

ATTACHMENT B



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: APRIL 13, 2022

TO: PLANNING COMMISSION

FROM: DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: ZONING CODE AMENDMENT PERTAINING TO CONSTRUCTION OF MULTIPLE DWELLINGS ON SINGLE-FAMILY ZONED PARCELS PURSUANT TO SENATE BILL 9

RECOMMENDATION:

It is recommended that the Planning Commission:

1. **Recommend** that the City Council find that the Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Division 13 of the Public Resources Code;
2. **Recommend** that the City Council adopt the Findings for the Zoning Code Amendment in Attachment A; and
3. **Recommend** that the City Council approve the Zoning Code Amendment as outlined in this report.

BACKGROUND:

Senate Bill 9 (SB 9) became effective on January 1, 2022 and requires that a local jurisdiction allow ministerial approval of up to two units in single-family zones (duplexes), and/or the subdivision of a residentially-zoned parcel into two approximately-equal sized parcels (an "urban lot split"), each of which may contain two units. In conjunction with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), this could have the effect of increasing the number of potential units on a typical parcel from three units to eight units. SB 9 allows jurisdictions to adopt local ordinances to establish regulations that do not conflict with the Bill, including regulations that prohibit ADUs in conjunction with projects that propose lot splits with duplexes on each lot, reducing the potential number of units on a typical parcel to four.

The Legislative Policy Committee received an overview of Senate Bill 9 on September 28, 2021. Committee members expressed concern related to the potential impacts to the City's single-family neighborhood character and support for developing local regulations that comply with Senate Bill 9 in order to minimize possible impacts to affected neighborhoods.

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The Planning Commission and Urban Forestry Advisory Commission (UFAC) both held study sessions on November 10, 2021. UFAC members discussed concerns over the bill and impacts to the City's urban forest as a result. They suggested strengthening existing provisions of the Tree Protection Ordinance to ensure that preservation of existing trees remains a priority. The Planning Commission members discussed the issues at length and also expressed concern over the possible impacts to single-family neighborhoods and the context/character of the development patterns that exist.

On December 13, 2022, the City Council adopted urgency Ordinance #7384, which imposed development standards for the construction of multiple primary dwellings (duplexes) on single-family zoned properties, which was effective for 45 days. On January 10, 2022, the City Council adopted an extension to Ordinance #7384 which remains in effect until December 12, 2022, or until development standards are formally codified.

ANALYSIS:

Pursuant to Ordinance #7384, the following development standards were established:

- A requirement to limit the size of new units to 800 square feet for projects that cannot comply with existing single-family development standards;
- A one-story height limitation for projects that cannot comply with existing single-family development standards;
- Minimum of one parking space per new unit created for projects that cannot comply with existing single-family development standards, with exemptions as required under SB 9;
- Requirement of an owner-occupancy affidavit for Urban Lot Split applications;
- Landscaping requirements to ensure sufficient open space including the retention of existing trees on-site or planting of new trees;
- Allowing Urban Lot Splits ministerially on sites developed with a single-family dwelling;
- Specifying that sites with existing ADUs and/or JADUs are not eligible for an Urban Lot Split or development of residential projects pursuant to SB 9; and
- Specifying that a project involving an Urban Lot Split and development of residential projects pursuant to SB 9 may not include new ADUs and/or JADUs;
- Specifying that short-term rental of duplex units developed pursuant to SB 9 is not permitted;
- Specifying that sites within historic districts, landmark districts, and individually designated historic landmark properties are ineligible for development pursuant to SB 9

In advance of the expiration date for Ordinance #7384, staff recommends adopting the proposed amendment to formally codify the above development standards as established in Ordinance #7384.

ENVIRONMENTAL DETERMINATION

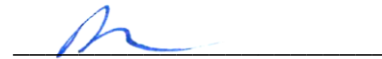
SB 9 includes a provision explicitly stating that an ordinance adopted by a local agency to implement provisions of SB 9 shall not be considered a project under Division 13 of the Public Resources Code. Government Code Section 65852.21 and 66411.7 explicitly state that ordinances such as the one proposed here, adopted in order to implement state law, would not constitute a "project" under CEQA. Therefore, staff recommends that the Planning Commission find that the proposed Zoning Code amendment does not require review under the provisions of CEQA.

