



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

May 22, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON THE ACCESSORY DWELLING UNITS ORDINANCE
PROJECT NO. 2017-004091
ADVANCE PLANNING CASE NO. RPPL2017006692
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

The recommended action is to approve the Accessory Dwelling Units (ADU) Ordinance. The ordinance implements California Government Code Section 65852.2 by providing case processing procedures and development standards for ADUs.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the adoption of the ordinance is exempt from California Environmental Quality Act (CEQA) reporting requirements pursuant to Section 21080.17 of the Public Resources Code;
2. Indicate the intent to approve the ADU Ordinance (RPPL2017006692), as recommended by the Regional Planning Commission (Commission), and with modifications as proposed by staff; and
3. Instruct County Counsel to prepare the necessary final documents for the ADU Ordinance and bring them back to the Board of Supervisors (Board) for consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

An accessory dwelling unit, commonly known as an ADU, granny flat, or second unit, is a dwelling unit with a full kitchen and bathroom that is accessory to a primary single-family residence. ADUs can only be established on properties where there is an existing or proposed primary single-family home. They are usually lower in cost to produce than a new single-family home because additional land purchase is not necessary, and they are typically smaller in size than the primary unit. The additional unit also can provide homeowners with rental income and additional space for household members, caregivers, etc.

Both the County of Los Angeles (County) and State of California (State) have recognized the role of ADUs in addressing the housing affordability crisis. In 2016, as part of the County's Homeless Initiative Strategy F4, the Board directed the Department of Regional Planning (DRP) to expedite "review and approval processes to facilitate the development of second units on single-family lots in the unincorporated areas of the County."

On January 1, 2017, after the passage of Assembly Bill (AB) 2299 and Senate Bill (SB) 1069, new State laws took effect which nullifies the County's 2004 Second Unit Ordinance and the 2015 Living Suites Ordinance. The State laws changed the official name of these dwelling units from "second" to "accessory" to emphasize their accessory nature; placed limits on the parking and setbacks local jurisdictions could require for ADUs; and exempted ADUs created from conversions of "existing space" in single-family homes and accessory structures from most local development standards. The latter provided a pathway to legalizing existing unpermitted ADUs, so that they can be inspected for life safety issues and preserved as housing.

State law allows local jurisdictions to designate areas where ADUs may be permitted and to impose certain local development standards, such as height limits, that are not established by the State.

The County's draft ADU Ordinance complies with State law, and also addresses community concerns over the potential impacts of additional development. The following is a summary of the major policies of the draft ADU Ordinance, which is included as Attachment 2.

Applicability

Under State law, ADUs are a permitted accessory use to a primary single-family home wherever single-family homes are permitted by right, with the following local exceptions in the County's draft ADU Ordinance:

- Limited access within Very High Fire Hazard Severity Zones (VHFHSZs): State law allows local jurisdictions to identify areas where ADUs are not appropriate due

to safety concerns. The County's draft ADU Ordinance prohibits the construction of new ADUs and the conversion of existing spaces to ADUs within VHFHSZs with substandard roads and/or limited access.

At its hearing on January 24, 2018, the Commission discussed how to limit ADUs in VHFHSZs in subdivisions with a single means of access. The Commission discussed allowing ADUs in such scenarios if the number of single-family lots that have been approved is less than the maximum of 75, per Section 21.24.020. However, due to provisions in State law that specify that ADUs are accessory structures that do not count towards dwelling unit density, staff alternatively recommends prohibiting ADUs on lots in VHFHSZs with a single means of access to a highway. This change is reflected in Attachment 2.

- Within 200 feet of publicly dedicated open space in any Fire Hazard Severity Zone.

Size

In accordance with State law, the County's draft ADU Ordinance permits ADUs that range in size from 150 square feet to 1,200 square feet, with the following local exceptions:

- Where there are conflicting floor area requirements in Community Standards Districts (CSDs) and specific plan regulations;
- In Hillside Management Areas, ADUs are limited in floor area and distance from the primary residence.

Maximum Height

State law is silent on height limits for ADUs. The County's draft ADU Ordinance permits a maximum height limit for ADUs of 25 feet, with the following exceptions:

- Where there are conflicting height requirements in CSDs and specific plan regulations;
- Near adopted scenic roads, ADUs are limited to a maximum height limit of 18 feet or the height of the primary residence, whichever is less; or
- Existing space conversions.

