

THIRD SUPPLEMENTAL MEMO TO THE REGIONAL PLANNING COMMISSION

DATE ISSUED: April 24, 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

This item 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.

ADDITIONAL PUBLIC COMMENTS

Since the posting of the second supplemental memo on April 23, 2024, staff received additional materials in the form of comment letters, which are attached here.

- Two additional letters were received with suggestions for revising the ordinance.

Memo

Approved By: Edward Rojas
Edward Rojas, AICP, Assistant Deputy Director

Memo

Approved By: Connie Chung
Connie Chung, AICP, Deputy Director

Response to the Amendment to the Accessory Dwelling Unit Ordinance

Angela Sherick <asherick@pacbell.net>

Tue 4/23/2024 2:03 PM

To: Kenneth Warner <KWarner@planning.lacounty.gov>

Cc: Toni Tabor McDonald <tmmtabor@gmail.com>; McGee, Tracy <TMcGee@bos.lacounty.gov>; Tracy Purifoy <tjpurifoy@sbcglobal.net>

 1 attachments (2 MB)

ADU Ordinance Amendment.pdf;

CAUTION: External Email. Proceed Responsibly.

Hello Mr. Warner,

Attached, please find the United Homeowners Association's (UHA) response letter to the Amendment to the Accessory Dwelling Unit Ordinance. If you have questions, please contact Angela Sherick-Bright at this email address.

Thank you

Angela



Department of Regional Planning
320 West Temple Street, Room 1360
Los Angeles, Ca 90012
Attn: Ken Warner

April 23, 2024

RE: ADU ORDINANCE AMENDMENT

Dear Mr. Warner

**UNITED HOMEOWNERS'
ASSOCIATION II**

4859 W. SLAUSON AVE #333
LOS ANGELES, CA 90056

WWW.UHAWHVP.ORG
INFO@UHAWHVP.ORG
323.248.1699

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TRACY PURIFOY

LINDA SCHWARTZ

ANGELA SHERICK-BRIGHT

NICHOLAS STARKMAN

FLO WARD

All land use and zoning issues that affect the members of United Homeowners' Association (UHA) are analyzed and addressed based on their potential impact on the social welfare, economic and environmental conditions affecting residents of unincorporated Windsor Hills, View Park and View Heights. To this end, UHA appreciates the opportunity to comment on the County's proposed Accessory Dwelling Unit Ordinance (Ordinance) amendment.

In reading the Ordinance it is not clear which items are associated with State ADU laws and which are County inclusions. UHA requests that the County confirm whether all items included in the amendment to the Ordinance are included to ensure compliance with State ADU law. If there are items that are included for the County's own purposes UHA requests that the County clearly identify those items and provide the related policy objectives.

UHA applauds the County for requiring an Administrative Certificate of Appropriateness for ADUs constructed on the same property as County Historic Landmarks, Historic Districts, and Mills Act Contract Properties in certain circumstances. However, UHA is alarmed that no protections are offered to Historic Districts on the National Register of Historic Places or the California Register of Historical Resources, which includes a significant portion of View Park. Given the fact that the County's review is only administrative; it would seem that a similar review could be provided for Federal and State Landmarks. UHA request that the County provide the same review for all Landmarks, including the View Park Historic District.

UHA also questions Item (2) Planning Area Standards Districts. While it appears that the state may impose requirements for floor area, gross structural area and lot coverage, height requirements are unclear:

(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 ft.

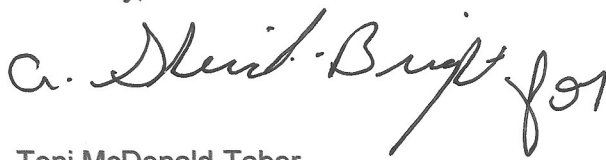
UHA requests that the County clarify whether the maximum height requirement of 25 feet is also imposed by the State or is the height requirement a County requirement.

UHA understands that 22.18.030 Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4, and R-5. C. Use Regulations. . . . 2. Accessory Uses. Table 22.18.030-C is not part of the amendment; however we would like clarification of note 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."

How does the County determine capacity for and regulate adult residential facilities, group homes, and transitional housing? UHA would appreciate receiving a detailed breakdown of all such facilities that operate within Windsor Hills, View Park, View Heights and Ladera Heights specifically, and within the Second Supervisorial District in general. If the owner of the Summit Motel is prohibited from legally operating a motel business at that location, UHA would appreciate the opportunity to collaborate with the County and the property owner to explore all reasonable options for repositioning the uses at that site.