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CONCLUSION:

Staff recommends amending the Zoning Code to incorporate the provisions of Urgency Ordinance #7384, allowing the development of attached and detached duplex units and Urban Lot Splits in single-family zones with objective development standards, consistent with State law.

Respectfully Submitted,



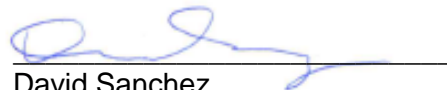
DAVID M. REYES
Director of Planning & Community
Development

Prepared by:



Martin Potter
Planner

Reviewed by:



David Sanchez
Principal Planner

Attachments:

Attachment A: Findings for Zoning Code Amendment
Attachment B: Ordinance #7384

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ATTACHMENT A
FINDINGS FOR ZONING CODE TEXT AMENDMENT

ATTACHMENT A

FINDINGS FOR ZONING CODE TEXT AMENDMENT

Prior to the approval of a Zoning Code Text Amendment, the following findings must be made:

1. *The proposed amendment is in conformance with the goals, policies and objectives of the General Plan, and other adopted goals and policies of the City.*

The proposed amendment to the Zoning Code is consistent with the goals and policies of the General Plan as follows:

Land Use Element

- Goal 21. Desirable Neighborhoods. A City composed of neighborhoods with a variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained.
 - Policy 21.1 (Adequate and Affordable Housing). Provide a variety of housing types (i.e. small subdivisions, row housing, and condominiums), styles, densities, and affordability levels that are accessible to and meet preferences for different neighborhood types (e.g., mixed use pedestrian environments and traditional suburban neighborhoods), physical abilities and income levels, pursuant to the Housing Element.
 - Policy 21.4 (New Residential Development). Attract new residential development that is well-conceived, constructed, and maintained in a variety of types, densities, locations, and costs.
 - Policy 21.5 (Housing Character and Design). Encourage the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontages; architectural design and landscaped setbacks.
- Goal 23. Multi-Family Neighborhoods. Multi-family neighborhoods that provide ownership and rental opportunities, exhibit a high quality of architectural design, and incorporate amenities for their residents.
 - Policy 23.1 (Character and Design). Design and modulate buildings to avoid the sense of “blocky” and undifferentiated building mass, incorporate well-defined entries, and use building materials, colors, and architectural details

complementing the neighborhood, while allowing flexibility for distinguished design solutions.

- Policy 23.3 (Landscaped Setbacks and Walkways). Provide appropriate setbacks, consistent with the surrounding neighborhood, along the street frontage, and where there are setbacks, ensure adequate landscaping is provided.
- Policy 23.6 (Open Space Amenities). Require that open space is provided on-site, is accessible, and of sufficient size to be usable by residents, in common areas and/or with individual units pursuant to the Zoning Code.

Housing Element

- Goal HE-1. Sustainable neighborhoods of quality housing, parks and community services, infrastructure, and other associated services that maintain and enhance neighborhood quality, character, and the health of residents.
 - Policy HE-1.1 (Neighborhood Character). Encourage, foster, and protect a balanced mix, density, and form of residential and mixed-use districts and neighborhoods. Preserve the character, scale, and quality of established residential neighborhoods.
 - Policy HE-1.2 (Property Conditions). Maintain the quality of rental and ownership housing by ensuring compliance with City building codes and standards. Facilitate and promote the renovation, improvement, and rehabilitation of housing.
 - Policy HE-1.3 (Housing Design). Require excellence in design of housing through use of materials and colors, building treatments, landscaping, open space, parking, and environmentally sensitive and sustainable building design.
- Goal HE-2. An adequate supply and diversity of quality rental and ownership housing opportunities suited to residents of varying lifestyle needs and income levels.
 - Policy HE-2.1 (Housing Diversity). Facilitate and encourage diversity in types, prices, ownership, and size of single-family homes, apartments, town homes, mixed-uses, transit-oriented developments, and work/live housing, among others.
 - Policy HE-2.3 (Environmental Sustainability). Encourage sustainable patterns of residential growth and preservation with respect to land use,

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building and site design, resource conservation, open space, and health considerations.

- HE-2.4 (Affordable Housing). Facilitate a mix of household income and affordability levels in residential projects and the appropriate dispersal of such units to achieve greater integration of affordable housing throughout the City.

