



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT

### CITY PLANNING COMMISSION

**Date:** November 29, 2018  
**Time:** After 8:30 a.m.  
**Place:** Van Nuys City Hall  
Council Chambers, 2nd Floor  
14410 Sylvan Street  
Van Nuys, CA 91401

**Case No.:** CPC-2016-4345-CA  
**CEQA No.:** ENV-2016-4346-CE  
**Council No.:** All  
**Plan Area:** Citywide  
**Applicant:** City of Los Angeles

**PROJECT LOCATION:** Citywide

**PROPOSED PROJECT:** An ordinance amending Sections 12.03 and 12.22, and repealing portions of Section 12.24, of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purposes of regulating Accessory Dwelling Units and complying with state law.

#### RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as the Commission's report on the subject;
3. **Adopt** the attached Findings;
4. **Approve** and recommend that the City Council determine, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15301, 15302, and 15303, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT P. BERTONI, AICP  
Director of Planning

  
\_\_\_\_\_  
Arthi Varma, AICP  
Principal City Planner

  
\_\_\_\_\_  
Matthew Glesne  
City Planner (213) 978-2666

# TABLE OF CONTENTS

<b>Supplemental Staff Report</b> .....	<b>A-1</b>
A. Conversion of Existing Structures	
B. Residential Floor Area (RFA) Limits	
C. Discussion of Alternatives to Hillside Area Restriction	
D. Technical Modifications	
E. Conclusion	
<b>Additional Public Communications</b> .....	<b>P-1</b>
<b>Findings</b> .....	<b>F-1</b>
<b>Exhibits:</b>	
A. Proposed Ordinance	
B. October 11, 2018 Staff Recommendation Report to City Planning Commission	
C. Map Comparing Alternate Policy Options	
D. Public Comment Letters	

## **SUPPLEMENTAL STAFF REPORT FOR PROPOSED ACCESSORY DWELLING UNIT ORDINANCE**

The City Planning Commission (CPC) first considered the proposed Accessory Dwelling Unit (ADU) Ordinance on December 15, 2016. The ordinance was subsequently heard by the Planning and Land Use Management (PLUM) Committee of the City Council on March 21, 2017 and May 15, 2018. The PLUM Committee made several amendments to incorporate provisions that were not considered by the CPC, including allowing Movable Tiny Houses (MTH) as a form of ADUs. The PLUM Committee directed the revised ADU Ordinance to be reconsidered by the CPC, who heard the item on July 12, 2018 and October 11, 2018.

At the October 11, 2018 meeting of the CPC, the Commission voted to continue the discussion of the proposed ADU Ordinance. At that time, Commission members requested a report-back with additional information, analysis and policy options related to several areas of concern that were raised in public comment letters and during the public hearing. The public comment letters addressed in this report are provided in Exhibit D. In response to those letters, the Department identified three key issue areas, discussed in this report as follows:

- A. Conversion of Existing Structures
- B. Residential Floor Area (RFA) Limits
- C. Discussion of Alternatives to Hillside Area Restriction

For each issue area, the Department has provided additional analysis and, where appropriate, suggestions for possible alternatives.

### **A. Conversion of Existing Structures**

State ADU regulations explicitly require conversions of existing space to ADUs to be permitted regardless of zoning standards. Previous versions of the proposed ADU ordinance defined existing space to require that it existed as of the effective date of the ordinance. The Department received comment letters that raised concern with how these prior versions defined “existing space.” In particular, the California Department of Housing and Community Development (CA HCD) submitted a letter on October 10, 2018 clarifying that under State law, requirements for conversions of existing structures should not be limited to pre-existing square footage as of a specified date such as the effective date of the ordinance.

As described in the October 11, 2018 Staff Recommendation Report (Exhibit B) and Technical Modification dated October 10, 2018, the proposed ordinance has been revised to align with the language in State law regarding conversions of existing structures to ADUs.

### **B. Residential Floor Area (RFA) Limits**

Objective zoning standards that apply to all residential structures and are not preempted by State law, such as Residential Floor Area (RFA) limits, apply to ADUs. Under the proposed ordinance,

new ADUs up to 1,200 square feet are permitted on lots with single-family homes, so long as the addition of the ADU does not exceed the RFA limit on the lot.

A comment letter received on August 17, 2018 raised concern with how disparities in RFA limits could limit ADU development in certain areas of the City. The comment letter suggested that, to address this disparity, a guaranteed minimum sized ADU should be permitted on all residential lots regardless of RFA limits (see response in Public Communications section of Staff Recommendation Report dated October 11, 2018, provided in Exhibit B). Commissioners also requested additional information on this issue during the October 11, 2018 meeting.

RFA limits are intended to ensure that new and remodeled homes are not out-of-scale with the surrounding neighborhood context. To that end, it is important that the bulk and mass of residential development in single-family neighborhoods continues to be appropriately regulated. A guaranteed minimum ADU size could undermine the intent of these regulations. Modest ADUs in RFA-restricted areas can be accommodated through additions that do not exceed the RFA for a lot, or through conversion of existing and non-habitable space. Staff therefore does not recommend granting exemptions from the existing RFA limitations through a guaranteed minimum ADU size. This recommendation is consistent with the objectives of the General Plan Framework which, as discussed in the Findings, is intended to ensure that infill development in single-family neighborhoods is compatible with the scale of existing development.

### **C. Discussion of Alternatives to Hillside Area Restriction**

The proposed Hillside Area prohibition continues to be the primary focus of comment letters that have been submitted to the Department since the release of the October 11, 2018 Staff Recommendation Report. Many letters argue that a full prohibition on Hillside ADUs is overly restrictive, especially given the current housing shortage in Los Angeles. In particular, several comment letters discussed the variation in Hillside Areas, noting that many lots may be suitable for ADU development.

While there may be many “natural” limitations in Hillside Area neighborhoods which may impact the ability of homeowners to build an ADU, such as limited availability of on-site parking and the necessity of waivers of street dedications, staff has provided additional analysis on policy alternatives to the Hillside Area prohibition.

#### Additional Policy Options and Staff Recommended Alternative

The October 11, 2018 staff report provided five policy alternatives to the Hillside Area prohibition, including the Very High Fire Hazard Severity Zones (VHFHSZ) (see Exhibit B for details, and Exhibit C for a map demonstrating several of the suggested options).

In light of the comments received and as a result of additional analysis, the Department has provided additional alternative options to the Hillside Area prohibition. In particular, comments emphasized the need to identify an approach that balances the health and safety issues

associated with development of ADUs in Hillside neighborhoods with the importance of accommodating additional housing supply. As such, this report includes three additional options for more tailored ADU regulations that better address the variability within Hillside Areas. These options are as follows:

1. Prohibit ADUs on Red Flag Streets
2. Allow ADUs on Hillside Area Lots that Meet One of Several Criteria
3. Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)

*Option 1: Prohibit ADUs on Red Flag Streets*

A letter dated October 11, 2018 suggests Red Flag Streets as a more specific geography that could be used to restrict the construction of ADUs. The letter argues that Red Flag Streets represent the portions of Hillside Areas with the most pressing safety concern, often because these streets are narrow, steep or cantilevered.

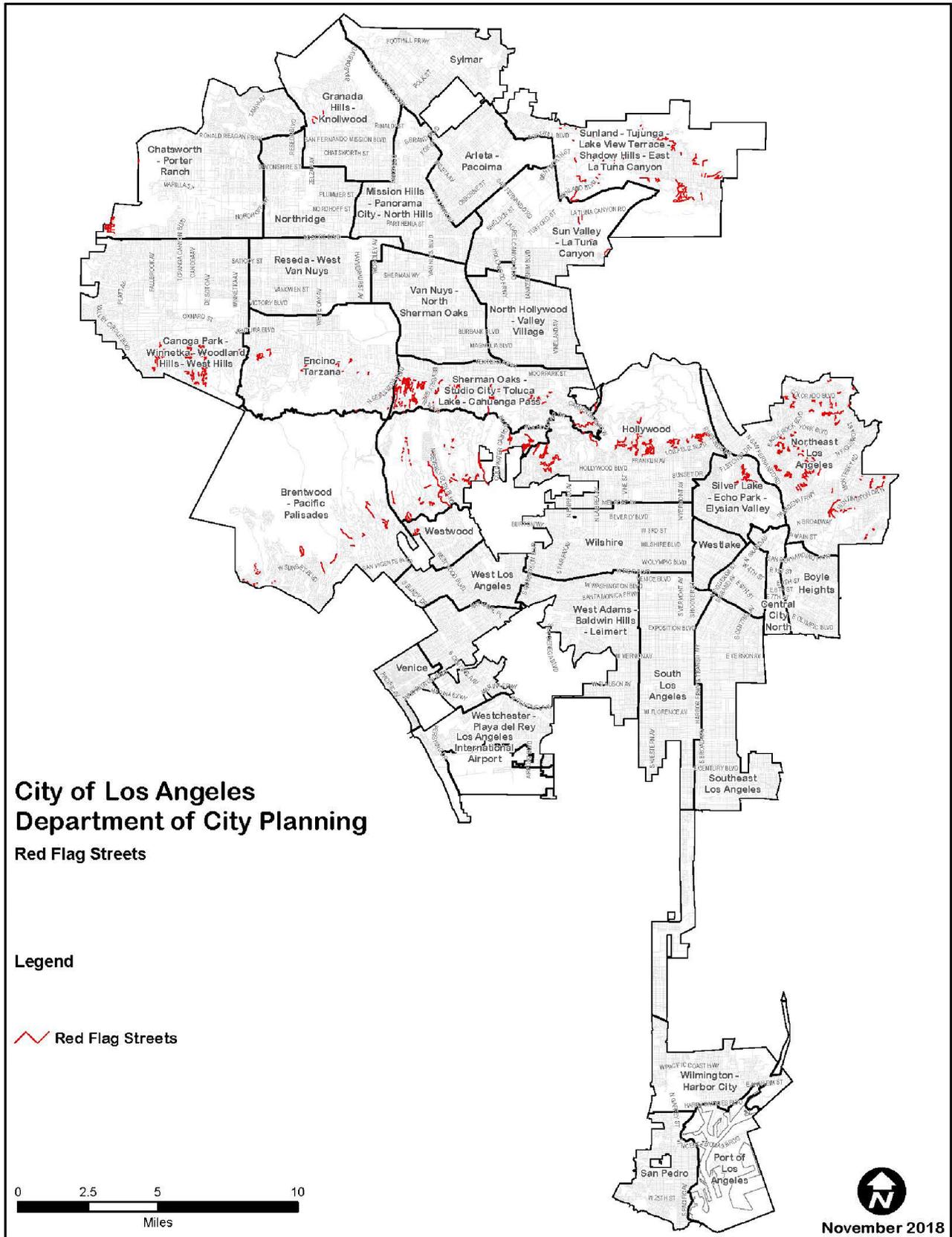
Red Flag Streets were designated by the Los Angeles Fire Department (LAFD), with implementation assistance from the Los Angeles Department of Transportation (LADOT). Red Flag Street designations were identified by the Station Commanders of the local Fire Station. While there is no specific published methodology for designation, commanders considered factors such as narrow roads, hairpin turns, and the presence of brush in making their determination. The Red Flag Streets were initially identified in 2006 and have not been updated since that time.

While Red Flag Streets are generally located in areas with heightened safety concerns, they are not typically not the most dangerous streets in Hillside Areas. According to LADOT, a street that poses a significant safety risk due to grade, width, or location will generally have no parking permitted at any time. In contrast, Red Flag Streets only have parking restrictions in the event of an emergency. Figure 1 on the following page illustrates the location of Red Flag Streets.

Given this information, staff does not recommend Red Flag Street designations as the primary performance standard to determine an area's suitability for ADU construction. However, if the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, if the subject lot is within 100 feet of any designated Red Flag Restricted Parking zone.*

Figure 1. Red Flag Streets



*Option 2: Allow ADUs on Hillside Area Lots that Meet One of Several Criteria*

Further research and field investigation suggests that there may be situations in which an ADU could be appropriate in a Hillside Area. Instead of using a single metric to allow or prohibit ADU development, a second policy option would allow for ADUs in Hillside Areas if any one of the following three conditions are met:

- a. The lot is located within ¼-mile of a public transportation stop;
- b. The lot fronts a paved vehicular roadway that is 24 feet wide from the subject property until it reaches the nearest publicly-maintained road; or
- c. One parking space is provided onsite for the ADU.

This option would provide Hillside Area homeowners several ways to qualify for an ADU, while only allowing ADU construction where parking and safety concerns are able to be mitigated. Current State ADU standards require that jurisdictions cannot require minimum parking requirements for ADUs located within one-half mile of public transit. Reducing this distance to one-quarter mile for Hillside Area neighborhoods would better ensure that the ADU is within a reasonable walking distance of a transit stop, regardless of grade and road conditions.

Similarly, Hillside streets that are improved to a minimum street width may be more suitable for ADU development than narrower streets. For example, the County of Los Angeles recently adopted an ADU ordinance that includes a ban on ADUs in Very High Fire Hazard Severity Zones unless the property fronts on a 24 foot paved roadway. Consultation with LADOT confirms that a 24 foot roadway is likely have on-street parking on at least one side of the street and thus reflect some ability to absorb additional parking capacity.

Finally, if a homeowner is able to provide an onsite parking space for the ADU, concerns related to off-street parking would be addressed and public safety concerns related to access on narrow Hillside streets may be minimized.

ADU eligibility in Hillside Areas would have to be determined on a case-by-case basis, as geospatial data relating to each of these conditions is not readily available. As a result, it is not possible to estimate the total number of lots that could be ineligible for ADU development under this option.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, unless it meets any one of the following criteria:*
  - (a) The lot is located within one-quarter mile of a public transportation stop along a prescribed route according to a fixed schedule; or

- (b) The lot fronts on a paved vehicular roadway that is at least 24 feet in width as measured from the subject property until it reaches the nearest publicly-maintained road; or
- (c) One on-site parking space meeting the requirements described in Sub-subparagraphs (b)(13)(ii) and (b)(13)(iv) of this Subdivision is provided for the ADU.

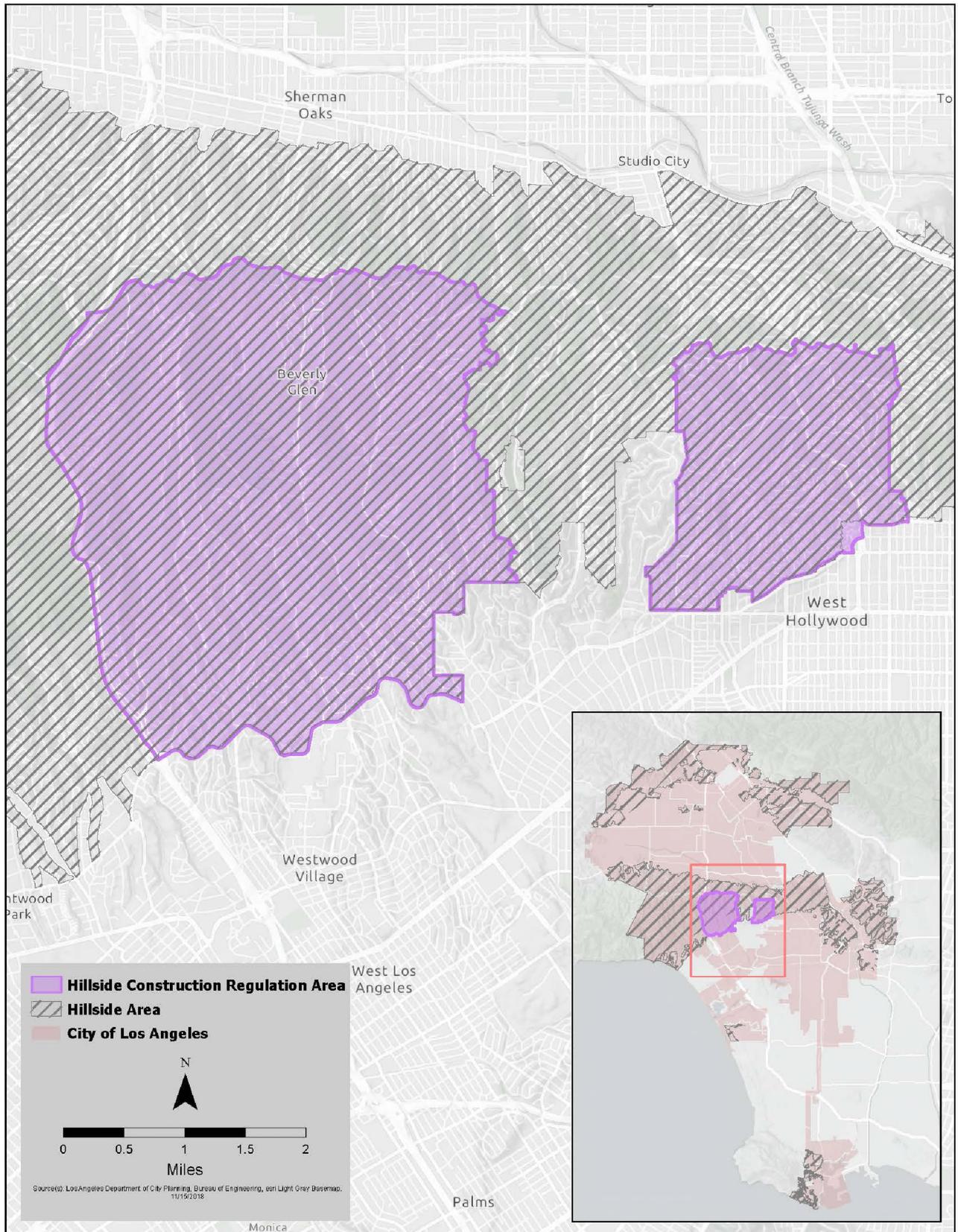
*Option 3, Staff Recommended Alternative: Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)*

A third option would consider a more specifically tailored geographic-based prohibition, in lieu of the previously suggested Hillside Area ban. This option would place a prohibition on ADU construction on lots that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD).

While the Baseline Hillside Ordinance (BHO), which applies more broadly to Hillside Area neighborhoods, provides a foundation for development regulations in hillside communities, it is not tailored to varying conditions of each type of hillside community within the City. For this reason, the HCR SUD was created to provide a more context-sensitive set of development regulations for neighborhoods that were experiencing particularly acute construction-related impacts of hillside development. The HCR SUD places further restrictions on home size, maximum grading allowances, and hauling operations standards and conditions in order to lessen the impact of construction of large-scale and small-scale hillside developments on narrow, substandard streets and windy, hillside standard streets.

To date, the HCR SUD has been applied to three communities, including the Bel Air - Beverly Crest Community in Council District 5 and the Bird Streets and Laurel Canyon in Council District 4. Those areas are shown in the map provided in Figure 2, on the following page. Approximately 6.5% of all single-family zoned lots in the City are currently located in a HCR SUD. A Zone Change is required to apply the HCR SUD to additional communities. A recent Council Motion ([CF 16-1472-S5](#)) directed the Department to consider expanding the HCR SUD to the Castellamare neighborhood in Council District 11. Staff has recently initiated work to respond to that request.

Figure 2. Areas Subject to HCR Supplemental Use District



The HCR SUD was applied in these areas to address impacts to communities experiencing frequent construction activity. The HCR SUD is intended to provide further regulation to address portions of the Hillside Area that are experiencing the highest intensity of development. As described in previous staff reports, the development of ADUs poses particular public safety and quality of life concerns in hillside neighborhoods such as these, particularly related to intensity of development, provision of parking, roadway access and emergency response.

For these reasons, staff recommends this more narrowly-tailored option as an alternative to the Hillside Area prohibition. This alternative would limit ADU development in the HCR SUD, while allowing it in Hillside Areas that can accommodate additional development without exacerbating impacts to parking, access and construction-related impacts. Staff has incorporated this recommended alternative in the revised ordinance provided in Exhibit A. For reference, proposed LAMC Section 12.22 A.32(b)(3) has been revised as follows:

- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in ~~a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code~~ a Hillside Construction Regulation (HCR) Supplemental Use District per Section 13.20 of this Code.*

#### **D. Technical Modifications**

The Department has prepared a revised ADU Ordinance, included as Exhibit A, to incorporate the Technical Modification prepared for the October 11, 2018 meeting and an amendment to the Second Dwelling Unit terminology as it pertains to Parks Fees (per Council Motion CF [14-0057-S9](#)). The previous version provided an exemption for second dwelling units in single family zones. This version has been corrected to clarify that all Accessory Dwelling Units shall be exempt from park fees, regardless of zoning designation. The revised ordinance also incorporates a staff recommended alternative to the Hillside Area prohibition, as discussed in Section C.

#### **E. Conclusion**

Staff recommends the adoption of the proposed Ordinance (Exhibit A), which will ensure that ADU regulations in Los Angeles are consistent with new State regulations while providing tailored regulations that reflect the unique nature of the City's varied neighborhood contexts. The proposed ordinance is intended to accommodate the need to encourage the production of new housing supply while addressing concerns related to public safety, emergency access, and residential character of local neighborhoods.

## PUBLIC COMMUNICATIONS

The Department's December 15, 2016, July 12, 2018 and October 11, 2018 staff recommendation reports address communications received from the public relating to the draft ADU Ordinance. Since the completion of the Staff Recommendation Report dated October 11, 2018, the Department has received seven additional public comment letters that were not able to be responded to in that report (see Exhibit D). Most of the comments received are addressed in the sections above. Following is a summary of the additional points raised in those public comment letters and staff response.

A letter dated October 1, 2018 from cityLab at UCLA suggests several other performance standards be used to evaluate the appropriateness of ADUs in Hillside areas. They are summarized below:

1. Fire-safety related standards, including: 300 foot proximity to fire hydrants, proximity to a fire station with response times under 5 minutes 20 seconds, a fire sprinkler requirement.
2. Lot-based standards centered on slope, drainage/run off, stability, grading and proximity to a ridgeline.
3. Street-based standards, including: 20 foot minimum street width and access from collector streets or greater.

Staff looked into each of these suggestions. While many raised important policy ideas, they were found to be difficult to implement and administer. For example, the suggestion that ADUs should be limited based on fire response times may be challenging to administer. Fire response time data changes from month to month, which may create uncertainty regarding compliance with this standard. The letter also suggested lot-based standards, such as requiring that a portion of the lot has a slope of less than 25%, or placing limitations on grading. In general, the suggested lot-based standards are regulated by the Baseline Hillside Ordinance (BHO) for all new development. Street-based standards, such as requiring a minimum 20-foot paved roadway, are the most applicable and feasible. Some of these standards, such as a minimum 24-foot paved roadway, have been incorporated into Option 2 of the "Hillside Alternatives" discussion in more detail in Section C of this report.

A letter submitted by Cover suggests that a complete hillside ban on ADUs would prohibit the construction of over 82,000 units. The letter found that 58% of hillside parcels are ADU-compatible, based on analysis of slopes and existing floor area. This methodology relies on several assumptions and extrapolations that could not be verified by staff.

A letter dated October 10, 2018 expressed concern about the inability of the Los Angeles Department of Water and Power (LADWP) to provide clearances for ADUs located in power line easements, in addition to expressing concerns already addressed. As discussed in the October 11, 2018 Staff Recommendation Report (Exhibit B), this limitation involves issues that are not regulated by the Zoning Code and any potential solutions would not be part of the proposed ADU zoning ordinance. The Department and the Mayor's Office continue to engage in ongoing

discussions with LADWP in order to address this issue and identify appropriate solutions to facilitate the development of ADUs.

That letter also raised concerns with a provision of the proposed ordinance that would require any new parking for ADUs that is located in the front yard setback area to be provided on existing driveways. In particular, that letter referenced Assembly Bill 494, which amended State ADU law to disallow local jurisdictions from prohibiting specified off-street ADU parking locations, even where that parking is not allowed anywhere else in the jurisdiction. The letter further argues that many homes in Los Angeles currently have substandard driveways, which prevents them from creating a legal parking space in the driveway area and therefore may necessitate expansion. This provision was included in order to preserve front yard open space and reduce front yard paving by preventing applicants from expanding driveway and parking areas within the front yard setback area. Parking is normally not permitted in front yard setback areas. The referenced provision of the proposed ADU ordinance does not prohibit off-street parking for ADUs in the front yard setback. Rather, it prohibits further paving in the front yard setback area.

Finally, a letter received on November 13, 2018 raised concern about the high cost of housing in Los Angeles, and provided additional recommendations to allow for ADUs. In particular, the comment letter discussed how ADUs are an important source of middle-income housing, as well as housing for caregivers and service workers, particularly in hillside neighborhoods. The letter suggested that existing unpermitted ADUs should be allowed to be brought up to building and safety codes and legalized. The City currently provides a pathway for conversions of existing structures to ADUs, consistent with State Law. The letter additionally suggested that ADUs should be permitted in Hillside Areas greater than ½ mile from public transit if tenants and guests do not park on streets, and that ADUs should be permitted in a VHFHSZs if certain conditions are met, such as provision of fire sprinklers and access to a standard street. A discussion of alternatives such as these is provided in Section C of this report.

## FINDINGS

### General Plan/Charter Findings

#### **City Charter Section 556**

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the following goals, objectives and policies of the General Plan outlined below.

#### General Plan Framework Element

The proposed ordinance will meet the intent and purposes of the General Plan Framework Element to encourage the creation of housing opportunities for households of all types and income levels, while at the same time preserving the existing residential neighborhood stability of single-family zoned neighborhoods and promoting livable neighborhoods. Accessory Dwelling Units, as a housing typology, furthers those goals as they increase capacity and availability of housing without significantly changing neighborhood character. In particular, the ordinance would further the intent and purpose of the Framework Element of the following relevant Goals and Objectives:

*Goal 3B - Preservation of the City's stable single-family residential neighborhoods.*

*Objective 3.5 - Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

The proposed ordinance is in substantial conformance with the intent to preserve the City's stable single-family neighborhoods as it would result in relatively minor alterations to a small fraction of single-family properties each year and those alterations would be compatible with existing regulations governing accessory buildings. In other words, the ordinance would not allow an accessory building to be built that was not already allowed in the same location with the same size and scale. The use inside the building may be different, but the scale and architectural character will not be altered.

The standards set forth in the proposed ordinance require that the lot be zoned for residential use and contain an existing or proposed single-family dwelling. No more than one ADU would be permitted per lot. Furthermore, the ordinance would require that any detached ADU or ADU addition to existing space be limited in size and not be located between the front of the primary residence and the street. Therefore, these units would either be built behind the main home, or attached to the rear of the existing or proposed home. In either case, the ADUs are unlikely to be significantly different in character from existing or proposed typical rear yard structures such as garages or carriage houses. They are also unlikely, in the majority of circumstances, to be significantly visible from the public way. In addition, the proposed ordinance would require that the increased floor area of an attached second unit not exceed fifty percent of the existing or proposed floor area, up to a maximum of 1,200 square feet. This limitation helps differentiate an

attached ADU from a traditional duplex where the two units are of similar size, which is not permitted in single-family zones. Any new ADU must further comply with City's objective zoning requirements relating to height, setback, lot coverage, floor area, architectural review, and other applicable zoning requirements. Additional standards to protect the unique character of areas that allow for equine (horse) keeping have also been included. In total, these standards ensure that the character and scale of stable single-family residential neighborhoods is maintained and offer significant protections against out-of-scale new development in single-family neighborhoods.

