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December 5, 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 FINDINGS RELATIVE TO PROPOSED ACCESSORY DWELLING UNIT
ORDINANCE; CF 16-1468**

On August 20, 2019, the Planning and Land Use Management (PLUM) Committee considered the proposed Accessory Dwelling Unit (ADU) Ordinance. On that date, the PLUM Committee requested the City Attorney prepare an Ordinance incorporating an amendment to restrict the construction of new ADUs in Hillside Areas located in a Very High Fire Hazard Severity Zone (VHFHSZ), unless certain fire safety and access requirements are met, or unless the ADU is located in either the Northeast Los Angeles Community Plan Area or the Silver Lake – Echo Park – Elysian Valley Community Plan Area.

To support your consideration of the proposed ordinance, the Department of City Planning has prepared revised Findings that reflect the amendments made by the PLUM Committee on August 20, 2019. The Findings have also been revised to reflect modifications to the proposed ordinance that were made by the City Attorney to ensure consistency with new provisions of State Law, including the removal of proposed ADU siting requirements in Equine Keeping Areas. The revised Findings should be considered in lieu of the Findings dated January 3, 2019 that were approved by the City Planning Commission and previously transmitted to the Council File.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

Kevin J. Keller, AICP
Executive Officer

VPB:KJK:ALV:MG:ch

Enclosures

FINDINGS

I. 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 (ADUs) and Junior Accessory Dwelling Units (JADUs), as housing typologies, further 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 character and scale of 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 generally be compatible with existing regulations.

The standards set forth in the proposed ordinance require that the lot be zoned for residential or mixed use and contain an existing or proposed dwelling. No more than one ADU or JADU would be permitted per lot in most instances. 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 where there is an existing primary dwelling, that the floor area of an attached second unit not exceed fifty percent of the existing primary dwelling, but not less than 800 square feet where there are four-foot side and rear yard setbacks; and that a detached ADU not exceed 1,200 square feet. ADUs not contained within an existing or proposed structure must further comply with City's objective zoning requirements relating to height, setback, lot coverage,

floor area, architectural review, and other applicable zoning requirements, and with a prohibition on a lot 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 Area Map pursuant to Section 12.03 of the Los Angeles Municipal Code), unless the ADU is: (i) located within the Northeast Los Angeles Community Plan or Silver Lake – Echo Park – Elysian Valley Community Plan Areas; or (ii) protected with automatic fire sprinklers, provides at least one off-street parking space, and is located on a lot fronting a street improved to a minimum width of 20 feet. These standards help ensure that the character and scale of stable single-family residential neighborhoods are maintained and offer significant protections against out-of-scale new development.

The State Legislature has determined it is appropriate to provide for ADUs and JADUs within single-family, multifamily, and mixed use zones (Gov. Code §65852.2(a)(1)(D)(ii) and (e); and 65852.22). 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, multifamily and mixed-use 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 from which they might otherwise be excluded. 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 approval of ADUs and JADUs ministerially without discretionary review on a City wide basis. The ordinance clarifies regulations regarding accessory dwelling units and complies with state law requirements. It would also expressly permit ADUs on multifamily and mixed-use 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 certain ADUs located in a Hillside Area and a Very High Fire Hazard Severity Zone (VHFHSZ) unless certain fire safety and access requirements are met, 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) permits ADUs and JADUs on multi-family and mixed-use 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 or JADU 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 and JADU 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 and JADUs 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 ADUs, JADUs 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 must, as a matter of policy, comply with state law 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 and JADUs.

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 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.

