

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING**

PROJECT SUMMARY

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| PROJECT DESCRIPTION: | Accessory Dwelling Unit (ADU) Ordinance Amendment (Advance Planning Case No. RPPL2023004282): Proposed amendment to the Los Angeles County Code (Titles 11 and 22) to update development standards with state statutory requirements for ADUs and junior ADUs (JADUs) and to improve local implementation in the unincorporated areas of Los Angeles County. |
| REQUEST: | Approval and adoption of the proposed Amendment. |
| LOCATION: | Countywide (unincorporated areas) |
| STAFF CONTACT: | Mr. Kenneth Warner, Regional Planner at (213) 647-2469 |
| RPC HEARING DATE: | April 24, 2024 |
| RPC RECOMMENDATION: | Approval and recommendation to the Board to consider adoption of the proposed Amendment. |
| MEMBERS VOTING AYE: | Duarte-White, Hastings, Louie, Moon, O'Connor |
| MEMBERS VOTING NAY: | None |
| MEMBERS ABSENT: | None |
| MEMBERS ABSTAINING: | None |
| KEY ISSUES: | The proposed Amendment updates Titles 11 and 22 to revise development standards for ADUs and JADUs to comply with State law and improve local implementation. |
| MAJOR POINTS FOR: | The proposed Amendment complies with State law. The proposed Amendment also revises local policies to clarify ADU development, |

including exemptions from proximity restrictions to animal-keeping uses, uniform height and size limits, allowances for new construction attached ADUs with existing multifamily uses, allowances for attached ADUs with new multifamily uses, and objective standards for ADUs on properties with historic resources.

MAJOR POINTS AGAINST: The proposed Amendment may increase density and reduce privacy, which could put a strain on infrastructure in some communities.

ORDINANCE NO. _____ **

An ordinance amending the Los Angeles County Code, Title 11 – Health and Safety, and Title 22 – Planning and Zoning, to update development standards with state statutory requirements 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 11.16.090 is hereby amended to read as follows:

11.16.090 - Keeping animals and birds—Location restrictions and sanitation requirements.

A person shall not keep any animal, fowl or bird, wild or domestic, other than cats, dogs, canaries or birds of the psittacine family, within 35 feet of any restaurant, food establishment, residence, or dwelling, or other building used for the habitation of human beings, or within 100 feet of any school building, hospital building or similar institution building. It is unlawful to keep or maintain a premises, yard, coop or building in which fowl or animals are maintained in a foul or insanitary condition. The provisions of this sSection regarding distances shall not apply to accredited laboratories regulated by the California Department of Health Services or accessory dwelling units and junior accessory dwelling units regulated by Section 22.140.640.

SECTION 2. Section 22.14.010 is hereby amended to read as follows:

22.14.010 - A.

. . .

Accessory dwelling unit and junior accessory dwelling unit. The following terms are defined for the purposes of Section 22.140.640460 (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 or multi-family residence-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, and an efficiency unit, as defined in section 17958.1 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 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.~~

. . .

SECTION 3. Section 22.18.030 is hereby amended to read as follows:

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- | 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 ⁴ | SPR | SPR | SPR | SPR | SPR | SPR | Section 22.140.640 |
| ... | | | | | | | |
| Junior accessory dwelling units ⁴ | SPR | SPR | SPR | SPR | SPR | SPR | Section 22.140.640 |
| ... | | | | | | | |
| Notes: | | | | | | | |
| 1. Provided that there is no other practical access to such property available, and such access will not alter the character of the premises in respect to permitted uses in the subject zone. | | | | | | | |
| 2. Rooms in a single-family residence may be rented to four or fewer residents, with or without table board, unless the residence is also used as an adult residential facility | | | | | | | |

or a group home for children and either use has a capacity of more than six persons. Rooms in a single-family residence used as transitional housing may be rented to more than four residents.

3. Use permitted on lots located outside of the 70 or above decibel Community Noise Equivalent Level (dB CNEL) noise contour of an Airport Influence Area, as depicted in the General Plan, in its entirety.

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

SECTION 4. Section 22.70.050 is hereby amended to read as follows:

22.70.050 – Development Standards.

A. General Development Standards.

1. Maintenance. All animals authorized to be kept in an EQD shall be maintained in a safe and healthy manner, in compliance with all applicable regulations provided in any other statute or ordinance.

2. Stable and Corral.

- a. Animals shall be kept in a stable or fenced corral.
- b. No part of any stable or corral shall be located within 35 feet from any existing habitable structure except for an accessory dwelling unit or junior accessory dwelling unit regulated by Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

c. No part of any stable or corral shall be located within 100 feet of an existing school building or hospital building.

...

SECTION 5. Section 22.124.140 is hereby amended to read as follows:

22.124.140 – Certificate of Appropriateness—When Required.

...

B. A certificate of appropriateness shall not be required for work which the Director determines constitutes any of the following:

...

5. Construction of an accessory dwelling unit pursuant to Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

...

SECTION 6. Section 22.140.070 is hereby amended to read as follows:

22.140.070 – Animal Keeping, Noncommercial or Personal Use.

...

D. Setback from Residences. Any structure used for housing any animal, fowl, or bird, wild or domestic, other than cats, dogs, canaries, or birds of the psittacine family and including corrals and fencing, shall be established at least 35 feet from any residence, except for an accessory dwelling unit or junior accessory dwelling unit regulated by Section 22.140.640.

SECTION 7. Section 22.140.290 is hereby amended to read as follows:

22.140.290 – Home-Based Occupations.

...

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

. . .

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

SECTION 8. 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~~ provides for the development of accessory dwelling units and junior accessory dwelling units with appropriate development restrictions, pursuant to ~~sections 65852.2 and 65852.22~~ Chapter 13 of Title 7 of the California Government Code.

B. Applicability. This Section applies to accessory dwelling units and junior accessory dwelling units in all zones where permitted, except that in a Coastal Zone, as defined in Division 2 (Definitions of Title 22), accessory dwelling units and junior accessory dwelling units shall be subject to the regulations set forth in an applicable Local Coastal Program.

C. Prohibited Areas. Accessory dwelling units, except for those described in Subsection H, shall be prohibited in areas as specified below:

~~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.~~

~~a1. Where a lot, or any portion thereof, is located within a Very High Fire Hazard Severity Zone, as depicted in the General Plan, and a Hillside Management Area, as depicted in the General Plan, other than those described in Section 22.104.030.D, an accessory dwelling unit or a junior accessory dwelling unit, except for those described in Subsection H, shall be prohibited on the lot, unless it has two distinct means of vehicular access to a highway that meet the following requirements:~~

~~ia. 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**b**. Each distinct means of vehicular access shall be contain pavement of at least 24 feet in width, exclusive of sidewalks; and~~

