of the lot split if the existing parcel is adjacent to an alley, is a corner lot or through lot.
2. General Development Standards
 - a. Front lot lines shall conform to the minimum public street frontage requirements of this Development Code.
 - b. Each parcel shall have approximately equal lot width and lot depth, consistent with the minimum parcel sizes described in Paragraph 1 of Subsection E. Lot depth shall be measured at the midpoint of the front lot line. Lot width shall be measured by a line connecting two points on opposite interior lot lines that will result in a line parallel to the front lot line.
 - c. New lot lines must be straight lines, unless there is a conflict with existing improvements or the natural environment in which case the line may be not straight but shall follow the appropriate course.
 - d. Lot lines facing a street shall generally be parallel to the street.
 - e. Interior lot lines not facing the street shall be at right angles perpendicular to the street on straight streets, or radial to the street on curved streets.
 - f. Lot lines shall be contiguous with existing zoning boundaries.
 - g. The placement of lot lines shall not result in an accessory building or accessory use on a lot without a main building or primary use on the same lot, as defined in this Development Code.
 - h. Lot lines shall not render an existing structure as nonconforming in any respect (e.g., setbacks, open yard, floor area ratio, parking), nor increase the nonconformity of an existing nonconforming structure.
3. Flag Lot Development Standards. The following regulations apply only to an Urban Lot Split, as defined by this Chapter, when up to one flag lot is to be developed with a Duplex Development.
 - a. Each flag lot shall be designed to provide a "pole" that functions primarily as an accessway from the street to the main body ("flag" portion) of the lot. The pole portion shall be deemed to end, and the flag portion of the lot shall be deemed to commence, at the extension of the newly created front property line of the Urban Lot Split. See Figure 5-1.
 - b. Any parking and access, as required or otherwise proposed, for an Urban Lot Split lot shall be accessed via an alley, if there is an alley.
 - c. 20 feet (20') of street frontage (pole width) shall be maintained throughout the length of the pole.

- d. Driveways.
 - i. Only one driveway accessing a street shall be allowed per parcel.
 - ii. Driveways shall be no narrower than 10 feet (10') and no wider than 14 feet (14').
 - iii. The remaining pole width which is not used for a driveway shall be landscaped and irrigated with planting material and/or hardscape, and permanently maintained, in compliance with Chapter 19.40 of the City's Development Code.
 - iv. All driveways shall be clear and unobstructed for a height of 12 feet above ground.
 - v. All driveways for private automobile storage spaces and the actual spaces shall be paved with Portland cement concrete or approved equivalent at least three inches thick.
- e. Walls – The use of decorative block walls are required, as permitted by Chapter 19.36 of the City's Development Code.
- f. All flag lots proposed in this Chapter shall comply with all requirements of the Fire Department, the Public Works Division, and the Building Division.

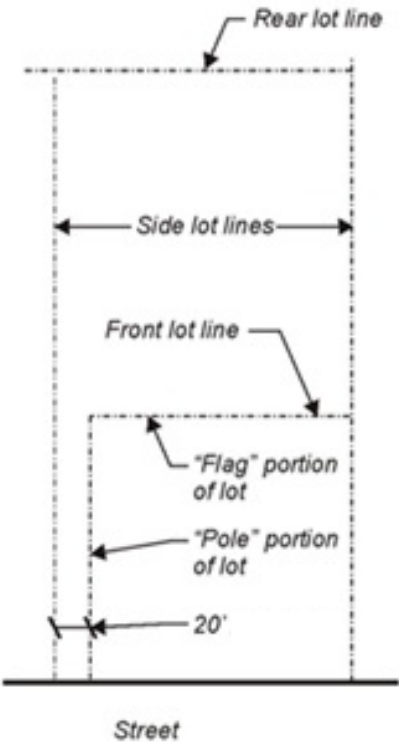


FIGURE 5-1

- 4. Easements. The owner shall dedicate all easements over the resulting parcels required for the provision of utilities, and public services and facilities, as determined by the City Engineer.
- 5. Configuration.
 - a. Proposed adjacent or connected units shall be permitted if they meet building code standards, are designed to allow separate conveyance, and comply with

the development standards of the underlying zoning district or additional standards prescribed in this section, as applicable.

