

ORDINANCE NO. 186481

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 for the purpose of regulating Accessory Dwelling Units and Junior Accessory Dwelling Units in accordance with State law.

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

Section. 1. The following definitions are added to Section 12.03 of the Los Angeles Municipal Code in proper alphabetical order as follows:

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

JUNIOR ACCESSORY DWELLING UNIT (JADU). A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior Accessory Dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

MOVABLE TINY HOUSE. An enclosed space intended for separate, independent living quarters of one Family as defined in Section 12.03 of this Code and 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) Is no smaller than 150 and no larger than 430 square feet as measured within the exterior faces of the exterior walls.

Sec. 2. A new Subdivision 33 is added to Subsection A of Section 12.22 of the Los Angeles Municipal Code to read as follows:

33. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).

(a) **Purpose.** The purpose of this subdivision is to provide for the creation of ADUs and JADUs consistent with California Government Code Sections 65852.2 and 65852.22, as amended from time to time.

(b) **Applicability.** The following development standards shall apply:

(1) A detached ADU shall be approved if in compliance with all of the provisions provided in Paragraphs (c) and (d).

(2) An attached ADU shall be approved if in compliance with all of the provisions provided in Paragraphs (c) and (e).

(3) A Movable Tiny House (MTH) shall be approved if in compliance with all of the provisions in Paragraph (c), except for those provisions in Paragraph (c) which apply solely to buildings and structures; and all of the provisions in Paragraph (f).

(4) A JADU shall be approved if in compliance with all of the provisions provided in Sections 65852.2(e)(1)(A) and 65852.22 of the Government Code.

(5) An ADU described by Section 65852.2(e)(1)(A) or (C) of the Government Code shall be approved if in compliance with all of the applicable provisions in Section 65852.2(e) of the Government Code.

(6) An ADU described by Section 65852.2(e)(1)(B) or (D) of the Government Code shall be approved if in compliance with all of the applicable provisions in Section 65852.2(e) of the Government Code; and all of the applicable provisions of Paragraphs (c), (d) and (e) of this subdivision, except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in Section 65852.2(e) of the Government Code; and all of the provisions provided in Paragraph (g).

(c) **Development Standards.**

(1) Comply with all applicable objective provisions required pursuant to Chapter 1 of this Code, including provisions stated in the underlying applicable 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 any instance where there is conflict, this subdivision shall govern. Notwithstanding the prior two sentences and notwithstanding anything to the contrary in this Subdivision 33:

- (i) No minimum lot size requirement shall apply to an ADU;
- (ii) No minimum square footage requirement for either an attached or detached ADU shall apply that prohibits an efficiency unit;
- (iii) No other minimum or maximum size for an ADU, including size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, shall apply for either attached or detached dwellings that does not permit at least an 800 square foot ADU that is at least 16 feet in height with 4-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(2) An ADU which complies with this subdivision shall not require a discretionary planning approval. The ADU project shall be reviewed in a ministerial and administrative manner, limited to only considering the project's compliance with the applicable objective standards. An application to create an ADU shall be acted upon within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an ADU unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the ADU until the City acts on the permit application to create the new single-family dwelling. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

(3) Except where otherwise prohibited by this subdivision, an ADU is permitted in all zones where residential uses are permitted by right.

(4) 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 Area Map pursuant to Section 12.03 of this Code, unless it meets one of the following exceptions:

(i) The ADU 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; or

(ii) The ADU complies with all of the following requirements:

a. Notwithstanding Subparagraph (c)(10) below, the ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;

b. Notwithstanding Subparagraph (c)(12) below, 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.

(5) Except as otherwise permitted by this subdivision, only one ADU is permitted per lot.

(6) An ADU may only be created on a lot that contains a proposed or existing dwelling. Other non-residential uses and accessory residential uses may be permitted on the lot, consistent with the uses permitted by the zone.

(7) No passageway for an ADU, nor space between buildings, as per LAMC 12.21.C.2 and LAMC 12.21 C.5(d), is required in conjunction with the construction of an ADU. Building Code separation requirements still apply.

(8) No additional setbacks shall be required for an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure, converted to an ADU or portion of an ADU. A setback of no more than 4 feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(9) ADUs are required to comply with all applicable Building and Residential Codes for the proposed use.

(10) ADUs are not required to provide fire sprinklers if they are not required for the primary residence.

(11) ADUs located where a private sewage disposal system is being used, shall require approval by the local health officer.

