



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: OCTOBER 11, 2023

TO: PLANNING COMMISSION

FROM: JENNIFER PAIGE, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: ZONING CODE AMENDMENTS TO ACCESSORY DWELLING UNIT (ADU) REGULATIONS

RECOMMENDATION:

It is recommended that the Planning Commission:

- 1) **Recommend** that the City Council find that the proposed Zoning Code Text Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080.17;
- 2) **Recommend** that the City Council adopt the Findings for the Zoning Code Amendments in Attachment A; and
- 3) **Recommend** that the City Council approve the Zoning Code Amendments as outlined in this report.

BACKGROUND:

The City of Pasadena's original Accessory Dwelling Unit (ADU) ordinance (known as the 'second dwelling unit' ordinance) was adopted in 2004 (Pasadena Municipal Code (PMC) Section 17.50.275). Due to concerns over the state-wide housing crisis, rising housing costs, and shortage of affordable housing options in California, two sweeping bills, Senate Bill (SB) 1069 and Assembly Bill (AB) 2299, were passed by the State Legislature in 2016 (California Government Code Section 65852.2). These bills aimed at facilitating local approval processes for ADUs and lifting regulations that may otherwise limit ADU size, location, zones or other development standards related to ADUs. These were the first of a series of bills that have limited the ability of local municipalities to regulate ADUs in efforts to reduce barriers, streamline the approval process and expand the capacity to accommodate the development of ADUs. The City's ADU ordinance was amended in 2017 and 2018 to ensure consistency with these bills.

The Legislature has continued to amend state law to aid in creating more ADUs. Six additional bills were passed in 2019 as part of the annual legislative ADU housing package: ABs 68, 587, 670, 671 and 881 and SB 13. Two additional bills were passed in 2022: AB 2221 and SB 897.

Collectively, these bills required local municipalities to allow ADUs in some form (Junior ADUs, attached ADUs and/or detached ADUs) for most properties developed with a single-family residence. This could be in the form of converting existing structures and/or through new construction. In addition, the bills allowed some ADUs for properties developed with mixed-use or multifamily residences. The full text of the Government Codes related to ADUs is included as Attachment B. As a result of the State's continued legislative actions, portions of the City's existing ADU ordinance are now inconsistent with state law. However, staff has continued to process ADU applications consistent with all applicable state laws while the regulations are being updated.

2021-2029 Housing Element Implementation

The 2021-2029 Housing Element was adopted by the City Council on July 18, 2022 and certified by the California Department of Housing and Community Development (HCD) on March 10, 2023. The Housing Element includes implementation items as part of Program #11 (Alternative Housing Opportunities) to review the current ADU standards and review process and evaluate how best to amend the ordinance to reflect state law while maintaining the character and quality of residential neighborhoods. It commits the City to make any adjustments needed to facilitate ADU production, including strategies to encourage covenanted affordable ADUs. The City's Regional Housing Needs Allocation (RHNA) for the 2021-2029 planning period is 9,429 units, which the City projected that 706 ADUs will contribute toward meeting the RHNA (an estimate of 85 ADUs annually over 8.3 years).

Housing Element objectives under Program #11 specific to ADUs include the following:

- 1. Review current ADU standards and review process and evaluate how best to amend the ordinance to reflect state law while maintaining the character and quality of residential neighborhoods. Make any adjustments needed to facilitate ADU production, including strategies to encourage covenanted affordable ADUs;*
- 2. Investigate how the City or a partner organization may serve as the property manager for property owners who construct ADUs but wish to have a low-cost option for managing the rental;*
- 3. Continue the pilot program to fund legalizing unpermitted ADU conversions and prioritizing the program for households earning less than 80 percent of the area median income. Depending upon the success of the first phase of the pilot program, allocate funding for furthering the program. Legalize at least five affordable ADUs for income-qualified property owners;*
- 4. Implement recommendations from Southern California Association of Government's (SCAG's) ADU Technical Services project, where feasible, including developing ADU prototype plans;*
- 5. Monitor and review all ADU programs in 2024 for effectiveness to ensure ADU production and affordability goals are being achieved. As necessary, adjust the incentives in 2025 to facilitate production. Achieve at least 706 ADUs during the planning cycle, with 80 percent in higher opportunity areas; and*
- 6. Advertise all ADU incentives and programs, targeting high resource areas to encourage ADU production for lower-income households in neighborhoods with ready access to good schools, health services, and quality jobs.*

This amendment focuses on implementing objective #1 above. However, staff is separately working on implementing many of the other objectives listed above. These are discussed in greater detail on page 12 of this report.