The State Legislature has determined it is appropriate to provide for accessory dwelling units within single-family and multifamily zoned areas absent specific adverse impacts on the public health, safety, and welfare that could result from allowing accessory units within single-family and multifamily zoned areas (Gov. Code §65852.2(c)). The City's Housing Element also provides for second units within single-family and multifamily zoned areas, as a matter of citywide policy. The proposed ordinance will increase housing production and capacity in single-family and multifamily neighborhoods on lots designed to accommodate more than one independent residence within the existing home or as a separate structure, as part of the City's overall goal to increase housing production and capacity in the City overall to accommodate the existing and expected increases in population.

*Goal 4A - An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing. This creates additional opportunities for homeowners to purchase and stay in their homes, as well as for renters to live in areas they might otherwise be excluded from. ADUs are generally smaller than the primary home on the property, adding to the diversity and type of housing available in the City. The ordinance would facilitate the construction and preservation of a range of different housing types that address the particular needs of the city's households, including the elderly, disabled family members, in-home health care providers, and young adults. The proposed ordinance thereby expands rental and homeownership accessibility in single-family and multifamily neighborhoods for all residents of the City.

*Objective 4.4 - Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.*

The ordinance would reduce the regulatory and procedural barriers to the operation and placement of accessory dwelling units by providing for implementation of the ministerial development standards in Government Code Section 65852.2(b)(1) in approving accessory dwelling units on a City wide basis. The ordinance clarifies regulations regarding accessory dwelling units by incorporating state law requirements into the City's zoning requirements. It would also expressly permit ADUs on multifamily lots and allow for a greater variety of ADUs to be built.

*Policy 6.1.2.c. - Coordinate City operations and development policies for the protection and conservation of open space resources, by preserving natural viewsheds, whenever possible, in hillside and coastal areas.*

The ordinance would restrict the construction of ADUs in targeted Hillside areas covered by the City's Baseline Hillside Ordinance (BHO), thereby contributing to the preservation of natural viewsheds in these areas.

#### Housing Element

The ADU housing typology is specifically called out by the Housing Element as a way to facilitate the provision of additional rental housing types and help make homeownership more affordable. The Housing Element includes a specific Program (or implementation action) to alleviate barriers to increased construction of ADUs (Program 68 in the current 2014-2021 Housing Element). In addition, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives and policies of the Housing Element outlined below.

*Objective 1.4 - Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Policy 1.4.1 - Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.*

The proposed ordinance would streamline the land use entitlement, environmental review, and building permit processes for the operation and placement of accessory dwelling units as it: (1) expressly permits ADUs on multi-family lots; and (2) allows for a greater variety of ADUs to be built. The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing.

*Policy 1.2.2 - Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

The proposed ordinance encourages and incentivizes the preservation of non-subsidized affordable units by making it more likely they are able to be legalized in the future and therefore will not have to be demolished.

*Objective 1.1 - Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.1 - Expand affordable homeownership opportunities and support current homeowners in retaining their homeowner status.*

The proposed ordinance expands the potential for affordable homeownership opportunities and may support current homeowners as the supplemental rental income from an ADU may allow households to afford homeownership who otherwise may be unable.

*Policy 1.1.2 - Expand affordable rental housing for all income groups that need assistance.*

The proposed ordinance expands the creation of additional rental housing options by supporting the creation of additional ADU units, which adds to the overall rental housing supply, which has the potential to result in lower rents by increasing the overall vacancy rate in the City. The proposed ordinance further accomplishes this policy, in that ADUs may be more affordable to rent than other types of housing.

*Policy 1.1.3 - Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.*

The proposed ordinance facilitates the construction and preservation of a range of different housing types that address the particular needs of the city's households, including but not limited to the elderly, disabled family members, in-home health care providers, and young adults.

*Policy 1.1.6 - Facilitate innovative models that reduce the costs of housing production.*

By allowing for Accessory Dwelling Units and Movable Tiny Houses, the proposed ordinance also facilitates innovative housing types that could reduce the typical cost of new construction, because the cost of land does not have to be factored into the development costs.

Finally, the ordinance would support the intent and purposes of the Housing Element of the General Plan regarding ADUs in that it affirms that the City should follow, as a matter of policy, state law standards for approving second units (2013 Housing Element, pages 2-11 through 2-12).

#### **City Charter Section 558(b)(2)**

In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance would be in conformity with public necessity, convenience, general welfare and good zoning practice for the following reasons:

The proposed ordinance is in conformity with public necessity because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; and, (3) allows the continued processing of permit applications for ADUs.

The proposed ordinance is in conformity with public convenience and general welfare for the same reasons as stated above. The proposed ordinance is additionally in conformity with public convenience and general welfare because it provides a locally-tailored ADU policy that is in conformance with the intent of State law.

The proposed ordinance is in conformity with good zoning practice for reasons (1), (2) and (3) as stated above.

### **State Accessory Dwelling Unit Law Findings**

#### **Hillside Restriction**

The proposed ordinance would restrict the new construction of ADUs in targeted Hillside Areas that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD). Conversion of most existing structures to ADUs will still be permitted.

State law permits local jurisdictions, by ordinance, to designate areas within the jurisdiction of the local agency where accessory dwelling units may or may not be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the impact of accessory dwelling units on traffic flow and public safety.

Los Angeles is a unique city for the amount of mountain terrain and hillside areas located within its boundaries. Given their unique characteristics and development challenges, these areas have long had distinct zoning and land use policies, including the development regulations contained in the Baseline Hillside Ordinance (BHO) and the HCR SUD. City policies aim to preserve natural viewsheds, whenever possible, in hillside and coastal areas (General Plan Framework 6.1.2).

The City's current second unit ordinance in LAMC §12.24 W.43 precludes second unit development within defined Hillside Area boundaries. The proposed ordinance would continue this policy by providing that second units that add any new square footage not be allowed in Hillside areas covered by the HCR SUD. The HCR SUD applies to approximately 614 single-family lots (6.5% of the City's total single-family properties). State law requires that, regardless of regulations that apply broadly to ADUs, the conversion of existing space of a single-family residence or existing accessory structure to ADU shall be approved if two conditions are met (PCR 65852.2(e)).

Hillside areas are often characterized by larger amounts of natural vegetation and substandard streets. They are typically not located near public transit, services or jobs. Impacts of new construction can be multiplied in hillside neighborhoods, with pronounced impacts on water and sewer services, congestion, parking availability and roadway degradation. Based on the above, the impacts of additional development, in Hillside Areas, beyond what is already planned or allowed through existing zoning and vested property interests, needs to be carefully managed. ADUs, which do not require discretionary review and environmental analysis unless requiring a discretionary permit (like a haul route permit), present particular issues relating to the likelihood of close proximate hillside development projects that have the potential to create public safety impacts due to construction vehicles and machinery that park on and traverse often substandard hillside streets.

Hillside Areas correspond, in large part, with Very High Fire Hazard Severity Zones (VHFHSZ), which means there has been determined to be a significantly higher fire and natural disaster risk

in those areas. Dry brush, which is prevalent in Southern California, is acutely prone to fires. Brush fires continue to be a major threat to life and property in VHFHSZ areas due to unique fuel, terrain, and climatic conditions. The hazard is especially great when dry “Santa Ana” winds arrive, usually in the fall and winter seasons, as evidenced by the recent 2017 wildfires referred to as the “Skirball Fire” in the Bel Air neighborhood of the City of Los Angeles and the “Creek Fire” in the Sylmar neighborhood of the City of Los Angeles. The “Skirball Fire” affected approximately 422 acres in the Bel Air neighborhood, destroying six structures and damaging twelve structures.<sup>1</sup> The “Creek Fire” affected the area four miles east of Sylmar in the San Gabriel Mountains, burning 15,619 acres, destroying 123 structures, and damaging 81 structures.<sup>2</sup>

The HCR SUD applies to some of the City’s most sensitive Hillside Area neighborhoods. It was established in order to provide a more context-sensitive set of development regulations for Hillside Area neighborhoods that were experiencing particularly acute construction-related impacts of hillside development. The HCR SUD places further restrictions on home size, maximum grading allowances, and hauling operations standards and conditions in order to lessen the impact of construction of large-scale and small-scale hillside developments on narrow, substandard streets and windy, hillside standard streets.

The HCR SUD was applied in these areas to address impacts to communities experiencing frequent construction activity. The HCR SUD is intended to provide further regulation to address portions of the Hillside Area that are experiencing the highest intensity of development. The development of ADUs poses particular public safety and quality of life concerns in hillside neighborhoods such as these, particularly related to intensity of development, provision of parking, roadway access and emergency response.

For these reasons the draft ordinance places a restriction on ADUs in targeted Hillside Areas that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD).

---

<sup>1</sup>Los Angeles Fire Department, *Skirball Fire Update*, <http://www.lafd.org/news/skirball-fire-update>, accessed February 22, 2018.

<sup>2</sup> National Wildfire Coordinating Group, InciWeb Incident Information System, *Creek Fire*, <https://inciweb.nwcg.gov/incident/5669/>, accessed February 22, 2018.

## CEQA Findings

### **Statutory Exemption – PRC Section 21080.17**

Pursuant to Section 21080.17 of the California Public Resources Code, the adoption of the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA).

Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). The proposed ordinance, if adopted, implements Government Code Section 65852.2 within the City of Los Angeles in a manner that is consistent with the requirements of state law. As such, the adoption of the proposed ordinance is exempt from CEQA.

As proposed, the City's ordinance would adopt the state's ADU mandates, as well as place additional restrictions on ADUs consistent with the provisions in the state ADU law. The state ADU unit law expressly authorizes local agencies to adopt additional restrictions so long as the additional restrictions do not conflict with or invalidate the regulations established in the state law. The proposed ordinance includes the following additional provisions to implement state ADU law in the City:

- A restriction on construction of new ADUs in Hillside areas covered by the City's Hillside Construction Regulation Supplemental Use District (HCR SUD) per LAMC Section 13.20 (this restriction does not apply to conversions of legally existing floor area to ADUs)
- A prohibition on siting ADUs between the front of the primary residence and the street
- Mandate that parking for an ADU may only be located in required front yard setback if located on an existing driveway.
- Distancing requirements on ADUs that are either, (1) located on lots where equine keeping uses are allowed by the underlying zone, or (2) on a lot that is adjacent to another lot where equine keeping uses are allowed, to ensure that equine keeping is not precluded by an ADU. This includes the following distancing requirements:
  - ADU must be located closer to the main home than the rear lot line
  - ADU must always be within 50 feet of the main home
  - For lots wider than 60 feet, ADUs must adhere to 10 foot side yard setbacks
- An allowance for movable tiny homes of no more than 430 square feet in size to be considered an ADU, provided they comply with certain residential design standards

### **Categorical Exemptions – CEQA Guidelines Sections 15301, 15302, 15303**

In addition to the statutory exemption, this Project is categorically exempt from CEQA as discussed below.

### Class 1 Exemption

To the extent that the proposed ordinance allows the conversion of existing accessory structures to ADUs, the ordinance additionally qualifies for the Class 1 Categorical Exemption. A project qualifies for a Class 1 Categorical Exemption if it involves negligible or no expansion of an existing use, including small additions to existing structures. Any conversion or legalization of an existing ADU which may occur as a result of this ordinance would be subject to this exemption. Legalization of an existing dwelling unit would also be subject to a common sense exemption as it would not change the baseline conditions. CEQA Guidelines Section 15061(b)(3).

### Class 2 Exemption

To the extent that the proposed ordinance would also allow for the replacement or reconstruction of existing structures that would not otherwise occur, the ordinance additionally qualifies for the Class 2 Categorical Exemption. A project qualifies for a Class 2 Categorical Exemption if it involves the replacement or reconstruction of existing structures and facilities where the new structure would be located on the same site and have substantially the same purpose and capacity as the preexisting structure.

### Class 3 Exemption

Class 3 exempts the development of accessory dwelling units. CEQA Guidelines Section 15303(a).

### Exceptions

There is no evidence in the record which demonstrates that any of the six (6) Exceptions from CEQA Guidelines Section 15300.2 apply to the proposed ordinance: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

#### (a) Location.

While it is possible that an ADU may be located within a “sensitive” environment (such as a Liquefaction Zone, Fault Zone, Methane Zone) as a result of the proposed ordinance, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of locations and will reduce and potential impacts to less than significant. These RCMs have historically proven to work to the satisfaction of the City Engineer and State Building Code standards to reduce any impacts from the specific environment a project may be located in. Thus, the proposed ordinance will not result in a significant impact based on the potential location of an ADU.

- (b) Cumulative; and
- (c) Unusual Circumstance-Significant Impact

ADUs are limited to one per lot. Based on historical ADU development, it is not foreseeable that the proposed ordinance would result in a succession of projects of the same type and in the same place. As discussed, the ordinance restricts ADUs to areas zoned and designated for such development, and places further restrictions on the allowable size and scale to ensure that any ADU is consistent with surrounding development. ADUs in the City are not unusual and the proposed regulations will ensure that future development of ADUs will not be built in location, size or scope that will result in unusual circumstances. The City's standards are intended to offer significant protections against out-of-scale new development in equine keeping districts and the City's environmentally-sensitive HCR SUD areas. As such, the effect of the proposed provisions would be to provide further environmental protections and would not have a significant effect on the environment.

Generally, a University of California, Berkeley study suggests that ADUs would have a lower environmental impact than other residential typologies. ADU residents may have fewer cars and utilize public transportation more often than the general population. In communities already served by transit, ADUs can provide new homes without the potential of adding significant new traffic. Any potential for new ADU construction that would result from the passage of the proposed ordinance would have insignificant impact.

Additionally, the City's analysis shows that these additional provisions are not anticipated to significantly alter the number or location of new ADUs.

#### Hillside Construction Regulation Supplemental Use District (HCR SUD) Restriction

The provisions that impose a restriction on construction of new ADUs in targeted Hillside Areas that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD) are not anticipated to have a significant effect on the environment.

The proposed ordinance would provide that accessory dwelling units, unless contained within the existing space of a single-family residence or existing accessory structure, not be allowed in Hillside areas covered by the HCR SUD. The HCR SUD applies to approximately 614 single-family lots (6.5% of the City's total).

Based on prior history of ADU development, there is no evidence to conclude that a restriction on ADUs in the HCR SUD would result in an increase in ADU development in other locations. ADUs are generally constructed by individual homeowners, are limited to one per lot. If a homeowner was prevented from constructing a new ADU as a result of the regulation, they would have the option of creating an ADU from existing space or not create an ADU. In either event, this would not be expected to result in an increase in development elsewhere.

In the time since the City has begun implementing the new State standards provided in Government Code Section 65852.2 on January 1, 2017, a small fraction of new ADUs have been permitted in areas covered by the HCR SUD, despite a marked increase in the total number of ADU permits issued under the State laws. A total of 2,342 permits were issued for ADUs in 2017, of which approximately 22 were located in the HCR SUD. This represents less than one percent of the total ADU permits issued in the City, despite the fact that 6.5 percent of all single-family parcels are located in the HCR SUD. The lower amount of ADU construction in the HCR SUD likely reflects the difficult topography and unique construction regulations that already exist in these areas (including the Baseline Hillside Ordinance, in addition to the HCR SUD restrictions). The vast majority of 2017 ADUs permitted in the HCR SUD (68 percent) were conversions of existing space which, consistent with state law, would not be prohibited under the HCR SUD provision that is under consideration. Approximately 2 ADUs in the HCR SUD were new construction, while approximately 5 were additions. This is a significantly lower percentage of new construction and additions than the City as a whole, indicating that ADUs in the HCR SUD are much less likely to involve new construction of a standalone structure. For these reasons, further restricting the construction of ADUs in the HCR SUD is therefore not expected to result in substantial development of other housing elsewhere.

#### Movable Tiny Homes

The provisions that allow for movable tiny homes of no more than 430 square feet in size to be considered an ADU are not anticipated to have a significant effect on the environment.

Movable tiny homes are an alternate type of housing structure that fall under the State definition of an accessory dwelling unit, defined as “an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated” (Gov. Code Section 65852.2 (i)(4)). The inclusion of movable tiny homes into the proposed ordinance would not foreseeably result in new development that would result in potential cumulative impacts. While movable tiny homes provide a lower-cost option when building an ADU, there is no evidence to suggest that there would be a significant increase in the number of ADUs in the City as a result of this provision, and therefore it is not anticipated that it would result in any potential impacts.

The City of Fresno was the first city in the Country to adopt similar provisions allowing movable tiny homes to be used as accessory dwelling units. In the time since the City began implementing the new regulations on January 1, 2018, zero movable tiny homes have been approved in the City of Fresno.

#### Siting Requirements in Equine Keeping Areas

The provisions that establish siting requirements for ADUs located in equine keeping areas are not anticipated to have a significant effect on the environment. As described, the proposed ordinance would place siting requirements for ADUs located on lots where equine keeping is a

permitted use, in order to locate the ADU in closer proximity to the main home on a lot and ensure that the ADU does not preclude future equine keeping on neighboring lots. Current regulations in LAMC 12.21 C.5(a) require that new equine enclosures are located at least 75 feet from the habitable rooms of a neighbor's dwelling unit in order to protect the health and safety of the residents.

There is no evidence to conclude that additional restrictions on the siting of ADUs on lots in equine keeping areas would result in an increase in ADU development in other locations. The primary effect of this provision would be to influence the siting location of an ADU on an individual lot, which would not meaningfully have any impact on the ability to construct an ADU or influence individual decisions to build an ADU. ADUs are constructed by individual homeowners, and are limited to one per lot.

(d) State Scenic Highway.

According to Appendix B of the City of Los Angeles Mobility Plan, there are no designated state scenic highways located within the City of Los Angeles.

(e) Hazardous Waste.

It is not foreseeable that an ADU would be located in a Hazardous Waste Site, as the ordinance requires that the site already contain a single-family residence or would allow a new single-family residence to be constructed simultaneously and this condition would have been verified upon construction of the home.

(f) Historical Resources.

Any ADU constructed on a project site identified as a historic resource or eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register would be further subject to historic review and approval by the Los Angeles Office of Historic Resources pursuant City requirements on cultural monuments and HPOZs.

**EXHIBIT A:**  
**Proposed Accessory Dwelling Unit Ordinance**

---

CPC-2016-4345-CA  
November 29, 2018

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03 and 12.22 and repealing portions of Section 12.24 of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purpose of regulating Accessory Dwelling Units in accordance with State law.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

**Sec. 1.** Section 12.03 of the Los Angeles Municipal Code is amended by adding definitions in proper alphabetical order to read:

**ACCESSORY DWELLING UNIT (ADU).** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ADUs include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code and Movable Tiny Houses.

**MOVABLE TINY HOUSE.** A structure intended for the separate, independent living quarters of one household for year-round residence that meets all of the following:

- (a) Is licensed and registered with the California Department of Motor Vehicles;
- (b) Meets the American National Standards Institute (ANSI) 119.5 requirements, and certified by a qualified third party inspector for ANSI compliance;
- (c) Cannot move under its own power;
- (d) Is no larger than allowed by California State Law for movement on public highways;  
and
- (e) Has not less than 150 and no more than 430 square feet of habitable living space, including bathrooms and fixed counters.

**Sec. 2.** Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 32 to read:

**32. Accessory Dwelling Units (ADU).**

**(a) Purpose.** The purpose of this Subdivision is to provide for the creation of ADUs in a manner consistent with California Government Code Sections 65852.2, as amended from time to time.

**(b) General Provisions.** An ADU shall be approved if in compliance with all of the following provisions:

- (1) All applicable objective provisions required pursuant to Chapter 1 of this Code, including such provisions stated in the underlying applicable zoning and height

district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay and other applicable zoning ordinances, policies or other documents established pursuant to Chapter 1, Article 3 of this Code. In instances where there is conflict, this section shall govern. An ADU that complies with this subdivision shall not require a discretionary planning approval. The project shall be reviewed in a ministerial and administrative manner limited in scope only considering the project's compliance with the applicable objective standards.

- (2) Except where otherwise prohibited by this section, an ADU is permitted in all zones where residential uses are permitted by right.
- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Construction Regulation (HCR) Supplemental Use District per Section 13.20 of this Code.
- (4) Only one ADU is permitted per lot.
- (5) An ADU is permitted only on a lot that contains an existing single-family dwelling unit or where a new single-family dwelling unit is proposed.
- (6) In multiple family zones, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.
- (7) ADUs may be rented but shall not be sold separate from the existing or proposed single-family dwelling unit on the same lot. Movable Tiny Houses may be sold when removed from the lot.
- (8) No passageway for the ADU, nor space between buildings, as per LAMC 12.21.C.2, is required in conjunction with the construction of an ADU. Building Code separation requirements still apply.
- (9) No additional setbacks shall be required for a lawfully existing garage or lawfully existing space above or abutting a garage, converted to an ADU or portion of an ADU.
- (10) For newly constructed ADUs attached to or located above any lawfully existing garage, setbacks from the side and rear lot lines shall be the lesser of such setbacks as required by the Zoning Code, or five feet.
- (11) ADUs, except for Movable Tiny Houses, are required to follow the same Building Code and Residential Code requirements as the existing or proposed single-family dwelling unit.
- (12) ADUs are not required to provide fire sprinklers if they are not required for the existing single-family dwelling unit.
- (13) Parking Requirements:
  - (i) One parking space is required per ADU, except that no parking is required for an ADU:
    - a. Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
    - b. Located within one block of a car share parking spot; or
    - c. Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of

- Historic Places or California Register of Historical Resources or located in any City Historic Preservation Overlay Zone; or
- d. Which is part of the proposed or existing primary residence or an existing accessory structure.
  - (ii) Parking is allowed in setback areas, except in required front yards when parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required front yard shall not be expanded to provide required parking. Other objective parking and driveway standards in the LAMC apply, including those found in 12.21 A.5 and 12.21 G.
  - (iii) When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, any lost off street parking spaces shall be replaced. Replacement parking spaces may be located in any configuration on the same parcel as the ADU, including but not limited to covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
  - (iv) Section 12.21 A.6(d) of this Code shall not apply to parking required for an ADU, or to replacement parking spaces provided pursuant to Sub-subparagraph (iii).

**(c) Detached Accessory Dwelling Unit Requirements.** Detached ADUs must comply with the Section 12.21 C.5 where applicable, and all provisions in paragraph (b), and all of the following:

- (1) Detached ADUs are allowed up to a maximum of 1,200 square feet.
- (2) Detached ADUs shall not be greater than two stories.
- (3) Limits on total Floor Area (including Residential Floor Area) on a lot apply separately and may further limit allowable Detached ADU square footage.
- (4) Detached ADUs shall not be located between the proposed or existing single-family dwelling unit and the street adjoining the front yard, except in the following cases:
  - (i) Where the building is on a Through Lot and complies with LAMC 12.22 C.19 and 12.21 C.5(k); or
  - (ii) Where the ADU is being added to a lawfully existing garage or accessory structure building.
- (5) In parcels where equine keeping is allowed, as well as parcels abutting or adjacent to such parcels, in addition to existing separation requirements in the LAMC, all of the following provisions apply:
  - (i) No part of the ADU shall be located at a distance measured from the rear lot line that is less than the distance measured between the closest part of the ADU to the rear wall of the existing or proposed single-family dwelling unit;

- (ii) No part of the ADU shall be more than 50 feet from the furthest point on the rear wall of the existing single-family dwelling unit; and
- (iii) For lots greater than 60 feet in width, side yard setbacks shall be at least 10 feet.

**(d) Attached Accessory Dwelling Unit Requirements.** Attached ADUs can be either attached to or completely contained within an existing or proposed single-family dwelling unit and must comply with all provisions in paragraph (b) and all of the following:

- (1) Attached ADUs may not result in an increase in total floor area exceeding 50% of existing or proposed living area of the primary structure up to a maximum of 1,200 square feet. For this purpose, living area means interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) Limits on total Floor Area (including Residential Floor Area) on a lot apply separately and may further limit allowable Attached ADU square footage.
- (3) Attached ADUs must comply with the Section 12.21 C.5 where applicable.

**(e) Conversions of Lawfully Pre-Existing Space** Notwithstanding any of the above provisions of this subdivision to the contrary, one ADU per property will be approved if the unit complies with all of the following:

- (1) The ADU is fully contained within a lawfully existing single-family residence or a lawfully existing accessory structure. ADUs not meeting this criteria may still be eligible as an attached or detached ADU.
- (2) The ADU has independent exterior access from the existing residence, is located on a parcel zoned for one-family dwellings and the side and rear setbacks are sufficient for fire safety.
- (3) The ADU complies with or is upgraded to meet all applicable Building and Residential Codes for the proposed use.
- (4) The ADU does not involve any addition or expansion of new floor area to the structure. Existing floor space for any previously occupied use, which as a result of the conversion becomes new Residential Floor Area, is exempt from the Residential Floor Area requirements provided the pre-existing space is solely located within lawfully existing walls.

**(f) Requirements for Movable Tiny Houses as Accessory Dwelling Units.** Movable Tiny Houses must comply with all requirements for Detached ADUs and all of the following provisions:

- (1) Only one Movable Tiny House is allowed to be located on a parcel and no parcel may be approved for more than one moveable tiny house in a twelve month period.
- (2) Movable Tiny Houses shall be located behind the primary dwelling unit and shall not be located in any required front yard.

- (3) When sited on a parcel, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- (4) If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing. If the wheels are not removed, the wheels and leveling or support jacks must sit on a paving surface compliant with LAMC 12.21 A.6(c), and the wheels and undercarriage must be hidden.
- (5) Mechanical equipment shall be incorporated into the structure and not located on the roof.
- (6) Movable Tiny Houses shall be connected to water, sewer and electric utilities.
- (7) Moveable Tiny Houses are not required to have separate street addresses from the primary unit.
- (8) Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.
- (9) Movable Tiny Houses shall have the following design elements:
  - (i) Cladding and Trim - Materials used on the exterior of a moveable tiny house shall exclude single piece composite, laminates, or interlocked metal sheathing;
  - (ii) Windows - Windows shall be at least double pane glass and labelled for building use, shall include exterior trim, and excludes windows and doors that have radius corners for windows and doors;
  - (iii) Roofing - Roofs shall have a minimum of a 12:2 pitch for greater than 50% of the roof area, and shall be in compliance with building code roofing material; and
  - (iv) Living Area Extensions – all exterior walls and roof of a moveable tiny houses used as ADUs shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions.

**(g) Dwelling Units Built Behind a Converted ADU.** A dwelling unit constructed between a legally established ADU that was created as a result of a conversion of an entire main home and the rear lot line shall not exceed 1,200 square feet.

**(h) Zoning Administrator Authority.** It is the intent of the City to retain all portions of this Subdivision regarding ADUs not in conflict with state law. The Zoning Administrator shall have authority to clarify, amend or revoke any provision of this Subdivision as may be necessary to comply with any future amendment to state law regarding ADUs.

**Sec. 3.** Subdivisions 43 and 44 of Subsection W of Section 12.24 of the Los Angeles Municipal Code are hereby repealed.

