

Introduced by:

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA PROHIBITING URBAN LOT SPLITS AND CONSTRUCTION OF MULTIPLE DWELLINGS PURSUANT TO SENATE BILL 9 IN VERY HIGH FIRE HAZARD SEVERITY ZONES WITHIN THE BOUNDARY OF THE EATON FIRE

WHEREAS, windstorms of extraordinary magnitude and widespread fires began on January 7, 2025, which included dangerous gusts of wind of over 80 miles per hour and wind-driven and destructive wildfires including the Eaton Fire and the Palisades Fire; and

WHEREAS, these conditions caused extensive damage to residential and nonresidential structures, businesses and critical infrastructure in the City of Pasadena ("City") and the Eaton Fire specifically destroyed 185 structures in the City, a majority of which were zoned single-family residential, displacing Pasadena residents; and

WHEREAS, the combined fires in the County of Los Angeles ("County") collectively burned over 47,900 acres, destroyed or damaged more than 16,250 structures, including homes, small businesses, and places of worship, with initial estimates placing this disaster among the most destructive in California history; and

WHEREAS, on January 8, 2025, the Director of Disaster Emergency Services of the City proclaimed the existence of a local emergency; and

WHEREAS, on January 13, 2025, the City Council ratified that January 8, 2025 Declaration of Local Emergency – Windstorms and Fires, which shall be deemed to continue to exist until its termination is proclaimed by the City Council; and

WHEREAS, on July 30, 2025, the Governor issued Executive Order N-32-25, which acknowledged that Senate Bill ("SB") 9 was not tailored for circumstances like the present situation where more than 13,000 homes were destroyed including more than 5,000 single-family homes in the Palisades Fire that fall into a designated very high fire hazard severity zone; and

WHEREAS, Executive Order N-32-25 recognizes that widespread SB 9 development concentrated in neighborhoods rebuilding from destructive fires in very

high fire hazard severity zones has the potential to crowd evacuation routes, and finds the unprecedented scale of the disaster calls for affording local governments increased discretion to ensure that SB 9 development in the rebuilding areas appropriately account for fire safety concerns, and suspends Government Code sections 65852.21 and 66411.7 in very high fire hazard severity zones within the boundaries of the Palisades and Eaton Fires to the extent they limit discretion in approval of applications for development of two units on a single-family parcel or lot split; and

WHEREAS, City residents are in the process of preparing for rebuild and rebuilding, and the City Council finds there is a need to address the current and immediate threat of overcrowding evacuation routes in very high fire hazard severity zones that are within the boundary of the destructive Eaton Fire to preserve public safety during emergencies; and

WHEREAS, under Government Code Section 8634, during a local emergency, the City Council may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, under Government Code Section 65858, the City Council may adopt by a four-fifths vote an interim zoning ordinance to protect the public safety, health, and welfare; and

WHEREAS, the City provided notice pursuant to Government Code Section 65090 and held a public hearing on September 8, 2025, regarding this proposed rebuild ordinance; and

WHEREAS, the City Council finds that there is a local emergency that requires the City Council to promulgate this ordinance to protect life and property, and there is a current and immediate threat to the public health, safety and welfare and that the approvals of certain entitlements required to comply with the Zoning Code would result in a threat to the public health, safety or welfare by failing to appropriately account for fire safety concerns in the very high fire hazard severity zones in the boundaries of the Eaton Fire;

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

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

“Summary

This proposed ordinance amends various sections of Pasadena Municipal Code Title 16 (Subdivision Ordinance), Chapter 16.08, Section 16.08.240, and Title 17 (Zoning Code), Chapter 17.22, Section 17.22.050 to prohibit Senate Bill 9 applications within very high fire severity zones within the boundary of the Eaton Fire in the City of Pasadena.

Ordinance No. _____ shall take effect upon publication.”