Permitting Trends of ADUs

Between 2004 and 2016, only two second dwelling units were approved and constructed in the City. As noted in Table 1 below, the number of ADU applications submitted has increased substantially since 2017, for a total of 949 applications. This can be attributed to the State's continuous efforts in limiting local ADU regulations. However, staff has noticed a slight decrease in the number of applications submitted (or 148 applications from January through July 2023 vs. 171 applications submitted through the same time period in 2022). This is primarily because of higher interest rates and construction costs.

Table 1. ADU Application Submittals in Pasadena								
Year	2017	2018	2019	2020	2021	2022	2023	Total
Submittals	4	18	53	89	299	338	148	949

Staff gathered additional metrics on ADU applications submitted from June 2020 through July 2023. Of the 854 applications submitted, 51.9 percent have been constructed or are currently under construction, 7.4 percent are ready for permit issuance, 19.3 percent are currently under plan check review and 21.4 percent have expired or have been withdrawn.

ANALYSIS:

Exemption ADUs

Under state law, all single-family and multi-family sites are entitled to ADUs in different configurations, as outlined below. Cities cannot prohibit the construction of these ADUs and cannot impose regulations that prevent their construction. The provisions are regulated under California Government Code Section 65852.2 Subsection (e) and are referenced in this report as Exemption ADUs.

Single-family sites shall be allowed one ADU and one JADU:

- New Construction Detached ADU: One with a maximum area of 800 square feet, minimum side and rear yard setbacks of four feet and maximum height of 16 feet (up to 18 feet if within ½-mile walking distance of a major transit stop or high-quality transit corridor); OR
- Attached Conversion ADU: One converted from the existing primary dwelling, with a maximum 150 square feet addition permitted; AND
- Junior ADU: One converted from the existing primary dwelling, with a maximum area of 500 square feet.

Multi-family sites (defined in state law as two or more attached units, existing or proposed) shall be allowed a maximum two detached ADUs and the conversion of attached space as follows:

- New Construction Detached ADU: Two with a maximum area of 800 square feet, minimum side and rear yard setbacks of four feet and maximum height of 16 feet (up to 18 feet if within ½-mile walking distance of a major transit stop or high-quality transit corridor or if the multifamily structure is multistory); OR
- Detached Conversion ADU: Two ADUs may be converted from existing detached structures, with a maximum area of 800 square feet each; AND
- Attached Conversion ADU: Shall be non-habitable space up to 25 percent of the number of units for each existing or proposed multifamily structure. Examples of non-habitable space include boiler rooms, storage rooms, attics, basements and garages.

Existing City Regulations vs. Current State Law

The City’s existing ADU regulations are included as Attachment C. As previously noted, portions of the City’s existing ADU ordinance are inconsistent with state law (although the City has been following all applicable State law). Table 2 below provides a summary of the key differences:

