

ORDINANCE NO. 2356

AN ORDINANCE OF THE CITY OF SOUTH PASADENA AMENDING CHAPTER 36
("ZONING"), ARTICLE III ("SITE PLANNING AND GENERAL DEVELOPMENT
STANDARDS"), SECTION 36.350.200 ("RESIDENTIAL USES—ACCESSORY DWELLING
UNITS") OF THE CITY OF SOUTH PASADENA MUNICIPAL CODE

The people of the City of South Pasadena do hereby ordain as follows:

SECTION 1. Section 36.350.200 ("Residential Uses—Accessory Dwelling Units") or Article III ("Site Planning and General Development Standards") of Chapter 36 ("Zoning") of the South Pasadena Municipal Code is amended to read as follows:

"36.350.200 Residential Uses—Accessory Dwelling Units (ADUs).

A. **Definitions.** The following definitions shall apply to this section.

Accessory Dwelling Unit (ADU). See SPMC 36.700.020.A.

Attached ADU: An ADU that is attached to the primary dwelling, not including a JADU.

Bathroom. Facility required to include a shower and/or bath, sink and a toilet.

Conversion. All or a portion of an existing space or structure which is used to create an ADU or JADU (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary dwelling. A conversion does not include the portion of any expansion of the existing space or structure.

Detached ADU. The unit is separated from the primary dwelling.

Efficiency kitchen. Required to include a cooking appliance, such as a hot plate and microwave with a sink, and a food preparation counter and storage cabinets.

High risk fire area. The area located south of Monterey Road, extending to the city border, and west of Meridian Avenue, extending to the city border, as established in SPMC Chapter 14.

Historic Property. For purposes of this section, this shall refer to a property that is: 1) designated as a landmark or as a contributor to a designated historic district; 2) identified on an inventory that has been adopted by the City as a property with potential as an individual landmark or as a contributing structure to a potential historic district, as authorized by Health and Safety Code Section 18955.

Junior Accessory Dwelling Unit (JADU). A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence, which shall not exceed 500 square feet in size. A JADU may share central systems (HVAC, water, electric), contain an

efficiency kitchen or cooking facilities, bathroom or may share a bathroom with the primary dwelling.

B. Applicability. The standards and criteria in this section apply to properties containing single-family or multifamily housing units within all zoning districts that allow residential uses. These standards are in addition to all other applicable standards found in this Zoning Code; in case of conflict the standards of this section shall apply.

C. Applications. Pursuant to Government Code Section 65852.2, applications for accessory dwelling units shall be considered ministerially (staff-level approval) within 60 days after the application is deemed complete. The application for the creation of an ADU or JADU shall be deemed approved if the local agency has not acted on the application within 60 days from the date it is deemed complete. The application process and requirements shall be set forth in a written document provided by the Planning Department.

1. **Timing of Concurrent Applications.** An applicant may submit an application to construct an ADU concurrently with other proposed development, such as new construction of or an addition to an existing primary dwelling. The following shall apply in these cases:
 - a. **New construction of primary dwelling unit, with attached ADU/JADU or detached ADUs:** Approval of all applicable discretionary entitlements for the primary dwelling shall be required before the ADU/JADU application may be deemed complete and approved.
 - b. **Conversions of existing accessory structures:** The ADU application for conversion of a detached accessory structure may be approved within 60 days after it has been deemed complete, regardless of a concurrent application for an addition to the primary dwelling. If the conversion is a garage that removes existing parking, replacement parking for the primary structure shall not be required, and the proposed addition to the primary dwelling shall not require additional parking.
 - c. **Additions to existing primary dwelling unit with proposed attached ADU/JADU:** Approval of all applicable discretionary entitlements for the primary dwelling shall be required before the attached ADU/JADU application may be deemed complete and approved, unless the ADU application is for a conversion.
 - d. **Additions to existing primary dwelling unit with proposed detached ADU:** The ADU application for a new construction detached ADU, or a conversion plus expansion of a detached accessory structure, shall be approved within 60 days after it has been deemed complete. If the application for an addition to the primary dwelling unit is deemed complete together with the ADU application, 800 SF of the ADU shall be allowed to exceed the FAR and lot coverage in calculating the allowable floor area for the addition to the primary dwelling unit. If the ADU application includes a garage conversion that removes existing parking,

replacement parking for the primary structure shall not be required, and the proposed addition to the primary dwelling shall not require additional parking.

- e. **Demolition of accessory structure to facilitate new construction of ADU:** Demolition, as defined by SPMC Section 2.59(d), of an existing structure that is considered to be located on an historic property or is 45 years or older, shall require a certificate of appropriateness, pursuant to SPMC section 2.65(c) and (e), as a prerequisite to an application for an ADU being deemed complete. The resulting ADU application shall be considered new construction and shall comply with the minimum setback requirements for new construction, set forth in sub-section E.4. below. Demolition of an accessory structure that is less than 45 years old and not considered to be located on an historic property shall not require a certificate of appropriateness.

