

SUBJECT: ZONE TEXT AMENDMENT TO REVISE THE ACCESSORY DWELLING UNIT REGULATIONS TO CONFORM WITH STATE LAW

INITIATED BY: CITY STAFF

PREPARED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT
(John Keho, Assistant Community Development Director)
(Jerry Hittleman, Senior Contract Planner)

STATEMENT ON THE SUBJECT

The Planning Commission will consider a request for zone text amendments to the West Hollywood Municipal Code to adopt new policies regulating accessory dwelling units in residential zone districts in conformance with state law.

RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and recommend approval to the City Council by adopting the following:

- 1) Draft Resolution No. PC 17-1223: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT AND ORDINANCE AMENDING THE WEST HOLLYWOOD ZONING ORDINANCE (TITLE 19) TO PROVIDE FOR ACCESSORY DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

BACKGROUND

State Law - Accessory Dwelling Units

California is facing a state-wide housing crisis, with rising housing costs, and a shortage of affordable housing options. One solution to this crisis is to encourage accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as a method of increasing the housing supply. To facilitate this approach, state law related to ADUs was amended in September 2016 by the state legislature through adoption of AB 2299, SB 1069, and AB 2406 (JADUs) making significant changes to the manner in which local municipalities are required to regulate such units. These laws were further refined through the adoption of AB 494 and SB 229 in October 2017.

The new state laws went now supersede the City’s existing “second unit” ordinance until the City adopts its own “accessory dwelling unit” ordinance. AB 2406 gives local governments the option to adopt an ordinance allowing junior accessory dwelling units (JADUs), which are ADUs that are no more than 500 square feet and are located within an existing single-family residence.

The full text of the state law for ADUs (State of California Government Code Section 65852.2) is included as Exhibit B and JADUs (State of California Government Code Section 65852.22) is included as Exhibit C. The provisions of these state laws are summarized in the tables below.

State Law - ADU Requirements

Topic	SB 1069/SB 229/AB 2299/AB 494 (Government Code Section 65852.2)
Processing	Must be processed within 120 days of receiving application under a ministerial process or discretionary process if required by local ordinance
Floor Area	<ul style="list-style-type: none"> • Total area of an ADU shall not exceed 1,200 square feet or 50% of the existing floor area of the primary residence.
Allowed Zones	The lot is zoned for single family or multi-family use
Location	Existing or newly constructed single family residence
Access to ADU	<ul style="list-style-type: none"> • No passageway shall be required in conjunction with the ADU • ADU within an existing single residential unit or accessory structure require independent exterior access
Setbacks	<ul style="list-style-type: none"> • No setback shall be required for a legally permitted existing garage or other accessory building that is converted to an ADU • If an ADU is constructed above a new or existing garage, a setback of no more than 5 feet is required from interior lot lines
Parking Exceptions	<p>A local government cannot impose parking standards for an ADU if:</p> <ul style="list-style-type: none"> • ADU is within ½ mile of public transit stop; • ADU is located within an historic or architecturally significant district; • ADU is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; • ADU is in a Permit Parking Area where on-street parking permits are required but not offered to the occupant(s) of the ADU; or • When there is a carshare vehicle located within a walking distance (approximately 1 block) of the ADU.
Parking Location	<ul style="list-style-type: none"> • If parking is required, it shall not exceed one space per ADU or bedroom • Off-street parking may be permitted in setback areas in locations determined by the City or in a tandem configuration, unless specific findings are made that it is not feasible or permitted anywhere else in the City • If existing parking is demolished in conjunction with the ADU and off-street parking is required by the City, the replacement parking may be configured as covered or uncovered, in a tandem configuration, or in a mechanical lift

Topic	SB 1069/SB 229/AB 2299/AB 494 (Government Code Section 65852.2)
Utility Fee Requirements	ADUs within the existing space of a single-family residence or accessory structure shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service. Other ADUs may require new or separate utility connections and may be subject to a connection fee or capacity charge that shall be proportionate to the ADU size or number of plumbing fixtures.
Fire Sprinklers	Not required if not required for primary residence
Sale/Rental Restriction	May not be sold separately from primary residence.

State Law JADU Requirements

Topic	AB 2406 (Government Code Section 65852.22)
Processing	Must be processed within 120 days of receiving application under a ministerial review process
Floor Area	Total area of a JADU shall not exceed 500 square feet
Allowed Zones	The lot is zoned for single family or multi-family use
Location	Inside the walls of an existing or newly constructed single family residence
Bathroom	May be separate or shared with main residence
Kitchen	Must have a sink and cooking facility and cooking preparation area
Access to JADU	From inside the main residence From outside the main residence
Parking Exceptions	No parking shall be required
Utility Fee Requirements	JADUs are located within the existing space of a single-family residence and shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
Fire Sprinklers	Not required if not required for primary residence
Sale/Rental Restriction	May not be sold separately from the residence.

