



ACCESSORY
DWELLING UNIT
ORDINANCE
(ADU)

LOS ANGELES COUNTY



GENERAL INFORMATION

- ADU's (also referred to as Second Units, In-Law Units, or Granny Flats) can take one of three forms:
 - Detached: Unit is separated from the primary structure
 - Attached: Unit is attached to the primary structure
 - Repurpose Existing: Space within a primary residence that is converted into an independent living unit.
- Under state law the review and approval of an application for an ADU within an existing residence or accessory structure must be ministerial in nature. Detached or Attached ADUs are also subject to the ministerial building requirements, provided there is independent access to the ADU and rear setbacks sufficient for fire safety.
- Implementation and Timing: Starting January 1st, 2017, applicants may apply for permits for the Construction of ADU that meet the state standards. These standards will remain effective until the City adopts its own ADU Ordinance in compliance with State law.



KEY PROVISIONS OF ORDINANCE

- No ADUs in Hillside areas, except when located within a half mile of public transit and adjoining a standard street;
- No ADUs between the front of the primary residence and the street;
- ADUs are only allowed in zones that allow residential uses with an existing single-family residence;
- ADUs are limited to only one per lot;
- ADUs are limited in size to 50% of the primary residence. Under no circumstance can an ADU be larger than 1,200 sq. ft. As for detached ADUs, the City may not require an ADU less than 640 sq. ft.;
- ADUs are required to meet all underlying zoning, floor area and land use regulations.



STATE ADU STANDARDS

1. Detached ADU's are limited to a maximum size of 1,200 sq ft. Limits on total residential floor area on a lot apply separately and may limit allowable ADU square footage.
2. Attached ADU's are limited to a maximum size of 50% of existing living area, excluding garages.
3. No passageways (per LAMC 12.21 C.2) shall be required in conjunction with the construction of an ADU.
4. Detached ADUs are considered an "accessory building" and are subject to the setback requirements set forth in LAMC 12.21 C.5.
5. No setbacks shall be required for an existing garage that is converted to an ADU, including when existing space (rec room, storage) above or adjacent to a garage is converted to an ADU.
6. For newly constructed ADUs above a garage, setbacks from the side and rear lot lines shall be the lesser of such setbacks as required by the Zoning Code, or five feet. The ADU can extend beyond the footprint of the garage but maintain a five foot setback.



STATE ADU STANDARDS-CONT.

7. One parking spot per ADU is required and may be provided as tandem parking on an existing driveway and within the required front yard. When a garage, carport, or covered parking structure is demolished, or ceases to exist, in conjunction with the construction of an accessory dwelling unit, the replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to uncovered spaces, tandem spaces, in required setback areas, or by the use of mechanical automobile parking lifts.

8. Parking is not required for an Accessory Dwelling Unit in the following instances:
 - i) it is located within one-half mile of public transit (any public transit stop along a fixed route with a fixed schedule);
 - ii) It is located within an historically significant historic district (including districts 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), to be verified by DCP if not shown on ZIMAS,
 - iii) It is part of the existing primary residence or an existing accessory structure, or
 - iv) When there is a car share vehicle located within one block of the Accessory Dwelling Unit, as demonstrated by the applicant.



STATE ADU STANDARDS-CONT.

Conversions

Notwithstanding any development standard above or any zoning provision to the contrary, existing space within the legally existing primary residence or a legally existing accessory structure located in a single-family zone can be converted into an ADU as long as it meets the following:

- 1 . The ADU has independent exterior access.
2. The rear and side setbacks are deemed sufficient for fire safety as required by the Building Code.

The structure complies with applicable Building and Residential Codes for the proposed use.

3. The conversion does not involve an addition of floor area to the structure.

In such cases, a local agency may not require the applicant to install a new or separate utility connection or impose a related connection fee or capacity charge.



ADU's VS JADU's

Is There a Difference between an Accessory Dwelling Unit and Junior Accessory Dwelling Unit?

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, **which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU.** The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU.



BACKGROUND

- 2017 Changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADU's
- **On 09 / 27 / 16 Governor Brown signed AB2299 & SB 106 (California State)**
 - The bill is intended to encourage the development of badly needed new units of housing in markets where a lack of supply has driven up rental prices at an alarming rate. Many affordable housing scholars have argued the development of even small numbers of these units can have numerous positive benefits on an area's housing market.
- On 12/15/16, The LOS ANGELES City Planning commission recommended new regulations for accessory dwellings to the City Council, ZAI & LACM 12.23.W.43 and W.44.
 - **Because the requirements were more strict than State Requirements, REGULATIONS WERE RENDERED NULL & VOID.** The City defaults to the **new STATE** provisions until a citywide ordinance is in place.
- 644 projects have pulled a permit since 2003 to build and Apu, however only 404 have received a Certificate of Occupancy



REQUIREMENTS: ADU's and JADU's

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, common sanitation is allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, parking cannot be required
Owner Occupancy	Depends, Owner Occupancy May Be Required	Yes, Owner Occupancy is required
Ministerial Approval Process	Yes	Yes
Prohibition of Sale of ADU	Yes	Yes