Chapter 20.04 – RESIDENTIAL ZONING DISTRICTS

Sections:

20.04.010 – General Purpose
20.04.020 – District Purposes
20.04.030 – Use Regulations
20.04.040 – Development Standards

20.04.010 – General Purpose

The general purpose of residential zoning districts is to:

A. Provide appropriate locations for residential development to meet the housing needs of Chino residents.

B. Provide stability and protection for existing residential neighborhoods.

C. Ensure that new development is compatible with existing homes in residential neighborhoods.

D. Provide adequate light, air, privacy and open space for homes.

E. Protect residents from the harmful effects of excessive noise, traffic congestion, air pollution and natural and man-made hazards.

F. Provide opportunities for public and semi-public uses to locate within the residential communities which they serve.

20.04.020 – District Purposes

The specific purpose of each residential zoning district is as follows:

A. **Residential/Agricultural (RD 1)**. The purpose of this district is to provide for very large lot residential development in a rural environment. This district also provides a buffer between Chino and other communities and between urban areas and permanent intensive agricultural areas. The RD 1 district allows up to one dwelling unit per adjusted gross acre and up to 1.25 dwelling units per adjusted gross acre with the provision for affordable housing.

B. **Residential/Agricultural (RD 2)**. The purpose of this district is to provide large lot residential development in a non-urbanized environment. This district is typified by large lot development that includes horse-keeping and other semi-rural uses. The RD 2 district allows one to two dwelling units per adjusted gross acre and up to 2.5 dwelling units per adjusted gross acre with the provision for affordable housing.

C. **Residential (RD 4.5)**. The purpose of this district is to encourage a predominately single-family suburban residential development similar to that found in many of the city's existing residential tracts.

The RD 4.5 district allows 3 to 4.5 dwelling units per adjusted gross and up to 6 dwelling units per adjusted gross acre with the provision of affordable housing.

D. Residential (RD 8). The purpose of this district is intended as a transition zone from low density single-family areas to higher intensity commercial, industrial and multiple family residential areas. Attached and detached dwellings are permitted in this district. The RD 8 district allows 4.5 to 8 dwelling units per adjusted gross acre and up to 10 dwelling units per adjusted gross acre with the provision of affordable housing.

E. Residential (RD 12). The purpose of this district is to encourage a wide range of residential land uses from attached dwellings to townhouse type developments. The district allows 8 to 12 dwelling units per adjusted gross acre and up to 15 dwelling units per adjusted gross acre with the provision of affordable housing.

F. Residential (RD 14). The purpose of this district is to provide an area for attached townhome and condominium projects. Medium density residential uses in this district provide a mix of urban and suburban amenities including attached units with enclosed garages and common recreational open space. The RD 14 district permits from 12 to 14 dwelling units per adjusted gross acre and up to 17.5 dwelling units per adjusted gross acre with the provision of affordable housing.

G. Residential (RD 20). The purpose of this district is to provide for a relatively high density residential environment typified by fourplex developments and garden apartments. The RD 20 district permits 14 to 20 dwelling units per adjusted gross acre and up to 25 dwelling units per adjusted gross acre with the provision of affordable housing.

20.04.030 – Use Regulations

A. Permitted Uses. Table 20.04-1 identifies land uses permitted in each single-family residential district. Table 20.04-2 identifies land uses permitted in each multiple family residential district.

B. Additional Use Regulations. The following additional regulations apply to uses located in residential zoning districts.

1. Occupancy of any trailer, camper or other vehicle while parked or stored on any public or private property in a residential district is prohibited, excepting temporary recreational vehicle living units as provided by Section 20.10.100 (Recreational Vehicles and Campers).

2. Motor vehicle repair may be permitted in conjunction with a residential use, activity or facility, provided all work is conducted upon vehicles owned by the property owner or resident, within an enclosed structure.

3. Garage sales taking place in residential zones shall be subject to the provisions of Title 5, Chapter 5.40 of the Chino Municipal Code.

4. Duplexes shall only be allowed in the RD 1, RD 2, and RD 4.5 zones if they meet the requirements of Section 20.04.050. Duplexes shall only be permitted in the RD 8 zone on lots with a lot area of 10,000 square feet or greater.

