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August 14, 2019

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**REVISED DRAFT ACCESSORY DWELLING UNIT ORDINANCE AND DISCUSSION OF  
ADDITIONAL HILLSIDE OPTIONS; CF 16-1468**

On June 11, 2019, the Planning and Land Use Management (PLUM) Committee considered the proposed Accessory Dwelling Unit (ADU) Ordinance. On that date, the Committee directed the Department to provide additional options pertaining to the hillside areas. Specifically, the Committee requested the Department to incorporate the following considerations:

1. Consider streets that are less than 24 feet wide within Hillside Areas or Very High Fire Hazard Severity Zones (VHFHSZ), and whether they can be included.
2. Provide more tailored options in the hillsides that allow habitable space, but that take into consideration unique limitations such as slope, access, fire risk and parking.
3. Provide options to exclude hillsides by Community Plan area.

In addition, since that time the Department has coordinated with the Office of the City Attorney and the Department of Building and Safety (LADBS) to prepare a revised draft ordinance, which incorporates minor technical clarifications to assist with implementation. This report provides a summary of the revisions, as well as a discussion of various hillside policy options and supplemental draft ordinance language in reference to items 1 through 3, above.

**REVISED DRAFT ORDINANCE**

The enclosed revised draft ordinance (Appendix A) incorporates minor technical corrections and clarifications that were identified as a result of close review with the Office of the City Attorney and the Department of Building and Safety (LADBS). The revisions were incorporated to ensure consistency with State law as well as to provide greater clarity in implementation. The revisions are not substantive in nature, and do not change the policy intent of provisions of the original ordinance. The revised draft ordinance includes the technical corrections that the Department provided to the Committee at the June 11, 2019 meeting.

Additionally, it should be noted that the enclosed draft ordinance in Appendix A contains a prohibition on the development of detached or attached ADUs in hillside areas subject to the Hillside Construction Regulation Supplemental Use District (HCR Overlay) that was recommended by the City Planning Commission (CPC). The remainder of this report provides additional alternative options to this provision should the Committee wish to amend the prohibition.

## **DISCUSSION OF ADDITIONAL HILLSIDE OPTIONS**

### **Background**

The development of ADUs in Hillside Area neighborhoods continues to be an area of discussion. The Department had previously prepared two reports on the topic for the City Planning Commission (provided as Appendix B and C to this report), which included an analysis of concerns as they relate to fire safety and access, as well as numerous policy options that may help to address those concerns.

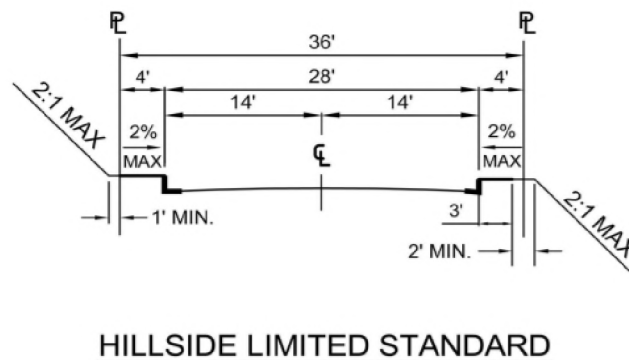
State law provides local jurisdictions the authority to designate specific areas where ADUs may be permitted. This designation may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety (Government Code Section 65852.2(a)(1)(A)). The intent of state law is to avoid unreasonable restrictions on the ability of homeowners to create ADUs, but to allow restrictions for certain health and safety criteria.

There are a variety of concerns with permitting ADUs in Hillside Areas. The discussion of various prohibitions on ADU construction in the Hillside Area has centered on the need to reinforce public safety standards, as well as concerns related more generally to intensity and density of development, aesthetics and viewsheds, natural habitat and tree protection, increased traffic, emergency response, grading, noise, and roadway degradation. Hillside areas exist across diverse neighborhoods in the City of Los Angeles from Bel Air to Northeast Los Angeles. The Hillside Areas in many instances consist of narrower streets that may wind through areas with a higher fire risk, where emergency response times may be longer than more accessible areas of the City. Many of these streets have parking challenges with limited on-site parking due to topographical constraints. That being said, many of these concerns are addressed through existing code regulations that apply to development in the City's hillside neighborhoods.

The City has instituted a robust set of regulations and safety measures to address many of these public safety concerns in Hillside Areas. One such set of regulations is the City's Hillside Ordinance in Los Angeles Municipal Code (LAMC) Sections 12.21 A.17 and 12.21 C.10, which place additional requirements on the construction, addition, or major remodels of dwelling units or accessory buildings in hillside neighborhoods. These Hillside Regulations incorporate additional requirements pertaining to setbacks, maximum Residential Floor Area Ratio (FAR) based on slope-band, height limits, unique lot coverage standards to allow for more usable open space, maximum grading quantities and limits on hauling activity, limits on construction activity, additional off-street parking, fire protection (including provision of fire sprinklers), street access, and sewer connection requirements to preserve the water table from possible contamination. These requirements go above and beyond the standards that are typically required of single-family developments that are not located in hillside neighborhoods. The majority of these standards, with some limited exceptions where standards are superseded by State ADU law, would equally apply to the development of ADUs in hillside neighborhoods.

The Hillside Regulations also impose street access standards on new development in hillside neighborhoods (LAMC Sections 12.21 A.17(e) and 12.21 C.10(i)). Specifically, for projects that are subject to the Hillside Regulations, including ADUs, there are three key street access standards. First, the street fronting the subject property must either be a Standard Hillside Limited Street, or for Substandard Hillside Limited Streets, have at least half the width of the street dedicated to Standard Hillside Limited dimensions. Standard Hillside Limited Street dimensions, which include a 28-foot paved roadway, are shown in Figure 1, below. The LAMC provides an option for relief from this requirement through a discretionary process in Section 12.37 I. Second, for any lot fronting on a Substandard Hillside Limited Street, the street must minimally be improved with a roadway width of 20 feet. Lastly, the lot must have a vehicular access route from a street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron to the boundary of the Hillside Area. A Zoning Administrator's Determination pursuant to LAMC Sections 12.24 X.21 or 12.24 X.28 must be sought for relief from either of these final two requirements, which entails a discretionary review and necessary findings. These standards are not superseded by state ADU standards, and continue to apply to ADU development in Hillside Areas.

**Figure 1. Standard Hillside Limited Street Dimensions**



In addition, the City also has a number of important policies and procedures in place to address concerns regarding construction impacts on parking and traffic flow. Specifically, regarding the potential for ADUs to create unsafe overflow street parking, the Los Angeles Department of Transportation (LADOT) has authority over restricting the parking of vehicles on public streets and the Department of Building and Safety (LADBS) covers most private land. The Fire Department can additionally institute "Red Flag Days" to clear streets of vehicles that could otherwise create a choke point in Very High Fire Hazard Severity Zones.

While many of these regulations address the above-mentioned concerns, two key Hillside Regulations in LAMC Sections 12.21 A.17 and 12.21 C.10 are superseded by State ADU standards: the requirement for additional parking, and the requirement to provide fire sprinklers.

Hillside Regulations impose additional parking requirements on hillside development on lots that front on a Substandard Hillside Limited Street, including one additional parking space for each additional 1,000 square feet of Floor Area in excess of 2,400 square feet, up to a total of five spaces. State law, however, places limits on the number of parking spaces that may be required for an ADU, including zero required on-site parking for ADUs located within a half-mile of public transit (Government Code Section 65852.2(d)(1)), which would eliminate requirements for on-site ADU parking in the majority of the Hillside Areas (76%). Since many of the transit stops are not easily accessible from Hillside Areas due to the terrain and lack of street connectivity, it is possible

that ADU development in certain parts of the Hillside Area may contribute to increased demand for on-street parking.

Hillside Regulations also impose fire protection requirements on hillside development. This includes a requirement that all new single-family dwellings and accessory buildings are protected throughout with an automatic fire sprinkler system. State law, however, may limit the applicability of this provision, as it mandates that ADUs cannot be required to provide fire sprinklers if they are not required for the existing single-family dwelling unit. For existing homes in hillside neighborhoods that predated the fire sprinkler requirement in the Hillside Regulations, the City cannot require the ADU to install a fire sprinkler, per state law (Government Code Section 65852.2(c)).

To help address these concerns, the Department has previously prepared various policy options that were presented to the City Planning Commission (CPC) for consideration. Full details of these policy options are available in the CPC reports dated October 11, 2018 and November 29, 2018 and attached to this report (CPC-2016-4345-CA). Following is a summary of the previously considered policy options:

1. Allow ADUs in Hillside Areas that are within ½-mile of public transportation and are located on a lot that fronts on a Standard Hillside Limited Street
2. Allow ADUs in Hillside Areas that are within ½-mile of public transportation and are located on a lot that fronts on a minimum 24-foot roadway
3. Prohibit ADUs in Very High Fire Hazard Severity Zones (VHFHSZ)
4. Prohibit ADUs in Hillside Areas, with an exception for attached ADUs up to 750 square feet
5. Prohibit ADUs in the Wildlife Pilot Study Area
6. Prohibit ADUs on Red Flag streets
7. Allow ADUs on Hillside Area lots that meet one of several criteria, including: proximity to a public transportation stop; 24-foot minimum road widths; or provision of on-site parking
8. Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)

The draft ordinance that was approved by the City Planning Commission includes a restriction on the creation of new attached or detached ADUs in certain hillside communities that are located in a Hillside Construction Regulation Supplemental Use District. On June 11, 2019, the PLUM Committee requested a more tailored restriction be developed in lieu of the HCR restriction.

### **Additional Hillside Options for Consideration**

The PLUM Committee requested that the Department prepare additional tailored policy options in the hillsides that allow habitable space, but that take into consideration unique limitations such as slope, access, fire risk and parking. To that end, and for the reasons described above, the Department has specifically focused on tailored options that address considerations related to fire safety, parking, and vehicle access in higher fire risk hillside areas.

#### Option 1

The first option that the PLUM Committee requested would consider streets that are paved with a roadway width of less than 24 feet wide within Hillside Areas and Very High Fire Hazard Severity Zones (VHFHSZ), and whether are appropriate to accommodate added ADU development. The intent of this option would be to place additional protections on the development of ADUs in hillside



areas that are prone to higher fire risk, to ensure that individual sites have adequate road access, particularly in the event of an emergency.

The 24-foot paved roadway width was identified as an alternative standard to the City's Standard Hillside Limited Street definition in LAMC Section 12.03, which requires a right-of-way width of 36 feet and a paved roadway of 28 feet (see Figure 1, above). The County of Los Angeles recently adopted an ADU ordinance that includes a prohibition on ADU development in hillside areas that are located in a VHFHSZ, unless a property fronts on a 24-foot paved road. Further consultation with the County indicates that the 24-foot standard is based on a provision of the County's subdivision code that requires 24-foot minimum public access roads to certain subdivisions (Los Angeles County Code Section 21.32.080). There is currently no equivalent roadway width standard in the LAMC; however, a 24-foot roadway width may be an appropriate standard that can ensure adequate access while balancing the need to accommodate additional ADU development.

This option would prohibit the construction of new attached or detached ADUs on lots that are located in a Hillside Area and a VHFHSZ, unless the lot is fronting on a roadway that is at least 24 feet in width in front of the subject property. This provision would allow projects to complete a dedication and improvement process in conjunction with the ADU proposal to bring a substandard roadway to a 24-foot width. Existing street access standards in the Hillside Regulations (described above) would continue to apply to new ADUs in addition to this requirement, except that if an ADU successfully qualifies for a waiver of the dedication to a Standard Hillside Limited Street required in LAMC Sections 12.21 A.17 or 12.20 C.10, this provision would still require the road to be dedicated and improved to a minimum 24-foot width. The prohibition would not apply to the conversion of existing floor area to an ADU.

If the City Council would like to make this amendment, the Department has prepared sample draft language, under Option 1, below.

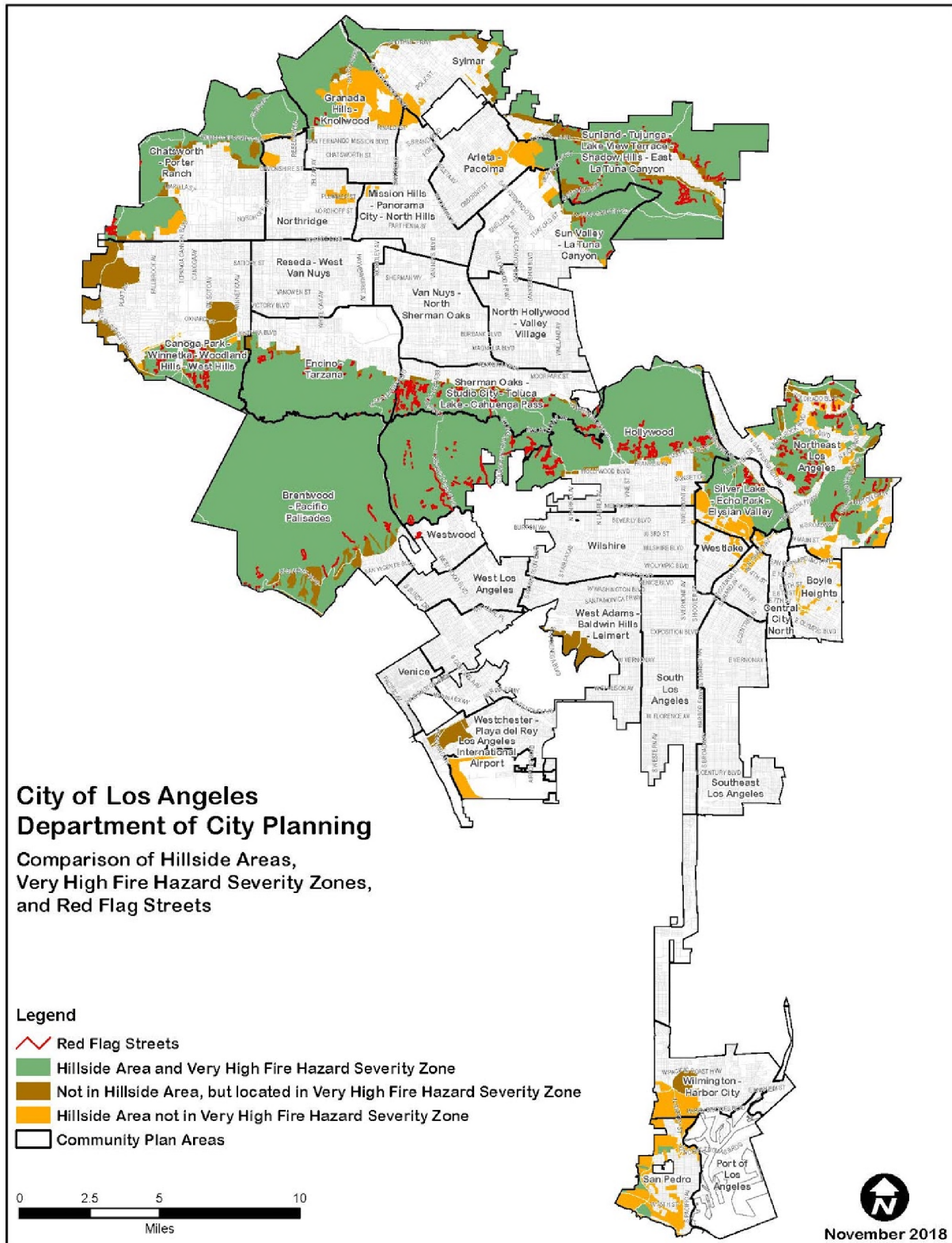
Option 1: Amend proposed LAMC Section 12.22 A.32(b)(3) regarding ADU general provisions related to location restrictions to read as follows:

- (3) **Prohibited Areas.** No ADU is permitted on any lot that is located in both a Very High Fire Hazard Severity Zone designated by the City of Los Angeles Fire Department pursuant to Government Code Section 51178 and a Hillside Area as defined by the Hillside Map pursuant to Section 12.03 of this Code, unless it meets one of the following exceptions:
- (i) The ADU is a conversion meeting the requirements of Paragraph (e);  
or
  - (ii) The ADU is located on a lot fronting on a street that is improved with a roadway width of 24 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a Through Lot or a Corner Lot, the lot must front on at least one street that is improved with a roadway width of 24 feet or more in unobstructed width after any associated dedication and improvement.

