

ORDINANCE NO. _____

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 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 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. A structure intended for the separate, independent living quarters of one household for year-round residence 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, and certified by a qualified third party inspector for ANSI 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 a room of at least 120 square feet and total floor area of not less than 150 and no more than 430 square feet of habitable living space, 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:

- (1) All applicable objective provisions required pursuant to Chapter 1 of this Code, including such provisions stated in the underlying applicable zoning 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 shall govern. An ADU that complies with this 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 Area as defined by the Hillside Area Map per Section 12.03 of this Code.
- (4) Only one ADU is permitted per lot.
- (5) An ADU is permitted only on a lot that contains an existing single-family dwelling unit or where a new single-family dwelling unit is proposed.
- (6) 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 pre-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.
- (12) ADUs are not required to provide fire sprinklers if they are not required for the existing single-family dwelling unit.
- (13) ADUs are not considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
- (14) Parking Requirements:
 - (i) 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 car share parking spot; 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) Parking is allowed in setback areas, except in required front yards 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 12.21 A.5 and 12.21 G.
- (iii) 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 as the ADU, including but not limited to covered spaces, uncovered spaces, tandem spaces, or by the use of mechanical automobile parking lifts.

(c) Detached Accessory Dwelling Unit Requirements. Detached ADUs must comply with the Section 12.21 C.5 where applicable, and all provisions in paragraph (b), and all of the following:

- (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 (including Residential Floor Area) on a lot apply separately and may further limit allowable Detached ADU square
- (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 is on a Through Lot and complies with LAMC 12.22 C.19 and 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 where equine keeping is allowed, as well as parcels abutting or adjacent to such parcels, in addition to existing separation requirements in the LAMC, all of the following provisions apply:

- (i) No part of the ADU shall be located at a distance measured from the rear lot line that is less than the distance measured between the closest part of the ADU to the rear wall of the existing or proposed single-family dwelling unit;
- (ii) No part of the ADU shall be more than 50 feet from the furthest point on the rear wall of the existing single-family dwelling unit; and
- (iii) For lots greater than 60 feet in width, side yard setbacks shall be at least 10 feet.

(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) Attached ADUs may not result in an increase in total floor area exceeding 50% of existing or proposed living area of the primary structure up to a maximum of 1,200 square feet. For this purpose, living area means interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) Limits on total Floor Area (including Residential 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 will be approved if the unit complies with all of the following:

- (1) The ADU is fully contained within a single-family residence lawfully existing as of the effective date of this subsection or an 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.
- (2) The ADU has independent exterior access from the existing residence, is located on a parcel 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 Residential Floor Area, is exempt from the Residential Floor Area requirements provided the pre-existing space is solely located within existing walls that lawfully existed prior to the effective date of this subsection.

ADUs described in this sub-paragraph (e) are not required to install new or separate utility connections and are not subject to separate utility connections connection fees or capacity charges.

(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 and no parcel may be approved for more than one moveable tiny house in a twelve month period.
- (2) Movable Tiny Houses shall be located behind the primary dwelling unit and shall not be located in any required front yard.
- (3) When sited on a parcel, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view.
- (4) If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow the State approved requirements for foundation systems for manufactured housing. If the wheels are not removed, 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.
- (5) Mechanical equipment shall be incorporated into the structure and not located on the roof.
- (6) Movable Tiny Houses shall be connected to water, sewer and electric utilities.
- (7) Moveable Tiny Houses are not required to have separate street addresses from the primary unit.
- (8) Movable Tiny Houses are not required to have sprinklers, but shall follow the ANSI 119.5 standards relating to health, fire and life-safety.
- (9) 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 - Windows shall be at least double pane glass and labelled for building use, shall include exterior trim, and excludes windows and doors that 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 be in compliance with building code roofing material; and
 - (iv) Living Area Extensions** – 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.

(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 pursuant to Section 12.21A of this Code 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.

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

Sec. 4. 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.