SECTION 2. Pasadena Municipal Code, Title 16 (Subdivision Ordinance), Chapter 16.08 (Definitions), Section 16.08.240, is amended to read as follows:

“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 up to two dwelling units of all types. Applications for an Urban Lot Split must comply with the following requirements and with the provisions of Government Code Section 66411.7:

- A. In no circumstance may an Urban Lot Split result in more than 2 residential units on any lot, inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units;
- B. Parcels resulting from the Urban Lot Split must be no less than 40% the size of the original parcel;
- C. Applications for an Urban Lot Split must be submitted concurrently with an application for proposed residential development;
- D. 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);

E. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance;

F. 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

1. Sign an affidavit, in the form approved by the City Attorney, stating that the proposed lot split would not require demolition or alteration of any of the following types of housing:

- a. 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.

- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

- c. 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.

- d. Housing that has been occupied by a tenant in the last three years.

G. 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;

H. 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, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section; and
 2. 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.
 3. A prohibition on the development of a total of more than 2 residential units on any lot, inclusive of Accessory Dwelling Units and Junior Accessory Dwelling Units.
- I. 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.
- J. Urban Lot Splits are prohibited in very high fire hazard severity zones identified pursuant to Government Code section 51178 within the boundary of the 2025 Eaton Fire. A map of this area shall be maintained on file with the planning and community development department."

SECTION 3. Pasadena Municipal Code, Title 17 (Subdivision Ordinance), Chapter 17.22 (Residential Zoning Districts), Section 17.22.050, is amended to read as follows:

"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 cochere. A porte cochere may be rebuilt or restored if evidence is provided to the City that the residence originally had a porte cochere. The porte cochere shall meet all building requirements. The Director shall review 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. Two-Unit Developments 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 Two-Unit Developments (whether attached or detached) apply to all single-family zoned properties. Construction of Two-Unit Developments in single-family residential zones pursuant to Government Code Section 65852.21 is prohibited on historic sites and sites that fall within historic districts, which include (1) an historic district or property listed on either the National Historic Register or State Historic Resources Inventory, (2) an individual historic landmark property designated pursuant to the City's Historic Preservation Ordinance, or (3) a Landmark District (LD overlay zone) designated pursuant to the City's Historic Preservation Ordinance. A Landmark District is a grouping of properties that represents a significant and distinguishable entity of Citywide importance that is united historically by past events or aesthetically by plan or development and represents one or more of a defined historic, cultural, development and/or architectural context(s). Construction of Two-Unit Developments in single-family residential zones pursuant to Government Code Section 65852.21 is also prohibited in very high fire hazard severity zones identified pursuant to Government Code section 51178 within the boundary of the 2025 Eaton Fire. A map of this area shall be maintained on file with the Department.

Proposed adjacent or connected primary residences (Two-Unit Developments) 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 primary residence on a site with an existing primary residence or for up to two new primary residences where no primary residence is present. In cases where the following standards preclude development of an 800 square-foot primary residence, 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 primary residences 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 at least two trees, each of which meets one of the following: 1) Retention of a tree of at least 19" DBH on-site. 2) Retention of a tree from the City's Native and Protected Species list that meets the minimum protected size. 3) A new 24-in box tree 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.
Notes:	
(1) See Chapter 17.40 for development on substandard lots and flag lots	
(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. In no other case shall reductions be made in the required side, corner side, and rear setbacks.	

(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.

(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.

H. Garden requirements for Two-Unit Developments in Single-Family Residential Zones. Each Two-Unit Development 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."

SECTION 4. The amendments adopted under this ordinance are adopted pursuant to the Governor's Executive Order N-32-25 (July 30, 2025) and shall remain in effect until such order ceases to be effective, unless the effect of such order is adopted into law permanently.

SECTION 5. If any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction,

such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

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SECTION 7. This ordinance shall take effect upon publication and shall remain in effect for 45 days unless extended by the City Council in accordance with Government Code 65858, in which case the ordinance shall remain in effect for the period of the extension approved by the City Council, subject to earlier termination in accordance with Section 4.

Signed and approved this _____ day of _____, 2025.

Victor 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 _____ day of _____ 2025, by the following vote:

AYES:

NOES:

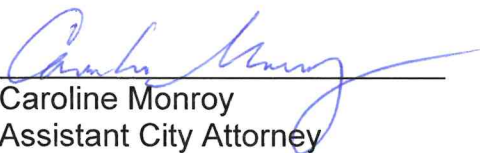
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Caroline Monroy
Assistant City Attorney