

ANALYSIS

This ordinance amends the Los Angeles County Code, Title 22 – Planning and Zoning to include the Accessory Dwelling Unit ("ADU") Ordinance, which implements California Government Code section 65852.2 by providing case processing procedures and development standards for ADUs.

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TJM:SC:ll

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ORDINANCE NO. _____

An ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code related to accessory dwelling units.

The Board of Supervisors of the County of Los Angeles hereby ordains as follows:

SECTION 1. Section 22.14.010 is hereby amended to read as follows:

22.14.010 A.

Accessory building or structure. A detached building or structure that is subordinate and incidental in use to the principal building or use on the same lot, and located in the same or a less restrictive zone.

Accessory dwelling unit. A dwelling unit with independent exterior access that is either attached to, located within the existing living area, or detached from and located on the same lot as a single-family residence. This term includes a senior citizen residence, a second unit, and an accessory dwelling unit approved prior to [date]. This term also includes a manufactured home, as defined in Section 18007 of the California Health and Safety Code. An accessory dwelling unit is accessory to a single-family residence; does not count toward the allowable density for the lot upon which it is located; is a residential use that is consistent with the existing general plan and zoning designation for the lot; and includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

...

SECTION 2. Section 22.14.190 is hereby amended to read as follows:

22.14.190 S.

...

~~Second Units. The following terms are defined solely for the purpose of Section 22.140.550 (Second Units): See "Accessory dwelling unit."~~

~~Building site. Building site shall have the same term as in Section 21.08.040 (Building Site) in Title 21 of the County Code.~~

~~Rural area. An area for which the maximum density permitted by this Title 22 or by the General Plan, whichever is less, is one dwelling unit or less per acre.~~

~~Second unit. A dwelling unit, as authorized by Section 22.140.550 (Second Units), that is either attached to or located on the same lot as an existing single family residence. This term includes a manufactured home, as defined in Section 18007 of the California Health and Safety Code, and an efficiency living unit, as described in Section 11.20.370 in Title 11 (Health and Safety Code) of the County Code.~~

~~Urban area. An area for which the maximum density permitted by this Title 22 or by the General Plan, whichever is less, is greater than one dwelling unit per acre.~~

...

Self-service storage facility. Any real property designed and used for the renting or leasing of individual storage spaces to tenants who have access to such spaces for the purpose of storing personal property.

Senior citizen residence. See "Accessory dwelling unit."

...

SECTION 3. Section 22.14.200 is hereby amended to read as follows:

22.14.200 T.

...

Two-family residence. A building containing two dwelling units, other than a single-family residence with an attached ~~second~~-accessory dwelling unit. This term includes "duplex."

SECTION 4. Section 22.16.030 is hereby amended to read as follows:

22.16.030 Land Use Regulations for Zones A-1, A-2, O-S, R-R, and

W.

...

C. Use Regulations.

...

2. Accessory Uses. Table 22.16.030-C, below, identifies the permit or review required to establish each accessory use.

TABLE 22.16.030-C: ACCESSORY USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
...						
Accessory buildings and structures, unless more specifically regulated by this Title 22	As determined by the principal use					Sections 22.110.030, 22.110.040
Accessory dwelling units	SPR	SPR	-	-	-	Section 22.140.640
...						
Second units						
<i>In compliance with Section 22.140.540.D.1</i>	SPR	SPR	-	-	-	Section 22.140.540
<i>In compliance with Section 22.140.540.D.2</i>	GUP	GUP	-	-	-	Section 22.140.540
...						

SECTION 5. Section 22.18.030 is hereby amended to read as follows:

22.18.030 Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4,

and R-5.

...

C. Use Regulations.

...

2. Accessory Uses. Table 22.18.030-C, below, identifies the permit or review required to establish each accessory use.

TABLE 22.18.030-C: ACCESSORY USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
...							
Accessory buildings and structures, unless more specifically regulated by this Title 22	<i>As determined by the principal use</i>						Sections 22.110.030, 22.110.040
<u>Accessory dwelling units</u>	SPR	SPR	SPR	SPR	SPR	-	Section 22.140.640
...							
Second units							
<i>In compliance with Section 22.140.540.D.1</i>	SPR	SPR	SPR	SPR	SPR	-	Section 22.140.540
<i>In compliance with Section 22.140.540.D.2</i>	CUP	CUP	CUP	CUP	CUP	-	Section 22.140.540
...							