The proposed amendment is intended to ensure compliance with the provisions of Senate Bill 9, while ensuring that potential development is consistent with the goals, policies and objectives of the City of Pasadena, as outlined in the City's Land Use Element and Housing Element. Standards related to the size, scale and landscaping of new units are intended to ensure that new development provides sufficient open space and is contextually compatible with existing patterns of residential development. A prohibition on short-term rentals and limitation on the total number of units that may be developed within an existing lot area is intended to preserve neighborhood character while still allowing for a greater potential diversity of rental and ownership options.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.*

The proposed amendment is consistent with several policies in the Land Use and Housing Elements of the General Plan. The proposed development standards are intended to ensure that the development of units in single-family residential zones are contextually appropriate and provide sufficient open space for residents. Additionally, the Building Official has the authority to deny proposed SB 9 projects on a case-by-case basis if a determination can be made that specific, adverse impacts would result from the proposed project. Therefore, the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

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ORDINANCE #7384

Introduced by Councilmember Hampton

ORDINANCE NO 7384

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PERTAINING TO CONSTRUCTION OF MULTIPLE DWELLINGS ON SINGLE-FAMILY ZONED PARCELS PURSUANT TO SENATE BILL 9

WHEREAS, in September of 2020, the State Legislature enacted Senate Bill 9, Housing development: approvals ("SB 9"), which will take effect on January 1, 2022. In summary, SB 9 requires that local agencies must 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 two-unit development project on a lot in a single-family residential zone without discretionary review (whether the project is the building of two new units or adding a second one); and

WHEREAS, prior to the passage of SB 9, on August 26, 2021 the City of Pasadena submitted a letter in opposition to SB 9, noting that "Pasadena is acutely aware of the statewide housing crisis, and acknowledges that significant steps must be taken to address housing affordability." The letter also noted that the legislation was "being undertaken without serious study or consideration of the potential impacts related to traffic, greenhouse gas emissions, air quality, and other environmental factors." The City did not seek to undermine the entirety of SB 9 and its goals, but rather requested that the Legislature "consider

accommodations or exemptions for good actors like Pasadena that would allow us to achieve the same worthy goals of this bill in a manner that is rooted in community participation and thoughtful planning principles.” Despite the City’s expressed opposition, the City is seeking to comply with SB 9; and

WHEREAS, the California Environmental Quality Act does not apply ministerial actions, so any of the new lots and new construction undertaken pursuant to SB 9 would not be subject to environmental review; and

WHEREAS, pursuant to SB 9, local agencies may adopt objective standards for the mandatory, ministerial lot splits and two-unit development projects so that the standards take effect before January 1, 2022. Pasadena must act quickly to address the numerous shortcomings of SB 9 through the adoption of such objective standards, as set forth in Exhibits 1-3; and

WHEREAS, even with the adoption of the objective standards set forth in Exhibits 1-3, City staff needs adequate time to study the full impact of SB 9, to understand whether there may be additional objective standards warranted to offset the negative impacts of SB 9 and at the same time to achieve the purported Legislative goals of providing increased housing, particularly increased affordable housing, and to complete the public hearing process for potential Pasadena Municipal Code revisions; and

WHEREAS, the City Council finds that the City of Pasadena’s land use planning efforts to provide well thought-out high density residential housing in

appropriate areas of the City can be undermined each time an SB 9 lot split and/or project is undertaken; and there is a current and immediate threat to public health, safety and welfare because without this urgency ordinance, unfettered SB 9 lot splits and/or projects could occur without consideration for the environmental and land use impacts thereof; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure, an interim ordinance regulating any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

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

SECTION 1. This ordinance, due to its length and the corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

“SUMMARY

Ordinance No. 7384 enacts objective standards applicable to mandatory, ministerial lot splits and two-unit development projects that may be undertaken pursuant to Senate Bill 9 (Housing development: approvals). This ordinance may be extended after a duly noticed public hearing.

Ordinance No. 7384 shall take effect upon publication.”

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22 (Residential Zoning Districts); Article 4, Chapter 17.40 (General Property Development and Use Standards); and Article 8, Chapter 17.80 (Glossary of Specialized Terms and Land Use Types) is amended as shown in Exhibit 1, attached hereto and incorporated by reference.

SECTION 3. Pasadena Municipal Code, Title 8, Chapter 8.52, Section 8.52.025 (Applicability) is amended as shown in Exhibit 2, attached hereto and incorporated by reference.

