

ORDINANCE NO. _____

An ordinance amending Sections 12.03 and 12.22 of the Los Angeles Municipal Code (LAMC) for the purpose of regulating Accessory Dwelling Units in accordance with State law, as well as Movable Tiny Houses.

**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 in alphabetical order to read as follows:

ACCESSORY DWELLING UNIT (ADU). An attached or a 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, and manufactured homes as defined in Section 18007 of the Health and Safety Code, and ~~Movable Tiny Houses.~~ ADUs shall be classified as either a state ADU described by Government Code Section 66323 or an ordinance ADU.

JUNIOR ACCESSORY DWELLING UNIT (JADU). A unit that is no more than 500 square feet of interior living space 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 the separate, independent living quarters of one Family 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) Has not less than 150 and no more than 430 square feet as measured within the exterior faces of the exterior walls.

Sec. 2. An amendment to Subdivision 33 of Subsection A of Section 12.22 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

33. Accessory Dwelling Units (ADU), and Junior Accessory Dwelling Units (JADU) and Movable Tiny Houses.

- (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~~66310-66342, as amended from time to time, as well as Movable Tiny Houses.

- (b) **Definitions.** For the purposes of this subsection, the following terms shall have the same meaning as they do in Government Code Section 66313: Accessory Dwelling Unit, Accessory Structure, Efficiency Unit, Junior Accessory Dwelling Unit, Livable Space, Living Area, Local Agency, Nonconforming Zoning Condition, Objective Standards, Passageway, Permitting Agency, Proposed Dwelling, Public Transit and Tandem Parking.

- (1) **Ordinance ADUs** means ADUs that are created pursuant to this Subdivision and subject to the development standards and requirements in Paragraphs (d), (e) and (f) of this subdivision.

- (2) **State ADUs** means ADUs and JADUs that are created pursuant to Government Code section 66323 and Paragraph (h) of this subdivision.

- (3) **Primary Dwelling and Primary Residence** both mean a principal dwelling unit on a lot to which one or more ADUs or JADUs are accessory. The primary dwelling may be located in a one-family dwelling or other types of housing, including whether existing or being permitted concurrently. It may be selected by the applicant and need not be the largest dwelling unit on the lot.

- (c) **Applicability.** In addition to the applicable general provisions of Paragraph (j), the following development standards shall apply to the specified types of ADUs, JADUs, Movable Tiny Houses and unpermitted ADUs:

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

- (2) An attached ordinance ADU shall be approved if in compliance with all of the provisions provided in Paragraphs (d) and (f).
- (3) A Movable Tiny House (MTH) shall be approved if in compliance with all of the provisions in Paragraph (d), except for those provisions in Paragraph (d) which apply solely to buildings and structures; and all of the provisions in Paragraph (g).
- (4) A JADU shall be approved if in compliance with all of the provisions provided in Government Code Sections 66323 and 66333 through 66339. A JADU may be located on the same lot with other types of ADUs and on a lot with a proposed or existing multifamily dwelling but must be attached to a single-family dwelling. JADUs may also be part of an addition to an existing single-family dwelling or a proposed single-family dwelling but are subject to objective zoning standards, except that the JADU's interior livable space shall not count as floor area.
- (5) Any of the types of state ADUs described by Paragraph (h) and Government Code Section 66323(a) shall be approved, in compliance with all of the applicable provisions provided in Paragraph (h) and all of the provisions in Section 66323 of the Government Code. Unless otherwise specified, general ADU provisions and allowances set forth in California Government Code Sections 66314 through 66322, which establish local regulation of ADUs, shall also apply to state ADUs. State ADU types may be approved in combination with one another based upon whether the lot is a single-family or multifamily dwelling site, which may be selected by the applicant in cases where both uses exist. See the ADU Bonus Program in Paragraph (i) for additional options and combinations.
- (6) An unpermitted ADU or JADU that was constructed before January 1, 2020 shall be approved regardless of any provisions of this ordinance or Articles 2 or 3 of Chapter 13 of Division 1 of Title 7 of the California Government Code (State ADU Law) if the unit violates local 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, unless a City permitting agency makes a finding that correction of the violation is necessary to comply with the standards specified in Section 17920.3 of the California Health and Safety Code. While there is no limit on the number of unpermitted ADU(s) or a JADU on a lot which may be approved, they shall count towards the numerical limits on different types of state ADUs in Government Code section 66323, if applicable.