Parking

In accordance with State law, the County's draft ADU Ordinance does not require parking for ADUs that meet any of the following criteria:

- Located within a one-half-mile of public transit;
- Located in an architecturally and historically significant historic district;
- When the ADU is part of an existing primary residence or existing accessory structure;

- When on-street parking permits are required but not offered to the ADU occupant;
or
- When there is a car share vehicle located within one block of the ADU.

In all other scenarios, one dedicated on-site parking space will be required for the ADU. The ordinance contains language clarifying that this parking may be provided on an existing driveway if the garage, carport or covered parking structure was demolished or rendered unusable in conjunction with the construction of an ADU.

Setbacks

State law prohibits a setback for garage and other “existing space” conversions, and limits the setbacks for an ADU constructed over a garage to five feet. The County’s draft ADU Ordinance implements these provisions by requiring a five-foot setback for all ADUs that are not created entirely within an existing space.

Prohibition on Short-Term Rentals

The proposed ADU Ordinance prohibits the rental of ADUs for periods of less than 30 consecutive days. To enforce this provision, staff recommends the addition of a requirement to record a covenant to this effect, which is reflected in Attachment 2.

Implementation of Strategic Plan Goals

The ADU Ordinance supports the County’s Strategic Plan, Goal I: Make Investments that Transform Lives; Strategy I.1.5: Increase Affordable Housing Throughout L.A. County, by providing and preserving a cost-efficient source of quality housing in single-family neighborhoods.

FISCAL IMPACT/FINANCING

Adoption of the ADU Ordinance will not result in any significant new costs to DRP or other County departments and agencies. The cost of reviewing ADUs will be recovered by applicant fees.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code Section 65852.2 was enacted in 1982 and has been amended several times to encourage the creation of second/ADUs while maintaining some flexibility for local governments to regulate ADUs via ordinance. State standards apply if local jurisdictions do not adopt an implementing ordinance in accordance with State law.

In 2003, State law established a ministerial review process for ADUs in residential zones; provided that an ADU does not count towards residential density calculations; and

established the maximum development standards by which local jurisdictions could regulate ADUs if they did not adopt a local ordinance.

In recognition of the State's housing affordability crisis, and the relatively small number of ADUs permitted under existing ordinances, the State Legislature made changes to the law to further reduce local zoning barriers to ADUs. These changes took effect on January 1, 2017.

Between 2004, when the County adopted its Second Unit Ordinance, and the end of 2016, DRP approved 663 second units. This is a small number compared to the tens of thousands of single-family zoned lots in the unincorporated areas. In 2017, DRP approved 345 applications under the less restrictive State standards, demonstrating the potential of more flexible regulations to result in additional ADUs.

The proposed ADU Ordinance will reduce regulatory barriers and facilitate the production of lower-cost housing consistent with Policy 1.2 and Policy 3.1 of the County's adopted and State-certified Housing Element.

The Commission conducted public hearings on the ADU Ordinance on November 29, 2017, and January 24, 2018. A public hearing before the Board is required pursuant to Section 22.232.040.B.1 of the County Code. Required notice has been given pursuant to the procedures and requirements set forth in Section 22.222.180 of the County Code. In addition, over 600 members of the public have been notified via email. The notification list is provided in Attachment 6.

ENVIRONMENTAL DOCUMENTATION

The project has been determined to be exempt from CEQA reporting requirements pursuant to Section 21080.17 of the Public Resources Code, which states, "This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code."

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed ADU Ordinance will not significantly impact County services.

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Should you have any questions, please contact Connie Chung or Ayala Scott in the General Plan Development and Housing Section at (213) 974-6417, or cchung@planning.lacounty.gov and ascott@planning.lacounty.gov.

Respectfully submitted,



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Director

AJB:MC:AS:ems

Attachments (6):

1. Project Summary
2. Accessory Dwelling Units Ordinance (strikethrough)
3. Summary of the Regional Planning Commission Proceedings
4. Resolution of the Regional Planning Commission
5. Government Code 65852.2
6. Notification List

c: Executive Office, Board of Supervisors
Arts Commission
Chief Executive Office
Community Development Commission
County Counsel
Fire Department
Parks and Recreation
Public Health
Public Library
Public Works
Sheriff Department

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