

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 and complying 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 a definition for “Accessory Dwelling Unit” in proper alphabetical order to read:

ACCESSORY DWELLING UNIT. Attached residential dwelling units or detached Accessory Buildings, not considered to exceed the allowable density of the parcel, which provide complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling. Accessory Dwelling Units 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.

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 Accessory Dwelling Units in a manner that is consistent with requirements set forth in California Government Code Sections 65852.2, as amended from time to time.

(b) General Provisions. Accessory Dwelling Units shall be ministerially approved if in compliance with the following provisions:

- (1) Accessory Dwelling Units must comply with all provisions of this section as well as the underlying zoning district. In instances where there is conflict this section shall govern.
- (2) Accessory Dwelling Units are allowed in all zones wherein residential uses are permitted by right.
- (3) Only one Accessory Dwelling Unit is permitted per parcel.
- (4) An Accessory Dwelling Unit is permitted only on a parcel that contains an existing single-family dwelling unit. In multiple family zones, the Accessory Dwelling Unit will be counted towards the overall number of dwelling units as permitted by the zone.

- (5) No Accessory Dwelling Unit is permitted on parcels located in Hillside Areas as defined by the Hillside Area Map per LAMC 12.03, except in instances where:
 - i. The parcel is located within one-half mile of a transit stop, including but not limited to bus stops and rail stations, and;
 - ii. The parcel is adjoining a street meeting standard roadway dimensions.
- (6) Accessory Dwelling Units are not intended for sale and shall not be sold separate from the existing single-family dwelling unit and may be rented.
- (7) No passageway, as per LAMC 12.21.C.2, is required in conjunction with the construction of Accessory Dwelling Units.
- (8) No additional setbacks are required for the conversion of a garage to an Accessory Dwelling Unit, and a setback of five feet from the side and rear property lines is required for any new additions when an Accessory Dwelling Unit is constructed above a garage.
- (9) Accessory Dwelling Units are required to follow the same building and safety requirements as the existing single-family dwelling unit.
- (10) Accessory Dwelling Units are not required to provide fire sprinklers if they are not required for the existing single-family dwelling unit.
- (11) Accessory Dwelling Units 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.
- (12) Parking Requirements:
 - (i) One parking space is required per Accessory Dwelling Unit and may be provided through tandem parking.
 - (ii) Parking is allowed in rear and side setback areas. No parking is allowed in front setback areas.
 - (iii) When a garage or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the replacement parking spaces may be located in any configuration on the same parcel as the Accessory Dwelling Unit, including but not limited to covered spaces, uncovered spaces, or tandem spaces.
- (13) Parking Exemptions. Parking requirements are not applicable for Accessory Dwelling Units in any of the following instances:
 - (i) Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
 - (ii) Located within one block of a car share parking spot; or
 - (iii) Located in a historic district listed in or formally determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources or as a City Historic Preservation Overlay Zone; or
 - (iv) When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit; or
 - (v) The Accessory Dwelling Unit is part of the existing Dwelling Unit or an existing accessory structure.

(c) Detached Accessory Dwelling Unit Requirements. Detached Accessory Dwelling Units are Accessory Buildings and must comply with all provisions in paragraph (b), in addition to the following:

- (1) Detached Accessory Dwelling Units are allowed a maximum size of the larger of: 640 square feet, or fifty percent of the total floor area, excluding garages, of the existing single-family dwelling unit, up to a maximum of 1200 square feet.
- (2) Where applicable, detached Accessory Dwelling Units shall comply with Section 12.21 C.5.
- (3) Detached Accessory Dwelling Units shall not be located between the existing single-family dwelling unit and the street adjoining the front yard.

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

Attached Accessory Dwelling Units may not result in an increase in total floor area exceeding fifty percent of the existing floor area of the existing single-family dwelling unit, excluding garages, up to a maximum of 1,200 square feet.

(e) Conversions of Existing Space or Existing Accessory Structures.

Notwithstanding the provisions of this subdivision one Accessory Dwelling Unit per property will be ministerially approved if the unit is located in a single-family residential zone, contained within the existing space of a single-family residence or existing accessory structure, has independent exterior access, and the side and rear setbacks are sufficient for fire safety.

Accessory Dwelling Units, as described in 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.

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.

Sec. 5. 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 the lowest of any major city. A housing option that is currently available and affordable for many in the City is Accessory Dwelling Units.

While 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 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 not be allowed in Hillside areas covered by the Baseline Hillside Ordinance (BHO). The BHO applies to approximately 136,000 single-family lots (28% of the City's total) located within the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC.

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 draft ordinance places a restriction on ADUs in Hillside Areas.

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). Therefore, immediate action is necessary to bring the City's regulations into compliance with state law while preventing the development of Accessory Dwelling Units in Hillside Areas; 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.