SECTION 4. Pasadena Municipal Code, Title 16, Chapter 16.08, Section 16.08.240 (Urban Lot Split) is amended as shown in Exhibit 3, attached hereto and incorporated by reference.

SECTION 5. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 days period following its date of adoption.

SECTION 6. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such land uses.

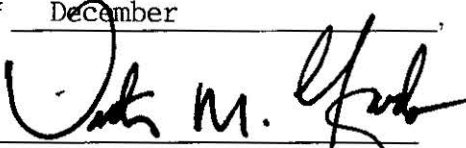
SECTION 7. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it

would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 8. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 9. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of adoption, in accordance with California Government Code Section 65858.

Signed and approved this 13th day of December,
2021.



Victor M. Gordo
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 13th day of December, 2021, by the following vote:

AYES: Councilmembers Hampton, Kennedy, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: None

ABSTAIN: None

Date Published:



Mark Jomsky
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

17.22.040 - RS and RM-12 Residential Districts General Development Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 2-3, in addition those in Section 17.22.050 (RS and RM-12 District Additional Development Standards), and the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (Site Planning and General Development Standards).

LAND USE (1)	PERMIT REQUIREMENT BY ZONE					Specific Use Standards
	RS (2)	RM-12	RM-16 (3)	RM-32	RM-48	
RESIDENTIAL USES						
Accessory Dwelling Unit	P	P(6)	P(6)	P(6)	P(6)	17.50.275
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(5)	P	P(7)	P(7)	P(7)	17.22.050.G, H
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)	
Single-family housing	P(8)	P(6)	P(6)	P(6)	P(6)	
Transitional 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	17.50.170
OFFICE, PROFESSIONAL & BUSINESS SUPPORT USES						
Offices – administrative business professional	-	-	MC(10)	MC(10)	MC(10)	17.50.170
RETAIL SALES						
Personal property sales	P	P	P	P	P	17.50.190
Temporary uses	TUP	TUP	TUP	TUP	TUP	
SERVICES						
Adult day care, general	C(4)	C(4)	C(4)	C(4)	C(4)	
Adult day care, limited	P	P	P	P	P	

Lodging – Bed and breakfast inns	-	-	MC(10)	MC(10)	MC(10)	17.50.140
Child day-care centers	C	C	C	C	C	17.50.080
Child day care, large, 9-14 persons	P	P	P	P	P	17.50.080
Child day care, small, 1 to 8 persons	P	P	P	P	P	
Filming, long-term	C	C	C	C	C	
Filming, short-term	P	P	P	P	P	
Medical services – Extended care	-	-	-	C(4)	C(4)	
Neighborhood garden	MC	MC	MC	MC	MC	
Public safety facilities	C(4)	C(4)	C(4)	C(4)	C(4)	
INDUSTRY, MANUFACTURING & PROCESSING USES						
Commercial growing area	C	C	C	C	C	17.50.180
TRANSPORTATION, COMMUNICATIONS & UTILITY USES						
Utility, major	C (4)	C (4)	C (4)	C (4)	C (4)	
Utility, minor	P	P	P	P	P	
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) Two dwellings (Duplex Units) may be developed in RS zones subject to the underlying zoning district standards as well as Section 17.22.050.G and Section 17.22.050.H. Short-term rentals of less than 30 days are prohibited. Accessory Dwelling Units and Junior Accessory Dwelling Units are prohibited in conjunction with an Urban Lot split as defined in Section 16.08.240						
(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.						

17.22.050 - RS and RM-12 District Additional Development Standards

A. Front-yard setback measurement. The minimum front yard setback in the RS and RM-12 zoning districts shall be as follows. See also 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions).

1. Where 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet. In calculating the blockface average, measurement shall be from the front property line to the primary structure. Building projections and unenclosed porches shall not be used as the reference point for this measurement.
2. Where less than 40 percent of the lots on a blockface within the same zoning district (excluding corner yards or reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be 25 feet.
3. For blockfaces with two or fewer lots between two reversed corner lots, the minimum front setback shall be the larger required corner yard of the reversed corner lots. See Section 17.40.160 for allowed projections into front-yard setbacks.

