August 04, 2020

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

HEARING ON THE ACCESSORY DWELLING UNIT ORDINANCE
PROJECT NO. 2020-000600 (1-5)
ADVANCE PLANNING CASE NO. RPPL2020001003
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)

SUBJECT

The recommended action is to approve the Accessory Dwelling Unit Ordinance (Ordinance). The Ordinance establishes development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units pursuant to recent changes to State law (Section 65852.2 and Section 65852.22 of the California Government Code). A project summary is included as Attachment 1, and the proposed Ordinance is included as Attachment 2.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Public Resources Code section 21080.17, and categorically exempt per CEQA Guidelines section 15303;
2. Indicate its intent to approve the Ordinance (RPPL2020001003) (Attachment 2), as recommended by the Regional Planning Commission (RPC), and with modifications as proposed by the Department of Regional Planning staff (Staff); and
3. Instruct County Counsel to prepare the necessary final documents for the Ordinance and bring them back to the Board of Supervisors (Board) for their consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

An accessory dwelling unit, commonly known as an ADU, granny flat, or second unit, is a dwelling
unit with a full kitchen and bathroom, permitted as an accessory use to a single-family or multi-family residential building wherever such developments are permitted, and may be detached from other building(s) on the property. ADUs are usually lower in cost to produce than a new single-family home because additional land purchase is not necessary, and can also potentially provide affordable rental housing opportunities. The additional unit or units can be a source of rental income for homeowners or provide living space for family members or caregivers.

A junior accessory dwelling unit, or JADU, is a dwelling unit with independent exterior access that is no more than 500 square feet in size and contained entirely within a single-family residence. As of January 1, 2020, JADUs are permitted, per State law. JADUs can provide homeowners with additional rental income or separate living space within the footprint of the existing residence.

The County’s previous ADU Ordinance became effective on May 30, 2019. However, in response to the deepening housing affordability crisis, the State legislature enacted changes to the law, effective January 1, 2020, to further reduce local zoning barriers to ADUs and JADUs statewide, and in doing so nullified the County’s Ordinance. Changes include, but are not limited to:

• Allowing ADUs on properties in all zones where single-family or multi-family residential uses are permitted;

• Allowing JADUs on properties with existing or proposed single-family residences;

• Limiting local restrictions on ADU size and height;

• Prohibiting replacement of off-street parking requirements;

• Reducing required setbacks for ADUs; and

• Reducing the maximum ADU and JADU application review time from 120 days to 60 days.

The proposed Ordinance designates areas where ADUs and JADUs are prohibited and imposes local development standards in accordance with State law.

On April 29, 2020, the RPC held a public hearing and voted unanimously to recommend approval of the proposed Ordinance with non-substantive revisions recommended by Staff. The summary of RPC proceedings is included as Attachment 4. The RPC’s resolution is included as Attachment 5.

Policy Intent

The proposed Ordinance is intended to:

• Promote the development of ADUs and JADUs, which are a source of lower-cost rental housing in single-family and multi-family residential neighborhoods, and a source of rental income for homeowners.

• Promote intergenerational neighborhoods by providing additional living space for family members or caregivers.

• Promote smart growth by encouraging infill development on underutilized parcels in existing, established communities.

Key Components
The proposed Ordinance includes the following key components:

• Maximum Number of ADUs and JADUs: Per State law, any proposed or existing legally-built single-family residence in any zone that allows residential uses is permitted one (1) ADU and one (1) JADU.

Any existing, legally-built housing type other than one single-family residence in any zone that allows residential uses is permitted one (1) ADU or 25 percent of existing dwelling units, whichever is greater, converted from spaces within existing residential buildings, and two (2) ADUs detached from existing residential buildings. For example, an eight (8) unit multi-family residential development would be allowed two (2) ADUs within the existing building, and two (2) detached ADUs.

• ADU Development Standards

  o Floor Area
  State law requires that the size of a detached ADU fall within the range of 150 square feet to 1,200 square feet. State law further limits the maximum floor area of an attached ADU to no more than 50 percent of the habitable area of the primary dwelling at the time of application submittal. However, State law also prohibits local jurisdictions from establishing size requirements that do not at least allow an 800 square foot ADU. For example, a 1,400 square foot single-family residence with an attached 800 square foot ADU must be permitted, although it exceeds 50 percent of the habitable area of the primary residence. In accordance with State law, the proposed Ordinance permits detached ADUs that range in size from 150 square feet to 1,200 square feet; and permits attached ADUs that are 50 percent of habitable area, and a maximum floor area of 800 square feet, whichever is more. The proposed Ordinance specifies that there is no maximum floor area for an ADU that is entirely within an existing residential building, or for an ADU that is within an accessory structure with a maximum expansion of 150 square feet to accommodate ingress and egress. Furthermore, the proposed Ordinance exempts ADUs from Community Standards District (CSD) or Specific Plan (SP) provisions pertaining to floor area, gross structural area, or lot coverage.

  o Maximum Height
  State law requires local jurisdictions to permit an ADU of at least 16 feet in height. The proposed Ordinance is more permissive than State law in this case, permitting a maximum height of 25 feet for ADUs, with some exceptions in CSDs and SPs, near adopted State Scenic Highways, and on lots with existing multi-family residential buildings. The proposed Ordinance specifies that there is no maximum height for an ADU that is entirely within an existing residential building, or within an accessory structure with a maximum expansion of 150 square feet to accommodate ingress and egress. In no event does the proposed Ordinance restrict the height to be less than 16 feet.

  o Required Yards
  State law prohibits a setback requirement for the conversion of a garage or other “existing space” to an ADU, and limits the setbacks for an ADU constructed over an existing garage to a maximum of four feet. In accordance with State law, the proposed Ordinance requires a four-foot rear and side yard setback for all ADUs that are not created entirely within an existing space.

  o Parking
  State law prohibits local parking requirements for ADUs that meet certain criteria, such as ADUs that have no bedrooms, ADUs within existing structures, detached ADUs that meet specified development standards, and ADUs that are close to transit. In addition, State law prohibits local jurisdictions from requiring the correction of any existing nonconforming condition, including parking,
as a condition of approval for ADUs. Furthermore, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted into an ADU, replacement parking is not required. The proposed Ordinance includes these provisions in accordance with State law, and also goes beyond the State law by not requiring parking for ADUs outside of Very High Fire Hazard Severity Zones (VHFHSZ). One uncovered parking space is required for an ADU within or partially within a VHFHSZ that does not meet the criteria specified in State law.

• JADU Development Standards: In accordance with State law, the proposed Ordinance permits JADUs with a maximum floor area of 500 square feet. A JADU must contain an efficiency kitchen at a minimum. It must also have a separate entrance from the single-family residence, and must have access to a bathroom, which may be part of the JADU or provided as part of the single-family residence, with interior access provided. JADUs are not subject to CSD or Specific Plan provisions pertaining to floor area, gross structural area, or lot coverage. Moreover, no parking is required for JADUs.

• Use Restrictions: In accordance with State law, the proposed Ordinance specifies the following use restrictions for ADUs and JADUs:
  o A prohibition against the sale of the ADU or JADU separate from the primary residence;
  o A prohibition against using the ADU or JADU for short-term rentals (less than 30 consecutive days); and
  o A prohibition against home-based occupations conducted within the ADU or JADU.

• Owner Occupancy Requirement: In accordance with State law, the proposed Ordinance specifies that if a property contains a JADU, either the single-family residence or JADU must be the principal residence of at least one legal owner of the lot, unless the property is owned by a governmental agency, land trust, or housing organization.

• Review and Decision: In accordance with State law, a decision on an application for an ADU or JADU must be made within 60 days of application submittal, with certain exceptions.

• ADUs and JADUs in Community Standards Districts and Specific Plans: In accordance with State law, the proposed Ordinance prohibits any CSD or SP from prohibiting, or requiring a discretionary permit for, an ADU or JADU in areas where residential uses are permitted. Furthermore, all development standards specified in the State law have been incorporated into the proposed Ordinance to ensure that the minimum State requirements are met, notwithstanding any contrary provisions in a CSD or SP.

• Prohibited Areas: In order to promote public health and safety in fire-prone areas, the County’s previous ADU Ordinance prohibited the construction of new ADUs, and the conversion of existing spaces to ADUs, within VHFHSZs with substandard roads and limited access. The proposed Ordinance further clarifies the language in the previous ordinance by requiring two distinct means of access not overlapping with each other, as measured from the lot frontage to the point of intersection with a highway. Each means of access must contain pavement of at least 24 feet in width, exclusive of sidewalks, if the lot is located in a VHFHSZ and a Hillside Management Area (HMA). For lots that are located in a VHFHSZ and not an HMA, the two distinct means of access may include unpaved roads of at least 24 feet in width maintained by Public Works. The proposed Ordinance also allows ADUs and JADUs on lots with a single means of access if such lots front onto a highway and
vehicles enter directly from the highway.

