



Public Comment Received for:
Item IV: Accessory Dwelling Unit Ordinance
Amendments
(PLN2022-00391)

| Name of Sender | Distributed prior to hearing | Distributed after the hearing |
|---------------------|------------------------------|-------------------------------|
| 1. Steven Johnson | x | |
| 2. Mulholland Build | x | |
| 3. Pat Saley | x | |
| 4. Fred L. Sweeney | x | |
| 5. Steven Johnson | x | |
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From: [Steve Johnson](#)
To: [Community Development PC Secretary](#)
Cc: [Jillian Ferguson](#)
Subject: Maximum size for detached ADUs on multifamily lots - Agenda item IV
Date: Tuesday, November 15, 2022 12:17:15 AM
Attachments: [all.pdf](#)

EXTERNAL

My position is that there is NO maximum size limit for detached ADUs on multifamily lots.

That position is consistent with the view of the Chief Zoning Administrator of the City of Los Angeles,
as well as the ADU ordinances of the cities of San Francisco and Palo Alto.

The attachments make it clear that the City's limit of 800 sqft per ADU is inconsistent with State law.

Steven Johnson
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please see page 3

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

February 27, 2020

TO: Department of City Planning Staff;
Structural Plan Check Engineers and Building Inspectors;
Interested Parties

FROM: Estineh Mailian, Chief Zoning Administrator, Department of City Planning *EM*
Chad Doi, Zoning Engineer, Department of Building and Safety *CD*

SUBJECT: Implementation of 2019 Accessory Dwelling Unit (ADU) Ordinance and State ADU Law

The City's Accessory Dwelling Unit (ADU) Ordinance No. 186,481 became effective December 19, 2019. Among additional matters, it added Los Angeles Municipal Code (LAMC) Section 12.22 A.33. This new section includes local development standards and incorporates certain state law development standards and requirements for ADUs and Junior Accessory Dwelling Units (JADUs) in Government Code (GC) Sections 65852.2 and 65852.22.

The first section of this memorandum summarizes the development standards and requirements for the different types of ADUs along with JADUs permitted in the City. The second section further outlines the development standards for ADUs and JADUs required to be approved per GC Section 65852.2(e)(1) incorporated by reference into the ADU Ordinance. The third section describes additional state law provisions applicable to ADUs and JADUs but not included in the ADU Ordinance. Section four answers common questions related to implementation of the ADU Ordinance and state law.

This memorandum supersedes and replaces all documents previously issued by Los Angeles City Planning (LACP) and the Los Angeles Department of Building and Safety (LADBS) pertaining to implementation of ADU and second dwelling unit regulations, such as Zoning Administrator's Interpretations, Zoning Administrator Memorandums, Inter-Departmental memoranda, and Intra-Departmental correspondence.

I. Summary of ADU and JADU Development Standards and Requirements

ADUs are permitted through a ministerial process in all zones which allow for any type of residential use and where there is a proposed or existing dwelling unit (or units) on the Lot. JADUs are similarly permitted in single-family zones where there is a proposed or existing single-family dwelling on the Lot. Multiple ADUs may be permitted on a Lot, zoned for residential uses, and developed with an existing multifamily dwelling.

Table 1 and Table 2 on the following pages provide a summary of the key provisions found in the ADU Ordinance and state law. Table 1 summarizes key provisions applicable to detached ADUs (located in an accessory building) and Movable Tiny Houses (MTHs). Table 2 summarizes key provisions applicable to attached ADUs (physically attached to the primary dwelling) and JADUs.

The “Combinations of ADUs and JADUs” subsection that follows the tables explains when more than one ADU/JADU is allowed on the same Lot.