Table 2. City Regulations vs. State Law		
	Existing City ADU Regulations	Current ADU State Law
Location Requirement	<p>Shall meet <u>all</u> the following on a legally established property:</p> <ul style="list-style-type: none"> • Converted ADUs: Any property zoned RS or RM. • New construction ADUs: <ul style="list-style-type: none"> ○ Property is zoned RS: Shall have a minimum area of 7,200 sq. ft., shall not be located within Hillside Overlay Districts (HODs) nor include be on an individually designated historic property. If located within an historic district, the ADU shall not be visible from the public right-of-way.* ○ Any property zoned RM. 	<ul style="list-style-type: none"> • Property is zoned to allow single-family or multifamily dwelling residential uses and includes a proposed or existing dwelling.
Number of ADUs per Property	<ul style="list-style-type: none"> • 1 ADU (attached or detached).* 	<p>Single-family sites:</p> <ul style="list-style-type: none"> • 1 Junior ADU and 1 ADU in addition to the primary dwelling. <p>Multi-family sites:</p> <ul style="list-style-type: none"> • Up to 2 detached ADUs (converted or new construction); and • Conversion of non-habitable space to 25% of the number of units for each existing or proposed multifamily structure.
Minimum Unit Size	<ul style="list-style-type: none"> • Converted ADUs: No minimum. • New construction: 150 sq. ft. 	<ul style="list-style-type: none"> • No proposed changes.
Maximum Unit Size	<ul style="list-style-type: none"> • Converted ADUs: No maximum. • New construction: For parcels <10,000 sq. ft.: the lesser of 800 sq. ft. or 50% of the proposed or existing primary dwelling unit.* • New construction: For parcels ≥10,000 sq. ft.: the lesser of 1,200 sq. ft. or 50% of the proposed or existing primary dwelling unit.* 	<ul style="list-style-type: none"> • Converted ADUs: No maximum. • Junior ADUs: Shall not exceed 500 sq. ft. • Other new construction: <ul style="list-style-type: none"> ○ An attached ADU shall not exceed 50% of the existing primary dwelling. ○ A detached ADU shall not exceed 1,200 sq. ft. ○ Local municipalities may set a maximum square footage of 850 sq. ft. for studio and 1-bedroom ADUs and 1,000 sq. ft. for ADUs that provide more than 1 bedroom.

* *Inconsistent with current state law*

Table 2. City Regulations vs. State Law (continued)		
	Existing City ADU Regulations	Current ADU State Law
Setbacks	<ul style="list-style-type: none"> The minimum required setbacks shall comply with the underlying zoning district, except that the minimum rear yard setback shall be no less than 10 ft.* A minimum setback of 5 ft. from the side and rear property lines shall be required for an attached accessory dwelling unit that is constructed above an attached garage.* 	<ul style="list-style-type: none"> No setback shall be required for conversions or when the new structure is constructed in the same location and dimensions as a previous structure. A setback of no more than 4 ft. from the side and rear lot lines shall be required for all other ADUs. Front-yard setback requirements may not prevent the construction of an 800 sq. ft. attached or detached ADU, as long as the ADU meets height limits and complies with the 4 ft. side and rear yard setbacks.
Height	<ul style="list-style-type: none"> 1-story, not to exceed 12 ft. to the top plate and 17 ft. to the highest ridge line.* 	<ul style="list-style-type: none"> 16 ft. for detached ADUs. 18 ft. for detached ADUs if any of the following apply: <ul style="list-style-type: none"> The property is within ½-mile walking distance of a major transit stop or high-quality transit corridor; To accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling; or The property contains multifamily, multistory structure. 25 ft. for attached ADUs or the maximum permitted in the zone, whichever is less.
Parking	<ul style="list-style-type: none"> Replacement parking shall be required when an existing garage or carport is demolished in conjunction with the construction of an ADU.* 1 space shall be required per ADU, unless any of the following are present: <ul style="list-style-type: none"> Property is located within ½-mile of a public transit stop; Property is located within a historically significant district; or A car-share vehicle pick-up/drop-off is located within 1-block of the ADU. No overnight parking permit shall be issued for a property that has an ADU.* 	<ul style="list-style-type: none"> Replacement parking may be required for Junior ADUs converted from an attached garage or carport. Replacement parking shall not be required when a garage or carport is demolished to construct an ADU. 1 space may be required per ADU (may be unenclosed and tandem in a driveway). Parking shall not be required if any of the following are present: <ul style="list-style-type: none"> The ADU is submitted with an application to create a new single-family dwelling or multifamily structure on the same lot; Property is located within ½-mile of a public transit stop; Property is located within a historically significant district; or A car-share vehicle pick-up/drop-off is located within 1-block of the ADU.
Owner-Occupancy	<ul style="list-style-type: none"> The property owner must reside on the property.* 	<ul style="list-style-type: none"> Cannot impose owner-occupancy requirements for ADUs approved between January 1, 2020 and January 1, 2025 (proposed legislation would indefinitely prohibit municipalities from imposing owner-occupancy) requirements.