**Sec. 4.** Section 12.33 C.3(e) of the Los Angeles Municipal Code is amended to read:

## SEC. 12.33. PARK FEES AND LAND DEDICATION

**C. Subject Properties.** All new residential dwelling units and joint living and work quarters shall be required to dedicate land, pay a fee or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding and improving park and recreational facilities for new residents. For the purposes of this Section, dwelling units, ~~second dwelling units in a single family zone,~~ Accessory Dwelling Units, and joint living and work quarters shall be referred to as "dwelling units" or "residential dwelling units".

3. **Exemptions.** The following types of development shall not be required to pay a park fee:

- (e) ~~Second dwelling units in single family zones.~~ Accessory Dwelling Units.

**Sec. 5. SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**EXHIBIT B:**  
**October 11, 2018 Staff Recommendation Report to City  
Planning Commission**

---

CPC-2016-4345-CA  
November 29, 2018



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

### CITY PLANNING COMMISSION

**Date:** October 11, 2018  
**Time:** After 8:30 a.m.  
**Place:** Los Angeles City Hall  
200 N. Spring St., Rm. 340  
Los Angeles, CA 90012

**Case No.:** CPC-2016-4345-CA  
**CEQA No.:** ENV-2016-4346-CE  
**Council No.:** All  
**Plan Area:** Citywide  
**Applicant:** City of Los Angeles

**PROJECT LOCATION:** Citywide

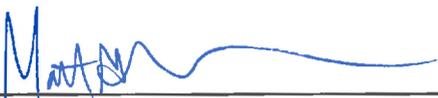
**PROPOSED PROJECT:** An ordinance amending Sections 12.03 and 12.22, and repealing portions of Section 12.24, of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purposes of regulating Accessory Dwelling Units and complying with state law.

### RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as the Commission's report on the subject;
3. **Adopt** the attached Findings;
4. **Approve** and recommend that the City Council determine, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15301, 15302, and 15303, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT P. BERTONI, AICP  
Director of Planning

  
Arthi Varma, AICP  
Principal City Planner

  
Matthew Glesne  
City Planner (213) 978-2666

# TABLE OF CONTENTS

**Supplemental Staff Report..... A-1**

- A. Hillside Area Regulations
- B. Movable Tiny Houses
- C. Equine-Keeping Regulations
- D. Conversion of Existing Structures
- E. Power Line Easements
- F. Conclusion

**Additional Public Communications.....P-1**

**Exhibits:**

- A. Proposed Ordinance, Revised as of October 1, 2018
- B. May 10, 2018 Department report to PLUM Committee
- C. July 12, 2018 Staff Recommendation Report to City Planning Commission

## **SUPPLEMENTAL STAFF REPORT FOR PROPOSED ACCESSORY DWELLING UNIT ORDINANCE**

The City Planning Commission (CPC) first considered the proposed Accessory Dwelling Unit (ADU) Ordinance on December 15, 2016. The ordinance was subsequently heard by the Planning and Land Use Management (PLUM) Committee of the City Council on March 21, 2017 and May 15, 2018. The PLUM Committee made several amendments to incorporate provisions that were not considered by the CPC, including allowing Movable Tiny Houses (MTH) as a form of ADUs. The PLUM Committee directed the revised ADU Ordinance to be reconsidered by the CPC, who heard the item on July 12, 2018.

At the July 12, 2018 meeting of the CPC, the Commission voted to continue the discussion of the proposed ADU Ordinance. At that time, Commission members requested a report-back with additional information, analysis and policy options related to several areas of concern. The five identified issues discussed in this report are as follows:

- A. Hillside Area Regulations
- B. Movable Tiny Houses
- C. Equine-Keeping Regulations
- D. Conversion of Existing Structures
- E. Power Line Easements

For each issue area, the Department has provided additional information and, where appropriate, suggestions for possible alternatives.

In addition, the Department has included a revised ADU Ordinance, included as Exhibit A, to incorporate the Technical Modifications prepared for the July 12, 2018 meeting, along with two additional amendments. Those amendments include a change to the provisions governing conversion of existing structures (discussed in Section D), and a minor change to requirements for driveway parking spaces (discussed in the Public Communications Section).

### **A. Hillside Area Regulations**

The proposed ordinance, as amended by the Planning and Land Use Management (PLUM) Committee of the City Council, includes a prohibition on adding new residential floor area to create ADUs in Hillside Areas, as defined in LAMC Section 12.03. ADU conversions within legally existing floor area cannot be prohibited per State Law and are not affected by the proposed ordinance. The proposed restrictions are based on the recognition that significant new construction in hillside backyards presents challenges.

The CPC, when it initially considered the ADU Ordinance on December 15, 2016, recommended including an exception to the Hillside Area prohibition for properties located within one-half mile of a transit stop and abutting a street meeting standard public right-of-way dimensions. The PLUM

Committee subsequently voted on March 21, 2017 to remove those exceptions and reinstate the original comprehensive Hillside Area prohibition.

During the July 12, 2018 CPC meeting, several Commission members expressed a desire to revisit the proposed hillside regulations. In particular, there was concern about the large numbers of properties that could be precluded from constructing a new ADU under a comprehensive Hillside Area prohibition (28% of the City's total single-family zoned lots are located in the Hillside Areas) as well as potential equity issues related to such a prohibition. Commissioners suggested that a more narrowly-defined criteria may be more appropriate as a basis for the limitation. Several members also reiterated the CPC's prior recommendation that ADUs fronting streets with standard widths or access to public transit should not be precluded.

Prior staff reports (included as Exhibits B and C) have summarized the concerns with regards to hillside ADU construction. This report provides additional detail on these issues, including an analysis of the adequacy of the many current hillside regulations in relation to the concerns. Various options are presented based on the further analysis. The analysis is presented in the context of State Law, which regulates the creations of local ADU ordinances.

#### Criteria for Location Restrictions

State law provides local jurisdictions with the authority to designate specific areas where ADUs may be permitted. This designation may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety (Government Code Section 65852.2(a)(1)(A)). The intent of state law is to avoid unreasonable restrictions on the ability of homeowners to create ADUs.

The proposed prohibition of ADUs in the Hillside Area was included in order to reinforce public safety standards. Hillside areas exist across diverse neighborhoods in the City of Los Angeles from Bel Air to Northeast Los Angeles. The Hillside Areas largely consist of narrower streets that may wind through areas with a higher fire risk, where emergency response times are important. Many of these streets have parking challenges with limited on-site parking due to topographical constraints. State law prohibits on-site parking for ADUs located within a half mile of public transit, which would eliminate additional on-site ADU parking in the majority of the Hillside Areas (76%). Since many of the transit stops are not easily accessible from Hillside Areas due to the terrain and lack of street connectivity, it is possible that ADU development in the Hillside Area may contribute to congestion on the narrow roadways.

The City has implemented regulations and safety measures to address many of these public safety concerns in Hillside Areas. In particular, the City's Hillside Regulations require fire sprinklers to be installed in all new single-family homes (LAMC Section 12.21 A.17(d)). The City also has a number of important policies and procedures in place to address concerns regarding construction impacts on parking and traffic flow. Specifically, regarding the potential for ADUs to create unsafe overflow street parking, the Los Angeles Department of Transportation (LADOT) has authority over restricting the parking of vehicles on public streets and the Department of

Building and Safety (LADBS) covers most private land. The Fire Department can institute “Red Flag Days” to clear streets of vehicles that could otherwise create a choke point in Very High Fire Hazard Severity Zones.

There are a variety of other concerns with permitting ADUs in Hillside Areas. They include concerns over intensity and density of development, aesthetics and viewsheds, natural habitat and tree protection, increased traffic, grading, noise and roadway degradation. Many of these issues are addressed, at least in some form, through current law. Some of the relevant regulations impacting hillside areas include, but are not limited to: limits on Residential Floor Area; unique lot coverage standards to allow for more usable open space; setback standards; height limits; additional parking requirements; maximum grading quantity and limits on hauling activity; limits on construction activity; sewer connection requirements to preserve the water table from possible contamination; street access requirements; required sprinkler systems for most construction located more than 1.5 miles from firefighting facilities; and drainage standards.

While many of these regulations address the above-mentioned concerns, the proposed ordinance and Hillside Area prohibition further reduces public safety risks associated with increased density in the hillsides. For this reason, the Department’s recommendation is to prohibit construction of new detached and attached ADUs in the City’s Hillside Areas. There may, however, be other ways to address particular ADU hillside concerns, some of which are discussed as policy alternatives below.

#### Potential Alternatives to Proposed Hillside Restriction

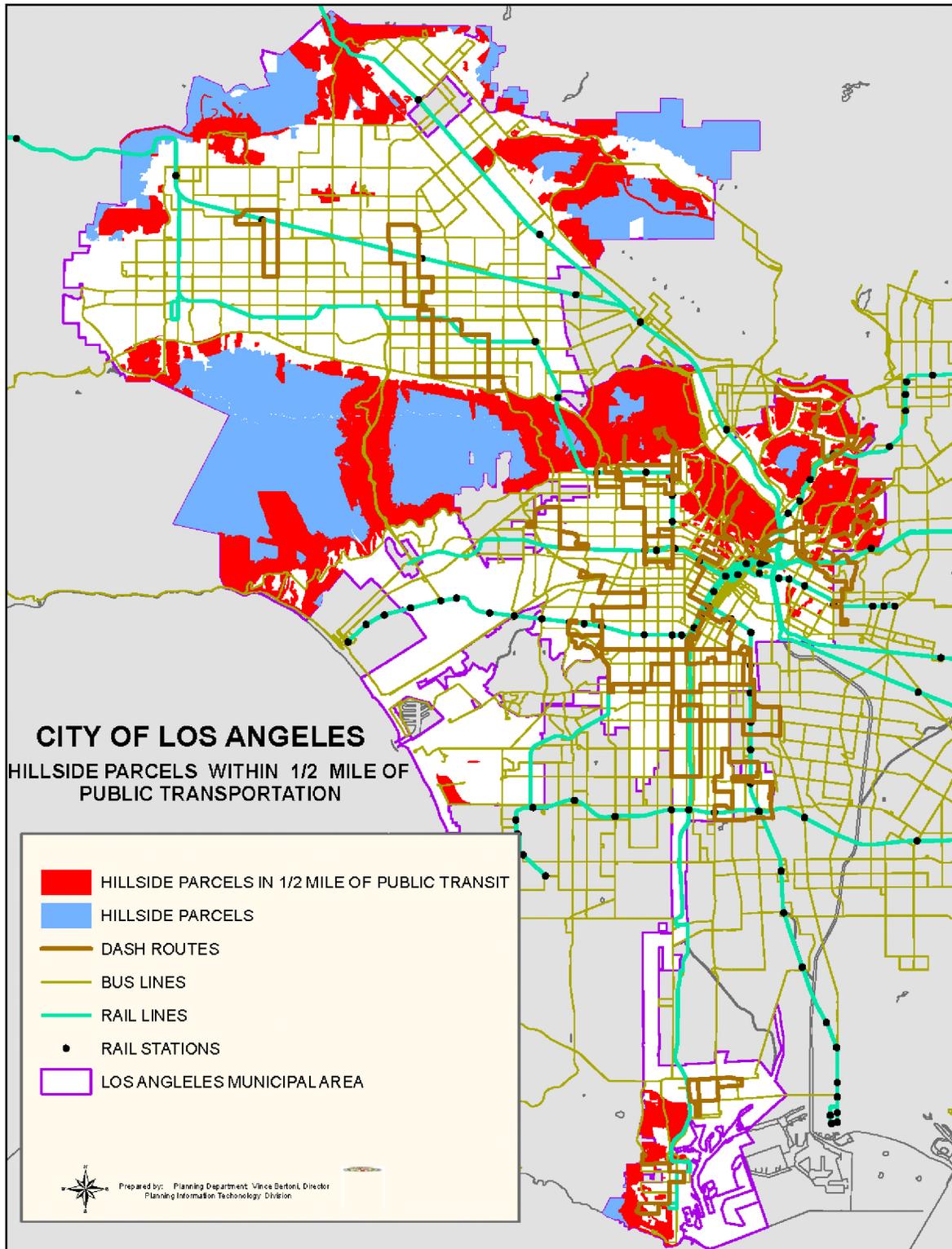
The Department has considered several options related to ADU location requirements. A discussion of each of these alternatives along with suggested ordinance language is provided below.

*Option One: Allow ADUs in Hillside Areas that are within ½-mile of public transportation and are located on a lot that fronts on a Standard Hillside Limited Street.*

An alternative that was recommended by CPC on December 15, 2016 would be to allow ADUs in Hillside Areas if located on a parcel within a half-mile of public transit (including any bus or rail stop) and if fronting a Standard Hillside Limited Street, which is defined in LAMC 12.03 as having a width more than 36 feet and paved to a roadway width of more than 28 feet, as determined by the Bureau of Engineering. While the City does not maintain comprehensive digital data on substandard streets, the majority of Hillside Area streets are believed to be below the Standard Hillside Limited Street standard.

As previously reported to the PLUM Committee on May 10, 2018 (Exhibit B), approximately 76% of Hillside parcels are within one-half mile of a public transit stop, which per state ADU legislation is defined to include any rail or bus stop. This analysis is shown in Figure A.

Figure A. Map of Hillside Parcels within 1/2 Mile of Public Transportation



If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, except in instances where the lot is fronting on a fully improved and dedicated Standard Hillside Limited Street and is also within one-half mile of a transit stop, including but not limited to bus stops and rail stations.*

*Option Two: Allow ADUs in Hillside Areas that are within ½-mile of public transportation and are located on a lot that fronts on a minimum 24-foot roadway.*

Another option is an alternative to the street width criteria described in Option 1 that would require a roadway be improved to a lower minimum road dimension. As mentioned, the Standard Hillside Limited Street definition in LAMC 12.03 requires a right-of-way width of more than 36 feet and that the roadway is paved to a width of more than 28 feet, as determined by the Bureau of Engineering.

There may be other suitable road standards that would allow for more Hillside Area homes to construct ADUs while also maintaining public safety concerns related to public safety, access and traffic flow. For example, the County of Los Angeles recently adopted an ADU ordinance that included a ban on ADUs in Very High Fire Hazard Severity Zones unless a property fronted on a 24 foot wide road that is paved with asphalt or concrete.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

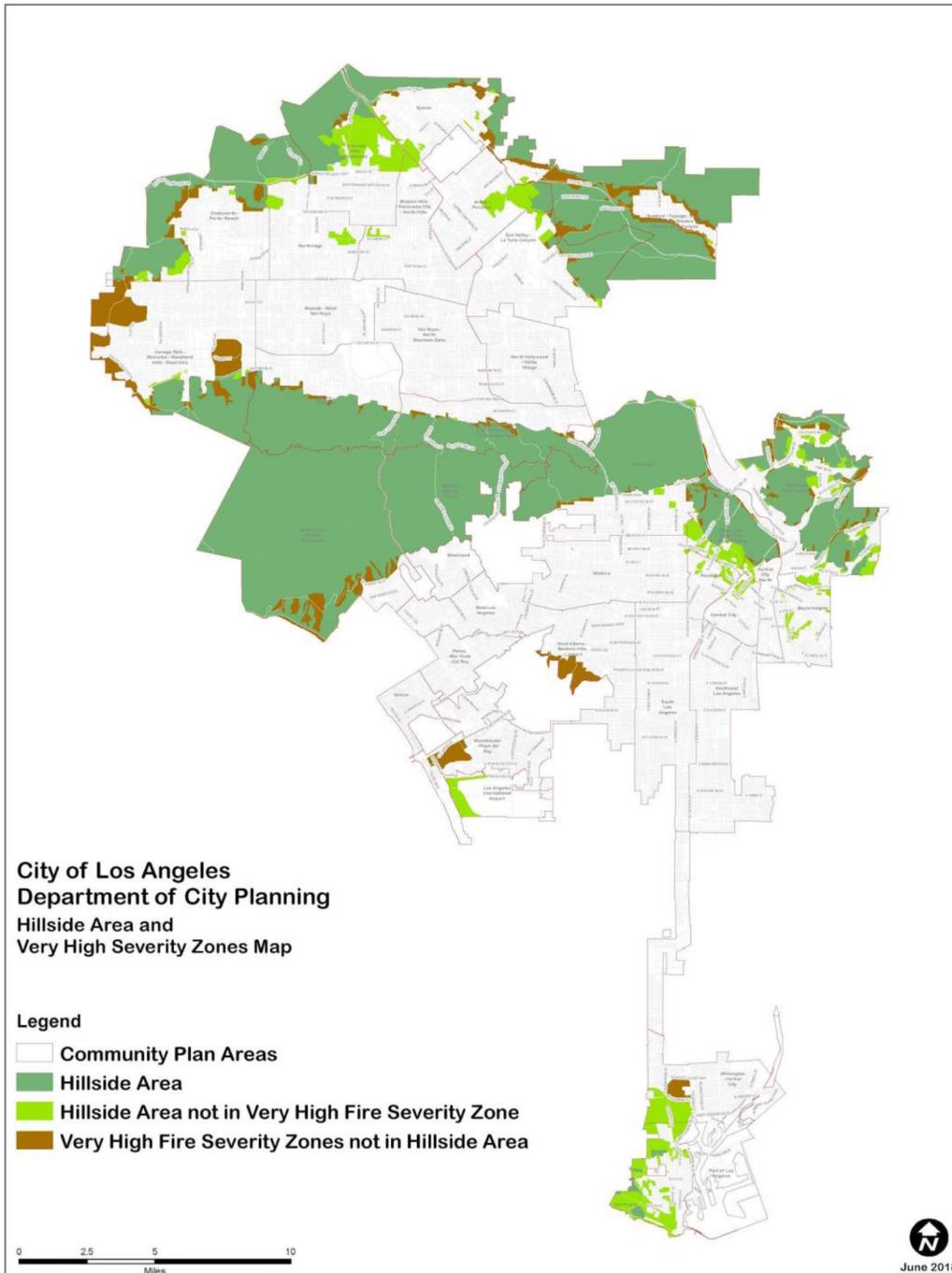
- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, except in instances where the lot is fronting on a fully improved and dedicated roadway that is at least 24 feet in width and is also within one-half mile of a transit stop, including but not limited to bus stops and rail stations.*

*Option Three: Prohibit ADUs in Very High Fire Hazard Severity Zones.*

Rather than basing the restriction on the Hillside Area map, the ordinance could also be tailored to restrict ADUs in areas which have the highest vulnerability to fire risk - Very High Fire Hazard Severity Zones (VHFHSZ). This option could be further tailored to pair with other options involving the Hillside Area definition.

As discussed in the Staff Recommendation Report dated July 12, 2018 and demonstrated in the map in Figure B, VHFHSZ areas correspond in large part with the Hillside Area map. As result, a change to restrict ADUs in VHFHSZ areas would affect similar land area of the City, but would limit the exposure of new ADUs to high fire risk areas. Areas of Arleta-Pacoima, Granada Hills, Echo Park and San Pedro would be made available for new ADUs while additional areas along the edges of Hillside Areas would be precluded from ADU construction (see Figure B).

Figure B. Map of Hillside Areas and Very High Fire Hazard Severity Zones



If the City Planning Commission would like to recommend this option, the Department has prepared potential revised language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Very High Fire Hazard Severity Zone designated by the City of Los Angeles Fire Department Pursuant to Government Code Section 51178. ~~Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code.~~*

*Option Four: Prohibit ADUs in Hillside Areas, with an exception for attached ADUs up to 750 square feet.*

Another alternative may be to allow for attached ADUs through small additions in Hillside Areas. The City's Hillside regulations in LAMC Section 12.21 A.17 do not apply to additions of less than 750 square feet to existing single-family dwellings. This threshold may similarly be suitable to allow for a more limited amount of new, appropriately-scaled ADU development in Hillside Areas. Current ADU regulations allow for construction of detached ADUs up to 1,200 square feet in size. This option would limit new ADU construction to attached ADUs of no larger than 750 square feet in Hillside Areas. This approach would allow for limited ADU development, while ensuring that many of the concerns associated with new detached ADUs are addressed.

These attached ADUs would be adding a new dwelling unit to the lot, regardless of size, so they would still be subject to any applicable provisions of LAMC Section 12.21 A.17 not precluded by State Law.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e) and additions of no more than 750 square feet meeting the requirements of subdivision (d), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code.*

*Option Five: Prohibit ADUs in the Wildlife Pilot Study Area.*

In a separate effort, the Department of City Planning is working on revised development standards for residential development in wildlife corridors in Hillside Areas. The initial phase of this effort will focus on a pilot study area located in a subset of Hillside Area neighborhoods that are located between the 405 and 101 freeways. This pilot area is also part of a biodiversity study which is looking to improve resiliency and sustainability in the region and preserve native biodiversity and habitat. An option could be to prohibit ADUs in these areas until such studies are complete.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

*(3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code and located in a Wildlife Pilot Study Area generally bounded by the 101 Freeway to the east and the 405 Freeway to the west.*

## **B. Movable Tiny Houses**

As discussed in the staff recommendation report dated July 12, 2018, The PLUM Committee amended the proposed ordinance to include a Movable Tiny House (MTH) as a type of allowable ADU. As defined in the ordinance, a MTH is a 150 to 430 square foot independent living quarters designed for year-round habitation. The proposed ordinance includes a set of design standards to ensure MTHs resemble traditional residential homes, and not automobile-oriented Recreational Vehicles (RVs), but otherwise requires MTHs to meet all zoning siting criteria that are applicable to ADUs. In particular, the proposed ordinance requires MTHs to maintain the same utility connection requirements that are applicable to an ADU.

During the July 12th meeting, Commissioners expressed interest in the Movable Tiny House provisions, but requested additional information in order to better understand the key issues. In particular, Commissioners requested information about the differences between a MTH and a RV, clarification of the minimum size requirements, and additional information about alternative utility options for MTHs. Since that meeting, the Department has received one additional public comment letter that raised several issues related to MTHs. A summary of that letter is provided in this section.

### Distinction Between Movable Tiny Home and Recreational Vehicle

While a MTH is a type of transportable recreation vehicle (RV), there are many differences. This is largely because an MTH is not intended for frequent travel compared to a traditional RV. A MTH is intended for year-round residence and typically built to resemble a cottage or bungalow using conventional residential building materials for windows, roofing and exterior siding. RVs have holding tanks for dirty and fresh water and usually run on local generators because they are not typically permanently connected to water, sewer and electrical infrastructure. MTHs need to be connected to a water, sewer and electrical source and would become legal, permanent dwelling units where they are established as ADUs.

RVs and MTHs are generally built to different code standards. As proposed, a MTH is built according to the “park model trailer” building standards in Section 119.5 of American National Standards Institute (ANSI). A typical RV is built to Section 119.2 ANSI standards, which is more automobile focused. For example the 119.2 RV standards don’t allow for hardwired electrical

systems or the 100 amp service permitted under 119.5. The residential orientation would be further ensured by the design standards included in the proposed ordinance. From a zoning perspective, RVs may only be occupied for habitation if they are parked in mobilehome parks or other special occupancy parks. MTHs would be distinct in that they would be allowed to be located anywhere an ADU is permitted.

#### Minimum Size of Movable Tiny Home

The MTH is certified by a third-party inspection body such as the Recreational Vehicle Industry Association (RVIA) or Pacific West Associates, and so would not be individually inspected by the Department of Building and Safety. As clarified in the Planning staff's technical modification to its report dated July 11, 2018, a MTH must have between 150 and 430 square feet of interior habitable living space. This floor area may be provided in any number of interior rooms, as it concerns the overall size of the structure. Some MTH supporters have called for more flexibility, allowing for a 120 or 130 feet minimum. The Department continues to recommend the 150 square foot minimum that is in line with the current efficiency unit standards embedded in state ADU law.

#### Utility Connection Requirements

The proposed ADU ordinance would require that MTHs be connected to water, sewer and electric utilities, which is required for any new dwelling unit in the City of Los Angeles. This requirement was incorporated to ensure that the MTH provides utilities that are in compliance with local standards. In response to public comments received and heard during the public hearing, Commissioners requested that the Department provide additional information about alternative utility options. In particular, there were concerns that the utility requirement (particularly sewer) would be cost prohibitive for MTHs, particularly compared to the low estimated cost of a MTH itself. Additionally, commenters have demonstrated that MTHs have the capability to incorporate innovative "off-grid" utility solutions, including compostable toilets, solar panels, atmospheric water generators and greywater systems.

The Department is interested in exploring more sustainable utility options but proper disposal of sewage waste and access to clean water and electricity remain critical to any new residential unit in Los Angeles. The LA County Public Health Department has issued a guide to alternative water sources, which shows specific allowed uses for different types of source water, but many types of water (including blackwater) are required to discharge to a sewer system.<sup>1</sup> However, under all of these standards, a permanent potable water supply would continue to be required to allow for eating, cooking and sanitation.

---

<sup>1</sup> See: Los Angeles County Department of Public Health, *Guidelines for Alternate Water Sources: Indoor and Outdoor Non-Potable Uses*. February 2016  
[http://publichealth.lacounty.gov/eh/docs/ep\\_cross\\_con\\_AltWaterSourcesGuideline.pdf](http://publichealth.lacounty.gov/eh/docs/ep_cross_con_AltWaterSourcesGuideline.pdf) and Los Angeles Department of Building and Safety, Information Bulletin: Gray Water Systems for Residential Buildings, <http://www.ladbs.org/docs/default-source/publications/information-bulletins/plumbing-code/graywater-systems-for-residential-buildings-ib-p-pc2014-012.pdf>

### Additional Public Comments Related to Movable Tiny Homes

After the July 12, 2018 CPC meeting, staff received one additional comment letter regarding the MTH provisions in the proposed ordinance. A summary of the comments received, along with responses, are provided below for the Commission's consideration.

#### *Number of ADUs Permitted Per Lot*

The comment letter expressed concern with the provision requiring that only one ADU is permitted per lot (proposed LAMC 12.22 A.32(b)(4)). They suggested that this provision be amended to allow a maximum of one traditional ADU and one MTH on any lot, provided that all other requirements are met. The proposed ordinance was drafted to implement State Law, which permits one ADU per lot. Allowing a MTH on a lot in addition to a traditional ADU could require additional analysis in the environmental document prepared for the proposed Ordinance.

#### *Requirement That Lot Contain a Single Family Dwelling*

Commenters suggested that, due to their more temporary nature, MTHs should be permitted on vacant property in any zone. The intent of this ordinance is to allow for an accessory unit, including a MTH, on a lot in conjunction with a single-family home. Allowing MTHs in other scenarios, such as those described in the comment letter, are beyond the scope of this ordinance.

#### *Paving Surface Requirements*

The comment letter raised concern with the paving surface requirements as they relate to MTHs, citing that the costs of providing a concrete pad for MTHs may make it difficult to comply. The paving surface provisions in the proposed ordinance require that when the wheels are not removed from a MTH, it sits on a paving surface that complies with LAMC Section 12.21 A.6(c), which includes a list of suitable alternative paving materials, such as permeable interlocking concrete pavers, decomposed granite and gravel.

### **C. Equine-Keeping Regulations**

Many communities in the City have a long tradition of equine keeping. There are a number of siting requirements that apply to equine-keeping structures, including up to a required 75-foot separation from any dwelling unit on a neighboring property. To ensure that the construction of ADUs does not adversely impact equine keeping rights, the proposed ordinance includes a siting requirement for ADUs on lots where equine-keeping is allowed (all K-zoned lots, as well as RA, RE20 and RE40 lots with sufficient size), as well as properties abutting these lots.

