

2019-02-19 PLUC / ISSUE: ADU's AND HILLSIDES

Language from 2016 updated ordinance:

Restrict ADUs in Hillside areas covered by the City's Baseline Hillside Ordinance (BHO)

Baseline Hillside Ordinance

Updated March 22, 2017 and language added to the Hillside Construction Regulation District worksheet developers use

Where Hillside Construction Restrictions conflict with Specific Plan or HPOZ, then the Specific Plan or HPOZ prevails.

Where Hillside Construction Restrictions conflict with other City ordinances it prevails.

MAX GRADING = not more than 6K cubic yards

MAX IMPORT/EXPORT FOR FRONTING ON SUBSTANDARD STREET = max by right of 6000 cubic yards

ADU-related Hillside Construction Regulations

Nov 29, 2018

Eligibility for ADU in Hillside area > Case by Case Basis

Three ways to deal with ADUs on hillsides

1. Prohibit ADUs on Red Flag Streets
2. Allow ADUs on Hillside Area Lots that Meet One of Several Criteria
3. Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR)

1 > see map

2 > 3 conditions, meet one of them:

- Lot is within ¼ mil of public transportation stop (a mini TOC)
- Lot fronts on a 24 foot wide road because of emergency access and on-street parking (in other words, substandard width streets don't get this)
- One parking space for ADU allowed within the foot print of the parcel

3 > see map

The question: what's the status of NCWP geography bluff parcels relative to Accessory Dwelling Unit (ADU) draft ordinance currently under consideration?

Pages from 125-page Planning memo outlining Hillside restriction options.

DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

CITY PLANNING COMMISSION

Date: November 29, 2018
Time: After 8:30 a.m.
Place: Van Nuys City Hall
Council Chambers, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91401

Case No.: CPC-2016-4345-CA
CEQA No.: ENV-2016-4346-CE
Council No.: All
Plan Area: Citywide
Applicant: City of Los Angeles

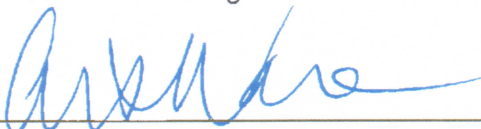
PROJECT LOCATION: Citywide

PROPOSED PROJECT: An ordinance amending Sections 12.03 and 12.22, and repealing portions of Section 12.24, of Chapter 1 of the Los Angeles Municipal Code (LAMC) for the purposes of regulating Accessory Dwelling Units and complying with state law.

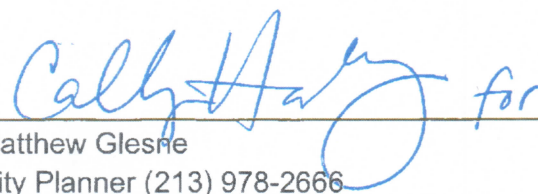
RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as the Commission's report on the subject;
3. **Adopt** the attached Findings;
4. **Approve** and recommend that the City Council determine, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15301, 15302, and 15303, and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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Director of Planning



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Principal City Planner



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new ADUs up to 1,200 square feet are permitted on lots with single-family homes, so long as the addition of the ADU does not exceed the RFA limit on the lot.

A comment letter received on August 17, 2018 raised concern with how disparities in RFA limits could limit ADU development in certain areas of the City. The comment letter suggested that, to address this disparity, a guaranteed minimum sized ADU should be permitted on all residential lots regardless of RFA limits (see response in Public Communications section of Staff Recommendation Report dated October 11, 2018, provided in Exhibit B). Commissioners also requested additional information on this issue during the October 11, 2018 meeting.

RFA limits are intended to ensure that new and remodeled homes are not out-of-scale with the surrounding neighborhood context. To that end, it is important that the bulk and mass of residential development in single-family neighborhoods continues to be appropriately regulated. A guaranteed minimum ADU size could undermine the intent of these regulations. Modest ADUs in RFA-restricted areas can be accommodated through additions that do not exceed the RFA for a lot, or through conversion of existing and non-habitable space. Staff therefore does not recommend granting exemptions from the existing RFA limitations through a guaranteed minimum ADU size. This recommendation is consistent with the objectives of the General Plan Framework which, as discussed in the Findings, is intended to ensure that infill development in single-family neighborhoods is compatible with the scale of existing development.

C. Discussion of Alternatives to Hillside Area Restriction

The proposed Hillside Area prohibition continues to be the primary focus of comment letters that have been submitted to the Department since the release of the October 11, 2018 Staff Recommendation Report. Many letters argue that a full prohibition on Hillside ADUs is overly restrictive, especially given the current housing shortage in Los Angeles. In particular, several comment letters discussed the variation in Hillside Areas, noting that many lots may be suitable for ADU development.

While there may be many “natural” limitations in Hillside Area neighborhoods which may impact the ability of homeowners to build an ADU, such as limited availability of on-site parking and the necessity of waivers of street dedications, staff has provided additional analysis on policy alternatives to the Hillside Area prohibition.