ADDITIONAL STAFF RECOMMENDATIONS

For clarification purposes and to ensure compliance with State law, Staff made revisions to the draft Ordinance heard by the RPC on April 29, 2020, as shown in Attachment 3.

Implementation of Strategic Plan Goals

The Ordinance supports the County’s Strategic Plan Goal I: Make Investments That Transform Lives; Objective I.1.5: Increase Affordable Housing Throughout L.A. County by providing and preserving a cost-efficient source of quality housing in single-family and multi-family neighborhoods.

FISCAL IMPACT/FINANCING

Adoption of the Ordinance will not result in any significant new costs to the Department of Regional Planning or other County departments and agencies.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

ADUs (formerly called “second units”) have been permitted under State law and promoted as a source of additional, lower-cost housing in single-family residential neighborhoods since 1982. Government Code section 65852.2 has been amended several times to encourage the creation of second units/ADUs while maintaining some flexibility for local governments to regulate ADUs via ordinance. State standards apply if local jurisdictions do not adopt an implementing ordinance in accordance with State law.

The Ordinance supports Goals 1 and 3 as well as Policies 1.2 and 3.1 of the County’s adopted and State-certified Housing Element, in that it will reduce regulatory barriers and facilitate the production of lower-cost housing throughout the unincorporated areas to increase housing choices for all economic segments of the population.

In addition to the public hearing conducted by the RPC on April 29, 2020, a public hearing before the Board is required pursuant to Section 22.232.040.B.1 of the County Code. Required notice has been given pursuant to the procedures and requirements set forth in Section 22.222.180 of the County Code. Additionally, more than 1,070 members of the public have been notified via email.

ENVIRONMENTAL DOCUMENTATION

The Ordinance qualifies for a Statutory Exemption pursuant to CEQA Guidelines section 21080.17, which exempts the adoption of an accessory dwelling unit ordinance to implement the provisions of Section 65852.2 of the California Government Code, per State determination. The Ordinance further qualifies for a Categorical (Class 3) Exemption, per CEQA Guidelines Section 15303, which exempts new construction or conversion of small structures, as in the case of a junior accessory dwelling unit, pursuant to Section 65852.22 of the California Government Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed Ordinance will not significantly impact County services.
Should you have any questions, please contact Zoe Axelrod in the Housing Policy Section at (213) 974-6417, or zaxelrod@planning.lacounty.gov.

Respectfully submitted,

Amy J. Bodek, AICP
Director

Enclosures

c: Executive Office, Board of Supervisors
   County Counsel
   Chief Executive Office
   Arts and Culture
   Community Development Authority
   Public Works
   Fire Department
COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

PROJECT SUMMARY

PROJECT DESCRIPTION: Accessory Dwelling Unit Ordinance: Proposed amendments to the Los Angeles County Code (Title 22) to establish development standards and case processing procedures for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) pursuant to recent changes to State law (Sections 65852.2 and 65852.22 of the California Government Code). This is a countywide (unincorporated) ordinance.

REQUEST: Approval and adoption of the Ordinance.

LOCATION: Countywide (unincorporated areas)

STAFF CONTACT: Ms. Zoe Axelrod at (213) 974-6417

RPC HEARING DATE(S): April 29, 2020

RPC RECOMMENDATION: Approval and recommendation to the Board to consider adoption of the Ordinance.

MEMBERS VOTING AYE: Commissioners Moon, Modugno, Smith, Louie, and Shell

MEMBERS VOTING NAY: None

MEMBERS ABSENT: None

MEMBERS ABSTAINING: None

KEY ISSUES: The Draft Ordinance amends Title 22 (Planning and Zoning) of the County Code to:

- Specify that an ADU is permitted as an accessory use to existing or proposed single-family residential buildings, or existing multi-family residential buildings, wherever such developments are permitted, per State law;

- Specify that a JADU is permitted as an accessory use to an existing or proposed
• Prohibit the development of ADUs and JADUs in Very High Fire Hazard Severity Zones (VHFHSZs) with substandard roads and limited access;

• Establish case processing procedures for ADUs and JADUs;

• Specify the maximum number of ADUs and JADUs permitted on a property, as determined by the principal use on the lot;

• Describe use restrictions for ADUs and JADUs, including a prohibition against the sale of the ADU or JADU separate from the primary residence, a prohibition against using the ADU or JADU for short-term rentals, and a prohibition against home-based occupations conducted within the ADU or JADU; and

• Establish new development standards for ADUs and JADUs, including but not limited to: floor area, maximum height, required yards, and parking.

MAJOR POINTS FOR:
The Draft Ordinance complies with State law and provides additional lower-cost rental housing options in single-family and multi-family residential neighborhoods while protecting public safety, natural resources, and community character.

The Draft Ordinance promotes intergenerational neighborhoods by providing additional living space for family members or caregivers.

The Draft Ordinance promotes smart growth by encouraging infill development on underutilized parcels in existing, established communities.

MAJOR POINTS AGAINST:
The Draft Ordinance does not require any parking for JADUs or for ADUs that meet the State criteria, and only requires one parking space for ADUs within Very High Fire Hazard Severity Zones that do not meet any of the State criteria. This may lead to higher on-street parking demand in certain communities.
ANALYSIS

This ordinance amends the Los Angeles County Code, Title 22 – Planning and Zoning, to establish new development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units in the unincorporated areas of Los Angeles County.

Very truly yours,

MARY C. WICKHAM
County Counsel

By

STARR COLEMAN
Assistant County Counsel
Property Division

CY:II

Requested: 04-15-2020
Revised: 05-07-2020
ORDINANCE NO. _____________

An ordinance amending the Los Angeles County Code, Title 22 – Planning and Zoning, to establish new development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units in the unincorporated areas of Los Angeles County.

The Board of Supervisors of the County of Los Angeles 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 and junior accessory dwelling unit. The following terms are defined for the purposes of Section 22.140.160 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

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, or multi-family residential building, including mixed use development. This term includes a senior citizen residence, a second unit, and an accessory dwelling unit approved prior to May 30, 2019. 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 the principal residential use; and 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 for the purposes of zoning or General Plan consistency. An accessory dwelling unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Junior accessory dwelling unit. A dwelling unit with independent exterior access that is no more than 500 square feet in size and contained entirely within the footprint of a single-family residence, including an attached garage. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the single-family residence, as set forth in section 65852.22(h)(1) of the California Government Code, or a successor provision.

Public transit. As defined in section 65852.2(j)(10) of the California Government Code.

... Affordable housing and senior citizen housing. The following terms are defined for the purposes of Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits):

Affordable housing cost. As defined in §50052.5 of the California Health and Safety Code.

Affordable housing set-aside. Dwelling units reserved for extremely low, very low, lower, or moderate income households.

Affordable rent. As defined in §50053 of the California Health and Safety Code.
Baseline dwelling units. The maximum number of dwelling units permitted by the General Plan land use designation.

Child care facility. As defined in Section 65915(h)(4) of the California Government Code.

Common interest development. As defined in Section 4100 of the California Civil Code.

Density bonus. See "Density bonus."

Housing development. A development project for five or more dwelling units, including mixed use developments. It may also be a subdivision or a common interest development, as defined in Section 4100 of the California Civil Code, approved by the County and consisting of dwelling units or unimproved residential lots. It may also be either a project to substantially rehabilitate and convert an existing commercial building to residential use, or the substantial rehabilitation of an existing multi-family dwelling, as defined in Section 65863.4(d) of the California Government Code, where the result of rehabilitation would be a net increase in available dwelling units.

Incentive. As specified in Section 65915(k) of the California Government Code, a reduction of a development standard or a modification of a zoning code requirement, or other regulatory incentive or concession, that results in identifiable and actual cost reductions to provide for affordable housing costs or rents.

...
Major transit stop. As defined in Section 21155(b) of the California Public Resources Code.

Senior citizen. A person who is 55 years of age or older, pursuant to Sections 51.3, 798.76 or 799.5 of the California Civil Code, as applicable.

Senior citizen housing.

Mobilehome park for senior citizens. A mobilehome park that limits residency based on age requirements, pursuant to Section 798.76 or 799.5 of the California Civil Code.

Senior citizen housing development. As defined in Section 51.3(b) of the California Civil Code.

Special needs housing. As defined in Section 51312 of the California Health and Safety Code.

Specific adverse impact. As defined in Section 65589.5(d)(2) of the California Government Code.

Waiver or reduction of development standards. As specified in Section 65915(e) of the California Government Code, a waiver or reduction of development standards that has the effect of physically precluding the construction of a project at the densities or with the incentives permitted by Chapter 22.120 (Density Bonus).

...
Airport. This term shall have the same meaning as set forth in Section 21013 (State Aeronautics Act) of the California Public Utilities Code.

... 

SECTION 2. Section 22.14.130 is hereby amended to read as follows:

22.14.130 M.

... 

