

MEMORANDUM

To: LA City Council PLUM Committee Members

From: Carlyle W. Hall, Jr., Los Angeles Neighbors in Action

Date: March 15, 2017

Subject: Planning Department's Proposed Revised Accessory Dwelling Unit (ADU) Ordinance

On December 15, 2016, the City Planning Commission recommended approval of the Planning Department's proposed Ordinance revisions that would change (and substantially weaken) the City's existing accessory dwelling unit (ADU) ordinance, LAMC Sections 12.24.W.43 and 12.24.W.44. The proposed revised Ordinance will be heard at the PLUM Committee on Tuesday, March 21 at 2:30 pm at City Hall, Room 340.

Because state law demands that local governments must approve all ADUs that meet their local ADU standards without any public hearings and without any discretion to impose mitigation measures, the only point in the land use approval process when localities can minimize the impacts of ADU development occurs when they draft and approve their local ADU ordinance. Here, the Department's proposed ADU Ordinance changes would substantially weaken the City's current standards that have been designed to protect surrounding neighborhoods from the potential negative impacts of oversized, poorly located ADU development.

Ostensibly, the Department's proposed Ordinance revisions respond to AB 2299, which, on a statewide basis, mandates certain limited new ADU requirements relating to parking, setbacks, passageways and approval procedures. But, when the Department addressed the required AB 2299 changes, however, it did not confine its proposed revisions only to the changes that AB 2299 demands. Instead, in proposing its extensive recommended new revisions *beyond those mandated by AB 2299*, the Planning Department utterly failed to conduct the "comprehensive, open, transparent review and process" that this past summer's City Council Motion 19A instructed the Department to undertake before proposing changes to the City's current adopted ADU standards. Nor has the Department prepared customized alternatives that take into account the widely diverse neighborhoods of the City Council's 15 different council districts.

Specifically, over and above the AB 2299 mandated revisions, the proposed Ordinance would make the following important substantive changes:

1. 3. **Hillside Areas.** Under current Los Angeles ADU standards, Hillside Areas are protected from any ADU development. The Department's proposed revisions would amend the definition of "Hillside Area" to replace the previous definition in Section 12.24.W(g) with a substantially different (and much more restrictive) definition from the Baseline Hillside Ordinance. This proposed change would exclude fully 51,143 single-

family zoned lots from the 167,195 lots presently covered by the existing ordinance – a 30% reduction.

Comment: The Department's initial public report failed to reveal that it was proposing a dramatic 30% reduction in the protected Hillside Area's size as a result of a proposed change in definition. The Department now concedes that its revisions would greatly shrink the protected Hillside Area, but it asserts that it now has better information regarding what is truly a "hillside" area. The Department ignores the fact that the much-reduced Hillside Area definition would exclude all hillsides that do not include "extreme" slopes, even though many less-than-"extreme" slopes may well be inappropriate for hillside development. This issue requires further study and public input. The proposed reductions in Hillside Area should be mapped and broken down by Council District. The recent Planning Commission recommendations would create a further loophole of unspecified dimensions according to which any Hillside Areas within ½ mile of a public transit stop (including bus stops) would now be made available for ADU development.

2. **Minimum Lot Area.** The current ADU Ordinance requires that, to qualify for ADU development, a lot must have an area at least 50% larger than the minimum lot area for the applicable zone. The Department would entirely delete this requirement.

Comment: Currently, second units can generally be built only on lots with a minimum size of 7,500 SF, but the Department claims that second units developed on lots as small as 5,000 SF are appropriate and desirable.. The reduction in minimum lot size is a major change, and the Department should provide more information about how this change would impact different Council Districts.

3. **Maximum Floor Area.** The existing 640 square foot ADU maximum floor area (Section 12.24.W.43(a)(1)) is proposed to be replaced with a sliding scale approach where ADUs can be the greater of 640 SF or 50% of the floor area of the primary residence up to 1,200 square feet.

Comment: Oversized ADUs can have major impacts on the surrounding neighborhood, and ADU maximum size is a continuing major issue. The Department was supposed to solicit substantial public input on this and other ADU development issues. The Department's proposed sliding scale approach is only one of many possible approaches, and no data or analysis supports its current proposal.

4. **Substandard Streets.** The existing prohibition of ADUs on substandard streets in Section 12.24.W(g) would be eliminated entirely.

Comment: Construction of ADUs on substandard streets substantially impacts traffic safety and parking. The new AB 2299-mandated requirement that ADUs located within ½ mile of public transit (including bus

stops) do not need to provide off-street parking will greatly intensify additional parking demands on substandard streets. The Department should study and address this issue.

5. **Rental of ADUs for AIRBNB and similar uses.** The Department's proposed revised ADU Ordinance would guarantee that ADU owners can rent out their second units.

Comment: The Department's proposal does not include any restrictions requiring the owner to reside in the primary residence or limiting the days of rental. This would be a boon to AirBNB users.

6. **Equine-keeping Areas.** The prohibition of ADUs in special zones permitting horse keeping in Section 12.24.W(g) would also be eliminated entirely.

7. **Large Lots.** Section 12.24.W.44, covering large lots in RA, RS and R1 zones, would be deleted entirely.

The City Council can easily revise the pending proposed Ordinance to restore the current protective ADU standards that the Planning Department would delete or substantially change, while also including the limited AB 2299 mandated changes. The Planning Department should again be instructed to undertake the "comprehensive, open, transparent review and process" called for by Motion 19A before proposing any non-AB 2299 mandated changes to the current ADU standards.