- b. Required parking for an Urban Lot Split lot shall be accessed via an alley, if there is an alley.
- 6. Quantity.
 - a. Notwithstanding any provision of Government Code Sections 65852.2, 65852.21, 65852.22, 65915, or 66411.7, no more than two units can occupy a parcel created through an Urban Lot Split. In addition, parcels containing both a Duplex as that term is defined in Section 19.010.035 and subject to or created by an Urban Lot Split as that term is defined in this Section shall be ineligible for an accessory dwelling unit or junior accessory dwelling unit permit under Section 19.60.160.
- 7. Unit Size.
 - a. The total floor area of each unit built that is developed under this section must be no greater than 800 square feet, exclusive of any enclosed garage space.
 - b. A unit that was legally established on the lot prior to the Urban Lot Split and that is larger than 800 square feet is limited to the lawful floor area at the time the application for the Urban Lot Split is submitted, provided that the unit may not thereafter be expanded.
 - c. A unit that was legally established prior to the submission of the Urban Lot Split application and that is smaller than 800 square feet may be expanded to 800 square feet after the Urban Lot Split occurs.
- 8. Lot Coverage. The City's existing lot coverage standards for the Single-Family Residential Zones shall apply to projects subject to this Chapter.
- 9. Setbacks. The City's existing setback standards for its R-1 Single-Family Residential Zone shall apply to projects subject to this Chapter.
 - a. Side and Rear. Units on Urban Lot Split parcels shall be setback at least four feet (4') from the side and rear property lines.
 - b. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - c. Building Separation. A minimum separation of 10 feet (10'), measured from wall to wall, shall be required between detached units located on the same site.
 - d. Projections into Setbacks. See Chapter 19.32.
- 10. Height.
 - a. Any new units built shall be one-story and no taller than 16 feet (16') to the highest ridgeline, and no taller than ten feet (10') to the top plate.
 - b. Heights above 16 feet (16') are allowed for existing or proposed dwelling units with a garage, in which the first-floor garage is maintained as off-street parking for two or more vehicles and the second-floor dwelling unit is equal

to or less than the footprint of the first-floor garage itself. The garage must be accessible from a paved driveway that connects to a street or alley.

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

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

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

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

being at least 800 square feet in floor area necessary to physically permit the Urban Lot Split project.

I. *Regulation of Uses*

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

J. *Separate Conveyance.*

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

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

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section.
2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel.
3. A prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.
4. All required parking shall be maintained, and useable for the parking of motor vehicle(s).
5. A statement that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This paragraph shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

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

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

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

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

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

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

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

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

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

TABLE 2-1 ALLOWED USES AND PERMIT REQUIREMENTS	Single-Family and Two-Family Residential Zone Permit Requirements							
	P = Permitted By Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed							
Land Use	R-1	R-1A	R-1B	R-1D	R-1E	R-1F	R-2	Specific Use Regulations
Residential Uses								
Single-Family Dwellings	P	P	P	P	P	P	P	See Table 7-2 (Article 7) for Site Plan Review Requirements. See 19.10.050 for R-1D zone special requirements. See 19.10.080 (Manufactured Homes)
Multi-Family Dwellings	—	—	—	—	—	—	—	
Two-Family Dwellings (Duplex)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>See 19.10.035 (Duplex Developments in Single- Family Residential Zones)</u>
Mobile Housing Unit	—	—	—	—	—	—	—	
Accessory Dwelling Unit	A	A	A	A	A	A	—	See 19.60.160 (Accessory Dwelling Units)
Care Uses								
Child Care Home - Large Family	A	A	A	A	A	A	A	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Child Care Home - Small Family	A	A	A	A	A	A	A	
Day Care General - 15 or more children	—	—	—	—	—	—	—	
Agriculture and Animal-Related								
Animal Keeping	A	A	A	A	A	A	A	As regulated by Title 8 (Animals) of the Municipal Code
Horse Keeping	—	—	—	MUP	A	A	—	See 19.60.080 (Horse Keeping)
Horticulture - Private	A	A	A	A	A	A	A	
Other Uses								

Accessory Structures and Uses	A	A	A	A	A	A	A	See 19.60.020 (Accessory Uses)
Educational Institution - Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Golf Course, Country Club	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Home Occupations	A	A	A	A	A	A	A	See 19.60.070 (Home Occupations)
Places of Religious Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See 19.60.140 (Places of Religious Assembly)
Recreational Vehicle Parking (Open/outdoor parking)	A	A	A	A	A	A	A	See 19.38.160 (Recreational Vehicle Parking in Residential Zones)
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)							
Utilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