Mills Act Program. The following terms are defined solely for Chapter 22.168 (Los Angeles County Mills Act Program):

Application. An application to enter into an historical property contract.

Historical property contract. A contract between the Director and the owners of a qualified historical property which meets all the requirements of Chapter 22.168 (Los Angeles County Mills Act Program) and Sections 50280 through 50290, inclusive, of the California Government Code.

... 

Qualified historical property. Property which meets the definition of a "qualified historical property," as set forth in Section 50280.1 of the California Government Code and is located within the unincorporated areas of the County. A property located within a federal, State, or County registered historic district is not a "qualified historical property" under Chapter 22.168 (Los Angeles County Mills Act), unless the property is certified by the County, State, or Secretary of Interior as being of historic significance to the relevant historic district.

...
Mobilehome. As defined in Section 18008 of the California Health and Safety Code.

Mobilehome park. As defined in Section 18214 of the California Health and Safety Code.

Motel. A lodging establishment containing a group of attached or detached buildings containing guest rooms and offering temporary overnight visitor accommodations with a maximum rental period of 30 days. Access to some or all guest rooms is from a walkway open to the outside. This term includes "auto court," "motor lodge," and "tourist court."

Multi-family housing.

... Townhouse. A single-family dwelling unit sharing a common wall with other single-family dwelling units on one or two sides and capable of being placed on a separate lot. This term includes "row house."

Two-family residence. A building containing two dwelling units, other than a single-family residence with an attached accessory dwelling unit. This term includes "duplex."
SECTION 3. Section 22.14.200 is hereby amended to read as follows:

22.14.200  T.

... Tasting Rooms and Wineries. The following terms are defined solely for Section 22.140.590 (Tasting Rooms and Remote Tasting Rooms) and Section 22.140.610 (Winery facilities. All structures and accessory structures as used by a winery, as defined above, including the paved parking areas required by Section 22.140.610 (Winery) for mobile bottling or crushing facilities, but excluding any tasting room area or structure.

... Two-family residence. A building containing two dwelling units, other than a single-family residence with an attached 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 dwelling units                          | SPR      | SPR   | SPR   | SPR   | SPR   | Section 22.140.640 |
| ...                                                |          |       |       |       |       |                   |
| Junior accessory dwelling units                    | SPR      | SPR   | SPR   | SPR   | SPR   | Section 22.140.640 |
| ...                                                |          |       |       |       |       |                   |
| Notes:                                             |          |       |       |       |       |                   |
| ...                                                |          |       |       |       |       |                   |
| 6. Use may be subject to a Revised Exhibit “A” (Chapter 22.184) application instead, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application. |

...  

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 dwelling units                         | SPR   | SPR   | SPR   | SPR   | SPR   | SPR  | Section 22.140.640 |
SECTION 6. Section 22.18.060 is hereby amended to read as follows:

22.18.060 Development Standards and Regulations for Zone RPD.

Premises in Zone RPD shall be subject to the following regulations:

A. Use Regulations.

2. Conditional Uses. A Conditional Use Permit (Chapter 22.158) application is required, if the property in Zone RPD is to be used for a planned residential development, including a mobilehome park, subject to the approval by the Commission or Hearing Officer, which will afford the same or lesser density of population or intensity of use than is specified in the zone, subject to Subsections B through G, below.

3. Accessory Dwelling Units and Junior Accessory Dwelling Units.

Accessory dwelling units and junior accessory dwelling units are subject to a Ministerial Site Plan Review (Chapter 22.186) application, or a Revised Exhibit “A” (Chapter 22.184) application, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application, pursuant to Subsection A.2, above.
SECTION 7. Section 22.20.030 is hereby amended to read as follows:

22.20.030 Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

... 

C. Use Regulations. 

... 

2. Accessory Uses. Table 22.20.030-C, below, identifies the permit or review required to establish each accessory use.

<table>
<thead>
<tr>
<th>TABLE 22.20.030-C: ACCESSORY USE REGULATIONS FOR COMMERCIAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-H</td>
</tr>
<tr>
<td>Accessory buildings and structures, unless more specifically regulated by this Title 22</td>
</tr>
<tr>
<td>Accessory dwelling units 6</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>Junior accessory dwelling units 6</td>
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<tr>
<td>...</td>
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<tr>
<td>Notes:</td>
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<td>...</td>
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<tr>
<td>6. Use may be subject to a Revised Exhibit “A” (Chapter 22.184) application instead, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application.</td>
</tr>
</tbody>
</table>

... 

SECTION 8. 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>
<thead>
<tr>
<th>TABLE 22.24.030-C: ACCESSORY USE REGULATIONS FOR RURAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling units (^4)</td>
</tr>
<tr>
<td>Home-based occupations</td>
</tr>
<tr>
<td>Junior accessory dwelling units (^4)</td>
</tr>
</tbody>
</table>

Notes:

4. Use may be subject to a Revised Exhibit “A” (Chapter 22.184) application instead, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application.

SECTION 9. Section 22.26.030 is hereby amended to read as follows:

22.26.030 Mixed Use Development Zone.

B. Land Use Regulations.

3. Use Regulations.

b. Accessory Uses. Table 22.26.030-D, below, identifies the permit or review required to establish each accessory use.

<table>
<thead>
<tr>
<th>TABLE 22.26.030-D: ACCESSORY USE REGULATIONS FOR ZONE MXD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings and structures</td>
</tr>
</tbody>
</table>
### TABLE 22.26.030-D: ACCESSORY USE REGULATIONS FOR ZONE MXD

<table>
<thead>
<tr>
<th>principal use</th>
<th>Access to property lawfully used for a purpose not permitted in Zone MXD</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.110.040</td>
<td>SPR</td>
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<tr>
<td>Accessory dwelling units</td>
<td>SPR</td>
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<td>. . .</td>
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<tr>
<td>Home-based occupations</td>
<td>P</td>
</tr>
<tr>
<td>Junior accessory dwelling units</td>
<td>SPR</td>
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</tbody>
</table>

**SECTION 10.** Section 22.46.030 is hereby amended to read as follows:

#### 22.46.030 Administration.

**A.** 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 expressively 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 projects subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits), such regulations shall supersede the provisions of the basic zone, as specified in the Specific Plan.

**B.** Exceptions.
1. Density Bonus. Notwithstanding any contrary provisions in this Chapter, any Specific Plan regulations specified in Subsection A, above, may be waived or modified through a Housing Permit (Chapter 22.166), pursuant to Chapter 22.120 (Density Bonus).

2. Accessory Dwelling Units and Junior Accessory Dwelling Units. Where the regulations in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are contrary to the provisions in a Specific Plan regulating the same matter, the provisions in the Specific Plan shall prevail, unless specified otherwise in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 11. 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 to establish each use.

<table>
<thead>
<tr>
<th>TABLE 22.112.070-A: MINIMUM REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
</tr>
<tr>
<td>Residential uses 4</td>
</tr>
<tr>
<td>Accessory dwelling units ¹⁰, ¹¹</td>
</tr>
<tr>
<td>Apartments ⁵, ¹⁰</td>
</tr>
<tr>
<td>Bachelor</td>
</tr>
<tr>
<td>Efficiency and one-bedroom</td>
</tr>
<tr>
<td>Junior accessory dwelling units</td>
</tr>
<tr>
<td>Two-family residences</td>
</tr>
</tbody>
</table>
TABLE 22.112.070-A: MINIMUM REQUIRED PARKING SPACES

<table>
<thead>
<tr>
<th></th>
<th>per two-family residence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family residences 10</td>
<td>2 covered standard spaces per unit.</td>
</tr>
<tr>
<td>Single-family residences</td>
<td>2 covered standard spaces per unit.</td>
</tr>
</tbody>
</table>

Notes:
10. 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. Parking spaces for the primary residence shall not be required to be replaced. If parking is provided for the primary residence or residences, it may be provided as covered spaces, uncovered spaces, or tandem spaces, in compliance with Section 22.04.030.B (Use Restrictions) and Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

11. See additional ADU parking provisions in Section 22.140.640.H.6G.1.e (Parking).

SECTION 12. Section 22.140.640 is hereby amended to read as follows:

22.140.640 Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Purpose. This Section is to provide for the development of accessory dwelling units and junior accessory dwelling units with appropriate development restrictions, pursuant to sections 65852.2 and 65852.22 of the California Government Code section 65852.2.

B. Applicability. This Section shall not apply to accessory dwelling units and junior accessory dwelling units in all zones where permitted, except that in a Coastal Zone, where the applicable Local Coastal Program shall control.
C. Permitted Prohibited 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).

1. Accessory dwelling units and junior accessory dwelling units shall be prohibited in the following areas:
   a. On lots that are located in the area between Old Topanga Canyon Road, the Coastal Zone boundary, the City of Calabasas, and the City of Los Angeles; and
   b. On lots that are located in the Santa Monica Mountains North Area and only have vehicular access from Lobo Canyon Road or Triunfo Canyon Road.