The dark green areas shown on the map provided in Figure 2 represent the areas of the City that are located in both a Hillside Area and a Very High Fire Hazard Severity Zone. Due to data limitations, it is not possible to produce an analysis of areas that have sufficient road width to

permit an ADU under this policy option. This analysis will need to be performed as part of the review of hillside ADUs proposed under these regulations.

**Figure 2. Map of Hillside Areas and Very High Fire Hazard Severity Zones**



Option 2

A second option would provide a more tailored set of restrictions that would only permit ADU construction in Hillside Areas and VHFHSZs where parking and safety concerns are able to be mitigated.

As described in detail above, there are a number of existing regulations in place to ensure that Hillside Area developments are appropriately scaled and responsive to unique limitations such as slope, access, fire risk and parking. Some of the most important provisions, including a requirement for fire sprinkler protection and on-site parking, are superseded by State ADU law. Therefore, one option to consider would be to place a prohibition on new attached or detached ADUs located in these areas, unless they provide fire sprinklers and at least one off-street parking space. Additionally, rather than requiring a 24-foot paved roadway, it may be more appropriate to impose a roadway standard that is based on an existing standard in the LAMC. For this reason, this option would require an ADU to front on a roadway that is 20 feet in width, consistent with the existing Hillside Area regulations described in detail above. This provision would allow projects to complete a dedication and improvement process in conjunction with the ADU proposal to bring a substandard roadway to a 20-foot width, but would not allow ADUs to otherwise seek the relief mechanisms that are available in the Hillside Regulations to grant deviations from the 20-foot roadway requirement. As in Option 1, these prohibitions would not apply to the conversion of existing floor area to an ADU.

If the City Council would like to make this amendment, the Department has prepared sample draft language, under Option 2, below.

Option 2: Amend proposed LAMC Section 12.22 A.32(b)(3) regarding ADU general provisions related to location restrictions to read as follows:

- (3) **Prohibited Areas.** No ADU is permitted on any lot that is located in both a Very High Fire Hazard Severity Zone designated by the City of Los Angeles Fire Department pursuant to Government Code Section 51178 and a Hillside Area as defined by the Hillside Map pursuant to Section 12.03 of this Code, unless it meets one of the following exceptions:
- (i) The ADU is a conversion meeting the requirements of Paragraph (e);  
or
  - (ii) The ADU complies with all of the following requirements:
    - a. The ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;
    - b. Notwithstanding Subparagraph (b)(13), one off-street parking space is provided for the ADU; and
    - c. The ADU is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a Through Lot or a Corner Lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.

Additional Options Relating to Community Plan Areas

Additionally, the PLUM Committee requested that the Department prepare additional options that could allow for exemptions from the various hillside area restrictions by Community Plan Area. This request recognizes that there is a great deal of variability in conditions among hillside area neighborhoods throughout the City. For example, Hillside Area neighborhoods in Northeast Los Angeles and Silver Lake – Echo Park – Elysian Valley are distinct from other hillside neighborhoods in that they allow for greater access, may have less fire risk and are generally more urbanized. The policy options provided in Options 1 and 2 aim to address site-specific conditions that may render ADU development inappropriate in certain areas; however, the Department understands that there may be a desire for geographic-specific exceptions to these limitations.

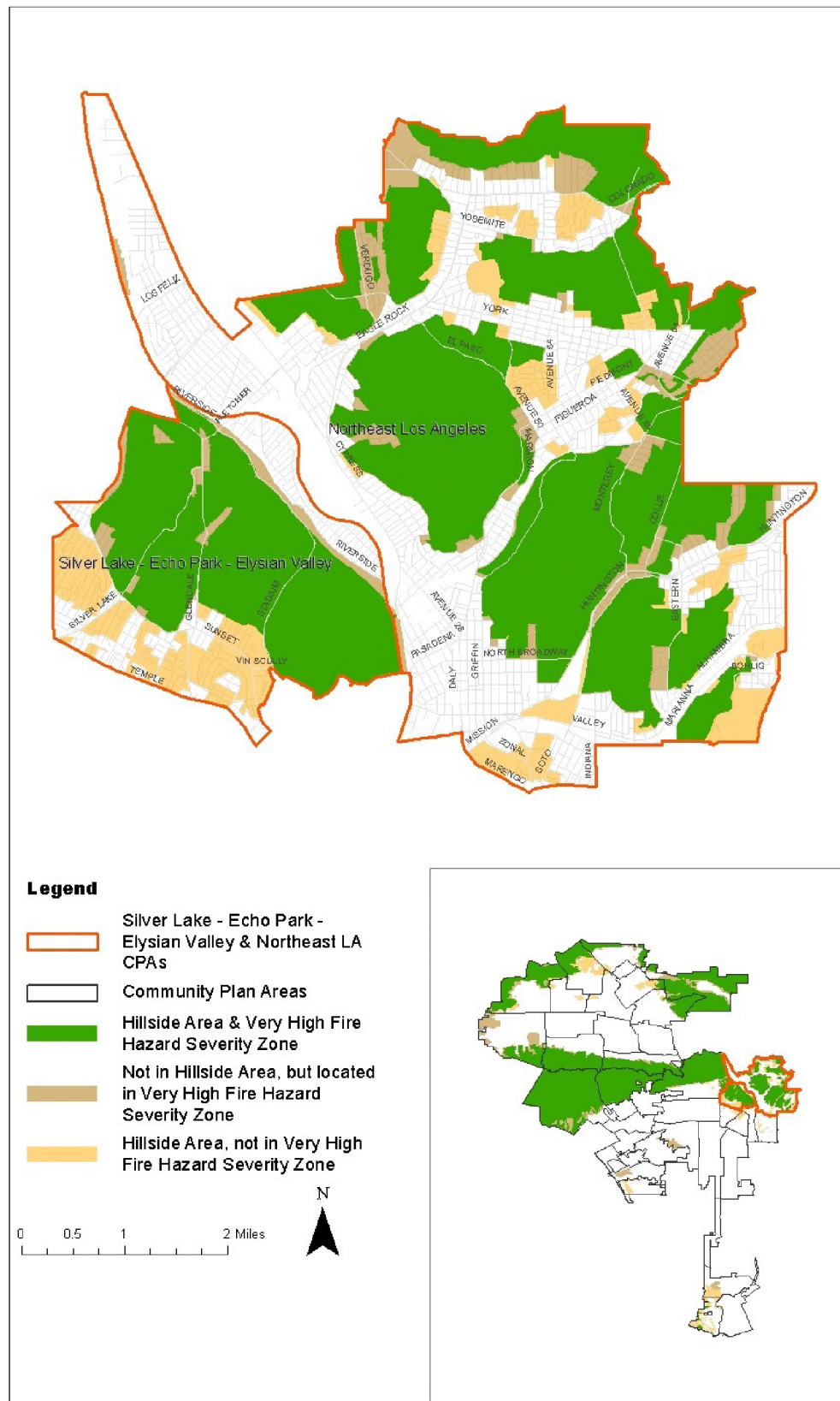
For this reason, if the City Council would like to explore exemptions by Community Plan Area, the Department would suggest that the City Council consider a carve-out from any Hillside Area restriction for properties located in two Community Plan Areas: Northeast Los Angeles and Silver Lake – Echo Park – Elysian Valley. These Community Plan Areas, shown in Figure 3, include portions of Council Districts 1, 4, 13 and 14.

If the City Council would like to make this amendment to continue to allow ADUs on all hillside lots in these areas, the Department has prepared sample draft language that could be added as an additional exception to either of the two new Hillside Area policy options that were provided earlier in this report. This language is provided below.

Option 3: Amend proposed LAMC Section 12.22 A.32(b)(3) regarding ADU general provisions related to location restrictions to add an additional exception, as follows:

- (iii) The lot is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake – Echo Park – Elysian Valley Community Plan Area.

**Figure 3. Northeast Los Angeles and Silver Lake – Echo Park – Elysian Valley Community Plan Areas**



## CONCLUSION

The Department appreciates this opportunity to further analyze appropriate policy options related to ADU development in Hillside Area neighborhoods, which will help to ensure that ADU regulations in Los Angeles are consistent with new State standards while providing tailored standards that reflect the unique nature of the City's varied neighborhood contexts. For questions regarding this report, please contact Matthew Glesne at [matthew.glesne@lacity.org](mailto:matthew.glesne@lacity.org) or (213) 978-2666.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in black ink, appearing to read "K. J. Keller", with a long horizontal flourish extending to the right.

Kevin J. Keller, AICP  
Executive Officer

VPB:KJK:ALV:MG:ch

Enclosures

Appendix A - Revised Draft ADU Ordinance  
Appendix B - October 11, 2018 Staff Recommendation Report to the CPC  
Appendix C - November 29, 2018 Staff Recommendation Report to the CPC



ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03, 12.22 and 12.33 and repealing portions of Section 12.24 of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purpose of regulating Accessory Dwelling Units in accordance with State law.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

**Sec. 1.** Section 12.03 of the Los Angeles Municipal Code is amended by adding definitions in proper alphabetical order to read:

**ACCESSORY DWELLING UNIT (ADU).** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same ~~parcel-lot~~ as the single-family dwelling is situated. ADUs include efficiency units, as defined in Section 17958.1 of the Health and Safety Code, ~~and~~ manufactured homes, as defined in Section 18007 of the Health and Safety Code, and Movable Tiny Houses.

**MOVABLE TINY HOUSE.** ~~An structure enclosed space~~ intended for the separate, independent living quarters of one household that meets all of the following:

- (a) Is licensed and registered with the California Department of Motor Vehicles;
- (b) Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, and is certified for ANSI or NFPA compliance;
- (c) Cannot move under its own power;
- (d) Is no larger than allowed by California State Law for movement on public highways; and
- (e) Has not less than 150 and no more than 430 square feet ~~of habitable living spaces~~ measured within the exterior faces of the exterior walls, including bathrooms and fixed counters.

**Sec. 2.** Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 32 to read:

**32. Accessory Dwelling Units (ADU).**

**(a) Purpose.** The purpose of this Subdivision is to provide for the creation of ADUs in a manner consistent with California Government Code Sections 65852.2, as amended from time to time.

**(b) General Provisions.** An ADU shall be approved if in compliance with all of the following provisions: ~~provided in this paragraph. In addition, a Detached ADU must~~



comply with the provisions in paragraph (c), an Attached ADU must comply with the provisions in paragraph (d), an ADU that is a conversion of Lawfully Pre-Existing Space must comply with the provisions in paragraph (e), and a Movable Tiny House must comply with the provisions in paragraphs (c) and (f).

- (1) All applicable objective provisions required pursuant to Chapter 1 of this Code, including such provisions stated in the underlying applicable ~~zoning-zone~~ and height district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay and other applicable zoning ordinances, policies or other documents established pursuant to Chapter 1, Article 3 of this Code. In instances where there is conflict, this ~~section-Subdivision~~ shall govern. An ADU that complies with this ~~subdivision-Subdivision~~ shall not require a discretionary planning approval. The project shall be reviewed in a ministerial and administrative manner limited in scope only considering the project's compliance with the applicable objective standards.
- (2) Except where otherwise prohibited by this section, an ADU is permitted in all zones where residential uses are permitted by right.
- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Construction Regulation (HCR) Supplemental Use District per Section 13.20 of this Code.
- (4) Only one ADU is permitted per lot.
- (5) An ADU ~~is permitted only~~ may only be created as a second unit on a lot that contains an existing single-family dwelling unit or where a new single-family dwelling unit is proposed. Other non-residential uses may be permitted on the lot, consistent with the uses permitted by the zone.
- (6) In cases where additional dwelling units are added to a lot after the creation of the ADU, in multiple family zones, an ADU will be counted towards the overall number of dwelling units as permitted by the zone.
- (7) ADUs may be rented but shall not be sold separate from the existing or proposed single-family dwelling unit on the same lot. Movable Tiny Houses may be sold when removed from the lot.
- (8) No passageway for the ADU, nor space between buildings, as per LAMC 12.21.C.2, is required in conjunction with the construction of an ADU. Building Code separation requirements still apply.
- (9) No additional setbacks shall be required for a lawfully existing garage or lawfully existing space above or abutting a garage, converted to an ADU or portion of an ADU.
- (10) For newly constructed ADUs attached to or located above any lawfully existing garage, setbacks from the side and rear lot lines shall be the lesser of such setbacks as required by the Zoning Code, or five feet.
- (11) ADUs, except for Movable Tiny Houses, are required to ~~follow the same Building Code and Residential Code requirements as the existing or proposed single-family dwelling unit.~~ comply with all applicable Building and Residential Codes for the proposed use.

(12) ADUs are not required to provide fire sprinklers if they are not required for the existing single-family dwelling unit.

(13) Parking Requirements:

- (i) ADU Parking. One parking space is required per ADU, except that no parking is required for an ADU:
  - a. Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
  - b. Located within one block of a designated pick-up and drop-off location of a car share vehicle; or
  - c. Located in an architecturally and historically significant district listed in or formally determined eligible for listing in the National Register of Historic Places or California Register of Historical Resources or located in any City Historic Preservation Overlay Zone; or
  - d. Which is part of the proposed or existing primary residence or an ~~existing~~ accessory structure.
- (ii) ADU Parking Location. ~~ADU P~~parking is allowed in any yardsetback areas or passageway; ~~except When located in a~~ required front yards, ~~the when~~ parking must be located on an existing driveway. Parking may be provided through tandem parking where two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Driveway access areas located in the required front yard shall not be expanded to provide required parking. Other objective parking and driveway standards in the LAMC apply, including those found in Sections 12.21 A.5 and 12.21 GA.6.
- (iii) Replacement Parking. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, any lost off street parking spaces shall be replaced. Replacement parking spaces may be located in any configuration on the same ~~parcel-lot~~ as the ADU, including but not limited to covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts. Replacement parking is allowed in any yard areas or passageway. When located in a required front yard, the parking must be located on an existing driveway. Other objective parking and driveway standards in the LAMC apply, including those found in Sections 12.21 A.5 and 12.21 A.6.
- (iv) Section 12.21 A.6(d) of this Code shall not apply to parking ~~requiredrequired~~ for an ADU, or to replacement parking spaces provided pursuant to Sub-subparagraph (iii).

