

## ATTACHMENT G

### SUMMARY OF THE JUSTIFICATIONS TO LIMIT ACCESSORY DWELLING UNITS (ADUs) IN HILLSIDE OVERLAY DISTRICTS:

Of the City's 30,000 single-family zoned properties, approximately 3,000 properties (or ten 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 E 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 attached ADU: Shall be limited to 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom.
- 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 attached ADU: Shall be limited to 850 square feet for a studio or one-bedroom and 1,000 square feet for more than one bedroom.
  - New Construction Detached ADU: Shall be limited to 1,000 square feet.

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 5.3 percent of all single-family zoned properties in the City). Refer to Attachment E (Street Widths Map Within HODs).
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.