

ZONING ADMINISTRATOR INTERPRETATION

DATE: November 26, 2007

CODE SECTION: Section 17.80.020 - Definition of Dwelling Unit

QUESTION NEEDING INTERPRETATION: The Zoning Code defines a dwelling unit as having all rooms internally accessible from the interior of the dwelling unit. Is a room considered accessible if a person must go through a garage or carport to access the room? What if the room is accessible only through an enclosed hall?

INTERPRETATION: Chapter 17.80 of the Zoning Code (Glossary of Terms) defines a dwelling unit as "one or more rooms with no more than one kitchen, designed for occupancy by one family or single housekeeping unit for living and sleeping purposes, with all rooms (except an attached garage or carport) accessible from the interior of the dwelling unit." What does "accessible from the interior" mean? What if you have to walk through a garage or carport to access another room? What if a room is only connected to the house by a long enclosed hallway?

The intent of requiring all rooms to be internally accessible is to ensure that the dwelling functions as one unit and not as a duplex or a property with a second unit. Therefore, having to walk across a garage or carport to access a room would not be consistent with the intent of the definition. Therefore, all habitable rooms must be internally accessible to each other, and you should not have to walk through an uninhabitable room such as a garage, carport, enclosed porch, storage room or similar room.

However, an enclosed hallway connecting a room to the rest of the house would be considered internally accessible, even if the hallway is the only portion of the structure that connects the exterior walls of the room and the rest of the house. However, the hallway would need to be a minimum interior width of three feet and be constructed as an integral part of the house (i.e. would be fully enclosed, heated and cooled with the rest of the house, have a roofline consistent with the rest of the house, etc.).



Denver E. Miller
Zoning Administrator

ZONING ADMINISTRATOR INTERPRETATION

DATE: March 25, 2010

CODE SECTION: Section 17.80.020 - Definitions (Dwelling Unit, Habitable Space)

QUESTION NEEDING INTERPRETATION: Is a basement required to be internally accessible to the dwelling unit it serves?

INTERPRETATION: The Zoning Code does not specifically address required access for basements located beneath a dwelling unit; however, in the definition of the term dwelling unit, it requires that all spaces of a dwelling be accessed from the interior. The intent of the Zoning Code was to prevent individual rooms from becoming separate units that had an exterior entry but was not accessible from the interior. This was intended to apply to "habitable rooms" as defined by the Zoning and Building Code.

Both the City of Pasadena Zoning Code and the California Building Code contain definitions for what constitutes "habitable" space or other standards that can be used to determine whether a particular space would be considered "habitable" or have the potential for future legal conversion to "habitable" space.

Section 17.80.020 of the Zoning Code defines "habitable room or space" as *A room or space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered a habitable room or space.*

Additionally, Section 1026 (Emergency Escape and Rescue) of the California Building Code has specific requirements for when a basement in a single-family residence is required to have emergency egress in addition the standard exterior exit.

Based on the requirements of the 2007 CBC for egress and the definition of dwelling unit, it has been concluded that a basement does not have to be internally accessible to the dwelling unit that it serves if it does not meet the definition of "habitable room or space" in Section 17.80.020 and all of the following three conditions are met:

1. That the basement has a floor to ceiling height less than 80 inches;
2. That if the basement has windows, they cannot exceed 8 percent of the basement area; and
3. That the basement is not required to have an exterior emergency escape in addition to the required egress.

Note:

It would not be possible to legally convert a space that did not meet the above conditions into "habitable" space in the future.

If a new basement or if additions to an existing basement do not comply, with all of the above conditions, then it is part of the dwelling unit and shall be internally accessible to the dwelling. This internal accessibility is to ensure that the dwelling functions as one unit and not as a duplex or property with a second unit. The internal accessibility is required regardless of whether the basement is a finished or an unfinished space.



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