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

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

Freeway or Railroad ROW	115 ft	115 ft	115 ft	135 ft	135 ft	200 ft	115 ft	
Setbacks ^{4,5}								
Front								
Public Street Private Street	20 ft	20 ft	20 ft	20 ft	20 ft	30 ft	20 ft	Front setback shall be consistent with the average setback along the same block, but in no circumstances shall be less than 20 ft in all zones except R-1F, where the minimum shall be 30 ft.
Side								
Interior	5 ft	5 ft	5 ft	8 ft	8 ft	15 ft	5 ft	See Section 19.10.040 (Multi-Story Setback)
Corner	10 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	
Reverse Corner	15 ft	15 ft	15 ft	15 ft	15 ft	20 ft	15 ft	
Rear								
Single Story	10 ft	10 ft	10 ft	10 ft	10 ft	15 ft	10 ft	See Section 19.34.030.B (Accessory Structures)
Two Story	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	
Abutting an Alley	25 ft	25 ft	25 ft	25 ft	25 ft	40 ft	25 ft	Measured from the opposite side of the alley
Lot Coverage (maximum) ^{4,5}	35% or 40% for single-story units on lots 8,000 sf or less	35% or 40% for single-story units on lots 8,000 sf or less	35%	35%	35%	12.5% for single-story units or 10% for two-story units	55%	See Section 19.10.030.D (Exceptions to Maximum Lot Coverage)
Height ⁵ (maximum)	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	18 ft; 1 story	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	35 ft or 2 stories, which ever is less	See Section 19.32.040 (Height Measurement and Exceptions). See also Section 19.10.050 (R-1D Zone: Additional Standards).
Floor Area of Dwelling Unit ⁵	Minimum required floor area of dwelling units.							
Studio/Bachelor (sq ft)	1,000	1,000	1,000	1,400	1,400	1,400	600	All bedrooms require a functional closet

								space located in each bedroom.
1 Bedroom (sq ft)	1,000	1,000	1,000	1,400	1,400	1,400	750	
2 Bedrooms (sq ft)	1,200	1,200	1,200	1,600	1,600	1,600	950	
3 Bedrooms (sq ft)	1,400	1,400	1,400	1,800	1,800	1,800	1,250	
More than 3 Bedrooms (sq ft + sq ft per additional room [p.a.r.])	1,400 + 200 p.a.r.	1,400 + 200 p.a.r.	1,400 + 200 p.a.r.	1,800 + 225 p.a.r.	1,800 + 225 p.a.r.	1,800 + 225 p.a.r.	1,250 + 175 p.a.r.	

Notes:

- Properties within the R-1F, R-1D, and R-1B zones shall be subject to additional hillside development standards set forth in Chapter 19.46 (Hillside Development Standards).
- Properties within the R-1 and R-1A zones located north of Sunnydale Drive and Brookridge Road shall be subject to additional hillside development standards set forth in Chapter 19.46 (Hillside Development Standards).
- See also Section 19.10.040 (Multi-Story Setback), Section 19.32.020 (Permitted Projections into Required Setback Areas), and Section 19.32.050 (Yards — Measurement and Requirements).
- See also Section 19.88 (Urban Lot Splits).**
- See also Section 19.10.035 (Duplex Developments in Single-Family Residential Zones).**

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

TABLE 3-4 OFF-STREET PARKING REQUIREMENTS RESIDENTIAL USES	
Land Use	Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	2 per dwelling unit in a garage for units with up to 4 bedrooms; 3 per dwelling unit in a garage for units with 5 or more bedrooms. See also 19.38.050(l), <u>19.10.035, 19.88.</u>
Accessory Dwelling Unit	1 per accessory dwelling unit; a minimum of 2—3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property (in association with primary unit).
Multi-Family Dwellings	2 per unit in a garage, plus overflow and guest parking as follows: 1 overflow parking space per each 4 units