C. Transitional and Supportive Housing. Transitional and Supportive Housing shall be permitted in all residential zones subject to the same development standards as the same type of housing in that zone.

TABLE 20.04-1 LAND USE REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

Uses	Zoning Districts				Additional Regulations
	RD1	RD2	RD4.5	RD8	
Single-Family Homes	P	P	P	P	
Duplex Homes	P	P	P	A	Sections 20.04.030.B.4 and 20.04.050
Multiple Family Dwellings	■	■	■	■	
Accessory Dwelling Units	P	P	P	P	Section 20.11.020
Junior Accessory Dwelling Units	P	P	P	P	Section 20.11.020
Secondary Primary Unites	P	P	P	■	Section 20.04.050
Senior Housing Projects	■	■	■	C	Section 20.21.340
Congregate Care Facilities	■	■	■	■	Section 20.21.460
Group Homes and Facilities	■	■	■	■	
Mobile Home Parks	■	■	C	C	Section 20.21.130
Common Interest Subdivisions	C	C	C	C	
Residential Care Facilities, Small	P	P	P	P	
Residential Care Facilities, Large	C	C	C	C	Section 20.21.070
Public and Quasi-Public Uses					
Places of Assembly					
Places of Worship, Community Scale	C	C	C	C	
Places of Worship, Regional Scale	C	C	■	■	
Cultural and Institutional Uses					
Libraries	C	C	C	C	
Health Services					
Medical Marijuana Dispensary	■	■	■	■	
Educational Uses					
Schools, Public or Private	C	C	C	C	
Child Care Services					
Residential Day Care Facilities	P	P	P	P	Section 20.21.090
Other Community Services					
Public Safety Facilities	C	C	C	C	
Commercial Uses, Activities and Facilities					
Transient Occupancy					
Boarding House	■	■	■	■	
Bed and Breakfast	C	C	■	■	
Short-Term Rentals	■	■	■	■	
Recreational Uses					
Parks and Recreational Facilities	P	P	P	P	
Golf Courses	C	C	C	C	
Outdoor Sports Courts, Private	A	A	A	A	
Agricultural Uses, Activities and Facilities					
Crop Cultivation	A	A	A	A	Section 20.21.020
Agricultural Product Stands	I	I	I	I	Section 20.21.020
Animal Keeping	I	I	I	I/A	Section 20.21.030

Uses	Zoning Districts				Additional Regulations
	RD1	RD2	RD4.5	RD8	
Kennels	C	C	■	■	Section 20.21.030
Stables, Commercial	C	C	■	■	
Stables Private	I	I	■	■	
Transportation, Telecommunications and Utilities					
Wireless Facilities	WTFPP	WTFPP	WTFPP	WTFPP	Chapter 20.22
Utilities, Major	C	C	C	C	
Utilities, Minor	C	C	C	C	
Solar Panels, Incidental	P	P	P	P	Section 20.10.070
Wind Turbines, Incidental	C	■	■	■	Section 20.10.070

TABLE 20.04-2 LAND USE REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICTS

Uses	Zoning Districts			Additional Regulations
	RD12	RD 14	RD20	
Residential Uses, Activities and Facilities				
Single-Family Homes	P	■	■	
Duplex Homes	P	P	P	Section 20.04.030(B)(4)
Multiple Family Dwellings	P	P	P	
Accessory Dwelling Units	P	P	P	Section 20.11.020
Junior Accessory Dwelling Units	P	■	■	Section 20.11.020
Senior Housing Projects	C	C	P	Section 20.21.340
Congregate Care Facilities	C	C	C	Section 20.21.460
Group Homes and Facilities	■	■	■	
Mobile Home Parks	C	C	C	Section 20.21.130
Common Interest Subdivisions	C	C	C	
Transitional Housing	P	P	P	Section 20.21.080
Residential Care Facilities, Small	P	P	P	
Residential Care Facilities, Large	C	C	C	Section 20.21.070
Public and Quasi-Public Uses				
Cultural and Institutional Uses				
Libraries	C	C	C	
Health Services				
Medical Marijuana Dispensary	■	■	■	
Educational Uses				
Schools, Public or Private	C	C	C	
Child Care Services				
Residential Day Care Facilities	P	P	P	Section 20.21.090
Other Community Services				
Public Safety Facilities	C	C	C	
Commercial Uses, Activities and Facilities				
Transient Occupancy				
Boarding House	C	C	C	
Bed and Breakfast	C	C	C	
Short-Term Rentals	■	■	■	
Recreational Uses				
Parks and Recreational Facilities	P	P	P	
Golf Courses	C	C	C	