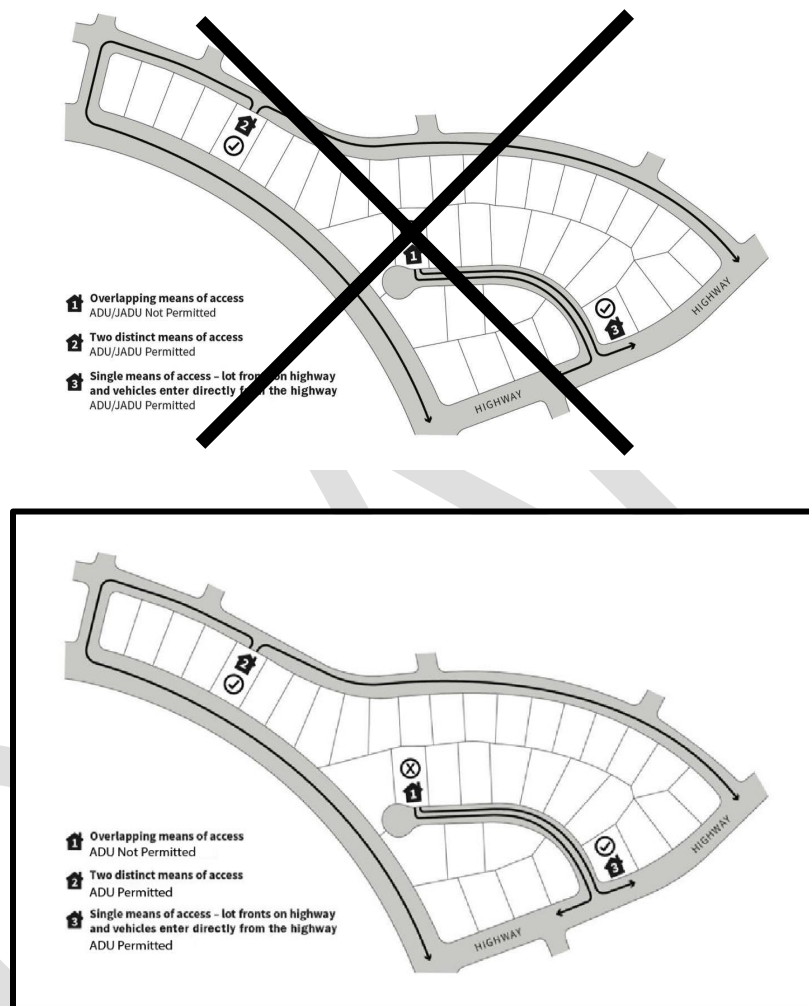
~~iii**c**. Each distinct means of access shall be built to public street standards approved by Public Works.~~

~~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.12.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.~~

~~eb. Notwithstanding Subsections C.12.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.

FIGURE 22.140.640-A: VEHICULAR ACCESS REQUIREMENTS IN THE
VERY HIGH FIRE HAZARD SEVERITY ZONE



D. Review and Decision.

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 of a complete application.

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 Conditional Use Permit (Chapter 22.158)~~Revised Exhibit "A" (Chapter 22.184)~~ application, for a new single-family or multi-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 or multi-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.

4. If an application for an accessory dwelling unit or junior accessory dwelling unit is denied, a full set of comments shall be returned to the applicant, within the time period described in Subsections D.1 through D.3, above, with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

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 22.140.640-A: MAXIMUM NUMBER OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS PERMITTED ON A LOT |
|------------------------|---|
| Principal Use on a Lot | Maximum Number |

| | Accessory Dwelling Units | Junior Accessory Dwelling Units |
|--|--|---------------------------------|
| One proposed or existing, legally-built single-family residence in any zone that allows residential use | 1 <u>attached to or within a single-family residence or accessory structure, and</u> <u>1 detached from residences</u> | 1 |
| Any <u>proposed</u> or existing, legally-built housing type other than one single-family <u>multi-family</u> residence in any zone that allows residential use | 4 or 25 percent of existing principal dwelling units, whichever is greater, converted from spaces attached to or within existing residential building(s)¹, and 2 detached from existing residential building(s) residences | - |
| <u>Note:</u> | | |
| 1. <u>When the calculation results in a fractional number, the result shall be rounded up to the nearest whole number. These accessory dwelling units may include, but are not limited to, conversions of habitable or unhabitable space or additions to residences.</u> | | |

F. Use Restrictions. An accessory dwelling unit or a junior accessory dwelling unit shall be subject to all of the following use restrictions:

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, except as provided in section 66341 of the California Government Code.

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.

G. Accessory Dwelling Unit Development Standards. The development standards in this Subsection apply to any accessory dwelling unit not described by Subsection H, below.

1. Accessory Dwelling Units.

a. Floor Area.

i. 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.

ii. Maximum.

(1) General.

(a) The maximum floor area of an accessory dwelling unit shall be 1,200 square feet, except as provided in (b) below. ~~if the accessory dwelling unit is any of the following:~~

~~(i) A new detached structure; or~~

~~(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 residence-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, solely for the purpose of accommodating ingress and egress.

~~(c) For an attached accessory dwelling unit not described in Subsections G.1.a.ii.(1)(a)(ii) or G.1.a.ii.(1)(b), above, the total floor area of the attached accessory dwelling unit shall not exceed 50 percent of the total habitable area of the single-family or multi-family residence(s) 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) Planning Area Standards Districts, Community Standards Districts and Specific Plans. Accessory dwelling units shall not be subject to any Planning Area Standards District, Community Standards District, or Specific Plan provision pertaining to floor area, gross structural area, or lot coverage.

b. Height.

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

~~ii. 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. 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 or multi-family residence ~~residential building~~; or

(2) 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, limited to accommodating ingress and egress.

~~iviii. Planning Area Standards Districts, 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 Planning Area Standards District, 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. at least the following heights are allowed:~~

~~(1) A height of 16 feet for a detached accessory dwelling unit;~~

~~(2) A height of 18 feet for a detached accessory dwelling unit, with an additional two feet in height to accommodate a roof pitch that is aligned with the roof pitch of the existing or proposed single-family or multi-family residence, if it is on a lot~~

that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor as those terms are defined in section 21155 of the Public Resources Code; and

(3) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-story, multi-family residence.

viv. Proximity to Scenic Resources. Notwithstanding Subsection G.1.b.iiiiv, 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 or multi-family ~~residential building~~ residence, or 18 feet, whichever is less, provided that the maximum height allows a minimum 16-foot high accessory dwelling unit at least the heights in Subsection G.1.b.iii(1)-(4) are allowed.

c. Required Yards.

i. ~~The depth of a yard between the existing structure and an existing lot line shall be deemed the required yard depth.~~ An accessory dwelling unit of 800 square feet or less may encroach into the required front yard setback provided there is no other location on the property where the accessory dwelling unit could be constructed at the ground level.

ii. No setback is required if the accessory dwelling unit is any of the following:

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

(2) The result of the conversion of an existing, ~~legally-built~~ accessory structure with no expansion of the floor area of said structure, or constructed in the same location and to the same dimensions as an existing structure, except as specified in Subsection G.1.c.iv, below.

iii. Notwithstanding any contrary provisions in this Title 22, a four-foot setback is required for an accessory dwelling unit not described in Subsection G.1.c.ii, above:

(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.~~

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

(3) An accessory dwelling unit shall not be subject to any setback requirements in this Title 22.

iv. Any new accessory dwelling unit, or expanded portion of an existing structure that is part of a proposed accessory dwelling unit, shall comply with all of the requirements in Section 22.110.090 (Projections into Yards) unless a greater projection is necessary to ensure that the accessory dwelling unit functions as an independent living facility, provided that projections shall be no closer than two and a half feet from the property line. Where no setback is required, projections shall not encroach the property line.

d. Parking.

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

ii. Parking Within Very High Fire Hazard Severity Zones.