2. Very High Fire Hazard Severity Zone.
   a. Where a lot or any portion thereof is located within a Very High Fire Hazard Severity Zone, as defined in Title 32 (Fire Code) of the County Code, and a Hillside Management Area, other than those described in Section 22.104.030.D, an accessory dwelling unit or a junior accessory dwelling unit shall be prohibited on the lot, unless it has two distinct means of vehicular access to a highway that meet the following requirements:
      i. The two distinct means of vehicular access, as measured from the lot frontage to the point of intersection with a highway, shall not overlap with each other. For example, see Figure 22.140.640-A, below;
ii. Each distinct means of vehicular access shall contain pavement of at least 24 feet in width, exclusive of sidewalks; and

iii. Each distinct means of access shall be built to public street standards approved by Public Works.

b. Where a lot or any portion thereof is located within a Very High Fire Hazard Severity Zone and is not located within a Hillside Management Area, an accessory dwelling unit or a junior accessory dwelling unit shall be prohibited on the lot, unless it has two distinct means of vehicular access from the lot to a highway that meet the requirements in Subsection C.2.a, above, except that the means of vehicular access may include an unpaved road of at least 24 feet in width maintained by Public Works.

c. Notwithstanding Subsections C.2.a and C.2.b, above, accessory dwelling units and junior accessory dwelling units shall be permitted on lots with a single means of vehicular access, if such lots front a highway and vehicles enter directly from the highway. For example, see Figure 22.140.640-A, below.
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.

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

1. General. A decision on an application for an accessory dwelling unit or a junior accessory dwelling unit shall be made within 60 days of application submittal.
2. If an application for an accessory dwelling unit or a junior accessory dwelling unit is submitted concurrently with a Ministerial Site Plan Review (Chapter 22.186) or a Revised Exhibit “A” (Chapter 22.184) application for a new single-family residence on the lot, a decision on the application for the accessory dwelling unit or junior accessory dwelling unit may be delayed until a decision on the application for the new single-family residence is made.

3. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.

E. Maximum Number of Accessory Dwelling Units and Junior Accessory Dwelling Units. Table 22.140.640-A, below, identifies the maximum number of accessory dwelling units and junior accessory dwelling units permitted on a lot:

<table>
<thead>
<tr>
<th>Principal Use on a Lot</th>
<th>Maximum Number</th>
<th>Accessory Dwelling Units</th>
<th>Junior Accessory Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>One proposed or existing, legally-built single-family residence in any zone that allows residential use</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Any existing, legally-built housing type other than one single-family residence in any zone that allows residential use</td>
<td>1 or 25% of existing dwelling units, whichever is greater, converted from spaces within existing residential building(s); and 2 detached from existing residential building(s)</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

GF. Use Restrictions. An accessory dwelling unit or a junior 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.

1. Ownership. An accessory dwelling unit or a junior accessory dwelling unit shall not be sold separately from the principal residential building(s) on the same lot.
2. Duration of Tenancy. An accessory dwelling unit or a junior accessory dwelling unit may only be used as a rental unit for a period of at least 30 consecutive days.

3. Home-Based Occupation Prohibited. No home-based occupation shall be conducted within an accessory dwelling unit or a junior accessory dwelling unit.

HG. Development Standards.

1. Single-Family Residence StandardsAccessory Dwelling Units. 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.

2a. Floor Area.

ai. 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.

bii. Maximum.

I.(1) General.

(4a) 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; or

(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.

(ii) The result of the conversion of an existing, legally-built accessory structure with an addition to expand the floor area of said structure by more than 150 square feet.

(b) There is no maximum floor area for an accessory dwelling unit, if the accessory dwelling unit is any of the following:

(i) Entirely within an existing, legally-built single family or multi-family residential building; or

(ii) The result of the conversion of an existing, legally built accessory structure with an expansion of not more than 150 square feet beyond the same physical dimensions of said structure, which shall be limited to accommodating ingress and egress.

(2c) For an attached accessory dwelling unit not described in Subsections H.2.b.i.(1)(b)G.1.a.ii.(1)(a)(ii) or H.2.b.i.(4)(e)G.1.a.ii.(1)(b), 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 or the largest unit within a multi-family residential building at the time of application submittal, or 1,200 square feet, whichever is less, provided at least an 800 square foot accessory dwelling unit is allowed.
(2) Exceptions

Community Standards District and Specific Plans. For an accessory dwelling unit not described in Subsections H.2.b.i.(1)(b) or H.2.b.i.(1)(c), above, accessory dwelling units shall not be subject to any Community Standards District or Specific Plan provisions pertaining to floor area, gross structural area, or lot coverage.

(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.i.(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.
3b. Height.

ai. General—The maximum height of an accessory dwelling unit on a lot with an existing or proposed single-family residence shall be 25 feet.

bii. Exceptions. The maximum height for detached accessory dwelling units on a lot containing an existing multi-family dwelling structure or structures shall be 16 feet.

iii. The height of an existing structure shall be deemed the There is no maximum height for 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 multi-family residential building; or

2. The result of the conversion of an existing, legally built accessory structure with no expansion of the floor area of said structure an expansion of not more than 150 square feet beyond the same physical dimensions of said structure, limited to accommodating ingress and egress.

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

4iv. 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
Provided that the maximum height allows a minimum 16-foot-high accessory dwelling unit.

(2)v. Proximity to Scenic Resources. Notwithstanding Subsection H.3.b.ii.(1)G.1.b.iv, 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 multi-family residential building, or 18 feet, whichever is less, provided that the maximum height allows a minimum 16-foot-high accessory dwelling unit.

4. Distance from Single-Family Residence. The distance between a detached accessory dwelling unit and the single-family 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.

5c. Required Yards.
   ai. 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.(1) Entirely within an existing, legally-built single-family residence; or
ii.(2) The result of the conversion of an existing, legally-built accessory structure with no expansion of the floor area of said structure, or constructed in the same location and to the same dimensions as an existing structure.

bii. For an accessory dwelling unit not described in Subsection H.5.aG.1.d.i, 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.(1) 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 four feet from the rear, interior side, and corner side lot lines, notwithstanding any contrary provisions in this Title 22.

iii.(2) An accessory dwelling unit that is built above a garage shall be at least fivefour feet from the reversed corner side lot line, notwithstanding any contrary provisions in this Title 22.

6d. Parking.

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

i.(1) No parking shall be required for: an accessory dwelling unit that is located outside of a Very High Fire Hazard Severity Zone; or
(a) An accessory dwelling unit that is located outside of a Very High Fire Hazard Severity Zone, as defined in Title 32 (Fire Code) of the County Code; or

(b) An accessory dwelling unit with no bedroom; and

(c) A detached accessory dwelling unit with a maximum floor area of 800 square feet and a maximum height of 16 feet, located on a lot with a proposed or existing single-family residence;

(d) A detached accessory dwelling unit with a maximum height of 16 feet and minimum rear and side yard depths of four feet, located on a lot with an existing multi-family residential building;

(e) An accessory dwelling unit that is entirely within an existing, legally-built single family or multi-family residential building; or

(f) An accessory dwelling unit that is the result of the conversion of an existing, legally built accessory structure with no expansion of the floor area of said structure or an expansion of not more than 150 square feet beyond the same physical dimensions of said structure, limited to accommodating ingress and egress; and

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

(4a) The accessory dwelling unit is located within one-half mile walking distance of public transit;
(2b) The accessory dwelling unit is located within an architecturally and historically significant historic district;

(3c) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure;

(4d) When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or

(5e) When there is a car share vehicle located within one block of the accessory dwelling unit.

ii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted into an accessory dwelling unit, no replacement parking shall be required for the accessory dwelling unit or single-family or multi-family residential building.

biii. Required When parking is required for the accessory dwelling unit or single-family residence or multi-family residential building, such parking may be located on a driveway, or in an area that is no longer previously used as a driveway to a garage or carport, due to the conversion of that garage or carport to that has since been demolished in conjunction with the construction of an accessory dwelling unit or converted into an accessory dwelling unit.

iae. Distance from Publicly Dedicated Open Space. In any Fire Hazard Severity Zone, as defined in Title 32 (Fire Code) of the County Code, an accessory dwelling unit shall be located at least 200 feet from publicly dedicated open
space, provided an accessory dwelling unit with side and rear yard setbacks of at least four feet is allowed.


2. Junior Accessory Dwelling Units.

   a. Floor Area.

      i. Maximum. A junior accessory dwelling unit shall not exceed 500 square feet in size and shall contain at least an efficiency kitchen, which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

      ii. Community Standards Districts and Specific Plans. The junior accessory dwelling unit shall not be subject to any Community Standards District or Specific Plan provision pertaining to floor area, gross structural area, or lot coverage.

   b. Separate Entrance. A junior accessory dwelling unit shall have a separate entrance from the single-family residence.

   c. Access to Bathroom. Access to a bathroom shall be required, which may be part of the square footage of the junior accessory dwelling unit or located within the existing single-family residence. If the unit’s bathroom is provided as part of the single-family residence, the junior accessory dwelling unit shall have interior access to the main living area of the single-family residence.
H. Covenant Requirement for Junior Accessory Dwelling Unit. The owner shall record a covenant in a form prescribed by the County, which shall run with the land for the benefit of the County and provide for the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence;

2. A restriction on the size and attributes of the junior accessory dwelling unit consistent with this Section; and

3. A requirement that either the primary residence or the junior accessory dwelling unit be the owner’s bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.