(12) Parking Requirements:

(i) ADU Parking. One parking space is required for an ADU, except that no parking is required for an ADU that is:

a. Located within one-half mile walking distance of a public transit. For this purpose, public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public; 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. Part of the proposed or existing primary residence or an accessory structure.

(ii) ADU Parking Location. ADU parking is allowed in any yard area or passageway. When located in a required front yard, the 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 A.6. However, Section 12.21 A.6(d) of this Code shall not apply to parking required for an ADU.

(iii) Replacement Parking. No replacement parking shall be required when a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.

(d) **Detached Accessory Dwelling Unit Requirements.** Detached ADUs, except those described in Paragraph (f), below, must comply with all provisions of Paragraph (c) and all of the following provisions provided in this Paragraph (d). In addition, Detached ADUs must comply with all applicable provisions of Section 12.21 C.5 that are not in conflict with these Paragraphs (c) and (d).

(1) The Floor Area for a detached ADU shall not exceed 1,200 square feet. Limits on Floor Area on a lot apply separately and may further limit allowable Detached ADU square footage, except as otherwise provided by this Subdivision 33.

(2) Structures containing a detached ADU shall not be greater than two stories.

(3) Detached ADUs shall not be located between a proposed or existing dwelling unit and the street adjoining the front yard, except in the following cases:

(i) Where the ADU is on a Through Lot and complies with LAMC Section 12.21 C.5(k); or

(ii) Where the ADU is being added to a lawfully existing garage or accessory structure building.

(e) **Attached Accessory Dwelling Unit Requirements.** Attached ADUs can be either attached to or completely contained within an existing or proposed dwelling, and must comply with all provisions in Paragraph (c) and all of the following provisions in this Paragraph (e):

(1) If there is an existing primary dwelling, the Floor Area of an attached ADU may not exceed 50 percent of the existing primary dwelling.

(2) Limits on Floor Area on a lot apply separately and may further limit allowable attached ADU square footage, except as otherwise provided by this Subdivision 33.

(3) Nothing in this subdivision shall prohibit an attached ADU with a Floor Area of less than 850 square feet, or less than 1,000 square feet for an attached ADU that provides for more than one bedroom.

(f) Requirements for Movable Tiny Houses as Accessory Dwelling Units. A Movable Tiny House must comply with all of the provisions provided in Paragraph (c) except for any provisions in Paragraph (c) which apply solely to buildings and structures; and this Paragraph (f):

(1) Only one Movable Tiny House is allowed to be located on a lot and no lot may be approved for more than one moveable tiny house in a twelve month period.

(2) When sited on a 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 paved surface compliant with LAMC 12.21 A.6(c).

(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 dwelling 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. Windows and doors shall not have radius corners.

(iii) Roofing. Roofs shall have a minimum of a 12:2 pitch for greater than 50 percent of the roof area, and shall not be composed of wooden shingles.

(iv) Extensions. All exterior walls and roof of a moveable any tiny house used as an ADU shall be fixed with no slide-outs,

tip-outs, nor other forms of mechanically articulating room area extensions.

(9) Movable Tiny Houses shall not be greater than two stories.

(10) Movable Tiny Houses shall not be located between the proposed or existing single-family dwelling unit and the street adjoining the front yard, except where the Movable Tiny House is on a Through Lot and complies with LAMC 12.21 C.5(k).

(g) Accessory Dwelling Units Otherwise Required By State Law.

An application for a building permit shall be approved to create an ADU pursuant to Section 65852.2(e)(1)(B) or (D) of the Government Code within a residential or mixed-use zone, in compliance with all of the applicable provisions in Section 65852.2(e) of the Government Code; and all of the applicable provisions of Paragraphs (c),(d) and (e) of this subdivision, except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in Section 65852.2(e) of the Government Code; and all of the following requirements:

(1) An ADU created pursuant to Section 65852.2(e)(1)(B) of the Government Code shall have a Floor Area of not more than 800 square feet and a height of no more than 16 feet; and

(2) An ADU created pursuant to Section 65852.2(e)(1)(B) or (D) of the Government Code shall not be located 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 Area Map pursuant to Section 12.03 of this Code, unless it meets one of the exceptions stated in Subparagraph (4) of Paragraph (c) of this subdivision;

(h) General Provisions. The following general provisions apply to all ADUs, JADUs, and lots where any ADU or JADU is located.