* Inconsistent with current state law

	Existing City ADU Regulations	Current ADU State Law
Operational Standards	<ul style="list-style-type: none"> • New ADUs created after January 1, 2017 cannot be used as short-term rentals. • ADUs cannot be sold separately. 	<ul style="list-style-type: none"> • ADUs may be used as short-term rentals, if permitted by local ordinance. • Allow ADUs to be sold separately if developed by a qualified nonprofit corporation. In other cases, it may be sold separately if permitted by local ordinance.
Exemption ADUs	<ul style="list-style-type: none"> • Not currently referenced 	<ul style="list-style-type: none"> • Will include references to allowable Exemption ADUs per state law.

** Inconsistent with current state law*

Study Session and Community Input

On March 22, 2023, the Planning Commission held a study session. Staff provided an overview of the City’s existing ADU regulations, as well as potential zoning code amendments necessary to comply with recent changes to state law. Items discussed by the Planning Commission included overnight street parking permits for properties with ADUs, parking impacts generated by ADUs, maximum height of ADUs, processing times for ADUs and permitting and impact fees for ADUs. Additional items raised by the public included ADUs in Hillside Overlay Districts (HODs) and providing pre-approved plans for ADU prototypes.

On June 15, 2023, staff held a virtual community meeting to obtain feedback on potential amendments. The meeting was attended by approximately 40 community members. Since state law significantly limits local municipalities’ ability to regulate most development standards related to ADUs including setbacks, parking, unit size and number of ADUs allowed per lot, the main focus of the community meeting was to inform the public about state law and gather input on standards the City *can* regulate. Comments received included removing the owner-occupancy requirement for ADUs indefinitely, allowing detached ADUs with a height of 18 feet throughout the City, allowing two-story detached ADUs, lifting the restriction on overnight street parking permits and waiving or reducing fees and providing pre-approved plans.

Detached ADUs and Height

State law currently requires a maximum height of 18 feet for detached ADUs that are within ½-mile walking distance of a major transit stop or high-quality transit corridor and for other instances. The majority of the Central District, the A-Line Stations and most of Colorado Boulevard meet the definition of major transit stop or high-quality transit corridor. In all other areas, local municipalities must permit a maximum height of at least 16 feet. One of the main comments heard from the community was to increase the maximum height to 18 feet citywide. However, others expressed the need to protect privacy since the structures can be located closer to the property lines.

Staff recommends allowing a maximum height of 18 feet citywide (except for Exemption ADUs and those within HODs), subject to the following:

- Upper story windows shall be prohibited along the side and rear lot lines when the proposed setback is less than five feet, unless the window is required by the Building Code for ingress and egress. In such cases, windows shall be designed to preserve privacy (e.g., opaque windows, clear story windows, etc.). In addition, upper floor roof decks and balconies shall have a minimum side and rear yard setback of ten feet.

ADUs and Overnight Street Parking

Since the 1920s, the City has had a ban on overnight street parking. Starting in the 1970s, the City began issuing overnight street parking permits to qualified residents that do not have off-street parking. Currently, the City's Department of Transportation (DOT) may issue a maximum of two overnight street parking permits per property in single-family zones and per address in multifamily zones. However, the City does not issue overnight street parking permits for residents of Transit Oriented Development (TOD) projects (i.e., projects in the Central District and within a ¼-mile radius of "A" Line Stations), mixed-use projects and urban housing projects. In addition, the City does not issue overnight street parking permits for any properties developed with a Junior ADU or ADU.