B. Garage and carport requirements for all districts.

1. **Garages.** A garage proposed on a blockface, including reverse corner lots, where 50 percent or more of the existing garages are located behind the primary structure shall also be located behind the primary structure. If the garage is required to be located to the rear of the primary structure and is attached, the garage shall be located so that the garage door is not visible from the street and the garage shall be the closest portion of the structure to the rear property line. This requirement shall not apply within the HD (Hillside Development) overlay zone. See 17.50.250.H for additional requirements for attached garages. A garage on a corner lot in which the garage doors face the street shall be set back a minimum of 18 feet from a street property line.
2. **Carports.** Carports shall be completely screened from view from the street and shall be located between the primary structure and the rear property line, so as to not be within the view down the driveway from the street. A carport shall not be permitted on a corner lot.
3. **Exception to maximum floor area requirement.** The maximum floor area requirement in Section 17.22.040, Table 2-3, may be exceeded to accommodate the reconstruction of a garage that previously existed on the site, but only to the extent of the floor area necessary or a two-car garage in compliance with the parking space dimension requirements of Section 17.46.110 (Parking Space Dimensions).

C. Restoration of a porte cochère. A porte cochère may be rebuilt or restored if evidence is provided to the City that the residence originally had a porte cochère. The porte cochère shall meet all building requirements. The Historic Preservation Commission shall review such requests in landmark districts or for designated landmarks. The Zoning Administrator shall review all other such requests.

D. Flagpoles. A flagpole can be constructed if it meets the following requirements.

1. The flagpole shall be located outside a required setback area. Flagpoles are allowed in front of a residence if located outside the required front setback.
2. The maximum height of the flagpole shall be the maximum height allowed for the principal structure.
3. The flagpole shall not be located in an encroachment plane.

E. Neighborhood Compatibility. For the purposes of neighborhood compatibility, the "neighborhood" is determined by the median square footage of all houses on properties within a 500-foot radius around the subject property. The "neighborhood" is not required to include:

- Properties located outside of the City of Pasadena;
- Properties not located in an RS district, or in a different RS district; and
- Properties separated by a significant manmade structure (e.g. freeway) or a significant natural feature (e.g. canyon) that, to the extent determinable by staff, is not the result of grading or other man-made alteration of the natural terrain.

F. Design Standards. The following design standards are applicable to all single-family zoned properties, excluding properties in historic districts, LD (Landmark District), HD (Hillside Overlay District), HD-1 (Upper Hastings Ranch Area), and ND (Neighborhood Overlay) overlay zones:

1. Prohibited materials in all RS zones include:
 - a. Unfinished concrete is prohibited as an exterior finish
 - b. Architectural foam is prohibited as an exterior trim material
2. Window placement:
 - a. New second-story windows shall not directly overlap with existing second story windows located within 30 feet of abutting properties. Clerestory windows and windows determined by the Building Official to be necessary for safe egress are exempt from this requirement.

G. Duplex Units in Single-Family Residential Zones. In addition to the requirements of Section 17.22.040 (Residential Districts General Development Standards), additional development and design standards related to Duplex Units (whether attached or detached) apply to all single-family zoned properties, excluding properties in historic districts, LD (Landmark District), and individually designated historic landmark properties. Duplex Units are prohibited within the aforementioned Landmark Districts and on properties with individually designated landmarks.

Proposed adjacent or connected Duplex Units shall be permitted if they meet building code standards, are designed sufficient to allow separate conveyance, and comply with the development standards of the underlying zoning district or additional standards prescribed by this section, as applicable. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d). The following additional standards are for new construction of an additional dwelling, or for up to two new dwellings where no existing dwelling is present. "Existing Dwelling" includes existing Accessory Dwelling Units for the purposes of this section. In cases where the following standards preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development.