SECTION 6. Section 22.18.060 is hereby amended to read as follows:

22.18.060 Development Standards and Regulations for Zone RPD.

...

H. ~~Second Units~~ Accessory dwelling units. ~~Second~~ Accessory dwelling units within an existing planned residential development are subject to Section 22.140.5640 (~~Second~~ Accessory Dwelling Units).

SECTION 7. Section 22.24.030 is hereby amended to read as follows:

22.24.030 Land Use Regulations for Rural Zones.

...

C. Use Regulations.

...

2. Accessory Uses. Table 22.24.030-C, below, identifies the permit or review required to establish each accessory use:

TABLE 22.24.030-C: ACCESSORY USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
...			
Accessory buildings and structures, unless more specifically regulated by this Title 22	<i>As determined by the principal use</i>		Sections 22.110.030, 22.110.040
Accessory dwelling units	SPR	-	Section 22.140.640
...			

SECTION 8. Section 22.46.030 is hereby amended to read as follows:

22.46.030 Administration.

Specific Plans and associated regulations shall be administered in accordance with Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the California Government Code. Such plans and regulations may reference existing provisions and procedures of this Title 22 or they may develop different administrative procedures to use in the implementation of the Specific Plan. Except as otherwise expressly provided in a Specific Plan, property may be used for any purpose and subject to all of the standards and requirements of the basic zone. Where the regulations of a Specific Plan differ from the provisions of the basic zone, with the exception of qualified projects allowed by Chapter 8822.120 (Density Bonuses and Affordable Housing Incentives) and Chapter 12622.166 (Housing Permits), such regulations shall supersede the provisions of the basic zone as specified in the Specific Plan. Section 22.140.640 (Accessory Dwelling Units) shall supersede any contrary provisions regulating the same matter in a Specific Plan.

SECTION 9. Section 22.102.030 is hereby amended to read as follows:

22.102.030 Exemptions.

...

B. Additions or modifications to existing residences; ~~provided, however, that such additions or modifications do not increase the number of families that can be housed in said residences.~~

...

SECTION 10. Section 22.110.030 is hereby amended to read as follows:

22.110.030 Accessory Buildings.

The following accessory buildings are permitted in required yards:

...

C. Accessory Dwelling Units in Rear and Side Yards. Accessory dwelling units are subject to yard requirements as provided in Section 22.140.640.

GD. Other Accessory Buildings in Rear Yards. Other one-story accessory buildings permitted in the zone, excluding guest houses or any other building designed or used for living or sleeping purposes, may be used within a required rear yard, provided that:

...

DE. Replacement of Open Space. The Director may modify Subsection GD.3, above, and approve buildings or other roofed structures covering an area in excess of 50 percent of a required rear yard, provided that:

...

SECTION 11. Section 22.110.140 is hereby amended to read as follows:

22.110.140 Required Area or Width for Specific Circumstances.

...

I. Zones R-1, R-A, RPD, A-1, and A-2 – Required Area. No person shall use any main buildings or structures in Zones R-1, R-A, RPD, A-1, or A-2 unless the lot on which they are located has the required area as specified in this Chapter for each such building or structure. This provision shall not apply to accessory buildings or structures, senior citizen residences, or ~~second~~accessory dwelling units.

...

SECTION 12. Section 22.112.040 is hereby amended to read as follows:

22.112.040 General Standards and Measurements.

...

C. Residential and Agricultural Zones. Except as otherwise specified in this Title 22, the following standards apply in all Residential and Agricultural Zones:

1. A person shall not keep, store, park, maintain, or otherwise permit any vehicle or any component thereof in the front yard, corner side yard, or any additional area of a lot situated between the road and any building or structure located thereon, except that the parking of passenger vehicles, including pickup trucks, other than a motor home or travel trailer, is permitted on a driveway. ~~For example, see Figure 22.112.040-A, below;~~

a. A driveway; for example, see Figure 22.112.040-A, below; and

b. An area that is no longer a driveway to a garage or carport due to the conversion of that garage or carport to an accessory dwelling unit.

...

SECTION 13. Section 22.112.070 is hereby amended to read as follows:

22.112.070 Required Parking Spaces.

A. Required Parking Spaces. Table 22.112.070-A, below, identifies the minimum number of parking spaces required for each use.