However, since state law allows for the legal conversion of garages or carports into ADUs and removes most parking requirements for ADUs, there has been an increasing amount of requests to allow overnight street parking permits on these sites. Others are concerned that the demand for overnight street parking will exceed supply, negatively impacting everyone. The City's current ban on overnight street parking permits for ADUs may be in conflict with state law. This is because the City's current policy treats ADUs differently than other types of housing, which is not permitted. To comply with state law and balance the concerns that have been expressed, staff recommends the following for overnight parking permits:

The Zoning Code's current prohibition related to overnight street parking, which states "*No overnight parking permits shall be issued for a property with an ADU*", will be removed. In its place, DOT will refer to the City's existing regulations related to overnight street parking found in PMC Chapter 10.44 (Parking at Night). Specifically, the following will apply:

- Single-family sites: Allow up to two overnight street parking permits per site regardless of whether they are developed with an ADU. These would continue to be issued on a per-property basis, not per address.
- Multi-family sites: Overnight street parking permits would continue to be prohibited for multifamily projects in TODs, mixed-use projects and urban housing projects, unless the request is specifically due to loss of a guaranteed parking space resulting from the construction of an ADU. Overnight street parking permits would continue to be eligible for residents of other multifamily projects as currently allowed, regardless of whether they are developed with ADUs.

ADUs in Hillside Overlay Districts (HODs)

Of the City's 20,400 single-family zoned properties, approximately 3,700 properties (or 18 percent) are located within HODs. These are primarily located in the City's San Rafael and Linda Vista neighborhoods. Many of the streets in HODs are narrow with sharp curves and steep inclines. Some of the streets include dead-ends with no vehicle turn-around areas. In addition, many properties are irregularly shaped with steep slopes. The Linda Vista neighborhood also includes undeveloped areas with dense vegetation and the presence of wildlife. For these reasons, most new single-family dwellings and larger single-family additions require the discretionary approval of a Hillside Development Permit (HDP).

As previously noted, the City's current ADU ordinance prohibits detached ADUs in HODs because of concerns related to limited access for emergency vehicles during a fire emergency. State law allows local municipalities to limit where an ADU may be located based on the "impact of the ADU on traffic flow and public safety." However, a local municipality must also provide adequate supporting documentation to demonstrate that ADUs in these areas would impact

public safety or that adopting restrictions on ADUs would mitigate those potential issues. The State has required a high standard for documentation when a city proposes to limit or prohibit ADUs. Various jurisdictions throughout the state have unsuccessfully attempted to ban ADUs due to fire and emergency access concerns in areas designated as Very High Fire Hazard Severity Zones (VHFHSZ) by the California Department of Forestry and Fire Protection (CalFire). For example, the City of Rancho Palos Verdes proposed to prohibit ADUs on lots located in a VHFHSZ unless the lot has two distinct means of vehicular access. In response, HCD stated “*even if the City could justify such a ‘public safety’ restriction on ADUs ... such a restriction is not available for [Exemption ADUs]...*” This is further supported by similar letters from HCD to other jurisdictions.

Consistent with the limitations noted above, staff believes there is sufficient evidence to justify a *size limit* consistent with State law for ADUs within certain areas of HODs because of unique and objective characteristics, will result in negative impacts due to overdevelopment of a lot. This is consistent with how development in HODs has been regulated for many years the HDP process. The amount of allowable square footage in HODs is calculated and regulated differently than flatlands given the unique characteristics and limited access to these neighborhoods.

Specifically, staff recommends the following for ADUs in HODs:

- Properties in HODs served by private or public streets up to 26 feet wide, as shown in Attachment F are allowed the minimum required by State Law:
 - Conversion of existing attached space: No size limitation.
 - Conversion of existing detached space: No size limitation.
 - New Construction Detached ADU: Shall be limited to 800 square feet.
- Other properties in HODs:
 - Conversion of existing attached space: No size limitation.
 - Conversion of existing detached space: No size limitation.
 - New Construction Detached ADU: Shall be limited to 1,000 square feet.
- In all HODs the height limit shall be 16 feet, unless located within a ½-mile walking distance of a major transit stop or high-quality transit corridor, where 18 feet would be permitted by State law.

Staff has prepared the following discussion, which merits consideration of limiting the size of ADUs in HODs:

1. Narrow street widths: Fire engines not only need to be able to travel to their destination, but when they get there, they need to be able to get close enough to deploy hose lines and access fire hydrants and other connections. ‘Fire Apparatus Access Roads’ are the streets, roads and fire lanes which provide access for fire engines from the fire station to the subject property. The Pasadena Fire Code states that fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. In reviewing street widths in the HODs, many streets do not meet this standard. For example, Edgehill Place, Putney Road and Patrician Way all have street widths of 16 to 18 feet with no shoulders. City staff confirmed via fieldwork in August 2023 that even streets up to 26 feet wide are extremely narrow, as most of them allow parking on one or both sides, making the unobstructed width less than 20 feet. Limiting the size of ADUs to such properties will only affect approximately 1,600 properties (or 7.8 percent of all single-family zoned properties in the City). Refer to Attachment F (Street Widths Map).