(1) Parking for an accessory dwelling unit located within a Very High Fire Hazard Severity Zone shall be provided in accordance with Chapter 22.112 (Parking), unless any of the following exceptions are met, in which case no parking shall be required:

(a) The accessory dwelling unit has no bedroom;

~~(2) The accessory dwelling unit is detached, with a maximum floor area of 800 square feet and a maximum height of 16 feet, and is located on a lot with a proposed or existing single-family residence;~~

~~(3) The accessory dwelling unit is detached, with a maximum height of 16 feet and minimum rear and side yard depths of four feet, and is located on a lot with an existing multi-family residential building;~~

~~(4) The accessory dwelling unit is entirely within an existing, legally-built single-family or multi-family residential building;~~

~~(5) The accessory dwelling unit is 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, limited to accommodating ingress and egress;~~

(b6) The accessory dwelling unit is located within one-half mile walking distance of public transit, as that term is defined in section 66313 of the California Government Code;

(c7) The accessory dwelling unit is located within ~~an architecturally and historically significant~~ historic district;

(d) The accessory dwelling unit is part of the proposed or existing single-family or multi-family residence or an accessory structure.

(e8) When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; or

(f9) When there is a car share vehicle location within one block of the accessory dwelling unit.

(g) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family residence or a new multi-family residence on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this Subsection G.1.d.ii(1).

~~(2iii.)~~ 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~~ residence.

~~(3iv.)~~ When parking is required for the accessory dwelling unit or single-family or multi-family ~~residential building~~ residence, such parking may be located on a driveway, or in an area previously used as a driveway to a garage or carport that has since been demolished in conjunction with the construction of an accessory dwelling

unit or converted into an accessory dwelling unit and may be provided as tandem parking.

e. 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 of at least 800 square feet with side and rear yard setbacks of at least four feet is allowed.

f. ~~Roof and Exterior Siding Materials. An accessory dwelling unit shall comply with Section 22.140.580.D (Roof and Exterior Siding Materials) County Historic Landmarks, Historic Districts, and Mills Act Contract Properties.~~

i. Development Standards – New Accessory Dwelling Units or Accessory Dwelling Units Converted from Existing Non-Contributing Accessory Structures.

(1) The height of a new detached accessory dwelling unit shall not exceed the maximum height in Subsection G.1.b, above, or the height of the existing single-family residence or multi-family residence, whichever is less, provided at least the heights in Subsection G.1.b.iii(1)-(3), above are allowed.

(2) The height of a new attached accessory dwelling unit shall not exceed the maximum height in Subsection G.1.b.

(3) The architectural style and following elements of a new accessory dwelling unit or accessory dwelling unit converted from an existing non-contributing accessory structure shall be the same as the single-family or multi-family residence, as applicable: roof style, pitch, and shingle material; eave style and depth; siding material type, frame material, orientation and material; chimney style and material; fenestration

patterns; window type, vertical/horizontal orientation and size; external door style and material; and external fixtures, such as lights.

(4) Solar shingle roofing is an acceptable alternative to asphalt composition or wood shingle roofing.

(5) Vinyl windows and windows with artificial muntins are prohibited.

(6) Design elements.

(a) Design elements that are not on the single-family or multi-family residence are prohibited.

(b) Design elements such as dormers, bay windows, arched windows, and shutters shall be the same as the design elements on the single-family or multi-family residence scaled to the accessory dwelling unit.

(7) New construction accessory dwelling unit attached to an existing primary residence.

(a) Location. The accessory dwelling unit shall be located in the rear yard and shall not be visible from the public right-of-way. If locating the accessory dwelling unit in the rear yard is infeasible, then the accessory dwelling unit may be located in the side yard. If locating the accessory dwelling unit in the side yard is infeasible, then the accessory dwelling unit may be located in the front yard.

(b) Development Standards. The accessory dwelling unit shall be differentiated from the historic building by setting the accessory dwelling unit back from the historic structure's façade and using different window detailing. The window-to-wall ratio of an accessory dwelling unit should be same to that of the historic building. An accessory dwelling unit in the side yard shall be set back from the primary façade at

least 4 feet. New dormers constructed on the primary residence for attic conversions shall be located on the rear façade only and the roof of the dormer(s) shall be set back 10 percent on each of the four sides of the portion of the primary residence's roof that the dormer is located on, subject to Subsection G.1.c.iii, above. Accessory dwelling units shall not obscure or damage character-defining features (such as ornamental details, railings, windows, doors, porches, brackets, or roof lines).

ii. Development Standards – Existing Contributing Accessory Dwelling Units and Accessory Dwelling Units Converted from Existing Contributing Accessory Structures.

(1) Demolishing or moving an existing contributing accessory dwelling unit, or moving an existing contributing accessory structure to convert to an accessory dwelling unit, is prohibited.

(2) Character-defining features of an existing accessory dwelling unit or an existing contributing space or accessory structure that is converted to an accessory dwelling unit shall be preserved in place.

(3) Façades for an existing accessory dwelling unit or contributing accessory structure that is converted to an accessory dwelling unit visible from the public right-of-way may not be altered. Visible from the public right-of-way shall mean visible from the public right-of-way in the absence of site features that may be impermanent, such as landscaping or fencing.

H. Development Standards - State-Exempt Accessory Dwelling Units.

1. The following accessory dwelling units shall be permitted subject only to the following development standards:

a. On a lot with a proposed or existing single-family residence:

i. One accessory dwelling unit per lot with a proposed or existing single-family residence, provided all of the following are met:

(1) The accessory dwelling unit is within the proposed or existing space of a single-family dwelling or existing space of a single-family residence or accessory structure, and may include an expansion of not more than 150 square feet beyond the physical dimensions of the existing accessory structure solely to accommodate ingress and egress;

(2) The space has exterior access from the proposed or existing single-family residence;

(3) The side and rear setbacks are sufficient for fire and safety;

ii. One new detached accessory dwelling unit with four-foot side and rear yard setbacks on a lot with a proposed or existing single-family residence. The floor area of the accessory dwelling unit shall not exceed 800 square feet, with a height limitation as provided in Subsections G.1.b.iii.(1) or G.1.b.iii.(2), above, as applicable.

b. On a lot with a proposed or existing multi-family residence:

i. A minimum of one accessory dwelling unit and maximum of 25 percent of the existing number of dwelling units, if the accessory dwelling unit(s) are proposed within the portions of existing multi-family residences that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, and each dwelling unit complies with state building standards for dwelling units.

ii. A maximum of two detached accessory dwelling units on a lot with an existing or proposed multi-family residence, provided each accessory dwelling unit has four-foot side and rear yard setbacks, a maximum height as provided in Subsections G.1.b.iii.(1)-(3), and a maximum size as provided in Subsection G.1.a.ii.(a), above.

2. Junior Accessory Dwelling Units.

a. One junior accessory dwelling unit per lot zoned for single-family residences with a proposed or existing single-family residence may be constructed provided all of the following are met:

i. The junior accessory dwelling unit is within the space of an existing or proposed single-family residence;

ii. The space has exterior access from the proposed or existing single-family residence.

ab. Floor Area.

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

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

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

ed. 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.

He. 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:

4i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that this may be enforced against future purchasers;

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

3iii. A requirement that either the ~~primary~~ remaining portion of the single-family 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.

4f. Owner Occupancy. 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. A junior accessory dwelling unit is not permitted on a lot owned by a corporate entity.

3. The accessory dwelling units and junior accessory dwellings units described in Subsections H.1 and H.2, above, may be combined on the same lot in the following ways:

a. An accessory dwelling unit described in Subsection H.1.a.i, above, or a junior accessory dwelling unit described in Subsection H.2.a, above, or both, may be combined with an accessory dwelling unit described in Subsection H.1.a.ii, above.

b. Accessory dwellings units described in Subsection H.1.b.i, above, may be combined with accessory dwelling units described in Subsection H.1.b.ii, above.

2]. Release of Owner-Occupancy Covenant. The County 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.

