



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 12, 2015

TO: Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administrator *MSA*
Current Planning Division

**LIVING SUITE ORDINANCE – PROJECT NO. R2014-02159-(1-5) – ADVANCE
PLANNING CASE NO. 201400007-(1-5) – FEBRUARY 25, 2015 PUBLIC HEARING –
AGENDA ITEM #6**

BACKGROUND

A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a "kitchenette" (microwave and refrigerator but no stove), a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also have a separate exterior entrance.

Over the last several years, national and regional homebuilders have constructed single-family homes with living suites. For example, Lennar builds and markets these units as "Next Gen: The Home Within a Home" and D.R. Horton builds and markets these units as "Home Share: Two Households. One Home." Examples are attached for your Commission's reference. The homebuilders have found these units to be very popular with homebuyers, which is likely to continue as demographic trends make multi-generational families more common. According to a recent analysis of U.S. Census data by the Pew Research Center, 18.1% of the U.S. population lived in multi-generational households in 2012¹.

The Los Angeles County Zoning Code (Zoning Code) does not allow living suites. Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen and Section 22.08.110 of the Zoning Code defines kitchen as "any room or space used, or intended or designed to be used for cooking or the preparation of food." Therefore, a living suite's "kitchenette" is considered to be a kitchen although it lacks a stove. By contrast, many other jurisdictions define a kitchen as a room with a stove and

¹ <http://www.pewsocialtrends.org/2014/07/17/in-post-recession-era-young-adults-drive-continuing-rise-in-multi-generational-living/>

a refrigerator, which enables the provision of living suites without stoves in new residences.

Homebuilders are interested in constructing residences with living suites in the unincorporated communities of Los Angeles County. Therefore, the Building Industry Association (BIA) asked the Department of Regional Planning (Department) to investigate this issue and to develop a regulatory framework that would allow units with living suites. The Department met with the BIA in May 2014 to discuss this matter. The Department acknowledged the growing market demand for residences with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting residences with living suites to new planned communities to ensure that such residences are consistent with community character and are provided with sufficient services and infrastructure. New planned communities are typically located in a Residential Planned Development (RPD) Zone.

On September 10, 2014, in accordance with the Department's recommendation, your Commission initiated public hearings to consider an ordinance amending the Zoning Code to allow residences with living suites in new planned communities in the RPD Zone, which already require a Conditional Use Permit (CUP) for development.

PROPOSED ORDINANCE

The proposed ordinance, which is attached for your Commission's reference, would amend five Sections of the Zoning Code, as follows:

1) The definition of "dwelling unit" in Section 22.08.040 of the Zoning Code would be amended to state that a dwelling unit can have only one kitchen or one kitchen and one living suite and to also state that a living suite is not considered to be a separate dwelling unit.

2) A definition of "living suite" with a series of five criteria, including requirements for an interior connection to the remainder of the dwelling unit and size limitations, would be added to Section 22.08.120 of the Zoning Code and the definition would state that a living suite meeting all five criteria is not considered to be a separate dwelling unit.

3) Section 22.20.460 of the Zoning Code would be amended to allow any dwelling unit in a new planned residential development requiring a CUP to have a living suite if approved by the Hearing Officer after the effective date of the proposed ordinance. This Section would also be amended to prohibit the establishment of a second unit on a lot in a residential planned development where a dwelling unit containing a living suite has been constructed.

4) Section 22.52.1180 of the Zoning Code would be amended to require one additional parking space if a dwelling unit contains a living suite and has five or more bedrooms, including any bedrooms within the living suite.

5) Section 22.52.1740 of the Zoning Code would be amended to prohibit the establishment of a second unit on a lot in a residential planned development where a dwelling unit containing a living suite has been constructed.