2. **Prerequisite Discretionary Permits.** Accessory dwelling unit applications shall not be deemed complete until all applicable discretionary prerequisites have been approved. Prerequisites may include tree removal permits, Certificates of Appropriateness, and hillside development permits.

D. **Ownership.** An ADU or JADU may not be owned or sold separately from the primary dwelling. The City may require a deed restriction in a form approved by the City Attorney to enforce the restrictions set forth in this section.

1. **JADU Owner-occupancy required.** The owner shall reside in either the remaining portion of the primary residence, or in the newly created JADU.

E. **Development Standards for ADUs on Single-Family Properties.**

1. **Location**

- a. **Number of ADUs.** One ADU, either attached or detached, and one JADU shall be allowed on a single-family property.
- b. **Location on site.** An accessory dwelling unit may be attached to or detached from the primary dwelling on the same lot. An accessory dwelling unit may be located within and/or above a garage or other existing accessory structure.
- c. **Hillside locations.** An ADU on a hillside property may be attached or detached, in a location within, behind or underneath the primary dwelling, underneath a parking bridge even if it is closer to the front property line than the primary dwelling, or as

a conversion of existing space. A hillside development permit may be required, consistent with SPMC division 36.340.

- d. **Location in front of primary dwelling.** If 50% or more of the existing primary dwelling is located in the rear 1/3rd of a property that is not a historic property, an attached or detached ADU shall be allowed in front of the primary structure as follows:
- i. Ministerial review (staff-approval): For an ADU that is one-story, not more than 850 square feet for a unit with up to one bedroom or 1000 square feet if the unit includes two or more bedrooms, and maximum 16 feet in height.
 - ii. Design Review Board approval: For an ADU that exceeds the standards of (i) above, and is no more than 1200 square feet in size and maximum two stories not to exceed a height of 18 feet for a flat roof and 22 feet for a pitched roof.
- e. **Standards for ADUS in front of primary dwelling.** Where feasible, ADUs located in front of a primary dwelling per (d) above shall comply with the following standards:
- i. The ADU shall comply with the applicable front yard setback requirement for the district in which it is located, and with minimum side yard setbacks of four feet.
 - ii. The structure's front yard-facing elevation shall include an entry into the unit and a covered porch or awning.
 - iii. The application shall provide a landscape plan for the area in front of the ADU in compliance with 36.330.030. No new driveway or parking area shall be allowed directly in front of the ADU.
 - iv. A minimum 20 square feet of window area shall be provided on each front and corner-facing elevation. No window with any exposed vinyl material in part or in whole shall be allowed on these elevations.
 - v. The ADU shall have a pitched roof if one or more adjacent properties have pitched rooves.
 - vi. If a garage is attached to the ADU, it shall be set back 10' from the front elevation.

- f. **Placement on Historic properties. ADU's proposed for an historic property, including additions shall:**
- i. Be located in the rear of the property such that at least 50% of the ADU's first floor, front-facing façade is behind the predominant massing of the existing dwelling.
 - ii. Not be placed in a manner to block visibility of the historic resource from the public right-of-way, or compete with character-defining features of the historic resource.
2. **Floor area**
- Floor area of an ADU that exceeds the property's lot coverage and floor area ratio (FAR) requirements shall be permitted as required by Government Code Section 65852 and as specified in this sub-section. An ADU which is proposed to exceed lot coverage and floor area ratio (FAR) as described below shall not be approved, unless the size is reduced to comply with this sub-section. For purposes of development of other structures on the property, the floor area of an existing ADU shall be counted in the calculation of the property's total lot coverage and floor area ratio, except that when an existing garage has been converted or partially converted to an ADU and no other garage has been or is proposed to be constructed onsite, up to 500 square feet of such garage conversion shall not be counted toward lot coverage and floor area ratio.
- a. **New Construction Attached ADU.** An accessory dwelling unit attached to the primary dwelling shall have a minimum floor area of 150 feet, and a maximum floor area of 850 square feet for a unit with up to one bedroom or 1000 square feet if the unit includes two or more bedrooms. Up to 800 square feet of the floor area of the ADU shall be allowed to exceed the property's lot coverage and FAR requirements.
 - b. **New Construction Detached ADU.** A detached accessory dwelling unit shall have a minimum floor area of 150 square feet, and a maximum floor area of 1,200 square feet. Up to 800 square feet of the floor area of the ADU shall be allowed to exceed the property's lot coverage and FAR requirements.
 - c. **Conversion ADUs.** The maximum size of an ADU that is a conversion of an existing accessory structure shall be the size of the existing structure plus an expansion up to an additional 150 square feet if necessary for ingress and egress only.
 - i. An ADU that expands upon the existing structure being converted in excess of the ingress and egress exemption shall be a maximum of 1200 square feet. Up to 800 square feet of the floor area of the ADU shall be allowed to exceed the property's lot coverage and FAR requirements.
 - d. **Junior Accessory Dwelling Units (JADUs).** The maximum floor area for a junior accessory dwelling unit shall not exceed 500 square feet. If the ADU shares an existing

bathroom with the primary dwelling, the bathroom area shall not be included. However, a newly constructed bathroom shall be included in the maximum size of the JADU even if proposed to be shared with the primary dwelling.

