

ATTACHMENT E

EXISTING REGULATIONS: ZONING CODE SECTION 17.50.275 (ACCESSORY DWELLING UNITS)

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 standards.

1. **Permitted zones.** Accessory dwelling units are permitted in the following zoning districts:
 - a. One newly constructed accessory dwelling unit may be constructed on any legal parcel in a RS and RM zoning district that includes a proposed or existing single-family dwelling.
 - (1) **Exception.** Converted accessory dwelling units that meet all of the following criteria shall be permitted in all zoning districts that permit single-family residential uses:
 - a) The accessory dwelling unit is contained within a legally constructed existing space (i.e., a fully enclosed area, including a garage) of a primary single-family dwelling or structure accessory to a primary single-family dwelling.
 - b) There is an independent exterior access from the existing residence.
 - c) Side and rear setbacks are sufficient for fire safety.
 - d) All applicable building and safety codes are met.
 - e) Only one accessory dwelling unit will exist on the site.
2. **Minimum lot area.**
 - a. **Converted accessory dwelling unit.** None.
 - b. **Newly constructed accessory dwelling unit.**
 - (1) **RS zoning districts.** One accessory dwelling unit may be constructed on any legal parcel of 7,200 square feet or more in size.
 - (2) **RM zoning districts.** One accessory dwelling unit may be constructed on any legal parcel, regardless of lot size.
3. **Hillside Overlay District.** Newly constructed accessory dwelling units are prohibited on parcels within the Hillside Overlay District (e.g., HD, HD-1, HD-SR).

4. **Historic Districts.** Accessory dwelling units are prohibited in historic districts (e.g., National Register, Landmark, etc.) unless the accessory dwelling unit is one of the following:
 - a. A converted accessory dwelling unit; or
 - b. A newly constructed accessory dwelling unit that is not visible from the public right-of-way.
 5. **Individually Designated Historic Properties.**
 - a. Newly constructed accessory dwelling units are prohibited on individually designated historic properties.
 - b. Converted accessory dwelling units are permitted on individually designated historic properties.
- C. **Operational standards.**
1. **Existing development.** 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. Existing single-family structures shall not be demolished to allow for the construction of an accessory dwelling unit.
 2. The property owner shall occupy one of the two units on the site as a primary residence.
 3. **Short-term rental prohibited.** Any rental term of an accessory dwelling unit that was legally created on or after January 1, 2017 shall be longer than 30 days.
 4. **Sale of units.** The accessory dwelling unit may not be sold separately from the existing single-family home.
 5. **Recorded covenant.** 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 this Section.
- D. **Development standards.** 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.
1. **Converted Accessory Dwelling Units.**
 - a. **Unit size.**
 - (1) **Minimum unit size.** None.
 - (2) **Maximum unit size.** None.
 - b. **Setback requirements.** No setback shall be required for an existing structure, or portion thereof, 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.(1c).
 - c. **Building separation.** No minimum building separation requirement.
 - d. **Separate access.** An accessory dwelling unit shall provide separate exterior access from the existing primary residence. Entry doors cannot be on the same facade as the entry door of the primary residence, unless this requirement prevents creation of the accessory dwelling unit.

- e. **Windows and doors for historic properties.** Windows and doors (including opening and garage doors) for historic properties that are original to the structure are required to be retained, unless this requirement prevents creation of the accessory dwelling unit.

2. **Newly Constructed Accessory Dwelling Units.**

a. **Unit size.**

(1) **Minimum unit size.** The accessory dwelling unit shall be no less than 150 square feet in size.

(2) **Maximum unit size.**

- a) For parcels less than 10,000 square feet in size: 800 square feet or 50 percent of the proposed or existing primary dwelling living area (i.e., all fully enclosed area, excluding garages and detached structures), whichever is less.
- b) For parcels equal to or greater than 10,000 square feet in size: 1,200 square feet or 50 percent of the proposed or existing primary dwelling living area (i.e., all fully enclosed area, excluding garages and detached structures), whichever is less.
- c) Properties in RM zoning districts with an affordability covenant/agreement applicable to the ADU per the City's Inclusionary Housing Regulations:
 - i. For parcels less than 10,000 square feet in size: 800 square feet or 75 percent of the proposed or existing primary dwelling living area (i.e., all fully enclosed area, excluding garages and detached structures), whichever is less.
 - ii. For parcels equal to or greater than 10,000 square feet in size: 1,200 square feet or 75 percent of the proposed or existing primary dwelling living area (i.e., all fully enclosed area, excluding garages and detached structures), whichever is less.

b. **Site planning.** 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.

c. **Setback requirements.** The minimum required setbacks shall comply with Section 17.22.040, except that the minimum rear yard setback shall be no less than 10 feet. 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. **Building separation.** A minimum building separation of six feet shall be maintained (eave to eave) between the primary residence and a detached accessory dwelling unit.

e. **Maximum height.** A newly constructed 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.

(1) **Exception.** A newly constructed attached accessory dwelling unit may extend to a height of two stories, per the maximum allowed height in Section 17.22.040, if the existing primary residence is two stories in height.

E. Parking and circulation standards.

1. **Required parking.** One additional 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.(1);
 - (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.
2. **Replacement parking.** 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.
3. **Overnight parking permit.** No overnight parking permits shall be issued for a property with an accessory dwelling unit approved under these provisions.
4. **Driveway access.** 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.

F. Mature trees.

1. Any "mature tree," as defined by Section 8.52.020 of the Pasadena Municipal Code, in a protected zone shall be replaced at a one-for-one ratio if it is proposed to be removed in order to construct a Newly Constructed Accessory Dwelling Unit.

(Ord. 7321 § 4, 2018; Ord. 7295 § 4, 2017)