Sincerely,

A handwritten signature in black ink, appearing to read "Toni McDonald-Tabor", followed by a large, stylized flourish that resembles the number "891".

Toni McDonald-Tabor
President

FW: Acton Town Council comments on the ADU Ordinance

DRP Public Comment <comment@planning.lacounty.gov>

Wed 4/24/2024 9:42 AM

To: Kenneth Warner <KWarner@planning.lacounty.gov>; Zoe Axelrod <ZAxelrod@planning.lacounty.gov>; Edward Rojas <erojas@planning.lacounty.gov>; Connie Chung <cchung@planning.lacounty.gov>

FYI

ELIDA LUNA

(she/her/hers)

COMMISSION SECRETARY, Operations & Major Projects (OMP)

Direct: (213) 974-6409

Email: eluna@planning.lacounty.gov

From: Acton Town Council <atc@actontowncouncil.org>**Sent:** Wednesday, April 24, 2024 9:41 AM**To:** DRP Public Comment <comment@planning.lacounty.gov>; Acton Town Council <atc@actontowncouncil.org>**Subject:** Acton Town Council comments on the ADU Ordinance

CAUTION: External Email. Proceed Responsibly.
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Please include the statement below in the record as the statement by the Acton Town Council.

Thank you

Jacqueline Ayer

Planning Committee Chair

The Acton Town Council

The only real concern that the ATC has with this ADU ordinance is the requirement that streets be improved to "public street standards approved by Public Works" language. That term is not defined anywhere in the code, it is vague, arbitrary, and capricious. When this ADU ordinance was first developed in or around 2017, there was extensive outreach to communities and the ATC was generally happy with what was created. This language was not in the ordinance that we collaborated on with Regional Planning because if it was, the ATC would have opposed it. The ATC now understands that this language was added in 2019, however to my knowledge there was no outreach or communication with communities when this language was added without communication to anyone. The fact is, not one single street in Acton complies with any county standards, not even the roads that are maintained by county and not even 4 major highways in our community. We were told by Planning staff that this language was added at the request of the Fire Department and Public Works and that, because these agencies do not have a formal definition of what that means, this gives them discretion. Unfortunately, that fact introduces a significant discretionary element into this supposedly ministerial ADU review process that this ordinance creates. Regional Planning staff have been very helpful in addressing this issue with us and in particular, we appreciate Mr. Warner getting back to us on a Saturday, and the ATC now understands that this issue will have to be taken up with the Fire Department and Public Works; that will be done post haste because this improvement standard has never been shown to be reasonable or appropriate. Adequate access and egress is a function of width and road quality; it is not in any way contingent on whether the access meets some undefined and unknown county standards; therefore, this requirement remains entirely unjustified. Accordingly, it is untoward for you to move forward with modifying an ordinance that addresses ministerial approvals which incorporate intrinsically arbitrary and arguably discretionary elements.



The Honorable Regional Planning Commission
Los Angeles County Board of Supervisors
320 W Temple Street
Los Angeles CA 90012
Electronic Transmission of three (3) pages to
commission@planning.lacounty.gov

April 23, 2024

Subject: The Acton Town Council's Comments on the Draft Accessory Dwelling Unit Ordinance.

Reference: Regional Planning Commission Hearing April 24, 2023.
Agenda Item #7.

Dear Commissioners;

The Acton Town Council respectfully submits the following comments on the draft ordinance scheduled for public hearing on April 24, 2024, pertaining to Accessory (ADUs). In the interest of brevity, our comments are short.

The only real concern that the Acton Town Council has with the draft ADU Ordinance is that it continues to require ADU access routes to be improved to "public street standards approved by Public Works"; notably, the term "public street standards approved by Public Works" is not explained anywhere in the ordinance or the hearing package, it is not described anywhere in the record, and it is certainly not defined anywhere in the County Code. And, while "Design Standards" have been codified in Title 21 for streets in small lot subdivisions (specifically, in Chapter 21.24) these standards do not apply to the ADU ordinance; in fact, not one county-maintained road in Acton even complies with the Chapter 21.24 design standards.