II. STATE ACCESSORY DWELLING UNIT LAW FINDINGS

Hillside Area / Very High Fire Hazard Severity Zone (VHFHSZ) Restriction

The proposed ordinance would prohibit construction of ADUs (except those contained within the proposed space of a single-family dwelling; existing space of a single-family dwelling or an accessory structure, including an expansion of an existing accessory structure of not more than 150 square feet to accommodate ingress and egress for an ADU; or within portions of existing space of a multifamily dwelling structure not used as livable space) in areas (Hillside Areas) covered by the City's Baseline Hillside Ordinance (BHO) (as defined by the Hillside Area Map pursuant to Section 12.03 of the LAMC) that are located in a Very High Fire Hazard Severity Zone (VHFHSZ) unless certain fire safety and access requirements are met. These requirements include: (1) the provision of fire sprinkler protection; (2) the provision of one off-street parking space; and (3) location on a lot that fronts on a street that is improved with a roadway width of 20 feet or more in front of the subject property. This prohibition would not apply to ADUs located in either the Northeast Los Angeles Community Plan Area or the Silver Lake – Echo Park – Elysian Valley Community Plan Area. Consistent with State law, construction of ADUs interior to an existing or proposed single-family dwelling, interior to an existing accessory structure located on a lot with an existing or proposed single-family dwelling, or interior to an existing multifamily dwelling structure will be permitted on lots located in both a Hillside Area and VHFHSZ.

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 BHO. City policies aim to preserve natural viewsheds, whenever possible, in hillside and coastal areas (General Plan Framework 6.1.2).

The City's existing second unit ordinance in LAMC §12.24 W.43 precluded second unit development within, among other areas, certain hillside areas. The proposed ordinance would carry forward the intent of this policy by providing that new ADUs other than those located within existing or proposed single-family dwellings and existing accessory structures, including an expansion of a proposed or existing single-family dwelling or accessory structure of not more than 150 square feet to accommodate ingress and egress for an ADU, or existing multifamily dwelling structures, be prohibited in Hillside Areas located in a VHFHSZ, unless certain fire safety and access requirements are met.

There are a variety of concerns with permitting ADUs in certain Hillside Areas. In particular, public safety concerns associated with additional development in areas that are prone to higher fire risk are a primary concern. 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 recent wildfires referred to as the “Skirball Fire” that occurred in 2017 in the Bel Air neighborhood of the City of Los Angeles, the “Creek Fire” that occurred in 2017 in the Sylmar neighborhood of the City of Los Angeles, and the “Woolsey Fire” that occurred in 2018 portions of Ventura and Los Angeles Counties. The “Skirball Fire” affected approximately 422 acres in the Bel Air neighborhood, destroying six structures and damaging twelve structures.¹ 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.² The “Woolsey Fire” burned 96,949 acres in portions of Thousand Oaks, Agoura Hills, Simi Valley and Malibu, destroying 1,643 structures and damaging 364 structures.³

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.

The development of ADUs poses particular public safety and quality of life concerns in hillside neighborhoods that are located in a VHFHSZ, particularly related to intensity of development, provision of parking, roadway access and emergency response. These areas in many instances consist of narrower roadways in areas of higher fire risk, where emergency response times may be longer than more accessible areas of the City. The City has instituted a robust set of regulations and safety measures to address many of these public safety concerns in Hillside Areas. The requirement for ADUs located in these areas to provide fire sprinklers, off-street parking, and front on a 20-foot roadway are intended to provide additional safety measures and offset potential safety risks in the event of an emergency.

The new restrictions on the development of ADUs in Hillside Areas located in a VHFHSZ provide for reasonable minor standards that allow for particularly acute fire safety and public access risks to be mitigated on a site-by-site basis. These restrictions and additional standards would only apply to a relatively small number of ADUs. In the time since the City has begun implementing the new state standards provided in Government Code 65852.2 on January 1, 2017, a small fraction of new ADUs have been permitted in the broader Hillside Area, despite a marked increase

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

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

³ Los Angeles County Fire Department, *Woolsey Fire Incident Update*, <https://www.fire.lacounty.gov/woolsey-fire-incident/>, accessed September 5, 2019.

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 171 were located in a Hillside Area. This represents only seven percent of the total ADU permits issued in the City in 2017, despite the fact that 28 percent of all single-family parcels are located in the Hillside Areas. Of the 171 ADUs built in Hillside Areas, approximately 14 were new construction, while approximately 38 were additions. The vast majority of 2017 ADUs permitted in the hillside area (70 percent) were conversions of existing space which, consistent with state law, would not be prohibited under the proposed ordinance. As a result, only a small subset of the total number of ADU construction activity in the Hillside Areas is likely to be impacted by the additional restrictions that are imposed by the proposed ordinance; however, these additional restrictions are necessary to mitigate fire safety and access risks in these areas. By providing for additional standards in these areas rather than a blanket prohibition, the proposed ordinance allows for these risks to be mitigated while allowing ADU development where site-specific conditions may be more suitable.