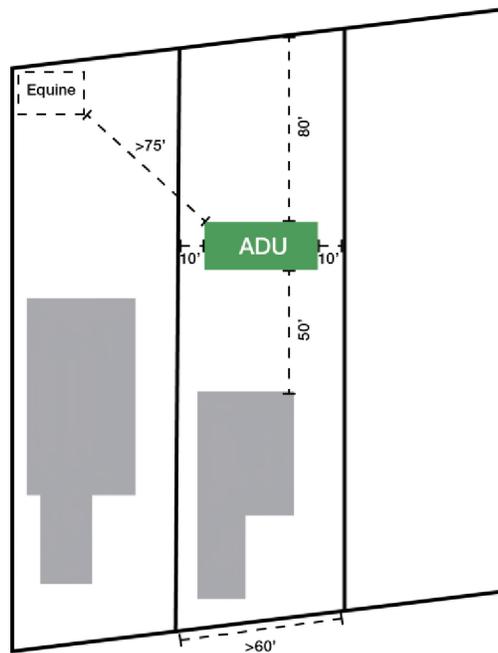
As currently proposed, the ordinance would place the following additional siting requirements on ADUs located on or adjacent to a lot which allows equine-keeping uses:

- The ADU must be located closer to the primary residence than to the rear lot line;

- The ADU must always be located within 50 feet of the primary residence; and
- The ADU must adhere to 10-foot side yard setbacks, when located on lots wider than 60 feet.

These siting requirements are illustrated in Figure C, below.

*Figure C. Illustration of Proposed ADU Siting Requirements in Equine-Keeping Zones*



During the July 12th meeting, a Commissioner raised the suggestion of requiring 75-foot setbacks for ADUs in equine-keeping areas, in order to ensure that the ADU will always be beyond the 75-foot buffer from any neighboring equine-keeping uses. This approach may introduce additional challenges, and could in many cases preclude the ability of any detached ADU from being constructed on smaller lots. Furthermore, this setback restriction would be stricter than those in place for equine enclosures (LAMC Section 13.05). Figure D illustrates this approach, below. The sample site, located in a K District, has a lot width of 155 feet and a depth of 111 feet. If an ADU were required to adhere to 75 foot setbacks from the neighboring property line, it would only be feasible to construct an ADU on extremely wide and deep parcels, generally in excess of 190 feet wide and 180 feet deep (34,200 square foot lot), as shown in Figure E.

Figure D. Sample Illustrations of Alternate Suggested ADU Siting Requirements, ADU Infeasible

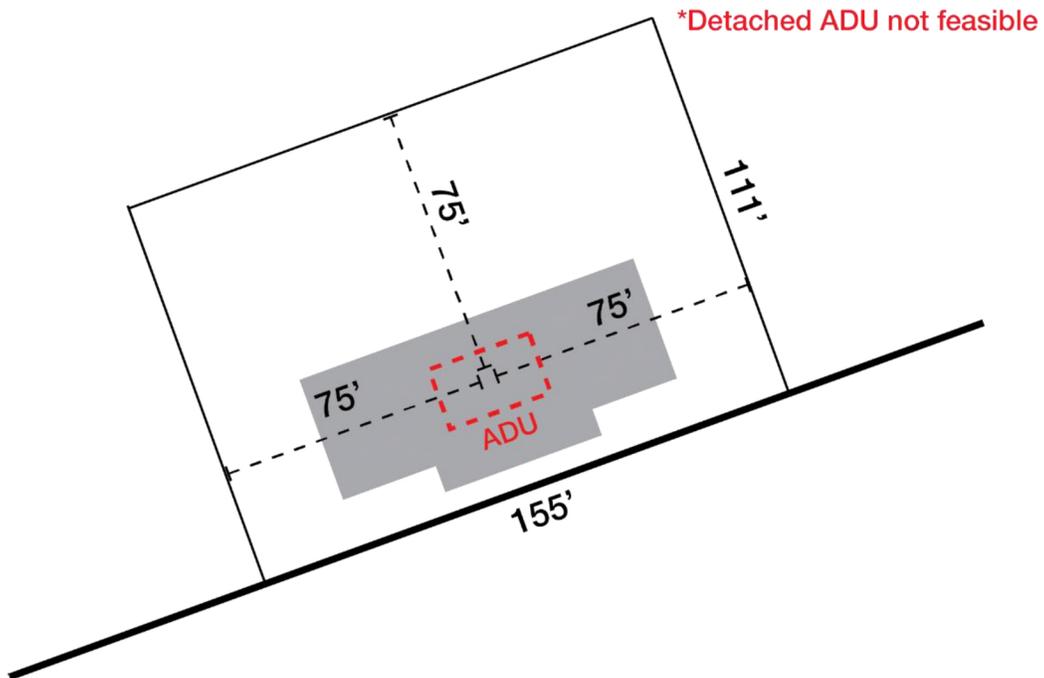
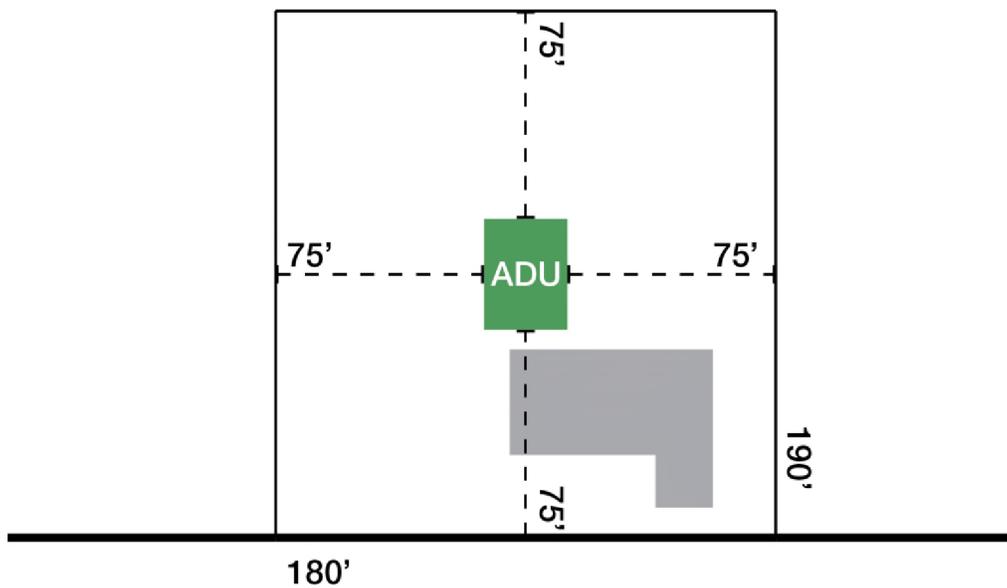


Figure E. Sample Illustrations of Alternate Suggested ADU Siting Requirements, ADU Feasible



The proposed requirements attempt to recognize that there are a variety of configurations and lot sizes and strike a balance between creating additional housing and preserving the City's equine keeping areas. For these reasons, the Department does not recommend a change to these provisions at this time.

#### D. Conversion of Existing Structures

State ADU regulations explicitly provide for the conversions of existing space to an ADU. Conversions must be approved if there is independent access to the unit and setbacks are sufficient for life-safety. This provision precludes the ability of local jurisdictions to apply additional zoning standards to ADU conversions. Specifically, California Government Code Section 65852.2(e) states in part (emphasis added):

*(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.*

There is some ambiguity with regard to how “existing space” is defined. This ambiguity introduces some concern that an owner may intentionally build a space or structure that meets the development standards for an accessory structure, but would not be permitted as habitable space under the ADU development standards. After construction, the applicant could then apply to convert the structure to an ADU using the more lenient standards for a conversion, thereby circumventing many of the provisions that apply to construction of a new ADU. Encouraging this type of two-step process does not appear to be in line with the intent of State law.

For this reason, the Department incorporated a provision in the July 12, 2018 draft ordinance that would require that an ADU may only be converted if it is fully contained within a primary residence or accessory structure that lawfully existed as of the effective date of the ordinance. The intent of this provision was to close the loophole described above while maintaining the State’s intent of allowing pre-existing structures to be more easily converted to an ADU.

City Planning Commissioners requested additional information to identify alternative ways of defining “existing” rather than relying on the effective date of the ordinance. For instance, it might be appropriate to consider an amendment to allow an ADU conversion only after a set amount of time, such as five years, had elapsed from the issuance of the certificate of occupancy for the accessory structure.

The Department has taken a conservative approach and recommends amending Section 12.22 A.32(e)(1) of the proposed ordinance, as provided in Exhibit A, as follows:

*(1) The ADU is fully contained within a lawfully existing single-family residence ~~lawfully existing on the effective date of this subsection~~ or an lawfully existing accessory*

*structure lawfully existing as of the effective date of this subsection. ADUs not meeting this criteria may still be eligible as an attached or detached ADU.*

#### **E. Power Line Easements**

The Los Angeles Department of Water and Power (LADWP) is unable to provide clearances for Accessory Dwelling Units in power line easements, generally within five horizontal feet of any existing power line. The Commission raised some concerns regarding this limitation, as it has the potential to impact the ability of a large number of ADU conversions where existing accessory structures, such as garages, are located in utility easements. Commissioners requested additional information regarding how extensive the issue is, particularly in conjunction with the other proposed location restrictions. Commissioners also requested additional information about how forthcoming changes to State Law would impact these requirements.

Subsequent to the July 12, 2018 CPC meeting, the Department has met with officials from LADWP, LADBS, the Mayor's Office and other stakeholders to better understand this issue. LADBS refers ADU applicants to LADWP for clearance whenever plans show an ADU within five feet of a public utility line. LADWP reports that approximately 800 ADU applications in public utility easements have been referred to its queue (potentially one in every five to six permit applications is being referred). LADWP does not offer waivers. If there is insufficient horizontal or vertical clearance, or plans are not amended to show the clearance, LADWP is unable to clear the building permit and the ADU cannot proceed as is. For applicants, one option to resolve this issue is to relocate the proposed ADU on the site or remove the portion of the ADU that is located in the easement, so that the ADU does not conflict with the public utility easement.

This limitation involves issues that are not regulated by the Zoning Code and any potential solutions would not be part of the proposed ADU zoning ordinance. A proposed state law to offer immunities to utilities such as LADWP with ADUs was considered by the State Legislature as part of AB 2071 during the 2017-2018 legislative session, but was not ultimately adopted. This issue may be revisited in future legislative sessions. Alternatively, there may be an ability to create a risk-management pool to insure for potential losses. The Department and the Mayor's Office continue to engage in ongoing discussions with LADWP in order to address this issue and identify appropriate solutions to facilitate the development of ADUs.

#### **F. Conclusion**

Staff recommends adoption of the proposed Ordinance (Exhibit A), which will ensure that ADU regulations in Los Angeles are consistent with new State regulations while providing tailored regulations that reflect the unique nature of the City's varied neighborhood contexts.

## PUBLIC COMMUNICATIONS

The Department's December 15, 2016 and July 12, 2018 staff recommendation reports address communications received from the public relating to the draft ADU Ordinance. Since the July 12, 2018 CPC hearing, the Department has received four additional public comment letters. One of the letters, from Our Backyard Homes, raises several concerns relating to Movable Tiny Houses, which are addressed separately in Section B of this report per the Commission's request for additional information on that topic. Following is a summary of the points raised by the other three public comment letters.

1. Allow a minimum-sized ADU on all residential lots regardless of the Residential Floor Area (RFA) limits.

This issue was raised due to the disparities in RFA limits that apply to single-family zoned lots in the City. Under the proposed ordinance, new ADUs up to 1,200 square feet are permitted on lots with single-family homes, so long as the addition of the ADU does not exceed the RFA limit on the lot. The comment raised concern that ADU development on some single-family zoned lots would be more of a challenge in light of this requirement, due to those lots having a lower RFA limit than some R1 variation zones.

Residential Floor Area limits are intended to ensure that new homes are not out-of-scale with the surrounding neighborhood context. To that end, it is important that the bulk and mass of residential development in single-family neighborhoods continues to be appropriately regulated. In addition, the proposed ordinance was drafted to implement State Law, which does not include this provision. Additional environmental analysis may be required to include this provision.

2. Expand vesting rights to ADUs to submittal of zoning entitlement applications.

A second comment letter received by the Department from architect Ian McIlvaine highlighted a concern regarding the vesting (grandfathering) of projects in a zoning entitlement process. The standard zoning code vesting language in LAMC 12.26 allows ADUs that have submitted and paid fees for the Plan Check process at LADBS before the effective date of the ordinance to be grandfathered under the pre-existing rules (i.e. state law for ADUs). However, when discretionary planning and zoning entitlements such as a Zoning Administrator Adjustment (ZAA) or Zoning Administration Determination (ZAD) is needed, payment of Plan Check fees cannot occur until after the entitlement has been received and the appeal period has cleared. This means that a class of ADU projects currently in the development review process may be unable to benefit from the vesting procedures. This would impact properties in the Hillside Area due to the proposed Hillside Area prohibition.

If the Commission would like to address this concern, it could direct the Department to prepare an amendment to the proposed ordinance to include a unique vesting procedure for ADUs

that would allow grandfathering of ADU projects that have filed plans sufficient for a complete zoning entitlement filing, in addition to the current Plan Check deadline.

3. Provide Relief from Requirement to Build a Wall for Driveway Parking Spaces.

A third comment letter raised concern with requirements that apply to replacement parking for garage conversions. Typically, single-family homes are required to provide covered parking (usually in a garage); however, the proposed ordinance allows for new parking for the ADU and any replacement parking for garage conversions to be provided in any configuration on the lot, including uncovered tandem spaces on a driveway (consistent with provisions of State law). Other sections of the Zoning Code that place requirements on parking areas, including standards such as parking dimensions and paving materials, still apply to the new and replacement parking. In particular, LAMC Section 12.21 A.6(d) requires any parking areas to be completely enclosed by a wall, except areas across the front of a driveway. This code provision applies when an existing driveway is converted to a parking space. As the comment letter raises, this requirement in some cases where a home has a narrow, non-conforming driveway may render the parking area unusable, and would run counter to the intent of the state standards which aim to allow for alternative, usable on-site parking.

Staff has amended the proposed ordinance in Exhibit A to address this concern.

**EXHIBIT A:**  
**Proposed Ordinance, Revised as of October 1, 2018**

---

CPC-2016-4345-CA  
October 11, 2018

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03 and 12.22 and repealing portions of Section 12.24 of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purpose of regulating Accessory Dwelling Units in accordance with State law.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

**Sec. 1.** Section 12.03 of the Los Angeles Municipal Code is amended by adding definitions in proper alphabetical order to read:

**ACCESSORY DWELLING UNIT (ADU).** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ADUs include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code and Movable Tiny Houses.

**MOVABLE TINY HOUSE.** A structure intended for the separate, independent living quarters of one household for year-round residence that meets all of the following:

- (a) Is licensed and registered with the California Department of Motor Vehicles;
- (b) Meets the American National Standards Institute (ANSI) 119.5 requirements, and certified by a qualified third party inspector for ANSI compliance;
- (c) Cannot move under its own power;
- (d) Is no larger than allowed by California State Law for movement on public highways; and
- (e) Has not less than 150 and no more than 430 square feet of habitable living space, including bathrooms and fixed counters.

**Sec. 2.** Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 32 to read:

**32. Accessory Dwelling Units (ADU).**

**(a) Purpose.** The purpose of this Subdivision is to provide for the creation of ADUs in a manner consistent with California Government Code Sections 65852.2, as amended from time to time.

**(b) General Provisions.** An ADU shall be approved if in compliance with all of the following provisions:

- (1) All applicable objective provisions required pursuant to Chapter 1 of this Code, including such provisions stated in the underlying applicable zoning and height district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay and other applicable zoning ordinances, policies or other documents established pursuant to Chapter 1, Article 3 of this Code. In instances where there is conflict, this section shall govern. An ADU that complies with this subdivision shall not require a discretionary planning approval. The project shall be reviewed in a ministerial and administrative manner limited in scope only considering the project's compliance with the applicable objective standards.
- (2) Except where otherwise prohibited by this section, an ADU is permitted in all zones where residential uses are permitted by right.
- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code.
- (4) Only one ADU is permitted per lot.
- (5) An ADU is permitted only on a lot that contains an existing single-family dwelling unit or where a new single-family dwelling unit is proposed.
- (6) In multiple family zones, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.
- (7) ADUs may be rented but shall not be sold separate from the existing or proposed single-family dwelling unit on the same lot. Movable Tiny Houses may be sold when removed from the lot.
- (8) No passageway for the ADU, nor space between buildings, as per LAMC 12.21.C.2, is required in conjunction with the construction of an ADU. Building Code separation requirements still apply.
- (9) No additional setbacks shall be required for a lawfully existing garage or lawfully pre-existing space above or abutting a garage, converted to an ADU or portion of an ADU.
- (10) For newly constructed ADUs attached to or located above any lawfully existing garage, setbacks from the side and rear lot lines shall be the lesser of such setbacks as required by the Zoning Code, or five feet.
- (11) ADUs, except for Movable Tiny Houses, are required to follow the same Building Code and Residential Code requirements as the existing or proposed single-family dwelling unit.
- (12) ADUs are not required to provide fire sprinklers if they are not required for the existing single-family dwelling unit.
- (13) Parking Requirements:
  - (i) One parking space is required per ADU, except that no parking is required for an ADU:
    - a. Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
    - b. Located within one block of a car share parking spot; or

- c. Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of Historic Places or California Register of Historical Resources or located in any City Historic Preservation Overlay Zone; or
  - d. Which is part of the proposed or existing primary residence or an existing accessory structure.
- (ii) Parking is allowed in setback areas, except in required front yards when parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required front yard shall not be expanded to provide required parking. Other objective parking and driveway standards in the LAMC apply, including those found in 12.21 A.5 and 12.21 G.
  - (iii) When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, any lost off street parking spaces shall be replaced. Replacement parking spaces may be located in any configuration on the same parcel as the ADU, including but not limited to covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.
  - (iv) Section 12.21 A.6(d) of this Code shall not apply to parking required for an ADU, or to replacement parking spaces provided pursuant to Sub-subparagraph (iii).

**(c) Detached Accessory Dwelling Unit Requirements.** Detached ADUs must comply with the Section 12.21 C.5 where applicable, and all provisions in paragraph (b), and all of the following:

- (1) Detached ADUs are allowed up to a maximum of 1,200 square feet.
- (2) Detached ADUs shall not be greater than two stories.
- (3) Limits on total Floor Area (including Residential Floor Area) on a lot apply separately and may further limit allowable Detached ADU square
- (4) Detached ADUs shall not be located between the proposed or existing single-family dwelling unit and the street adjoining the front yard, except in the following cases:
  - (i) Where the building is on a Through Lot and complies with LAMC 12.22 C.19 and 12.21 C.5(k); or
  - (ii) Where the ADU is being added to a lawfully existing garage or accessory structure building.
- (5) In parcels where equine keeping is allowed, as well as parcels abutting or adjacent to such parcels, in addition to existing separation requirements in the LAMC, all of the following provisions apply:

- (i) No part of the ADU shall be located at a distance measured from the rear lot line that is less than the distance measured between the closest part of the ADU to the rear wall of the existing or proposed single-family dwelling unit;
- (ii) No part of the ADU shall be more than 50 feet from the furthest point on the rear wall of the existing single-family dwelling unit; and
- (iii) For lots greater than 60 feet in width, side yard setbacks shall be at least 10 feet.

**(d) Attached Accessory Dwelling Unit Requirements.** Attached ADUs can be either attached to or completely contained within an existing or proposed single-family dwelling unit and must comply with all provisions in paragraph (b) and all of the following:

- (1) Attached ADUs may not result in an increase in total floor area exceeding 50% of existing or proposed living area of the primary structure up to a maximum of 1,200 square feet. For this purpose, living area means interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) Limits on total Floor Area (including Residential Floor Area) on a lot apply separately and may further limit allowable Attached ADU square footage.
- (3) Attached ADUs must comply with the Section 12.21 C.5 where applicable.

**(e) Conversions of Lawfully Pre-Existing Space** Notwithstanding any of the above provisions of this subdivision to the contrary, one ADU per property will be approved if the unit complies with all of the following:

- (1) The ADU is fully contained within a lawfully existing single-family residence or a lawfully existing accessory structure. ADUs not meeting this criteria may still be eligible as an attached or detached ADU.
- (2) The ADU has independent exterior access from the existing residence, is located on a parcel zoned for one-family dwellings and the side and rear setbacks are sufficient for fire safety.
- (3) The ADU complies with or is upgraded to meet all applicable Building and Residential Codes for the proposed use.
- (4) The ADU does not involve any addition or expansion of new floor area to the structure. Existing floor space for any previously occupied use, which as a result of the conversion becomes new Residential Floor Area, is exempt from the Residential Floor Area requirements provided the pre-existing space is solely located within existing walls that lawfully existed prior to the effective date of this subsection.

**(f) Requirements for Movable Tiny Houses as Accessory Dwelling Units.** Movable Tiny Houses must comply with all requirements for Detached ADUs and all of the following provisions:

- (1) Only one Movable Tiny House is allowed to be located on a parcel and no parcel may be approved for more than one moveable tiny house in a twelve month period.
- (2) Movable Tiny Houses shall be located behind the primary dwelling unit and shall not be located in any required front yard.
- (3) When sited on a parcel, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- (4) If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing. If the wheels are not removed, the wheels and leveling or support jacks must sit on a paving surface compliant with LAMC 12.21 A.6(c), and the wheels and undercarriage must be hidden.
- (5) Mechanical equipment shall be incorporated into the structure and not located on the roof.
- (6) Movable Tiny Houses shall be connected to water, sewer and electric utilities.
- (7) Moveable Tiny Houses are not required to have separate street addresses from the primary unit.
- (8) Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.
- (9) Movable Tiny Houses shall have the following design elements:
  - (i) Cladding and Trim - Materials used on the exterior of a moveable tiny house shall exclude single piece composite, laminates, or interlocked metal sheathing;
  - (ii) Windows - Windows shall be at least double pane glass and labelled for building use, shall include exterior trim, and excludes windows and doors that have radius corners for windows and doors;
  - (iii) Roofing - Roofs shall have a minimum of a 12:2 pitch for greater than 50% of the roof area, and shall be in compliance with building code roofing material; and
  - (iv) Living Area Extensions – all exterior walls and roof of a moveable tiny houses used as ADUs shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions.

**(g) Dwelling Units Built Behind a Converted ADU.** A dwelling unit constructed between a legally established ADU that was created as a result of a conversion of an entire main home and the rear lot line shall not exceed 1,200 square feet.

**(h) Zoning Administrator Authority.** It is the intent of the City to retain all portions of this Subdivision regarding ADUs not in conflict with state law. The Zoning Administrator shall have authority to clarify, amend or revoke any provision of this Subdivision as may be necessary to comply with any future amendment to state law regarding ADUs.

**Sec. 3.** Subdivisions 43 and 44 of Subsection W of Section 12.24 of the Los Angeles Municipal Code are hereby repealed.

**Sec. 4. SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**EXHIBIT B:**  
**May 10, 2018 Department Report to PLUM Committee**

---

CPC-2016-4345-CA  
October 11, 2018

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE  
VAHID KHORSAND  
SAMANTHA MILLMAN  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN  
VACANT

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

May 10, 2018

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**REPORT BACK REGARDING HILLSIDE IMPACT OF THE PROPOSED ACCESSORY DWELLING UNIT ORDINANCE; COUNCIL FILE: 16-1468**

On March 21, 2017, the Planning and Land Use Management (PLUM) Committee requested a report back on the number of parcels impacted by prohibiting an Accessory Dwelling Unit (ADU) on a parcel located in a Hillside Area, except in instances where the parcel is abutting an existing built standard roadway.

The proposed ordinance, as amended by the PLUM Committee, includes a prohibition on new construction and additions to create ADUs in Hillside Areas (conversions within existing space cannot be prohibited per state law). The draft ordinance recommended by the City Planning Commission included an exception to the Hillside Area prohibition for properties located within one-half mile of a transit stop and for properties abutting a street meeting standard street dimensions. These exceptions to the prohibition were removed by the PLUM Committee; however, the Committee requested a report back on the potential impacts

**Background**

Hillside Areas are defined in Section 12.03 of the Los Angeles Municipal Code (LAMC) as parcels as shown in the shaded portion of the Department of City Planning Hillside Area Map, dated September 23, 2009, attached to Council File No. 09-1039 (see map in Attachment 1). These parcels are subject to the Baseline Hillside Ordinance.

There are 149,316 parcels located within Hillside Areas. However, about 8,000 parcels were determined to be unsuitable for ADUs because they were not zoned for residential uses or already contained multifamily uses (three or more units). This leaves 141,849 parcels eligible for potential ADU development in Hillside Areas that would be prohibited under the current proposed ordinance. Hillside Areas encompass about 28% of all the single-family zoned parcels in the City.

The PLUM Committee instruction requested analysis of instances where the parcel is abutting an existing built standard roadway in Hillside Areas. This requires that the existing street width is equal to or exceeds the designated street standards adopted by the City Planning Commission per LAMC Section 17.05 H.

### **Potential Impact of Proposed Hillside Area ADU Prohibition**

There are three types of Hillside street designations: Hillside Collectors, Hillside Locals, and Hillside Limited Standard, which have street width standards of 40, 36 and 28 feet, respectively. The City does not currently maintain a database with Hillside street width information wider than 28 feet. In addition, the data for the 28 feet Hillside Limited Standard streets is not comprehensive. Therefore the Department has prepared the best estimate possible of the maximum number of Hillside Area parcels potentially affected by an exception to the proposed ban based on adjacency to a standard street.

Based on the available substandard street database mentioned above, at least 21,926 ADU eligible Hillside Area parcels have street widths of less than 28 feet, and would thus be substandard based on the narrowest Hillside street designation (Hillside Limited Standard, 28 feet). Subtracted from the total number of eligible parcels in Hillside Areas (141,849), this would leave a *maximum* number of 119,923 Hillside Area parcels that would be eligible for ADUs under a proposal that limited ADUs in Hillside Areas, except in instances where the parcel is abutting an existing built standard roadway. However, this is likely a significant overstatement of eligible properties, as it does not consider Hillside Collector and Hillside Local streets, which have standard widths of 40 or 36 feet, respectively.

As a comparison, there are approximately 108,156 Hillside parcels (76%) that are within one-half mile of a public transit stop, which is broadly defined to include any rail or bus stop. To further understand the potential impacts of a prohibition in Hillside Areas, the Department analyzed the number of ADU permits issued in Hillside Areas in 2017, compared to the rest of the City. Out of a total of 2,342 permits issued for ADUs in 2017, a total of 171 were located in Hillside Areas. This represents about 7 percent of the total ADU permits issued in the City. The lower amount of ADU construction in Hillside Areas likely reflects the difficult topography and unique construction regulations that already exist in the Hillside Areas (e.g. the *Baseline Hillside Ordinance*).

The vast majority of 2017 ADUs permitted in Hillside Areas (70 percent) were conversions of existing space which, consistent with state law, would not be prohibited under the Hillside ban that is under consideration. Fourteen ADUs in Hillside Areas were new construction, while 38 were additions. This is a significantly lower percentage of new construction and additions than the City as a whole, indicating that ADUs in hillsides are much less likely to involve new construction of a standalone structure. The distribution of ADU permits, by type, in 2017 is shown on a map in Attachment 1.