**(c) Detached Accessory Dwelling Unit Requirements.** Detached ADUs must comply with all provisions of paragraph (b) and the following provisions provided in this paragraph. In addition, Detached ADUs must comply with all applicable provisions of the Section 12.21 C.5 ~~where applicable, and all provisions in paragraph (b), and all of the following:that are not in conflict with these paragraphs (b) and (c).~~

- (1) Detached ADUs are allowed up to a maximum of 1,200 square feet.
- (2) Detached ADUs shall not be greater than two stories.
- (3) Limits on total Floor Area on a lot apply separately and may further limit allowable Detached ADU square footage.
- (4) Detached ADUs shall not be located between the proposed or existing single-family dwelling unit and the street adjoining the front yard, except in the following cases:
  - (i) Where the ~~building-ADU~~ is on a Through Lot and complies with LAMC 12.21 C.5(k); or
  - (ii) Where the ADU is being added to a lawfully existing garage or accessory structure building.
- (5) In ~~parcels-lots~~ where equine keeping is allowed, ~~as well as and in parcels-lots abutting or adjacent to adjoining~~ such ~~parcels-lots~~, in addition to existing separation requirements in the LAMC, all of the following provisions apply: The phrase "adjoining" refers to properties abutting, across the street or alley from, or having a common corner with, the subject property.
  - (i) No part of the ADU shall be located at a distance measured from the rear lot line that is less than the shortest distance measured between the ~~closest part of the~~ ADU ~~to the rear wall of and~~ the existing or proposed single-family dwelling unit;
  - (ii) No part of the ADU shall be more than 50 feet ~~away from from the furthest point on the rear wall of~~ the existing or proposed single-family dwelling unit; and
  - (iii) For lots greater than 60 feet in width, ~~side yard setbacks shall be at least 10 feet no part of the ADU shall be closer than 10 feet to a Side Lot Line.~~ Required side yards must still be observed.

**(d) Attached Accessory Dwelling Unit Requirements.** Attached ADUs can be either attached to or completely contained within an existing or proposed single-family dwelling unit and must comply with all provisions in paragraph (b) and all of the following:

- (1) The total living area of an attached ADU may not exceed 50% of the existing or proposed primary dwelling living area or 1,200 square feet, whichever is less. For this purpose, living area means interior habitable area of a dwelling unit including habitable basements and attics but does not include a garage or any accessory structure.
- (2) Limits on total Floor Area on a lot apply separately and may further limit allowable Attached ADU square footage.
- ~~(3) Attached ADUs must comply with the Section 12.21 C.5 where applicable.~~

**(e) Conversions of Lawfully Pre-Existing Space** Notwithstanding any of the above provisions of this subdivision ~~to the contrary~~, one ADU per property-lot will be approved if the unit complies with all of the following:



- (1) The ADU is fully contained within a lawfully existing single-family ~~residence dwelling~~ or a lawfully existing accessory structure. ADUs not meeting this criteria may still be eligible as an attached or detached ADU.
- (2) The ADU has independent exterior access ~~from the existing residence~~, is located on a ~~parcel lot located in any zone that allows a one-family dwelling, zoned for one-family dwellings~~ and the side and rear setbacks are sufficient for fire safety.
- (3) The ADU complies with or is upgraded to meet all applicable Building and Residential Codes for the proposed use.
- (4) The ADU does not involve any addition or expansion of new floor area to the structure. Existing floor space ~~for any previously occupied use~~, which as a result of the conversion becomes new Floor Area, is exempt from the Floor Area requirements provided the pre-existing space is ~~solely located~~ fully contained within a lawfully existing ~~structure walls~~.

**(f) Requirements for Movable Tiny Houses as Accessory Dwelling Units.** Movable Tiny Houses must comply with all requirements for Detached ADUs and all of the following provisions:

- (1) Only one Movable Tiny House is allowed to be located on a ~~parcel lot~~ and no ~~parcel lot~~ may be approved for more than one moveable tiny house in a twelve month period.
- (2) When sited on a ~~parcel lot~~, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- (3) The wheels and leveling or support jacks must sit on a paving surface compliant with LAMC 12.21 A.6(c), and the wheels and undercarriage must be hidden.
- (4) Mechanical equipment shall be incorporated into the structure and not located on the roof.
- (5) Movable Tiny Houses shall be connected to water, sewer and electric utilities.
- (6) Moveable Tiny Houses are not required to have separate street addresses from the primary unit.
- (7) Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI A119.5 or NFPA 1192 standards relating to health, fire and life-safety.
- (8) Movable Tiny Houses shall have the following design elements:
  - (i) Cladding and Trim. ~~Materials used on the exterior of a moveable tiny house shall exclude single piece composite, laminates, or interlocked metal sheathing.~~
  - (ii) Windows and Doors. ~~Windows shall be at least double pane glass and labelled for building use, and shall include exterior trim.~~ and excludes ~~w~~Windows and doors ~~that shall not~~ have radius corners. ~~for windows and doors.~~
  - (iii) Roofing. ~~Roofs shall have a minimum of a 12:2 pitch for greater than 50% of the roof area, and shall not be composed of wooden shingles.~~ and

(iv) Living Area Extensions. ~~a~~All exterior walls and roof of a moveable tiny houses used as ADUs shall be fixed with no slide-outs, tip-outs, nor other forms of mechanically articulating room area extensions.

**(g) Dwelling Units Built Behind a Converted ADU.** ~~A dwelling unit constructed between a legally established ADU that was created as a result of a conversion of an entire main home and the rear lot line shall not exceed 1,200 square feet. In the event where an ADU would be created as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the ADU and the rear lot line shall not exceed 1,200 square feet.~~

**(h) Zoning Administrator Authority.** It is the intent of the City to retain all portions of this Subdivision regarding ADUs not in conflict with state law. The Zoning Administrator shall have authority to clarify, amend or revoke any provision of this Subdivision as may be necessary to comply with any future amendment to state law regarding ADUs.

**(i)** ~~This Subdivision is not intended to conflict with State law. This Subdivision shall be interpreted to be compatible with State enactments.~~

~~(h)(i)~~ Nothing in this Subdivision shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the Department shall not be required to hold public hearings for coastal development permit applications for ADUs.

**Sec. 3.** Subdivisions 43 and 44 of Subsection W of Section 12.24 of the Los Angeles Municipal Code are hereby repealed.

**Sec. 4.** Section 12.33 C ~~and Paragraph 12.33 C.3(e)-3(e)~~ of the Los Angeles Municipal Code ~~is~~are amended to read:

## **SEC. 12.33. PARK FEES AND LAND DEDICATION**

**C. Subject Properties.** All new residential dwelling units and joint living and work quarters shall be required to dedicate land, pay a fee or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding and improving park and recreational facilities for new residents. For the purposes of this Section, dwelling units, ~~second dwelling units in a single family zone,~~ Accessory Dwelling Units, and joint living and work quarters shall be referred to as "dwelling units" or "residential dwelling units".

**3. Exemptions.** The following types of development shall not be required to pay a park fee:

(e) ~~Second dwelling units in single-family zones.~~ Accessory Dwelling Units.

**Sec. 5. SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### CITY PLANNING COMMISSION

**Date:** October 11, 2018  
**Time:** After 8:30 a.m.  
**Place:** Los Angeles City Hall  
200 N. Spring St., Rm. 340  
Los Angeles, CA 90012

**Case No.:** CPC-2016-4345-CA  
**CEQA No.:** ENV-2016-4346-CE  
**Council No.:** All  
**Plan Area:** Citywide  
**Applicant:** City of Los Angeles

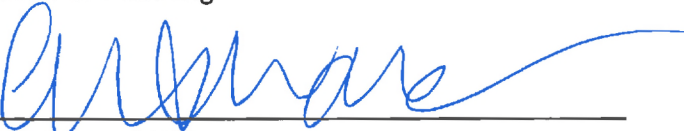
**PROJECT LOCATION:** Citywide

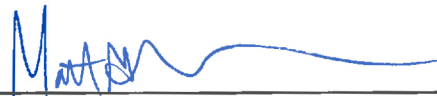
**PROPOSED PROJECT:** An ordinance amending Sections 12.03 and 12.22, and repealing portions of Section 12.24, of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purposes of regulating Accessory Dwelling Units and complying with state law.

#### RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as the Commission's report on the subject;
3. **Adopt** the attached Findings;
4. **Approve** and recommend that the City Council determine, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15301, 15302, and 15303, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT P. BERTONI, AICP  
Director of Planning

  
Arthi Varma, AICP  
Principal City Planner

  
Matthew Glesne  
City Planner (213) 978-2666



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- F. Conclusion

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**Exhibits:**

- A. Proposed Ordinance, Revised as of October 1, 2018
- B. May 10, 2018 Department report to PLUM Committee
- C. July 12, 2018 Staff Recommendation Report to City Planning Commission

## **SUPPLEMENTAL STAFF REPORT FOR PROPOSED ACCESSORY DWELLING UNIT ORDINANCE**

The City Planning Commission (CPC) first considered the proposed Accessory Dwelling Unit (ADU) Ordinance on December 15, 2016. The ordinance was subsequently heard by the Planning and Land Use Management (PLUM) Committee of the City Council on March 21, 2017 and May 15, 2018. The PLUM Committee made several amendments to incorporate provisions that were not considered by the CPC, including allowing Movable Tiny Houses (MTH) as a form of ADUs. The PLUM Committee directed the revised ADU Ordinance to be reconsidered by the CPC, who heard the item on July 12, 2018.

At the July 12, 2018 meeting of the CPC, the Commission voted to continue the discussion of the proposed ADU Ordinance. At that time, Commission members requested a report-back with additional information, analysis and policy options related to several areas of concern. The five identified issues discussed in this report are as follows:

- A. Hillside Area Regulations
- B. Movable Tiny Houses
- C. Equine-Keeping Regulations
- D. Conversion of Existing Structures
- E. Power Line Easements

For each issue area, the Department has provided additional information and, where appropriate, suggestions for possible alternatives.

In addition, the Department has included a revised ADU Ordinance, included as Exhibit A, to incorporate the Technical Modifications prepared for the July 12, 2018 meeting, along with two additional amendments. Those amendments include a change to the provisions governing conversion of existing structures (discussed in Section D), and a minor change to requirements for driveway parking spaces (discussed in the Public Communications Section).

### **A. Hillside Area Regulations**

The proposed ordinance, as amended by the Planning and Land Use Management (PLUM) Committee of the City Council, includes a prohibition on adding new residential floor area to create ADUs in Hillside Areas, as defined in LAMC Section 12.03. ADU conversions within legally existing floor area cannot be prohibited per State Law and are not affected by the proposed ordinance. The proposed restrictions are based on the recognition that significant new construction in hillside backyards presents challenges.

The CPC, when it initially considered the ADU Ordinance on December 15, 2016, recommended including an exception to the Hillside Area prohibition for properties located within one-half mile of a transit stop and abutting a street meeting standard public right-of-way dimensions. The PLUM

Committee subsequently voted on March 21, 2017 to remove those exceptions and reinstate the original comprehensive Hillside Area prohibition.

During the July 12, 2018 CPC meeting, several Commission members expressed a desire to revisit the proposed hillside regulations. In particular, there was concern about the large numbers of properties that could be precluded from constructing a new ADU under a comprehensive Hillside Area prohibition (28% of the City's total single-family zoned lots are located in the Hillside Areas) as well as potential equity issues related to such a prohibition. Commissioners suggested that a more narrowly-defined criteria may be more appropriate as a basis for the limitation. Several members also reiterated the CPC's prior recommendation that ADUs fronting streets with standard widths or access to public transit should not be precluded.

Prior staff reports (included as Exhibits B and C) have summarized the concerns with regards to hillside ADU construction. This report provides additional detail on these issues, including an analysis of the adequacy of the many current hillside regulations in relation to the concerns. Various options are presented based on the further analysis. The analysis is presented in the context of State Law, which regulates the creations of local ADU ordinances.

#### Criteria for Location Restrictions

State law provides local jurisdictions with the authority to designate specific areas where ADUs may be permitted. This designation may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety (Government Code Section 65852.2(a)(1)(A)). The intent of state law is to avoid unreasonable restrictions on the ability of homeowners to create ADUs.

The proposed prohibition of ADUs in the Hillside Area was included in order to reinforce public safety standards. Hillside areas exist across diverse neighborhoods in the City of Los Angeles from Bel Air to Northeast Los Angeles. The Hillside Areas largely consist of narrower streets that may wind through areas with a higher fire risk, where emergency response times are important. Many of these streets have parking challenges with limited on-site parking due to topographical constraints. State law prohibits on-site parking for ADUs located within a half mile of public transit, which would eliminate additional on-site ADU parking in the majority of the Hillside Areas (76%). Since many of the transit stops are not easily accessible from Hillside Areas due to the terrain and lack of street connectivity, it is possible that ADU development in the Hillside Area may contribute to congestion on the narrow roadways.

The City has implemented regulations and safety measures to address many of these public safety concerns in Hillside Areas. In particular, the City's Hillside Regulations require fire sprinklers to be installed in all new single-family homes (LAMC Section 12.21 A.17(d)). The City also has a number of important policies and procedures in place to address concerns regarding construction impacts on parking and traffic flow. Specifically, regarding the potential for ADUs to create unsafe overflow street parking, the Los Angeles Department of Transportation (LADOT) has authority over restricting the parking of vehicles on public streets and the Department of

Building and Safety (LADBS) covers most private land. The Fire Department can institute “Red Flag Days” to clear streets of vehicles that could otherwise create a choke point in Very High Fire Hazard Severity Zones.

There are a variety of other concerns with permitting ADUs in Hillside Areas. They include concerns over intensity and density of development, aesthetics and viewsheds, natural habitat and tree protection, increased traffic, grading, noise and roadway degradation. Many of these issues are addressed, at least in some form, through current law. Some of the relevant regulations impacting hillside areas include, but are not limited to: limits on Residential Floor Area; unique lot coverage standards to allow for more usable open space; setback standards; height limits; additional parking requirements; maximum grading quantity and limits on hauling activity; limits on construction activity; sewer connection requirements to preserve the water table from possible contamination; street access requirements; required sprinkler systems for most construction located more than 1.5 miles from firefighting facilities; and drainage standards.

While many of these regulations address the above-mentioned concerns, the proposed ordinance and Hillside Area prohibition further reduces public safety risks associated with increased density in the hillsides. For this reason, the Department’s recommendation is to prohibit construction of new detached and attached ADUs in the City’s Hillside Areas. There may, however, be other ways to address particular ADU hillside concerns, some of which are discussed as policy alternatives below.