TABLE 22.112.070-A: MINIMUM REQUIRED PARKING SPACES	
<i>Use</i>	<i>Number of Spaces</i>
...	
Residential uses ⁴	
<u>Accessory dwelling units</u> ^{10,11}	<u>1 uncovered standard space per unit.</u>
...	
<u>Second-unit</u> <u>Single-family residences</u> ¹⁰	<u>1 standard space per second unit with fewer than two bedrooms or 2 standard spaces per second unit with two or more bedrooms</u> <u>2 covered standard spaces per unit.</u>
...	
<p>... 10. A parking space for a second unit may be located in tandem with a space serving the existing single-family residence if the design is necessary to provide the required number of spaces for both units, and if either space may be accessed from the driveway without moving an automobile parked in the other space. In addition, notwithstanding the parking requirements for single-family dwelling units specified above, if tandem parking is provided, one of the spaces for the single-family residence may be uncovered. <u>When a garage or carport is converted to an accessory dwelling unit, any parking spaces required for the primary residence may be provided as covered spaces, uncovered spaces, or tandem spaces in compliance with Section 22.04.030.B and Section 22.140.640.H.6.b.</u></p> <p>11 <u>See additional ADU parking provisions in Section 22.140.640.H.6.</u></p>	

SECTION 14. Section headings for Chapter 22.140 are hereby amended to read as follows:

Chapter 22.140 Standards for Specific Uses.

Sections:

...

22.140.530 Scrap Metal Processing Yards.

22.140.540 Second Units(Reserved).

...

22.140.640 Accessory Dwelling Units.

SECTION 15. Section 22.140.250 is hereby amended to read as follows:

22.140.250 Guest Houses.

...

D. Prohibitions.

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2. A guest house is not permitted where ~~a second~~ an accessory dwelling unit exists on the lot.

SECTION 16. Section 22.140.290 is hereby amended to read as follows:

22.140.290 Home-Based Occupations.

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C. Development Standards. Home-based occupations shall comply with the following standards:

1. The home-based occupation shall be demonstrably secondary and incidental to the ~~primary~~ dwelling unit and shall not change the character and appearance of the dwelling unit.

...

5. Only one home-based occupation is permitted per dwelling unit. A primary dwelling unit may not be used for a home-based occupation, if there is a home-based occupation in an accessory dwelling unit on the same lot.

...

SECTION 17. Section 22.140.540 is hereby deleted in its entirety.

22.140.540 Second Units(Reserved).

~~A. Purpose. This Section is to provide for the development of second units in Residential and Agricultural Zones with appropriate development restrictions, pursuant to Section 65852.2 of the California Government Code. Nothing in this Section shall preclude the development of multiple single-family residences pursuant to Title 21 (Subdivisions) of the County Code in lieu of and as an alternative to the procedures set forth in this Section and Section 65852.2 of the California Government Code.~~

~~B. Definitions. Specific terms used in this Section are defined in Division 2 (Definitions) under "Second units."~~

~~C. Applicability.~~

~~1. This Section applies to second units in all zones where permitted.~~

~~2. All regulations of the zone and any supplemental district or specific plan in which the second unit is located shall apply, except as follows:~~

~~a. Where the regulations within this Section are contrary to regulations established by any zone, district, or specific plan, the more restrictive regulation shall apply;~~

~~b. Notwithstanding Subsection C.2.a, above, the parking requirements in Chapter 22.112 (Parking) for second units shall supersede those regulations established by any zone, district, or specific plan;~~

~~c. No zone, district, or specific plan regulation that requires discretionary review or hearing to establish a second unit shall apply; and~~

~~d. No zone, district, or specific plan regulation that prohibits a second unit shall apply.~~

~~D. Prohibited Areas. A second unit is prohibited if any part of its building site is located:~~

- ~~1. Within a Significant Ecological Area;~~
- ~~2. On land with a natural slope of 25 percent or more; or~~
- ~~3. Within the boundaries of a noise zone, as described in Chapter 22.76~~

~~(Noise Insulation Program).~~

~~E. Application Requirements. A second unit is permitted in any area that is not prohibited under Subsection D, above, provided that the applicant obtains one of the following:~~

~~1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186) application is required if the second unit's building site is located:~~

~~a. Outside of a Very High Fire Hazard Severity Zone, as defined in Section 223-V of Title 32 (Fire Code) of the County Code; and~~