### **Conclusion**

Despite the large number of Hillside Area properties eligible to construct ADUs (141,849), the impacts of the proposed Hillside Area restrictions on ADU creation is expected to be much smaller. Hillside homeowners will continue to be able to convert existing space to ADUs per state law. While allowing ADUs on Hillside Area parcels abutting a street meeting standard street dimensions would allow for opportunities to construct new ADUs, these opportunities would only exist on a limited number of additional properties. In addition, new construction of standalone

ADUs in Hillside Areas is already difficult and has been relatively uncommon, further minimizing impacts of a restriction on overall ADU production levels.

If you have any questions about this report please contact Matthew Glesne from the Department of City Planning at (213) 978-2666 or [matthew.glesne@lacity.org](mailto:matthew.glesne@lacity.org).

Sincerely,

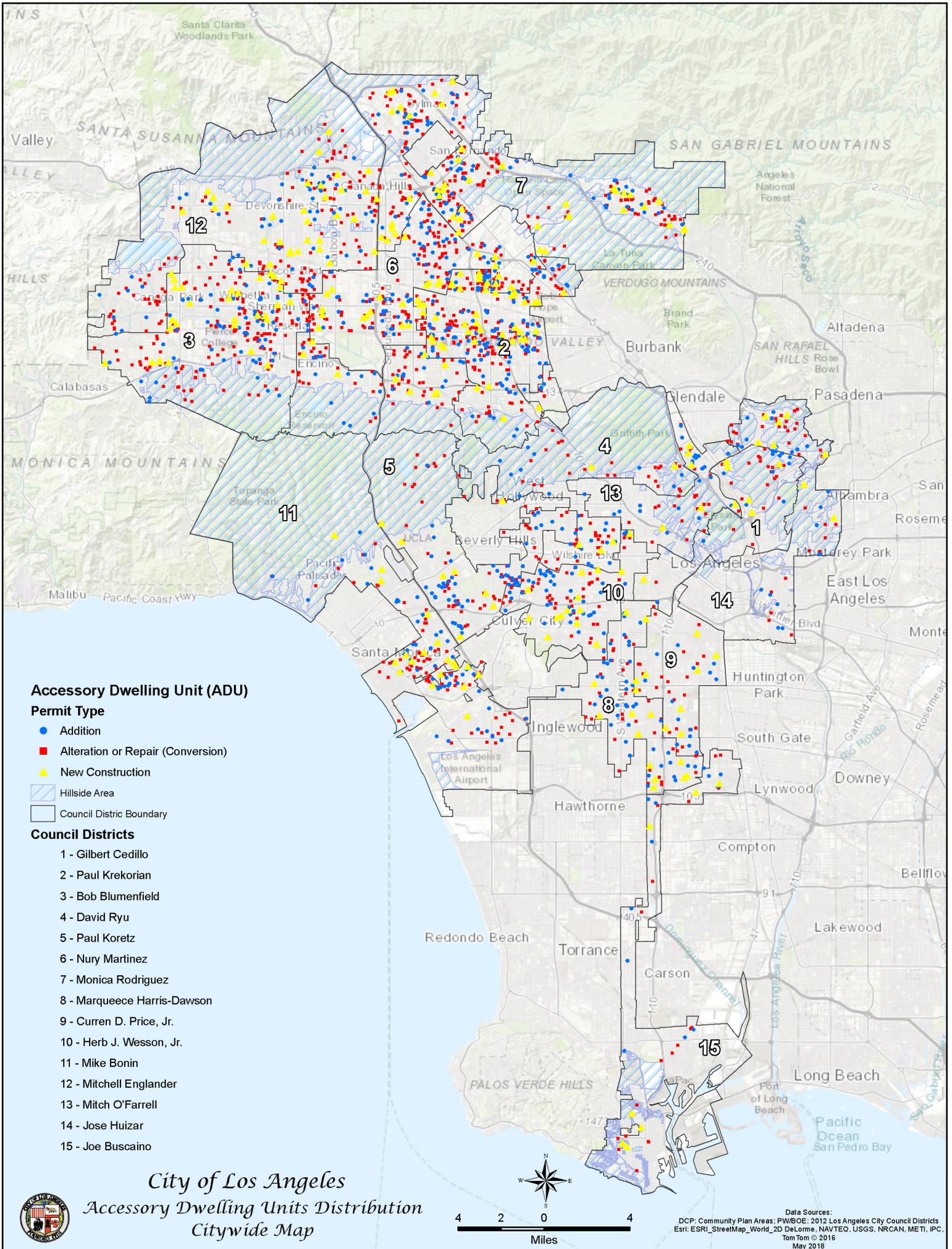
A handwritten signature in blue ink, appearing to read "K. J. Keller", with a long horizontal flourish extending to the right.

KEVIN J. KELLER, AICP  
Executive Officer

KJK:AV:MG:mn

Enclosures

Attachment 1. Distribution of ADU Building Permits in 2017, by Permit Type



**Accessory Dwelling Unit (ADU)**

**Permit Type**

- Addition
- Alteration or Repair (Conversion)
- ▲ New Construction

- ▨ Hillside Area
- Council District Boundary

**Council Districts**

- 1 - Gilbert Cedillo
- 2 - Paul Krekorian
- 3 - Bob Blumenfield
- 4 - David Ryu
- 5 - Paul Koretz
- 6 - Nury Martinez
- 7 - Monica Rodriguez
- 8 - Marqueece Harris-Dawson
- 9 - Curren D. Price, Jr.
- 10 - Herb J. Wesson, Jr.
- 11 - Mike Bonin
- 12 - Mitchell Englander
- 13 - Mitch O'Farrell
- 14 - Jose Huizar
- 15 - Joe Buscaino

*City of Los Angeles*  
*Accessory Dwelling Units Distribution*  
*Citywide Map*



**Data Sources:**  
 DCP: Community Plan Areas; PW/BOE: 2012 Los Angeles City Council Districts  
 Esri: ESRI\_StreetMap\_World\_2D; DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC,  
 TomTom © 2016  
 May 2018



**EXHIBIT C:  
July 12, 2018 Staff Recommendation Report to City  
Planning Commission**

---

CPC-2016-4345-CA  
October 11, 2018



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

### CITY PLANNING COMMISSION

**Date:** July 12, 2018  
**Time:** After 8:30 a.m.  
**Place:** Los Angeles City Hall  
200 N. Spring St., Rm. 340  
Los Angeles, CA 90012

**Case No.:** CPC-2016-4345-CA  
**CEQA No.:** ENV-2016-4346-CE  
**Council No.:** All  
**Plan Area:** Citywide  
**Applicant:** City of Los Angeles

### PROJECT

**LOCATION:** Citywide

**PROPOSED PROJECT:** An ordinance amending Sections 12.03 and 12.22, and repealing portions of Section 12.24, of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purpose of regulating Accessory Dwelling Units and complying with state law.

### RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as the Commission's report on the subject;
3. **Adopt** the attached Findings;
4. **Approve** and recommend that the City Council, based on the whole of the record, determine that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15301, 15302, and 15303.

VINCENT P. BERTONI, AICP  
Director of Planning

Arthi Varma,  
Principal City Planner

Matthew Glesne  
City Planner  
(213)978-2666

# TABLE OF CONTENTS

**Project Analysis..... A-1**

- Project Summary
- Background
- Proposed Ordinance
- Key Issues
- Conclusion

**Findings..... F-1**

- Hillside Findings
- CEQA Findings

**Public Hearing and Communications..... P-1**

**Exhibits:**

- A - Proposed Ordinance
- B - California Government Code §65852.2 (State Accessory Dwelling Unit law)
- C - Hillside Area and Very High Fire Severity Zone Map

## PROJECT ANALYSIS

### Project Summary

The proposed Code Amendment would establish a new Accessory Dwelling Unit (ADU) ordinance. The ordinance will incorporate important provisions of state accessory dwelling unit law that have gone into effect since January 1, 2017 and introduce new provisions to regulate the size and location of ADUs in Los Angeles.

The City Planning Commission (CPC) previously considered the ADU ordinance on December 15, 2016. That ordinance was heard at the PLUM Committee on March 21, 2017 and May 15, 2018. The draft ordinance, as amended by the City Council, includes several provisions that differ from the CPC recommended ordinance and were not considered by the CPC. These differences include additional recommendations made by the Planning and Land Use Management (PLUM) Committee as well as new language to reflect changes made by state law in 2017. Significant differences from the December 15, 2016 CPC recommend ordinance are:

- The CPC recommended exception to the prohibition on the construction of ADUs in Hillside Areas (based on access to transit and standard street widths) has been removed.
- The inclusion of movable tiny houses as a form of ADUs.
- The inclusion of siting requirements for ADUs in areas that allow for equine keeping.
- The CPC recommended ADU size limits, beyond those that exist in State Law, have been removed.
- For conversions of legally existing space to ADUs, a limitation has been added to allow only those that are contained within a lawfully existing structure as of the effective date of the proposed ordinance.
- Clarifying that ADUs are subject to the objective criteria stated in the underlying applicable zoning and height district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay and other applicable zoning ordinances, unless in conflict with the proposed ADU ordinance.

Each of these items will be discussed under the Key Issues section below.

### Background

On December 15, 2016 the Los Angeles City Planning Commission (CPC) acted to recommend an ordinance to regulate accessory dwelling units (ADUs). On March 21, 2017 the ordinance was considered by the Planning and Land Use Management (PLUM) Committee, which made several amendments and instructed the City Attorney to incorporate and prepare a final ordinance. Changes included several topics that were not considered by the CPC. At the May 14, 2018 meeting the PLUM Committee considered the Planning Department's report back on several items as requested by the Committee as well as an updated draft ADU ordinance dated May 10, 2018.

### Accessory Dwelling Units

An Accessory dwelling unit (ADU) refers to a second home on a property that has a full kitchen and bathroom, which is an accessory use to another primary single family residence. An ADU can be used as a rental, but cannot be sold separately from the primary single family residence. ADUs often provide a more affordable option for renters in a particular neighborhood, can assist family members, and allow for assistance to homeowners in paying their mortgage.

### New State Accessory Dwelling Unit Law

In 2016 and 2017, the California Legislature enacted Assembly Bills 2299 and 494 which significantly changed state law on ADUs. The primary motivation of the state's ADU law is to

provide for additional housing opportunities in an efficient, affordable, sustainable manner. The intent is to remove unnecessary barriers, and ensure that local regulations are not “so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”

State law, among other provisions, 1) creates a set of state development standards that override local zoning ordinances, and 2) requires a ministerial approval process for ADUs in all single-family and multifamily zones. State Law further states that any existing local ADU ordinance that fails to meet the requirements of the new law “shall be null and void upon the effective date of the act... and that agency shall thereafter apply the [state default standards] unless and until the agency adopts an ordinance that complies with this section.” (Amended Gov. Code § 65862.2(a)(4)).

The City’s existing ADU ordinance includes, among other provisions, discretionary provisions precluded by State law. (Los Angeles Municipal Code (LAMC) §§12.24 W43 and 44, and §12.24E as incorporated into those sections). Consequently, effective January 1, 2017, the City’s existing ADU ordinances were voided, and the City began to apply the new state default standards pending the City’s adoption of a new ordinance consistent state law.

Local ordinances must adhere to the following after January 1, 2017:

- Project review requirements may not require any discretion or qualitative decision-making; all approvals must be “by right” or ministerial in nature.
- The state’s standards include a limitation on the size of an ADU (1200 square feet), while ADUs that are attached to an existing single family dwelling cannot be larger than 50% of the existing living areas.
- No passageway shall be required in conjunction with the construction of an ADU
- No setbacks shall be required for an existing garage that is converted to an ADU. An ADU that is constructed above a garage cannot be required to have more than a five foot setback from the side and rear lot lines.
- An ADU shall be treated as an accessory use or accessory building.
- Existing accessory structures, when converted to an ADU, are permitted without additional restrictions provided the structure has independent exterior access and side and rear setbacks sufficient for fire safety.
- Parking standards are limited to no more than one space per ADU or bedroom and required parking is permitted to be a tandem space on an existing driveway. Parking standards for new ADUs are reduced to zero spaces under certain circumstances (within 1/2 mile of public transportation, located in an historic district, part of an existing structure, or when a car-share vehicle is located within one block).
- When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU the replacement parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts

### **Status of ADUs in Los Angeles Under State Law**

Since state law pre-empted the City’s ADU ordinance, the City has seen a significant increase in the number of permitted ADUs. Between January 1, 2017 and March 30, 2018 a total of 3,267 ADUs have been permitted in the City of Los Angeles, of which 617 have been completed by receiving a Certificate of Occupancy. Almost 60% of all permitted ADUs since 2017 are conversions within existing space. Anecdotal evidence from building inspectors suggests the majority of these conversions are legalizations of existing living spaces.

Permits for ADUs have been distributed across the city. This contrasts to the trends before 2017, when almost 90% of ADUs were being permitted in the San Fernando Valley. New regulations pertaining to setbacks, conversions, parking and passageway have all contributed to the significant increase in ADU construction.

### **Proposed Accessory Dwelling Unit Ordinance**

The proposed ordinance would amend the City's ADU regulations to be in compliance with state law by repealing the City's 1985 second unit law (§12.24 W.43 and 44), incorporating the new state provisions and introducing new tailored ADU regulations that recognize the diversity of Los Angeles' neighborhoods.

The proposed ADU ordinance aims to strike a balance between providing housing opportunities and providing local regulations to respond to concerns about impacts to particularly vulnerable areas. The ordinance incorporates the required provisions of state law, incorporates relevant existing provisions of the zoning code and creates additional local development standards to address concerns, particularly around development in hillside areas, protection of equine-keeping areas as well as the preservation of typical single-family neighborhood form.

The major differences from the City's current ADU policy under state law include:

- Prohibit the new construction of ADUs in Hillside areas as defined by the Hillside Area Map per Section 12.03 of the LAMC. Conversion of most existing structures to ADUs will still be permitted per state law.
- Prohibit detached ADUs located between the front of the primary residence and the street, except when attached to an existing structure or on a through lot.
- For conversions of legally existing space to ADUs, a limitation to allow only conversions that are contained within a lawfully existing structure as of the effective date of the proposed ordinance.
- Impose distancing requirements on ADUs located on lots where equine keeping uses are allowed by the underlying zone, and on lots adjacent or abutting those lots, to help protect equine keeping uses where an ADU is located on an adjacent or abutting property. This includes the following distancing requirements:
  - ADU must be located closer to the main home than the rear lot line
  - ADU must always be within 50 feet of the main home
  - For lots wider than 60 feet, ADUs must adhere to minimum 10 foot side yard setbacks.
- Require new parking for ADUs in front setback areas to be located on existing driveways.
- Allow movable tiny homes of no more than 430 square feet in size to be considered an ADU, and incorporate residential design standards.
- Allow an ADU to be located within 10 feet of another main building on the same lot.

### **Key Issues**

Many of the key issues associated with ADUs was discussed in the Department's prior December 15, 2016 staff Recommendation Report. This report focuses on the key differences between the CPC recommended ordinance and the City Council amendments.

### **Hillside Areas**

The proposed ordinance, as amended by the PLUM Committee, includes a prohibition on new construction and additions to create ADUs in Hillside Areas (conversions within existing space cannot be prohibited per state law). This aligns with the original Department recommendation but is a change from the CPC recommendation.

At the December 15, 2016 meeting, the CPC recommended including an exception to the Hillside Area prohibition for properties located within one-half mile of a transit stop and abutting a street meeting standard street dimensions. The CPC exceptions were removed by the PLUM Committee; however, the Committee requested a report back on the potential impacts, which was issued on May 11, 2018 (and is summarized below). The City's pre-existing second dwelling unit ordinance (LAMC 12.24 W.43 and 44) included a ban on second units in Hillside Areas as well.

Since January 2017 the City's existing second unit ordinance has become null and void (due to its inconsistency with State Law). The City has been operating under the State's ADU law since then which allows ADUs throughout the City, including in Hillside areas. The Hillside Area restrictions would apply to approximately 136,000 single-family lots (28% of the City's total single-family properties) located within the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC. However, the impact on ADU development is expected to be proportionally lower than the 28% figure implies according to an analysis of the number of ADUs permitted in Hillside Areas in 2017. Out of a total of 2,342 permits issued for ADUs in 2017, a total of 171 were located in Hillside Areas. This represents about 7 percent of the total ADU permits issued in the City. The vast majority of ADUs permitted in Hillside Areas (119) were conversions within existing space which, consistent with State Law, would not be prohibited under the Hillside ban that is under consideration. In total, 52 ADUs would have been prevented by the prohibition in 2017, which represents 2.2% of total ADU permits.

#### Movable Tiny Houses

The City Council amended ordinance includes a *movable tiny house* (MTH) as a type of allowable ADU. As defined in the ordinance, a MTH is a 150-430 square foot independent living quarters for year-round residence that meets the "park model" construction standard for tiny homes on wheels. MTHs are built to resemble a typical cottage or bungalow and usually use conventional residential building materials. They are a transportable recreation vehicle but are primarily designed for long-term placement at a destination. When stationary, MTHs are connected to the utilities necessary to operate fixtures and appliances, the same as applicable to ADUs built on a permanent foundation.

A number of California jurisdictions have taken the lead in recent years to allow MTHs as a new housing typology. MTHs make particular sense in coastal California due to the habitable climate and need for creative housing solutions. Recently, the city of Fresno approved tiny houses on wheels as backyard cottages. The City of Ojai has recently followed suit and allowed movable tiny houses as ADUs. In the counties of Alameda, Contra Costa, Lake, Mendocino, Napa, Sacramento, and Sonoma, tiny houses on wheels are allowed as "caregiver dwellings" in the backyard of a person who needs assistance.

MTHs are built using conventional materials and standard methods, including a set of building certification standards called the American National Standards Institute (ANSI). ANSI is a non-profit association that oversees the creation of thousands of standards and guidelines. The ANSI code requires the structure meet or exceed more than 500 building and safety standards including electrical, plumbing, structural, heating & AC, fire safety, and egress. The proposed ordinance requires adherence to the ANSI 119.5 code, which is the "park model" RV standard used for most MTHs. Some other cities have also included the use of ANSI 119.2, which is the RV standard, but the design standards are intended, in part, to prevent RV-like appearance so the inclusion of the ANSI 119.2 standard was not included.

Professional tiny house companies build movable tiny houses in factories to ANSI 119.5 requirements and have their builds certified by a third party inspection body such as the Recreational Vehicle Industry Association (RVIA) or Pacific West Associates. The proposed language also allows for self-builds provided they are certified by a third party.

The Department has created a set of design standards to ensure MTHs resemble traditional homes and not park trailers or RVs. These standards address exterior cladding, roofing, windows and doors and are intended to be ministerial in nature, in that they do not require any subjective judgement. MTHs will also meet zoning siting criteria applicable to all ADUs.

#### Equine Keeping Areas

The PLUM Committee expressed concerns that ADUs may impact equine keeping on the subject or adjacent lots and would not be precluded by future construction of an ADU. A subsequent Council Motion (CF 18-0179) requested the Department prepare a report with recommendations and development standards to ensure that the construction of ADUs does not adversely impact equine keeping uses located in either K (equine keeping) districts, and in non-K districts. City Council also requested an amendment to ensure that the proposed requirements for equine keeping parcels also apply to properties that abut these lots.

In response, the Department has included new siting requirements for lots where equine-keeping is allowed (all K-zoned lots, as well as RA, RE20 and RE40 lots with sufficient size), as well as properties abutting these lots. The requirements would require that ADUs:

- Be located closer to the main home than the rear lot line and always within 50 feet of the main home
- Adhere to minimum 10 foot side yard setbacks (when lots are greater than 60 feet wide)

#### Size Limits

The CPC recommended ordinance included size limitations on detached and attached ADUs. The proposed ordinance had recommended ADUs to be no more than 50% of the total floor area of the main home (excluding garages) up to a maximum of 1,200 square feet. Detached ADUs were permitted a minimum of 640 square feet, regardless of the size of the main home.

The PLUM Committee removed the ordinance's square footage limitations. As such, the state's maximum size limits are included in the proposed ordinance. The state limits detached ADUs to a maximum of 1,200 square feet and attached ADUs to 50% of existing or proposed dwelling living area, or 1,200 square foot, whichever is less. PLUM Committee members expressed concern that requiring smaller ADUs on certain lots would prevent housing for families.

The size and scale of ADUs is an important issue for neighbors, with potential impacts to privacy and backyard neighborhood character. State law permits local jurisdictions to regulate the maximum size of newly constructed ADUs. In addition to size regulations in the ADU ordinance, there are other ways zoning and building code requirements continue to regulate the size and scale of ADUs. ADUs must comply with all provisions of the underlying zoning district, except where they conflict with the ordinance. As such, standard regulations such as total residential floor area ratio (which limits total square footage in relation to lot size), height, building separation, historic standards, etc. must all be met.

The adoption in 2017 of the Baseline Mansionization Ordinance (BMO) updated the rules relating to the size and bulk of new and enlarged homes. Total residential floor area (RFA) between all applicable structures on a lot must not exceed 45% of the lot area size. So properties with relatively large homes may be unable to build up to 1200 square feet. New single-family Variation Zones have also been developed for citywide application and have already been applied to 16 neighborhoods subject to one of the City's residential ICOs. These new zones contain tailored requirements on maximum residential floor area ratios, heights, encroachment planes and lot coverage to recognize neighborhoods where the predominant character is detached garages, single-story houses, or houses that are larger in scale.

### Limits on Conversions to Legally Existing Structures

The proposed ordinance includes language related to where new ADUs can be permitted. Conversions of “existing space” to an ADU is given special status under state law, whereby it must be approved if there is independent access and setbacks “sufficient for life-safety.” This precludes the ability to apply any additional zoning standards. However, this creates a situation where an owner could intentionally create a space that meets the development standards for a different type of accessory structure but not permitted as habitable space including an ADU. The applicant could then attempt to convert the building to an ADU using the state law provision. Encouraging this sort of two-step process would not appear to be the intent of state law.

The proposed change to the ordinance would require that an ADU fully contained within a primary residence or accessory structure lawfully exist as of the effective date of the ordinance. This would prevent the type of workaround described above and maintain the state’s intent of allowing pre-existing structures to be converted more easily than those created new. This language would not prevent an ADU from being created from legal space created in the future. However, it would need to conform to the regulations for an attached or detached ADU, including parking, setbacks and size limits.

### Conclusion

The proposed Code Amendment will ensure that ADU regulations in Los Angeles are made current with the new state law and reflect needed protections for hillside areas, encouraging the production of new housing supply while protecting the traditional residential character of local neighborhoods.

## FINDINGS

### General Plan/Charter Findings

#### **City Charter Section 556**

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the following goals, objectives and policies of the General Plan outlined below.

#### General Plan Framework Element

The proposed ordinance will meet the intent and purposes of the General Plan Framework Element to encourage the creation of housing opportunities for households of all types and income levels, while at the same time preserving the existing residential neighborhood stability of single-family zoned neighborhoods and promoting livable neighborhoods. Accessory Dwelling Units, as a housing typology, furthers those goals as they increase capacity and availability of housing without significantly changing neighborhood character. In particular, the ordinance would further the intent and purpose of the Framework Element of the following relevant Goals and Objectives:

*Goal 3B - Preservation of the City's stable single-family residential neighborhoods.*

*Objective 3.5 - Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

The proposed ordinance is in substantial conformance with the intent to preserve the City's stable single-family neighborhoods as it would result in relatively minor alterations to a small fraction of single-family properties each year and those alternations would be compatible with existing regulations governing accessory buildings. In other words, the ordinance would not allow an accessory building to be built that was not already allowed in the same location with the same size and scale. The use inside the building may be different, but the scale and architectural character will not be altered.

The standards set forth in the proposed ordinance require that the lot be zoned for residential use and contain an existing or proposed single-family dwelling. No more than one ADU would be permitted per lot. Furthermore, the ordinance would require that any detached ADU or ADU addition to existing space be limited in size and not be located between the front of the primary residence and the street. Therefore, these units would either be built behind the main home, or attached to the rear of the existing home. Either way, the ADUs are unlikely to be significantly different in character from existing typical rear yard structures such as garages or carriage houses. They are also unlikely, in the majority of circumstances, to be significantly visible from the public way. In addition, the proposed ordinance would require that the increased floor area of an attached second unit not exceed fifty percent of the existing floor area, up to a maximum of 1,200 square feet. This limitation helps differentiate an attached ADU from a traditional duplex, which is not permitted in single-family zones. Any new ADU must further comply with City's objective zoning requirements relating to height, setback, lot coverage, floor area, architectural review, and other applicable zoning requirements. Additional standards to protect the unique character of areas that allow for equine (horse) keeping have also been included. In total, these standards ensure that the character and scale of stable single-family residential neighborhoods is maintained and offer significant protections against out-of-scale new development in single-family neighborhoods.

The State Legislature has determined it is appropriate to provide for accessory dwelling units within single-family and multifamily zoned areas absent specific adverse impacts on the public health, safety, and welfare that could result from allowing accessory units within single-family and multifamily zoned areas (Gov. Code §65852.2(c)). The City's Housing Element also provides for second units within single-family and multifamily zoned areas, as a matter of citywide policy. The proposed ordinance will increase housing production and capacity in single-family and multifamily neighborhoods on lots designed to accommodate more than one independent residence within the existing home or as a separate structure, as part of the City's overall goal to increase housing production and capacity in the City overall to accommodate the existing and expected increases in population.

*Goal 4A - An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing. This creates additional opportunities for homeowners to purchase and stay in their homes, as well as for renters to live in areas they might otherwise be excluded from. ADUs are generally smaller than the primary home on the property, adding to the diversity and type of housing available in the City. The ordinance would facilitate the construction and preservation of a range of different housing types that address the particular needs of the city's households, including the elderly, disabled family members, in-home health care providers, and young adults. The proposed ordinance thereby expands rental and homeownership accessibility in single-family and multifamily neighborhoods for all residents of the City.

*Objective 4.4 - Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.*

The ordinance would reduce the regulatory and procedural barriers to the operation and placement of accessory dwelling units by providing for implementation of the ministerial development standards in Government Code Section 65852.2(b)(1) in approving accessory dwelling units on a City wide basis. The ordinance clarifies regulations regarding accessory dwelling units by incorporating state law requirements into the City's zoning requirements. It would also expressly permit ADUs on multifamily lots and allow for a greater variety of ADUs to be built.

*Policy 6.1.2.c. - Coordinate City operations and development policies for the protection and conservation of open space resources, by preserving natural viewsheds, whenever possible, in hillside and coastal areas.*

The ordinance would restrict the construction of ADUs in Hillside areas covered by the City's Baseline Hillside Ordinance (BHO), thereby contributing to the preservation of natural viewsheds in these areas.

#### Housing Element

The ADU housing typology is specifically called out by the Housing Element as a way to facilitate the provision of additional rental housing types and help make homeownership more affordable. The Housing Element includes a specific Program (or implementation action) to alleviate barriers to increased construction of ADUs (Program 68 in the current 2014-2021 Housing Element). In addition, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives and policies of the Housing Element outlined below.

