

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTIONS 17.22.030, 17.50.275 AND 17.80.020 OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO REVISE THE CITY'S SECOND DWELLING UNIT REGULATIONS

WHEREAS, in recent years, there have been considerable discussions throughout the State of California regarding the housing shortage, which is associated with rising housing costs and lack of affordable housing options; and

WHEREAS, the California State Legislature determined that accessory dwelling units (formerly termed second dwelling units) are an essential component of the state's housing supply, providing housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing single-family neighborhoods while providing homeowners who create such units with increased financial security; and

WHEREAS, on September 27, 2016, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 that amended various sections of the State Government Code related to accessory (or second) dwelling unit regulations were signed into law, which included a provision that invalidates a local agency's existing accessory dwelling unit ordinance if it does not fully comply with all requirements of the newly amended state standards by the date in which these bills became effective (January 1, 2017); and

WHEREAS, the City's existing Second Dwelling Unit regulations provides type, location, operational, and development standards; and

WHEREAS, although the majority of the existing provisions, including the location limitation in which the accessory dwelling units are only allowed on lots of a certain size within single-family zoning districts that are not part of the Hillside or Landmark Overlay Districts, are still in compliance with the amended State Law since such limitations were established based on concerns related to increased traffic flow on particularly narrow and/or winding streets, compatibility with historic and/or hillside development, and public safety related to fire and police access along such streets, the City's existing regulations do not fully comply with the amended State Law; and

WHEREAS, as such, there is an immediate need to amend the City's existing Second Dwelling Unit regulations in order to align with the amended State Law, which will allow the City to continue to enforce its existing regulations until work on a comprehensive review of all such regulations is completed, which is anticipated to begin later this year; and

WHEREAS, the proposed ordinance is consistent with the General Plan Goals and Policies related to housing choices, adequate and affordable housing, neighborhood character, and housing diversity.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the

Pasadena City Charter. The approved summary of this ordinance is as follows:

“Summary

This proposed ordinance amends Sections 17.22.030, 17.50.275 and 17.80.020 of Title 17 (Zoning) of the Pasadena Municipal Code to revise the City’s Second Dwelling Unit regulations, which include a number of targeted changes to the existing regulations governing the construction of second units (to now be called “accessory dwelling units”) on properties zoned for single-family development in order to comply with the recently amended State Law (Assembly Bill 2299 and Senate Bill 1069), and will allow the City to continue to enforce the City’s existing Second Dwelling Unit requirements, to the extent consistent with State Law as amended. Any applications for accessory dwelling units submitted after January 1, 2017 shall comply with these amendments.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Any applications for accessory dwelling units submitted after January 1, 2017 shall comply with the Zoning Code as amended hereby.

SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.030, **TABLE 2-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS** is amended as shown in Exhibit 1, attached hereto and incorporated by this reference.

SECTION 4. Pasadena Municipal Code, Title 17, Article 5, Section 17.50.275 (Second Dwelling Units) is amended as follows:

“17.50.275 - Accessory Dwelling Units

A. Applicability.

1. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this section.
2. The Director or his designee shall review and approve, conditionally approve, or deny ministerial permits for accessory dwelling units conforming to the provisions of this section within the time limits specified by Government Code Section 65852.2 or successor provision.

B. Location and operational standards.

1. One accessory dwelling unit may be constructed on any legal parcel of 15,000 square feet or more in any RS zoning district that is not part of the Hillside or Landmark Overlay Districts.
 - a. **Exception.** Accessory dwelling units that meet all of the following criteria shall be permitted in all RS zoning districts regardless of lot size or overlays:
 - (1) The accessory dwelling unit is contained within a legally constructed existing space (i.e. a fully enclosed area, including a garage) of the primary dwelling or accessory structure.
 - (2) There is an independent exterior access from the existing residence.
 - (3) Side and rear setbacks are sufficient for fire safety.