Table 1: Detached Accessory Dwelling Units and Movable Tiny Houses¹

| | Detached ADU Options (located in an accessory building) | | | | Movable Tiny House per Ordinance |
|--|--|---|---|---|--|
| | Conversion of Accessory Building per State Law | 800 SF max New Construction per State Law | 1,200 SF max per Ordinance | Two ADUs per State Law | |
| Required Main Use on the Lot | Existing single-family dwelling | Existing or proposed single-family dwelling | Existing or proposed single or multifamily dwelling | Existing multifamily dwelling | Existing or proposed single or multifamily dwelling |
| Applicable Code Section(s) for Listed Option | CA Govt. Code 65852.2(e)(1)(A) | CA Govt. Code 65852.2(e)(1)(B) and applicable part ² of LAMC 12.22 A.33 (c)-(d), (g) | LAMC 12.22 A.33 (c)-(d) | CA Govt. Code 65852.2(e)(1)(D) and applicable part ² of LAMC 12.22 A.33 (c)-(d), (g) | LAMC 12.22 A.33(f) and those in (c) not applied solely to buildings and structures |
| Number of ADUs Allowed by Option | 1 per Lot | 1 per Lot | 1 per Lot | up to 2 per Lot | 1 per Lot (limit of one approval per year) |
| Additional ADU/JADU Options for the Lot³ | Plus 1 JADU (in single-family zones) | Plus 1 JADU (in single-family zones) | Plus 1 JADU (in single-family zones) | Plus attached ADU(s) | Plus 1 JADU (in single-family zones) |
| Very High Fire Hazard Severity Zone/Hillside Area Restriction⁴ | No | Yes | Yes | Yes | Yes |
| ADU Size Limit | None, plus 150 SF max addition for ingress/egress | 800 SF | 1,200 SF ⁵ | None | 150 SF min to 430 SF max |
| ADU Height/Story Limit | None | 16 feet | 2 stories, plus zoning height limit if new building or addition | 16 feet (even for conversions of existing space) | 2 stories |
| ADU Minimum Side and Rear Yard Setbacks | None | 4 feet ⁶ | 4 feet if new building ⁶ or addition | 4 feet (even for conversions of existing space) | 4 feet |
| ADU Automobile Parking⁷ | None | Yes (see LAMC 12.22 A.33(c)(12)) | Yes (see LAMC 12.22 A.33(c)(12)) | Yes (see LAMC 12.22 A.33(c)(12)) | Yes (see LAMC 12.22 A.33(c)(12)) |

¹ The information shown in this table is only a summary of the key provisions for each option. Refer to the listed code section(s) for all the required development standards and regulations.

² Except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in Government Code Section 65852.2(e) and LAMC 12.22 A.33(g).

³ Refer to the "Combinations of ADUs and JADUs" subsection for details regarding when more than one ADU/JADU option is allowed on the same Lot.

⁴ Exceptions provided in LAMC 12.22 A.33(c)(4)(i) and (ii).

⁵ Unless limited by other applicable zoning rules such as floor area limits for the Lot, Lot coverage limits, or location of accessory building regulations; however, standards that limit floor area or Lot coverage may not preclude an ADU that is up to 800 square feet maximum, if no more than 16 feet in height and with 4 foot minimum side and rear yard setbacks per LAMC 12.22 A.33(c)(1)(iii).

⁶ No additional setbacks are required for a structure that is constructed in the same location and to the same dimensions as an existing structure per LAMC 12.22 A.33(c)(8).

⁷ One space is required for an ADU unless 1) located within ½ mile walking distance from a bus or rail stop, 2) one block from a designated car share pickup or drop off location, 3) within an applicable historic district, or 4) when an ADU is fully contained within an existing accessory structure. In addition, replacement parking is not needed when a garage, carport or parking structure is demolished in conjunction with ADU construction.

- *Dwelling Unit Size (Multifamily)*: ADUs created on a lot with an existing multifamily dwelling are exempt from certain development standards, including dwelling unit size. As such, ADUs created on a lot with an existing multifamily dwelling are not subject to any minimum or maximum size requirement. Currently, the city's ordinance requires ADUs on a lot with an existing multifamily structure to be a minimum of 500 square feet and restricts these ADUs to 850 square feet. The city should revise this requirement and remove any minimum or maximum size for ADUs created on lots with an existing multifamily dwelling. (Gov. Code, § 65852.2, subd. (e)).