I. Owner Occupancy.

1. If a property contains a junior accessory dwelling unit, either the single-family residence or junior accessory dwelling unit shall be the principal residence of at least one legal owner of the lot, as evidenced at the time of approval of the junior accessory dwelling unit by appropriate documents of title and residency, unless the property is owned by a governmental agency, land trust, or housing organization.

J2. 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.
J. Community Standards Districts and Specific Plans. Where the regulations in this Section are contrary to the provisions in a Community Standards District or Specific Plan regulating the same matter, the provisions of the Community Standards District or Specific Plan shall prevail, with the following exceptions:

1. Use. Neither Community Standards Districts nor Specific Plans shall prohibit, or require a discretionary permit for, an accessory dwelling unit or a junior accessory dwelling unit in areas where residential uses are permitted; and

2. Development Standards. As specified otherwise in this Section.

K. Notwithstanding any contrary provision in this Title 22, the approval of an accessory dwelling unit or a junior accessory dwelling unit shall not be subject to the correction of any nonconforming zoning condition, including buildings or structures nonconforming due to standards or use, as defined in Section 22.14.020 of Division 2 (Definition), provided that the lot is in a zone that allowed residential use.

L. To the extent that any provision of this Title 22 is in conflict with Sections 65852.2 or 65852.22 of the California Government Code, the applicable provision of State law shall control, but all other provisions of this Title 22 shall remain in full force and effect.

SECTION 13. 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, or junior accessory dwelling units.

SECTION 14. Section 22.300.020 is hereby amended to read as follows:

22.300.020 Application of Community Standards Districts to Property.

... 

B. Additional Regulations.

... 

2. Accessory Dwelling Units and Junior Accessory Dwelling Units.

The CSD regulations shall apply to accessory dwelling units as follows: Where the regulations in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are contrary to the provisions in a CSD regulating the same matter, the provisions in the CSD shall prevail, unless specified otherwise in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

a. CSD regulations shall only apply to accessory dwelling units not described in Section 22.140.640.H.2.b.i.(1)(b) and 22.140.640.H.2.b.i.(1)(c); 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.H.2 (Floor Area) and Section 22.140.640.H.3 (Height).
ANALYSIS

This ordinance amends the Los Angeles County Code, Title 22 – Planning and Zoning, to establish new development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units in the unincorporated areas of Los Angeles County.

Very truly yours,

MARY C. WICKHAM
County Counsel

By

STARR COLEMAN
Assistant County Counsel
Property Division

CY: ll
Requested: 04-15-2020
Revised: 05-07-2020
ORDINANCE NO. ____________

An ordinance amending the Los Angeles County Code, Title 22 – Planning and Zoning, to establish new development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units in the unincorporated areas of Los Angeles County.

The Board of Supervisors of the County of Los Angeles 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 and junior accessory dwelling unit. The following terms are defined for the purposes of Section 22.140.160 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

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 or multi-family residential building, including mixed use development. This term includes a senior citizen residence, a second unit, and an accessory dwelling unit approved prior to May 30, 2019. 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, the principal residential use, and 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 for the purposes of zoning or
General Plan consistency. An accessory dwelling unit includes permanent provisions
for living, sleeping, eating, cooking, and sanitation.

Junior accessory dwelling unit. A dwelling unit with independent exterior
access that is no more than 500 square feet in size and contained entirely within the
footprint of a single-family residence, including an attached garage. A junior accessory
dwelling unit may include separate sanitation facilities, or may share sanitation facilities
with the single-family residence, as set forth in section 65852.22(h)(1) of the California
Government Code, or a successor provision.

Public transit. As defined in section 65852.2(j)(10) of the California
Government Code.

Affordable housing and senior citizen housing. The following terms are defined
for the purposes of Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing
Permits):

Affordable housing cost. As defined in §section 50052.5 of the California
Health and Safety Code.

Affordable housing set-aside. Dwelling units reserved for extremely low,
very low, lower, or moderate income households.

Affordable rent. As defined in §section 50053 of the California Health and
Safety Code.
Baseline dwelling units. The maximum number of dwelling units permitted by the General Plan land use designation.

Child care facility. As defined in Section 65915(h)(4) of the California Government Code.

Common interest development. As defined in Section 4100 of the California Civil Code.

Density bonus. See "Density bonus."

Housing development. A development project for five or more dwelling units, including mixed use developments. It may also be a subdivision or a common interest development, as defined in Section 4100 of the California Civil Code, approved by the County and consisting of dwelling units or unimproved residential lots. It may also be either a project to substantially rehabilitate and convert an existing commercial building to residential use, or the substantial rehabilitation of an existing multi-family dwelling, as defined in Section 65863.4(d) of the California Government Code, where the result of rehabilitation would be a net increase in available dwelling units.

Incentive. As specified in Section 65915(k) of the California Government Code, a reduction of a development standard or a modification of a zoning code requirement, or other regulatory incentive or concession, that results in identifiable and actual cost reductions to provide for affordable housing costs or rents.

...
Major transit stop. As defined in §section 21155(b) of the California Public Resources Code.

Senior citizen. A person who is 55 years of age or older, pursuant to §§ections 51.3, 798.76 or 799.5 of the California Civil Code, as applicable.

Senior citizen housing.

Mobilehome park for senior citizens. A mobilehome park that limits residency based on age requirements, pursuant to §section 798.76 or 799.5 of the California Civil Code.

Senior citizen housing development. As defined in §section 51.3(b) of the California Civil Code.

Special needs housing. As defined in §section 51312 of the California Health and Safety Code.

Specific adverse impact. As defined in §section 65589.5(d)(2) of the California Government Code.

Waiver or reduction of development standards. As specified in §section 65915(e) of the California Government Code, a waiver or reduction of development standards that has the effect of physically precluding the construction of a project at the densities or with the incentives permitted by Chapter 22.120 (Density Bonus).

...
Airport. This term shall have the same meaning as set forth in Section 21013 (State Aeronautics Act) of the California Public Utilities Code.

... 

SECTION 2. Section 22.14.130 is hereby amended to read as follows:

22.14.130 M.

... 

Mills Act Program. The following terms are defined solely for Chapter 22.168 (Los Angeles County Mills Act Program):

Application. An application to enter into an historical property contract.

Historical property contract. A contract between the Director and the owners of a qualified historical property which meets all the requirements of Chapter 22.168 (Los Angeles County Mills Act Program) and Sections 50280 through 50290, inclusive, of the California Government Code.

... 

Qualified historical property. Property which meets the definition of a "qualified historical property," as set forth in Section 50280.1 of the California Government Code and is located within the unincorporated areas of the County. A property located within a federal, State, or County registered historic district is not a "qualified historical property" under Chapter 22.168 (Los Angeles County Mills Act), unless the property is certified by the County, State, or Secretary of Interior as being of historic significance to the relevant historic district.

...
Mobilehome. As defined in Section 18008 of the California Health and Safety Code.

Mobilehome park. As defined in Section 18214 of the California Health and Safety Code.

Motel. A lodging establishment containing a group of attached or detached buildings containing guest rooms and offering temporary overnight visitor accommodations with a maximum rental period of 30 days. Access to some or all guest rooms is from a walkway open to the outside. This term includes "auto court," "motor lodge," and "tourist court."

Multi-family housing.

... Townhouse. A single-family dwelling unit sharing a common wall with other single-family dwelling units on one or two sides and capable of being placed on a separate lot. This term includes "row house."

Two-family residence. A building containing two dwelling units, other than a single-family residence with an attached accessory dwelling unit. This term includes "duplex."
SECTION 3.  Section 22.14.200 is hereby amended to read as follows:

22.14.200  T.

. . .

Tasting Rooms and Wineries. The following terms are defined solely for
Section 22.140.590 (Tasting Rooms and Remote Tasting Rooms) and
Section 22.140.610 (Wineries):

. . .

Winery facilities. All structures and accessory structures as used by a
winery, as defined above, including the paved parking areas required by
Section 22.140.610 (Wineries) for mobile bottling or crushing facilities, but excluding
any tasting room area or structure.

. . .