#### Potential Alternatives to Proposed Hillside Restriction

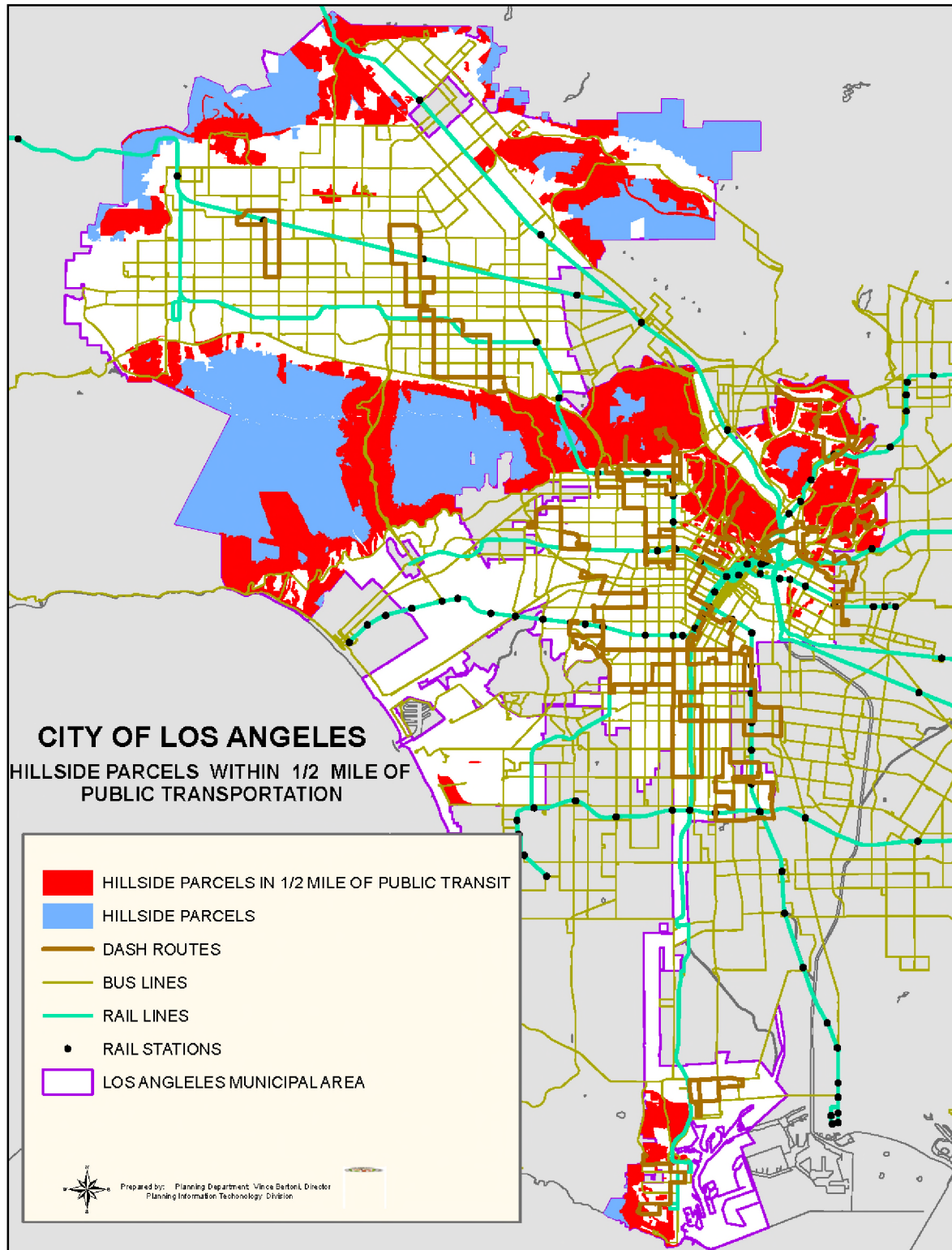
The Department has considered several options related to ADU location requirements. A discussion of each of these alternatives along with suggested ordinance language is provided below.

*Option One: Allow ADUs in Hillside Areas that are within ½-mile of public transportation and are located on a lot that fronts on a Standard Hillside Limited Street.*

An alternative that was recommended by CPC on December 15, 2016 would be to allow ADUs in Hillside Areas if located on a parcel within a half-mile of public transit (including any bus or rail stop) and if fronting a Standard Hillside Limited Street, which is defined in LAMC 12.03 as having a width more than 36 feet and paved to a roadway width of more than 28 feet, as determined by the Bureau of Engineering. While the City does not maintain comprehensive digital data on substandard streets, the majority of Hillside Area streets are believed to be below the Standard Hillside Limited Street standard.

As previously reported to the PLUM Committee on May 10, 2018 (Exhibit B), approximately 76% of Hillside parcels are within one-half mile of a public transit stop, which per state ADU legislation is defined to include any rail or bus stop. This analysis is shown in Figure A.

Figure A. Map of Hillside Parcels within 1/2 Mile of Public Transportation



If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, except in instances where the lot is fronting on a fully improved and dedicated Standard Hillside Limited Street and is also within one-half mile of a transit stop, including but not limited to bus stops and rail stations.*

*Option Two: Allow ADUs in Hillside Areas that are within ½-mile of public transportation and are located on a lot that fronts on a minimum 24-foot roadway.*

Another option is an alternative to the street width criteria described in Option 1 that would require a roadway be improved to a lower minimum road dimension. As mentioned, the Standard Hillside Limited Street definition in LAMC 12.03 requires a right-of-way width of more than 36 feet and that the roadway is paved to a width of more than 28 feet, as determined by the Bureau of Engineering.

There may be other suitable road standards that would allow for more Hillside Area homes to construct ADUs while also maintaining public safety concerns related to public safety, access and traffic flow. For example, the County of Los Angeles recently adopted an ADU ordinance that included a ban on ADUs in Very High Fire Hazard Severity Zones unless a property fronted on a 24 foot wide road that is paved with asphalt or concrete.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

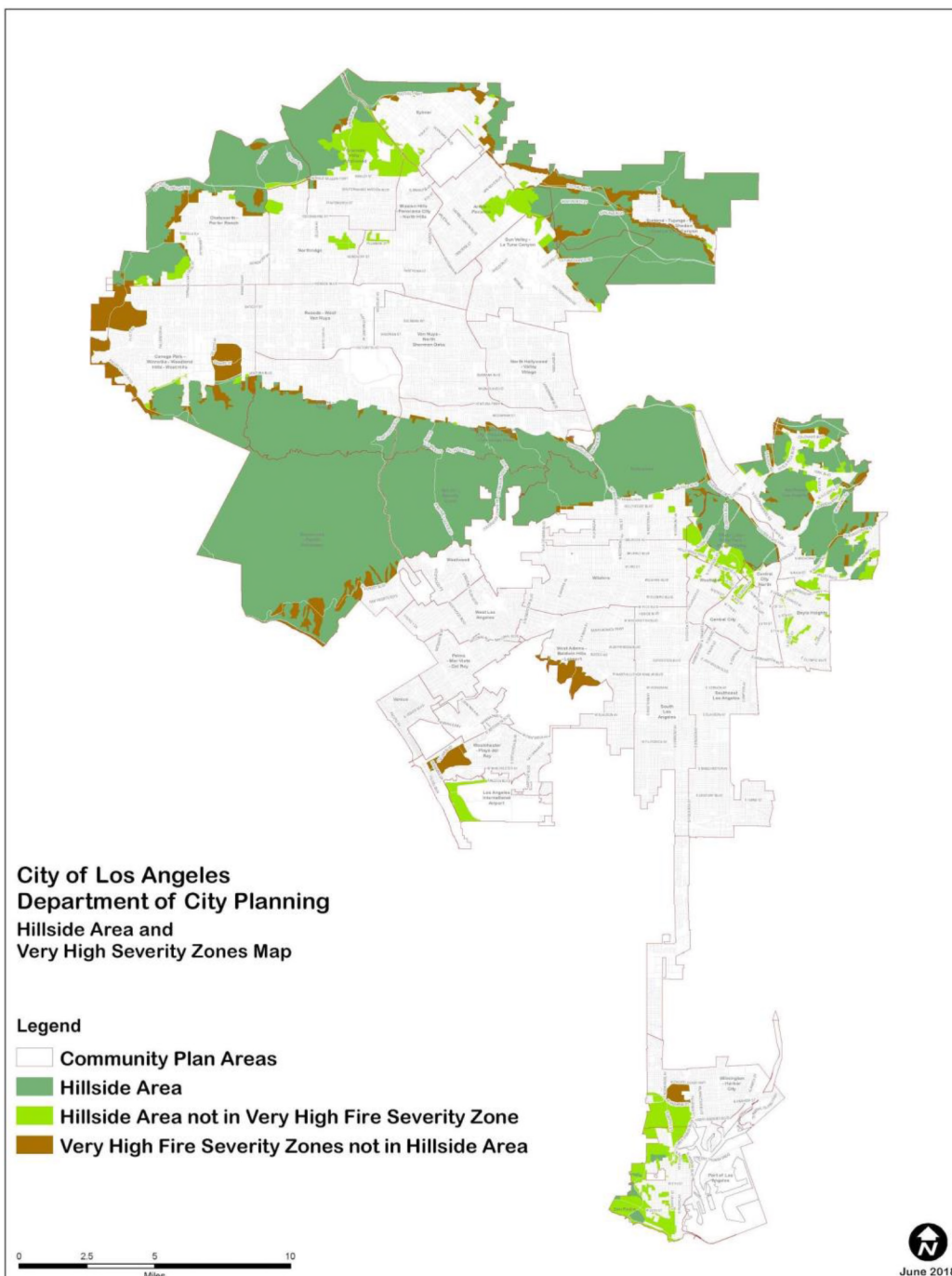
- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, except in instances where the lot is fronting on a fully improved and dedicated roadway that is at least 24 feet in width and is also within one-half mile of a transit stop, including but not limited to bus stops and rail stations.*

*Option Three: Prohibit ADUs in Very High Fire Hazard Severity Zones.*

Rather than basing the restriction on the Hillside Area map, the ordinance could also be tailored to restrict ADUs in areas which have the highest vulnerability to fire risk - Very High Fire Hazard Severity Zones (VHFHSZ). This option could be further tailored to pair with other options involving the Hillside Area definition.

As discussed in the Staff Recommendation Report dated July 12, 2018 and demonstrated in the map in Figure B, VHFHSZ areas correspond in large part with the Hillside Area map. As result, a change to restrict ADUs in VHFHSZ areas would affect similar land area of the City, but would limit the exposure of new ADUs to high fire risk areas. Areas of Arleta-Pacoima, Granada Hills, Echo Park and San Pedro would be made available for new ADUs while additional areas along the edges of Hillside Areas would be precluded from ADU construction (see Figure B).

*Figure B. Map of Hillside Areas and Very High Fire Hazard Severity Zones*





If the City Planning Commission would like to recommend this option, the Department has prepared potential revised language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Very High Fire Hazard Severity Zone designated by the City of Los Angeles Fire Department Pursuant to Government Code Section 51178. ~~Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code.~~*

*Option Four: Prohibit ADUs in Hillside Areas, with an exception for attached ADUs up to 750 square feet.*

Another alternative may be to allow for attached ADUs through small additions in Hillside Areas. The City's Hillside regulations in LAMC Section 12.21 A.17 do not apply to additions of less than 750 square feet to existing single-family dwellings. This threshold may similarly be suitable to allow for a more limited amount of new, appropriately-scaled ADU development in Hillside Areas. Current ADU regulations allow for construction of detached ADUs up to 1,200 square feet in size. This option would limit new ADU construction to attached ADUs of no larger than 750 square feet in Hillside Areas. This approach would allow for limited ADU development, while ensuring that many of the concerns associated with new detached ADUs are addressed.

These attached ADUs would be adding a new dwelling unit to the lot, regardless of size, so they would still be subject to any applicable provisions of LAMC Section 12.21 A.17 not precluded by State Law.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e) and additions of no more than 750 square feet meeting the requirements of subdivision (d), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code.*

*Option Five: Prohibit ADUs in the Wildlife Pilot Study Area.*

In a separate effort, the Department of City Planning is working on revised development standards for residential development in wildlife corridors in Hillside Areas. The initial phase of this effort will focus on a pilot study area located in a subset of Hillside Area neighborhoods that are located between the 405 and 101 freeways. This pilot area is also part of a biodiversity study which is looking to improve resiliency and sustainability in the region and preserve native biodiversity and habitat. An option could be to prohibit ADUs in these areas until such studies are complete.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

*(3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code and located in a Wildlife Pilot Study Area generally bounded by the 101 Freeway to the east and the 405 Freeway to the west.*

## **B. Movable Tiny Houses**

As discussed in the staff recommendation report dated July 12, 2018, The PLUM Committee amended the proposed ordinance to include a Movable Tiny House (MTH) as a type of allowable ADU. As defined in the ordinance, a MTH is a 150 to 430 square foot independent living quarters designed for year-round habitation. The proposed ordinance includes a set of design standards to ensure MTHs resemble traditional residential homes, and not automobile-oriented Recreational Vehicles (RVs), but otherwise requires MTHs to meet all zoning siting criteria that are applicable to ADUs. In particular, the proposed ordinance requires MTHs to maintain the same utility connection requirements that are applicable to an ADU.

During the July 12th meeting, Commissioners expressed interest in the Movable Tiny House provisions, but requested additional information in order to better understand the key issues. In particular, Commissioners requested information about the differences between a MTH and a RV, clarification of the minimum size requirements, and additional information about alternative utility options for MTHs. Since that meeting, the Department has received one additional public comment letter that raised several issues related to MTHs. A summary of that letter is provided in this section.

### Distinction Between Movable Tiny Home and Recreational Vehicle

While a MTH is a type of transportable recreation vehicle (RV), there are many differences. This is largely because an MTH is not intended for frequent travel compared to a traditional RV. A MTH is intended for year-round residence and typically built to resemble a cottage or bungalow using conventional residential building materials for windows, roofing and exterior siding. RVs have holding tanks for dirty and fresh water and usually run on local generators because they are not typically permanently connected to water, sewer and electrical infrastructure. MTHs need to be connected to a water, sewer and electrical source and would become legal, permanent dwelling units where they are established as ADUs.

RVs and MTHs are generally built to different code standards. As proposed, a MTH is built according to the “park model trailer” building standards in Section 119.5 of American National Standards Institute (ANSI). A typical RV is built to Section 119.2 ANSI standards, which is more automobile focused. For example the 119.2 RV standards don’t allow for hardwired electrical

systems or the 100 amp service permitted under 119.5. The residential orientation would be further ensured by the design standards included in the proposed ordinance. From a zoning perspective, RVs may only be occupied for habitation if they are parked in mobilehome parks or other special occupancy parks. MTHs would be distinct in that they would be allowed to be located anywhere an ADU is permitted.

#### Minimum Size of Movable Tiny Home

The MTH is certified by a third-party inspection body such as the Recreational Vehicle Industry Association (RVIA) or Pacific West Associates, and so would not be individually inspected by the Department of Building and Safety. As clarified in the Planning staff's technical modification to its report dated July 11, 2018, a MTH must have between 150 and 430 square feet of interior habitable living space. This floor area may be provided in any number of interior rooms, as it concerns the overall size of the structure. Some MTH supporters have called for more flexibility, allowing for a 120 or 130 feet minimum. The Department continues to recommend the 150 square foot minimum that is in line with the current efficiency unit standards embedded in state ADU law.

#### Utility Connection Requirements

The proposed ADU ordinance would require that MTHs be connected to water, sewer and electric utilities, which is required for any new dwelling unit in the City of Los Angeles. This requirement was incorporated to ensure that the MTH provides utilities that are in compliance with local standards. In response to public comments received and heard during the public hearing, Commissioners requested that the Department provide additional information about alternative utility options. In particular, there were concerns that the utility requirement (particularly sewer) would be cost prohibitive for MTHs, particularly compared to the low estimated cost of a MTH itself. Additionally, commenters have demonstrated that MTHs have the capability to incorporate innovative "off-grid" utility solutions, including compostable toilets, solar panels, atmospheric water generators and greywater systems.

The Department is interested in exploring more sustainable utility options but proper disposal of sewage waste and access to clean water and electricity remain critical to any new residential unit in Los Angeles. The LA County Public Health Department has issued a guide to alternative water sources, which shows specific allowed uses for different types of source water, but many types of water (including blackwater) are required to discharge to a sewer system.<sup>1</sup> However, under all of these standards, a permanent potable water supply would continue to be required to allow for eating, cooking and sanitation.