Buena Park

- Page 8. Section 17.104.240 (B). *Detached Multifamily ADUs* – The Ordinance requires that “the total floor area is no more than 850 square feet for a one-bedroom ADU or no more than 1,000 square feet for an ADU that provides more than one bedroom.” Floor area requirements may only be applied to *new construction* units. Local development standards provided by the Ordinance pursuant to Government Code section 65852.2, subdivisions (a) through (d), do not apply to ADUs created under Government Code section 65852.2, subdivision (e)(1). Converted units created in detached accessory structures are exempt from size limitations. (Gov. Code § 65852.2 (e)(1)(C)(i)). The City should amend the Ordinance to comply with statute.

Paramount

- Pg. 4, Section 26-685.33 (3)(b)(ii) – Maximum Area – The Ordinance states that for “more than two (2) detached accessory dwelling units... the maximum square footage of detached accessory dwellings on lots with existing multifamily residential buildings shall be limited to 1,200 square feet of living area.” Government Code section 65852.2, subdivision (c)(2), states that a local agency shall not establish a maximum square footage requirement for each detached

West Covina

David Carmany, City Manager
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ADU that is less than 850 square feet or 1,000 square feet for an ADU that provides more than one bedroom. The City should amend the Ordinance to clarify that the square footage limitation applies to each ADU, not to the combined maximum size of the two detached ADUs.

From: mulhollandbuild@icloud.com
To: [Community Development PC Secretary](#)
Subject: PLANNING COMMISSION AGENDA - NOVEMBER 17, 2022
Date: Tuesday, November 15, 2022 8:59:38 PM

You don't often get email from mulhollandbuild@icloud.com. [Learn why this is important](#)

EXTERNAL

Hello,

I would like to make the following comments regarding the proposed changes to the ADU ordinance:

- Why is 5' required between buildings, when 4' setbacks are allowed? If my neighbor has an old building or garage on the property line, the space between my new ADU and their building would be 4'. Why can't the minimum space between my own buildings also be 4'?
- Why do ADUs above garages have more leeway for maximum height than two-story ADUs? Seems to favor car-drivers over mass transit users.
- 18' + 2' max height is much better than 16', but with a moderate 4:12 pitch on my primary residence and having to elevate the ground floor of an ADU enough for site drainage, I would need more like 22' to have two stories and match roof pitch.
- Why can attached ADUs go up to 25', but detached can only go up to 18'+2'? Seems rather arbitrary and discriminatory against those who have to build detached for various reasons.
- I have a duplex, so can in theory I can build two ADUs as long as they are detached from one another, according to the current requirements. Or I can build one two-story 800 sf ADU. Why can't I build two 400 sf ADUs stacked on one on top of another, especially since they would be the same overall building size/shape/height as a two-story 800 sf ADU, while accommodating twice as many residents?
- Why must a JADU have a full kitchen, but can share a bath? Many young people today eat out or order food delivered for the vast majority of their meals, which would make a full kitchen an unneeded expense and waste of space. Why not allow hot plates and mini-fridges and washing the occasional dish in the bathroom sink, for those who don't need nor want to pay for a full kitchen? Why force owners to build something that some tenants don't need or want to pay for?

Thank you,
Potential ADU builder on a tight budget

From: [Patricia Saley](#)
To: [Community Development PC Secretary](#)
Cc: [Daniel Gullett](#); [Jillian Ferguson](#)
Subject: Comments on Item IV, ADU Amendments, on PC agenda 11-17-22
Date: Tuesday, November 15, 2022 3:43:53 PM

EXTERNAL

Dear Planning Commission members,

Thank you for the opportunity to comment on the proposed amendments to the ADU Ordinance. I offer the following comments and suggestions on this proposal:

1. **Support for conversion of upper-floor commercial areas to ADUs** - In my opinion, this is a very important change in the ordinance, especially in a city such as ours that has so many historic and older properties that are non-conforming. It is common knowledge that there are many commercial properties that are sitting vacant or are underutilized. If we can convert these spaces to residences with a minimum of bureaucratic process, we have a win-win scenario.
2. **Concern about adding units in fire-prone areas** - I was under the impression that ADUs were not going to be allowed in high fire areas because of concern about evacuation routes during wildfire emergencies given the number of narrow, winding roads in our city. On p. 5 of the staff report, staff states that they are recommending that new ADUs in fire prone neighborhoods be limited to two bedrooms and one story, thus apparently reducing the density and any problems in the event of evacuation. I don't understand the logic of this recommendation as adding more density to these areas would add to evacuation problems that already exist.
3. **Concern about privacy for adjacent properties, especially where slopes >10%** - One concern I've heard expressed is that new ADUs all too often are located such that they loom over an adjacent back yard or provide for a clear view into adjacent bedrooms and/or family areas. This would be especially important in sloped areas where the terrain may already create privacy issues. The ADU amendments seem to be written for flat land properties without consideration of the many hilly areas of our city. Given this, it may not be appropriate to raise the height limit to 18 feet or even up to 25 feet, except possibly where slopes are <10%.
4. **Who has the qualifications to determine if these ordinance requirements are met?** Many years ago I staffed the Architectural Board of Review for three years. During that time I learned a tremendous amount including how to read architectural drawings and plans. I and many others have been encouraging the city to hire someone with the educational background to read architectural plans to insure the quality of new construction is maintained, as intended in this ordinance, without undue delays in processing applications. With these amendments and the proposed Objective Design Standards, the need for a City Architect is more important than ever. Many cities similar to ours have such a

position.

Thank you for considering my comments.

Pat Saley, AICP

November 16, 2022

City of Santa Barbara
Planning Commission
Meeting of November 17, 2022
Subject: Item IV, ADU Amendments

Members of the Planning Commission.

As I continue to monitor the progress of the States mandatory for ADU's within our neighborhoods and remove our ability to determine what these projects look like I would like to offer the following:

1. High Fire Designated Neighborhoods: I would urge that the temporary moratorium on ADU and Junior ADU's enacted by the council become permanent. Because there has been somewhat insufficient research concerning the impact of evacuations from the numerous small driveways, roads, and off the map access areas, particularly in the on the Riveria and the properties in outlying mountain locations of the city there is insufficient information to assure that even the smallest ADU is not going to impact the ability for evacuation during a rapidly moving wildfire. We are aware that members of the Riveria Association board have completed much more detail study of this situation and that information needs to be vetted and confirmed.
2. Increased Building Heights: Because of the typography and the type of down zoning applied in 1975 the current ADU objective review was written by legislators who did not account for unique cities such as ours where setback lines for buildings do not account for the hillside conditions found in our city. This oversight should be corrected.
3. Document Review: Because California State Law does not require such ADU's to be designed and executed by qualified license architects it means that project documents can be prepared by any individual. In order to review such documents qualified individuals, need to be a "design architect", who has experience and skill sets to execute review of any Objective Design Standards. The ability to understand to the nuances of proportion, architectural styles, and sufficient drawing information will allow less frustration for the applicant and the members of the neighborhood to assure neighborhood design compatibility and the city's neighborhood preservation ordinance.
4. Decks: There is still no proposed limitations on locations and sizes of decks, other than subjective guidelines used by the SFDB. So called "party decks" are an ongoing challenge for residential projects in general. Decks may be a subject of the current draft ODS now out for public comment. Those decks often become "rooms" with awnings, pergolas, shade structures with many offering ocean views while blocking adjacent neighbors' views. This issue needs to be addressed.

Thank you for your consideration of these suggestions.

Fred L. Sweeney AIA

From: [Steve Johnson](#)
To: [Community Development PC Secretary](#)
Cc: [Jillian Ferguson](#)
Subject: Maximum size for detached ADUs on multifamily lots - Agenda item IV
Date: Wednesday, November 16, 2022 3:43:15 PM

EXTERNAL

I have the following comments regarding Agenda item IV (ADU Amendments).

The proposed **30.185.040 L 4 a** is incompatible with California State law: 65852.2 (e) (1) (D)

State law does not impose a maximum size for detached ADUs added to a multifamily dwelling.

To conform with State law, consider the following:

- revise **30.185.040 L 3 b** to allow up to 3 units if the total floor area does not exceed 2400 sqft; and 2 units otherwise
- further revise **30.185.040 L 3 b** to require confirmation of non-vehicle ownership for ADU residents where 3 ADUs have been added
- revise **30.185.040 L 4** to note that no maximum floor area applies to ADUs on multifamily lots (to conform with State law)

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