RELATIONSHIP TO SECOND UNITS AND GUEST HOUSES

Living suites and second units are different housing products. A second unit is a completely separate residence which may be detached from the other residence on the same lot. If a second unit is attached to the other residence on the same lot, it is not required to maintain an interior connection to the other residence. In addition, a second unit has a separate address and a separate electrical meter and is typically rented out to a separate household. A living suite is not a separate residence and must maintain an interior connection to the remainder of the residence. In addition, a living suite does not have a separate address or a separate electrical meter. The Zoning Code states that rooms in a single-family residence may be rented to four or fewer residents, with or without table board, so the Zoning Code does not prohibit rental of a living suite to a separate household. However, homebuilders typically include a rental restriction in the development's Covenants, Conditions, and Restrictions ("CC&R"s).

The Zoning Code also allows "detached living quarters," more commonly known as guest houses. A guest house and a living suite are similar in that both types of uses can accommodate temporary guests. However, there are also substantial distinctions between a guest house and a living suite. A guest house must be located in an accessory structure that is detached from the residence on the same lot, whereas a living suite cannot be located in an accessory structure and must maintain an interior connection the remainder of the residence. In addition, a guest house cannot have a kitchen, whereas a living suite may have a kitchen.

The Zoning Code does not allow a second unit to be established on a lot where detached living quarters have already been established. Staff recommends that this policy be extended to lots where residences with living suites have already been established. Therefore, the proposed ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. California Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance." The proposed ordinance does not totally

preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the home-buying market, especially multigenerational households. The proposed ordinance would allow homebuilders to decide whether to design homes with living suites or to utilize existing avenues to develop second units. Therefore, the findings required by Government Code 65852.2 are not required.

GENERAL PLAN CONSISTENCY

Staff has determined that the proposed ordinance is consistent with the adopted Los Angeles County General Plan. Specifically, the proposed ordinance supports the following policies and goal:

- **General Policy 43:** Promote a balanced mix of dwelling unit types to meet present and future needs, with emphasis on family owned, moderate density dwelling units (townhomes, townhouses and garden condominiums at garden apartment densities).
- **General Policy 47:** Promote the provision of an adequate supply of housing by location, type and price.
- **Housing Element Goal 1:** A wide range of housing types in sufficient supply to meet the needs of current and future residents, particularly for persons with special needs, including but not limited to low income households, seniors, persons with disabilities, large households, single-parent households, the homeless and at risk of homelessness, and farmworkers.

ENVIRONMENTAL ANALYSIS

Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the proposed ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

This determination is supported by the following analysis:

The ordinance does not propose or authorize any development. The proposed project is an ordinance and is not a development project. The ordinance does not authorize any additional "by right" uses. The development of dwelling units with living suites in accordance with the proposed ordinance will require a subsequent CUP. Therefore the ordinance will not result in any direct physical change in the environment.

The number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time. There may be indirect physical changes to the environment in conjunction with the subsequent development of residential planned developments in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for residential planned developments in the RPD Zone and the ordinance will not change this requirement. At this time, the number, location, specific characteristics and environmental impacts of CUP requests are reasonably unforeseeable due to the following factors:

- Existing RPD Zones are developed pursuant to previously approved CUPs for residential planned developments or are undeveloped with pending or previous approved CUPs for residential planned developments;
- Future RPD Zones can be established in any land use designation that allows residential uses; and
- The RPD Zone allows a wide range of residential uses with a CUP.

The number, location, and specific characteristics of future CUP requests will largely depend on economic market factors. The environmental impacts of future CUP requests will depend on the characteristics of the location that is the subject of such requests. For example, environmental impacts for an "infill" residential planned development in an urbanized area will be different than environmental impacts for a "greenfield" residential planned developed development in an undeveloped area. Therefore, any attempt to analyze indirect physical changes would be speculative.

A new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites. There may be indirect physical changes to the environment in conjunction with the subsequent development of residential planned developments in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for residential planned developments and the ordinance will not change this requirement. A CUP is a discretionary action that requires project-level CEQA review. The ordinance, which allows new planned communities in the RPD Zone to include dwelling units with living suites provided that a CUP is obtained, does not eliminate the need for project-level CEQA review.