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<sup>1</sup> See: Los Angeles County Department of Public Health, *Guidelines for Alternate Water Sources: Indoor and Outdoor Non-Potable Uses*. February 2016  
[http://publichealth.lacounty.gov/eh/docs/ep\\_cross\\_con\\_AltWaterSourcesGuideline.pdf](http://publichealth.lacounty.gov/eh/docs/ep_cross_con_AltWaterSourcesGuideline.pdf) and Los Angeles Department of Building and Safety, Information Bulletin: Gray Water Systems for Residential Buildings, <http://www.ladbs.org/docs/default-source/publications/information-bulletins/plumbing-code/graywater-systems-for-residential-buildings-ib-p-pc2014-012.pdf>

### Additional Public Comments Related to Movable Tiny Homes

After the July 12, 2018 CPC meeting, staff received one additional comment letter regarding the MTH provisions in the proposed ordinance. A summary of the comments received, along with responses, are provided below for the Commission's consideration.

#### *Number of ADUs Permitted Per Lot*

The comment letter expressed concern with the provision requiring that only one ADU is permitted per lot (proposed LAMC 12.22 A.32(b)(4)). They suggested that this provision be amended to allow a maximum of one traditional ADU and one MTH on any lot, provided that all other requirements are met. The proposed ordinance was drafted to implement State Law, which permits one ADU per lot. Allowing a MTH on a lot in addition to a traditional ADU could require additional analysis in the environmental document prepared for the proposed Ordinance.

#### *Requirement That Lot Contain a Single Family Dwelling*

Commenters suggested that, due to their more temporary nature, MTHs should be permitted on vacant property in any zone. The intent of this ordinance is to allow for an accessory unit, including a MTH, on a lot in conjunction with a single-family home. Allowing MTHs in other scenarios, such as those described in the comment letter, are beyond the scope of this ordinance.

#### *Paving Surface Requirements*

The comment letter raised concern with the paving surface requirements as they relate to MTHs, citing that the costs of providing a concrete pad for MTHs may make it difficult to comply. The paving surface provisions in the proposed ordinance require that when the wheels are not removed from a MTH, it sits on a paving surface that complies with LAMC Section 12.21 A.6(c), which includes a list of suitable alternative paving materials, such as permeable interlocking concrete pavers, decomposed granite and gravel.

### **C. Equine-Keeping Regulations**

Many communities in the City have a long tradition of equine keeping. There are a number of siting requirements that apply to equine-keeping structures, including up to a required 75-foot separation from any dwelling unit on a neighboring property. To ensure that the construction of ADUs does not adversely impact equine keeping rights, the proposed ordinance includes a siting requirement for ADUs on lots where equine-keeping is allowed (all K-zoned lots, as well as RA, RE20 and RE40 lots with sufficient size), as well as properties abutting these lots.

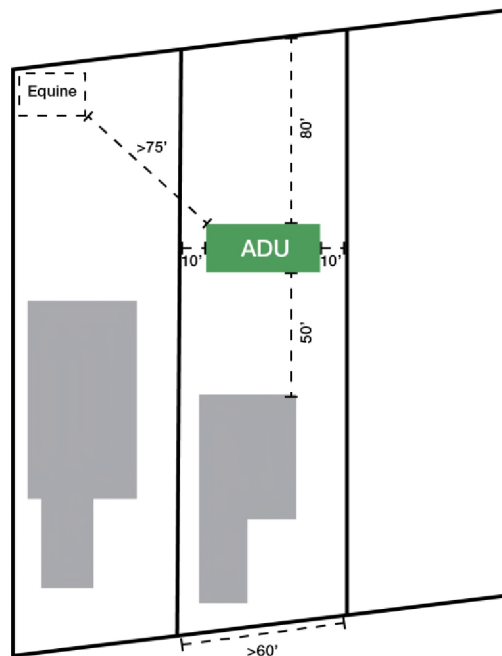
As currently proposed, the ordinance would place the following additional siting requirements on ADUs located on or adjacent to a lot which allows equine-keeping uses:

- The ADU must be located closer to the primary residence than to the rear lot line;

- The ADU must always be located within 50 feet of the primary residence; and
- The ADU must adhere to 10-foot side yard setbacks, when located on lots wider than 60 feet.

These siting requirements are illustrated in Figure C, below.

*Figure C. Illustration of Proposed ADU Siting Requirements in Equine-Keeping Zones*



During the July 12th meeting, a Commissioner raised the suggestion of requiring 75-foot setbacks for ADUs in equine-keeping areas, in order to ensure that the ADU will always be beyond the 75-foot buffer from any neighboring equine-keeping uses. This approach may introduce additional challenges, and could in many cases preclude the ability of any detached ADU from being constructed on smaller lots. Furthermore, this setback restriction would be stricter than those in place for equine enclosures (LAMC Section 13.05). Figure D illustrates this approach, below. The sample site, located in a K District, has a lot width of 155 feet and a depth of 111 feet. If an ADU were required to adhere to 75 foot setbacks from the neighboring property line, it would only be feasible to construct an ADU on extremely wide and deep parcels, generally in excess of 190 feet wide and 180 feet deep (34,200 square foot lot), as shown in Figure E.

Figure D. Sample Illustrations of Alternate Suggested ADU Siting Requirements, ADU Infeasible

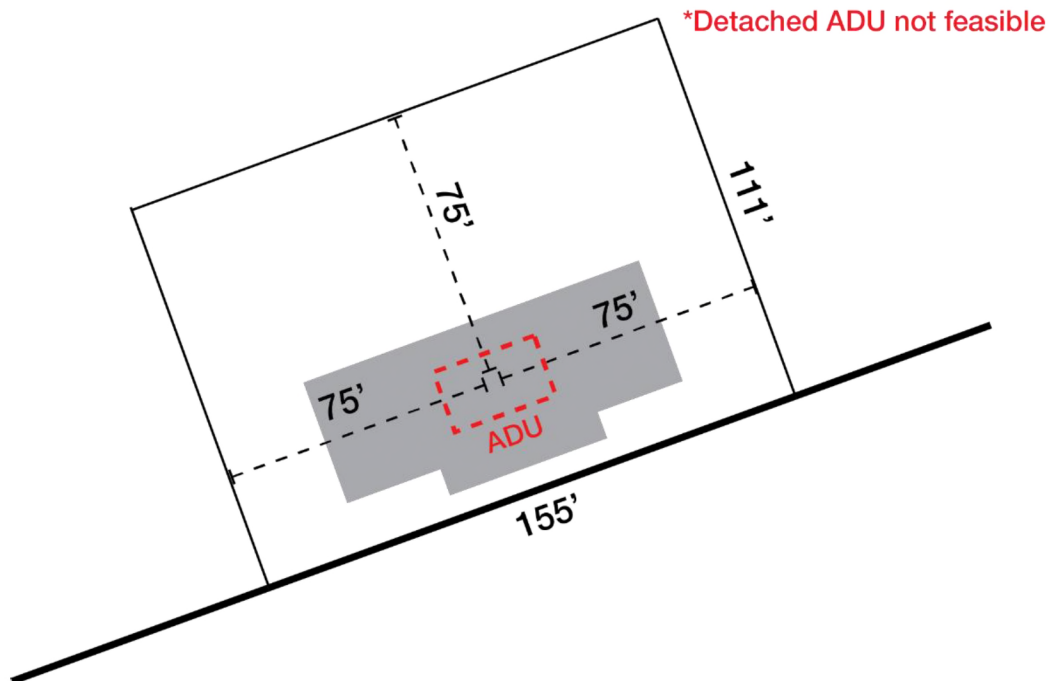
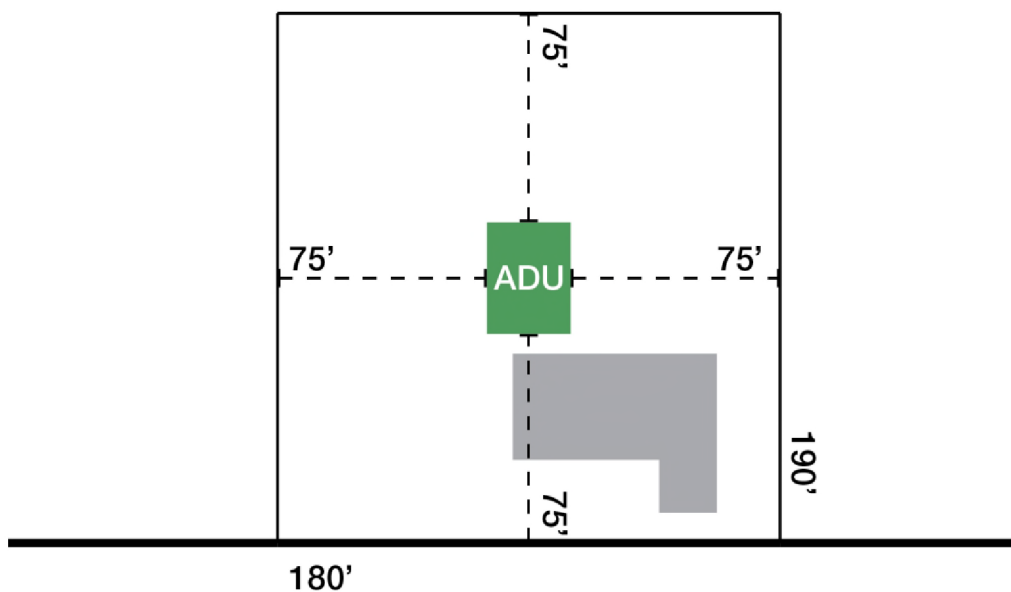


Figure E. Sample Illustrations of Alternate Suggested ADU Siting Requirements, ADU Feasible



The proposed requirements attempt to recognize that there are a variety of configurations and lot sizes and strike a balance between creating additional housing and preserving the City's equine keeping areas. For these reasons, the Department does not recommend a change to these provisions at this time.

## D. Conversion of Existing Structures

State ADU regulations explicitly provide for the conversions of existing space to an ADU. Conversions must be approved if there is independent access to the unit and setbacks are sufficient for life-safety. This provision precludes the ability of local jurisdictions to apply additional zoning standards to ADU conversions. Specifically, California Government Code Section 65852.2(e) states in part (emphasis added):

*(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.*

There is some ambiguity with regard to how “existing space” is defined. This ambiguity introduces some concern that an owner may intentionally build a space or structure that meets the development standards for an accessory structure, but would not be permitted as habitable space under the ADU development standards. After construction, the applicant could then apply to convert the structure to an ADU using the more lenient standards for a conversion, thereby circumventing many of the provisions that apply to construction of a new ADU. Encouraging this type of two-step process does not appear to be in line with the intent of State law.

For this reason, the Department incorporated a provision in the July 12, 2018 draft ordinance that would require that an ADU may only be converted if it is fully contained within a primary residence or accessory structure that lawfully existed as of the effective date of the ordinance. The intent of this provision was to close the loophole described above while maintaining the State’s intent of allowing pre-existing structures to be more easily converted to an ADU.

City Planning Commissioners requested additional information to identify alternative ways of defining “existing” rather than relying on the effective date of the ordinance. For instance, it might be appropriate to consider an amendment to allow an ADU conversion only after a set amount of time, such as five years, had elapsed from the issuance of the certificate of occupancy for the accessory structure.

The Department has taken a conservative approach and recommends amending Section 12.22 A.32(e)(1) of the proposed ordinance, as provided in Exhibit A, as follows:

*(1) The ADU is fully contained within a lawfully existing single-family residence ~~lawfully existing on the effective date of this subsection~~ or an lawfully existing accessory*



*structure lawfully existing as of the effective date of this subsection. ADUs not meeting this criteria may still be eligible as an attached or detached ADU.*

#### **E. Power Line Easements**

The Los Angeles Department of Water and Power (LADWP) is unable to provide clearances for Accessory Dwelling Units in power line easements, generally within five horizontal feet of any existing power line. The Commission raised some concerns regarding this limitation, as it has the potential to impact the ability of a large number of ADU conversions where existing accessory structures, such as garages, are located in utility easements. Commissioners requested additional information regarding how extensive the issue is, particularly in conjunction with the other proposed location restrictions. Commissioners also requested additional information about how forthcoming changes to State Law would impact these requirements.

Subsequent to the July 12, 2018 CPC meeting, the Department has met with officials from LADWP, LADBS, the Mayor's Office and other stakeholders to better understand this issue. LADBS refers ADU applicants to LADWP for clearance whenever plans show an ADU within five feet of a public utility line. LADWP reports that approximately 800 ADU applications in public utility easements have been referred to its queue (potentially one in every five to six permit applications is being referred). LADWP does not offer waivers. If there is insufficient horizontal or vertical clearance, or plans are not amended to show the clearance, LADWP is unable to clear the building permit and the ADU cannot proceed as is. For applicants, one option to resolve this issue is to relocate the proposed ADU on the site or remove the portion of the ADU that is located in the easement, so that the ADU does not conflict with the public utility easement.

This limitation involves issues that are not regulated by the Zoning Code and any potential solutions would not be part of the proposed ADU zoning ordinance. A proposed state law to offer immunities to utilities such as LADWP with ADUs was considered by the State Legislature as part of AB 2071 during the 2017-2018 legislative session, but was not ultimately adopted. This issue may be revisited in future legislative sessions. Alternatively, there may be an ability to create a risk-management pool to insure for potential losses. The Department and the Mayor's Office continue to engage in ongoing discussions with LADWP in order to address this issue and identify appropriate solutions to facilitate the development of ADUs.

#### **F. Conclusion**

Staff recommends adoption of the proposed Ordinance (Exhibit A), which will ensure that ADU regulations in Los Angeles are consistent with new State regulations while providing tailored regulations that reflect the unique nature of the City's varied neighborhood contexts.

## PUBLIC COMMUNICATIONS

The Department's December 15, 2016 and July 12, 2018 staff recommendation reports address communications received from the public relating to the draft ADU Ordinance. Since the July 12, 2018 CPC hearing, the Department has received four additional public comment letters. One of the letters, from Our Backyard Homes, raises several concerns relating to Movable Tiny Houses, which are addressed separately in Section B of this report per the Commission's request for additional information on that topic. Following is a summary of the points raised by the other three public comment letters.

1. Allow a minimum-sized ADU on all residential lots regardless of the Residential Floor Area (RFA) limits.

This issue was raised due to the disparities in RFA limits that apply to single-family zoned lots in the City. Under the proposed ordinance, new ADUs up to 1,200 square feet are permitted on lots with single-family homes, so long as the addition of the ADU does not exceed the RFA limit on the lot. The comment raised concern that ADU development on some single-family zoned lots would be more of a challenge in light of this requirement, due to those lots having a lower RFA limit than some R1 variation zones.

Residential Floor Area limits are intended to ensure that new homes are not out-of-scale with the surrounding neighborhood context. To that end, it is important that the bulk and mass of residential development in single-family neighborhoods continues to be appropriately regulated. In addition, the proposed ordinance was drafted to implement State Law, which does not include this provision. Additional environmental analysis may be required to include this provision.

2. Expand vesting rights to ADUs to submittal of zoning entitlement applications.

A second comment letter received by the Department from architect Ian McIlvaine highlighted a concern regarding the vesting (grandfathering) of projects in a zoning entitlement process. The standard zoning code vesting language in LAMC 12.26 allows ADUs that have submitted and paid fees for the Plan Check process at LADBS before the effective date of the ordinance to be grandfathered under the pre-existing rules (i.e. state law for ADUs). However, when discretionary planning and zoning entitlements such as a Zoning Administrator Adjustment (ZAA) or Zoning Administration Determination (ZAD) is needed, payment of Plan Check fees cannot occur until after the entitlement has been received and the appeal period has cleared. This means that a class of ADU projects currently in the development review process may be unable to benefit from the vesting procedures. This would impact properties in the Hillside Area due to the proposed Hillside Area prohibition.