~~b. Within an area that is served by a public sewer system; and~~

~~c. Within an area that is served by a public water system; or~~

~~2. Conditional Use Permit. A Conditional Use Permit (Chapter 22.158) application is required if the second unit's building site does not meet all of the location criteria described in Subsection E.1, above.~~

~~F. Additional Application Materials.~~

~~1. Ministerial Site Plan Review. A second unit that requires a Ministerial Site Plan Review (Chapter 22.186) application shall submit the following materials:~~

~~a. Verification by public sewer and public water purveyors, that the sewer and water facilities in the area are adequate to meet the demands of the second unit and all other properties served by the same sewer and water facilities.~~

~~b. — If any portion of an exterior wall of the first story of the second unit will be located more than 150 feet from fire apparatus access, verification by the Fire Department that there exists a fire apparatus access road, as provided in Section 902.2.1 of Title 32 (Fire Code) of the County Code.~~

~~c. — Evidence that the applicant is an owner-occupant of the single-family residence located on the same lot on which the second unit is proposed.~~

~~2. — Conditional Use Permit. A second unit that requires a Conditional Use Permit (Chapter 22.158) application shall submit the following materials:~~

~~a. — Application within a Very High Fire Hazard Severity Zone. For a proposed second unit in a Very High Fire Hazard Severity Zone:~~

~~i. — Preliminary verification, with conditions as applicable, by the Departments of Fire and Public Works that the existing single-family residence and second unit will be adequately protected against fire hazard; and~~

~~ii. — For a second unit within 200 feet of a nature preserve, wildlife habitat, park, forest, or similar area, owned by a public agency or non-profit organization, conceptual approval by the Fire Department of a fuel modification plan that does not extend into these areas.~~

~~b. — Application in Area with No Public Sewer System. For a proposed second unit within an area that is not served by a public sewer system, preliminary verification, with conditions as applicable, by the Department of Public Health that a private sewer system may be installed for the second unit in accordance with the guidelines of that department.~~

~~c. — Application in Area with No Public Water System. For a proposed second unit within an area that is not served by a public water system,~~

~~preliminary verification, with conditions as applicable, by the Fire Department, Public Health, and Public Works that the existing or proposed water supply to the site will be adequate to serve, both the existing single-family residence and the second unit.~~

~~d. — All Applications. An assumption of risk, waiver of liability, and covenant not to sue by the applicant and the property owner, if different, and their successors for the County, its agents, officers, and employees, for damages resulting from approval of, or imposition of conditions on, a Conditional Use Permit pursuant to this Section.~~

~~G. — Use Restrictions.~~

~~1. — A second unit may be developed on a lot that contains not more than one single-family residence.~~

~~2. — No more than one second unit is permitted on any lot.~~

~~3. — A second unit may not be separately sold from the primary single-family residence on the same lot, but it may be used as a rental unit.~~

~~4. — A second unit within an Equestrian District shall be located at least 35 feet from any side or rear property line, unless the unit is attached to and entirely within the outside horizontal dimensions of an existing single-family residence.~~

~~5. — A second unit shall not be permitted on a lot where either of the following exists:~~

~~a. — A mobilehome or residence for use by a caretaker and his immediate family; or~~

~~b. — A guest house.~~

~~H. — Development Standards. A second unit shall comply with the following development standards:~~

~~1. Single-Family Residence Standards. A second unit shall comply with Section 22.140.580 (Single-Family Residences), except Section 22.140.580.B (Minimum Building Width) and Section 22.140.580.C (Minimum Floor Area) shall be superseded by this Subsection H.~~

~~2. Street Frontage. The lot on which the second unit is located shall take vehicular access from a street or highway with a right-of-way of at least 50 feet in width.~~

~~3. Minimum Floor Area. The minimum floor area shall be 220 square feet.~~

~~4. Maximum Floor Area. The maximum floor area shall vary depending on the location and size of the lot as follows:~~

~~a. In urban areas:~~

~~i. 600 square feet, for lots less than 6,000 square feet in size.~~

~~ii. 800 square feet, for lots between 6,000 square feet and 7,499 square feet in size.~~

~~iii. 1,000 square feet, for lots between 7,500 square feet and 9,999 square feet in size.~~

~~iv. 1,200 square feet, for lots 10,000 square feet or larger in size.~~

~~b. In rural areas: 1,200 square feet.~~

~~5. Height. The maximum height of a second unit shall be as follows:~~

~~a. In urban areas:~~

~~i. 17 feet for detached units.~~

ii. — 20 feet for attached units, with the following exceptions:

(1) — Any portion of the structure that is set back more than 20 feet from the front property line may have an additional foot in height for every additional foot of setback, up to a maximum of 35 feet in height; and

(2) — Any portion of the structure that is set back more than five feet from the side property line may have an additional foot in height for every additional foot of setback, up to a maximum of 35 feet in height;

b. — In rural areas: 35 feet.