J. Planning Area Standards Districts, Community Standards Districts, and Specific Plans. Planning Area Standards Districts, Community Standards Districts, and Specific Plans objective development standards shall still apply. Where the regulations in this Section are contrary to the provisions in a Planning Area Standards District, Community Standards District, or Specific Plan regulating the same matter, the provisions of this Section 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 (Definitions), provided that the lot is in a zone that ~~allowed~~ allows residential use.

L. To the extent that any provision of this Title 22 is in conflict with ~~law sections 65852.2 or 65852.22~~ Chapter 13 of Title 7 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 9. Section 22.300.020 is hereby amended to read as follows:

22.300.020 - Application of Planning Area Standards Districts, Community Standards Districts, and Supplemental Districts to Property

...

B. ~~Additional Regulations~~ Relationship to other Title 22 Provisions.

...

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 CSD regulating the same matter, the provisions in the CSD shall prevail, unless specified otherwise in~~ Accessory dwelling

units and junior accessory dwelling units in a Planning Area Standards District, Community Standards District, or Supplemental District shall be subject to Section 22.140.640 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

SECTION 10. Section 22.172.020 is hereby amended to read as follows:

22.172.020 - Regulations Applicable.

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

...

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

...

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

~~Units) may be developed on a lot containing a single-family residence nonconforming due to standards, provided that where the single-family residence is nonconforming due to parking standards, sufficient parking shall be provided to ensure that both the single-family residence and the accessory dwelling unit comply with the applicable provisions of Chapter 22.112 (Parking) and Section 22.140.640.H.6 (Parking).~~

...

L. Notwithstanding the other provisions of this Chapter 22.172, an accessory dwelling unit or junior accessory dwelling unit in compliance with Section 22.140.640 (Accessory Dwelling Units) may be developed on a lot containing a single-family or multi-family residence nonconforming due to use and/or standards so long as a residential use is permitted or conditionally permitted in the zone in which the single-family or multi-family residence is located.

**SUMMARY OF PUBLIC HEARING PROCEEDINGS
REGIONAL PLANNING COMMISSION
PROJECT NO. PRJ2023-002901-(1-5)
ADVANCE PLANNING CASE NO. RPPL2023004282
ACCESSORY DWELLING UNIT ORDINANCE AMENDMENT**

April 24, 2024

On April 24, 2024, the Regional Planning Commission (Commission) conducted a duly noticed public hearing to consider the Accessory Dwelling Unit (ADU) Ordinance Amendment (Amendment), Advance Planning Case No. RPPL2023004282. Regional Planning staff (staff) provided an overview of the Amendment.

The Commission asked staff to clarify the changes to height limits and square footage limits. Staff stated that State law prescribes a variety of height limits that vary from 16 to 25 feet, and that the specific height limit for a proposed ADU would vary depending on local standards. Staff stated that maximum square footage under the existing ADU Ordinance varies depending on the size of the existing residence, and that the goal of the proposed change to square footage limits is to provide a uniform size limit for applicants to understand more easily.

The Commission asked staff to clarify the change that would exempt ADUs and Junior ADUs (JADUs) from the County's current 35-foot minimum distance between animal-keeping and residential uses. Staff stated that this change would be a local policy, based on community feedback and zoning enforcement experience, aimed to balance new housing development with existing animal keeping uses in the unincorporated communities.

The Commission opened the public hearing and took testimony from three community members who cited specific concerns with the Amendment. These stakeholders were concerned that the language of the existing ADU Ordinance regarding public street standards could lead to additional paving of roads in their communities.

The Commission asked staff how the Department of Regional Planning can address stakeholders' concerns about public street standards, and staff stated that future projects, such as the Community Wildfire Protection Ordinance, would clarify this issue. Staff further clarified that there are no proposed changes to street standards included with the recommended action for this project.

On a motion by Commissioner Duarte-White and seconded by Commissioner Moon, the Commission moved to close the public hearing and adopted the resolution to recommend that the Board of Supervisors find the project statutorily exempt from the California Environmental Quality Act (CEQA) and adopt the Amendment, with a unanimous vote.

VOTE:

Concurring: Duarte-White, Hastings, Louie, Moon, O'Connor

Dissenting: None

Abstaining: None

Absent: None

Action Date: April 24, 2024

RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
ADU ORDINANCE AMENDMENT

PROJECT NO. 2023-002901 PLAN NO. RPPL2023004282

WHEREAS, the Regional Planning Commission (“Commission”) of the County of Los Angeles (“County”) conducted a duly noticed public hearing on April 24, 2024 to consider the ADU Ordinance Amendment (“Amendment”), an amendment to Los Angeles County Code, Title 11 – Health and Safety, and Title 22 – Planning and Zoning, to update development standards with state statutory requirements for accessory dwelling units and junior accessory dwelling units in the unincorporated areas of Los Angeles County.

WHEREAS, the Regional Planning 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 multifamily 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 an existing or proposed residence;
4. Effective January 1, 2021, Assembly Bill 3182 (Chapter 198, Statutes of 2020) amended Section 65852.2 of the Government Code, amended Section 4740 of the Civil Code, added Section 4741 to the Civil Code, and changed the requirements for local governments relating to ADUs and JADUs;
5. Effective January 1, 2022, Assembly Bill 345 (Chapter 343, Statutes of 2021) amended Sections 65852.2 and 65852.26 of the Government Code and changed the requirements for local governments relating to ADUs;
6. Effective January 1, 2023, Senate Bill 897 (Chapter 664, Statutes of 2022) and Assembly Bill 2221 (Chapter 650, Statutes of 2022) amended Section 65852.22 of, added Section 65852.23 to, and repealed and amended Section 65852.2 of, the Government Code, amended Section 17980.12 of the Health and Safety Code, and changed the requirements for local governments relating to ADUs and JADUs;
7. Effective January 1, 2024, Assembly Bills 1033 (Chapter 752, Statutes of 2023) and 976 (Chapter 751, Statutes of 2023) amended Sections 65852.2 and

65852.26 of the Government Code and changed the requirements for local governments relating to ADUs and JADUs;

8. Effective March 25, 2024, Senate Bill 477 (Chapter 7, Statutes of 2024) consolidated and recodified state law on ADUs and JADUs under a single unified chapter of the Government Code, Chapter 13 of Title 7, commencing with section 66310;
9. 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;
10. The Amendment changes local policies that are within the scope of the State law, including floor area and height limits, and parking requirements;
11. State law prohibits local parking requirements for JADUs, and for ADUs that meet any of the following criteria: has no bedroom; located within a half mile of public transit; located in a historic district; when the ADU is part of an existing or proposed primary residence or accessory structure; when on-street parking permits are required but not offered to the ADU occupant; or when there is a car share vehicle location within one block of the ADU;
12. The Amendment continues to require 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 continues to not require parking for ADUs outside of the VHFHSZs;
13. The Amendment continues to not require parking for JADUs;
14. State law allows local jurisdictions to impose objective standards on ADUs that include, but are not limited to, architectural review;
15. California Government Code section 25373(b) authorizes the County Board of Supervisors to adopt ordinances providing special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value. Such special conditions and regulations may include appropriate and reasonable control of the appearance of neighboring private property within public view;
16. The Amendment is consistent with California Government Code sections 25373(b) and 66314(b)(1) as it would establish objective architectural review standards for ADUs on properties with historic resources for the protection, enhancement, perpetuation, and use of historic resources in the unincorporated County;