If the Commission would like to address this concern, it could direct the Department to prepare an amendment to the proposed ordinance to include a unique vesting procedure for ADUs

that would allow grandfathering of ADU projects that have filed plans sufficient for a complete zoning entitlement filing, in addition to the current Plan Check deadline.

3. Provide Relief from Requirement to Build a Wall for Driveway Parking Spaces.

A third comment letter raised concern with requirements that apply to replacement parking for garage conversions. Typically, single-family homes are required to provide covered parking (usually in a garage); however, the proposed ordinance allows for new parking for the ADU and any replacement parking for garage conversions to be provided in any configuration on the lot, including uncovered tandem spaces on a driveway (consistent with provisions of State law). Other sections of the Zoning Code that place requirements on parking areas, including standards such as parking dimensions and paving materials, still apply to the new and replacement parking. In particular, LAMC Section 12.21 A.6(d) requires any parking areas to be completely enclosed by a wall, except areas across the front of a driveway. This code provision applies when an existing driveway is converted to a parking space. As the comment letter raises, this requirement in some cases where a home has a narrow, non-conforming driveway may render the parking area unusable, and would run counter to the intent of the state standards which aim to allow for alternative, usable on-site parking.

Staff has amended the proposed ordinance in Exhibit A to address this concern.



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### CITY PLANNING COMMISSION

**Date:** November 29, 2018  
**Time:** After 8:30 a.m.  
**Place:** Van Nuys City Hall  
Council Chambers, 2nd Floor  
14410 Sylvan Street  
Van Nuys, CA 91401

**Case No.:** CPC-2016-4345-CA  
**CEQA No.:** ENV-2016-4346-CE  
**Council No.:** All  
**Plan Area:** Citywide

**Applicant:** City of Los Angeles


**PROJECT LOCATION:** Citywide

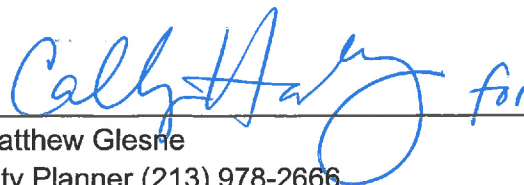
**PROPOSED PROJECT:** An ordinance amending Sections 12.03 and 12.22, and repealing portions of Section 12.24, of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purposes of regulating Accessory Dwelling Units and complying with state law.

#### RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as the Commission's report on the subject;
3. **Adopt** the attached Findings;
4. **Approve** and recommend that the City Council determine, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15301, 15302, and 15303, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

VINCENT P. BERTONI, AICP  
Director of Planning

  
Arthi Varma, AICP  
Principal City Planner

  
Matthew Glesne  
City Planner (213) 978-2666

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## **SUPPLEMENTAL STAFF REPORT FOR PROPOSED ACCESSORY DWELLING UNIT ORDINANCE**

The City Planning Commission (CPC) first considered the proposed Accessory Dwelling Unit (ADU) Ordinance on December 15, 2016. The ordinance was subsequently heard by the Planning and Land Use Management (PLUM) Committee of the City Council on March 21, 2017 and May 15, 2018. The PLUM Committee made several amendments to incorporate provisions that were not considered by the CPC, including allowing Movable Tiny Houses (MTH) as a form of ADUs. The PLUM Committee directed the revised ADU Ordinance to be reconsidered by the CPC, who heard the item on July 12, 2018 and October 11, 2018.

At the October 11, 2018 meeting of the CPC, the Commission voted to continue the discussion of the proposed ADU Ordinance. At that time, Commission members requested a report-back with additional information, analysis and policy options related to several areas of concern that were raised in public comment letters and during the public hearing. The public comment letters addressed in this report are provided in Exhibit D. In response to those letters, the Department identified three key issue areas, discussed in this report as follows:

- A. Conversion of Existing Structures
- B. Residential Floor Area (RFA) Limits
- C. Discussion of Alternatives to Hillside Area Restriction

For each issue area, the Department has provided additional analysis and, where appropriate, suggestions for possible alternatives.

### **A. Conversion of Existing Structures**

State ADU regulations explicitly require conversions of existing space to ADUs to be permitted regardless of zoning standards. Previous versions of the proposed ADU ordinance defined existing space to require that it existed as of the effective date of the ordinance. The Department received comment letters that raised concern with how these prior versions defined “existing space.” In particular, the California Department of Housing and Community Development (CA HCD) submitted a letter on October 10, 2018 clarifying that under State law, requirements for conversions of existing structures should not be limited to pre-existing square footage as of a specified date such as the effective date of the ordinance.

As described in the October 11, 2018 Staff Recommendation Report (Exhibit B) and Technical Modification dated October 10, 2018, the proposed ordinance has been revised to align with the language in State law regarding conversions of existing structures to ADUs.

### **B. Residential Floor Area (RFA) Limits**

Objective zoning standards that apply to all residential structures and are not preempted by State law, such as Residential Floor Area (RFA) limits, apply to ADUs. Under the proposed ordinance,

new ADUs up to 1,200 square feet are permitted on lots with single-family homes, so long as the addition of the ADU does not exceed the RFA limit on the lot.

A comment letter received on August 17, 2018 raised concern with how disparities in RFA limits could limit ADU development in certain areas of the City. The comment letter suggested that, to address this disparity, a guaranteed minimum sized ADU should be permitted on all residential lots regardless of RFA limits (see response in Public Communications section of Staff Recommendation Report dated October 11, 2018, provided in Exhibit B). Commissioners also requested additional information on this issue during the October 11, 2018 meeting.

RFA limits are intended to ensure that new and remodeled homes are not out-of-scale with the surrounding neighborhood context. To that end, it is important that the bulk and mass of residential development in single-family neighborhoods continues to be appropriately regulated. A guaranteed minimum ADU size could undermine the intent of these regulations. Modest ADUs in RFA-restricted areas can be accommodated through additions that do not exceed the RFA for a lot, or through conversion of existing and non-habitable space. Staff therefore does not recommend granting exemptions from the existing RFA limitations through a guaranteed minimum ADU size. This recommendation is consistent with the objectives of the General Plan Framework which, as discussed in the Findings, is intended to ensure that infill development in single-family neighborhoods is compatible with the scale of existing development.

### **C. Discussion of Alternatives to Hillside Area Restriction**

The proposed Hillside Area prohibition continues to be the primary focus of comment letters that have been submitted to the Department since the release of the October 11, 2018 Staff Recommendation Report. Many letters argue that a full prohibition on Hillside ADUs is overly restrictive, especially given the current housing shortage in Los Angeles. In particular, several comment letters discussed the variation in Hillside Areas, noting that many lots may be suitable for ADU development.

While there may be many “natural” limitations in Hillside Area neighborhoods which may impact the ability of homeowners to build an ADU, such as limited availability of on-site parking and the necessity of waivers of street dedications, staff has provided additional analysis on policy alternatives to the Hillside Area prohibition.

#### Additional Policy Options and Staff Recommended Alternative

The October 11, 2018 staff report provided five policy alternatives to the Hillside Area prohibition, including the Very High Fire Hazard Severity Zones (VHFHSZ) (see Exhibit B for details, and Exhibit C for a map demonstrating several of the suggested options).

In light of the comments received and as a result of additional analysis, the Department has provided additional alternative options to the Hillside Area prohibition. In particular, comments emphasized the need to identify an approach that balances the health and safety issues

associated with development of ADUs in Hillside neighborhoods with the importance of accommodating additional housing supply. As such, this report includes three additional options for more tailored ADU regulations that better address the variability within Hillside Areas. These options are as follows:

1. Prohibit ADUs on Red Flag Streets
2. Allow ADUs on Hillside Area Lots that Meet One of Several Criteria
3. Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)

*Option 1: Prohibit ADUs on Red Flag Streets*

A letter dated October 11, 2018 suggests Red Flag Streets as a more specific geography that could be used to restrict the construction of ADUs. The letter argues that Red Flag Streets represent the portions of Hillside Areas with the most pressing safety concern, often because these streets are narrow, steep or cantilevered.

Red Flag Streets were designated by the Los Angeles Fire Department (LAFD), with implementation assistance from the Los Angeles Department of Transportation (LADOT). Red Flag Street designations were identified by the Station Commanders of the local Fire Station. While there is no specific published methodology for designation, commanders considered factors such as narrow roads, hairpin turns, and the presence of brush in making their determination. The Red Flag Streets were initially identified in 2006 and have not been updated since that time.

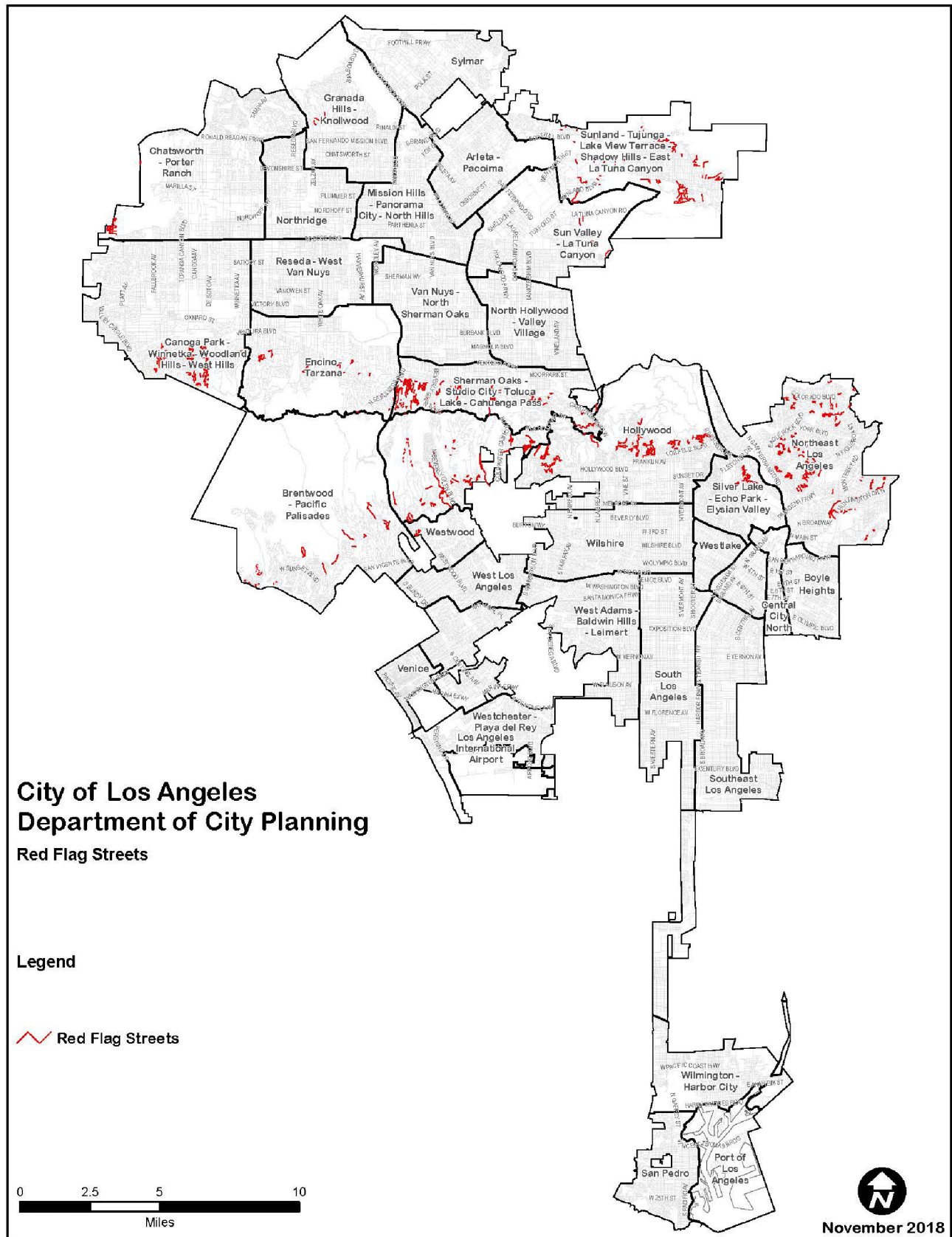
While Red Flag Streets are generally located in areas with heightened safety concerns, they are not typically not the most dangerous streets in Hillside Areas. According to LADOT, a street that poses a significant safety risk due to grade, width, or location will generally have no parking permitted at any time. In contrast, Red Flag Streets only have parking restrictions in the event of an emergency. Figure 1 on the following page illustrates the location of Red Flag Streets.

Given this information, staff does not recommend Red Flag Street designations as the primary performance standard to determine an area's suitability for ADU construction. However, if the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, if the subject lot is within 100 feet of any designated Red Flag Restricted Parking zone.*



Figure 1. Red Flag Streets



*Option 2: Allow ADUs on Hillside Area Lots that Meet One of Several Criteria*

Further research and field investigation suggests that there may be situations in which an ADU could be appropriate in a Hillside Area. Instead of using a single metric to allow or prohibit ADU development, a second policy option would allow for ADUs in Hillside Areas if any one of the following three conditions are met:

- a. The lot is located within ¼-mile of a public transportation stop;
- b. The lot fronts a paved vehicular roadway that is 24 feet wide from the subject property until it reaches the nearest publicly-maintained road; or
- c. One parking space is provided onsite for the ADU.

This option would provide Hillside Area homeowners several ways to qualify for an ADU, while only allowing ADU construction where parking and safety concerns are able to be mitigated. Current State ADU standards require that jurisdictions cannot require minimum parking requirements for ADUs located within one-half mile of public transit. Reducing this distance to one-quarter mile for Hillside Area neighborhoods would better ensure that the ADU is within a reasonable walking distance of a transit stop, regardless of grade and road conditions.

Similarly, Hillside streets that are improved to a minimum street width may be more suitable for ADU development than narrower streets. For example, the County of Los Angeles recently adopted an ADU ordinance that includes a ban on ADUs in Very High Fire Hazard Severity Zones unless the property fronts on a 24 foot paved roadway. Consultation with LADOT confirms that a 24 foot roadway is likely have on-street parking on at least one side of the street and thus reflect some ability to absorb additional parking capacity.

Finally, if a homeowner is able to provide an onsite parking space for the ADU, concerns related to off-street parking would be addressed and public safety concerns related to access on narrow Hillside streets may be minimized.

ADU eligibility in Hillside Areas would have to be determined on a case-by-case basis, as geospatial data relating to each of these conditions is not readily available. As a result, it is not possible to estimate the total number of lots that could be ineligible for ADU development under this option.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

*(3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, unless it meets any one of the following criteria:*

*(a) The lot is located within one-quarter mile of a public transportation stop along a prescribed route according to a fixed schedule; or*

- (b) The lot fronts on a paved vehicular roadway that is at least 24 feet in width as measured from the subject property until it reaches the nearest publicly-maintained road; or
- (c) One on-site parking space meeting the requirements described in Sub-subparagraphs (b)(13)(ii) and (b)(13)(iv) of this Subdivision is provided for the ADU.