Two-family residence. A building containing two dwelling units, other than a
single-family residence with an attached 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>
<thead>
<tr>
<th>TABLE 22.16.030-C: ACCESSORY USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
</tr>
<tr>
<td>----</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Accessory dwelling units 6</td>
</tr>
<tr>
<td>Notes:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

... 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>
<thead>
<tr>
<th>TABLE 22.18.030-C: ACCESSORY USE REGULATIONS FOR RESIDENTIAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-A</td>
</tr>
<tr>
<td>----</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Accessory dwelling units</td>
</tr>
</tbody>
</table>
SECTION 6. Section 22.18.060 is hereby amended to read as follows:

22.18.060 Development Standards and Regulations for Zone RPD.

Premises in Zone RPD shall be subject to the following regulations:

A. Use Regulations.

2. Conditional Uses. A Conditional Use Permit (Chapter 22.158) application is required if the property in Zone RPD is to be used for a planned residential development, including a mobilehome park, subject to the approval by the Commission or Hearing Officer, which will afford the same or lesser density of population or intensity of use than is specified in the zone, subject to Subsections B through G, below.

3. Accessory Dwelling Units and Junior Accessory Dwelling Units.

Accessory dwelling units and junior accessory dwelling units are subject to a Ministerial Site Plan Review (Chapter 22.186) application, or a Revised Exhibit “A” (Chapter 22.184) application, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application, pursuant to Subsection A.2, above.
SECTION 7. Section 22.20.030 is hereby amended to read as follows:

22.20.030 Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

... 

C. Use Regulations.

... 

2. Accessory Uses. Table 22.20.030-C, below, identifies the permit or review required to establish each accessory use.

<table>
<thead>
<tr>
<th>TABLE 22.20.030-C: ACCESSORY USE REGULATIONS FOR COMMERCIAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings and structures, unless more specifically regulated by this Title 22</td>
</tr>
<tr>
<td>Accessory dwelling units</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td>Junior accessory dwelling units</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td>Notes:</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td>6. Use may be subject to a Revised Exhibit “A” (Chapter 22.184) application instead, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application.</td>
</tr>
</tbody>
</table>

... 

SECTION 8. 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>
<thead>
<tr>
<th>TABLE 22.24.030-C: ACCESSORY USE REGULATIONS FOR RURAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-RU</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>Accessory dwelling units 4</td>
</tr>
<tr>
<td>Home-based occupations</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>Junior accessory dwelling units 4</td>
</tr>
<tr>
<td>...</td>
</tr>
</tbody>
</table>

Notes:

4. Use may be subject to a Revised Exhibit “A” (Chapter 22.184) application instead, if the principal residential use is subject to a Conditional Use Permit (Chapter 22.158) application.

... 

SECTION 9. Section 22.26.030 is hereby amended to read as follows:

22.26.030 Mixed Use Development Zone.

... 

B. Land Use Regulations.

... 

3. Use Regulations.

... 

b. Accessory Uses. Table 22.26.030-D, below, identifies the permit or review required to establish each accessory use.
### TABLE 22.26.030-D: ACCESSORY USE REGULATIONS FOR ZONE MXD

<table>
<thead>
<tr>
<th>Accessory buildings and structures</th>
<th>As determined by the principal use</th>
<th>Sections 22.110.030, 22.110.040</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to property lawfully used for a purpose not permitted in Zone MXD</td>
<td>SPR</td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling units</td>
<td>SPR</td>
<td>Section 22.140.640</td>
</tr>
<tr>
<td>. . .</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home-based occupations</td>
<td>P</td>
<td>Section 22.140.290</td>
</tr>
<tr>
<td>Junior accessory dwelling units</td>
<td>SPR</td>
<td>Section 22.140.640</td>
</tr>
<tr>
<td>. . .</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

. . .

**SECTION 10.** Section 22.46.030 is hereby amended to read as follows:

**22.46.030 Administration.**

A. 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 expressively 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, except for projects subject to Chapter 22.120 (Density Bonus) and Chapter 22.166 (Housing Permits), such regulations shall supersede the provisions of the basic zone, as specified in the Specific Plan.

B. Exceptions.
1. Density Bonus. Notwithstanding any contrary provisions in this Chapter, any Specific Plan regulations specified in Subsection A, above, may be waived or modified through a Housing Permit (Chapter 22.166), pursuant to Chapter 22.120 (Density Bonus).

2. Accessory Dwelling Units and Junior Accessory Dwelling Units. Where the regulations in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are contrary to the provisions in a Specific Plan regulating the same matter, the provisions in the Specific Plan shall prevail, unless specified otherwise in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 11. 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 to establish each use.

<table>
<thead>
<tr>
<th>TABLE 22.112.070-A: MINIMUM REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>Residential uses 4</td>
</tr>
<tr>
<td>Accessory dwelling units ¹⁰, ¹¹</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>Apartments ⁵, ¹⁰</td>
</tr>
<tr>
<td>Bachelor</td>
</tr>
<tr>
<td>Efficiency and one-bedroom</td>
</tr>
<tr>
<td>Junior accessory dwelling units</td>
</tr>
<tr>
<td>...</td>
</tr>
<tr>
<td>Two-family residences</td>
</tr>
</tbody>
</table>
TABLE 22.112.070-A: MINIMUM REQUIRED PARKING SPACES

<table>
<thead>
<tr>
<th></th>
<th>per two-family residence.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>. . .</td>
<td></td>
</tr>
<tr>
<td>Single-family residences</td>
<td>2 covered standard spaces per unit.</td>
</tr>
<tr>
<td>. . .</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

10. 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 22.040.030.B and Section 22.140.640.H.6.b. Parking spaces for the primary residence shall not be required to be replaced. If parking is provided for the primary residence or residences, it may be provided as covered spaces, uncovered spaces, or tandem spaces, in compliance with Section 22.040.030.B (Use Restrictions) and Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).


SECTION 12.

Section 22.140.640 is hereby amended to read as follows:

22.140.640 Accessory Dwelling Units and Junior Accessory Dwelling Units.

A. Purpose. This Section is to provide for the development of accessory dwelling units and junior accessory dwelling units with appropriate development restrictions, pursuant to sections 65852.2 and 65852.22 of the California Government Code section 65852.2.

B. Applicability. This Section shall not apply to the accessory dwelling units and junior accessory dwelling units in all zones where permitted, except that in a Coastal Zone, where the applicable Local Coastal Program shall control.
C. PermittedProhibited 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).

1. Accessory dwelling units and junior accessory dwelling units shall be prohibited in the following areas:

   a. On lots that are located in the area between Old Topanga Canyon Road, the Coastal Zone boundary, the City of Calabasas, and the City of Los Angeles; and

   b. On lots that are located in the Santa Monica Mountains North Area and only have vehicular access from Lobo Canyon Road or Triunfo Canyon Road.

2. Very High Fire Hazard Severity Zone.

   a. Where a lot or any portion thereof is located within a Very High Fire Hazard Severity Zone, as defined in Title 32 (Fire Code) of the County Code, and a Hillside Management Area, other than those described in Section 22.104.030.D, an accessory dwelling unit or a junior accessory dwelling unit shall be prohibited on the lot, unless it has two distinct means of vehicular access to a highway that meet the following requirements:

      i. The two distinct means of vehicular access, as measured from the lot frontage to the point of intersection with a highway, shall not overlap with each other. For example, see Figure 22.140.640-A, below;
ii. Each distinct means of vehicular access shall contain pavement of at least 24 feet in width, exclusive of sidewalks; and

iii. Each distinct means of access shall be built to public street standards approved by Public Works.

b. Where a lot or any portion thereof is located within a Very High Fire Hazard Severity Zone and is not located within a Hillside Management Area, an accessory dwelling unit or a junior accessory dwelling unit shall be prohibited on the lot, unless it has two distinct means of vehicular access from the lot to a highway that meet the requirements in Subsection C.2.a, above, except that the means of vehicular access may include an unpaved road of at least 24 feet in width maintained by Public Works.

c. Notwithstanding Subsections C.2.a and C.2.b, above, accessory dwelling units and junior accessory dwelling units shall be permitted on lots with a single means of vehicular access, if such lots front a highway and vehicles enter directly from the highway. For example, see Figure 22.140.640-A, below.
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.

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

   1. General. A decision on an application for an accessory dwelling unit or a junior accessory dwelling unit shall be made within 60 days of application submittal.
2. If an application for an accessory dwelling unit or a junior accessory dwelling unit is submitted concurrently with a Ministerial Site Plan Review (Chapter 22.186) or a Revised Exhibit “A” (Chapter 22.184) application for a new single-family residence on the lot, a decision on the application for the accessory dwelling unit or junior accessory dwelling unit may be delayed until a decision on the application for the new single-family residence is made. Notwithstanding Section 22.222.060.A (Review Authority in Multiple Applications), an application for an accessory dwelling unit or a junior accessory dwelling unit shall not be reviewed concurrently with any planning and zoning or subdivision application filed on the same property, other than a Ministerial Site Plan Review (Chapter 22.186) application or a Revised Exhibit “A” (Chapter 22.184) application for a single-family residence, any structure accessory to the single-family residence, or any addition or expansion thereof, subject to the sole discretion of the Director of Regional Planning. Decisions on the concurrently reviewed applications shall be made within 60 days of application submittal.