The ordinance does not involve any commitment to any specific project that may have a significant effect on the environment. Future CUP requests will require project-level CEQA review to determine potential impacts. The ordinance does not preclude the County from denying a future CUP request that may have a significant effect on the environment.

PUBLIC NOTIFICATION AND COMMENTS

Public hearing notices were sent to 185 individuals and organizations throughout Los Angeles County who previously signed up for the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to six public

libraries throughout Los Angeles County. A legal advertisement was published in *The Signal*, a newspaper of general circulation, on January 21, 2015. Case information was also posted to the Department's web site at <http://planning.lacounty.gov/case/view/r2014-02159/>. As of the date of this staff report, no public comments have been received.

STAFF RECOMMENDATION

Staff recommends that your Commission close the public hearing, find that the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, adopt the attached resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

RECOMMENDED MOTION

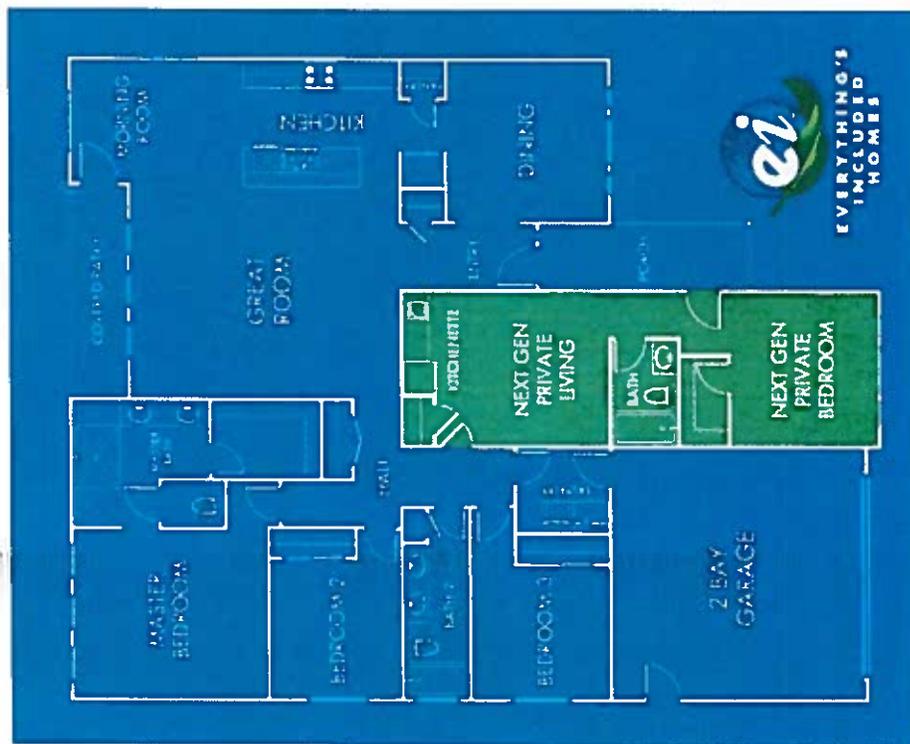
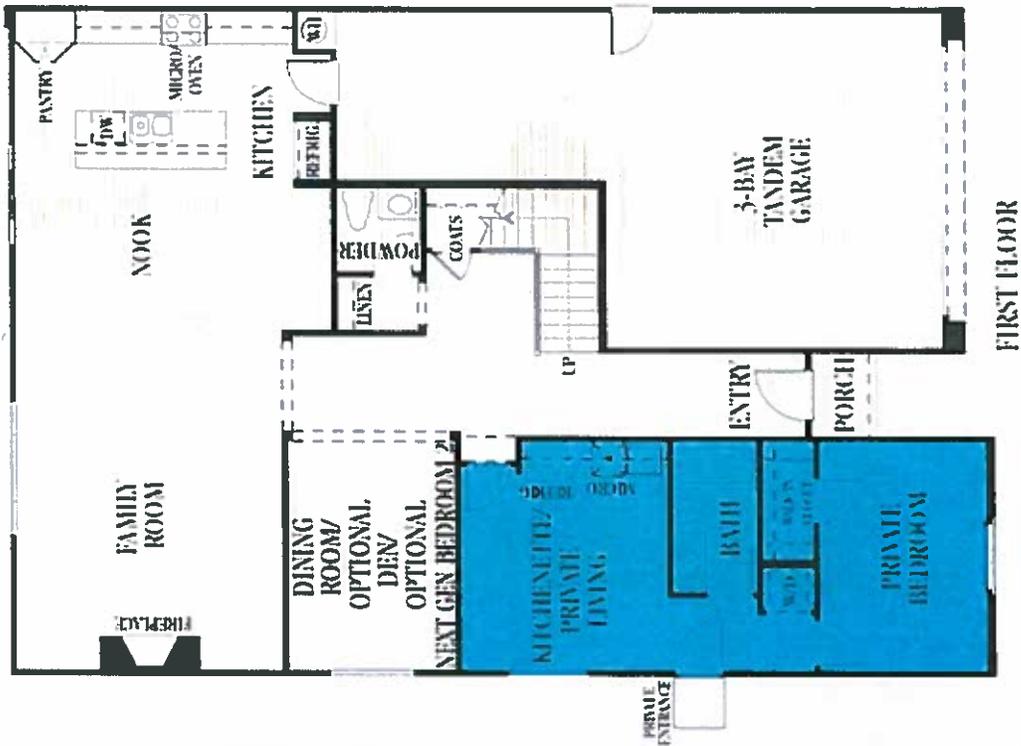
I move that the Regional Planning Commission close the public hearing, find that the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, adopt the resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