2. Fire Hazards: Most of the City’s HODs are known as ‘urban-wildlife interface’ areas, which consist of hillside areas where homes and the naturally flammable chaparral vegetation interface. Much of the urban-wildlife interface was developed far before these fire hazards were understood, and the community has since expanded and outgrown its original narrow road infrastructure system. Properties within the urban-wildlife interface are also within VHFHSZ, as determined by CalFire. CalFire creates these hazard maps to assign a ‘hazard’ score based on the factors that influence fire likelihood and fire behavior. These fire hazard zones fall into the following classifications – moderate, high, and very high. Recent updates to the maps have resulted in expansions to the fire zones due to climate changes. All of private and public streets up to 26 feet wide are also within ‘very high’ fire hazard zones.

3. Evacuation Routes: Given that fires in the urban-wildland interface are generally fast-moving and evolving, not only is access for emergency personnel important but also evacuation routes. In addition, the duration of the fire season is significantly longer than in past decades, which can be attributed to climate change. According to CalFire, wildfire threats are also ever growing, and ‘catastrophic’ fires are becoming the new normal. From 2019 through 2022, nearly 45,000 structures across California were destroyed or damaged as a result of wildfire. The most significant wildfires in Southern California during that period includes the 2017 Thomas Fire in Ojai, Santa Paula and Ventura (1,063 structures destroyed), 2017 Creek Fire in Sylmar (123), 2018 Woolsey Fire in Malibu (1,643), 2019 Sandalwood Fire in Yucaipa (74) and 2020 Bobcat Fire in Monrovia (170). Due the increasing number and frequency of wildfires, it is imperative to take necessary steps to limit ADUs on properties along private and public streets up to 26 feet wide.

4. Vehicle Ownership and Safe Pedestrian Access to Transit: The HODs present unique challenges with regards to pedestrian access to transit, compared to other parts of the City. For example, the Linda Vista neighborhood is only served by Pasadena Transit Route 51/52, which connects the Central District to the Art Center Hillside Campus and JPL Laboratory on weekdays only. The San Rafael neighborhood is only served by Metro Route 256. To access these routes, most residents need to walk along steep, winding and narrow roads. In addition, many of these roads do not include curbs, sidewalks, paved shoulders, guard rails or lighting. This significantly increases safety risks to pedestrians, especially those with disabilities or parents with small children. Based on the 2021 US Census American Community Survey, 91 percent of all households in Pasadena own a vehicle. It is presumed that residents in the HODs are even more likely to rely on personal vehicles for most or all their transportation needs. Many private and public streets up to 26 feet wide also have extremely poor pedestrian access to transit.

PROPOSED AMENDMENTS:

The following is a summary of staff’s proposed amendments organized by topic area:

Location and Unit Type Clarification:

1. Property is zoned to allow single-family or multifamily dwelling residential uses and includes a proposed or existing dwelling.
2. Unit types (unless otherwise noted):
 - a. ADUs may be new construction or conversions and may be detached or attached from the primary dwelling.

- b. Junior ADUs shall be attached with a maximum area of 500 square feet.
- c. Multi-family structures shall be defined as two or more attached units, existing or proposed.