These provisions shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

- a. ~~A JADU shall be approved if in compliance with all of the provisions provided in Government Code Sections 66323 and 66333 through 66339. A JADU may be located on the same lot with other types of ADUs and on a lot with a proposed or existing multifamily dwelling but must be attached to a single-family dwelling. JADUs may also be part of an addition to an existing single-family dwelling or a proposed single-family dwelling but are subject to objective zoning standards, except that the JADU's interior livable space shall not count as floor area.~~
- b. ~~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.~~
- c. ~~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).~~
- (5) ~~An unpermitted ADU or JADU that was constructed before January 1, 2020 shall be approved regardless of any provisions of this ordinance or Articles 2 or 3 of Chapter 13 of Division 1 of Title 7 of the California Government Code (State ADU Law) if the unit violates local 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, unless a City permitting agency makes a finding that correction of the violation is necessary to comply with the standards specified in Section 17920.3 of the California Health and Safety Code. While there is no limit on the number of unpermitted ADU(s) or a JADU on a lot which may be approved, they shall count towards the numerical limits on state ADUs in Government Code section 66323, depending whether they were created within livable or non-livable space of multifamily buildings. These provisions~~

~~shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.~~

(d) Development Standards for Ordinance ADUs

- (1) **Standards that Apply.** 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, Objective Design Standards for ADUs in Historic Preservation Overlay Zones, 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 pursuant to state law. Notwithstanding the prior two sentences and notwithstanding anything to the contrary in this ~~s~~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 to be approved as an ADU;
 - (iii) No other minimum or maximum size for an ADU, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks and minimum lot size, shall apply for either attached or detached dwellings in cases where these and regulations would that does not permit an ADU of at least up to 800 square feet ADU interior living space or gross floor area, as defined in the Building Code, whichever is greater, that is at least 16 feet in height with four-foot side and rear yard setbacks. ~~to be constructed in compliance with all other local development standards~~
- (2) ~~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. An application to create an ADU shall be approved or denied 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.

- (2) **Eligible Zones.** Except where otherwise prohibited by this ~~s~~Subdivision, an ADU is permitted in all zones where residential uses are permitted by right.

- (3) **Fire Restriction Areas.** No ADU is permitted on any lot that is located in a Fire Restriction Area as defined in paragraph (b) of Subdivision 38 of Subsection A of Section 12.22 of this Code~~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 Map pursuant to Section 12.03 of this Code,~~ unless it complies with all of the following requirements:
 - ~~(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:~~
 - (i) Notwithstanding Subparagraph ~~(j)(c)(7)(10)~~ below, the ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code; and

 - (ii) Notwithstanding Subparagraph (d)(9) below, one off-street parking space is provided for the ADU; and

 - (iii) 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.

- (4) **Number of Ordinance ADUs.** ~~Except as otherwise permitted,~~ Only one ordinance ADU and one Movable Tiny Home is

permitted per lot, except when part of an ADU Bonus described in Paragraph (i) below.