Uses	Zoning Districts			Additional Regulations
	RD12	RD 14	RD20	
Agricultural Uses, Activities and Facilities				
Crop Cultivation	A	A	A	Section 20.21.020
Agricultural Product Stands	I	I	I	Section 20.21.020
Animal Keeping	I	I	I	Section 20.21.030
Transportation, Telecommunications and Utilities				
Wireless Facilities	WTFPP	WTFPP	WTFPP	Chapter 20.22
Utilities, Major	C	C	C	
Utilities, Minor	C	C	C	
Solar Panels, Incidental	A	A	A	Section 20.10.070
Wind Turbines, Incidental	■	■	■	Section 20.10.070

D. Uses By Right.

1. Nothwithstanding the other provisions of this Section 20.04.030, and in accordance with Government Code Section 65583.2(c), as may be amended, a housing development project in which at least 20 percent of the units are affordable to lower-income households shall be a use by right on the following sites:

   a. *Nonvacant Sites.* A nonvacant site that meets the following requirements.

      i. The site is designated in the Sites Inventory of the 2021-2029 Housing Element Update as accommodating a portion of the regional housing need for lower-income households;

      ii. The site was included in the Sites Inventory in a Housing Element for a prior Housing Element planning period; and

      iii. The site was not approved to develop a portion of the City's housing need during the previous planning period when the site was in the Sites Inventory.

   b. *Vacant Site.* A vacant site that meets the following requirements:

      i. The site is designated in the Sites Inventory of the 2021-2029 Housing Element Update as accommodating a portion of the regional housing need for lower-income households;

      ii. The site was included in the Sites Inventory in a Housing Element for two or more consecutive prior Housing Element planning periods; and

      iii. The site was not approved to develop a portion of the City's housing need during the previous planning periods when the site was in the Sites Inventory.

2. The projects described in subsection (1) shall not be required to obtain any discretionary permit, but shall be subject to the review procedures in Section 20.09.090(K), except that neither the design review nor the site approval shall be considered a "project" for purposes of the California Environmental Quality Act.

3. For purposes of this subsection (d), the following items have the following meanings:

   a. "Affordable to lower-income households" means that:

      i. The units shall only be rented or sold to lower-income households, as defined in Health and Safety Code Section 50079.5;

      ii. Regardless of whether the applicant is seeking a density bonus, the applicant shall comply with the requirements in Government Code Section 65915(c)(1) for rental units and with the requirements in Government Code Section 65915(c)(2) for for-sale units.

   b. "Housing development project" shall have the meaning given in Government Code Section 65589.5(h)(2).

   c. "Sites Inventory" means the inventory of sites in the City suitable for residential development that is included in the City's Housing Element, as further described in Government Code Section 65583.2. The Sites Inventory in the City's 2021-2029 Housing Element Update is in Tables B-6 and B-7 of the Housing Element.

   d. "Use by right" means that the project shall not require a conditional use permit, planned unit development permit, or other discretionary review or approval that would constitute a "project" for purposes of the California Environmental Quality Act. However, any subdivision of the site shall be subject to all laws, including, but not limited to, the Subdivision Map Act and Title 16 of this code. Projects that are a use by right shall be subject to design review, but such design review shall not constitute a "project" for purposes of the California Environmental Quality Act.

20.04.040 – Development Standards

A. General Standards. Table 20.04-3 identifies development standards that apply to all lots and structures located in single-family residential zoning district. Table 20.04-4 identifies development standards that apply to all lots and structures located in multi-family residential zoning district.