6. — Minimum Lot Size. The minimum size of a lot on which a second unit is developed shall be as follows:

a. — In urban areas, a net area of 5,000 square feet, except that this standard shall not apply to an attached second unit that is added as a second story and is entirely within the outside horizontal dimensions of the existing structure.

b. — In rural areas, a gross area of one acre.

7. — Maximum Lot Coverage Urban Areas. In urban areas, the maximum lot coverage for all buildings shall be 40 percent.

8. — Required Yards Rural Areas. In rural areas, each lot on which a second unit is developed shall have front, side, and rear yards of not less than 35 feet in depth.

l. — Covenant. Any application for a second unit shall be submitted only by the owner-occupant of the single family residence on the property where the second unit is proposed. Thereafter, either the single family residence or the second unit shall be owner-occupied in perpetuity. A covenant shall be filed with the Registrar-Recorder/County Clerk that states the owner-occupant agrees to the terms and also

~~states that any violation thereof shall be subject to Enforcement Procedures (Chapter 22.242). This covenant shall run with the land.~~

~~J. — Modification. The requirements in Subsection H, above, may be modified upon approval of a Variance (Chapter 22.194) application.~~

SECTION 18. Section 22.140.570 is hereby amended to read as follows:

22.140.570 Shared Water Wells.

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B. Additional Application Requirements. In addition to any application materials required by this Title 22, an application for a shared water well shall include:

...

2. Statement. A detailed statement of:

a. The number and location of the dwelling units that will share the well and each of their existing and proposed uses. For purposes of determining the number of dwelling units that will share the well:

i. A primary unit, ~~second~~accessory dwelling unit, caretaker's residence (either conventional or mobilehome), and a senior citizen residence shall each be considered one dwelling unit; and

...

SECTION 19. Section 22.140.640 is hereby added as follows:

22.140.640 Accessory Dwelling Units.

A. Purpose. This Section is to provide for the development of accessory dwelling units with appropriate development restrictions, pursuant to California Government Code section 65852.2.

B. Applicability. This Section shall not apply to the Coastal Zone, where the accessory dwelling unit regulations in the applicable Local Coastal Program shall control.

C. Permitted Areas. Except as specified in Subsection D, below, an accessory dwelling unit is permitted where single-family residences are permitted with a Ministerial Site Plan Review (Chapter 22.186).

D. Prohibited Areas. An accessory dwelling unit is not permitted on a lot if any of the following apply:

1. The lot is located in a Very High Fire Hazard Severity Zone and contains a Hillside Management Area other than those described in Section 22.104.030.D, and it does not have two means of access to a highway that meet the following requirements:

a. Both means of access contain at least 24 feet in unobstructed width, as measured from the lot until it reaches the nearest highway; and

b. Both means of access are built to public street standards approved by Public Works.

2. The lot is located in a Very High Fire Hazard Severity Zone, and does not contain a Hillside Management Area, and does not have two means of access to a highway that meet both the following requirements:

a. The required unobstructed width specified in Subsection D.1.a, above; and

b. Both means of access meet the requirement specified in Subsection D.1.b, above, or are dirt roads maintained by Public Works.

3. The lot is located in the area between Old Topanga Canyon Road, the Coastal Zone boundary, the City of Calabasas, and the City of Los Angeles;

4. The lot is located in the Santa Monica Mountains North Area and can only take vehicular access from Lobo Canyon Road or Triunfo Canyon Road.

E. Application Requirements. An approved Ministerial Site Plan Review (Chapter 22.186) is required to establish an accessory dwelling unit that is located in a permitted area as provided in Subsection C, above.

F. Timeline for Decision. Complete applications for an accessory dwelling unit shall be approved or denied by the Department within 120 days.