Development feature	Development Standard
Minimum lot size	Minimum lot size establishes the minimum lot size and the minimum width required for new parcels
Minimum area	1,200 square feet
Width	Per Section 17.22.040, Table 2-3
ROW Access (1)	All newly created lots are required to have access to or abut a Public Right-of-Way.
Maximum Density	Two dwellings per lot
Setbacks	Minimum setbacks required. See Section 17.40.160 for setback measurement, allowed projections and encroachments into setbacks, and exceptions to setbacks.(2)
Front – Main facade	See Section 17.22.050
Front – Garage	See Section 17.22.050
Sides	The required setback shall be no less than 4 feet.
Corner side	The required setback shall be no less than 4 feet.
Rear	The required setback shall be no less than 4 feet.
Building separation	A minimum separation of 10 feet (measured from wall to wall) shall be required between detached dwelling units located on the same site. Eaves may encroach into this building separation.
Maximum floor area	As prescribed by the underlying zoning district (3).
Exceptions to floor area	1) Habitable attic space that does not exceed 60% of the surface of the building footprint (including attached garages and porches), is not adjacent to a rooftop deck, patio attachment and/or exterior staircase and the combined width of all dormers along a roofline do not exceed 40% of the roofline. 2) An unenclosed area where only one side does not abut enclosed space (floor area), and that side is a minimum 80% open. 3) An unenclosed area where more than one side does not abut enclosed space (floor area), and each side is a minimum 60% open.

	4) Basements and uncovered patios, decks, balconies and porches.
Height limit	As prescribed by the underlying zoning district (4).
Landscaping	Minimum amount of garden space required on-site in addition to the requirements of Chapter 17.44 (Landscaping). Garden space
Required Tree Canopy	Project must include the retention of at least two existing trees of at least 19 DBH on-site. Sites without two existing trees of 19 DBH must provide at least two 24-in box trees to satisfy this requirement, selected from the City's Native and Protected Species list.
Parking	The required parking shall be one uncovered parking space per each newly constructed dwelling unit. No parking is required if the parcel is within ½ mile walking distance of a high-quality transit corridor or a major transit stop, as expressly defined in the California Public Resources Code, or if a car share vehicle (as defined in Section 17.80.020) is located within one block of the parcel.
<p style="text-align: center;">Notes:</p> <p>(1) See Chapter 17.40 for development on substandard lots and flag lots</p> <p>(2) No new setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.</p> <p>(3) If all applicable development standards contained in the underlying zoning district cannot be met, the maximum size permitted is 800 square feet per dwelling unit.</p> <p>(4) If all applicable development standards contained in the underlying zoning district cannot be met, the maximum height permitted is one story, not to exceed 12 feet to the top plate and 17 feet to the highest ridge line.</p>	

H. Garden requirements for Duplex Units in Single-Family Residential Zones Each Duplex Unit project shall have a landscaped open space area as its central focus. This space may take the form of a garden.

1. **Garden location.** The placement of a garden shall comply with at least one of the following standards. In cases where the following standards preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development
 - a. The garden may be placed so that a garden on an adjacent parcel combines to create the effect of one large garden or a wider connection between two spaces.
 - b. The garden may adjoin the minimum front setback line creating a deep, combined garden on the street. Decorative fences or other landscape elements shall be constructed so that the garden is visible from the street.
 - c. The garden may be an internal courtyard, entirely contained within the site, but visible from the street.

- d. When a site contains existing, mature trees, the garden may be placed to retain one of those trees. See also Chapter 17.44 (Landscaping).
2. **Minimum garden dimensions.** The garden shall be a rectangular shape and shall have a minimum dimension of 20 feet in either direction. In cases where the garden requirements preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development.
3. **Garden planting and paving standards.** In cases where the garden planting and paving requirements preclude development of an 800 square-foot dwelling, the plan check review process shall only allow deviations sufficient to accommodate such development. The garden may only occur under the following three conditions, either alone or in combination.
 - a. The garden shall be at existing grade with no parking structure below, subject to the following requirements:
 - i. At least 50 percent of the garden shall be planted;
 - ii. Concrete may be used for walkways up to four feet in width but is not acceptable for area paving unless mandated by the Uniform Building Code. Unplanted areas with a minimum dimension of five feet or more shall be paved with unit pavers such as brick, tile or concrete or covered with decomposed granite or garden gravel.
 - iii. The maximum dimension of unit pavers shall be 24 inches.
 - iv. All planting shall comply with the requirements of Chapter 17.44 (Landscaping).
4. **Allowed encroachments into a garden.**
 - a. Eaves may project up to three feet and fireplaces or chimneys may project up to two feet for a length of 10 feet measured parallel to the building into the garden without having to maintain the minimum 20-foot dimension. The following encroachments may occur within the garden as long as the minimum dimension in any direction of the garden is not reduced to less than 20 feet.
 - i. Exterior, unenclosed building elements such as stoops, balconies and open stairs may encroach into the garden subject to the following limitations:
 1. Encroaching stairs shall be either wood or masonry and have closed risers.
 2. Unenclosed encroachments shall have a maximum depth of four feet, measured perpendicular to the line defining the garden, and an unlimited width, measured parallel to the line defining the garden.
 3. The total area of unenclosed encroachments shall not exceed seven percent of the area of the garden.
 - ii. Enclosed living space may encroach into the garden subject to the following limitations:
 1. Enclosed encroachments shall have a maximum depth of four feet, measured perpendicular to the line defining the