*Option 3, Staff Recommended Alternative: Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)*

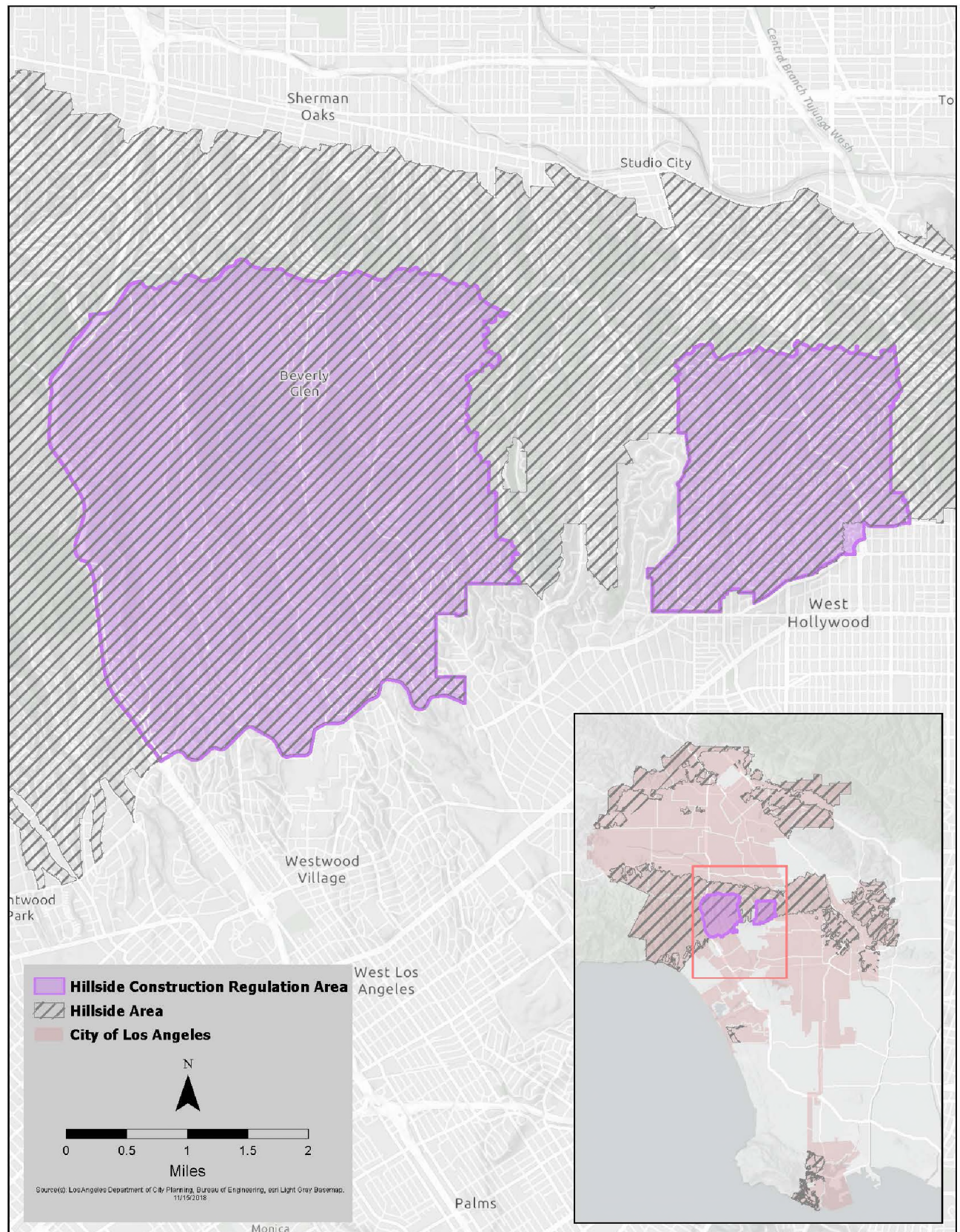
A third option would consider a more specifically tailored geographic-based prohibition, in lieu of the previously suggested Hillside Area ban. This option would place a prohibition on ADU construction on lots that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD).

While the Baseline Hillside Ordinance (BHO), which applies more broadly to Hillside Area neighborhoods, provides a foundation for development regulations in hillside communities, it is not tailored to varying conditions of each type of hillside community within the City. For this reason, the HCR SUD was created to provide a more context-sensitive set of development regulations for neighborhoods that were experiencing particularly acute construction-related impacts of hillside development. The HCR SUD places further restrictions on home size, maximum grading allowances, and hauling operations standards and conditions in order to lessen the impact of construction of large-scale and small-scale hillside developments on narrow, substandard streets and windy, hillside standard streets.

To date, the HCR SUD has been applied to three communities, including the Bel Air - Beverly Crest Community in Council District 5 and the Bird Streets and Laurel Canyon in Council District 4. Those areas are shown in the map provided in Figure 2, on the following page. Approximately 6.5% of all single-family zoned lots in the City are currently located in a HCR SUD. A Zone Change is required to apply the HCR SUD to additional communities. A recent Council Motion ([CF 16-1472-S5](#)) directed the Department to consider expanding the HCR SUD to the Castellamare neighborhood in Council District 11. Staff has recently initiated work to respond to that request.



Figure 2. Areas Subject to HCR Supplemental Use District



The HCR SUD was applied in these areas to address impacts to communities experiencing frequent construction activity. The HCR SUD is intended to provide further regulation to address portions of the Hillside Area that are experiencing the highest intensity of development. As described in previous staff reports, the development of ADUs poses particular public safety and quality of life concerns in hillside neighborhoods such as these, particularly related to intensity of development, provision of parking, roadway access and emergency response.

For these reasons, staff recommends this more narrowly-tailored option as an alternative to the Hillside Area prohibition. This alternative would limit ADU development in the HCR SUD, while allowing it in Hillside Areas that can accommodate additional development without exacerbating impacts to parking, access and construction-related impacts. Staff has incorporated this recommended alternative in the revised ordinance provided in Exhibit A. For reference, proposed LAMC Section 12.22 A.32(b)(3) has been revised as follows:

- (3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in ~~a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code~~ a Hillside Construction Regulation (HCR) Supplemental Use District per Section 13.20 of this Code.*

#### **D. Technical Modifications**

The Department has prepared a revised ADU Ordinance, included as Exhibit A, to incorporate the Technical Modification prepared for the October 11, 2018 meeting and an amendment to the Second Dwelling Unit terminology as it pertains to Parks Fees (per Council Motion CF [14-0057-S9](#)). The previous version provided an exemption for second dwelling units in single family zones. This version has been corrected to clarify that all Accessory Dwelling Units shall be exempt from park fees, regardless of zoning designation. The revised ordinance also incorporates a staff recommended alternative to the Hillside Area prohibition, as discussed in Section C.

#### **E. Conclusion**

Staff recommends the adoption of the proposed Ordinance (Exhibit A), which will ensure that ADU regulations in Los Angeles are consistent with new State regulations while providing tailored regulations that reflect the unique nature of the City's varied neighborhood contexts. The proposed ordinance is intended to accommodate the need to encourage the production of new housing supply while addressing concerns related to public safety, emergency access, and residential character of local neighborhoods.

## PUBLIC COMMUNICATIONS

The Department's December 15, 2016, July 12, 2018 and October 11, 2018 staff recommendation reports address communications received from the public relating to the draft ADU Ordinance. Since the completion of the Staff Recommendation Report dated October 11, 2018, the Department has received seven additional public comment letters that were not able to be responded to in that report (see Exhibit D). Most of the comments received are addressed in the sections above. Following is a summary of the additional points raised in those public comment letters and staff response.

A letter dated October 1, 2018 from cityLab at UCLA suggests several other performance standards be used to evaluate the appropriateness of ADUs in Hillside areas. They are summarized below:

1. Fire-safety related standards, including: 300 foot proximity to fire hydrants, proximity to a fire station with response times under 5 minutes 20 seconds, a fire sprinkler requirement.
2. Lot-based standards centered on slope, drainage/run off, stability, grading and proximity to a ridgeline.
3. Street-based standards, including: 20 foot minimum street width and access from collector streets or greater.

Staff looked into each of these suggestions. While many raised important policy ideas, they were found to be difficult to implement and administer. For example, the suggestion that ADUs should be limited based on fire response times may be challenging to administer. Fire response time data changes from month to month, which may create uncertainty regarding compliance with this standard. The letter also suggested lot-based standards, such as requiring that a portion of the lot has a slope of less than 25%, or placing limitations on grading. In general, the suggested lot-based standards are regulated by the Baseline Hillside Ordinance (BHO) for all new development. Street-based standards, such as requiring a minimum 20-foot paved roadway, are the most applicable and feasible. Some of these standards, such as a minimum 24-foot paved roadway, have been incorporated into Option 2 of the "Hillside Alternatives" discussion in more detail in Section C of this report.

A letter submitted by Cover suggests that a complete hillside ban on ADUs would prohibit the construction of over 82,000 units. The letter found that 58% of hillside parcels are ADU-compatible, based on analysis of slopes and existing floor area. This methodology relies on several assumptions and extrapolations that could not be verified by staff.

A letter dated October 10, 2018 expressed concern about the inability of the Los Angeles Department of Water and Power (LADWP) to provide clearances for ADUs located in power line easements, in addition to expressing concerns already addressed. As discussed in the October 11, 2018 Staff Recommendation Report (Exhibit B), this limitation involves issues that are not regulated by the Zoning Code and any potential solutions would not be part of the proposed ADU zoning ordinance. The Department and the Mayor's Office continue to engage in ongoing



discussions with LADWP in order to address this issue and identify appropriate solutions to facilitate the development of ADUs.

That letter also raised concerns with a provision of the proposed ordinance that would require any new parking for ADUs that is located in the front yard setback area to be provided on existing driveways. In particular, that letter referenced Assembly Bill 494, which amended State ADU law to disallow local jurisdictions from prohibiting specified off-street ADU parking locations, even where that parking is not allowed anywhere else in the jurisdiction. The letter further argues that many homes in Los Angeles currently have substandard driveways, which prevents them from creating a legal parking space in the driveway area and therefore may necessitate expansion. This provision was included in order to preserve front yard open space and reduce front yard paving by preventing applicants from expanding driveway and parking areas within the front yard setback area. Parking is normally not permitted in front yard setback areas. The referenced provision of the proposed ADU ordinance does not prohibit off-street parking for ADUs in the front yard setback. Rather, it prohibits further paving in the front yard setback area.

Finally, a letter received on November 13, 2018 raised concern about the high cost of housing in Los Angeles, and provided additional recommendations to allow for ADUs. In particular, the comment letter discussed how ADUs are an important source of middle-income housing, as well as housing for caregivers and service workers, particularly in hillside neighborhoods. The letter suggested that existing unpermitted ADUs should be allowed to be brought up to building and safety codes and legalized. The City currently provides a pathway for conversions of existing structures to ADUs, consistent with State Law. The letter additionally suggested that ADUs should be permitted in Hillside Areas greater than ½ mile from public transit if tenants and guests do not park on streets, and that ADUs should be permitted in a VHFHSZs if certain conditions are met, such as provision of fire sprinklers and access to a standard street. A discussion of alternatives such as these is provided in Section C of this report.

## FINDINGS

### General Plan/Charter Findings

#### **City Charter Section 556**

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the following goals, objectives and policies of the General Plan outlined below.

#### General Plan Framework Element

The proposed ordinance will meet the intent and purposes of the General Plan Framework Element to encourage the creation of housing opportunities for households of all types and income levels, while at the same time preserving the existing residential neighborhood stability of single-family zoned neighborhoods and promoting livable neighborhoods. Accessory Dwelling Units, as a housing typology, furthers those goals as they increase capacity and availability of housing without significantly changing neighborhood character. In particular, the ordinance would further the intent and purpose of the Framework Element of the following relevant Goals and Objectives:

*Goal 3B - Preservation of the City's stable single-family residential neighborhoods.*

*Objective 3.5 - Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.*

The proposed ordinance is in substantial conformance with the intent to preserve the City's stable single-family neighborhoods as it would result in relatively minor alterations to a small fraction of single-family properties each year and those alterations would be compatible with existing regulations governing accessory buildings. In other words, the ordinance would not allow an accessory building to be built that was not already allowed in the same location with the same size and scale. The use inside the building may be different, but the scale and architectural character will not be altered.

The standards set forth in the proposed ordinance require that the lot be zoned for residential use and contain an existing or proposed single-family dwelling. No more than one ADU would be permitted per lot. Furthermore, the ordinance would require that any detached ADU or ADU addition to existing space be limited in size and not be located between the front of the primary residence and the street. Therefore, these units would either be built behind the main home, or attached to the rear of the existing or proposed home. In either case, the ADUs are unlikely to be significantly different in character from existing or proposed typical rear yard structures such as garages or carriage houses. They are also unlikely, in the majority of circumstances, to be significantly visible from the public way. In addition, the proposed ordinance would require that the increased floor area of an attached second unit not exceed fifty percent of the existing or proposed floor area, up to a maximum of 1,200 square feet. This limitation helps differentiate an



attached ADU from a traditional duplex where the two units are of similar size, which is not permitted in single-family zones. Any new ADU must further comply with City's objective zoning requirements relating to height, setback, lot coverage, floor area, architectural review, and other applicable zoning requirements. Additional standards to protect the unique character of areas that allow for equine (horse) keeping have also been included. In total, these standards ensure that the character and scale of stable single-family residential neighborhoods is maintained and offer significant protections against out-of-scale new development in single-family neighborhoods.

The State Legislature has determined it is appropriate to provide for accessory dwelling units within single-family and multifamily zoned areas absent specific adverse impacts on the public health, safety, and welfare that could result from allowing accessory units within single-family and multifamily zoned areas (Gov. Code §65852.2(c)). The City's Housing Element also provides for second units within single-family and multifamily zoned areas, as a matter of citywide policy. The proposed ordinance will increase housing production and capacity in single-family and multifamily neighborhoods on lots designed to accommodate more than one independent residence within the existing home or as a separate structure, as part of the City's overall goal to increase housing production and capacity in the City overall to accommodate the existing and expected increases in population.

*Goal 4A - An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing. This creates additional opportunities for homeowners to purchase and stay in their homes, as well as for renters to live in areas they might otherwise be excluded from. ADUs are generally smaller than the primary home on the property, adding to the diversity and type of housing available in the City. The ordinance would facilitate the construction and preservation of a range of different housing types that address the particular needs of the city's households, including the elderly, disabled family members, in-home health care providers, and young adults. The proposed ordinance thereby expands rental and homeownership accessibility in single-family and multifamily neighborhoods for all residents of the City.

*Objective 4.4 - Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.*

The ordinance would reduce the regulatory and procedural barriers to the operation and placement of accessory dwelling units by providing for implementation of the ministerial development standards in Government Code Section 65852.2(b)(1) in approving accessory dwelling units on a City wide basis. The ordinance clarifies regulations regarding accessory dwelling units by incorporating state law requirements into the City's zoning requirements. It would also expressly permit ADUs on multifamily lots and allow for a greater variety of ADUs to be built.

*Policy 6.1.2.c. - Coordinate City operations and development policies for the protection and conservation of open space resources, by preserving natural viewsheds, whenever possible, in hillside and coastal areas.*

The ordinance would restrict the construction of ADUs in targeted Hillside areas covered by the City's Baseline Hillside Ordinance (BHO), thereby contributing to the preservation of natural viewsheds in these areas.

#### Housing Element

The ADU housing typology is specifically called out by the Housing Element as a way to facilitate the provision of additional rental housing types and help make homeownership more affordable. The Housing Element includes a specific Program (or implementation action) to alleviate barriers to increased construction of ADUs (Program 68 in the current 2014-2021 Housing Element). In addition, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives and policies of the Housing Element outlined below.

*Objective 1.4 - Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Policy 1.4.1 - Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.*

The proposed ordinance would streamline the land use entitlement, environmental review, and building permit processes for the operation and placement of accessory dwelling units as it: (1) expressly permits ADUs on multi-family lots; and (2) allows for a greater variety of ADUs to be built. The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing.

*Policy 1.2.2 - Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

The proposed ordinance encourages and incentivizes the preservation of non-subsidized affordable units by making it more likely they are able to be legalized in the future and therefore will not have to be demolished.