(1) In the event where an ADU or JADU would be created as a result of a conversion of an entire existing dwelling unit, any newly constructed dwelling unit located between the ADU or JADU, and the rear lot line, shall not exceed 1,200 square feet.

(2) In cases where additional dwelling units are added to a lot after the creation of the ADU or JADU, an ADU and JADU will be counted towards the overall number of dwelling units as permitted by the zone.

(3) ADUs and JADUs may be rented but shall not be sold separate from the existing or proposed dwelling unit on the same lot. Movable Tiny Houses may be sold when removed from the lot.

(4) Applicants for ministerial approval of a permit application for the creation of an ADU or JADU shall not be required to correct nonconforming zoning conditions. For this purpose, nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards.

(5) A certificate of occupancy for an ADU or JADU shall not be issued before a certificate of occupancy for the primary dwelling.

(i) **Zoning Administrator Authority.** It is the intent of the City to retain all portions of this subdivision regarding ADUs and JADUs 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 state law regarding ADUs or JADUs.

(j) **Interpretation Consistent with State Law.** This subdivision is not intended to conflict with state law. This subdivision shall be interpreted to be compatible with state enactments.

(k) **California Coastal Act.** 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 or JADUs.

(l) **Enforcement.** Enforcement of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an ADU described in paragraph (1) or (2) below, upon request of an owner of an ADU, shall be delayed subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The ADU unit was built before January 1, 2020.

(2) The ADU was built on or after January 1, 2020, in a local jurisdiction that, at the time the ADU was built, had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.

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

Sec. 4. Subsection C of Section 12.33 of the Los Angeles Municipal Code is amended to read as follows:

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 subsection, dwelling units, Accessory Dwelling Units, Junior Accessory Dwelling Units, and joint living and work quarters shall be referred to as “dwelling units” or “residential dwelling units.”

Sec. 5. Paragraph (e) of Subdivision 3 of Subsection C of Section 12.33 of the Los Angeles Municipal Code is amended to read as follows:

(e) Accessory Dwelling Units and Junior Accessory Dwelling Units.

Sec. 6. Subdivision 4 of Subsection K of Section 12.33 of the Los Angeles Municipal Code is added to read as follows:

4. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit project where the park fee has not yet been paid and a Certificate of Occupancy has not been issued by the Department of Building and Safety prior to the effective date of this ordinance shall not be subject to a park fee.

Sec. 7. **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.

Sec. 8. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The City is currently in the midst of a housing crisis, with the supply of affordable options unable to support the demand for housing in the City. The US Census reports that vacancy rates for housing in the Los Angeles area are currently among the lowest of any major city. Housing options currently available and affordable for many in the City include Accessory Dwelling Units and Junior Accessory Dwelling Units. Additionally, while Accessory Dwelling Units and Junior Accessory Dwelling Units are assets in mitigating the housing crisis, Los Angeles is a very unique city for the amount of mountain terrain and hillside areas located within its boundaries. The City's hillside areas are often characterized by larger amounts of natural vegetation and substandard streets. They are typically far from public transit, services or jobs. Impacts

of new construction are often multiplied in hillside neighborhoods, with pronounced impacts on water and sewer services, congestion, parking availability, roadway degradation, and public safety due to construction vehicles and machinery forced to park and transverse narrow hillside streets. Hillside areas also have a higher fire and natural disaster risk, while the winding roads slow emergency response times. For these reasons the ordinance prohibits Accessory Dwelling Units 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 this Code, unless they meets requirements deemed necessary to protect the public peace, health, and safety. Given their unique characteristics and development challenges, these areas have long had distinct zoning and land use policies, including the development regulations. Therefore, immediate action is necessary to bring the City's regulations into compliance with State law while preventing the development of Accessory Dwelling Units located in both a Very High Fire Hazard Severity Zone and Hillside Area unless they meets requirements deemed necessary to protect the public peace, health, and safety; and allow the regulated development of Accessory Dwelling Units. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
STEVEN BLAU
Deputy City Attorney

Date 12/5/19

File No. 16-1468

[Document file path]

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it not be adopted.

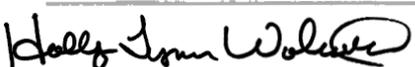

VINCENT P. BERTONI, AICP
Director of Planning

Date 12/5/19

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than three-fourths of all its members.

CITY CLERK

MAYOR


Ordinance Passed _____

12/11/2019


Approved _____

12/13/2019