If you have any questions, you may contact me at mglaser@planning.lacounty.gov or (213) 974-4971 Monday through Thursday.

MWG:mwg

Attachments:

1. Examples of Living Suites
2. Proposed Ordinance
3. Resolution for Commission Adoption



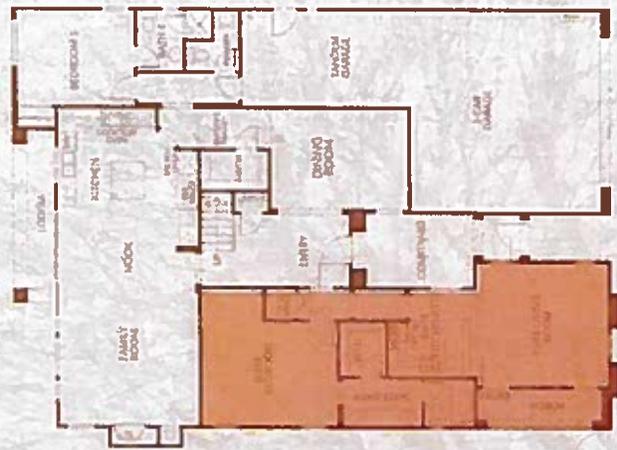
HOME SHARE

Two Households, One Home

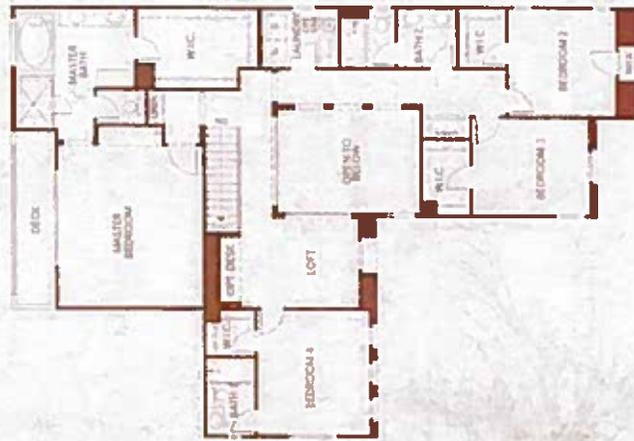
OUR SIZES

RESIDENCE 3530

3,530 SQ. FT. (TOTAL) (1111)
 3.7K SQ. FT. (TOTAL) (1111)
 4.5K SQ. FT. (TOTAL) (1111)
 2.5K SQ. FT. (TOTAL) (1111)
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FIRST FLOOR



SECOND FLOOR

THIS FLOOR PLAN IS A REPRESENTATION OF THE PROPERTY AND DOES NOT CONSTITUTE AN OFFER OF REAL ESTATE. THE ACTUAL PROPERTY MAY VARY FROM THIS REPRESENTATION. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT. THE INFORMATION IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT.