TABLE 20.04-3 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

Item	Zoning Districts				Additional Standards
	RD 1	RD 2	RD 4.5	RD 8	
Site Requirements					
Lot Area, Minimum	1 acre	20,000 sq. ft.	7,200 sq. ft.	4,500 sq. ft.	
Lot Width, Minimum	100 feet	100 feet	60 feet	50 feet	Section 20.04.040.B.1, 2 and 3
Lot Depth, Minimum	100 feet	100 feet	100 feet	90 feet	Section 20.04.040.B.1
Density, Maximum	1 du/acre	2 du/acre	4.5 du/acre	8 du/acre	
Lot Coverage, Maximum	25%	25%	60%	60%	
Floor Area Ratio, Maximum	.20	.30	.50	.55	
Front Yard Landscape Coverage, Minimum	70%	70%	60%	50%	
Off-Street Parking and Loading	See Chapter 20.18 (Parking)				

Equestrian Trails	See Additional Standards		Not Required		Section 20.04.040.B.7
Building Requirements					
Building Setbacks, Minimum					
Front	25 feet	25 feet	25 feet	20 feet	Section 20.04.040.B.5 and 6
Rear	25 feet	25 feet	10 feet	15 feet	Section 20.04.040.B.5 and Section 20.17.040.B.2
Interior Side/Alleyways	10 feet	10 feet	10 feet/ 5 feet	5 feet	Section 20.04.040.B.8, 11, and Section 20.17.040.B.2
Street Side (does not apply to alleyways)	15 feet	15 feet	15 feet	10 feet	Section 20.04.040.B.4, 5, 8, 9 and 11
Building Height, Maximum					
Stories	2-1/2	2-1/2	2-1/2	2-1/2	
Feet	35 feet	35 feet	35 feet	35 feet	

TABLE 20.04-4 DEVELOPMENT STANDARDS FOR MULTIPLE FAMILY RESIDENTIAL ZONES

Item	Zoning District				Additional Standards
	RD 8	RD 12	RD 14	RD 20	
Site Requirements					
Lot Area, Minimum	10,000 sq.ft.	10,000 sq.ft.	10,000 sq.ft.	10,000 sq.ft.	
Lot Width, Minimum	80 feet	80 feet	80 feet	80 feet	Section 20.04.040.B.1, 2, and 3
Density, Maximum	8 du/acre	12 du/acre	14 du/acre	20 du/acre	
Landscape Coverage, Minimum	40%	40%	40%	40%	
Off-Street Parking and Loading	See Chapter 20.18 (Parking)				
Building Requirements					
Building Setbacks, Minimum					
Front	25 feet	25 feet	25 feet	25 feet	Section 20.04.040.B.5
Rear	15 feet	15 feet	15 feet	15 feet	Section 20.04.040.B.5 and 10
Interior Side	15 feet	15 feet	15 feet	15 feet	Section 20.04.040.B.10 and 11
Street Side	25 feet	25 feet	25 feet	25 feet	Section 20.04.040.B.4, 5 and 11
Building Separations, Minimum					
Building Main Entrance to Other Building	20 feet	20 feet	20 feet	20 feet	
Patio to Other Building	30 feet	30 feet	30 feet	30 feet	
Balcony to Other Building	30 feet	30 feet	30 feet	30 feet	
All Others Building to Building	15 feet	15 feet	15 feet	15 feet	
Building Height, Maximum					
Stories	2-1/2	2-1/2	2-1/2	3	
Feet	35 feet	35 feet	35 feet	45 feet	

B. Additional Development Standards. The following additional standards apply to lots and structures located in residential zoning districts.

1. Minimum lot area, width and depth requirements apply only to the creation of new lots.
2. Minimum lot width shall be measured at the minimum front yard building setback line.

3. On a lot fronting a cul-de-sac or knuckle lot, a minimum lot dimension of 35 feet shall be provided as measured along the street frontage of the lot.

4. An additional 5 feet of lot width shall be provided for corner lots when the side lot line abuts a local or collector street, and an additional 10 feet of lot width shall be provided when the side lot line abuts a primary or secondary arterial street.