G. Use Restrictions. An accessory dwelling unit shall be subject to all of the following use restrictions:

1. An accessory dwelling unit may be developed if the lot:
 - a. Contains no habitable structures other than the legally-built single-family residence; or
 - b. Will only have one new detached primary single-family residence permitted concurrently with the accessory dwelling unit, and no other habitable structures.
2. No more than one accessory dwelling unit is permitted on any lot.
3. An accessory dwelling unit shall not be separately sold from the single-family residence on the same lot.
4. An accessory dwelling unit may only be used as a rental unit for a period of at least 30 consecutive days. The applicant shall record in the Registrar-Recorder/County Clerk, an agreement to this effect as a covenant running with the land for the benefit of the County of Los Angeles, and the covenant shall also declare that any violation thereof shall be subject to the enforcement procedures of Chapter 22.242

(Enforcement Procedures). Recordation of the covenant must occur prior to issuance of a certificate of occupancy by the County.

5. An accessory dwelling unit shall not be used for a home-based occupation if there is a home-based occupation in the single-family residence.

H. Development Standards.

1. Single-Family Residence Standards. An accessory dwelling unit shall comply with Section 22.140.580 (Single-Family Residences), except Section 22.140.580.B (Minimum Building Width) and Section 22.140.580.C (Minimum Floor Area) shall be superseded by this Subsection H.

2. Floor Area.

a. Minimum. An accessory dwelling unit shall have a minimum floor area of 150 square feet, with one habitable room with a minimum floor area of 70 square feet.

b. Maximum.

i. General.

(1) The maximum floor area of an accessory dwelling unit shall be 1,200 square feet, if the accessory dwelling unit is any of the following:

(a) A new detached structure;

(b) Entirely within an existing, legally-built single-family residence; or

(c) The result of the conversion of an existing, legally-built accessory structure with no expansion of the floor area of said structure.

(2) For an attached accessory dwelling unit not described in Subsections H.2.b.i.(1)(b) or H.2.b.i.(1)(c), above, the total floor area of the attached accessory dwelling unit shall not exceed 50 percent of the habitable area of said single-family residence at the time of application submittal, or 1,200 square feet, whichever is less.

ii. Exceptions. For an accessory dwelling unit not described in Subsections H.2.b.i.(1)(b) or H.2.b.i.(1)(c), above:

(1) Hillside Management Areas. The total floor area of the accessory dwelling unit in a Hillside Management Area shall not exceed 50 percent of the habitable area of the single-family residence at the time of application submittal, or 800 square feet, whichever is less.

(2) Community Standards Districts and Specific Plans. Notwithstanding Subsection H.2.b.ii.(1), above, the accessory dwelling unit shall be subject to all applicable Community Standards District or Specific Plan provisions pertaining to floor area and lot coverage, and in no case shall:

(a) The total floor area of a new detached accessory dwelling unit exceed the maximum floor area specified in Subsection H.2.b.i.(1), above; and

(b) The total floor area of an attached accessory dwelling unit exceed the maximum floor area specified in Subsection H.2.b.i.(2), above.

3. Height.

a. General. The maximum height of an accessory dwelling unit shall be 25 feet.

b. Exceptions.

i. The height of an existing structure shall be deemed the maximum height of an accessory dwelling unit, if the accessory dwelling unit is any of the following:

(1) Entirely within an existing, legally-built single family residence; or

(2) The result of the conversion of an existing, legally built accessory structure with no expansion of the floor area of said structure.

ii. For an accessory dwelling unit not described in Subsection H.3.b.i., above:

(1) Community Standards Districts and Specific Plans. Any new accessory dwelling unit, or expanded portion of an existing structure that is part of a proposed accessory dwelling unit, shall not exceed the maximum height specified in a Community Standards District or Specific Plan, or 25 feet, whichever is less.

(2) Proximity to Scenic Resources. Notwithstanding Subsection H.3.b.ii.(1), above, if any new accessory dwelling unit, or expanded portion of an existing structure that is part of a proposed accessory dwelling unit, is located within 200 feet of an adopted route with scenic qualities, Scenic Route, Scenic Drive, or Scenic Highway, the new accessory dwelling unit or expanded portion shall not exceed the height of the single-family residence, or 18 feet, whichever is less.

4. Distance from Single-Family Residence. The distance between a detached accessory dwelling unit and the single-family residence shall be as follows:

- a. A minimum of six feet; and,
- b. In Hillside Management Areas, a maximum of 25 feet, unless the accessory dwelling unit is the result of the conversion of an existing, legally-built accessory structure with no expansion of the floor area of the structure.