The Acton Town Council does not dispute, and we have never disputed, that there is a need for secondary access to protect the public; in fact, we have spent more than a decade trying to get the County to take steps which would expand secondary access routes in Acton. However, what we *do* dispute is the need to require these access routes

to be improved to "public street standards" which presumably means full pavement, curbs, gutters, sidewalks, streetlights, drainage culverts, concrete stormwater facilities and other urban infrastructure *all of which is utterly contrary to the rural design standards set forth in the County general plan and the Antelope Valley Area Plan*^{AB}. Equally important, the County has consistently failed to provide us with an explanation of why and how all access routes must be improved to "public street standards" when no such improvements are necessary to achieve adequate access and egress and the County has never demonstrated that such improvements are necessary to achieve adequate access and egress.

The Acton Town Council raised these concerns in an email sent to Regional Planning on April 20, and we were very grateful to receive a prompt response which clarified:

The access requirements of Subsection C were developed in partnership with the LA County Fire Department in 2018-2019. The street width and improvement standards were requested by Fire. The requirement of two distinct access routes is a planning standard supported by Attachment D of the hearing package (pages 38-41) and summarized in the findings of the draft resolution (pages 42-46). Fire is more concerned about being able to access structures for protection while Planning is more concerned with emergency evacuation.

With this response, we were able to narrow our focus on this issue, and while we could not find any "Attachment D" of the hearing package, we saw a section titled "ADU Ordinance Amendment: Discussion of ADUs And Fire Hazard" beginning on page 38 of the Hearing Package which touched on the issue of access. However, it shed no light on what County means by "public street standards" or how this requirement came about; instead, these pages merely state that the ordinance prohibits "ADUs on lots in VHFHSZs with substandard vehicular access", that it is important to provide "multiple, viable egress pathways in fire-prone areas", and that public safety hazards are posed by "narrow, single-access routes during wildfires". None of this justifies the inappropriate requirement the access routes must be improved to "public street standards".

The Acton Town Council also notes that the section titled "ADU Ordinance Amendment: Discussion of ADUs And Fire Hazard" asserts that the ordinance was informed by the County's safety element, however the Safety Element of the General Plan does not require access routes to meet "public street standards", so the Safety Element does not justify this requirement.

^{AB} The Acton Town Council has frequently articulated this concern over the last five years, most recently in comments on the Wildfire Ordinance dated June 11, 2023.

The section titled "ADU Ordinance Amendment: Discussion of ADUs And Fire Hazard" further asserts that the draft ADU ordinance was also informed by a document titled "*Final Recommendations to Reduce Wildfire Risk to Existing and Future Development: Los Angeles County, California*" ("CPAW") however the CPAW Report was prepared by a few individuals working on behalf of a private organization which only engaged with Fire Department and Regional Planning staff and never conducted any public outreach or engagement. Furthermore, the CPAW Report was **never** released to the public for review and comment or subject to any independent legal or technical peer review or formally considered by any county agency or subject to any public hearing or placed on any agenda before any County hearing officer, Planning Commission, or Board of Supervisors; in fact, the public never even saw the CPAW report until six months **after** it was completed because Regional Planning did not disclose its existence or make it available to the public. Worse yet, the recommendations offered by the CPAW Report materially controvert adopted local ordinances and state statutes and substantially conflict with adopted County Plans. The fact that the CPAW Report was never assessed within the context of adopted ordinances and that it conflicts with County plans and that it was never subject to peer review or public comment or formal county action renders it meaningless and cannot be accorded weight.

Together, these facts indicate that there is no justification for the requirement set forth in the ADU Ordinance that access routes be improved to "public street standards"; therefore, it is reasonable and appropriate for the Acton Town Council to raise concerns regarding this requirement (particularly since it is inconsistent with adopted County Planning documents). The Acton Town Council is grateful for the email communication received on April 20 which indicated that the source of this requirement is the County Fire Department and not Regional Planning; accordingly, we will pursue this matter directly with the Fire Department. Nonetheless, because the ADU Ordinance is an action that is moving forward under Regional Planning's purview, it is important that we convey our concerns directly to the Planning Commission.

Thank you for your time and consideration of the matters raised herein.

Sincerely;



Jeremiah Owen, President
The Acton Town Council

cc: Kenneth Warner, Regional Planner [kwarn@planning.lacounty.gov].