3. Where there is a planning and zoning or subdivision application that is not reviewed concurrently with the application for an accessory dwelling unit or a junior accessory dwelling unit filed on the same property, the application for an accessory dwelling unit or a junior accessory dwelling unit shall not be accepted prior to the effective date of such planning and zoning or subdivision entitlement.

4. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
E. Maximum Number of Accessory Dwelling Units and Junior Accessory Dwelling Units. Table 22.140.640-A, below, identifies the maximum number of accessory dwelling units and junior accessory dwelling units permitted on a lot:

<table>
<thead>
<tr>
<th>Principal Use on a Lot</th>
<th>Maximum Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Accessory Dwelling Units</td>
</tr>
<tr>
<td>One proposed or existing, legally-built single-family residence in any zone that allows single-family residence residential use</td>
<td>1</td>
</tr>
<tr>
<td>Any existing, legally-built housing type other than one single-family residence in any zone that allows residential use</td>
<td>1 or 25% of existing dwelling units, whichever is greater, converted from non-livable spaces within existing residential building(s), and 2 detached from existing residential building(s)</td>
</tr>
</tbody>
</table>

GF. Use Restrictions. An accessory dwelling unit or a junior 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.

1. Ownership. An accessory dwelling unit or a junior accessory dwelling unit shall not be sold separately from the principal residential building(s) on the same lot.

2. Duration of Tenancy. An accessory dwelling unit or a junior accessory dwelling unit may only be used as a rental unit for a period of at least 30 consecutive days.

3. Home-Based Occupation Prohibited. No home-based occupation shall be conducted within an accessory dwelling unit or a junior accessory dwelling unit.

HG. Development Standards.

1. Single-Family Residence Standards. Accessory Dwelling Units. 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.

2a. Floor Area.

ai. 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.

bii. Maximum.

I.(1) General.

(4a) 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; or

(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; or

(d) The result of the conversion of an existing, legally-built accessory structure with an addition to expand the floor area of said structure by more than 150 square feet.

(b) There is no maximum floor area for an accessory dwelling unit, if the accessory dwelling unit is any of the following:
(i) Entirely within an existing, legally-built single family or multi-family residential building; or

(ii) The result of the conversion of an existing, legally built accessory structure with an expansion of not more than 150 square feet beyond the same physical dimensions of said structure, which shall be limited to accommodating ingress and egress.

(2bc) For an attached accessory dwelling unit not described in Subsections H.2.b.i.(1)(b)G.1.a.ii.(1)(a)(ii) or H.2.b.i.(1)(c)G.1.a.ii.(1)(ab)(iii), 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 or the largest unit within a multi-family residential building at the time of application submittal, or 1,200 square feet, whichever is less, provided at least an 800 square foot accessory dwelling unit is allowed.

(ii) Exceptions. Community Standards District and Specific Plans. For an accessory dwelling unit not described in Subsections H.2.b.i.(1)(b) or H.2.b.i.(1)(c), above, accessory dwelling units shall not be subject to any Community Standards District or Specific Plan provisions pertaining to floor area, gross structural area, or lot coverage.

(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.

3b. Height.

ai. General. The maximum height of an accessory dwelling unit on a lot with an existing or proposed single-family residence shall be 25 feet.

bii. Exceptions. The maximum height for detached accessory dwelling units on a lot containing an existing multi-family dwelling structure or structures shall be 16 feet.

iii. The height of an existing structure shall be deemed the maximum height for 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 multi-family residential building; or
(2) The result of the conversion of an existing, legally built accessory structure with no expansion of the floor area of said structure
an expansion of not more than 150 square feet beyond the same physical dimensions of said structure, limited to accommodating ingress and egress.

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

   (4)iv. 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, provided that the maximum height allows a minimum 16-foot-high accessory dwelling unit.

   (2)v. Proximity to Scenic Resources. Notwithstanding Subsection H.3.b.ii.(1)G.1.b.iv, 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 multi-family residential building, or 18 feet, whichever is less, provided that the maximum height allows a minimum 16-foot-high accessory dwelling unit.

4c. Distance from Single-Family Residence or Multi-Family Residential Building. The distance between a detached accessory dwelling unit and the
single-family residence or multi-family residential building shall be as follows: a minimum of six 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, or constructed in the same location and to the same dimensions as an existing structure.

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.

5dc. Required Yards.

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

ii.(2) The result of the conversion of an existing, legally-built accessory structure with no expansion of the floor area of said structure, or constructed in the same location and to the same dimensions as an existing structure.

bii. For an accessory dwelling unit not described in Subsection H.5.aG.1.d.i, above:

i.(1) 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 meet the minimum front yard setback specified by the zone, Community Standards District, Setback District, or Specific Plan.

ii.(21) 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 four feet from the rear, interior side, and corner side lot lines, notwithstanding any contrary provisions in this Title 22.

iii.(32) An accessory dwelling unit that is built above a garage shall be at least five feet from the reversed corner side lot line, notwithstanding any contrary provisions in this Title 22.

6ed. Parking.

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

i.(1) No parking shall be required for an accessory dwelling unit that is located outside of a Very High Fire Hazard Severity Zone; or

(a) An accessory dwelling unit that is located outside of a Very High Fire Hazard Severity Zone, as defined in Title 32 (Fire Code) of the County Code;

(b) An accessory dwelling unit with no bedroom:
(c) A detached accessory dwelling unit with a maximum floor area of 800 square feet and a maximum height of 16 feet, located on a lot with a proposed or existing single-family residence;

(d) A detached accessory dwelling unit with a maximum height of 16 feet and minimum rear and side yard depths of four feet, located on a lot with an existing multi-family residential building;

(e) An accessory dwelling unit that is entirely within an existing, legally-built single family or multi-family residential building; or

(f) An accessory dwelling unit that is the result of the conversion of an existing, legally built accessory structure with no expansion of the floor area of said structure but an expansion of not more than 150 square feet beyond the same physical dimensions of said structure, limited to accommodating ingress and egress; and

ii. (2) In any of the following instances, pursuant to Section 65852.2(d) of the California Government Code section 65852.2(d):

  (1a) The accessory dwelling unit is located within one-half mile walking distance of public transit;

  (2b) The accessory dwelling unit is located within an architecturally and historically significant historic district;

  (3c) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure;
(4d) When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or

(5e) When there is a car share vehicle located within one block of the accessory dwelling unit.

ii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted into an accessory dwelling unit, no replacement parking shall be required for the accessory dwelling unit or single-family or multi-family residential building.

biii. Required When parking is required for the accessory dwelling unit or single-family residence or multi-family residential building, such parking may be located on a driveway, or in an area that is no longer previously used as a driveway to a garage or carport, due to the conversion of that garage or carport to that has since been demolished in conjunction with the construction of an accessory dwelling unit or converted into an accessory dwelling unit.

ife. Distance from Publicly Dedicated Open Space. In any Fire Hazard Severity Zone, as defined in Title 32 (Fire Code) of the County Code, an accessory dwelling unit shall be located at least 200 feet from publicly dedicated open space, provided an accessory dwelling unit with side and rear yard setbacks of at least four feet is allowed.


2. Junior Accessory Dwelling Units.
a. Floor Area.

i. Maximum. A junior accessory dwelling unit shall not exceed 500 square feet in size and shall contain at least an efficiency kitchen, which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

ii. Community Standards Districts and Specific Plans. The junior accessory dwelling unit shall not be subject to any Community Standards District or Specific Plan provision pertaining to floor area, gross structural area, or lot coverage.

b. Separate Entrance. A junior accessory dwelling unit shall have a separate entrance from the single-family residence.

c. Access to Bathroom. Access to a bathroom shall be required, which may be part of the square footage of the junior accessory dwelling unit or located within the existing single-family residence. If the unit’s bathroom is provided as part of the single-family residence, the junior accessory dwelling unit shall have interior access to the main living area of the single-family residence.

H. Covenant Requirement for Junior Accessory Dwelling Unit. The owner shall record a covenant in a form prescribed by the County, which shall run with the land for the benefit of the County and provide for the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence:
2. A restriction on the size and attributes of the junior accessory dwelling unit consistent with this Section; and

3. A requirement that either the primary residence or the junior accessory dwelling unit be the owner’s bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.

I. Owner Occupancy.

1. If a property contains a junior accessory dwelling unit, either the single-family residence or junior accessory dwelling unit shall be the principal residence of at least one legal owner of the lot, as evidenced at the time of approval of the junior accessory dwelling unit by appropriate documents of title and residency, unless the property is owned by a governmental agency, land trust, or housing organization.

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.