*Objective 1.4 - Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Policy 1.4.1 - Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.*

The proposed ordinance would streamline the land use entitlement, environmental review, and building permit processes for the operation and placement of accessory dwelling units as it: (1) reduces potential litigation regarding ADUs; (2) expressly permits ADUs on multi-family lots; and (3) allows for a greater variety of ADUs to be built. The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing.

*Policy 1.2.2 - Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

The proposed ordinance encourages and incentivizes the preservation of non-subsidized affordable units by making it more likely they are able to be legalized in the future and therefore will not have to be demolished.

*Objective 1.1 - Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.1 - Expand affordable homeownership opportunities and support current homeowners in retaining their homeowner status.*

The proposed ordinance expands affordable homeownership opportunities and supports current homeowners as the supplemental rental income from an ADU allows households to afford homeownership who otherwise may be unable.

*Policy 1.1.2 - Expand affordable rental housing for all income groups that need assistance.*

The proposed ordinance expands the creation of additional rental housing options by supporting the creation of additional ADU units, which adds to the overall rental housing supply, which has the potential to result in lower rents by increasing the overall vacancy rate in the City. The proposed ordinance further accomplishes this policy, in that ADUs are typically more affordable to rent than other types of housing.

*Policy 1.1.3 - Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.*

The proposed ordinance facilitates the construction and preservation of a range of different housing types that address the particular needs of the city's households, including but not limited to the elderly, disabled family members, in-home health care providers, and young adults.

*Policy 1.1.6 - Facilitate innovative models that reduce the costs of housing production.*

The proposed ordinance also facilitates an innovative housing type that reduces the typical cost of new construction, because the cost of land does not have to be factored into the development costs.

Finally, the ordinance would support the intent and purposes of the Housing Element of the General Plan regarding ADUs in that it affirms that the City should follow, as a matter of policy, state law standards for approving second units (2013 Housing Element, pages 2-11 through 2-12).

**City Charter Section 558(b)(2)**

In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance would be in conformity with public necessity, convenience, general welfare and good zoning practice for the following reasons:

The proposed ordinance is in conformity with public necessity because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; (3) allows the continued processing of permit applications for ADUs; and (4) reduces potential litigation between neighbors and against the City regarding accessory dwelling units that are in the planning process, under construction, and already built.

The proposed ordinance is in conformity with public convenience and general welfare for the same reasons as stated above. The proposed ordinance is additionally in conformity with public convenience and general welfare because it provides a locally-tailored ADU policy that is in conformance with the intent of State law.

The proposed ordinance is in conformity with good zoning practice for reasons (1), (2) and (5) as stated above.

**State Accessory Dwelling Unit Law Findings****Hillside Restriction**

The proposed ordinance would restrict the new construction of ADUs in Hillside Areas defined by the Hillside Area Map per Section 12.03. Conversion of most existing structures to ADUs will still be permitted.

State law permits local jurisdictions, by ordinance, to designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted and not. The designation of areas may be based on criteria that may include, but are not limited to, the impact of accessory dwelling units on traffic flow and public safety.

Los Angeles is a very unique city for the amount of mountain terrain and hillside areas located within its boundaries. Given their unique characteristics and development challenges, these areas have long had distinct zoning and land use policies, including the development regulations contained in the Baseline Hillside Ordinance (BHO). City policies aim to preserve natural viewsheds, whenever possible, in hillside and coastal areas (General Plan Framework 6.1.2).

The City's current second unit ordinance in LAMC §12.24 W.43 precludes second unit development within defined Hillside Area boundaries. The proposed ordinance would continue this policy by providing that second units that add any new square footage not be allowed in Hillside areas covered by the BHO. The BHO applies to approximately 136,000 single-family lots (28% of the City's total single-family properties) located within the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC. State law requires that, regardless of regulations that apply broadly to ADUs, the conversion of existing space of a single-family residence or existing accessory structure to ADU shall be approved if two conditions are met (PCR 65852.2(e)).

Hillside areas are often characterized by larger amounts of natural vegetation and substandard streets. They are typically not located near public transit, services or jobs. Impacts of new construction can be multiplied in hillside neighborhoods, with pronounced impacts on water and sewer services, congestion, parking availability and roadway degradation. Based on the above,

the impacts of additional development, in Hillside Areas, beyond what is already planned or allowed through existing zoning and vested property interests, needs to be carefully managed. ADUs, which do not require discretionary review and environmental analysis unless requiring a discretionary permit (like a haul route permit), present particular issues relating to the likelihood of close proximate hillside development projects that have the potential to create public safety impacts due to construction vehicles and machinery forced to park and traverse often substandard hillside streets.

Hillside Areas correspond, in large part, with Very High Fire Severity Zones (VHFSZ), which means there's been determined to be a significantly higher fire and natural disaster risk in those areas (see map in Exhibit C). Dry brush, which is prevalent in Southern California, is acutely prone to fires. Brush fires continue to be a major threat to life and property in VHFSZ areas due to unique fuel, terrain, and climatic conditions. The hazard is especially great when dry "Santa Ana" winds arrive, usually in the fall and winter seasons, as evidenced by the recent 2017 wildfires referred to as the "Skirball Fire" in the Bel Air neighborhood of the City of Los Angeles and the "Creek Fire" in the Sylmar neighborhood of the City of Los Angeles. The "Skirball Fire" affected approximately 422 acres in the Bel Air neighborhood, destroying six structures and damaging 12 structures.<sup>1</sup> The "Creek Fire" affected the area four miles east of Sylmar in the San Gabriel Mountains, burning 15,619 acres, destroying 123 structures, and damaging 81 structures.<sup>2</sup>

For these reasons the draft ordinance places a restriction on ADUs in Hillside Areas.

## CEQA Findings

### **Statutory Exemption – PRC Section 21080.17**

Pursuant to Section 21080.17 of the California Public Resources Code, the adoption of the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA).

Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). The proposed ordinance, if adopted, implements Government Code Section 65852.2 within the City of Los Angeles in a manner that is consistent with the requirements of state law. As such, the adoption of the proposed ordinance is exempt from CEQA.

As proposed, the City's ordinance would adopt the state's ADU mandates, as well as place additional restrictions on ADUs consistent with the provisions in the state ADU law. The state ADU unit law expressly authorizes local agencies to adopt additional restrictions so long as the additional restrictions do not conflict with or invalidate the regulations established in the state law. The proposed ordinance includes the following additional provisions to implement state ADU law in the City:

- A restriction on construction of new ADUs in Hillside areas covered by the City's Baseline Hillside Ordinance (BHO) (this restriction does not apply to conversions of legally existing floor area to ADUs)
- A prohibition on siting ADUs between the front of the primary residence and the street

---

<sup>1</sup> Los Angeles Fire Department, *Skirball Fire Update*, <http://www.lafd.org/news/skirball-fire-update>, accessed February 22, 2018.

<sup>2</sup> National Wildfire Coordinating Group, InciWeb Incident Information System, *Creek Fire*, <https://inciweb.nwcg.gov/incident/5669/>, accessed February 22, 2018.

- Mandate that parking for an ADU may only be located in required front yard setback if located on an existing driveway
- For conversions of legally existing space to ADUs, a limitation to allow only those that are contained within a lawfully existing structure as of the effective date of the proposed ordinance
- Distancing requirements on ADUs that are either, (1) located on lots where equine keeping uses are allowed by the underlying zone, or (2) on a lot that is adjacent to another lot where equine keeping uses are allowed, to ensure that equine keeping is not precluded by an ADU. This includes the following distancing requirements:
  - ADU must be located closer to the main home than the rear lot line
  - ADU must always be within 50 feet of the main home
  - For lots wider than 60 feet, ADUs must adhere to 10 foot side yard setbacks
- An allowance for movable tiny homes of no more than 430 square feet in size to be considered an ADU, provided they comply with certain residential design standards

### **Categorical Exemptions – CEQA Guidelines Sections 15301, 15302, 15303**

In addition to the statutory exemption, this Project is categorically exempt from CEQA as discussed below.

#### Class 1 Exemption

To the extent that the proposed ordinance allows the conversion of existing accessory structures to ADUs, the ordinance additionally qualifies for the Class 1 Categorical Exemption. A project qualifies for a Class 1 Categorical Exemption if it involves negligible or no expansion of an existing use, including small additions to existing structures. Any conversion or legalization of an existing ADU which may occur as a result of this ordinance would be subject to this exemption. Legalization of an existing dwelling unit would also be subject to a common sense exemption as it would not change the baseline conditions. CEQA Guidelines Section 15061(b)(3).

#### Class 2 Exemption

To the extent that the proposed ordinance would also allow for the replacement or reconstruction of existing structures that would not otherwise occur, the ordinance additionally qualifies for the Class 2 Categorical Exemption. A project qualifies for a Class 2 Categorical Exemption if it involves the replacement or reconstruction of existing structures and facilities where the new structure would be located on the same site and have substantially the same purpose and capacity as the preexisting structure.

#### Class 3 Exemption

Class 3 exempts the development of accessory dwelling units. CEQA Guidelines Section 15303(a).

#### Exceptions

There is no evidence in the record which demonstrates that any of the six (6) Exceptions from CEQA Guidelines Section 15300.2 apply to the proposed ordinance: (a) Location; (b) Cumulative

Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

(a) Location.

While it is possible that an ADU may be located within a “sensitive” environment (such as a Liquefaction Zone, Fault Zone, Methane Zone) as a result of the proposed ordinance, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of locations and will reduce and potential impacts to less than significant. These RCMs have historically proven to work to the satisfaction of the City Engineer and State Building Code standards to reduce any impacts from the specific environment a project may be located in. Thus, the proposed ordinance will not result in a significant impact based on the potential location of an ADU.

(b) Cumulative; and

(c) Unusual Circumstance-Significant Impact

ADUs are limited to one per lot. Based on historical ADU development, it is not foreseeable that the proposed ordinance would result in a succession of projects of the same type and in the same place. As discussed, the ordinance restricts ADUs to areas zoned and designated for such development, and places further restrictions on the allowable size and scale to ensure that any ADU is consistent with surrounding development. ADUs in the City are not unusual and the proposed regulations will ensure that future development of ADUs will not be built in location, size or scope that will result in unusual circumstances. The City’s standards are intended to offer significant protections against out-of-scale new development in equine keeping districts and the City’s environmentally-sensitive Hillside areas. As such, the effect of the proposed provisions would be to provide further environmental protections and would not have a significant effect on the environment.

Generally, a University of California, Berkeley study suggests that ADUs would have a lower environmental impact than other residential typologies. ADU residents have fewer cars and utilize public transportation more often than the general population. In communities already served by transit, ADUs can provide new homes without adding significant new traffic. Any potential for new ADU construction that would result from the passage of the proposed ordinance would have insignificant impact.

Additionally, the City’s analysis shows that these additional provisions are not anticipated to significantly alter the number or location of new ADUs.

#### Hillside Restriction

The provisions that impose a restriction on construction of new ADUs in a Hillside Areas as defined by the Hillside Area Map per Section 12.03 of the LAMC are not anticipated to have a significant effect on the environment.

The proposed ordinance would provide that accessory dwelling units, unless contained within the existing space of a single-family residence or existing accessory structure, not be allowed in Hillside areas covered by the BHO. The BHO applies to approximately 136,000 single-family lots

(28% of the City's total) located within the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC.

Based on prior history of ADU development, there is no evidence to conclude that a restriction on ADUs in Hillside Areas would result in an increase in ADU development in other locations. ADUs are generally constructed by individual homeowners, are limited to one per lot. If a homeowner was prevented from constructing a new ADU as a result of the regulation, they would have the option of creating an ADU from existing space or not create an ADU. In either event, this would not be expected to result in an increase in development elsewhere.

In the time since the City has begun implementing the new State standards provided in Government Code Section 65852.2 on January 1, 2017, a small fraction of new ADUs have been permitted in Hillside Areas, despite a marked increase in the total number of ADU permits issued under the State laws. A total of 2,342 permits were issued for ADUs in 2017, of which 171 were located in Hillside Areas. This represents only 7 percent of the total ADU permits issued in the City, despite the fact that 28 percent of all single-family parcels are located in Hillside Areas. The lower amount of ADU construction in Hillside Areas likely reflects the difficult topography and unique construction regulations that already exist in the Hillside Areas (e.g. the Baseline Hillside Ordinance). The vast majority of 2017 ADUs permitted in Hillside Areas (70 percent) were conversions of existing space which, consistent with state law, would not be prohibited under the Hillside ban that is under consideration. Fourteen ADUs in Hillside Areas were new construction, while 38 were additions. This is a significantly lower percentage of new construction and additions than the City as a whole, indicating that ADUs in hillsides are much less likely to involve new construction of a standalone structure. For these reasons, further restricting the construction of ADUs in Hillside Areas is therefore not expected to result in substantial development of other housing elsewhere.

#### Movable Tiny Homes

The provisions that allow for movable tiny homes of no more than 430 square feet in size to be considered an ADU are not anticipated to have a significant effect on the environment.

Movable tiny homes are an alternate type of housing structure that fall under the State definition of an accessory dwelling unit, defined as "an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated" (Gov. Code Section 65852.2 (i)(4)). The inclusion of movable tiny homes into the proposed ordinance would not foreseeably result in new development that would result in potential cumulative impacts. While movable tiny homes provide a lower-cost option when building an ADU, there is no evidence to suggest that there would be a significant increase in the number of ADUs in the City as a result of this provision, and therefore it is not anticipated that it would result in any potential impacts.

The City of Fresno was the first city in the Country to adopt similar provisions allowing movable tiny homes to be used as accessory dwelling units. In the time since the City began implementing the new regulations on January 1, 2018, zero movable tiny homes have been approved in the City of Fresno.

#### Siting Requirements in Equine Keeping Areas

The provisions that establish siting requirements for ADUs located in equine keeping areas are not anticipated to have a significant effect on the environment. As described, the proposed ordinance would place siting requirements for ADUs located on lots where equine keeping is a permitted use, in order to locate the ADU in closer proximity to the main home on a lot and ensure that the ADU does not preclude future equine keeping on neighboring lots. Current regulations in LAMC 12.21 C.5(a) require that new equine enclosures are located at least 75 feet from the habitable rooms of a neighbor's dwelling unit in order to protect the health and safety of the residents.

There is no evidence to conclude that additional restrictions on the siting of ADUs on lots in equine keeping areas would result in an increase in ADU development in other locations. The primary effect of this provision would be to influence the siting location of an ADU on an individual lot, which would not meaningfully have any impact on the ability to construct an ADU or influence individual decisions to build an ADU. ADUs are constructed by individual homeowners, and are limited to one per lot.

(d) State Scenic Highway.

According to Appendix B of the City of Los Angeles Mobility Plan, there are no designated state scenic highways located within the City of Los Angeles.

(e) Hazardous Waste.

It is not foreseeable that an ADU would be located in a Hazardous Waste Site, as the ordinance requires that the site already contain a single-family residence or would allow a new single-family residence to be constructed simultaneously and this condition would have been verified upon construction of the home.

(f) Historical Resources.

Any ADU constructed on a project site identified as a historic resource or eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register would be further subject to historic review and approval by the Los Angeles Office of Historic Resources pursuant City requirements on cultural monuments and HPOZs.

## PUBLIC HEARING AND COMMUNICATIONS

The Department's December 15, 2016 report references the communications received by the public on the earlier draft ADU Ordinance. Since the prior CPC hearing, the ordinance was heard at the Planning and Land Use Management (PLUM) Committee on March 21, 2017 and May 14, 2018.

Since the PLUM Committee's consideration, one additional comment letter has been received - from Abundant Housing LA. The letter expresses concern regarding several of the areas where the ordinance differs from state law and requests additional ADU allowances that go beyond state law. The seven points included in the letter are outlined below, along with a brief response.

1. Eliminate the "effective date" clause from the proposed conversion rules as it illegally goes beyond state law and would inhibit the conversion of ADUs from structures built legally in the future.

This point was included by the Department to close an apparent loophole in state law that would allow someone to knowingly construct an accessory building such as a garage with no setbacks with the purpose of future ADU conversion, for which setbacks are normally required. The policy is discussed more fully as the last point under the key issues section above. The proposed language would not prevent an ADU from being created from legal space created in the future. However, it would need to conform to the regulations for an attached or detached ADU, including parking, setbacks and size limits. The state law's reference under the conversion section (65852.2(e)) only applies to "existing space," which is interpreted to mean space that existed prior to the adoption of a local ordinance.

2. Remove blanket ban on ADUs in hillsides.

This point is discussed thoroughly in the key issues section above. The proposed hillside prohibition would ensure that health and safety concerns are addressed without significantly eroding opportunities for ADUs to be created.

3. Do not count ADUs in FAR and lot-coverage calculations.

The proposed ordinance makes clear that ADUs are subject to the recently adopted provisions of the Baseline Mansionization Ordinance (BMO). The BMO restricts total residential floor area (RFA) between all applicable structures to not exceed 45% of the lot area. The regulation means that properties with relatively large homes on smaller lots are often be unable to often build up to 1200 square feet. The inclusion of this requirements in the proposed ordinance is consistent with current practice, whereby if ministerial objective zoning standards apply to all structures and are not preempted by state law, they are applied to ADUs. Furthermore, State law allows local jurisdictions to apply FAR and lot-coverage calculations which per recently adopted law (BMO) have been carefully crafted to balance new development with existing neighborhood character.

4. Allow ADUs within multi-family dwellings

Currently, state ADU law only applies to a lot zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling. Therefore a property with two legal units in existence cannot add a third unit as an ADU.

Allowing multi-family units to have an ADU is a significant policy decision that would likely require additional analysis to determine the potential impacts, including CEQA analysis. While there would be clear benefits to the housing supply if allowed in multifamily buildings, an ADU could exacerbate the lack of parking in multi-family neighborhoods since ADUs generally do not require parking space in Los Angeles.

5. Allow ADUs in front of existing homes when existing homes are on back of lot.

The proposed regulation would ban ADUs located between the primary residence and street. This issue was covered in the prior staff recommendation report dated December 15, 2016. The regulation is intended to preserve the size relationship between (front) main and (back yard) accessory structures on a lot. It is similar to another applicable regulation in the zoning code that requires accessory buildings like ADUs be located in the rear half of the lot, unless that is more than 55 feet from the front property line (12.21 C5(b)). Both of these regulations impacts a relatively small, yet not insignificant, number of properties.

6. Allow parking in front set-back.

Parking is permitted in all setback areas pursuant to state law. However, in order to protect the traditional residential character of front yards, the proposed ordinance would limit parking in front yard setback areas to existing driveway areas as well as clarify that existing zoning code provisions regarding parking design and driveway access areas also must be adhered to.

7. Reduce restrictions on moveable tiny home design.

Additional design standards are being proposed along with the allowance for Movable Tiny Homes (MTHs). The intent is to allow for a wide array of tiny homes on wheels, but to ensure they resemble a residence and not a recreational vehicle. The Department worked with members of the tiny home community on these regulations to strike the right balance. For example, the proposed ordinance would require that exterior cladding material exclude certain materials that are used for RVs and that windows be double-paned to ensure better insulation and not used a curved radius corner, which are typically used on vehicles. Roofs would need to have a 12:2 pitch for 50% of the roof area and be in compliant with building code roof materials. Room area extensions are not permitted as they would not be able to be captured on a site plan and therefore could be a loophole to allow MTHs to intrude into the distance required between structures.

# **EXHIBIT A: Proposed Ordinance**

---

CPC-2016-4345-CA  
July 12, 2018

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03 and 12.22 and repealing portions of Section 12.24 of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purpose of regulating Accessory Dwelling Units in accordance with State law.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

**Sec. 1.** Section 12.03 of the Los Angeles Municipal Code is amended by adding definitions in proper alphabetical order to read:

**ACCESSORY DWELLING UNIT (ADU).** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ADUs include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, and manufactured homes, as defined in Section 18007 of the Health and Safety Code and Movable Tiny Houses.

**MOVABLE TINY HOUSE.** A structure intended for the separate, independent living quarters of one household for year-round residence that meets all of the following:

- (a) Is licensed and registered with the California Department of Motor Vehicles;
- (b) Meets the American National Standards Institute (ANSI) 119.5 requirements, and certified by a qualified third party inspector for ANSI compliance;
- (c) Cannot move under its own power;
- (d) Is no larger than allowed by California State Law for movement on public highways;  
and
- (e) Has a room of at least 120 square feet and total floor area of not less than 150 and no more than 430 square feet of habitable living space, including bathrooms and fixed counters.

**Sec. 2.** Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 32 to read:

**32. Accessory Dwelling Units (ADU).**

**(a) Purpose.** The purpose of this Subdivision is to provide for the creation of ADUs in a manner consistent with California Government Code Sections 65852.2, as amended from time to time.

**(b) General Provisions.** An ADU shall be approved if in compliance with all of the following provisions:

- (1) All applicable objective provisions required pursuant to Chapter 1 of this Code, including such provisions stated in the underlying applicable zoning and height district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay and other applicable zoning ordinances, policies or other documents established pursuant to Chapter 1, Article 3 of this Code. In instances where there is conflict, this section shall govern. An ADU that complies with this subdivision shall not require a discretionary planning approval. The project shall be reviewed in a ministerial and administrative manner limited in scope only considering the project's compliance with the applicable objective standards.
- (2) Except where otherwise prohibited by this section, an ADU is permitted in all zones where residential uses are permitted by right.
- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code.
- (4) Only one ADU is permitted per lot.
- (5) An ADU is permitted only on a lot that contains an existing single-family dwelling unit or where a new single-family dwelling unit is proposed.
- (6) In multiple family zones, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.
- (7) ADUs may be rented but shall not be sold separate from the existing or proposed single-family dwelling unit on the same lot. Movable Tiny Houses may be sold when removed from the lot.
- (8) No passageway for the ADU, nor space between buildings, as per LAMC 12.21.C.2, is required in conjunction with the construction of an ADU. Building Code separation requirements still apply.
- (9) No additional setbacks shall be required for a lawfully existing garage or lawfully pre-existing space above or abutting a garage, converted to an ADU or portion of an ADU.
- (10) For newly constructed ADUs attached to or located above any lawfully existing garage, setbacks from the side and rear lot lines shall be the lesser of such setbacks as required by the Zoning Code, or five feet.
- (11) ADUs, except for Movable Tiny Houses, are required to follow the same Building Code and Residential Code requirements as the existing or proposed single-family dwelling unit.
- (12) ADUs are not required to provide fire sprinklers if they are not required for the existing single-family dwelling unit.
- (13) ADUs are not considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
- (14) Parking Requirements:
  - (i) One parking space is required per ADU, except that no parking is required for an ADU:

- a. Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
  - b. Located within one block of a car share parking spot; or
  - c. Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of Historic Places or California Register of Historical Resources or located in any City Historic Preservation Overlay Zone; or
  - d. Which is part of the proposed or existing primary residence or an existing accessory structure.
- (ii) Parking is allowed in setback areas, except in required front yards when parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required front yard shall not be expanded to provide required parking. Other objective parking and driveway standards in the LAMC apply, including those found in 12.21 A.5 and 12.21 G.
- (iii) When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, any lost off street parking spaces shall be replaced. Replacement parking spaces may be located in any configuration on the same parcel as the ADU, including but not limited to covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

**(c) Detached Accessory Dwelling Unit Requirements.** Detached ADUs must comply with the Section 12.21 C.5 where applicable, and all provisions in paragraph (b), and all of the following:

- (1) Detached ADUs are allowed up to a maximum of 1,200 square feet.
- (2) Detached ADUs shall not be greater than two stories.
- (3) Limits on total Floor Area (including Residential Floor Area) on a lot apply separately and may further limit allowable Detached ADU square
- (4) Detached ADUs shall not be located between the proposed or existing single-family dwelling unit and the street adjoining the front yard, except in the following cases:
  - (i) Where the building is on a Through Lot and complies with LAMC 12.22 C.19 and 12.21 C.5(k); or
  - (ii) Where the ADU is being added to a lawfully existing garage or accessory structure building.
- (5) In parcels where equine keeping is allowed, as well as parcels abutting or adjacent to such parcels, in addition to existing separation requirements in the LAMC, all of the following provisions apply:

- (i) No part of the ADU shall be located at a distance measured from the rear lot line that is less than the distance measured between the closest part of the ADU to the rear wall of the existing or proposed single-family dwelling unit;
- (ii) No part of the ADU shall be more than 50 feet from the furthest point on the rear wall of the existing single-family dwelling unit; and
- (iii) For lots greater than 60 feet in width, side yard setbacks shall be at least 10 feet.

**(d) Attached Accessory Dwelling Unit Requirements.** Attached ADUs can be either attached to or completely contained within an existing or proposed single-family dwelling unit and must comply with all provisions in paragraph (b) and all of the following:

- (1) Attached ADUs may not result in an increase in total floor area exceeding 50% of existing or proposed living area of the primary structure up to a maximum of 1,200 square feet. For this purpose, living area means interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) Limits on total Floor Area (including Residential Floor Area) on a lot apply separately and may further limit allowable Attached ADU square footage.
- (3) Attached ADUs must comply with the Section 12.21 C.5 where applicable.

**(e) Conversions of Lawfully Pre-Existing Space** Notwithstanding any of the above provisions of this subdivision to the contrary, one ADU per property will be approved if the unit complies with all of the following:

- (1) The ADU is fully contained within a single-family residence lawfully existing as of the effective date of this subsection or an accessory structure lawfully existing as of the effective date of this subsection. ADUs not meeting this criteria may still be eligible as an attached or detached ADU.
- (2) The ADU has independent exterior access from the existing residence, is located on a parcel zoned for one-family dwellings and the side and rear setbacks are sufficient for fire safety.
- (3) The ADU complies with or is upgraded to meet all applicable Building and Residential Codes for the proposed use.
- (4) The ADU does not involve any addition or expansion of new floor area to the structure. Existing floor space for any previously occupied use, which as a result of the conversion becomes new Residential Floor Area, is exempt from the Residential Floor Area requirements provided the pre-existing space is solely located within existing walls that lawfully existed prior to the effective date of this subsection.

ADUs described in this sub-paragraph (e) are not required to install new or separate utility connections and are not subject to separate utility connections connection fees or capacity charges.

**(f) Requirements for Movable Tiny Houses as Accessory Dwelling Units.** Movable Tiny Houses must comply with all requirements for Detached ADUs and all of the following provisions:

- (1) Only one Movable Tiny House is allowed to be located on a parcel and no parcel may be approved for more than one moveable tiny house in a twelve month period.
- (2) Movable Tiny Houses shall be located behind the primary dwelling unit and shall not be located in any required front yard.
- (3) When sited on a parcel, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- (4) If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing. If the wheels are not removed, the wheels and leveling or support jacks must sit on a paving surface compliant with LAMC 12.21 A.6(c), and the wheels and undercarriage must be hidden.
- (5) Mechanical equipment shall be incorporated into the structure and not located on the roof.
- (6) Movable Tiny Houses shall be connected to water, sewer and electric utilities.
- (7) Moveable Tiny Houses are not required to have separate street addresses from the primary unit.
- (8) Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.
- (9) Movable Tiny Houses shall have the following design elements:
  - (i) Cladding and Trim - Materials used on the exterior of a moveable tiny house shall exclude single piece composite, laminates, or interlocked metal sheathing;
  - (ii) Windows - Windows shall be at least double pane glass and labelled for building use, shall include exterior trim, and excludes windows and doors that have radius corners for windows and doors;
  - (iii) Roofing - Roofs shall have a minimum of a 12:2 pitch for greater than 50% of the roof area, and shall be in compliance with building code roofing material; and
  - (iv) Living Area Extensions – all exterior walls and roof of a moveable tiny houses used as ADUs shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions.