5. An additional 5 feet of setback shall be provided along primary and secondary arterial streets and the minimum rear setback provided along primary and secondary arterial streets shall not be less than 20 feet.

6. In the RD 4.5 zone, subdivisions of five or more lots may reduce the front yard setback to 20 feet, provided a 25-foot average is maintained for all lots within the subdivision. If a floor plan with a swing-in garage (the garage entry faces the side property line) is utilized in such a subdivision, the front yard setback for the swing-in garage plan may be reduced to 15 feet and will be excluded from the average setback calculation. No more than 33% of lots within a subdivision may utilize a floor plan with swing-in garages.

7. Neighborhood equestrian trail easements shall be required in the RD 1 and RD 2 districts. Trails shall be developed in accordance with standards established by the department of public works, standard drawings and specifications.

8. Within the RD 8 district, lots substandard as to width, created prior to January 1, 1987 shall require a 4-foot side yard setback.

9. A minimum 20-foot setback must be provided at garages facing a street side yard, measured from the garage opening/door to the street property line.

10. Where a multiple family residential zone abuts a single-family residential zone at an interior side or rear yard, the minimum setback shall be increased by 10 feet.

11. A building or structure with a legal nonconforming side yard setback, may be added to, extended, or enlarged, provided that a side yard setback equal to or greater than the existing side yard setback is provided.

C. Second Stories for Single-Family Homes.

1. **New Residential Subdivisions.** The following regulations apply to new residential subdivisions.

   a. Where a proposed infill project consists of five or more homes, a minimum of 20 percent of the total number of homes shall be single-story. Homes with any amount of second floor area will not be considered a single-story home. The percentage requirement shall be interpreted to mean 20 percent of the total number of homes proposed or any fraction thereof.

      Example:
      For 4 or less homes: No requirement
      For 5 homes: 1 single-story home required
      For 6 to 10 homes: 2 single-story homes required
      For 11 to 15 homes: 3 single-story homes required

   b. All corner and reverse corner lots shall have single-story homes or two-story homes with single-story features on each street facing elevation. At a minimum, single-story features shall consist of a single-story portion of the home where the roof has a plate no higher than 10 feet above finish grade. In addition, the single-story feature shall have a minimum depth of 5 feet for a minimum of 60 percent of the length of each street facing elevation.

   c. New homes and additions to existing homes shall be single-story on lots that directly abut lots with existing single-story homes. The Director of Community Development or the Planning Commission, as applicable, may approve exceptions to this requirement on a case-by-case basis when any of the conditions listed below exist.

      i. The difference in the finish grade elevation between the lots is substantial enough to reduce views of the second-story portion of the proposed home;

      ii. The distance between the adjacent homes will reduce views into the homes or yard areas;

      iii. The orientation of the homes is such that the exterior walls do not directly face each other;

      iv. The shape or configuration of the lots is such that a substantial portion of the lot lines do not directly abut each other;

      v. Existing accessory structures in the rear yard areas provide a barrier to mitigate privacy impacts between the primary residential units; or

      vi. Any other unique site circumstances that may effectively reduce privacy impacts to the existing adjacent single-story home.

   d. The Director of Community Development or the Planning Commission, as applicable, shall consider public input in addition to information provided by the applicant to evaluate privacy impacts to adjacent property owners. This information shall include, but not be

limited to line-of-sight studies, site photographs, dimensioned site and building cross sections, three-dimensional or photo simulation models, or any other information deemed necessary by the Director of Community Development or the Planning Commission, as applicable, to consider the request. In reviewing the request, the Director of Community Development or the Planning Commission, as applicable, shall consider and establish the following findings:

i. The granting of the exception is consistent with the intent of the Zoning Ordinance to eliminate or minimize privacy impacts between existing residential homes and proposed homes on adjacent lots;

ii. That the adjacent property owners have been duly noticed, and that public input has been considered to ensure that the privacy of adjacent property owners is not adversely impacted;

iii. That there are specific circumstances applicable to the subject property and adjacent property that effectively eliminate or minimize privacy impacts between the homes;

iv. That the proposed home incorporates design features that serve to eliminate or minimize privacy impacts between the homes.