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the addition of regulations concerning living suites.

SECTION 1. Section 22.08.040 is hereby amended as follows:

...

— "Dwelling unit" means:

A. One or more rooms in a building or portion thereof designed, intended to be used or used for occupancy by one family for living and sleeping quarters and containing:

1. Only one kitchen; or

2. One kitchen and one living suite.

~~"Dwelling unit" also includes:~~

~~AB. One or more habitable rooms within a mobilehome which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation; and,~~

~~BC. Any room used for sleeping accommodations which contains a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities ~~except~~ other than:~~

~~1. A guest room or guest suite in a hotel specifically approved by conditional use permit pursuant to the provisions of this Title 22; or~~

~~2. A living suite.~~

...

SECTION 2. Section 22.08.120 is hereby amended as follows:

...

— “Living suite” means a room or a series of connected rooms within a dwelling unit which contains its own kitchen and meets all of the following criteria:

A. The room or series of connected rooms contains at least one interior connection, such as a door or other passageway, permitting access between the room or series of connected rooms and the remainder of the dwelling unit in which the room or series of connected rooms is contained;

B. The room or series of connected rooms does not exceed 25 percent of the gross floor area of the dwelling unit in which the room or series of connected rooms is contained;

C. The room or series of connected rooms does not exceed 1,000 square feet in total floor area;

D. The room or series of connected rooms was approved as a “living suite” by the Director or a Hearing Officer, as the case may be, pursuant to the provisions of this Title 22; and

E. The dwelling unit in which the room or series of connected rooms is contained does not contain any other “living suite” approved by the Director or a Hearing Officer, as the case may be, pursuant to the provisions of this Title 22.

A “living suite” which meets these criteria shall not be considered its own dwelling unit and shall be considered part of the dwelling unit in which it is contained but it may contain an exterior entrance accessible only from the living suite.

...

SECTION 3. Section 22.20.460 is hereby amended to read as follows:

22.20.460 Uses and development standards.

Property in Zone RPD may be used for:

...

B. If a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, property in Zone RPD may be used for a new planned residential development, including a mobilehome park, subject to approval by the hearing officer, which will afford the same or lesser density of population or intensity of use than is specified in the zone.

...

3. Type of Structures.

Dwelling units may be in single-family detached, two-family, townhouse, or ~~multiple residential~~ apartment house structures, or they may be mobilehomes as defined in this Title 22 or factory-built houses as defined in the Health and Safety Code of the state, depending upon adjacent development and the compensating features of the development plan. Any dwelling unit within such structures may include a living suite if approved by the Hearing Officer pursuant to the provisions of this Title 22 after the effective date of the ordinance that added the definition of "living suite" to Section 22.08.120.

...

C. Second Units. Second units within an existing planned residential development, except where prohibited by Section 22.52.1720 or by Section 22.52.1740.F, and subject to the provisions of Part 16 of Chapter 22.52.

...

SECTION 4. Section 22.52.1180 is hereby amended to read as follows:

22.52.1180 Residential uses.

A. Every single-family residence, two-family residence, apartment house and other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit shall have automobile parking as specified herein:

...

3. If a dwelling unit contains a living suite, and has five or more bedrooms, including any bedrooms within the living suite, one additional covered or uncovered parking space for such dwelling unit shall be provided. The additional covered or uncovered parking space may be developed in tandem with another parking space required or reserved for the dwelling unit which contains the living suite.

...