J. Community Standards Districts and Specific Plans. Where the regulations in this Section are contrary to the provisions in a Community Standards District or Specific Plan regulating the same matter, the provisions of the Community Standards District or Specific Plan shall prevail, with the following exceptions:
1. Use. Neither Community Standards Districts nor Specific Plans shall prohibit, or require a discretionary permit for, an accessory dwelling unit or a junior accessory dwelling unit in areas where residential uses are permitted; and

2. Development Standards. As specified otherwise in this Section.

K. Notwithstanding any contrary provision in this Title 22, the approval of an accessory dwelling unit or a junior accessory dwelling unit shall not be subject to the correction of any nonconforming zoning condition, including buildings or structures nonconforming due to standards or use, as defined in Section 22.14.020 of Division 2 (Definition), provided that the lot is in a zone that allowed residential use.

L. To the extent that any provision of this Section Title 22 is in conflict with State-law Sections 65852.2 or 65852.22 of the California Government Code, the applicable provision of State law shall control, but all other provisions of this Section Title 22 shall remain in full force and effect.

SECTION 13. 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, or junior accessory dwelling units.

SECTION 14. Section 22.300.020 is hereby amended to read as follows:

22.300.020 Application of Community Standards Districts to Property.
B. Additional Regulations.

2. Accessory Dwelling Units and Junior Accessory Dwelling Units.

CSD regulations shall apply to accessory dwelling units as follows: Where the regulations in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are contrary to the provisions in a CSD regulating the same matter, the provisions in the CSD shall prevail, unless specified otherwise in Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

a. CSD regulations shall only apply to accessory dwelling units not described in Section 22.140.640.H.2.b.i.(1)(b) and 22.140.640.H.2.b.i.(1)(c); 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.H.2 (Floor Area) and Section 22.140.640.H.3 (Height).

[2214010SCCC]
April 29, 2020 Regional Planning Commission Hearing

At the public hearing on April 29, 2020, staff provided an overview of the Draft Ordinance. Staff presented the major elements and key components of the Draft Ordinance, including development standards and other requirements for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Staff also recommended revisions to the Draft Ordinance for clarification purposes and to ensure compliance with State law.

Discussion

One individual testified at the hearing in support of the Draft Ordinance. Staff also received one comment letter and two emails. The comment letter, submitted by Californians for Homeownership, was generally supportive of the Draft Ordinance, while raising some concerns regarding differences in interpretation of State law. Staff received one email from an Agua Dulce resident inquiring about the proposed 200-foot setback requirement from publicly dedicated open space, and one email from an East Los Angeles resident with concern over whether or not ADUs and JADUs would be allowed in Zone LMD in the East Los Angeles Third Street Specific Plan.

During the discussion, the Regional Planning Commission (RPC) inquired about whether Community Standards District (CSD) and Specific Plan (SP) provisions would conflict with State law. Staff responded that in order to comply with State law, the Draft Ordinance precludes any CSD or SP from prohibiting, or requiring a discretionary permit for, an ADU or JADU in areas where residential uses are permitted. Furthermore, Staff clarified that all development standards specified in the State law have been incorporated into the Draft Ordinance to ensure that the minimum State requirements are met, notwithstanding any contrary provisions in a CSD or SP.

The RPC also asked Staff to clarify whether the Rent Stabilization Ordinance would apply to ADUs. Staff responded that ADUs are covered by “just cause” tenant protections and rent stabilization, if built before (February) 1995.
Finally, the RPC asked Staff to explain the requirement of an “efficiency kitchen” within a JADU. Staff responded that the requirement is specified in State law, which specifies that it must include "a cooking facility with appliances," and "a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit."

The RPC closed the public hearing, and voted unanimously to recommend approval of the Draft Ordinance, with revisions recommended by Staff, to the Board of Supervisors.
WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a duly noticed public hearing on April 29, 2020 to consider amendments to Title 22 (Planning and Zoning) of the Los Angeles County Code to establish development standards and case processing procedures for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs); and

WHEREAS, the Commission finds as follows:

1. Los Angeles County is facing a housing affordability crisis;

2. ADUs are a source of lower-cost housing in single-family and multi-family neighborhoods, and can provide rental income and/or additional living space for family members or caregivers;

3. JADUs are a source of lower-cost housing in single-family neighborhoods, and can provide rental income and/or additional living space within the footprint of the existing residence;

4. Effective January 1, 2020, Senate Bill 13 (Chapter 653, Statutes of 2019), Assembly Bill 68 (Chapter 655, Statutes of 2019), and Assembly Bill 881 (Chapter 659) amended Sections 65852.2 and 65852.22 of the Government Code and changed the requirements for local governments relating to ADUs and JADUs;

5. State law provides that a local agency may adopt an ordinance that provides a ministerial approval for ADUs in any zone that allows residential use, and JADUs in any zone that allows a single-family residence, subject to applicable development standards;

6. The proposed ordinance adds local policies that are within the scope of the State law, including floor area and height limits, and parking requirements;

7. State law prohibits local parking requirements for JADUs, and for ADUs that meet any of the following criteria: located within a half-mile of public transit; located in an architecturally and historically significant historic district; when the ADU is part of an existing primary residence or existing accessory structure; when on-street parking permits are required but not offered to the ADU occupant;
8. The proposed ordinance requires one uncovered parking space for ADUs within or partially within the Very High Fire Hazard Severity Zones (VHFHSZs) that do not meet any of the criteria above, and it does not require parking for ADUs outside of the VHFHSZs;

9. The proposed ordinance does not require parking for JADUs;

10. State law allows local jurisdictions to designate areas where ADUs and JADUs may be permitted;

11. The proposed ordinance prohibits JADUs and ADUs in the VHFHSZs unless the subject property meets certain access requirements for safety purposes;

12. State ADU and JADU law does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976, except that the local government shall not be required to hold public hearings for coastal development permit applications for ADUs and JADUs;

13. The California Coastal Commission has certified Local Coastal Programs (LCPs) for the Santa Monica Mountains, Marina del Rey, and Santa Catalina Island;

14. The proposed ordinance does not apply to the Coastal Zone and defers to the LCPs for ADU and JADU regulations;

15. The proposed ordinance promotes the construction of new ADUs and conversion of existing spaces to ADUs and JADUs, while ensuring adequate access and compatibility with surrounding land uses;

16. The proposed ordinance is consistent with and is supportive of policies of the Los Angeles County General Plan, including the Housing Element, to promote more affordable housing and to efficiently utilize existing infrastructure and services, and the Safety Element, to discourage high density and intensifying development in the VHFHSZs;
17. At the public hearing, staff from the Department of Regional Planning ("Department") recommended additional edits to the draft ordinance for clarification and compliance with State law;

18. Pursuant to Section 22.222.180 of the County Code, a public hearing notice was published in 12 local newspapers countywide, including the Spanish-language newspaper La Opinión. The hearing notice and materials were posted on the Department's website, and promoted through social media. Copies of the hearing notice and hearing materials were provided to all DRP Field Offices, all County libraries, and the Altadena and Calabasas Libraries, as is standard practice. However, due to the current state of emergency, these facilities have remained closed to the public.

19. The proposed ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Public Resources Code section 21080.17, and categorically exempt per CEQA Guidelines section 15303.

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the proposed amendment to Title 22 of the Los Angeles County Code (the Zoning Ordinance), to regulate ADUs and JADUs;

2. That the Board find that this project is exempt from the provisions of the California Environmental Quality Act; and

3. That the Board adopt an ordinance containing the proposed amendments to Title 22 (the Zoning Ordinance) and determine that they are compatible with and supportive of the goals and policies of the Los Angeles County General Plan.
I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on April 29, 2020.

Rosie O. Ruiz, Commission Secretary
Regional Planning Commission
County of Los Angeles

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By
Elaine Lemke
Assistant County Counsel
Chief Legal Counsel, Department of Regional Planning
County of Los Angeles
NOTICE OF PUBLIC HEARING

The Los Angeles County Board of Supervisors will conduct a public hearing to consider the project described below. You will have an opportunity to testify, or you can submit written comments to the planner below or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing.

Hearing Date and Time:  Tuesday, July 28, 2020 at 9:30 a.m.
Hearing Location:  500 West Temple St., Room 383, Los Angeles, CA 90012

Project:  2020-000600
Project Location:  Countywide (unincorporated)
CEQA Determination: This project is statutorily exempt per Public Resources Code section 21080.17 and categorically exempt per CEQA Guidelines section 15303.
Project Description: The Draft Ordinance amends the Los Angeles County Code (Title 22) to establish new development standards and case processing procedures for accessory dwelling units and junior accessory dwelling units pursuant to section 65852.2 and 65852.22 of the California Government Code.

For more information regarding this project, contact Zoe Axelrod at the Los Angeles County Department of Regional Planning (DRP), 320 W. Temple St., Los Angeles, CA 90012. Telephone: (213) 974-6417, Fax: (213) 626-0434, E-mail: zaxelrod@planning.lacounty.gov. Case materials are available online at http://planning.lacounty.gov/adu/ordinance. All correspondence received by DRP shall be considered a public record.

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days' notice. Si necesita más información por favor llame al (213) 974-6427.
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