5. Required Yards.

a. The depth of a yard between the existing structure and an existing lot line shall be deemed the required yard depth, if the accessory dwelling unit is any of the following:

- i. Entirely within an existing, legally-built single-family residence; or
- ii. The result of the conversion of an existing, legally-built accessory structure with no expansion of the floor area of said structure.

b. For an accessory dwelling unit not described in Subsection H.5.a, above:

- i. Any new accessory dwelling unit, or expanded portion of an existing structure that is part of a proposed accessory dwelling unit, shall be at least five feet from the rear, interior side, and corner side lot lines.
- ii. An accessory dwelling unit that is built above a garage shall be at least five feet from the reversed corner side lot line.

6. Parking.

a. Parking for an accessory dwelling unit shall be provided in accordance with Chapter 22.112 (Parking), with the following exceptions:

- i. No parking shall be required for an accessory dwelling unit that is located outside of a Very High Fire Hazard Severity Zone; or

ii. In any of the following instances, pursuant to California Government Code section 65852.2(d):

- (1) The accessory dwelling unit is located within one-half mile of public transit;
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district;
- (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure;
- (4) When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

b. Required parking for the accessory dwelling unit or single-family residence may be located on a driveway, or in an area that is no longer a driveway to a garage or carport, due to the conversion of that garage or carport to an accessory dwelling unit.

I. Distance from Publicly Dedicated Open Space. In any Fire Hazard Severity Zone, an accessory dwelling unit shall be located at least 200 feet from publicly dedicated open space.

J. Release of Owner-Occupancy Covenant. The County of Los Angeles releases its interest in any covenant for an accessory dwelling unit that required owner-occupancy in perpetuity of either the single-family residence or the accessory dwelling unit that is located on the same lot, recorded in the Registrar-Recorder/County Clerk, running with the land for the benefit of the County of Los Angeles.

SECTION 20. Section 22.172.020 is hereby amended to read as follows:

22.172.020 Regulations Applicable.

The following regulations shall apply to all nonconforming uses and to all buildings or structures nonconforming due to use and/or standards as specified herein:

...

B. Additions to a Nonconforming Use or a Building or Structure Nonconforming Due to Use and/or Standards. This Section does not authorize the extension, expansion, or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use, or the alteration, enlargement of, or addition to a building or structure nonconforming due to use and/or standards, or permit the addition of land, buildings, or structures used in conjunction with a nonconforming use or a building or structure nonconforming due to use and/or standards except:

...

2. Additions may be made to a building nonconforming due to use and/or standards which is designed for and used as a residence without requiring any additional parking space or driveway paving; provided, that such additions neither increase the number of dwelling units in such structure, nor occupy the only portion of an area which can be used for required parking space or access thereto. Notwithstanding the foregoing, ~~a second~~ an accessory dwelling unit in compliance with Chapter ~~22.106.540-22.140.640~~ (Second Units) (Accessory Dwelling Units) may be developed on a lot containing a single-family residence nonconforming due to standards, provided that where the single-family residence is nonconforming due to parking standards, sufficient parking shall be provided to ensure that both the single-family residence and the

~~second-accessory dwelling~~ unit comply with the applicable provisions of Chapter 22.112 (Parking) and Section 22.140.640.H.6 (Parking).

...

SECTION 21. Section 22.172.050 is hereby amended to read as follows:

22.172.050 Termination Conditions and Time Limits.

...

C. Exception. The termination periods enumerated in this Section shall not apply to one-family and two-family dwellings, or to accessory dwelling units.

SECTION 22. Section 22.300.020 is hereby amended to read as follows:

22.300.020 Application of Community Standards Districts to Property.

...

B. Additional Regulations.

1. Density Bonuses and Affordable Housing. Qualified projects allowed by Chapter 22.120 (Density Bonuses and Affordable Housing Incentives) and Chapter 22.166 (Housing Permits) shall supersede any contrary provisions as specified in any CSD.

2. Accessory Dwelling Units. CSD regulations shall apply to accessory dwelling units as follows:

a. CSD regulations shall only apply to accessory dwelling units not described in Section 22.140.640.G.3.a.(i) and 22.140.640.G.3.a.(ii); and

b. Where the regulations in Section 22.140.640 (Accessory Dwelling Units) are contrary to the provisions in a CSD regulating the same matter, the

provisions in Section 22.140.640 shall prevail, except for Section 22.140.640.G.2 (Floor Area) and Section 22.140.640.G.3 (Height).

[2214010SCCC]