Additional Policy Options and Staff Recommended Alternative

The October 11, 2018 staff report provided five policy alternatives to the Hillside Area prohibition, including the Very High Fire Hazard Severity Zones (VHFHSZ) (see Exhibit B for details, and Exhibit C for a map demonstrating several of the suggested options).

In light of the comments received and as a result of additional analysis, the Department has provided additional alternative options to the Hillside Area prohibition. In particular, comments emphasized the need to identify an approach that balances the health and safety issues

associated with development of ADUs in Hillside neighborhoods with the importance of accommodating additional housing supply. As such, this report includes three additional options for more tailored ADU regulations that better address the variability within Hillside Areas. These options are as follows:

1. Prohibit ADUs on Red Flag Streets
2. Allow ADUs on Hillside Area Lots that Meet One of Several Criteria
3. Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)

Option 1: Prohibit ADUs on Red Flag Streets

A letter dated October 11, 2018 suggests Red Flag Streets as a more specific geography that could be used to restrict the construction of ADUs. The letter argues that Red Flag Streets represent the portions of Hillside Areas with the most pressing safety concern, often because these streets are narrow, steep or cantilevered.

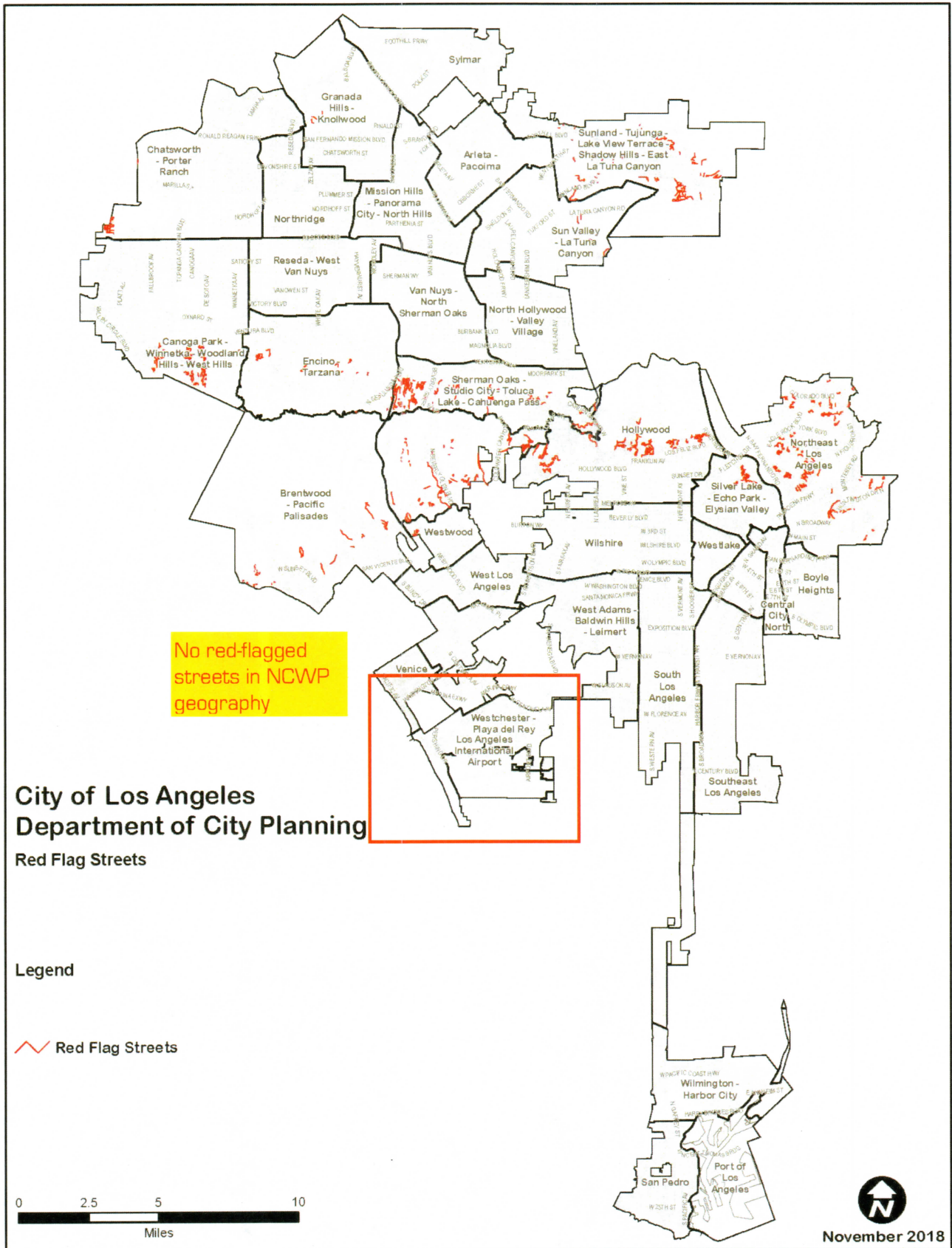
Red Flag Streets were designated by the Los Angeles Fire Department (LAFD), with implementation assistance from the Los Angeles Department of Transportation (LADOT). Red Flag Street designations were identified by the Station Commanders of the local Fire Station. While there is no specific published methodology for designation, commanders considered factors such as narrow roads, hairpin turns, and the presence of brush in making their determination. The Red Flag Streets were initially identified in 2006 and have not been updated since that time.