- garden, and maximum width of 15 feet, measured parallel to the line defining the garden.
2. There shall be a minimum separation of four feet, measured parallel to the line defining the garden, between enclosed encroachments.
 3. The ground floor area of all enclosed encroachments shall not exceed 13 percent of the garden.

17.80.020 – Definitions

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.

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.

Car share vehicle. A motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.

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.

Sufficient for Separate Conveyance. Means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold separately.

8.52.025 - Applicability.

The provisions of this chapter providing protection for specific trees shall apply as follows, unless excepted by provisions of this chapter.

- A. Native and specimen trees located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning districts within the city.
- B. Landmark trees and trees that meet the criteria for designation as a landmark as determined by the review authority.
- C. Public trees located at all places within the city.
- D. Mature trees in all zoning districts except for trees on properties with one primary unit in an RS zone, or properties subject to the RM-12 development standards.
 - a. On RS zoned parcels, native, specimen, and mature trees are protected in all areas on sites developed with duplex units per Section 17.22.050 or subdivided through an Urban Lot Split per Section 16.08.240.

16.08.240 – Urban Lot Split.

“Urban Lot Split” refers to any parcel zoned for single-family residential uses which is created through the division of an existing lot for the purpose of development with two dwelling units (duplex units). Applications for an Urban lot Split must comply with the following requirements:

1. An Urban Lot Split is not permitted on a parcel with one or more Accessory Dwelling Units.
2. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;
3. Applications for an Urban Lot Split must be submitted concurrently with an application for proposed residential development;
4. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d);
5. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance;
6. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished); and
 - a. Sign an affidavit, in the form approved by the City Attorney, stating that none of the proposed lot split would not require demolition or alteration of any of the following types of housing:
 - i. 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.
 - ii. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power
 - iii. A parcel or parcels on which an owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - iv. Housing that has been occupied by a tenant in the last three years.
7. 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;
8. Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by the [city attorney/county counsel], which shall run with the land and provide for the following:

- a. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section; and
 - b. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.
9. The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating 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 subsection 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



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: December 6, 2021

FROM: CITY ATTORNEY

SUBJECT: AN INTERIM URGENCY ORDINANCE PERTAINING TO SB 9

TITLE OF PROPOSED ORDINANCE

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PERTAINING TO CONSTRUCTION OF MULTIPLE DWELLINGS ON SINGLE-FAMILY ZONED PARCELS PURSUANT TO SENATE BILL 9

PURPOSE OF ORDINANCE

This interim ordinance protects, within the bounds allowed by Senate Bill 9, Housing development: approvals ("SB 9"), the erosion by the State Legislature of the City of Pasadena's many efforts in recent years to increase housing supply as part of a more holistic community planning strategy, while maintaining the unique character of its established neighborhoods.

REASON WHY LEGISLATION IS NEEDED

This legislation is needed to ensure that any development undertaken pursuant to SB 9 does not occur without regulation intended to address the environmental and land use impacts thereof, while staff studies permanent standards.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning & Community Development Department will implement the proposed ordinance as requests for permits for development on subject single-family lots are sought.

ENVIRONMENTAL DETERMINATION

On this same date Council will be asked to find that the ordinance is exempt from environmental review pursuant to provisions in Senate Bill 9 which explicitly state that an

12/13/2021

MEETING OF 12/06/2021 _

AGENDA ITEM NO. -14-16

ATTACHMENT B

ordinance adopted by a local agency to implement provisions of SB 9 shall not be considered a project under Division 13 of the Public Resources Code (PRC), and State CEQA Guidelines Sections 15378 (not a project), 15301 (existing facilities) and 15303 (new construction/conversion of small structures).

FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this interim ordinance.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa Fuentes
Assistant City Attorney

Concurred by:


Cynthia Kurtz
Interim City Manager