SECTION 5. Section 22.52.1740 is hereby amended to read as follows:

22.52.1740 Use Restrictions.

The following restrictions shall apply to the development of a second unit:

...

F. A second unit shall not be permitted on a lot or parcel of land where there exists any of the following:

1. A mobilehome or residence for use by a caretaker, as defined in Section 22.08.030, and the caretaker's immediate family;
2. A senior citizen residence, as defined in Section 22.08.180; ~~or~~
3. Detached living quarters, as defined in Section 22.08.040; or
4. A living suite, as defined in Section 22.08.120.

**RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02159-(1-5)
ADVANCE PLANNING CASE NO. 201400007-(1-5)
LIVING SUITE ORDINANCE**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has reviewed the matter of an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and

WHEREAS, the Regional Planning Commission finds as follows:

1. A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a "kitchenette" (microwave and refrigerator but no stove), a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also have a separate exterior entrance.
2. Over the last several years, national and regional homebuilders have constructed single-family homes with living suites. The homebuilders have found these units to be very popular with homebuyers, which is likely to continue as demographic changes make multi-generational families more common.
3. The Los Angeles County Zoning Code (Zoning Code) does not allow living suites. Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen and Section 22.08.110 of the Zoning Code defines kitchen as "any room or space used, or intended or designed to be used for cooking or the preparation of food."
4. Homebuilders are interested in constructing residences with living suites in the unincorporated communities of Los Angeles County. In 2014, the Building Industry Association asked the Department of Regional Planning (Department) to investigate the issue and to develop a regulatory framework that would allow units with living suites.
5. After investigating the issue, the Department acknowledged the growing market demand for residences with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting residences with living suites to new planned communities, to ensure such residences are consistent with community character and are provided with sufficient services and infrastructure.

6. On September 10, 2014, in accordance with the Department's recommendation, the Regional Planning Commission initiated public hearings to consider an ordinance amending the Zoning Code to allow residences with living suites in new planned communities in the Residential Planned Development (RPD) Zone, which already require a Conditional Use Permit (CUP) for development.
7. The ordinance amends the definition of "dwelling unit" in Section 22.08.040 of the Zoning Code; adds a definition of "living suite" to Section 22.080.120 of the Zoning Code; amends the permitted uses for the RPD Zone in Section 22.40.460 of the Zoning Code; amends the parking requirements for dwelling units in Section 22.52.1180 of the Zoning Code; and amends the second unit use restrictions in Section 22.52.1740 of the Zoning Code, all for the purposes of allowing the development of living suits for new planned communities in the RPD Zone, subject to a CUP.
8. The ordinance would authorize the construction of living suites only for *new* planned developments proposed after the effective date of the ordinance.
9. The ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. California Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance." The proposed ordinance does not totally preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the home-buying market, especially multigenerational households. The proposed ordinance would allow homebuilders to decide whether to design homes with living suites or to utilize existing avenues to develop second units. Therefore, the findings required by Government Code Section 65852.2 are not required.
10. The ordinance is consistent with the adopted Los Angeles County General Plan.
11. Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the

ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time. The ordinance does not propose or authorize any development; the number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time; a new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites; and the ordinance does not involve any commitment to any specific project that may have a significant effect on the environment.

12. The public was appropriately notified of the public hearing. Public hearing notices were sent to 185 individuals and organizations throughout Los Angeles County who previously signed up for the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to six public libraries throughout Los Angeles County. A legal advertisement was published in *The Signal*, a newspaper of general circulation, on January 21, 2015. Case information was also posted to the Department's web site at <http://planning.lacounty.gov/case/view/r2014-02159/>.

NOW, THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the Los Angeles County Board of Supervisors:

1. Conduct a public hearing to consider an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and
2. Certify that adoption of the ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
3. Adopt the attached ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on February 25, 2015.

By: _____
Rosie O. Ruiz, Commission Secretary
Regional Planning Commission
County of Los Angeles

**APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL**

By: _____
Joseph M. Nicchitta, Deputy County Counsel
Property Division

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: February 25, 2015