That said, there is some variability in conditions among Hillside Area neighborhoods throughout the City. Hillside Area neighborhoods in Northeast Los Angeles and Silver Lake – Echo Park – Elysian Valley are distinct from other Hillside Area neighborhoods in that they allow for greater roadway access, may have less fire risk, and are generally characterized by a more urbanized development pattern with lower amounts of undeveloped land. For this reason, the proposed ordinance would allow construction of new ADUs in Hillside Area neighborhoods that are located in these two neighborhoods.

For these reasons the draft ordinance places a restriction on ADUs in targeted Hillside Areas that are located in a Very High Fire Hazard Severity Zone, unless certain fire safety and access requirements are met, or unless the ADU is located in the Northeast Community Plan Area or the Silver Lake – Echo Park – Elysian Valley Community Plan Area.

III. CEQA FINDINGS

Statutory Exemption – PRC Section 21080.17

Pursuant to Section 21080.17 of the California Public Resources Code (PRC), 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. Government Code Section 65852.2 requires jurisdictions to provide regulations for the ministerial approval of Accessory Dwelling Units (ADUs) that comply with that section, and Junior Accessory Dwelling Units (JADUs) that comply with the provisions of Government Code Section 65852.22. 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 pursuant to PRC Section 21080.17.

As proposed, the City's ordinance would adopt the state's ADU and JADU mandates, as well as place additional restrictions on ADUs consistent with the provisions in the state law. State 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, among additional provisions, consistent with state law:

- A prohibition on ADUs (except those contained within the proposed space of a single family dwelling; existing space of a single family dwelling or an accessory structure, including an expansion of an existing accessory structure of not more than 150 square feet to accommodate ingress and egress for an ADU; or within portions of existing space of a multifamily dwelling structure not used as livable space) on a lot located in both a Very High Fire Hazard Severity Zone (VHFHSZ) and Hillside Area, unless the ADU is: (i) located within the Northeast Los Angeles Community Plan or Silver Lake – Echo Park – Elysian Valley Community Plan Areas; or (ii) protected with automatic fire sprinklers, provides at least one off-street parking space, and is located on a lot fronting on a street improved to a minimum width of 20 feet.
- An allowance for Movable Tiny Houses (MTHs) of no more than 430 square feet and meeting stated standards to be used as ADUs.
- An allowance for JADUs, where contained within existing or proposed structures, subject to certain restrictions, in residential and mixed-use zones, as required by state law.
- An exemption for ADUs, including new ADUs under construction that have not yet obtained a Certificate of Occupancy, from park fee and land dedication requirements.
- A prohibition on siting ADUs between the front of the primary residence and the street.

Statutory Exemption – PRC Section 21080(b)(1) and CEQA Guidelines Section 15060(c)(1)

Pursuant to Section 21080(b)(1) of the Public Resources Code and CEQA Guidelines Section 15060(c)(1), the adoption of the provisions of the proposed ordinance which authorize the creation of JADUs meeting the criteria of Government Code Section 65852.22 is also statutorily exempt from CEQA.

Under PRC Section 21080(b)(1), CEQA does not apply to ministerial actions proposed to be carried out or approved by public agencies. CEQA Guidelines Section 15060(c)(1) further states that an activity that does not involve the exercise of discretionary powers by a public agency is not subject to CEQA.

Government Code Section 65852.2(e)(1)(A), as amended by Assembly Bill 881 and Assembly Bill 68 (effective January 1, 2020), requires that a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create a JADU meeting certain criteria, if that JADU complies with the requirements of Government Code Section 65852.22. Therefore, the inclusion in the proposed ordinance of provisions of Government Code Section 65852.22 regarding requirements for JADUs is intended to align the City's Zoning Code with state law and does not involve the exercise of discretionary powers and is exempt from CEQA pursuant to PRC Section 21080(b)(1) and CEQA Guidelines Section 15060(c)(1).