3. **Height Limits.** The maximum height of an attached or detached new accessory dwelling unit shall not exceed the following limits. For purposes of this section, “story” shall mean a distinct level of living space, excluding loft area that is open to living space below:
 - a. **For a one-story ADU:** 16 feet to top of parapet or pitched roof
 - b. **For a two-story ADU including an ADU located above an accessory structure:** 18 feet for a flat roof, plus a 1-foot parapet, or 22 feet for a pitched roof
 - c. **For a conversion ADU (without an expansion):** the height of the existing structure
 - d. **For a historic property:** One story only is permitted with a maximum height not to exceed 16 feet to top of parapet or pitched roof. However, the maximum height for a conversion ADU shall be the height of the existing structure.
4. **Setbacks.** An accessory dwelling unit shall comply with the front yard setback requirements of the applicable zoning district (see Article 2, Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), except that no setback shall be required for the conversion of an existing structure, and a setback of no more than 4 feet from the side and rear lot lines shall be required for new construction.
 - a. **Additions to structures with non-conforming setbacks.** If the ADU is a conversion of an existing accessory structure with a side yard setback of less than 4 feet, the wall may be extended for an additional 10 feet at the same setback, provided it is not less than 3 feet from the side property line and not less than 4 feet from the rear property line. If the existing setback is less than 3 feet, the addition shall be required to maintain the 4’ setback.
5. **Building Separation.** Detached ADUs on residentially zoned parcels that are larger than 800 square feet shall comply with the ten-foot building separation requirement in SPMC 36.220.040.
6. **Standards for JADUs.** (see also Sub-section I) A JADU shall include:
 - a. an outdoor entrance that is separate from the primary dwelling
 - b. at a minimum, an efficiency kitchen, a separate or shared bathroom, sleeping and 1 living area.

F. Development standards for ADUs on multifamily and mixed-use properties

1. **Number of Detached ADUs.** Not more than two detached accessory dwelling units may be located on lots with a multifamily dwelling.
2. **Setbacks.** An accessory dwelling unit shall comply with the front yard setback requirements of the applicable zoning district (see Article 2, Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), except that no setback shall be required for the conversion of an existing structure, and a setback of no more than 4 feet from the side and rear lot lines shall be required for new construction.
3. **Detached ADU standards.** The accessory dwelling units shall maintain four-foot side and rear yard setbacks; and shall not exceed 16 feet for a one-story structure or, for a two-story structure, 18 feet for a flat roof or 22 feet for a pitched roof.
4. **Conversion ADUs.** Nonliving space within the existing building envelope on lots with a multifamily dwelling, including storage rooms, boiler rooms, passageways, attics, basements, or garages, may be converted into accessory dwelling units if each unit complies with State building standards for dwellings and on the condition that the number of accessory dwelling units created do not exceed 25 percent of the number of existing multifamily dwelling units, or at least one unit, including the accessory dwelling units created.

G. Development Standards Applicable to ADUs on All Properties

1. **Two-Story ADUs.** Except as approved by the Design Review Board pursuant to E.1.d above, a two-story ADU shall comply with the following standards as applicable:
 - a. **Windows:** Where primary dwelling units are not allowed to build within six feet of the property line, the following shall be required: On 2nd floor elevations with setback less than six feet from a property line shared with adjacent residential parcels, only fixed windows, or fixed panes of a window assembly, comprised of plain obscured glass (such as frosted) with no color shall be placed in the area up to five feet above the interior floor height. Any clear window or window pane on these elevations shall be placed so that the bottom of the clear glass is at least five feet above the interior floor height.
 - b. **Balconies:** Balconies shall only be allowed on elevations facing the interior of the property, i.e., facing the primary dwelling and/or the back yard area directly behind the primary dwelling. In the case of an ADU on a corner lot, a balcony may face the adjacent street.
 - c. **Setbacks for 2nd floor:** The second floor of an ADU shall be set back a minimum of 4' from the side and rear property line.