- (5) **Existing Dwelling.** 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.
- (6) **Passageway or Space Between Buildings.** No passageway for the 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.
- (7) **Setbacks.** A setback of no more than 4 feet from the side and rear lot lines shall be required. Additionally, no additional setbacks shall be required for an ADU or JADU created within an existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure, or extended by no more than two feet in any direction except horizontally within the 4 foot side and rear setback area. existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
 - (i) ADUs utilizing setbacks lesser than otherwise required by zoning pursuant to this subsection may include projections permitted by Section 12.22 C.20 provided they don't exceed the limits in that section.
 - (ii) When the otherwise required side yard setback for a lot under the Los Angeles Municipal Code is less than four feet, the lesser setback may be used.
- (8) **Height.** ADUs shall be subject to the applicable zoning height limit for residential buildings in the zone, or the applicable minimum height permitted in Government Code section 66321(b)(4), as measured by either the building code or zoning code, whichever is greater.
- ~~(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.~~

(9) **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, or
 - e. When on-street parking permits are required but not offered to the occupant of the ADU, or
 - f. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subdivision, or
 - g. When the ADU is an efficiency unit, studio, or less than 500 square feet.
- (ii) **Parking Location.** ADU parking is allowed in any yard areas 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 or uncovered spaces are is-demolished in conjunction with the construction of an ADU or JADU or converted to an ADU or JADU, including state ADUs. Existing driveway cuts may be required to be removed by the Bureau of Engineering, unless a parking space remains on site, or the project is for a state ADU.

(e) **Detached Ordinance Accessory Dwelling Unit Requirements.**

Detached ADUs, except those described in Paragraph (f), below, are subject to all the Development Standards of Paragraph (c) (d) and all of the following provisions that apply to Accessory Buildings that are not in conflict with paragraphs (d) and (e). 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 Paragraphs(c) and (d).

- (1) **Floor Area.** The total floor area for a ~~D~~detached ADU shall not exceed 1,200 square feet. Limits on Floor Area on a lot apply separately and may further limit allowable ~~D~~detached ADU square footage, except as otherwise provided by this subdivision.
- (2) Structures containing a detached ADU shall not be greater than two stories.
- (3) **Location.** 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 ADU is on a Through Lot and complies with LAMC 12.21 C.5(k); or
 - (ii) Where the ADU is being added to a lawfully existing garage or accessory structure building; or
 - (iii) Where 50% or more of the primary dwelling is located at the rear 35% of a property.

(iv) An ADU described in Sub-Subparagraph (d)(1)(iii) above.

(f) **Attached Ordinance Accessory Dwelling Unit Requirements.** Attached ADUs are either attached to, or located within, an existing or proposed primary dwelling, including attached garages, storage areas or similar uses. If there is an existing primary dwelling, the total floor area of an attached ADU shall not exceed 50 percent of the existing primary dwelling. In no case may an attached ordinance ADU exceed 1,200 square feet of be denied if it meets the Bonus ADU criteria in Subparagraph (j)(3) below.

- ~~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.~~

(g) **Requirements for Movable Tiny Houses as Accessory Dwelling Units.**

A Movable Tiny House must comply with all of the provisions provided in Subparagraphs (2), (4), and (5) of Paragraph (c); all of the provisions in this Paragraph (f); and all of the provisions in Paragraph (b), as applicable.

- (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 paving 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 labeled 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% of the roof area and shall not be composed of wooden shingles.
 - (iv) **Extensions.** All exterior walls and roof of moveable tiny houses used as ADUs 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).
- (h) **State ADUs and JADUs.** An application for a building permit shall be approved to create a state ADU pursuant to Section 66323(a) of the Government Code within a residential or mixed-use zone, in compliance with all the applicable provisions in Section 66323(a) of the Government Code as described below:
- (1) **ADU Conversion on Lots with a Single-Family Dwelling.** One state attached ADU or JADU created pursuant to Section 66323(a)(1) per lot with a proposed or existing single-family dwelling if all the following apply:
 - (i) The ADU or JADU is within the space of a proposed single-family dwelling or the 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 a change in dimensions by no more than two feet in any direction no more than two feet in any direction, except horizontally within the 4-foot side and rear setback area.

- (ii) The space has exterior access from the proposed or existing single-family dwelling.
- (iii) The side and rear setbacks are sufficient for fire and safety.
- (iv) The JADU complies with the requirements Government Code Sections 66333 through 66339.