**(g) Dwelling Units Built Behind a Converted ADU.** A dwelling unit constructed between a legally established ADU that was created as a result of a conversion of an entire main home and the rear lot line shall not exceed 1,200 square feet.

**(h) Zoning Administrator Authority.** It is the intent of the City to retain all portions of this Subdivision regarding ADUs not in conflict with state law. The Zoning Administrator shall have authority pursuant to Section 12.21A of this Code to clarify, amend or revoke any provision of this Subdivision as may be necessary to comply with any future amendment to state law regarding ADUs.

**Sec. 3.** Subdivisions 43 and 44 of Subsection W of Section 12.24 of the Los Angeles Municipal Code are hereby repealed.

**Sec. 4. SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**EXHIBIT B:**  
**CA Govt. Code Section 65852.2 (State Accessory Dwelling  
Unit Law)**

---

CPC-2016-4345-CA  
July 12, 2018

**GOVERNMENT CODE - GOV**

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** ( *Heading of Title 7 amended by Stats. 1974, Ch. 1536.* )

**DIVISION 1. PLANNING AND ZONING [65000 - 66210]** ( *Heading of Division 1 added by Stats. 1974, Ch. 1536.* )

**CHAPTER 4. Zoning Regulations [65800 - 65912]** ( *Chapter 4 repealed and added by Stats. 1965, Ch. 1880.* )

**ARTICLE 2. Adoption of Regulations [65850 - 65863.13]** ( *Article 2 added by Stats. 1965, Ch. 1880.* )

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

**65852.2.**

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to

provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

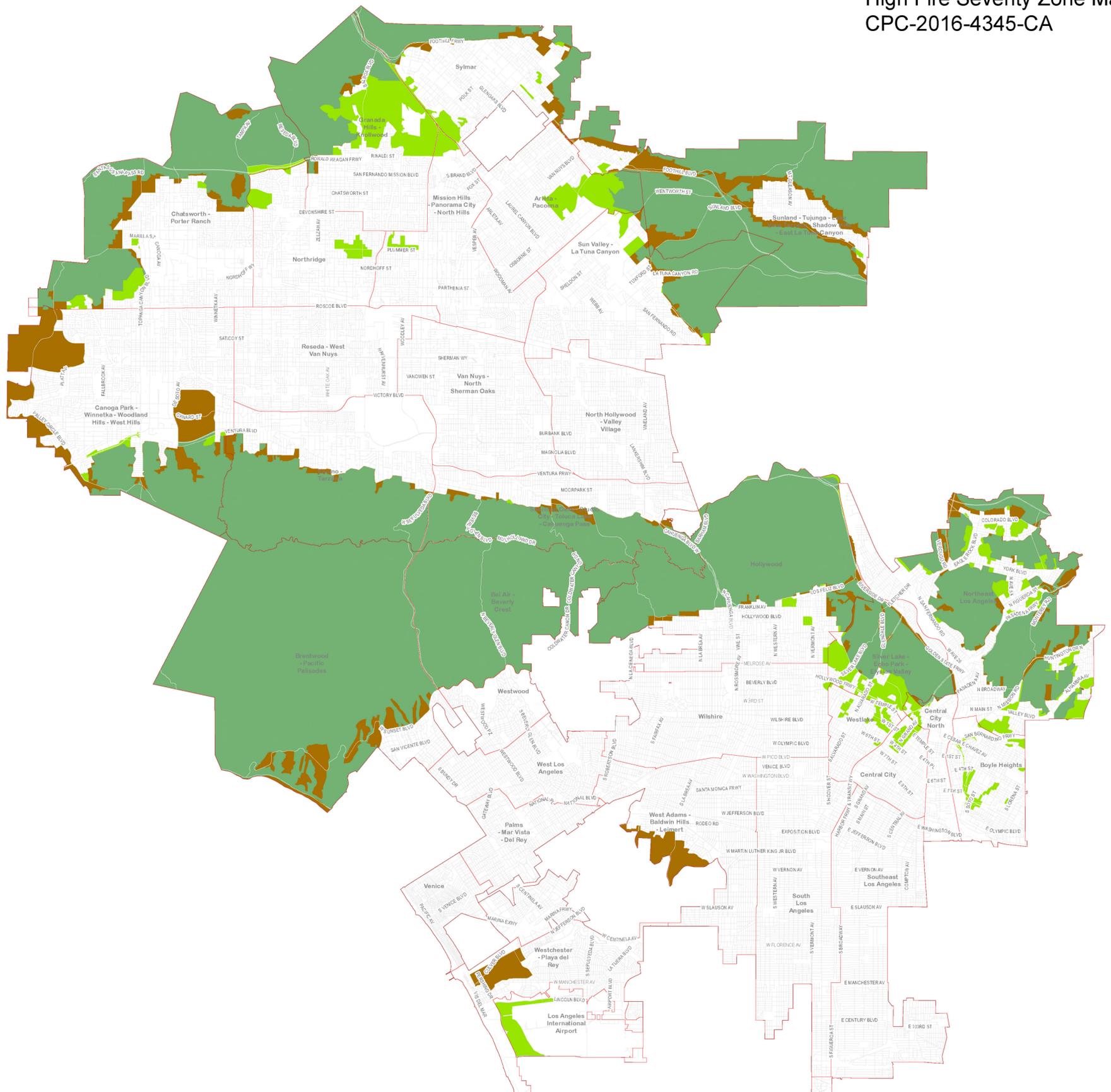
(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

*(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)*

**EXHIBIT C:**  
**Hillside Area and Very High Fire Severity Zone Map**

---

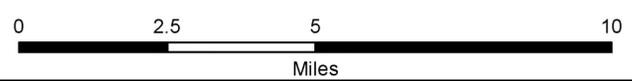
CPC-2016-4345-CA  
July 12, 2018



**City of Los Angeles  
Department of City Planning  
Hillside Area and  
Very High Severity Zones Map**

**Legend**

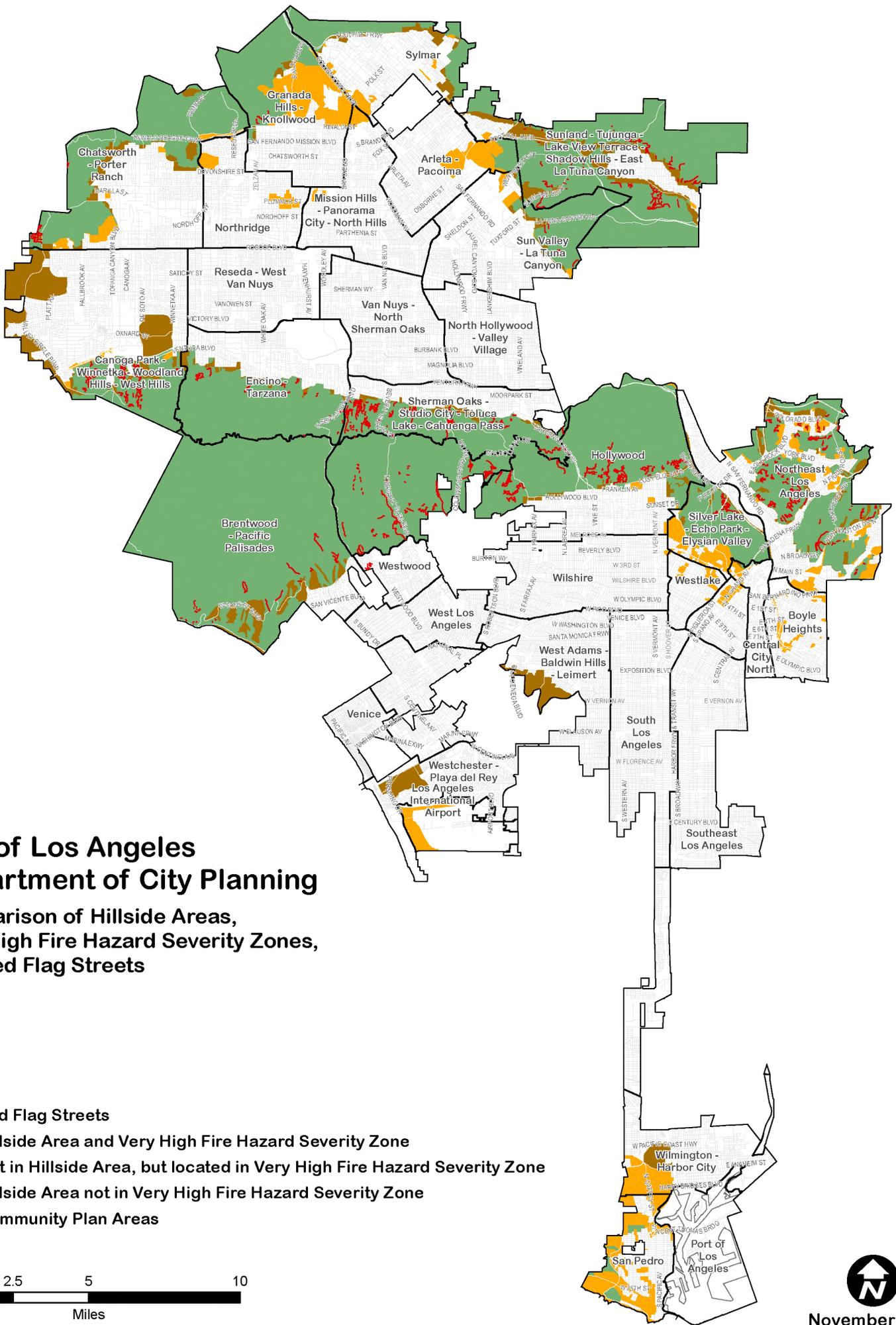
- Community Plan Areas
- Hillside Area
- Hillside Area not in Very High Fire Severity Zone
- Very High Fire Severity Zones not in Hillside Area



**EXHIBIT C:**  
**Map Comparing Alternate Policy Options**

---

CPC-2016-4345-CA  
November 29, 2018



**City of Los Angeles  
 Department of City Planning**  
 Comparison of Hillside Areas,  
 Very High Fire Hazard Severity Zones,  
 and Red Flag Streets

- Legend**
-  Red Flag Streets
  -  Hillside Area and Very High Fire Hazard Severity Zone
  -  Not in Hillside Area, but located in Very High Fire Hazard Severity Zone
  -  Hillside Area not in Very High Fire Hazard Severity Zone
  -  Community Plan Areas



## **EXHIBIT D: Public Comment Letters**

---

CPC-2016-4345-CA  
November 29, 2018

Letter	Topic Area	Summary of Comment
Appleton 10/11/18	Hillside Area (Section C)	There are a variety of suitable ADU sites in Hillside Areas and VHFHSZ. Instead, City should consider restricting ADUs on Red Flag streets.
CA HCD 10/10/18	Conversions (Section A)	Conversion should not be limited to pre-existing as of a specified date.
	Hillside Area (Section C)	City should carefully consider alternatives that balance health and safety issues and importance of addressing housing needs.
	ADU Parking Exemptions (Prior Reports)	Need to include parking exemption when “on-street parking permits are required but not offered to the occupant of the ADU” pursuant to state law.
	Movable Tiny Houses (MTH) (Prior Reports)	Supportive of permitting MTH as an ADU
cityLab 10/1/18	Hillside Area (Section C)	Other performance standards may be more appropriate, rather than an outright prohibition
Cover 10/11/18	Hillside Area (Section C)	Hillside Area prohibition could have large impact on ADU capacity.
Magruder 8/17/18	RFA Limits (Section B)	Due to disparity in RFA limits, ordinance should provide for guaranteed minimum floor area for ADUs.
YimbyLA 10/10/18	Conversions (Section A)	There should not be a time stamp on existing floor area.
	Front-Yard Parking (Public Communications)	Prohibition on expanding driveways in front yard could be burdensome and does not align with state law.
	LADWP Easements (Public Communications)	Issue needs to be resolved.
Wilson 11/13/18	Hillside Area (Section C)	Allow ADUs in Hillside and VHFHSZ if they meet certain conditions.

**FILE COPY**

**Non-Complying Submission**

To: Planning Commissioners

Re: Proposed ADU Ordinance

From: Steven Appleton

**RECEIVED  
CITY OF LOS ANGELES**

**OCT 11 2018**

**CITY PLANNING DEPT.  
AREA PLANNING COMMISSION**

10/11/2018

Dear Commissioners,

I have commented prior on ADU's and made the case at the last meeting that a blanket restriction on hillside ADUs was a disservice to the City and not equitable to many homeowners.

In today's discussion you may consider the role of fire safety. I am writing mostly to address whether excluding ADUs on Very High Fire Severity zone is a sensible. First, as staff has noted the bounds of Hillside Zones and Very High Fire Severity areas are almost identical.

In looking at examples it becomes immediately clear that just as with Hillside Zones, Very High Fire Severity zones will exclude almost a 1/3 of the properties from ADUs. As with the hillside zones, there are also many properties that meet all rational criteria for ADU development: modest topography, good street access for both parking and emergency vehicles, and adjacency to transit.

I offer three among many examples on the following pages and follow with a discuss of Fire Safety issues and my recommendations to the Commissioners.



7270 85<sup>th</sup> St., Los Angeles, CA 90045

Major streets (40'+ ft.) full access, including alley on back.

5270 sq. ft. R1 Adjacent to multifamily. Currently- 850' sq. ft house with back garage.

Hillside Zone: NO

Very High Fire Severity: YES

*An example of a Very High Fire Severity property that does not seem to present any exceptional risk and is surrounded by multi-family housing and major streets. (Manchester, Lincoln). The lot perfectly fits the typology of the "backhouse" granny flat.*



415 N La Fayette Park PL 90026

RD-2 zoned. Directly adjacent to numerous multi-family and the 101 Freeway.

Hillside Zone: NO

Very High Fire Severity: YES

*Though ADU is not allowed on this R2 lot, it demonstrates a Very High Severity Zone that by all measures have adequate access and has permitted multi-family units without undue fire risk.*



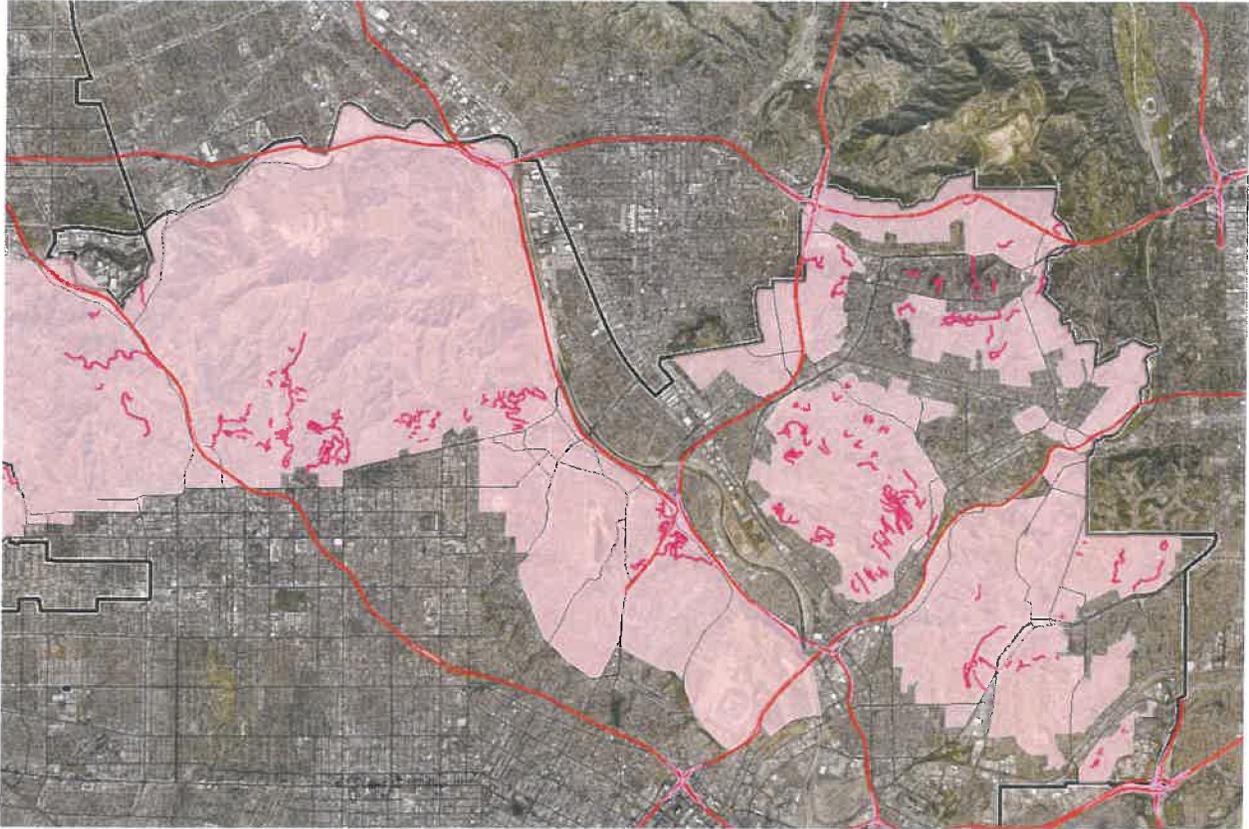
546 Isabel Street 90065

24' roadway. Good access from two sides. Slight Grade and close to Fire Station.  
13268 sq. ft. land area, currently with a 1036 sq. house.

Hillside Zone: YES.

Very High Fire Severity: YES

*An example of a property ripe for an ADU development that could benefit the long-term homeowner or family but that would be prevented by a Hillside or Very High Fire Severity ban.*



As seen by the prior examples, there are many properties in Very High Fire Severity areas that have full streets, good access, proximity to Fire Station and hydrants. Owners are required to do yearly brush maintenance and provide sprinklers for new construction. The addition of an ADU may in some cases reduce fuel due to landscaping and fire-resistant material requirements in new housing.

Where fire safety is a concern, we should take a closer look at Red Flag Restricted Areas. The darker red lines in the above map are all Red Flag Restricted Areas and of the City's Hillside Zones are pocked with such areas. Properties in these areas fit the stereotype that proponents of a hillside ban reference in their discussions: narrow streets, steep grades, cantilevers. These areas often have special parking restrictions and enforcement out of concern that illegal parking might restrict access for fire trucks and/or block residents from safe evacuation in the case of a fire.

Examples of typical Red Flag Restricted Areas:

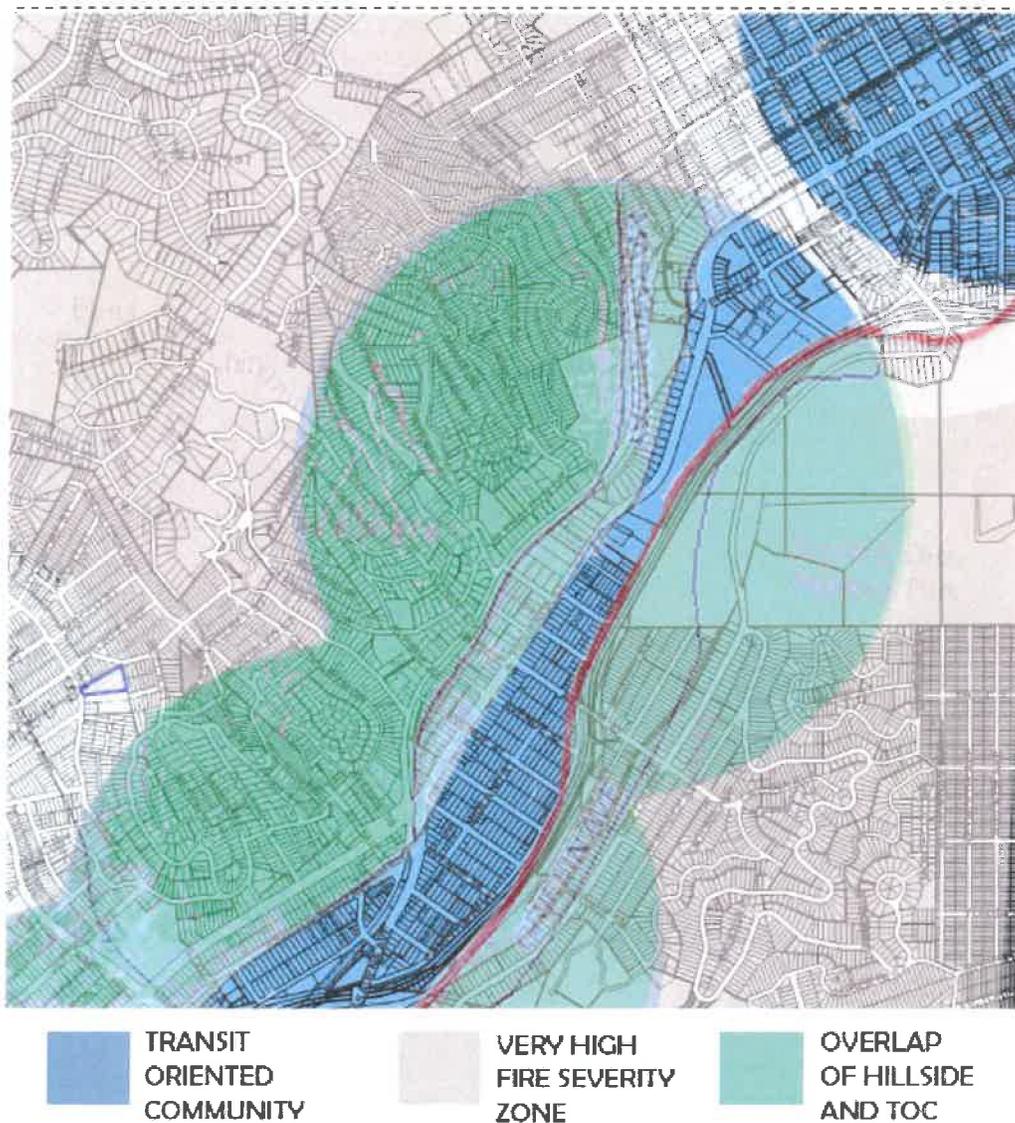


Frontenac Ave. in Mt. Washington (above) and Holly ridge Road in the Hollywood Hills (below) are typical “Red Flag Restricted Areas” with narrow streets and difficult access.



Though most Red Flag Restricted properties would already be banned if Option 1 or Option 2 is implemented due to lack of compliance with required roadway, the Commissioners should consider adding an ADU ban in Red Flag Restricted Areas to rationally address Fire and Safety concerns.

Below I include an overlap map that demonstrates the substantial overlap between the Very High Fire Severity Zone running along the major street Figueroa in Highland Park and the Transit Oriented Communities (TOC) zone that provides development incentives for density. (Overlap of Hillside Zone and TOC is basically identical.)



As I have shown by examples, there are substantial inconsistencies in the underlying Hillside Zones - some lots are flat with full streets and excellent access, hardly the portrait of risky lots. The same can be said for some of the Very High Fire Severity Zones which mostly mimic the boundaries of Hillside Zones.

Many Hillside Zones were formed by individual Council District motions, the logic of which is sometimes unclear from the record. Based on this and property by property analysis, a restriction on ADUs in these zones is questionable in terms of the City's compliance with State Law.

If ADUs are banned wholesale in these areas it would create a deep inconsistency in the City's planning logic. The City is at once encouraging the creation of density by some while also restricting the creation of density by individual homeowners and small developers. A large-scale conversion project would be incentivized but a long-term homeowners granny flat would be excluded in the exact same geographic space, disadvantaging individual homeowners v. bigger developers. We would lose the inherently diverse architectural opportunities of community generated ADUs. We would also reduce the role of home ownership as a ballast against displacement in planned Transit Density areas.

In sum, I encourage the Planning Commission to again assert its oversight role by voting to support either Option 1 or Option 2 alternative ordinances. To the degree that Fire Safety issues are a concern, you might want to consider adding language that restricts ADUs in Red Flag Restricted Areas.

Finally, the temporary ban on ADUs in the Wildlife Pilot Study Area might be useful at this time. As most are aware, the primary resistance across the City is precisely from homeowner groups within the current study area. A temporary ban here may give the City opportunity to further study the issues in that area, without holding up the process for more urbanized areas where ADUs are overwhelmingly welcomed and valuable.

Sincerely,

Steven Appleton

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500

Sacramento, CA 95833

(916) 263-2911 / FAX (916) 263-7453

www.hcd.ca.gov



October 10, 2018

Arthi Varma, AICP, Principal Planner  
Department of City Planning  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012-2601

Dear Arthi Varma:

**RE: Proposed City of Los Angeles Accessory Dwelling Unit (ADU) Ordinance**

Thank you for the opportunity to review and comment on the City of Los Angeles' draft Accessory Dwelling Unit (ADU) ordinance. Housing and Community Development (HCD) submits these comments pursuant to Government Code Section 65852.2(h).

HCD appreciates the City's efforts to draft the ordinance and meet the requirements of ADU law (Government Code Section 65852.2). The Department offers the following comments for your consideration:

- *Converting Existing Structures:* Requirements for conversion of existing structures should not be limited to pre-existing as of a specified date such as the date of the ordinance. This type of requirement can limit future capacity for ADUs and is potentially burdensome to the creation of ADUs.
- *Hillside Area:* The draft ordinance currently precludes ADUs in the Hillside Area. While exempting ADUs from this prohibition pursuant to Gov. Code sub. section 65852.2(e) complies with statute, a prohibition on large areas of the City could be burdensome on the creation of ADUs and inconsistent with statute. HCD encourages the City to consider alternatives that balance health and safety issues and the importance of addressing housing needs. For example, considering additional standards that are tailored for Hillside Areas such as street widths could be a viable alternative.
- *Exemptions for ADU Parking:* Although the draft ordinance exempts ADUs from parking requirements under specified circumstances as required in ADU law. Pursuant to Gov. Code section 65852.2(d)(4), ADUs meeting the following must also be exempt from parking requirements:

*When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit*

- *Movable Tiny Homes*: HCD supports the City's efforts to explore and allow a variety of housing choices, including permitting "movable tiny homes" as an ADU.

HCD appreciates the City's efforts in the preparation of the proposed ordinance and welcomes the opportunity to assist the City in the preparation and implementation of the ADU ordinance. Please feel free to contact Greg Nickless, of our staff, at (916) 274-6244.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall  
Housing Policy Manager



October 1, 2018

Los Angeles City Planning Commission  
200 North Spring Street  
Room 532, City Hall  
Los Angeles, CA 90012

Honorable Members of the City Planning Commission:

This letter addresses the draft ordinance to prohibit Accessory Dwelling Units in the city's Hillside Areas.

UCLA's cityLab has been very involved in the research, implementation, and legislation of accessory dwelling units (ADUs) in California. We worked closely with Assemblymember Richard Bloom throughout 2016 to coauthor AB2299, which eliminated barriers for and encouraged the development of thousands of ADUs across the state.

Today's housing crisis is severe. It is incumbent on all of us to do everything possible to increase the production of housing, particularly affordable housing. However, as with every urban problem, regulations must balance the need for housing with the needs for safety, privacy, neighborhood character, jobs, a thriving economy, and current residents' needs.

