

ACCESSORY DWELLING UNIT ORDINANCE

BACKGROUND & FREQUENTLY ASKED QUESTIONS

Revised May 2018



SUMMARY

On September 27th, 2016, Governor Brown signed two accessory dwelling unit bills into State law, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 that amended the State's existing second unit law (Government Code Section 65852.2). These amendments to the existing second unit law went into effect on January 1, 2017. The new version of State law makes clear that City ordinances which do not align with State law shall be "null and void" and that, until which time a jurisdiction adopts its own ordinance, in accordance with State law, the state standards specified in section 65852.2 shall be enforced.

In response to these changes in State law the Department of City Planning has prepared a new ordinance to repeal the City's existing second unit standards, incorporate the new state provisions, and introduce new tailored Accessory Dwelling Unit (ADU) regulations that recognize Los Angeles' many unique neighborhoods.

In addition to following the regulations established in the City's new ordinance, any future ADUs would also need to conform to the parcel's zoning regulations including floor area, bulk and height. Floor area devoted to an ADU is counted against the total floor area permitted on a parcel. The Department of City Planning's new Baseline Mansionization (BMO) and Baseline Hillside Ordinances (BHO) will further regulate the size of ADUs.

BACKGROUND

Second units, now called accessory dwelling units (ADUs), have been identified by the State as providing an important housing option to both potential renters and homeowners. They typically cost less than other types of housing, provide convenient housing for family members, help ease a severe rental housing deficit, maximize limited land resources and existing infrastructure, and assist homeowners with supplemental income.

The City's existing regulations governing ADUs, L.A.M.C. 12.23 W.43 and W.44, permitted second units only in limited circumstances through a conditional use permit process. The new State laws that went into effect on January 1, 2017 rendered these provisions null and void. Any new ordinance adopted by the City must be consistent with the new State laws. Once the City adopts its own new ordinance the City's ordinance will be the prevailing local regulations for ADUs.

The proposed ordinance largely mirrors State law. As permitted by State law, the City's proposed ordinance includes locational restrictions for new ADUs including in the City's Hillside Areas. It also requires that ADUs are located in ways that do not preclude equine keeping on neighboring lots. Additionally, movable tiny homes may be permitted as an ADU under the City's proposed ordinance, provided they adhere to certain design standards.

ORDINANCE ADOPTION PROCESS

The City Council incorporated amendments to the City's Accessory Dwelling Unit ordinance that were not considered by the City Planning Commission (CPC), so the ordinance is now being routed to CPC again for their consideration. Afterwards, the ordinance will be scheduled for the appropriate City Council

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Committees for consideration before the final ordinance moves to the full City Council.

FREQUENTLY ASKED QUESTIONS

What are the state standards that the City must include in its own ordinance?

The state's standards include a limitation on the size of an ADU. ADUs that are attached to an existing single family dwelling cannot be larger than 50% of the existing living areas. Both attached and detached ADUs cannot exceed 1,200 square feet. The State law stipulates that no passageway shall be required in conjunction with the construction of an ADU and that no setbacks shall be required for an existing garage that is converted to an ADU. An ADU that is constructed above a garage will need to provide no more than five feet from the side and rear lot lines. In addition, per state legislation, existing accessory structures, with side and rear setbacks sufficient for fire safety, and with their own exterior entrance shall be permitted to become ADUs.

What are the state's parking requirements for an ADU?

The state legislation limits the required parking for an ADU to one parking space per unit or per bedroom and permits the parking space to be a tandem space in an existing driveway. When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU the replacement spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

The state legislation further stipulates that parking cannot be required when the ADU is located: within ½ mile of public transportation; in an historic district; is part of an existing primary residence; or, when a car-share vehicle is located within one block.

What additional limitations is the City considering?

The City's ordinance proposes to exclude ADUs in Hillside areas, and would impose distancing requirements on ADUs located on lots where equine keeping uses are allowed. In addition, detached ADUs would not be permitted to be located between the primary dwelling unit and the street. Furthermore, the Baseline Mansionization Ordinance (BMO) and Baseline Hillside Ordinance (BHO), will further regulate the size of ADUs.

What additional standards can the City impose on ADUs?

Perhaps most importantly, the state explicitly states that an ADU must also adhere to the local jurisdiction's standards with regards to height, setback, lot coverage, Floor Area Ratio (FAR), building separation and open space of the zone on which the property is located.

ADDITIONAL INFORMATION

If you have any questions, please contact Matthew Glesne in the Department of City Planning at matthew.glesne@lacity.org or (213) 978-2666.