

February 1, 2023

TO: Joshua Huntington, AICP, Subdivisions
Rob Glaser, Coastal Development Services
Maria Masis, AICP, Puente Whittier Development Services
Kevin Finkel, AICP, Foothills Development Services
Sam Dea, North County Development Services
Carmen Sainz, Metro Development Services
Edward Rojas, AICP, Operations & Major Projects

FROM: David DeGrazia, Deputy Director, Current Planning



SENATE BILL 897 AND ASSEMBLY BILL 2221: ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

On September 28, 2022, the Governor signed Senate Bill (SB) 897 (Wieckowski) and Assembly Bill (AB) 2221 (Quirk-Silva), which amended Section 65852.2 of the Government Code and became effective January 1, 2023. A copy of the State law (Attachment A) is attached for your reference.

This memo, which addresses the bills and clarifies existing policies, supersedes any conflicting provisions in the County Zoning Code (Title 22) and shall apply until such time when Title 22 is amended.

I. Objective Standards.

- A. General. Any development standard that would physically preclude an ADU from being at least 800 square feet in floor area with four-foot side and rear yard setbacks shall not be imposed. Specifically, the four-foot distance is measured horizontally between an ADU and the lot line at any given height. Therefore, where Title 22 requires an additional setback for any portion of a building that exceeds a certain height (i.e., step-back requirement), such requirement shall not be imposed if it physically precludes an ADU, in its entirety, from being four feet from the side and rear lot lines.
- B. Setbacks and Yards.

1. No setback is required for any of the following:
 - a. An existing living area¹ or accessory structure converted to an ADU or a portion of an ADU in the same location and same dimensions as the existing structure; or
 - b. A proposed ADU or portion of a proposed ADU constructed in the same location and same dimensions as an existing structure.
 2. For ADUs that are not subject to B.1. above, including any expanded portion of a detached structure being converted to an ADU, four-foot side and rear yard setbacks are required unless an applicant requests a greater one.
- C. Height. The maximum height shall be 18 feet for the following where Title 22 allows less:
1. A detached ADU on a lot with an existing or proposed single family or multifamily dwelling² that is within half mile walking distance of a major transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in height is permitted to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling; or
 2. A detached ADU located on a lot with an existing or proposed multifamily and multistory dwelling.

II. Statewide Exemption ADU and JADU. Notwithstanding any other provisions regulating ADUs and JADUs, including those in Section 22.140.640.C (Prohibited Areas), the following shall be approved ministerially within a residential or mixed-use zone, subject to Sections 22.140.640.D (Review and Decision), 22.140.640.F.1 (Ownership) and 22.140.640.F.2 (Duration of Tenancy):

- A. One ADU and one JADU per lot with a proposed or existing single-family residence as the only primary dwelling unit on the lot, provided that all applicable regulations in the following table are met:

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 Notwithstanding any contrary provision in Title 22, "multifamily dwelling," as used in this memo, means two or more primary dwelling units detached and/or attached on a lot.

SENATE BILL 897 and ASSEMBLY BILL 2221: ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS
 February 1, 2023
 Page 3

Regulation	ADU	JADU
Location	<ul style="list-style-type: none"> • Within the existing or proposed space of a single-family residence; or • Within an existing accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. 	Within the existing or proposed space of a single-family residence.
Access	If the ADU is within the existing or proposed space of a single-family residence, the space has exterior access from the proposed or existing single-family residence.	The space has exterior access from the proposed or existing single-family residence.
Side and Rear Yards	Sufficient for fire and life safety as required in the building codes.	Sufficient for fire and life safety as required in the building codes.
Other	N/A	All other applicable provisions pertaining to JADUs in Section 22.140.640.

B. One new detached ADU with four-foot side and rear yard setbacks for a lot with a proposed or existing single-family residence as the only primary dwelling unit on the lot, provided that all of the following are met:

1. A total floor area of not more than 800 square feet; and
2. A height not exceeding 16 feet, or 18 feet as provided in part I.C. of this memo.

A JADU described in part II.A of this memo, may also be proposed in conjunction with the new detached ADU.

C. A minimum of one ADU and a maximum of 25 percent of the existing number of dwelling units, if the ADU(s) are proposed within the portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages.

D. A maximum of two detached ADUs on a lot with an existing or proposed multifamily dwelling, provided that all of the following are met:

SENATE BILL 897 and ASSEMBLY BILL 2221: ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

February 1, 2023

Page 4

1. A height not exceeding 16 feet, or 18 feet as provided in part I.C. of this memo; and
2. Four-foot side and rear yard setbacks.³

Applicants may propose statewide exemption ADUs and/or JADUs pursuant to part II.A in conjunction with part II.B of this memo.

Applicants may also propose statewide exemption ADUs pursuant to part II.C in conjunction with part II.D of this memo.

If you have any questions regarding this memo, please contact Tina Fung in the Housing Policy Section at (213) 974-6417 or tfung@planning.lacounty.gov.

DD/CC:TF:TF

Attachment:

A. Government Code Section 65852.2

c: Amy J. Bodek, AICP, Director
Dennis Slavin, Chief Deputy Director
Jon Sanabria, Deputy Director
Connie Chung, AICP, Deputy Director
Mitch Glaser, AICP, Asst. Administrator
Susie Tae, AICP, Asst. Administrator
Elaine Lemke, Chief Legal Counsel
County Counsel
Public Works

³ If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements in part II.D. of this memo.