17. State law allows local jurisdictions to designate areas where ADUs may be permitted;
18. The Amendment continues to prohibit non-Statewide-exempt ADUs in the VHFHSZs unless the subject property meets certain access requirements for safety purposes based on the following:
 - a. State legislation mandates the inclusion of wildfire hazard and evacuation route analyses in the General Plan Safety Element, directly affecting land use decisions like ADU development.
 - b. The Wildland-Urban Interface (WUI) in LA County is experiencing significant growth, with an estimated additional 50,000 homes to be built every decade, emphasizing the need for risk mitigation in these high-risk areas.
 - c. Recommendations from "Final Recommendations to Reduce Wildfire Risk" advocate for stricter development standards in Fire Hazard Severity Zones (FHSZs), including VHFHSZs, with a focus on ensuring adequate access, defensible space, and limitations on new dwellings in high-risk zones.
 - d. Post-Woolsey Fire reviews highlight challenges related to evacuation and firefighting access, underscoring the necessity for improved land use planning and infrastructure to facilitate emergency access and reduce future risks.
 - e. Different jurisdictions in California have adopted varied ADU regulations within VHFHSZs, providing precedents for balancing housing needs with fire hazard mitigation.
 - f. Federal and State guidance supports LA County's planning direction by emphasizing the heightened wildfire risks and the importance of multiple access routes and thorough impact analyses for new developments in the WUI.
 - g. Peer-reviewed research comparing wildfire evacuations and the impacts of exurban housing development on wildfire risks further supports the need for additional local planning regulations in fire-prone areas.
19. The Amendment allows the construction of JADUs and Statewide exemption ADUs on any eligible residential lot regardless of fire hazard or accessibility;
20. The Amendment does not apply to the Coastal Zone and defers to the existing Local Coastal Plans for ADU and JADU regulations;

21. As required by Section 22.244.040 of the County Code, the Amendment is consistent with and is supportive of policies of the 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 VHFHSZs;
22. Pursuant to Section 1.5.1 of the Airport Land Use Commission (ALUC) Review Procedures, all General Plan Amendments and zoning ordinances must be consistent with the County Airport Land Use Plan if the General Plan Amendment or ordinance includes areas that are within an airport influence area. ALUC Staff reviewed the Amendment and determined that it does not pose any compatibility concerns with the County Airport Land Use Plan. Pursuant to Government Code section 66319, ADUs are not considered to exceed the allowable density for the lot upon which they are located, are deemed to be a residential use that is consistent with the existing general plan and zoning for the lot, and shall not be considered in the application of any local attempts to limit residential growth. Therefore, the Amendment does not increase density in zones where residential uses are allowed, nor modify the existing land use designations established by a general plan, and therefore does not involve an area of concern from an airport compatibility perspective;
23. The Amendment is in the interest of the public health, safety, and general welfare and in conformity with good zoning practice as required by Section 22.244.040 of the County Code;
24. The Amendment is consistent with other applicable provisions of Title 22 as required by Section 22.244.040 of the County Code;
25. Pursuant to Section 22.222.180 of the County Code, a public hearing notice was published in 13 local newspapers. The hearing notice and materials were posted on the Department's website. Copies of the hearing notice and hearing materials were provided to all DRP Field Offices, all County libraries, and the Altadena and Calabasas Libraries;
26. The Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) and the County CEQA Guidelines pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h);
27. On April 24, 2024, the Commission held a duly noticed public hearing to consider the Amendment, took in testimony and asked questions, and moved to recommend the Amendment to the Board of Supervisors with a vote of 5-0.

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 ADU Ordinance Amendment;

2. That the Board find that the Amendment is exempt from the provisions of the California Environmental Quality Act for the reasons in the record;
3. That the Board determine that the Amendment is compatible with and supportive of the goals and policies of the General Plan and in the interest of public health, safety, and general welfare and in conformity with good zoning practice, and consistent with other applicable provisions of Title 22; and
4. That the Board adopt the Amendment.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on the County of Los Angeles on April 24, 2024.

Elida Luna

Elida Luna, Commission Services
County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By *Kathy Park*

Kathy Park
Deputy County Counsel
County of Los Angeles



PUBLIC NOTICE OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Celia Zavala, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

NOTICE OF PUBLIC HEARING CONCERNING
ACCESSORY DWELLING UNIT ORDINANCE AMENDMENT

PROJECT NO. 2023-002901-(1-5)
ADVANCE PLANNING NO. RPPL2023004282

Notice is hereby given that the Board of Supervisors will conduct a public hearing on the matter referenced above on Tuesday, September 17, 2024 at 9:30 a.m., in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify in person or remotely. Please visit <http://bos.lacounty.gov/Board-Meeting/Board-Agendas> for details on how to listen to the meeting and/or address the Board. Written comments may be submitted to the address above, Attention: Board Services Division. For information regarding the hearing, you may call (213) 974-1426. If the final decision on this matter is challenged in court, testimony may be limited to issues raised before or at the public hearing.

Location: Unincorporated areas in Los Angeles County.

General Description of Proposal: The proposed Accessory Dwelling Unit (ADU) Ordinance Amendment revises the Los Angeles County Code, Title 11 (Health and Safety), and Title 22 (Planning and Zoning), to update development standards with state statutory requirements for ADUs and junior accessory dwelling units (JADUs) and to improve local implementation in the unincorporated areas of Los Angeles County.

Contact the Department of Regional Planning, **Ken Warner at (213) 647-2469** between 7:30 a.m. and 5:30 p.m., Monday through Thursday (office is closed Fridays) or kwerner@planning.lacounty.gov directly for questions or additional information. Selected materials are available at <https://planning.lacounty.gov/long-range-planning/adu-ordinance-amendment/>. **Si necesita más información en Español, por favor llame al (213) 974-6427.**

PROJECT NO. 2023-002901-(1-5)
ADVANCE PLANNING PROJECT NO. RPPL2023004282

If you need reasonable accommodations, such as interpreters, assistive listening devices, agenda in Braille, disability-related accommodations or other auxiliary aids, please contact the Executive Office of the Board at (213) 974-1411 or (213) 974-1707 (TTY), Monday through Friday from 8:00 a.m. to 5:00 p.m., at least three business days prior to the Board meeting. Later requests will be accommodated to the extent feasible. Máquinas de traducción están disponibles o si necesita intérprete para las juntas del Condado de Los Angeles, por favor llame al (213) 974-1426, de lunes a viernes de 8:00 a.m. a 5:00 p.m., con tres días de anticipación.

EDWARD YEN
EXECUTIVE OFFICER OF
THE BOARD OF SUPERVISORS

REPORT TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED: April 11, 2024

MEETING DATE: April 24, 2024 AGENDA 7
ITEM:

PROJECT NUMBER: PRJ2023-002901-(1-5)

PROJECT NAME: ADU Ordinance Amendment

PLAN NUMBER(S): RPPL2023004282

SUPERVISORIAL DISTRICT: 1-5

PROJECT LOCATION: Unincorporated Los Angeles County

PROJECT PLANNER: Kenneth Warner, Regional Planner
kwarner@planning.lacounty.gov

Zoe Axelrod, Senior Regional Planner
zaxelrod@planning.lacounty.gov

RECOMMENDATION

LA County Planning staff (“staff”) recommends the Regional Planning Commission adopt the attached resolution recommending **approval** to the County of Los Angeles Board of Supervisors of the Accessory Dwelling Unit (ADU) Ordinance Amendment, Plan No. RPPL2023004282.

Staff recommends the following motion:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE ADU ORDINANCE AMENDMENT IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION RECOMMENDING APPROVAL TO THE COUNTY OF LOS ANGELES BOARD OF SUPERVISORS OF THE ADU ORDINANCE AMENDMENT, PLAN NO. RPPL2023004282.