*Objective 1.1 - Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.*

*Policy 1.1.1 - Expand affordable homeownership opportunities and support current homeowners in retaining their homeowner status.*

The proposed ordinance expands the potential for affordable homeownership opportunities and may support current homeowners as the supplemental rental income from an ADU may allow households to afford homeownership who otherwise may be unable.

*Policy 1.1.2 - Expand affordable rental housing for all income groups that need assistance.*

The proposed ordinance expands the creation of additional rental housing options by supporting the creation of additional ADU units, which adds to the overall rental housing supply, which has the potential to result in lower rents by increasing the overall vacancy rate in the City. The proposed ordinance further accomplishes this policy, in that ADUs may be more affordable to rent than other types of housing.

*Policy 1.1.3 - Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.*

The proposed ordinance facilitates the construction and preservation of a range of different housing types that address the particular needs of the city's households, including but not limited to the elderly, disabled family members, in-home health care providers, and young adults.

*Policy 1.1.6 - Facilitate innovative models that reduce the costs of housing production.*

By allowing for Accessory Dwelling Units and Movable Tiny Houses, the proposed ordinance also facilitates innovative housing types that could reduce the typical cost of new construction, because the cost of land does not have to be factored into the development costs.

Finally, the ordinance would support the intent and purposes of the Housing Element of the General Plan regarding ADUs in that it affirms that the City should follow, as a matter of policy, state law standards for approving second units (2013 Housing Element, pages 2-11 through 2-12).

#### **City Charter Section 558(b)(2)**

In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance would be in conformity with public necessity, convenience, general welfare and good zoning practice for the following reasons:

The proposed ordinance is in conformity with public necessity because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; and, (3) allows the continued processing of permit applications for ADUs.

The proposed ordinance is in conformity with public convenience and general welfare for the same reasons as stated above. The proposed ordinance is additionally in conformity with public convenience and general welfare because it provides a locally-tailored ADU policy that is in conformance with the intent of State law.

The proposed ordinance is in conformity with good zoning practice for reasons (1), (2) and (3) as stated above.

### **State Accessory Dwelling Unit Law Findings**

#### **Hillside Restriction**

The proposed ordinance would restrict the new construction of ADUs in targeted Hillside Areas that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD). Conversion of most existing structures to ADUs will still be permitted.

State law permits local jurisdictions, by ordinance, to designate areas within the jurisdiction of the local agency where accessory dwelling units may or may not be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the impact of accessory dwelling units on traffic flow and public safety.

Los Angeles is a unique city for the amount of mountain terrain and hillside areas located within its boundaries. Given their unique characteristics and development challenges, these areas have long had distinct zoning and land use policies, including the development regulations contained in the Baseline Hillside Ordinance (BHO) and the HCR SUD. City policies aim to preserve natural viewsheds, whenever possible, in hillside and coastal areas (General Plan Framework 6.1.2).

The City's current second unit ordinance in LAMC §12.24 W.43 precludes second unit development within defined Hillside Area boundaries. The proposed ordinance would continue this policy by providing that second units that add any new square footage not be allowed in Hillside areas covered by the HCR SUD. The HCR SUD applies to approximately 614 single-family lots (6.5% of the City's total single-family properties). State law requires that, regardless of regulations that apply broadly to ADUs, the conversion of existing space of a single-family residence or existing accessory structure to ADU shall be approved if two conditions are met (PCR 65852.2(e)).

Hillside areas are often characterized by larger amounts of natural vegetation and substandard streets. They are typically not located near public transit, services or jobs. Impacts of new construction can be multiplied in hillside neighborhoods, with pronounced impacts on water and sewer services, congestion, parking availability and roadway degradation. Based on the above, the impacts of additional development, in Hillside Areas, beyond what is already planned or allowed through existing zoning and vested property interests, needs to be carefully managed. ADUs, which do not require discretionary review and environmental analysis unless requiring a discretionary permit (like a haul route permit), present particular issues relating to the likelihood of close proximate hillside development projects that have the potential to create public safety impacts due to construction vehicles and machinery that park on and traverse often substandard hillside streets.

Hillside Areas correspond, in large part, with Very High Fire Hazard Severity Zones (VHFHSZ), which means there has been determined to be a significantly higher fire and natural disaster risk

in those areas. Dry brush, which is prevalent in Southern California, is acutely prone to fires. Brush fires continue to be a major threat to life and property in VHFHSZ areas due to unique fuel, terrain, and climatic conditions. The hazard is especially great when dry “Santa Ana” winds arrive, usually in the fall and winter seasons, as evidenced by the recent 2017 wildfires referred to as the “Skirball Fire” in the Bel Air neighborhood of the City of Los Angeles and the “Creek Fire” in the Sylmar neighborhood of the City of Los Angeles. The “Skirball Fire” affected approximately 422 acres in the Bel Air neighborhood, destroying six structures and damaging twelve structures.<sup>1</sup> The “Creek Fire” affected the area four miles east of Sylmar in the San Gabriel Mountains, burning 15,619 acres, destroying 123 structures, and damaging 81 structures..<sup>2</sup>

The HCR SUD applies to some of the City’s most sensitive Hillside Area neighborhoods. It was established in order to provide a more context-sensitive set of development regulations for Hillside Area neighborhoods that were experiencing particularly acute construction-related impacts of hillside development. The HCR SUD places further restrictions on home size, maximum grading allowances, and hauling operations standards and conditions in order to lessen the impact of construction of large-scale and small-scale hillside developments on narrow, substandard streets and windy, hillside standard streets.

The HCR SUD was applied in these areas to address impacts to communities experiencing frequent construction activity. The HCR SUD is intended to provide further regulation to address portions of the Hillside Area that are experiencing the highest intensity of development. The development of ADUs poses particular public safety and quality of life concerns in hillside neighborhoods such as these, particularly related to intensity of development, provision of parking, roadway access and emergency response.

For these reasons the draft ordinance places a restriction on ADUs in targeted Hillside Areas that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD).

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<sup>1</sup>Los Angeles Fire Department, *Skirball Fire Update*, <http://www.lafd.org/news/skirball-fire-update>, accessed February 22, 2018.

<sup>2</sup> National Wildfire Coordinating Group, InciWeb Incident Information System, *Creek Fire*, <https://inciweb.nwcg.gov/incident/5669/>, accessed February 22, 2018.

## **CEQA Findings**

### **Statutory Exemption – PRC Section 21080.17**

Pursuant to Section 21080.17 of the California Public Resources Code, the adoption of the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA).

Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law). The proposed ordinance, if adopted, implements Government Code Section 65852.2 within the City of Los Angeles in a manner that is consistent with the requirements of state law. As such, the adoption of the proposed ordinance is exempt from CEQA.

As proposed, the City's ordinance would adopt the state's ADU mandates, as well as place additional restrictions on ADUs consistent with the provisions in the state ADU law. The state ADU unit law expressly authorizes local agencies to adopt additional restrictions so long as the additional restrictions do not conflict with or invalidate the regulations established in the state law. The proposed ordinance includes the following additional provisions to implement state ADU law in the City:

- A restriction on construction of new ADUs in Hillside areas covered by the City's Hillside Construction Regulation Supplemental Use District (HCR SUD) per LAMC Section 13.20 (this restriction does not apply to conversions of legally existing floor area to ADUs)
- A prohibition on siting ADUs between the front of the primary residence and the street
- Mandate that parking for an ADU may only be located in required front yard setback if located on an existing driveway.
- Distancing requirements on ADUs that are either, (1) located on lots where equine keeping uses are allowed by the underlying zone, or (2) on a lot that is adjacent to another lot where equine keeping uses are allowed, to ensure that equine keeping is not precluded by an ADU. This includes the following distancing requirements:
  - ADU must be located closer to the main home than the rear lot line
  - ADU must always be within 50 feet of the main home
  - For lots wider than 60 feet, ADUs must adhere to 10 foot side yard setbacks
- An allowance for movable tiny homes of no more than 430 square feet in size to be considered an ADU, provided they comply with certain residential design standards

### **Categorical Exemptions – CEQA Guidelines Sections 15301, 15302, 15303**

In addition to the statutory exemption, this Project is categorically exempt from CEQA as discussed below.

### Class 1 Exemption

To the extent that the proposed ordinance allows the conversion of existing accessory structures to ADUs, the ordinance additionally qualifies for the Class 1 Categorical Exemption. A project qualifies for a Class 1 Categorical Exemption if it involves negligible or no expansion of an existing use, including small additions to existing structures. Any conversion or legalization of an existing ADU which may occur as a result of this ordinance would be subject to this exemption. Legalization of an existing dwelling unit would also be subject to a common sense exemption as it would not change the baseline conditions. CEQA Guidelines Section 15061(b)(3).

### Class 2 Exemption

To the extent that the proposed ordinance would also allow for the replacement or reconstruction of existing structures that would not otherwise occur, the ordinance additionally qualifies for the Class 2 Categorical Exemption. A project qualifies for a Class 2 Categorical Exemption if it involves the replacement or reconstruction of existing structures and facilities where the new structure would be located on the same site and have substantially the same purpose and capacity as the preexisting structure.

### Class 3 Exemption

Class 3 exempts the development of accessory dwelling units. CEQA Guidelines Section 15303(a).

### Exceptions

There is no evidence in the record which demonstrates that any of the six (6) Exceptions from CEQA Guidelines Section 15300.2 apply to the proposed ordinance: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

#### (a) Location.

While it is possible that an ADU may be located within a “sensitive” environment (such as a Liquefaction Zone, Fault Zone, Methane Zone) as a result of the proposed ordinance, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in these particular types of locations and will reduce and potential impacts to less than significant. These RCMs have historically proven to work to the satisfaction of the City Engineer and State Building Code standards to reduce any impacts from the specific environment a project may be located in. Thus, the proposed ordinance will not result in a significant impact based on the potential location of an ADU.



- (b) Cumulative; and
- (c) Unusual Circumstance-Significant Impact

ADUs are limited to one per lot. Based on historical ADU development, it is not foreseeable that the proposed ordinance would result in a succession of projects of the same type and in the same place. As discussed, the ordinance restricts ADUs to areas zoned and designated for such development, and places further restrictions on the allowable size and scale to ensure that any ADU is consistent with surrounding development. ADUs in the City are not unusual and the proposed regulations will ensure that future development of ADUs will not be built in location, size or scope that will result in unusual circumstances. The City's standards are intended to offer significant protections against out-of-scale new development in equine keeping districts and the City's environmentally-sensitive HCR SUD areas. As such, the effect of the proposed provisions would be to provide further environmental protections and would not have a significant effect on the environment.

Generally, a University of California, Berkeley study suggests that ADUs would have a lower environmental impact than other residential typologies. ADU residents may have fewer cars and utilize public transportation more often than the general population. In communities already served by transit, ADUs can provide new homes without the potential of adding significant new traffic. Any potential for new ADU construction that would result from the passage of the proposed ordinance would have insignificant impact.

Additionally, the City's analysis shows that these additional provisions are not anticipated to significantly alter the number or location of new ADUs.

#### Hillside Construction Regulation Supplemental Use District (HCR SUD) Restriction

The provisions that impose a restriction on construction of new ADUs in targeted Hillside Areas that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD) are not anticipated to have a significant effect on the environment.

The proposed ordinance would provide that accessory dwelling units, unless contained within the existing space of a single-family residence or existing accessory structure, not be allowed in Hillside areas covered by the HCR SUD. The HCR SUD applies to approximately 614 single-family lots (6.5% of the City's total).

Based on prior history of ADU development, there is no evidence to conclude that a restriction on ADUs in the HCR SUD would result in an increase in ADU development in other locations. ADUs are generally constructed by individual homeowners, are limited to one per lot. If a homeowner was prevented from constructing a new ADU as a result of the regulation, they would have the option of creating an ADU from existing space or not create an ADU. In either event, this would not be expected to result in an increase in development elsewhere.

In the time since the City has begun implementing the new State standards provided in Government Code Section 65852.2 on January 1, 2017, a small fraction of new ADUs have been permitted in areas covered by the HCR SUD, despite a marked increase in the total number of ADU permits issued under the State laws. A total of 2,342 permits were issued for ADUs in 2017, of which approximately 22 were located in the HCR SUD. This represents less than one percent of the total ADU permits issued in the City, despite the fact that 6.5 percent of all single-family parcels are located in the HCR SUD. The lower amount of ADU construction in the HCR SUD likely reflects the difficult topography and unique construction regulations that already exist in these areas (including the Baseline Hillside Ordinance, in addition to the HCR SUD restrictions). The vast majority of 2017 ADUs permitted in the HCR SUD (68 percent) were conversions of existing space which, consistent with state law, would not be prohibited under the HCR SUD provision that is under consideration. Approximately 2 ADUs in the HCR SUD were new construction, while approximately 5 were additions. This is a significantly lower percentage of new construction and additions than the City as a whole, indicating that ADUs in the HCR SUD are much less likely to involve new construction of a standalone structure. For these reasons, further restricting the construction of ADUs in the HCR SUD is therefore not expected to result in substantial development of other housing elsewhere.

#### Movable Tiny Homes

The provisions that allow for movable tiny homes of no more than 430 square feet in size to be considered an ADU are not anticipated to have a significant effect on the environment.

Movable tiny homes are an alternate type of housing structure that fall under the State definition of an accessory dwelling unit, defined as “an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated” (Gov. Code Section 65852.2 (i)(4)). The inclusion of movable tiny homes into the proposed ordinance would not foreseeably result in new development that would result in potential cumulative impacts. While movable tiny homes provide a lower-cost option when building an ADU, there is no evidence to suggest that there would be a significant increase in the number of ADUs in the City as a result of this provision, and therefore it is not anticipated that it would result in any potential impacts.

The City of Fresno was the first city in the Country to adopt similar provisions allowing movable tiny homes to be used as accessory dwelling units. In the time since the City began implementing the new regulations on January 1, 2018, zero movable tiny homes have been approved in the City of Fresno.

#### Siting Requirements in Equine Keeping Areas

The provisions that establish siting requirements for ADUs located in equine keeping areas are not anticipated to have a significant effect on the environment. As described, the proposed ordinance would place siting requirements for ADUs located on lots where equine keeping is a

permitted use, in order to locate the ADU in closer proximity to the main home on a lot and ensure that the ADU does not preclude future equine keeping on neighboring lots. Current regulations in LAMC 12.21 C.5(a) require that new equine enclosures are located at least 75 feet from the habitable rooms of a neighbor's dwelling unit in order to protect the health and safety of the residents.

There is no evidence to conclude that additional restrictions on the siting of ADUs on lots in equine keeping areas would result in an increase in ADU development in other locations. The primary effect of this provision would be to influence the siting location of an ADU on an individual lot, which would not meaningfully have any impact on the ability to construct an ADU or influence individual decisions to build an ADU. ADUs are constructed by individual homeowners, and are limited to one per lot.

(d) State Scenic Highway.

According to Appendix B of the City of Los Angeles Mobility Plan, there are no designated state scenic highways located within the City of Los Angeles.

(e) Hazardous Waste.

It is not foreseeable that an ADU would be located in a Hazardous Waste Site, as the ordinance requires that the site already contain a single-family residence or would allow a new single-family residence to be constructed simultaneously and this condition would have been verified upon construction of the home.

(f) Historical Resources.

Any ADU constructed on a project site identified as a historic resource or eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register would be further subject to historic review and approval by the Los Angeles Office of Historic Resources pursuant City requirements on cultural monuments and HPOZs.