(2) **Detached ADU on Lots with a Single-Family Dwelling.** One state detached ADU created pursuant to Section 66323(a)(2) of the Government Code with not more than 800 square feet of interior livable space, side and rear yard setbacks of not more than the applicable limitation in Subparagraph (A), (B), or (C) of Section 66321(b)(4) of the Government Code, as measured by either the building code or zoning code, whichever is greater.

(3) **ADU Conversions on Lots with a Multifamily Dwelling.** Multiple state attached ADUs created pursuant to Section 66323(a)(3) located within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, recreation rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings. At least one ADU must be allowed pursuant to this paragraph, but a maximum of up to 25 percent of the existing multifamily dwelling units may be created. Non-residential uses on the ground-floor such as commercial, retail or office may be converted to ADU pursuant to the ADU Bonus Program in Paragraph (i) below.

(4) **Detached ADUs on Lots with Multifamily Dwellings.** Multiple state detached ADUs created pursuant to Government Code Section 66323(a)(4) that are located on a lot that has an existing or proposed multifamily dwelling structure, but are detached from that multifamily dwelling, have side and rear setbacks of no more than four feet, and a building height of no more than the applicable limitation in Subparagraph (A), (B), or (C) of Section 66321(b)(4) as measured by either the building code or zoning code, whichever is greater. On a lot with an existing multifamily dwelling the lesser of eight detached ADUs, or the number of existing units on the lot may be created. On a lot with a proposed multifamily dwelling structure, not more than two detached ADUs are allowed.

(5) **Limit on Combinations.** When combining these ADU types, they may not be of a type that has already been created or permitted for

the lot. A detached State ADU may be combined with an attached Ordinance ADU, or an attached State ADU can be combined with a detached Ordinance ADU, when otherwise permitted. One local ADU may be combined with the allowable combination of State ADU types.

- (6) **Conversions of Areas Not Considered Part of Building Area.** Notwithstanding any provision of this Subdivision related to conversion of existing space, an ADU may be created within any existing enclosed or partially enclosed space within or wholly beneath a legally permitted structure, including but not limited to a crawlspace, attic, mezzanine, storage area, enclosed underfloor area, or similar space, regardless of whether or not it was previously established as floor area or requires additional construction wholly beneath existing space.

~~h. **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;~~

- (i) **ADU Bonus Program.** Notwithstanding limitations in this subdivision to the contrary, one of the following shall be approved pursuant to the provisions of the ADU bonus program.

- (1) **Height.** An additional three feet in height may be provided on top of the detached State ADU height limitations in Subparagraphs (2) and (4) of Paragraph (h), as well as were referenced in Subparagraph (8) of Paragraph (d).
- (2) **Combination of Setback Allowance for Certain ADUs.** A detached State ADU or detached Ordinance ADU that is created through the conversion, reconstruction, or expansion of an existing accessory structure may utilize the setback allowances provided in Subparagraph (7) of Paragraph (d). These setback allowances may be combined with the detached ADU provisions of this subdivision notwithstanding any limitation on the amount of expansion of the existing structure otherwise applicable under State Law. Any portion of an addition beyond the footprint of the existing structure shall comply with the otherwise applicable side and rear yard setback requirements of this subdivision.
- (3) **Floor Area for Ordinance Attached ADUs.** Floor Area limits may not prevent an ordinance attached ADU to be less than 850 square feet, or less than 1,000 square feet for an ADU that provides for more than one bedroom.
- (4) **Number of Interior Multifamily State ADU Conversions.** The number of allowable ADU conversions on lots with a multifamily dwelling pursuant to Subparagraph (3) of Paragraph (h) may be rounded to the nearest whole number.
- (5) **Combinations of ADUs and Two Unit Developments.** A Two Unit Development pursuant to LAMC 12.22 A.30 may be combined with an additional ordinance attached ADU pursuant to Paragraph (f), provided no more than one detached ADU exists or may be established at any time on the site.
- (6) **Bonus ADUs**
 - (i) **Opportunity ADU.** One additional ADU of any type may be approved on lots 7,500 square feet or larger, provided it is in a Higher Opportunity Area and not located in a Fire Restriction Area.
 - (ii) **Affordable ADU Bonus.** A development project located on a parcel within a Transit Priority Area and designated as either a Moderate or Higher Opportunity Area in the City TCAC Opportunity Areas map established by LAMC 12.22 A.38(j)(7) that reserves at least one ADU as a Restricted Affordable Unit are provided additional ADUs as an alternative to utilizing state and local ordinance ADU provisions in this subdivision.