- i. Notwithstanding the above, a second floor ADU proposed above an existing accessory structure shall be allowed to maintain the same setback as an existing wall provided the wall is at least three feet from the property line.
 - d. **2nd Floor Articulation:** 30% of the side and rear wall plane above the first floor shall be articulated with minimum 18” recesses.
2. **Separate Entrance.** An attached ADU shall have an outdoor entrance that is separate from the primary dwelling.
3. **Interior Facility Requirements.** An ADU shall provide living quarters independent from the primary dwelling, including living, sleeping, permanent provisions for cooking and a bathroom.
4. **Utilities.** An ADU may have shared or separate utility services (i.e., an electrical and/or gas meter) from the primary dwelling.
5. **Mechanical Equipment.** Outdoor equipment associated with electric split or mini-split heating and cooling systems dedicated solely to an attached or detached ADU may be placed in the rear yard setback area.

H. Parking

1. **Exemptions.** With the exception of I.1, below, no off-street parking shall be required for an ADU or JADU if:
- a. The ADU is located within one-half mile walking distance of a bus stop or light rail station.
 - b. When on-street parking permits are required but not offered to the occupant of the ADU.
 - c. The ADU is within an historic district or potential historic district, or a historic designated property, as identified by the National Register for Historic Places, the California Register for Historic Places, or the City’s Cultural Heritage Ordinance.
 - d. The ADU or JADU is within the existing primary dwelling.
 - e. There is a car share vehicle located within one block of the ADU.

2. **Parking required.** Parking shall be required for an accessory dwelling unit under the following conditions (see also I.1, below):
 - a. If the ADU does not qualify for an exemption based on the list above, in which case one off-street parking space shall be required.
 - b. If the ADU or ADUs are within a multi-family property, in which case one off-street parking space shall be required per three accessory dwelling units, or fraction thereof. The requirement shall be cumulative if ADUs are built sequentially.

I. High Risk Fire Areas. The areas of the City defined as “high risk fire area” pursuant to SPMC Section 14.1, are subject to additional requirements for parking and fire sprinklers due to topographic and climatic conditions which create public safety risks, including accessibility of fire apparatus on narrow streets, and delay times in evacuation and response due to accessibility challenges. Requiring parking on-site is intended to reduce parking on the narrow streets, in order to increase accessibility of fire apparatus and facilitate evacuation; use of fire sprinklers in new development helps control the spread of small fires, which promotes effectiveness in controlling a fire in early stages, allowing for responding fire apparatus and suppression crew to arrive on scene and deploy industry-standard pre-connected 250-foot hose lines or standard hose packs as necessary to reach and defend occupants and structures. Based on these findings of public safety necessity, proposed ADUs and JADUs in the High Risk Fire Area shall be subject to the following additional requirements.

1. **Parking.** If the property is located adjacent to a narrow street, defined as a street with a width of less than 28 feet, one off-street parking space shall be provided. The ADU may not displace existing parking for the primary residence. Notwithstanding, a garage may be converted to an ADU if all removed parking spaces are provided elsewhere on the property for the primary dwelling in addition to the parking space to be provided for the ADU.
2. **Fire Sprinklers.** Fire sprinklers shall be required.
3. **Distance from front property line.** A detached ADU shall be located within 150 feet of the front property line in order to facilitate emergency fire access, including deployment of an industry-standard, pre-connected 250-foot hose line. Notwithstanding, for flag lots, for the purpose of deploying industry-standard hose-packs, the ADU may be located within 100 feet of a dry standpipe installed on the property with approval of the Fire Chief.

J. Short-term rentals. Short-term rentals. An accessory dwelling unit shall not be rented out for a period of less than 30 days. The City may require a deed restriction to enforce this limitation, in a form approved by the City Attorney.

K. Fees. An accessory dwelling unit application must be submitted to the City along with the appropriate fee as established by the City Council by resolution in accordance with applicable law.

1. The City may impose a fee on the applicant in connection with approval of an ADU for the purpose of defraying all or a portion of the cost of public facilities related to its development, as provided for in Government Code Sections 65852.2(f)(1) and 66000(b).
2. The City will not consider an ADU to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was part of an application for a new single-family dwelling.
3. The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. Units that are deed-restricted, that rent can be no more than 80% of Area Median Income (AMI), are exempt from impact fees.
4. The City shall collect school impact fees pursuant to the State Law for development of an ADU or JADU.

L. Certificate of occupancy. A certificate of occupancy for an ADU or JADU shall not be issued before the issuance of a certificate of occupancy for the primary dwelling.”

SECTION 2. CEQA. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility this Zoning Code Amendment may have a significant effect on the environment.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code Section 36937.

SECTION 4. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on May 5, 2021 by the following vote:

AYES: Donovan, Primuth, Zneimer, Cacciotti, and Mayor Mahmud

NOES: None

ABSENT: None

DocuSigned by:

Diana Mahmud, Mayor

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Diana Mahmud, Mayor

Attest:

DocuSigned by:

Linda Thai

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Linda Thai, Deputy City Clerk