



South Pasadena Municipal Code (SPMC) Amendments: Accessory Dwelling Units (ADU) Information Sheet

Objective

To update the SPMC ADU requirements in accordance with State law, to clarify certain points, and to assert the City's development approval authority to the maximum extent possible.

Amendments Summary

Recently, ADU regulations were relocated in the California Government Code. This creates a need to update Government Code Section references. In limited circumstances, State law compels the City to allow eligible ADUs to be sold separately to low- or moderate-income persons in accordance with Government Code Sections 66340 and 66341, if the ADU was built or developed by a qualified nonprofit corporation as defined in state law. Given the narrow eligibility requirements for such ADUs, this regulation will not apply widely in South Pasadena. Nonetheless, the SPMC is being updated to reflect the State regulations.

ADUs are non-discretionary approvals, meaning the City does not have the ability to deny them provided they comply with required objective standards. This is true even when an ADU is associated with new construction that is subject to the City's review process, such as a proposed new home that would also have an ADU. ADUs are already non-discretionary and the City reviews ADU applications according to State law. Proposed revisions would resolve some confusion in this regard, clarifying the process without changing how the City processes ADU applications.

State law also requires that the Code allow additional height for certain ADUs. ADUs within one mile of a major transit stop or a high-quality transit corridor, may be up to 18 feet. ADUs attached to a primary dwelling could be up to 25 feet tall, providing more options to allow the ADU to blend with the existing primary dwelling unit. The proposed revisions would bring the SPMC into compliance with State regulations and would not change the City's current review practices.

The SPMC would also be updated to reflect Government Code Section 66323, which has been interpreted by HCD to allow up to four units on a single-family property: the primary unit, a converted ADU, an attached or detached ADU (new construction), and a Junior ADU (JADU).

The ADU ordinance includes language regarding the timing of concurrent applications involving ADUs. This sub-section is proposed to be revised to reflect changes to State law that are effective from January 1, 2025.

Affected SPMC Section

36.350.200 Residential Uses—Accessory Dwelling Units (ADUs)

Environmental Clearance

The proposed revisions are being made to reflect recent changes in State law and involve text clean-ups to reference new Government Code sections. As the City is making these changes to be consistent with State law, and no other changes are proposed that would go beyond existing law, the revisions do not need to be analyzed under the California Environmental Quality Act (CEQA) because they qualify for the common sense exemption found in CEQA Article 5 §15061(b)(3).