- a. The maximum number of ADUs and JADUs permitted on a lot shall be based on lot area at a rate of one ADU or JADU per 1,500 square feet of lot area, up to a maximum of six ADUs and JADUs per lot, excluding the primary dwelling.
- b. ADUs and JADUs authorized pursuant to this subsection may be attached, detached, or created through conversion of existing space.
- c. Projects utilizing the Affordable ADU Bonus Program shall be subject to Floor Area limitations otherwise applicable to ADUs, provided the project complies with otherwise applicable height limits, yards, building separation requirements, lot coverage limits, and the height encroachment plane requirements of this Code.
- d. No individual ADU authorized pursuant to this subsection shall exceed 1,200 square feet of floor area.
- e. Projects may not be located within a Fire Restriction Area, in a Historic Preservation Overlay Zone, or require the demolition of a Designated Historic Resource, or be located in the A or RA zones.

(iii) **ADU on Mixed Lots.** Notwithstanding the provisions of Subparagraph 5 of Paragraph (c) above, a lot that has both an existing single-family dwelling and multifamily dwelling may be permitted one additional ADU of any type based on the presence of either dwelling type, provided it does not exceed 1,200 square feet, subject to all other applicable regulations.

(iv) **Ground Floor Non-Residential ADU Conversions on Lots with a Multifamily Dwellings.** Non-residential uses on the ground-floor of a mixed-use building such as commercial, retail or office uses may be converted to ADU if at least two years have passed since the space received a Certificate of Occupancy and otherwise in conformance with the state ADU Conversion provisions in Subparagraph (3) of Paragraph (h) above.

(j) **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 of gross floor area, as defined in the Building Code, or interior living space, whichever is greater.

- ~~(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.~~
- (2) ADUs shall be deemed to be an accessory use or an accessory building and not a primary dwelling. They may not count towards the overall number of dwelling units for purposes of allowable density calculations or be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.
- (3) Applicants for ministerial approval of a permit application for the creation or modification of an ADU or JADU shall not be ~~required to correct nonconforming zoning conditions~~ denied an ADU permit due to nonconforming zoning conditions, Building Code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU. For this purpose, a nonconforming zoning condition means a physical improvement on a property that does not conform to current zoning standards including the street access requirements in LAMC 12.21 A.17(e), LAMC 12.21C.10(i) and 12.22 A.33(c)(4)(ii)c.
- (4) A certificate of occupancy for an ADU or JADU shall not be issued before a certificate of occupancy for the primary dwelling, except for properties where a primary dwelling was substantially damaged or destroyed by an event referenced in a qualified emergency proclamation issued by the Governor, as specified in Government Code Section 66328(b).
- (5) Local building code requirements that otherwise apply to detached dwellings apply, except that the construction of an ADU shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific,

adverse impact on public health and safety. Nothing in this paragraph shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

- (6) ADUs are required to comply with all applicable Building and Residential Codes for the proposed use.
- (7) ADUs and JADUs are not required to provide fire sprinklers if they are not required for the primary residence. The construction of an ADU or JADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (8) ADUs located where a private sewage disposal system is being used, shall require approval by the local health officer.
- (9) ADUs used as affordable replacement units pursuant to LAMC 16.60 or the Housing Crisis Act located in for-sale buildings must be provided for-sale to lower income households and meet the equity sharing provisions of Government Code Section 65915(c)(2) and either Government Code Section 66341 if selling to a qualified nonprofit or community land trust, or 66342 if selling to individual buyers as condominiums.