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 (CEQA Guidelines Section 15301)

To the extent that the proposed ordinance allows the conversion of existing accessory structures or portions of existing dwelling structures to ADUs or JADUs, or construction of new ADUs or JADUs within proposed dwelling units, 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 accessory structure or construction of new ADUs within proposed dwelling units 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 (CEQA Guidelines Section 15302)

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 (CEQA Guidelines Section 15303)

CEQA Guidelines Section 15303 provides an exemption for the new construction or conversion of small structures, including second dwelling units located in residential zones. To the extent that the proposed ordinance would allow for the development of new ADUs or JADUs that would not

otherwise occur under the provisions of state law, the proposed ordinance additionally qualifies for the Class 3 Categorical Exemption.

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 or JADU 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 or JADU.

(b) Cumulative; and

(c) Unusual Circumstance-Significant Impact

ADUs are generally 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 the City’s environmentally-sensitive Hillside 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 described below are not anticipated to significantly alter the number or location of new ADUs.

Restriction in Hillside Areas located in a Very High Fire Hazard Severity Zone (VHFHSZ)

The provisions that impose a restriction on construction of new ADUs in targeted Hillside Areas that are located in a VHFHSZ are not anticipated to have a significant effect on the environment.

The proposed ordinance would provide that ADUs, unless contained within the proposed space of a single family dwelling, existing space of a single family dwelling or an accessory structure, including an expansion of an existing accessory structure of not more than 150 square feet to accommodate ingress and egress, or within portions of existing space of a multifamily dwelling structure not used as livable space, not be permitted in Hillside areas located in a VHFHSZ, unless certain fire safety and access requirements are met, including provision of fire sprinklers, off-street parking, and a 20-foot roadway. This restriction would not apply to Hillside properties located in either the Northeast Los Angeles or Silver Lake – Echo Park – Elysian Valley Community Plan Areas.

Based on prior history of ADU development, there is no evidence to conclude that a restriction on ADUs in targeted Hillside Areas would result in an increase in ADU development in other locations. ADUs are generally constructed by individual homeowners, and are generally limited to one ADU 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 the Hillside Area, 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 171 were located in a Hillside Area. This represents only seven percent of the total ADU permits issued in the City in 2017, despite the fact that 28 percent of all single-family parcels are located in Hillside Areas. The lower amount of ADU construction in the Hillside Areas likely reflects the difficult topography and unique construction regulations that already exist in these areas (including the Baseline Hillside Ordinance). The vast majority of 2017 ADUs permitted in Hillside Areas (70 percent) were conversions of existing space which, consistent with state law, would not be prohibited under the Hillside Area provision that is under consideration. Approximately 14 ADUs in Hillside Areas were new construction, while approximately 38 were additions. This is a significantly lower percentage of new construction and additions than the City as a whole, indicating that ADUs in Hillside Areas are much less likely to involve new construction of a standalone structure. For these reasons, further restricting the construction of ADUs in certain Hillside Area neighborhoods is therefore not expected to result in substantial development of other housing elsewhere.

Junior Accessory Dwelling Units (JADUs)

The provisions which allow for the creation of JADUs are not anticipated to have a significant effect on the environment.

As defined by Government Code Section 65852.22(h)(1), a JADU is a unit that is not more than 500 square feet in size and contained entirely within a proposed or existing residence. Specifically, a JADU may only be located within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. JADUs may only be established within the floor area of existing or proposed residences located in a residential or mixed-use zone and are limited to one JADU per lot; therefore, the development of JADUs will not result in the development of any new floor area that would not otherwise occur.

For the reasons stated above, the inclusion of JADUs into the proposed ordinance would not foreseeably result in new development that would result in potential cumulative impacts.

Movable Tiny Houses

The provisions that allow for movable tiny houses 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 houses 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 houses into the proposed ordinance would not foreseeably result in new development that would result in potential cumulative impacts. While movable tiny houses 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 houses 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 houses have been approved in the City of Fresno.

(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 or JADU 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 or JADU 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.