PROJECT DESCRIPTION**A. Project Scope**

Plan Number RPPL2023004282 is the ADU Ordinance Amendment (“Amendment”), amending the Los Angeles County Code, Title 11 – Health and Safety, and Title 22 – Planning and Zoning, to update development standards for accessory dwelling units and junior accessory dwelling units in the unincorporated areas of Los Angeles County, pursuant to recent changes to State law. The Ordinance (Exhibit A), Summary of Policy Changes (Exhibit B), Summary of State Legislation (Exhibit C), Discussion of Fire Hazard (Exhibit D), Draft Resolution (Exhibit E), Proposed Environmental Determination (Exhibit F), and Public Correspondence (Exhibit G) are attached to this report.

B. Project Background

The County last amended the ADU Ordinance in 2020 to align local regulations with State law. Since then, the State legislature has passed a series of bills that further reduce local zoning barriers to ADU and JADU development. These legislative changes underscore the State's commitment to increasing housing stock, streamlining the ADU development process, and reducing regulatory barriers for homeowners to build ADUs.

The attached Summary of State Legislation (Exhibit C) summarizes significant bills that have informed the Amendment. The cumulative effect of these State laws has necessitated a comprehensive review and subsequent update of the County's ADU regulations to ensure compliance with State law and to facilitate the development of ADUs and JADUs within unincorporated Los Angeles County. The Amendment aims to reflect these legislative changes and provide clear regulations for the development of ADUs and JADUs.

C. Project Location

The Amendment applies throughout the unincorporated Los Angeles County, except for the Coastal Zone.

D. Major Elements and Key Components**Changes to Location-Based Policies**

The Amendment revises the prohibited areas section of the existing ADU Ordinance to comply with State mandates for JADUs and “Statewide exemption ADUs” (discussed further below), while maintaining the local prohibition of non-Statewide-exempt ADUs in high fire risk areas with substandard vehicular access. The Amendment clarifies that JADUs and certain ADUs are allowed in areas previously prohibited due to high fire risk and substandard vehicular access. Additional information on the consideration of fire hazard in preparation of the Amendment can be found in Discussion of Fire Hazard

PROJECT NO. PRJ2023-002901-(1-5)

April 24, 2024
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(Exhibit D). The Amendment also eliminates redundant language regarding ADU prohibitions in the Santa Monica Mountains area.

In addition, the Amendment modifies Titles 11 and 22 to exempt ADUs and JADUs from an existing 35-foot distancing requirement between animal-keeping structures and residential uses. This change allows for the construction of ADUs and JADUs near existing animal-keeping uses and reconciles conflicting local regulations and State law.

Changes to ADU Quantities and Types

The Amendment clarifies the numbers of ADUs and JADUs that are permissible on single-family and multi-family lots and codifies development standards for JADUs and ADUs exempt from all local planning regulations under State law, referred to as “Statewide exemption ADUs.” These changes simplify implementation and adherence to State law. The Amendment proposes minor local variations to the requirements of State law for ADUs constructed with multifamily uses. First, the Amendment would allow interior and attached ADUs to be proposed concurrently with new multi-family development, rather than allowing interior ADUs accessory only to existing multi-family development. Second, the Amendment would simplify the maximum number of interior or attached ADUs with multi-family uses to equal 25% of the primary units, rather than 25% of the primary units, plus one attached ADU.

Changes to Local Development Standards

The Amendment allows the conversion of existing accessory structures into ADUs without requiring them to have been “legally built.” This change is required by State law. Additionally, the Amendment adjusts height restrictions for ADUs, especially with multi-family uses and near public transit, to simplify development standards and conform with State law. The Amendment also allows ADUs up to 800 square feet to encroach into required front yard setbacks, if there is no other location on the property where the ADU could be built at the ground level, as mandated by State law. There is no proposed change to required parking outside of VHFHSZs. Within VHFHSZs, the Amendment incorporates exemptions from required parking based on ADU size, location, or proximity to transit and historic resources, per State law.

New Standards for ADUs with Historic Resources

The Amendment introduces objective development standards for ADUs on properties with historic resources. These standards enable ADU and JADU development while ensuring preservation of the County's historic resources.

Changes to Definitions, Review, Decision, and Use Restrictions

The Amendment aligns Title 22 with State law regarding JADU and ADU definitions and applications. Key changes include correcting inconsistencies and simplifying language,

including directly referencing California Health and Safety Code section 17958.1 for defining efficiency units. For properties with Conditional Use Permits, a ministerial Revised Exhibit "A" is required to ensure ADUs and JADUs receive the appropriate review. Additionally, the Amendment clarifies home-based occupations to one per primary residence, regardless of the number of ADUs or JADUs. Finally, the Amendment allows deferred decisions for ADUs and JADUs proposed concurrently with new construction projects and requires that a full set of comments be provided to applicants for denied applications as required by State law.

E. General Plan Consistency

The Amendment is consistent with and supportive of the goals, policies, and principles of the General Plan, including:

Goal HE 1: A wide range of housing types in sufficient supply to meet the needs of current and future residents, particularly for persons with special needs, including but not limited to low-income households, seniors, persons with disabilities, large households, single-parent households, the homeless and at risk of homelessness, and farmworkers.

Policy HE 1.2: Mitigate the impacts of governmental regulations and policies that constrain the provision and preservation of housing for low- and moderate-income households and those with special needs.

Goal HE 3: A housing supply that ranges broadly in housing costs to enable all households, regardless of income, to secure adequate housing.

Policy HE 3.1: Promote mixed income neighborhoods and a diversity of housing types throughout the unincorporated areas to increase housing choices for all economic segments of the population.

Goal LU 3: A development pattern that discourages sprawl, and protects and conserves areas with natural resources and SEAs.

Policy LU 3.2: Discourage development in areas with high environmental resources and/or severe safety hazards.

Goal LU 4: Infill development and redevelopment that strengthens and enhances communities.

Policy LU 4.1: Encourage infill development in urban and suburban areas on vacant, underutilized, and/or brownfield sites.

Policy LU 4.2: Encourage the adaptive reuse of underutilized structures and the revitalization of older, economically distressed neighborhoods.

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Goal LU 5: Vibrant, livable, and healthy communities with a mix of land uses, services and amenities.

Policy LU 5.1: Encourage a mix of residential land use designations and development regulations that accommodate various densities, building types and styles.

Goal S 3: An effective regulatory system that prevents or minimizes personal injury, loss of life, and property damage due to fire hazards.

Policy S 3.1: Discourage high density and intensifying development in VHFHSZs.

ENVIRONMENTAL ANALYSIS

This Amendment qualifies for a Statutory Exemption from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).

CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLAN

Section 1.5.1 of the Airport Land Use Commission (ALUC) Review Procedures requires that all zoning ordinances be reviewed by ALUC for consistency with the local airport land use compatibility plan. ALUC staff reviewed this Amendment and determined that it does not pose any compatibility concerns with the County Airport Land Use Plans. Pursuant to California Government Code section 65852.2(a)(11), ADUs do not increase density in residential zones nor modify the existing residential land use designations established by a general plan, and therefore are not considered an area of concern from an airport compatibility perspective.

OUTREACH AND ENGAGEMENT

A. County Department Comments and Recommendations

The Amendment was reviewed by the Department of Public Works, the Fire Department, the Department of Public Health, and the Department of Parks and Recreation. All departments cleared the Amendment with no substantive comments.