	1 guest parking space per each 4 units See also 19.38.050(F) and (I).
Mobile Home Parks	1 per mobile home space plus 1 for each mobile home space for guest parking; guest parking to be separate from mobile home spaces
Live/Work Units	2 spaces per unit in a garage plus customer parking as determined through the Conditional Use Permit.
Senior Housing (when restricted to age 62 and older)	1 space per 1-bedroom unit. 2 spaces for each 2-bedroom unit.
Conversions of Existing Covered Parking Spaces for Single-Unit Dwelling	2 per unit in garage
Large and Small Family Child Day Care Facilities	Spaces required for dwelling unit only, plus 1 per each permanent non-resident employee

E. Modify 19.38.100.B (“Drive and Drive Aisle Dimension”) of Section 19.38.100 (“Parking Space and Drive Aisle Dimension”) of Chapter 19.38 (“Off-Street Parking Regulations and Design”) of Article 3 (“Regulations Applicable to all Zones”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code as follows:

Driveway and drive aisle dimension.

1. Driveway widths shall be a minimum of 10 feet and a maximum of 12 feet for one storage space.
2. Driveway width shall be a minimum of 12 feet and a maximum of 20 feet **for two to four storage spaces**; provided, however, that where the driveway provides access through a side yard to a rear garage, and if 12 feet in width are not available, the driveway shall be of the width available, but in no event less than 10 feet. This width may be reduced to nine feet clear in the R-1 and R-1A zones.
3. Driveway widths shall be a minimum of 16 feet and a maximum of 25 feet for five or more storage spaces, except that where the length of the driveway exceeds 125 feet, the minimum width for five or more storage spaces shall be 20 feet.
4. Where separate driveways are provided for ingress and egress, the minimum width for each shall be 12 feet and the maximum width for each shall be 20 feet, and the direction of travel shall be clearly indicated on the site by permanent identification.
5. All driveways shall be clear and unobstructed for a height of 12 feet above ground.
6. The width of the driveway shall be based upon the full potential use of the property based upon zoning at time of construction.
7. All driveways for private automobile storage spaces and the actual spaces shall be paved with 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. Driveway widths associated with development of an Urban Lot Split are provided under Chapter 19.88.**

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

TABLE 7-2 REVIEW AUTHORITY FOR SITE PLAN AND DESIGN REVIEW	Review Level (1) (2)				
	Staff (3)	Director (4)	ARB	Commission	Council
RESIDENTIAL CONSTRUCTION ACTIVITIES (5)					
Residential New Construction					
1-Story Single-family and Two-family	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
2-Story Single-family and Two-family	—	<u>Decision</u>	Decision <u>Appeal</u>	Decision	Appeal
Multi-family (attached or detached)	—	—	Recommend	Decision	Appeal
Residential Additions, Modifications, and/or Accessory Structures					
R-1D zone < 250 sq. ft.		Decision	Appeal	Appeal	Appeal
R-1D zone > 250 sq. ft.	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 1 st -story construction < 600 sq. ft.	Decision	Appeal	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 1 st -story construction > 600 sq. ft.	—	Decision	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction < 250 sq. ft.	—	Decision	Appeal	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction between 250 sq. ft. and 600 sq. ft.	—	<u>Decision</u>	Decision <u>Appeal</u>	Appeal	Appeal
R-1 and R-2 zones (except R-1D) 2 nd -story construction > 600 sq. ft.	—	<u>Decision</u>	Recommend <u>Appeal</u>	Decision <u>Appeal</u>	Appeal
R-3 and R-4 zones construction including expansion of square footage (main building or accessory structures) or change in number of units	—	—	Decision	Appeal	Appeal
Other Residential Construction or Improvements (6)					
Facade or exterior improvements in the R-1 and R-2 zones	Decision	Appeal	Appeal	Appeal	Appeal