Maximum Number and Size of Units:

- 3. Single-family sites: In addition to the primary dwelling, one ADU and one Junior ADU may be permitted, in one of the following configurations:
 - a. New Construction Detached ADU: One with a maximum area of 1,200 square feet; OR
 - b. New Construction Attached ADU: One with a maximum area of 800 square feet or 50 percent of the size of the existing primary dwelling; OR
 - c. Attached Conversion ADU: One by converting a portion of the existing primary dwelling with no size limitation; OR
 - d. Detached Conversion ADU: One with no size limitation; AND
 - e. Junior ADU: One with a maximum area of 500 square feet.
- 4. Multi-family sites: Defined in State law as two or more attached units, existing or proposed) shall be allowed two additional detached ADUs maximum plus the conversion of attached interior space into ADUs as follows:
 - a. New Construction Detached ADU: Two with a maximum area of 800 square feet, minimum side and rear yard setbacks of four feet and maximum height of 16 feet (up to 18 feet it within ½-mile walking distance of a major transit stop or high-quality transit corridor or if the multifamily structure is multistory); OR
 - b. Detached Conversion ADU: Two ADUs may be converted from existing detached structures, with a maximum area of 800 square feet each; AND
 - c. Attached Conversion ADU: Shall be non-habitable space up to 25 percent of the number of units for each existing or proposed multifamily structure. Examples of non-habitable space include boiler rooms, storage rooms, attics, basements and garages.
- 5. Clarify that “attached” shall mean the Junior ADU or ADU shares a wall with the existing or proposed primary dwelling or the multiple-family structure, with both sides of the wall being habitable space. Junior ADUs and ADUs shall not be connected to the existing or proposed primary dwelling or multiple-family structure solely by a patio cover, breezeway or similar roofed area.

Exemption Units: Include reference to Exemption Units as permitted under state law (see page 3 of this report).

Minimum Setbacks:

- 6. New construction:
 - a. Front lot line: Shall comply with the underlying zone. However, it shall not prevent the construction of an 800 square foot attached or detached ADU, as long as the ADU meets height limits and complies with minimum side and rear lot lines.
 - b. Side and rear lot lines: Four feet.
- 7. Conversions or when the structure is constructed in the same location and dimension as a previous structure: No setback shall be required.

Maximum Height:

8. Attached ADUs: Shall not exceed 25 feet or the maximum permitted in the underlying zone, whichever is less. New construction visible from the public right-of-way shall match the colors and materials of the primary dwelling.
9. Detached ADUs (remove the existing reference limiting height to one-story): Shall not exceed a height of 18 feet. However, upper story windows shall be prohibited along the side and rear lot lines when the proposed setback is less than five feet, unless required by the Building Code for ingress or egress. In such cases, windows shall be designed to preserve privacy (e.g., opaque windows, clear story windows, etc.).
10. Upper floor roof decks and balconies: Shall have a minimum side and rear yard setback of ten feet. Any proposed or required railings or wall enclosures shall be included in the maximum height of the Junior ADU or ADU.
11. Clarify that height for ADUs shall be measured from the lowest elevation of the existing grade to an exterior wall of the structure to the highest point of the structure (pursuant to PMC Section 17.410.060.C.1).

Minimum Parking:

12. Replacement parking: Shall not be required.
13. Parking requirements. One space shall be required per Junior ADU or ADU. The parking may be unenclosed and tandem in a driveway. Parking shall not be required if any of the following are present:
 - a. The Junior ADU or ADU is submitted with an application to create a new single-family dwelling or multifamily structure on the same lot;
 - b. Property is located within ½-mile of a public transit stop;
 - c. Property is located within a historically significant district; or
 - d. A car-share vehicle pick-up/drop-off is located within 1-block of the Junior ADU or ADU.

Entrance and Exterior Staircases (Applicable to single-family sites only):

14. Entrances for Junior ADUs and attached ADUs: Shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.
15. Exterior staircases for Junior ADUs and attached ADUs: Shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.

Owner-Occupancy Requirements:

16. Prohibit owner-occupancy requirements for ADUs approved between January 1, 2020 and January 1, 2025. Ownership requirements would be required after 2025, unless proposed legislation indefinitely prohibiting this requirement becomes state law.

Operational Standards

17. Allow ADUs to be sold separately if developed by a qualified nonprofit corporation and in accordance with California Government Code Section 65852.26. Prohibit in all other instances.

Additional Regulations for Historic Properties

18. To comply with state law, remove the existing prohibition on ADUs for individually designated historic properties and clarify that new construction ADUs shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.
19. Clarify in the existing regulations that new construction ADUs in Historic Districts shall not be visible from the public right-of-way, unless this requirement prevents the creation of the unit.