B. Project Outreach and Engagement

Staff distributed a draft of the Amendment to all LA County Planning email contacts in January 2024. Prior to that distribution, on December 2, 2023, staff presented the Amendment at a homeownership event at Magic Johnson Park in Willowbrook, hosted by the County of Los Angeles Department of Business and Consumer Affairs. On February 22, 2024, staff presented the Amendment to the Las Virgenes Homeowners Federation. On March 7, 2024, staff facilitated a similar discussion with the Kagel Canyon Civic Association. Additionally, on March 26, 2024, staff presented the Amendment to a joint meeting of the Altadena Coalition

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April 24, 2024
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of Neighborhood Associations and the Altadena Town Council, and on April 10, 2024, to the Agua Dulce Town Council. All of these stakeholder groups expressed concerns about the allowance of ADUs on lots in VHFHSZs with substandard vehicular access as required by State law. Furthermore, staff worked with members of the El Camino Village Neighborhood Watch, and on April 4, 2024, staff presented the Amendment before the El Camino Village Neighborhood Watch. The El Camino Village Neighborhood Watch expressed concerns about additional residential density, stressing existing infrastructure such as parking facilities and roadways.

Staff also noticed the Amendment beyond the requirements of Title 22. LA County Planning mailed postcards to all registered addresses on the Department's courtesy mailing list. Additionally, a copy of the Amendment was distributed to all County libraries, and a notice of public hearing was published in 13 newspapers of general circulation.

C. Public Comments

A total of 2 letters were received in support of the project, which included local residents who wish to build ADUs in VHFHSZs, as allowed by State law.

A total of 6 letters were received in opposition of the project, which included local residents and the Ladera Heights Civic Association.

See Attachment G for copies of correspondences.

ADDITIONAL STAFF RECOMMENDATIONS

On March 25, 2024, the State Legislature enacted SB 477 to recodify State ADU Law, effective immediately. To ensure proper references to State law, staff recommends the following revisions to Section 8 of the Public Hearing Draft Ordinance (Exhibit A, dated March 21, 2024):

22.140.640 Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Purpose. This Section ~~is to~~ provides for the development of accessory dwelling units and junior accessory dwelling units with appropriate development restrictions, pursuant to ~~sections 65852.2 and 65852.22~~ Chapter 13 of Title 7 of the California Government Code.

...

F. Use Restrictions. An accessory dwelling unit or a junior accessory dwelling unit shall be subject to all of the following use restrictions:

- 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, except as provided in section ~~65852.26~~ 66341 of the California Government Code.*

...

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G. Accessory Dwelling Unit Development Standards. The development standards in this Subsection apply to any accessory dwelling unit not described by Subsection H, below.

1. Accessory Dwelling Units.

...

d. Parking

...

ii. Parking Within Very High Fire Hazard Severity Zones.

(1) Parking for an accessory dwelling unit located within a Very High Fire Hazard Severity Zone shall be provided in accordance with Chapter 22.112 (Parking), unless any of the following exceptions are met, in which case no parking shall be required:

...

(b6) The accessory dwelling unit is located within one-half mile walking distance of public transit, as that term is defined in section ~~65852.2(i)~~ **66313** of the California Government Code;

L. To the extent that any provision of this Title 22 is in conflict with law ~~sections 65852.2 or 65852.22 Chapter 13 of Title 7~~ 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.

Report

Approved By:

Edward Rojas

Edward Rojas, AICP, Assistant Deputy Director

Report

Approved By:

Connie Chung

Connie Chung, AICP, Deputy Director

| LIST OF ATTACHED EXHIBITS | |
|---------------------------|------------------------------|
| EXHIBIT A | Draft Ordinance |
| EXHIBIT B | Summary of Policy Changes |
| EXHIBIT C | Summary of State Legislation |
| EXHIBIT D | Discussion of Fire Hazard |
| EXHIBIT E | Draft Resolution |
| EXHIBIT F | Environmental Determination |
| EXHIBIT G | Public Correspondence |

ADU ORDINANCE AMENDMENT: SUMMARY OF POLICY CHANGES

| CATEGORY | SUBJECT | CURRENT | PROPOSED | POLICY LEVEL |
|--------------------------------|--|--|--|--------------|
| Location-Based Policies | Building in High Fire Risk Areas | ADUs and JADUs not allowed on lots in Very High Fire Hazard Severity Zones with substandard vehicular access. | Statewide exemption JADUs and ADUs allowed. | State |
| | Proximity to Animal Keeping | A 35-foot minimum distance from animal-keeping uses required for ADUs and JADUs. | ADUs and JADUs exempt from 35-foot distance requirement. | Local |
| Development Standards | Conversion of Noncompliant Structures | Only legally established structures can be converted to ADUs. | ADUs can be converted from unpermitted structures or built in the same location with the same dimensions. | State |
| | Minimum Allowable Height for All ADUs | Varied height restrictions, with a 25-foot maximum. | A height of at least 16 to 20 feet is allowed, depending on property type and location. | State |
| | Required Parking in Fire Risk Areas | One off-street parking space is required per ADU, unless the location meets at least one of nine exemption criteria. | The criteria for exemption from required off-street parking are adjusted to conform with State law. | State |
| | Building in Required Front Yard Setback | ADUs not allowed to encroach into required front yard setback. | An ADU of 800 square feet or less may be built in the required front yard setback if it cannot be built anywhere else at the ground level. | State |
| | Height Restrictions for ADUs with Multifamily Uses | Varied height limits, with a maximum ranging from 16 to 20 feet depending on property type and location. | A uniform 25-foot height limit is set for ADUs with multifamily uses unless local plans or standards districts specify otherwise. | Local |

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| | Size Limit for Attached ADUs | Attached ADUs limited to 50% of the habitable area of the primary residence(s). | A uniform 1,200 square foot size limit is set for attached ADUs. | Local |
| | Size Limit for Detached ADUs with Multifamily Uses | Varied size limits, with no limit for detached ADUs with multifamily uses. | A maximum of 1,200 square feet is set for detached multifamily ADUs. | Local |
| Quantities and Types | Maximum Number of ADUs on Single-Family Properties | One JADU and one detached ADU. | One JADU, one attached ADU, and one detached ADU. | State |
| | ADUs in New Multifamily Developments | Only detached ADUs allowed concurrently with new construction. | Attached ADUs permitted concurrently with new construction. | Local |
| | Attached ADUs with Multifamily Properties | Only conversions of interior spaces allowed. | New construction attached ADUs permitted with multifamily properties. | Local |
| | Statewide Exemption ADUs | Exemptions from local development standards for JADUs and specific ADU types implemented by memo. | Statewide exemption JADU and ADU types included in the ordinance. | State |
| Historic Resources | ADUs and Historic Resources | No specific standards for ADUs on properties with historic resources. | ADUs on properties with historic resources must meet objective development standards. | Local |