- (4) All applicable building and safety codes are met.
 - (5) Only one accessory dwelling unit will exist on the site.
2. Accessory dwelling units shall only be built when there is an existing single-family residence (e.g., primary residence) on the site. If a site is vacant, an accessory dwelling unit may be constructed at the same time as the primary residence.
3. The property owner shall occupy one of the two units on the site as a primary residence. If thereafter the owner occupies neither unit, the accessory dwelling unit shall automatically become a non-habitable space, shall not be used as a dwelling, and shall not be rented.
4. Any rental term of the accessory dwelling unit that is legally created on or after January 1, 2017 shall be longer than 30 days.
5. The accessory dwelling unit may not be sold separately from the existing single-family home.
6. Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant in a form approved by the city to notify subsequent owners of the requirements of Subsections B.3 through B.5 of this Section.
7. An accessory dwelling unit is only allowed on a lot that is connected to a public sewer system, except for accessory dwelling units meeting the requirements of Section 17.50.275.B.1.a.

8. Existing single-family structures shall not be demolished to allow the construction of an accessory dwelling unit.
9. Some flexibility from the standards of this ordinance is allowed for the relocation of a historic resource onto the front of a property with an existing single-family residence. Flexibility could include using the rear house as an accessory dwelling unit even though it may exceed the maximum size for an accessory dwelling unit. Waivers from these standards to accommodate the relocation of a historic resource shall be subject to the review and approval of the Director.

C. Development standards. The following standards apply to all accessory dwelling units except for accessory dwelling units meeting the requirements of Section 17.50.275.B.1.a.

1. Except as identified in this Subsection, accessory dwelling units shall comply with all of the development standards (e.g., encroachment plane, floor area, height, lot coverage, setbacks, etc.) that apply to the primary residence.
2. An accessory dwelling unit shall not be more than 800 square feet in gross floor area. Additionally, the floor area of an attached accessory dwelling unit shall not be more than 50 percent of the existing living area (i.e. all fully enclosed area, excluding an attached garage) of the primary dwelling.
3. A detached accessory dwelling unit shall be limited to a height of one story, not to exceed 12 feet to the top plate and 17 feet to the highest ridgeline. Both

attached and detached accessory dwelling units shall not exceed the height of the primary residence.

4. A detached accessory dwelling unit shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size.
5. A minimum building separation of six feet shall be maintained (eave to eave) between the primary residence and a detached accessory dwelling unit. A minimum building separation of 10 feet shall be maintained (eave to eave) from the entrance of an accessory dwelling unit if it is facing the wall of another structure on the property.
6. No entry to an accessory dwelling unit shall be visible from the public right-of-way.
7. No setback shall be required for an existing garage that is converted to an accessory dwelling unit unless it is required to provide sufficient fire safety as required by Section 17.50.275.B.1.a.(3).
8. A minimum setback of five feet from the side and rear property lines shall be required for an attached accessory dwelling unit that is constructed above an attached garage.

D. Parking and circulation standards.

1. The primary residence shall provide the required two covered parking spaces on site before allowing an accessory dwelling unit on the subject property,

except as specified in Section 17.50.275.D.3 and for units meeting the standards of Section 17.50.275.B.1.a.

2. An additional one parking space shall be provided on-site for the accessory dwelling unit. The on-site parking space required for the accessory dwelling unit may be provided as covered, uncovered, or as tandem parking on an existing driveway.

a. **Exception.** No additional parking space is required for an accessory dwelling unit if it meets any of the following conditions:

- (1) The accessory dwelling unit is located within one-half mile of a public transit stop;
- (2) The accessory dwelling unit is contained within legally constructed existing space (i.e. all fully enclosed area, including a garage) of the primary dwelling or accessory structure, as specified in Section 17.50.275.B.1.a.
- (3) When on-street parking permits are required per the City's Preferential Parking Permit District requirements but are not offered to the occupant of the accessory dwelling unit; or
- (4) When there is a commercial car share vehicle pick-up and drop-off location located within one block of the accessory dwelling unit.