Facade or exterior improvements (inclusive of color changes) in the R-3 and R-4 zones	—	Decision	Appeal	Appeal	Appeal
Fences and walls (all)	Decision	Appeal	Appeal	Appeal	Appeal
Front yard porches	Decision	Appeal	Appeal	Appeal	Appeal
Pools and spas	Decision	Appeal	Appeal	Appeal	Appeal
Roof pitch changes	Decision	Appeal	Appeal	Appeal	Appeal
NONRESIDENTIAL CONSTRUCTION ACTIVITIES					
Nonresidential New Construction (including Accessory Structures)					
All new structures, except accessory structures and signs	—	—	Recommend	Decision	Appeal
Accessory structures	—	Decision	Appeal	Appeal	Appeal
Nonresidential Additions and Modifications					
Additions < 2500 sq. ft.	—	Recommend	Decision	Appeal	Appeal
Additions > 2500 sq. ft.	—	—	Recommend	Decision	Appeal
Other Nonresidential Construction					
Facade or exterior improvements (inclusive of color changes)	—	Decision	Appeal	Appeal	Appeal
Fences and walls (all)	Decision	Appeal	Appeal	Appeal	Appeal
Landscaping	—	Decision	Appeal	Appeal	Appeal
Restriping of parking lots	Decision	Appeal	Appeal	Appeal	Appeal
Roof pitch changes	Decision	Appeal	Appeal	Appeal	Appeal
SIGNS AND SIGN PROGRAMS					
Comprehensive Sign Programs	—	—	Decision	Appeal	Appeal
Signs (excluding freeway and monument signs) permanent and temporary	Decision	Appeal	Appeal	Appeal	Appeal
Freeway signs	—	—	Decision	Appeal	Appeal
Monument signs	—	Decision	Appeal	Appeal	Appeal
OTHER REVIEW					
Joint and Off-Site Parking Plans	—	Decision	Appeal	Appeal	Appeal
Open Space Plans	—	Decision	Appeal	Appeal	Appeal
Outdoor Dining < 800 sq. ft.	—	Decision	Appeal	Appeal	Appeal
Outdoor Dining > 800 sq. ft.	—	Recommend	Recommend	Decision	Appeal
Planned Development Permits	—	—	Recommend	Decision	Appeal
Specific Plans	—	—	Recommend	Recommend	Decision
Subdivisions/Condominiums	—	—	Recommend	Recommend	Decision

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

Public hearing and notice provisions.

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

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

19.160.050 - "D" definitions.

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

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

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

19.160.220 - "U" definitions.

Unit. See "Dwelling."

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

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

Urgent Care Facility. A public or private hospital-based or free-standing facility, that includes x-ray and laboratory equipment and a life support system, licensed or legally operating as an urgent care facility, primarily providing minor emergency and episodic medical care with one or more physicians, nurses, and x-ray technicians in attendance at all times when the facility is open.

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

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

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

SECTION 5. The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), because proposed code amendments related to the implementation of Senate

Bill 9 are not considered a “project” for purposes of CEQA and therefore do not require any environmental review under CEQA.

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

SUMMARY OF ORDINANCE NO. 907

NOTICE IS HEREBY GIVEN that the Duarte City Council, at its regular meeting of February 22, 2022, introduced for first reading, Ordinance No. 907 which will adopt Municipal Code Amendment 2022-01 modifying Chapters 19.10 (Residential Zones), 19.38 (Off-Street Parking Regulations and Design), 19.122 (Site Plan and Design Review), and 19.160 (Definitions); and adding Chapter 19.88 (Urban Lot Splits) in Article 5 (Subdivisions) within the Duarte Development Code thereby establishing definitions and regulations for urban lot splits and duplex developments in single-family residential zones to implement recently enacted state law.

A certified copy of the Ordinance is available for review in the City Clerk’s Office at City Hall, located at 1600 Huntington Drive, Duarte, California 91010. The Ordinance is scheduled to be considered and potentially adopted at the regularly scheduled City Council meeting of February 22, 2022. The Ordinance will take effect 30 days after second reading and adoption.

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

SUMMARY OF ADOPTED ORDINANCE NO. 907

NOTICE IS HEREBY GIVEN that on _____, 2022, the City Council adopted Ordinance No. 907.

ORDINANCE NO. 907

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

I, ANNETTE JUAREZ, City Clerk of the City of Duarte, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 907 was duly passed and adopted at a regular meeting of the City Council held on _____, 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by a vote of no less than a majority of City Council at a regular meeting of the City Council of the City of Duarte held on the 8th day of March, 2022.

Margaret Finlay
Mayor

APPROVED AS TO FORM:

Thai Viet Phan
Assistant City Attorney

ATTEST:

Annette Juarez
City Clerk

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

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 907 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 8th day of March 2022, by the following vote:

AYES: KANG, LEWIS, SCHULZ, TRUONG, GARCIA, PARAS-CARACCI, FINLAY
 NOES: NONE
 ABSTAIN: NONE
 ABSENT: NONE

City Clerk Annette Juarez
City of Duarte, California