(k) **Review Procedures**

- (1) **Ministerial Review.** If the proposed ADU or JADU complies with the standards outlined in this subdivision, it shall be subject to ministerial approval, pursuant to Section 13B.3.3. (Zoning Plan Check) of Chapter 1A of this Code consistent with Government Code Sections 66317 and 66335.
 - (i) An ADU or JADU that meets the provisions of this subdivision, but may otherwise require a discretionary quasi-judicial review process pursuant to Section 13B.2 of Chapter 1A of this Code, or that is located in a Specific Plan, Supplemental Use District, or other overlay, shall be ministerially approved concurrently with Zoning Plan Check.
 - (ii) If the project is in the Coastal Zone, the procedures described in Paragraph (n) shall be applied.
 - (iii) An ADU that complies with this subdivision shall not require a requirement for a zoning clearance or separate zoning review.

(2) Procedures for all Permitting Agencies

- (i) Any permitting agency shall determine whether an application to create or serve an ADU or JADU is complete and provide written notice of this determination to the applicant not later than 15 business days following receipt of the application.
- (ii) The permitting agency shall either approve or deny the application to create or serve an ADU or JADU within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved.
- (iii) If the permitting agency determines an application is incomplete, the permitting agency shall provide the applicant with a list of incomplete items, and a description of how the application can be made complete. The list and description shall be provided with the written notice required by Subparagraph (i).
- (iv) After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by the permitting agency.
- (v) In the review of an application submitted pursuant to Subparagraph (iii), the permitting agency shall not require the application to include an item that was not included in the list required by Subparagraph (ii).
- (vi) If an applicant submits an application pursuant to Subparagraph (iii), the permitting agency shall determine whether the additional application has remedied all incomplete items listed in the determination issued pursuant to Subparagraph (ii). This additional application is subject to the timelines and requirements specified in Subparagraph (i).
- (vii) If a permitting agency does not make a timely determination as required by this paragraph, the application or resubmitted application shall be deemed to be complete for the purposes of this section.
- (viii) If the permit application to create an ADU or JADU is submitted in combination with a permit application to create a new primary dwelling, the City may delay approving or denying the permit application for the ADU until the City approves or denies the permit application to create the new single-family or multifamily dwelling. If

the applicant requests a delay, the 60-day period shall be tolled for the period of the delay.

- (ix) An application to create an ADU shall be approved or denied 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 period shall be tolled for the period of the delay.
- (l) **Sale or Conveyance of ADUs.** ADUs may be rented but shall not be sold separately from the existing or proposed dwelling unit on the same lot, except in the following cases:
 - (1) **Tenancy in Common.** An ADU may be sold to a qualified buyer as a tenancy in common separate from the primary residence if property was built or developed by a qualified non-profit corporation and complies with all of the provisions of Government Code Section 66341 including selling to a qualified buyer, or
 - (2) **Condominium.** An existing or proposed ADU and associated primary dwelling may be subdivided and approved for separate conveyance as condominiums pursuant to this Section if all the following requirements are met:
 - (i) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 commencing with Section 4000) of Division 4 of the Civil Code).
 - (ii) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 commencing with Section 66410)) and all objective requirements Article 7 (Division of Land) in Chapter 1 and Article 11 (Division of Land) in Chapter 1A of the LAMC.
 - (iii) Before recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