3. If an existing garage or carport serving as the required parking for the primary dwelling unit is demolished in conjunction with the construction of an

accessory dwelling unit, the required replacement parking spaces for the primary residence may be provided as covered, uncovered, or as tandem parking on an existing driveway. The required replacement parking spaces for the primary dwelling unit must be located pursuant to Zoning Code Section 17.46.020.I.1.

4. No overnight parking permits shall be issued for a property with an accessory dwelling unit approved under these provisions.
5. An accessory dwelling unit shall share the driveway with the existing primary residence on the site. A second driveway shall only be allowed from an alley, if there is an alley that serves the subject site.”

SECTION 5. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.80 is amended by revising Subsections A and S. Definitions, “A” and “S” of Section 17.80.020 entitled, **Definitions** to read as follows:

“Definitions, A.

Accessory Dwelling Units (land use). A residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel as a legal single family residence. An accessory dwelling unit may be attached to the existing dwelling unit, located within the existing space of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling. An accessory dwelling unit shall include permanent provisions that include, but are not limited to, living, sleeping, eating, cooking, and sanitation.

Definitions, S.

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 7. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2017.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2017, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

**TABLE 2-2 - ALLOWED USES AND PERMIT REQUIREMENTS
FOR RESIDENTIAL ZONING DISTRICTS**

LAND USE (1)	PERMIT REQUIREMENT BY ZONE					Specific Use Standards
	RS (2)	RM-12	RM-16 (3)	RM-32	RM-48	

RESIDENTIAL USES

Boarding houses	—	—	—	P	P	17 50 065
Dormitories	—	—	—	P	P	
Fraternities, sororities	—	—	—	P	P	
Home occupations	P	P	P	P	P	17 50 110
Multi-family housing	—	P	P (7)	P (7)	P (7)	
Residential accessory uses and structures	P	P	P	P	P	17 50 210, 250
Residential care, limited	P	P	P	P	P	
Residential care, general	—	—	C (4)	C (4)	C (4)	
Accessory dwelling unit	P	—	—	—	—	17 50 275
Single-family housing	P (8)	P (6)	P (6)	P (6)	P (6)	
Transition housing	—	P (9)	P (9)	P (9)	P (9)	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Clubs, lodges, private meeting halls	—	—	—	—	C (4)	
Cultural institutions	C (4)	C (4)	C (4)	C (4)	C (4)	
Park and recreation facilities	C	C	C	C	C	
Religious facilities	C (4)	C (4)	C (4)	C (4)	C (4)	17 50.230
with columbarium	MC (4)	MC (4)	MC (4)	MC (4)	MC (4)	17 50 230
with temporary homeless shelter	C	C	C	C	C	17.50 230
Schools - Public and private	—	C (4)	C (4)	C (4)	C (4)	17 50.270
Street fairs	P	P	P	P	P	
Tents	TUP	TUP	TUP	TUP	TUP	17 50 320

OFFICE, PROFESSIONAL & BUSINESS SUPPORT USES

Offices - Administrative business professional	—	—	MC (10)	MC (10)	MC (10)	17 50 170
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Notes:

- (1) See Section 17 80 020 for definitions of the listed land uses.
- (2) Includes the RS district with all suffixes (e g , RS-1 through RS-6)
- (3) Includes the RM-16 districts with all suffixes (e g , RM-16, RM-16-1)
- (4) Uses established after June 30, 1985, on sites greater than two acres shall require a zone change to PS (Public and Semi-Public
- (5) Not used
- (6) Allowed subject to the development standards of the RS-6 district, section 17 22 040
- (7) Two units on a lot shall meet the development standards of the RM-12 district, section 17 22 040.
- (8) A lot with a single-family residence may rent a maximum of two bedrooms
- (9) The maximum interior or exterior area in which support services are offered or located shall not exceed 250 sq. ft
- (10) Limited to buildings designated as a landmark or listed individually in the National Register of Historic Places