Additional Regulations Hillside Overlay Districts (HODs)

20. To comply with state law, remove the prohibition of ADUs in HODs and permit as follows:
 - a. Properties in HODs served by private or public streets up to 26 feet wide, as shown in Attachment F are allowed the minimum required by state law:
 - For conversions of existing attached space: No size limitation.
 - For conversions of existing detached space: No size limitation.
 - New Construction Detached ADU: Shall be limited to 800 square feet.
 - b. Other properties in HODs:
 - For conversions of existing attached space: No size limitation.
 - For conversion of existing detached space: No size limitation.
 - New Construction Detached ADU: 1,000 square feet.
 - c. In all HODs, the height limit shall be 16 feet, unless located within a ½-mile walking distance of a major transit stop or high-quality transit corridor, where 18 feet shall be permitted.

OTHER EFFORTS TO FACILITATE ADU PRODUCTION

Several items are already in place to improve the process and encourage the production of ADUs. In 2021, the City of Pasadena received a planning grant as part of the Sustainable Communities Program by the Southern California Association of Governments (SCAG) to advance ADU implementation. They completed a full review of the City's ADU construction trends, a summary of best practices in ADU production and two community surveys. This information was used to develop an ADU handbook, which includes helpful information for the public on Pasadena's ADU permitting process, and also an online cost-estimator tool where property owners can enter the square footage and number of bedrooms for their proposed ADU to receive an estimate on construction costs, permitting fees and impact fees. Both the ADU Handbook and ADU Cost Estimator Tool are already available on the City's website. Since March 2023, staff has also been offering virtual ADU consultations, where people can meet virtually with Building and Zoning staff to discuss the options available to construct ADUs on a specific property.

Other items related to ADUs are currently underway. As part of the SCAG planning grant, five prototype ADU floor plans were developed (see Attachment G). Staff from the City's Building Division are also currently completing ADU construction drawings, which can be used as "pre-approved plans" to save time and money. These will include plans for studio, 1-bedroom and 2-bedroom detached ADUs. Three architects also submitted prototype ADU floor plans that can be deemed as pre-approved. Applicants will still need to complete a site plan and submit other information needed for a building permit. Changes to the floor plan and/or elevations, such as moving, adding or eliminating a door or window, would require updated plans and would remove

the 'pre-approved' status of the plans. Several jurisdictions throughout California already offer pre-approved plans, including Los Angeles, Encinitas, Sacramento, and San Jose. Staff is also working with an online mapping platform which lets homeowners explore different ADU floor plans, place them on a site plan of their property and review for regulatory compliance (e.g., ADU square footage and setbacks to property lines). The pre-approved plans and online mapping program are expected to be complete and operational by spring 2024.

Another item raised by the Planning Commission and community was to waive or reduce permitting and impact fees for ADUs. This suggestion is not a part of the Zoning Code and is not included for consideration with these amendments. Modifying the fee structure would require initiation by the City Council or City Manager and would likely require a fee analysis.

ENVIRONMENTAL DETERMINATION:

Pursuant to California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance to implement the provisions of Government Code Section 65852.2 (Regulations for ADUs). Therefore, the proposed Zoning Code text amendments to the City's ADU regulations are exempt from environmental review.

CONCLUSION:

Staff is seeking a recommendation from the Planning Commission on the proposed Zoning Code Text Amendments. Staff recommends that the Planning Commission recommend that the City Council make the required findings and adopt the Zoning Code Amendments.

Respectfully Submitted,



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Attachments:

Attachment A: Findings for Zoning Code Amendments;

Attachment B: Full Text of Government Code Sections 65852.2, 65852.22, 65852.23 and 65852.26, as amended;

Attachment C: Existing Regulations – Zoning Code Section 17.50.275;

Attachment D: March 22, 2023 Planning Commission Study Session Staff Report;

Attachment E: August 29, 2022 Letter from the State to Rancho Palos Verdes;

Attachment F: Street Widths Map within VHFHSZs; and

Attachment G: ADU Prototype Plans provided by SCAG.