


January 29, 2024

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FROM: David DeGrazia, Deputy Director   
Current Planning Division

## 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. Major changes *italicized and underlined*.

### 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 area<sup>1</sup> 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 dwelling<sup>2</sup> 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. Attached ADU for Multifamily Dwelling.** *For any existing or proposed multifamily dwelling not subject to part III of this memo, in addition to the maximum number of ADUs shown in Table 22.140.640-A, one ADU attached to the existing or proposed residential building is also permitted. The parameters for these attached ADUs are as follows:*

- A. Building Square Footage. *Total floor area of the attached ADU shall not exceed 50 percent of the total habitable area of the residence at the time of application submittal, or 1,200 square feet, whichever is less, provided at least an 800 square foot accessory dwelling unit is allowed; and*
- B. Height. *Maximum of 25 feet. However, there is no maximum height if the attached ADU results from a conversion of an existing accessory structure.*

**III. 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):

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<sup>1</sup> "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.

<sup>2</sup> 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.

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:

Regulation	ADU	JADU
Location	<ul style="list-style-type: none"> <li>• Within the existing or proposed space of a single-family residence; or</li> <li>• 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.</li> </ul>	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.	Sufficient for fire and life safety.
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 III.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:
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.<sup>3</sup>

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

Applicants may also propose statewide exemption ADUs pursuant to part III.C in conjunction with part III.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](mailto:tfung@planning.lacounty.gov).

DD:CC:TF:CT:lm

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  
Edward Rojas, AICP, Assistant Administrator  
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Susie Tae, AICP, Assistant Administrator  
County Counsel  
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<sup>3</sup> 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 III.D. of this memo.