ADUs are the most important source of new housing since the postwar suburban expansion of our city. cityLAB research indicates that nearly a half million single family lots exist in the City of Los Angeles, and over 4 million lots exist in the County. ADUs will not be feasible on all those properties, but where they can be constructed they provide a low-impact, infill solution that makes a significant contribution to of the city's housing stock, as well as to the household economies of both the property owner and the prospective tenant. They are small, or secondary, units built without new land costs and so have a potential affordability built in, and without public subsidy. These units implement the city's Housing Element goals and obligations and provide housing quickly and more affordably than most other methods. As you know, more ADUs have been built in Los Angeles, since AB2299 (and subsequent clean-up bills) were enacted, than in any other city in California.

According to the staff report, the proposed ordinance "aims to strike a balance between providing housing opportunities and providing local regulations to respond to concerns about impacts to particularly vulnerable areas." The ordinance would apply to approximately 136,000 single family lots. That constitutes a quarter of the properties eligible for ADUs in the city, and such a substantial share of the



potential housing must be evaluated in a highly discriminating manner rather than as a whole, as if all properties in the hillside area are alike.

The proposed ban on ADUs in the hillsides appear to be based primarily on fire safety. Because hillsides have slopes and narrow streets, they are considered a vulnerable location for additional density. However, research indicates otherwise. Slopes in and of themselves are not an indicator of fire safety. Moreover, slopes range from modest to extreme in LA's hillsides. They are an indicator of cost of construction and the difficulty of construction, but an inappropriate measure of fire safety. Our research and that of others show that many hillside lots can physically and safely support ADUs.

What has protected lives and property on hillside lots are the numerous ordinances specifically targeting hillside lots. They can be found in the Building Code, the Fire Code and the Zoning Code. For example, any construction on hillside lots must comply with the following:

- LAFD and DWP must assure that there is adequate water flow for fire fighting
- Brush clearance
- red flag parking days
- proximity to fire hydrants
- proximity to fire stations
- fire truck response times
- dimensions of access roads
- building material
- exits
- ventilation

Additionally, the Zoning Code itself contains many regulations that constrain the ability to construct ADUs. FAR, height, setbacks, total floor area, Residential Floor Area (RFA), building separation, and lot size are objective criteria that apply to hillside lots under all of the State ADU laws. Our research has shown that these codes, taken together, typically make ADUs infeasible on lots that are less than 3500 square feet, steeply sloped, and/or already support a large single family home.

cityLab has done extensive research over the past 12 years on the feasibility of building ADUs on various lot typologies throughout the city. We have typically followed up our data collection and analysis with on-the-ground reconnaissance to confirm the data and identify physical information not otherwise identifiable. We have found this to be an important part of the research.



Last year we met with the founder of Cover, a relatively new company using data and technology to assess the feasibility of constructing ADUs in California. Using extensive data sets, Cover has estimated that 59% of hillside lots with a maximum slope of 45% have the physical space to build an ADU in compliance with city and state laws. Cover has also shown that nearly one third of lots with a 15% slope can support ADUs.

cityLab has reviewed Cover's methodology, which takes into account many factors (in addition to slope) that impact the ability to build ADUs on hillside lots. Our research and Cover's results clearly reflect the diversity of hillside lots and the feasibility of building on lots with varying degrees of slope. While further research is warranted to evaluate the data results with on the ground reconnaissance, it is clear that a significant number of hillside lots can support ADUs. While slope is a factor, there are more important targeted safety criteria that provide a more appropriate measure of safety than lot slope.

The following are examples of performance standards that could serve as objective criteria for the construction of ADUs on hillside lots. Requiring lots to meet one or more of these draft criteria would be a more effective means to address safety issues, particularly if reviewed and approved by the Fire Department. Some of the suggestions below may already be part of current law; some need further metrics based on research.

- (1) The front door of the main house or the ADU is within 300 feet of a fire hydrant (LAFD standard).
- (2) The lot is within range (2-3 miles) of a fire station in which the average operational response time for the previous six months or more is no greater than 5 minutes and 20 seconds.
- (3) The lot has an average slope less than [x]% and a slope height of less than [x] (the range to be determined, but not to include all sloped sites).
- (4) The lot abuts a street that has at least 20 feet of pavement width.
- (5) The lot has more than one accessway to a public or private street that is a collector street or greater.
- (6) No unstable conditions exist or will exist upon implementation of all necessary measures recommended by a geotechnical report, as determined by B&S.
- (7) The ADU contains fire sprinklers.
- (8) To the extent feasible, all drainage from development of a site containing steep hillsides is directed away from hillside areas and directed towards a public storm drain system or onto a street developed with a gutter system designed to carry surface drainage runoff.
- (9) A portion of the lot greater or equal to the size of the footprint of the ADU has a slope of less than 25%.



- (11) Stormwater runoff is minimized by using permeable paving materials on [x]% of the lot that does not contain a structure.
- (12) Grading of less than [x] cubic feet of earth has been removed from the site during construction of ADU.
- (13) No grading occurs within [x] feet of a ridgeline.

We offer these recommendations to argue strongly that ADU restriction in hillside areas should not be a "blanket" ruling, but should take into account the real threats and concerns related to construction of new rental units. At a time when housing production needs incentives rather than constraints, such careful determination is more necessary than ever.

Sincerely,

A handwritten signature in black ink that reads "Dana Cuff". The signature is written in a cursive, flowing style.

Dr. Dana Cuff  
Director, cityLAB - UCLA

A handwritten signature in black ink that reads "Jane Blumenfeld". The signature is written in a cursive, flowing style.

Jane Blumenfeld  
Senior Fellow, cityLAB

Los Angeles City Hall  
City Planning Commission  
200 North Spring St., Los Angeles, CA 90012  
Chamber Room 340



Re: Proposed ADU Ordinance (CPC-2016-4345-CA)

Dear City Planning Commission,

My name is Alexis Rivas, and I am the co-founder and CEO of Cover. Cover is an LA-based technology company that designs and manufactures accessory dwelling units that can be installed on-site quickly and efficiently. We've built a software tool that analyzes the zoning and existing structures on single-family home properties in LA to show homeowners whether they can build an ADU on their land, and if so, what the setbacks and size restrictions are. For hillside areas, we do a slope band analysis for each parcel. The tool has been featured in numerous publications including the [LA Times](#), [Bloomberg](#), [Fast Company](#), and [Architectural Digest](#).

We've used this tool to analyze the impact a hillside ban on ADUs would have. We've found that the proposed ban would prohibit the construction of over 82,000 additional ADUs that could help ease the housing crisis. A categorical ban on hillside ADUs would erase an estimated \$44 billion in potential additional property value for these homeowners, or an average of \$540,000 per homeowner. On the second page of this letter, we've included a summary of our data analysis methodology and more detailed results of this analysis. Please do not hesitate to reach out if you would like to further discuss our methodology, data, or results.

Please also refer to Maps A-C which visually depict the results of our data analysis and affected parcels. Parcels which are blue are those that under current regulations could build ADUs (taking into account zoning and existing structure limitations). These would be negatively impacted by the hillside ban.

The proposed ordinance banning hillside ADUs is overly restrictive, and harmful to the City, its current and future residents, and homeowners. We do not support the alternatives suggested by the Department of City Planning which would ban ADUs on sub-standard streets given the dearth of digital and publicly accessible data on sub-standard streets, and the lack of analysis of the impact these options would have on LA's housing supply. As the Department of City Planning notes in their report, the city and fire department already have several tools available to them to limit parking on hillside streets to maintain public safety during times of high fire hazards. The Department of City Planning's Recommendation Report incorrectly states that: "*State law prohibits on-site parking for ADUs located within a half mile of public transit*". The text from SB 1069 states: "*(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances: (1) The accessory dwelling unit is located within one-half mile of public transit.*". It's clear that the state law allows for ADUs to have on-site parking, but does not require it for properties within a half mile of public transit.

The state-wide ADU legislation adopted in 2017 was, in a rare show of solidarity, praised by legislators on both sides of the aisle, housing advocates, and homeowners alike. The impact of the legislation was immediate: there were 80 ADUs permitted in Los Angeles in 2016 and 1,970 in 2017. These backyard homes are used for a variety of reasons including multi-generational living (i.e., in-law suites), long-term rental units, and backyard homes. Cover's analysis of homeowners interested in building ADUs shows that over 70% of people plan on having long-term residents occupying their units, with less than 5% saying that they would use their units for short-term/Airbnb-style rental units.

In addition to generating income for homeowners, increasing property value, generating tax revenue for the city, and increasing housing density to address the housing crisis, the state-wide ADU legislation also helps address residential safety. There are estimated to be over 50,000 unpermitted ADUs in Los Angeles, the vast majority of which would not pass municipal zoning, building & safety inspections today, and pose health and safety risks. By expanding access to ADUs through improved permitting processes and criteria, the state has decreased the risk to future residents of ADUs by allowing a clearer path for permitting.

ADUs are a great way to increase the supply of safe, quality housing while retaining the character of neighborhoods. The proposed hillside ADU ban isn't good for the city, its residents, or its homeowners. It hampers the city's ability to combat the housing crisis in a financially sustainable way, decreases the supply of housing in highly desirable areas of the city, and significantly reduces potential property value for homeowners. It also perpetuates the perverse incentive for homeowners to continue to build and rent out unsafe unpermitted ADUs.

The proposed ban on hillside ADUs would significantly hinder the progress advocates on both sides of the aisle have arduously made to address Los Angeles's housing crisis. New development should always be carefully considered. It's clear that this proposed ban will have a negative impact to the city of Los Angeles, and should not be passed.

Sincerely,

Alexis Rivas  
Co-Founder & CEO  
Cover Technologies, Inc.  
[www.cover.build](http://www.cover.build)  
alexis@cover.build

## Our data analysis methodology

At Cover, we have developed proprietary geospatial analysis systems that:

1. Identify the required yards in a given parcel
2. Apply the zone and permit appropriate setbacks
3. Analyze the parcel's RFA or FAR and perform a slope-band analysis if necessary

These tools allow us to determine if an ADU of a given size can be built on a given property with very high fidelity.

To determine ADU buildability in hillside areas, we computed a maximum square footage allowed for an ADU for each parcel with the following methodology:

1. Compute the remaining buildable square footage after subtracting the primary home's footprint.
  - a. For this, we used either RFA or FAR, depending on what the zoning requires
  - b. If a slope-band calculation could be used to add square footage, it was performed.
2. Identify the front, rear, and sides of the lot and generate setback geometry. Find the square footage of the setback geometry.
3. Take the minimum of steps 1 and 2 to generate the allowed ADU area for each property.

We ignored bonuses that can be applied due to existing structures' use cases (i.e. garages) because this data is not readily available. Note that this means that our estimate is *conservative*, since the application of bonuses would only increase the available square footage on a given parcel. For this report, we performed this analysis on a sample of 63,425 hillside parcels, and defined an ADU as a unit which is at least 250 sq.ft.. This 250 sq.ft. lower limit is based on the minimum areas for efficiency units allowed under state law.

## Data Analysis Results

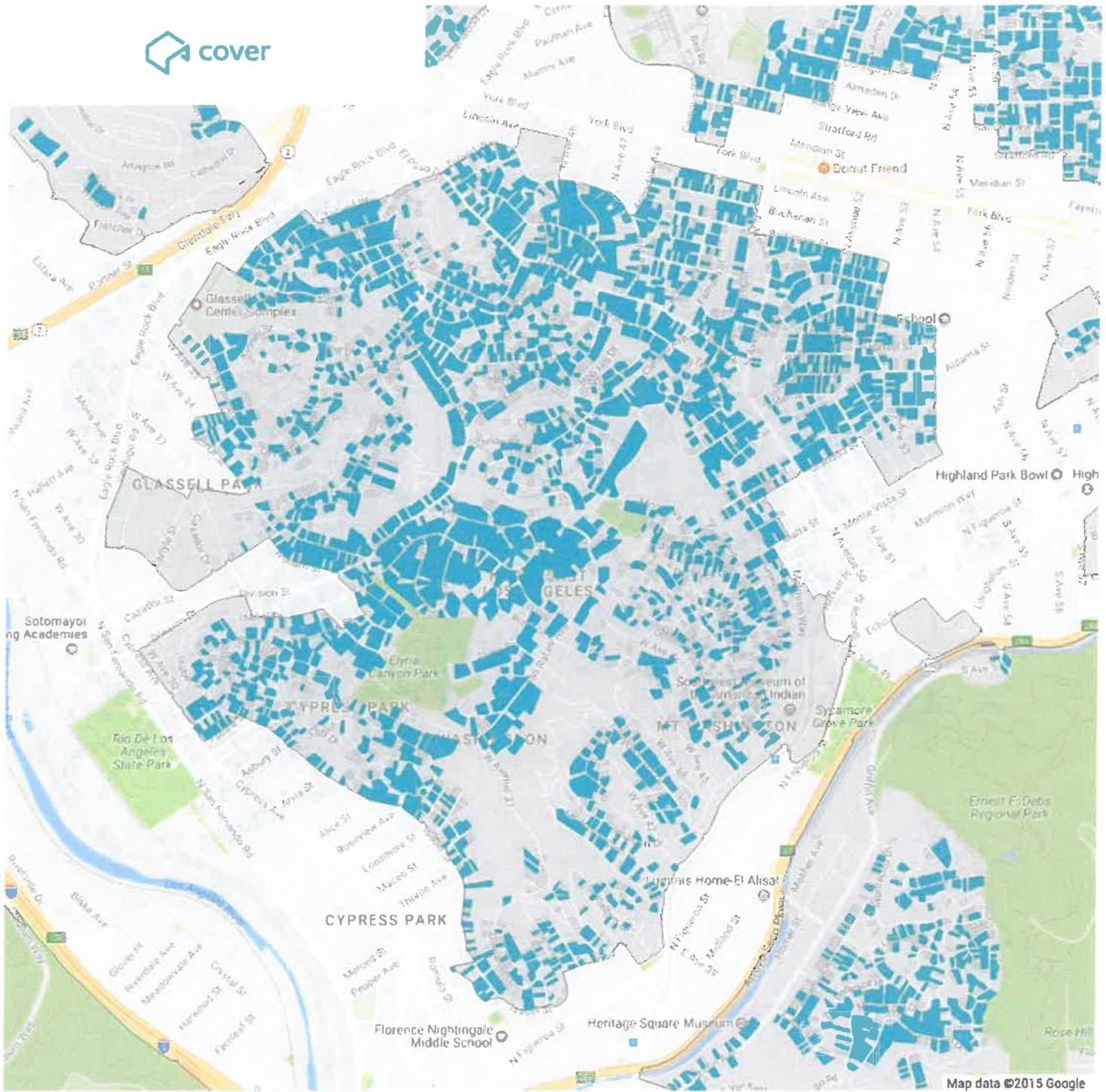
Our analysis showed that a 250 square foot ADU or larger can be built on 37,030 out of the 63,425 parcels we analyzed. This is 58% of the total. Note that because we did not apply bonuses, this is a lower bound the percentage of parcels where ADUs can be built.

According to Exhibit B of the CPC report, there are 141,849 hillside parcels on which we could build an ADU. If 58% of those are ADU-compatible, then 82,272 ADUs can be built in hillside areas.

We found that our sample of 37,030 ADUs would have a maximum value of \$19,983,064,461 based on ZIP code specific average per square foot property values, and the maximum size ADU allowed on each of the 37,030 sample properties. This yields an average per-ADU value of \$539,645. Multiplying by 82,272 ADUs gives us a total potential increase in property value of \$44.4 billion.



**Map A: Woodland Hills properties analyzed in our sample data that can currently build ADUs but would not be able to under the proposed hillside ADU ban**



**Map B: East Los Angeles properties analyzed in our sample data that can currently build ADUs but would not be able to under the proposed hillside ADU ban**





Matthew Glesne <matthew.glesne@lacity.org>

---

## ADU Ordinance Revision

1 message

---

**Stuart Magruder** <smagruder@studionovaa.com>  
To: [cpc@lacity.org](mailto:cpc@lacity.org)  
Cc: Matthew Glesne <matthew.glesne@lacity.org>

Fri, Aug 17, 2018 at 4:22 PM

To Whom It May Concern -

I am writing to urge a revision to the ADU ordinance to allow a minimum sized AUD on all residential lots regardless of the calculated residential floor area (RFA) limits. This revision is necessary due to a huge disparity in RFA limits imposed on R1 lots in the City. Typical R1 lots are allowed a maximum 0.45 RFA while Variation zone R1 lots are allowed RFA limits on a sliding scale, starting with a 0.65 RFA for lots under 6,000 sf (See LAMC 12.08.C.5). For a typical 5,500 sf lot, this disparity is 1,100 sf (2,475 sf at 0.45 v 3,575 sf at 0.65). This 20 point spread seems hard to justify.

Assembly Bill 2890 (Ting) has proposed this change at the State level, guaranteeing a minimum 800 sf for any ADU regardless of RFA limits. I think this is acceptable but am confident that a 500 sf or 600 sf guaranteed minimum would allow for pleasing studio units. I'm happy to provide examples of ADUs I have designed at 1,200 sf (under construction) and 500 sf (in design).

I would propose the following revision to the ADU Ordinance, CPC-2016-4345-CA, as follows (changes underlined and in red):

12.22.A.32.c.3 Limits on total Floor Area (including Residential Floor Area) on a lot apply separately to Detached ADUs greater than 600 sf, and may further limit allowable Detached ADU square footage

12.22.A.32.d.2 Limits on total Floor Area (including Residential Floor Area) on a lot apply separately to Attached ADUs greater than 600 sf, and may further limit allowable Attached ADU square footage

Please let me know if you have any questions. I will attend and speak at the 09.27.2018 CPC meeting as I understand that this Ordinance will be on the agenda.

Thanks -

Stuart Magruder, Architect

Studio Nova A Architects, Inc.

[4337 West 59th Street](#)

[Los Angeles, CA 90043](#)

323 292-0909 (o)

310 923-8297 (c)

[smagruder@studionovaa.com](mailto:smagruder@studionovaa.com)

Licensed in the states of California and New York

[www.linkedin.com/in/stuartmagruder](http://www.linkedin.com/in/stuartmagruder)

Specializing in highly sustainable contemporary architecture.

President of AIA Los Angeles, 2012

National Young Architect Award, 2012

AIA California Council John Bolles Fellow



**FILE COPY**

October 10th, 2018

City Planning Commission  
200 North Spring Street  
Room 532  
Los Angeles, CA 90012

**RECEIVED  
CITY OF LOS ANGELES**

**OCT 11 2018**

**CITY PLANNING DEPT.  
AREA PLANNING COMMISSION**

**RE: PROPOSED ACCESSORY DWELLING UNIT ORDINANCE  
CPC-2016-4345-CA OCTOBER 11, 2018**

---

Dear Commissioners,

The revised proposed ADU ordinance dated October 11<sup>th</sup>, 2018 continues to be noncompliant with state laws AB 449 and SB 229 in the same way its predecessor ordinance dated July 12<sup>th</sup>, 2108 was and will be declared null and void if passed.

**Page 4, section e, paragraph 4** continues to place a time stamp on what existing means as a way to control Residential Floor Area. Stating that pre-existing space must have “lawfully existed prior to the effective date of this subsection” is contrary to state law and may prevent people from creating ADU’s in the future on properties not built or developed yet. ADU ordinances cannot regulate what the term “existing” means nor can they place a size limit on conversions of legally existing structures. I have confirmed this on multiple occasions with Greg Nickless at HCD, one of the people in charge of seeing that municipalities write compliant ordinances. The planning department and city attorney are well aware of this too yet, because of what they view as a loophole in the state law, are attempting to close that loophole, which is something that can only be done by the state legislature and the governor. Greg Nickless at HCD is available to confirm what I’m saying at [Greg.Nickless@hcd.ca.gov](mailto:Greg.Nickless@hcd.ca.gov). His telephone is (916) 274-6244.

Other issues of concern in the ordinance are:

- **Page 3, section (ii)** prohibits ADU parking in required front yards. AB 449 removed the prohibition on specified off-street parking where that parking is not allowed anywhere else in the jurisdiction.
- Additionally in this section, expansion of driveway access areas in the front yard is prohibited to provide required parking. Since the majority of lots in the city are under 7,500 square feet with many driveways being substandard in size, this requirement could be a burden to homeowners who have no other choice but to expand their front driveways and could prevent some people from creating ADU’s.

pg. 1 of 2



- **Page 2, section (3)** prohibition of new ADU construction in Hillside areas. Since conversions will always be permitted in Hillside areas, careful consideration should be given in amending this section to include as many Hillside zoned properties as possible for new ADU construction if that new construction poses little or no risk to public safety.
- Lastly, the LADWP issue. While Planning has stated it is not within their purview as far as an ordinance is concerned, someone needs to figure this out and soon. This has gone on for over a year now with LADWP dragging their feet. LADWP remains the only utility company in the state to be claiming jurisdiction over habitable structures inside of easements. When this began, I told city officials that the number of people affected would be in the hundreds to thousands. I was told that the numbers would never be that high. We are now at 800. Based on what I've read of the CC&R's that govern the utility easements, the utility companies have the right to erect poles and wires, maintain them and have access to them. I have not seen anything that gives them the authority to dictate what structures people can put on their properties. This is strictly about LADWP's attorneys and their perceived liability. The City of Los Angeles and LADBS can just say no to LADWP's demand to be included on a clearance sheet. That way if LADWP has issues, they can invest the time, money and manpower to coming up with a solution. These unpermitted ADU's already exist, fifty thousand of them and all this is doing is keeping people in the closet and keeping the city from making sure the unpermitted units are safe.

Thank you for your time and your service to our city.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ira Belgrade".

Ira Belgrade, Founder  
YimbyLA

Cc: Paul McDougall, HCD  
Greg Nickless, HCD

### **Abstract**

Rising interest rates, compounded by rising home prices, contribute to an environment in which only 30% of would-be homeowners can afford to purchase a home in Los Angeles. The monthly cost burden of highly-priced rental dwellings, and the expensive cost of most homes for sale have wreaked havoc for L.A. middle-income households, forcing many such homeowners to seek housing out of state. Costly land prices, and other housing production barriers such as expensive and time-consuming construction realities associated with building more housing, has created a long-term and self-perpetuating housing supply shortage for nearly all but the wealthiest of LA residents.

### **Introduction**

The low availability of affordable rental housing has created strains on young Angelenos entering the housing markets, creating unique challenges for them. According to Pew Research Center's analysis of U.S. Census Bureau data<sup>1</sup>, more than one in three American labor force participants (35%) are Millennials (persons aged 21 to 36 in 2017), making them the largest generation in the U.S. labor force. Fry, R. (2018, April 11). Millennials are the largest generation in the U.S. labor force. Retrieved from <http://www.pewresearch.org/fact-tank/2018/04/11/millennials-largest-generation-us-labor-force/>

Millennials who cannot afford an apartment on their own or have not found a shared rental unit with someone else have discovered other ways to live in L.A, with up to 41.5 percent remaining at home or moving back home with their parents or with another older relative. Romero, D. (2017, March 22). Many L.A. Millennials Have Found a Solution to High Rents. Retrieved from <https://www.laweekly.com/news/how-many-los-angeles-millennials-cope-with-the-high-cost-of-housing-8045905>

## **L.A. Housing Shortage**

As explained above, Los Angeles is experiencing an acute housing shortage. A well-thought-out Accessory Dwelling Unit (ADU) ordinance will provide affordable rental housing options for many Angelenos in need of safe and affordable housing. According to L.A. Housing and Community Investment Department (HCID), nearly 60% of all Los Angeles residents live in rental housing. Retrieved from <https://hcidla.lacity.org/renters>

The U.S. Department of Housing and Urban Development (HUD) defines rent cost-burdened households as those “who pay more than 30 percent of their income for housing” and “may have difficulty affording necessities such as food, clothing, transportation, and medical care.” It further defines severe rent cost-burden as paying more than 50 percent of one’s income on rent. Rental Burdens: Rethinking Affordability Measures. (n.d.) Retrieved from

[https://www.huduser.gov/portal/pdredge/pdr\\_edge\\_featd\\_article\\_092214.html](https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html)

According to RentCafe, a nationwide internet listing service, a studio apartment in Los Angeles rents for an average of \$1,622 a month, while a 1-bedroom apartment has an average rental price of \$2,068. Los Angeles, CA Rental Market Trends. (2018). Retrieved Nov. 12, 2018, from <https://www.rentcafe.com/average-rent-market-trends/us/ca/los-angeles/> Apartmentlist.com states that “currently, median rents in Los Angeles stand at \$1,370 for a 1-bedroom apartment.”

C. Salviati. (2018, November 1). Apartment List National Rent Report. Retrieved from <https://www.apartmentlist.com/rentonomics/national-rent-data/>

The California Association of Realtors (CAR) recorded that for the third quarter of 2018, the Los Angeles Metro Area had a 29% affordability index. “Traditional Housing Affordability Index” C.A.R.'s Housing Affordability Index (HAI) measures the percentage of households that can afford to purchase the median priced home in the state and regions of California, based on traditional assumptions. Housing Affordability Index - Traditional. (2018). Retrieved from <https://www.car.org/marketdata/data/haitraditional>

## **Young Workers Leaving California**

Workers at the prime family formation age are leaving California due to its high housing cost. Goodbye L.A., Hello Phoenix: Affordable Housing Makes Second-Tier Metros Top Choices for Moving”. Retrieved from <https://www.rentcafe.com/blog/rental-market/real-estate-news/top-10-counties-where-people-are-moving-offer-half-price-housing/> A combination of twenty-eight percent of older Millennials and younger Gen Xers (ages 35 to 44 years old) are moving out of state. Another third, the young career-building Millennials (ages 26 to 34 years old), as well as the older Gen Xer’s (45 to 54 years old) are moving to states where housing is affordable. Kotkin, J. & Cox, W. (2018, September 8). A generation plans an exodus from California. *Orange County Register*. Retrieved from <https://www.ocregister.com/2018/09/08/a-generation-plans-an-exodus-from-california>. Balint, N. (2018, October 11).

## **Recommendations**

Some Los Angeles communities are in densely populated areas with over-crowded living conditions. Many of these areas are in or near low-income communities with pre-existing unlawful and unsafe garage conversions or accessory dwelling units.

- The City shall permit existing unlawful units to be brought up to code in compliance with building & safety, health codes and in conformity with state law and the new city’s ADU ordinance.

Many hillside areas have homes that are more than ½ mile from public transit. It is not uncommon for hillside areas owners to have a need for service workers and elderly occupants requiring in-home care.

- The City shall permit ADUs in hillside areas for distances greater than ½ mile from the subject property, conditioned on the owner executing a covenant agreement stating that they will not allow their guests or service workers to park on sub-standard streets.

Some areas in Los Angeles have Very High Fire Hazard Severity Zones (VHFHSZ) that require easy access for fire apparatus and emergency medical vehicles responses. ADU's shall only be permitted in VHFHSZ under the following conditions:

- standard streets
- operational fire rated interior sprinkler systems
- landscape shall comply with xeriscape sustainability ordinance
- all structures shall have highly rated fire-retardant roof systems
- the ADU and main dwelling shall have operational interior sprinkler systems