- (iv) Neither a subdivision map nor a condominium plan shall be recorded with the Los Angeles County Registrar-Recorder / County Clerk without the lienholder's consent. A lienholder may refuse to give consent or may consent provided that any terms and conditions required by the lienholder are satisfied. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder of the county in which the real property is located along with a signed statement from each lienholder that states as follows: "(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have." The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information: The lienholder's signature; the name of the record owner or ground lessee; the legal description of the real property; the identities of all parties with an interest in the real property as reflected in the real property records.
- (v) Los Angeles City Planning and Department of Building and Safety shall include the notice in Government Code Section 66342(e) on any ADU or JADU submittal checklist or public information issued describing requirements and permitting for ADUs, including as standard condition of any ADU building permit or condominium plan approval.
- (vi) If an ADU is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- (vii) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association or board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- (3) **Tenant Occupied Procedures for ADU Condominiums.** Any tenant lawfully residing in an existing dwelling at the time of an application pursuant to this Subsection shall be given notice of intent to convert prior to termination of tenancy and given notice of

their exclusive right to purchase consistent with Subsection E of Section 12.95.2.E of Chapter 1 of this code. They shall also be eligible for the relocation assistance provisions of Subsection G of Section 12.95.2 of this code and Section 66427.1 of the State Subdivision Map Act, prior to any termination of tenancy. For purposes of this Section, a tenant who is a family member of the property owner, or who has not been paying rent, shall not be considered an Eligible Tenant pursuant to Section 12.95.2.G.2.

(4) **Limitations on Conditions and Allowances for ADU Condominiums.** No condition of approval for an Accessory Dwelling Unit Condominium map shall require dedication of rights-of-way, construction of improvements; or correction of existing nonconforming zoning conditions. ADU Condominium maps shall not be used to impose additional zoning, density, or development standards beyond those applicable to ADUs.

(m) **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.

(n) **Interpretation Consistent with State Law.** Pursuant to Section 66325(a) of the Government Code, this subdivision shall be interpreted to be compatible with state enactments.

(o) **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:

(1) The City shall, pursuant to Section 66317, either approve or deny a coastal development permit application for an ADU within 60 days of receiving a completed application and shall not be required to hold public hearings for coastal development permit applications for ADUs. The process to approve or deny a coastal development permit application under this subdivision shall happen concurrently with the process to approve or deny an application for an ADU.

(2) Notwithstanding the preceding paragraph, if at the time of application submittal, the City does not have a certified local coastal plan or program, as defined in Section 31001 of the Public Resources Code, then the California Coastal Commission shall either approve or deny the Coastal Development Permit application

for an ADU or JADU within 60 days of receiving a completed application pursuant to Section 66317(b) of the Government Code.

(p) **Delay in Enforcement for Unpermitted ADUs.** 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.

(q) **Fees.** A local agency, special district, or water corporation shall not:

- (1) Consider an ADU to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling.
- (2) Impose any impact fees upon the development of an ADU that does not exceed 750 square feet of livable space or a JADU that does not exceed 500 square feet of livable space. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. An impact fee has the same meaning as the term "fee" is defined in Subdivision (b) of Section 66000 of the Government Code, except that it also includes fees specified in Section 66477 and does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
- (3) For the purposes of this subdivision and Section 17620 of the Education Code, an ADU or JADU that contains less than 500 square feet of interior livable space shall, for the purpose of Subparagraph (C) of Paragraph (1) of Subdivision (a) of Section 17620 of the Education Code, be considered other residential construction that does not increase assessable space by 500 square feet.
- (4) For a state ADU described in Section 66323(a)(1) of the Government Code require the applicant to install a new or separate

utility connection directly between the ADU and the utility or impose a related connection fee or capacity charge, unless the ADU was constructed with a new single-family dwelling, or upon separate conveyance of the ADU pursuant to Section 66342.

Notwithstanding, the agency may require a new or separate utility connection directly between the ADU and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

- (5) Impose any requirement to pay impact fees or connection or capacity charges for a permit to legalize a previously unpermitted ADU or JADU constructed before January 1, 2020, except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is authorized by Subdivision (e) of Section 66311.5 of the Government Code.

Sec. 7 ~~3~~. **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. 4. Subsection C of Section 12.33 of the Los Angeles Municipal Code is amended to read as follows:~~

~~Sec. 5. Paragraph (e) of Subdivision 3 of Subsection C of Section 12.22 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.~~

~~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. 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. Impact 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.~~

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