e. Two-story homes that back up to a public street shall require 36-inch box street trees to be located in the right-of-way along rear of the homes at a spacing of 30 feet apart to soften building mass and buffer the homes from the street.

f. A 15-foot minimum clearance shall be provided between the second floors of homes that have a full two-story height building mass at interior side elevations.

g. The rear building elevations of two-story homes shall have a combination of vertical and horizontal articulation such that an unbroken horizontal wall surface does not exceed a length of 30 feet and so that at least one feature is utilized that provides a break in the massing between the first and second story. A minimum one-foot variation in offset between wall planes shall be provided to satisfy this requirement. Examples that may satisfy this requirement include stepping back the second floor, providing pop-outs, insets, one-story roof elements, and changes in second story roof planes.

D. Existing Single-Family Homes. The intent of this provision is to encourage second-story additions that are designed to be compatible with the character of the neighborhoods where they are located while being sensitive to the privacy of adjoining neighbors. Review of two-story additions shall consider the design, placement, and location of a second-story addition so it minimizes privacy impacts to the extent feasible for the individual circumstances. The following regulations apply to second-story additions to existing single-family homes:

1. Two-story additions shall be designed with a building mass and scale that is similar to homes in the surrounding neighborhood.

2. Two-story additions shall be consistent with the architectural character of the neighborhood.

3. The design of two-story additions shall minimize privacy impacts on adjacent single-story homes. In particular, windows should be positioned to minimize direct views into the rear yard of adjacent single-story homes, and in no case, be positioned to provide direct views into windows of an adjacent home. The intent of this provision is not to eliminate windows on second-story additions, but rather to ensure that the design and placement of windows enhance the architectural quality of the home without creating privacy impacts on adjacent homes.
4. A minimum 15-foot clearance shall be provided between a proposed second story addition and the second-story portion of an existing two-story home located on an adjacent lot.
5. Second-story frontages shall not exceed 60 percent of the width of the first-floor street frontage.
6. Second floors shall be set back a minimum of 10 feet from the first-floor building line.

20.04.050 – Second Primary Units and Duplexes in Single-Family Zones.

A. Purpose. The purpose of this section is to establish procedures and standards for the approval and creation of second primary units and duplexes in single-family zones in accordance with the requirements of Government Code Section 65852.21.

B. Application Review Process.

1. An application for a second primary unit or a duplex in a single family zone shall be reviewed through the zoning clearance process, as described in Section 20.23.110, and the decision may be appealed in accordance with Section 20.23.150.
2. At least ten days prior to making a determination on an application for a second primary unit or duplex under this Section, the director of development services, or designee, shall mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed development will be located informing the owner(s) of the submitted application.
3. An application shall be approved if the proposed development complies with all of the requirements in this section. However, notwithstanding the previous sentence, the City may deny an application for a second primary unit or two-unit development if the building official, or designee, makes a written finding, based upon a preponderance of the evidence, that the proposed second primary unit or duplex would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), 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.

C. Location Requirements. Proposed secondary primary units and duplexes:

1. Shall be located in an RD1, RD2, or RD4.5 zoning district;
2. Shall not be located on a parcel that is any of the following, as more particularly described and defined in Government Code Section 65913.4(a)(6)(B) through (a)(6)(K):

a. Prime farmland, farmland of statewide importance, or land zoned or designated for agricultural protection by an approved local ballot measure;

b. Wetlands;

c. Within a very high fire hazard severity zone as determined by the Department of Forestry and Fire Protection, unless the site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures;

d. A hazardous waste site that has not been cleared for residential use;

e. Within a delineated earthquake fault zone unless the development complies with all applicable state and local seismic protection building code standards;

f. Within a special flood hazard area subject to inundation by a 100-year flood, unless:

i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city; or

ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program;

g. Within a regulatory floodway, unless the development has received a no-rise certification;

h. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan;

i. Habitat for protected species; or

j. Land under a conservation easement; and

3. Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

D. No Impact on Protected Housing. Proposed secondary primary units and duplexes:

1. Shall not require or allow the demolition or alteration of any of the following types of housing:

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

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

c. Housing that has been occupied by a tenant in the last three years;