While Red Flag Streets are generally located in areas with heightened safety concerns, they are not typically not the most dangerous streets in Hillside Areas. According to LADOT, a street that poses a significant safety risk due to grade, width, or location will generally have no parking permitted at any time. In contrast, Red Flag Streets only have parking restrictions in the event of an emergency. Figure 1 on the following page illustrates the location of Red Flag Streets.

Given this information, staff does not recommend Red Flag Street designations as the primary performance standard to determine an area's suitability for ADU construction. However, if the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

- (3) *Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, if the subject lot is within 100 feet of any designated Red Flag Restricted Parking zone.*

Figure 1. Red Flag Streets



Option 2: Allow ADUs on Hillside Area Lots that Meet One of Several Criteria

Further research and field investigation suggests that there may be situations in which an ADU could be appropriate in a Hillside Area. Instead of using a single metric to allow or prohibit ADU development, a second policy option would allow for ADUs in Hillside Areas if any one of the following three conditions are met:

- a. The lot is located within ¼-mile of a public transportation stop;
- b. The lot fronts a paved vehicular roadway that is 24 feet wide from the subject property until it reaches the nearest publicly-maintained road; or
- c. One parking space is provided onsite for the ADU.

This option would provide Hillside Area homeowners several ways to qualify for an ADU, while only allowing ADU construction where parking and safety concerns are able to be mitigated. Current State ADU standards require that jurisdictions cannot require minimum parking requirements for ADUs located within one-half mile of public transit. Reducing this distance to one-quarter mile for Hillside Area neighborhoods would better ensure that the ADU is within a reasonable walking distance of a transit stop, regardless of grade and road conditions.

Similarly, Hillside streets that are improved to a minimum street width may be more suitable for ADU development than narrower streets. For example, the County of Los Angeles recently adopted an ADU ordinance that includes a ban on ADUs in Very High Fire Hazard Severity Zones unless the property fronts on a 24 foot paved roadway. Consultation with LADOT confirms that a 24 foot roadway is likely have on-street parking on at least one side of the street and thus reflect some ability to absorb additional parking capacity.

Finally, if a homeowner is able to provide an onsite parking space for the ADU, concerns related to off-street parking would be addressed and public safety concerns related to access on narrow Hillside streets may be minimized.

ADU eligibility in Hillside Areas would have to be determined on a case-by-case basis, as geospatial data relating to each of these conditions is not readily available. As a result, it is not possible to estimate the total number of lots that could be ineligible for ADU development under this option.

If the City Planning Commission would like to recommend this option, the Department has prepared potential revised ordinance language for consideration as part of proposed LAMC Section 12.22 A.32(b)(3), below:

(3) Except for conversions meeting the requirements of subdivision (e), below, no ADU is permitted on any lot located in a Hillside Area as defined by the Hillside Area Map per Section 12.03 of this Code, unless it meets any one of the following criteria:

(a) The lot is located within one-quarter mile of a public transportation stop along a prescribed route according to a fixed schedule; or

- (b) The lot fronts on a paved vehicular roadway that is at least 24 feet in width as measured from the subject property until it reaches the nearest publicly-maintained road; or
- (c) One on-site parking space meeting the requirements described in Sub-subparagraphs (b)(13)(ii) and (b)(13)(iv) of this Subdivision is provided for the ADU.

Option 3, Staff Recommended Alternative: Prohibit ADUs in the Hillside Construction Regulation Supplemental Use District (HCR SUD)

A third option would consider a more specifically tailored geographic-based prohibition, in lieu of the previously suggested Hillside Area ban. This option would place a prohibition on ADU construction on lots that are subject to the Hillside Construction Regulation Supplemental Use District (HCR SUD).

While the Baseline Hillside Ordinance (BHO), which applies more broadly to Hillside Area neighborhoods, provides a foundation for development regulations in hillside communities, it is not tailored to varying conditions of each type of hillside community within the City. For this reason, the HCR SUD was created to provide a more context-sensitive set of development regulations for neighborhoods that were experiencing particularly acute construction-related impacts of hillside development. The HCR SUD places further restrictions on home size, maximum grading allowances, and hauling operations standards and conditions in order to lessen the impact of construction of large-scale and small-scale hillside developments on narrow, substandard streets and windy, hillside standard streets.

To date, the HCR SUD has been applied to three communities, including the Bel Air - Beverly Crest Community in Council District 5 and the Bird Streets and Laurel Canyon in Council District 4. Those areas are shown in the map provided in Figure 2, on the following page. Approximately 6.5% of all single-family zoned lots in the City are currently located in a HCR SUD. A Zone Change is required to apply the HCR SUD to additional communities. A recent Council Motion ([CF 16-1472-S5](#)) directed the Department to consider expanding the HCR SUD to the Castellamare neighborhood in Council District 11. Staff has recently initiated work to respond to that request.

Figure 2. Areas Subject to HCR Supplemental Use District