ADU ORDINANCE AMENDMENT: SUMMARY OF RECENT STATE LEGISLATION

| BILL | EFFECT |
|-------------------|--|
| AB 976 (2024) | Allowed local agencies to mandate rental terms of 30 days or longer for ADUs and prohibited local agencies from imposing owner-occupancy requirements on any ADU. |
| AB 1033 (2024) | Enabled local agencies to adopt ordinances for the separate sale or conveyance of primary units and ADUs as condominiums. |
| AB 2221 (2023) | Clarified that detached ADUs may include structures like detached garages. Required permitting agencies to approve or deny ADU or JADU applications within 60 days, providing feedback for denials and prohibiting local agencies from setting front setback limits that preclude the construction of ADUs of at least 800 square feet. |
| SB 897 (2023) | Required local agencies to apply objective standards to ADU regulations, prohibited permit denials based on nonconforming conditions not related to public health or safety, and streamlined the demolition permit process for garages replaced by ADUs. Increased the maximum height for ADUs near transit or on lots with multifamily dwellings and altered height limitations for ministerially approved ADUs. Prohibited parking standards for ADUs in certain applications and required detailed feedback on denied applications. |
| AB 345 (2022) | Mandated the separate conveyance of ADUs from the primary dwelling under certain conditions, including Government Code section 65852.26 requirements. |
| AB 3182 (2021) | Required automatic approval of ADU and JADU applications if not reviewed within 60 days, allowed both an ADU and JADU per residential lot under certain conditions, and overrode common interest development restrictions to permit the rental of these units, ensuring at least 25 percent of such units in a development could be rented or leased. |
| AB 68 (2020) | Accelerated ADU development by reducing permit issuance time to 60 days, prohibited local restrictions like lot coverage and parking requirements, and mandated ministerial approval for specific ADU and JADU projects. Prohibited the use of ADUs as short-term rentals and empowered the Department of Housing and Community Development to enforce compliance with state ADU regulations. |
| AB 881 (2020) | Eliminated the owner-occupancy requirement until January 2025, affirmed garages as convertible into ADUs, defined "walking distance" to public transit for ADU parking exemptions, and limited extra criteria that could prevent ADU development. |
| SB 13 (2020) | Allowed ADUs in all zones for single-family or multifamily use, clarified that ADUs could be part of various structures without exceeding specific floor area limits, and set minimum and maximum size requirements for ADUs. Prohibited local agencies from requiring parking space replacement for ADU construction and from imposing parking standards on ADUs within a half-mile of public transit. Temporarily barred local agencies from enforcing owner-occupancy requirements for ADU permits until January 1, 2025, and |

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| | reduced the timeframe for ADU application approvals to 60 days. Eliminated impact fees for ADUs under 750 square feet and defined "accessory structure" for clarity. Authorized HCD to review local ADU ordinances for compliance and involved the Attorney General if necessary. Allowed local agencies to count ADUs towards housing supply goals and permitted owners of pre-2020 ADUs to delay compliance with violation notices for up to five years if the violations did not pose health and safety risks. |
| AB 587 (2020) | Permitted ADUs to be sold separately from the main residence, contingent upon local ordinance adoption and if both structures are constructed by qualified nonprofits aimed at serving low-income households. |
| AB 670 (2020) | Introduced Civil Code Section 4751, making any rule in a common interest development that prohibited ADU or JADU construction void and unenforceable, while still allowing for reasonable construction restrictions. |

ADU ORDINANCE AMENDMENT: DISCUSSION OF ADUS AND FIRE HAZARD

LA County and the State legislature have undertaken significant policy efforts in response to the growing danger of wildfires across California and in Los Angeles County, particularly within the Wildland-Urban Interface (WUI) and Very High Fire Hazard Severity Zones (VHFHSZs). These efforts aim to mitigate wildfire risks through comprehensive planning, stricter building regulations, and improved evacuation strategies. This Attachment synthesizes key findings from Federal guidelines, State laws, County documents, and academic research, highlighting the intricate relationship between land use policy, such as the Accessory Dwelling Unit (ADU) Ordinance Amendment (the “Amendment”), and wildfire risk management.

LA County’s existing ADU Ordinance prohibits the development of ADUs and Junior ADUs (JADUs) on lots in VHFHSZs with substandard vehicular access. To comply with State law, the Amendment allows the development of JADUs and Statewide exemption ADUs on any eligible lot regardless of fire hazard or vehicular access. However, the Amendment continues to prohibit non-Statewide-exempt ADUs on lots in VHFHSZs with substandard vehicular access. This continued prohibition is supported by and consistent with Federal guidelines, State laws, County documents, and academic research summarized below.

As required by State legislation (SB 1241, SB 379, and SB 1035), the General Plan Safety Element includes analyses of wildfire hazards and evacuation routes. These analyses are meant to directly influence land use decisions including those concerning development of ADUs. Recent legislation (SB 99, AB 747, and AB 1409) further emphasizes the critical need for the evaluation of evacuation routes, especially for developments with limited egress options, underscoring the importance of robust local evacuation planning.

As highlighted in the Safety Element, the WUI is an area of significant development growth. Across Los Angeles County, 561,000 housing units and 1.5 million residents were located within this high-risk area as of 2010 (Department of Forest Ecology & Management, University of Wisconsin-Madison, and the U.S. Forest Service, 2018). An estimated additional 50,000 homes will be built in the WUI every decade, highlighting the pressing need for planning to mitigate risks posed by worsening climate-induced wildfire conditions.

Beyond the Safety Element, the Amendment is also informed by *Final Recommendations to Reduce Wildfire Risk to Existing and Future Development: Los Angeles County, California* (Community Planning Assistance for Wildfire), which advocates for a resilient approach to development within Fire Hazard Severity Zones (FHSZs). Key suggestions include the implementation of stricter development standards within VHFHSZs, ensuring adequate access and defensible space, and restricting new dwelling units in high-risk areas. These recommendations have direct implications for ADU policy, emphasizing the potential impact of new development on evacuation efficacy.

To further address wildfire hazard, the County has initiated several measures, including a detailed *After Action Review of the Woolsey Fire*. The Review highlighted significant

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challenges related to evacuation and firefighting access during the 2018 Woolsey Fire, particularly in areas with complex topography and limited ingress and egress routes. These findings underscore the critical need for effective land use planning and infrastructure development to improve emergency access and reduce future wildfire risks. The Review also noted access issues early in the incident, compounded by road closures that hindered key officials and agency staff from reaching critical command sites. Recent fire events, including the Woolsey Fire and the Camp Fire, have starkly illustrated the dire consequences of inadequate evacuation planning. These incidents reveal the life-threatening implications of congested evacuation routes and the critical importance of ensuring multiple, viable egress pathways in fire-prone areas.

Various jurisdictions in California, including the County, have adopted nuanced approaches to ADU regulation within VHFHSZs, often imposing restrictions on the size and type of permissible ADUs. The Cities of Santa Barbara and Bradbury both place restrictions on the size of ADUs in fire zones. These regulatory frameworks provide valuable precedents for balancing the need for housing with the imperative to minimize fire hazards.

Federal and State guidance, including the State Attorney General's guidance on analyzing proposed projects for wildfire impacts under the California Environmental Quality Act (CEQA), further supports LA County Planning's policy direction, emphasizing the increased hazard of wildfires and public safety risks associated with development in the WUI. Like County documents, these resources advocate for the provision of multiple access routes and analysis of development impacts on wildfire risks and public safety.

The Amendment is also supported by the findings of a peer-reviewed journal article that compared wildfire evacuations in Northern and Southern California between 2017 and 2019, highlighting the public safety hazards associated with narrow, single-access routes during wildfires. This evidence, coupled with other research of exurban housing development and the devastating impacts of significant fire events in unincorporated Los Angeles County like the Woolsey Fire, underscores the necessity of additional local planning regulations in fire-prone areas.

The intersection of land use policy, such as the ADU Ordinance Amendment, and wildfire risk management in Los Angeles County is a complex issue. Legislative mandates, existing County initiatives, empirical evidence from recent wildfires, and academic research collectively underscore the need for cautious and informed policymaking. Effective management of wildfire risks requires a holistic approach that balances the competing demands of housing development and environmental safety, ensuring the resilience and well-being of communities in fire-prone areas.

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