2. Shall not require or allow the demolition of more than 25 percent of the existing exterior structure walls on the parcel if the parcel has been occupied by a tenant in the last three years; and

3. Shall not be located on a parcel on which an owner of residential real property has exercised the owner's rights under the Ellis Act (Government Code Section 7060 through 7060.7) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

E. Development Standards. The first primary unit built on a parcel shall be subject to the development standards in Section 20.04.040. A second primary unit or duplex approved under this Section shall comply with all of the following development standards:

1. Configuration. A second primary unit may be attached to or detached from other dwelling units on the parcel.

2. Size. Second primary units, and at least one unit of a new-construction attached duplex, shall be no larger than 800 square feet in floor area.

3. Height. Second primary units, and at least one unit of a new-construction attached duplex, shall be no taller than one story and 16-feet in height. Second primary units may not be built above any other structure.

4. Setbacks. No setback beyond the existing setback shall be required for an existing structure or for a unit constructed in the same location and to the same dimensions as an existing structure. In all other circumstances, second primary units and duplexes built under this Section, shall be set back at least four (4) feet from the side and rear lot lines.

5. Separate Entrances. A second primary unit, and both of the units of a duplex approved under this Section, shall each have a separate entrance.

6. Additional Development Standards. Except as provided in Subsections E.1 through E.5, second primary units, and each unit of a duplex build under this Section, shall comply with all development standards that would be applicable to a primary dwelling unit on the same parcel.

F. Parking.

1. One new on-site off-street parking space is required for a second primary unit and for each unit in a duplex approved under this Section. Such parking spaces shall be in addition to all existing parking spaces on the parcel.

2. Notwithstanding subsection F.1, no parking spaces are required for a second primary unit or the units of a duplex approved under this Section if either:

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

   b. There is a car share vehicle located within one block of the parcel.

G. Utilities.

1. A second primary unit, and both of the units in a duplex approved under this Section, shall each have a separate connection to the main line for all utilities including but not limited to water, electric, gas, sewer, and telecommunications.

2. Prior to issuance of a building permit for a second primary unit or a duplex under this Section, the city engineer shall assess whether the required utilities are able to serve the development and have adequate capacity to serve the development. As part of this assessment, the city engineer may require the applicant to submit technical studies to determine utility capacity and ability to serve. The city engineer may place conditions of approval on the proposed development to ensure sufficient utility capacity and the ability of the utilities to serve the development.

H. Limitation on Enforcement of Standards. With the exceptions of the setback requirements in subsection E.4, the City shall not enforce any zoning, subdivision, or design standard to the extent that it would have the effect of physically precluding the construction of up to two primary residential units on a parcel, or would physically preclude either of the primary residential units from being at least 800 square feet in floor area.

I. Total Number of Units.

1. This Section does not authorize or require the approval of more than two primary dwelling units on a single parcel. For purposes of this subsection, "primary dwelling units" means dwelling units other than accessory dwelling units or junior accessory dwelling units.

2. Notwithstanding any other provision in this chapter, the approval of second primary units and duplexes on a parcel that was created through an urban lot split shall be limited as described in Section 19.04.110.F.

J. Design Standards. Second primary units, and each unit of a duplex approved under this Section, shall comply with all objective design standards that would be applicable to a primary dwelling unit on the same parcel.

K. Rental Term; Separate Conveyance.

1. Second primary units and both units of a duplex approved under this Section shall not be rented for a term of less than thirty-one (31) consecutive days.

2. A second primary unit may not be turned into a condominium or otherwise sold separately from the other primary unit on the parcel. The units in a duplex approved under this Section may not be turned into condominiums or otherwise sold separately from one another.

L. Deed Restriction. As a condition of approval of, and prior to the issuance of a certificate of occupancy for, a second primary unit or duplex approved under this Section, the property owner shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on the property, at the property owner's cost, and shall require that the second primary unit or duplex shall only be used and developed in accordance with the requirements in this Section, including but not limited to the development standards and the prohibition on short-term rentals stated in this Section.

Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.

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