These state laws allow local governments to take a variety of actions beyond these statutes that promote ADUs. This can be accomplished through the adoption of a local ordinance that imposes additional development standards provided they do not overly burden the overall development of ADUs. For instance, the City can impose reasonable development standards that further regulate parking, height, lot coverage, lot size, and maximum unit size, as it would for any land use – but it cannot regulate to the point where it would defeat the state law and discourage the creation of ADUs as additional housing stock for the region.

Since the new state ADU laws went into effect in January and October, 2017, the City has received two applications for detached accessory dwelling units. Both applications have received Planning approval because they met the requirements of the state law and are currently in Building and Safety Plan check.

2013-2021 City of West Hollywood Housing Element

The City's adopted 2013-2021, Housing Element Policy encourages the creation of accessory dwelling units for affordable workforce and family housing through the inclusion of the goals and policies listed below. Adoption of the City's ADU ordinance in compliance with state law will assist in implementing these goals/policies.

Goal H-3: Encourage a diverse housing stock to address the needs of all socioeconomic segments of the community.

Intent: To provide adequate housing to meet the diverse needs of the community, with due consideration for households with special needs.

- *Policy H-3.1* - Facilitate the development of a diverse range of housing options including, but not limited to, single-family homes, second/accessory units, multi-family rental housing, condominiums and townhomes, live/work units, housing in mixed use developments, and other flexible housing types.

Goal H-4: Provide for adequate opportunities for new construction of housing.

Intent: To provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's diverse housing needs.

- *H-4.3* – Encourage the adaptive reuse of existing structures for residential purposes.

Workforce Housing, Family Housing, and Ownership Housing Opportunities:

- Explore creative housing types such as accessory dwelling units, co-op housing, micro units, and other flexible housing types to increase opportunities for affordable homeownership.

PROPOSED ORDINANCE

While recently amended state law largely restricts the ability of local municipalities to regulate accessory dwelling units, cities do have the ability to regulate certain aspects of ADUs as described above. The key elements of the City's proposed accessory dwelling unit ordinance are shown in the table below.

Draft City ADU Ordinance Requirements

Topic	Draft Accessory Dwelling Unit Ordinance (Includes JADUs)
Allowed Zones	<ul style="list-style-type: none"> • ADUs: R1-A, R1-B, and R1-C Zones • JADUs: R1, R2, R3 and R4 Zones • Only on parcels with a single-family dwelling
Parking	<ul style="list-style-type: none"> • No parking required since all residential zones qualify for parking exemption due to location of public transit within one-half mile.
Design Standards	<p>ADUs shall:</p> <ul style="list-style-type: none"> • Be a maximum square footage of 1,200 square feet; not more than 50% of the primary residence floor area • Have exterior access independent from existing single family residence or accessory structure • Be architecturally compatible with the main dwelling unit. • Comply with height and setback requirements of the main dwelling. • Contain separate kitchen and bathroom facilities. • Comply with requirements for detached dwellings as appropriate in the Municipal Code. • Meet the approval of the local health officer where a private disposal system is being used, if required.
	<p>JADUs shall:</p> <ul style="list-style-type: none"> • Be a maximum 500 square feet. • Be constructed within the existing walls of the single-family dwelling and require inclusion of a bedroom. • Have a separate entrance from the main entrance to the structure, with an interior entry to the main living area. • Include an efficiency kitchen, which includes the following <ul style="list-style-type: none"> • A sink with a maximum waste line diameter of 1.5 inches • A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural propane gas • A food preparation counter and storage cabinets
Sale/Rental Restrictions	<p>Recorded Agreement is required stating:</p> <ul style="list-style-type: none"> • The ADU/JADU shall not be sold separately from primary residence • ADU/JADU shall be rented for long term and not less than 30 days- no short term rentals and no home sharing • ADU/JADU – the primary residence shall be owner-occupied
Utility Fee Requirements	<p>Where created in an existing space (primary or accessory building) new or separate utility connections and fees not required</p>
Required Processing Timeframe	<p>ADU/JADUs will be processed through the major zone clearance and building permit process within a 120 day timeframe in accordance with state law</p>

The provisions of the proposed ADU ordinance described in the table above are analyzed below.

Allowed Zones

The primary intent of the new state laws is to allow one ADU or JADU on lots containing one single family residential unit in certain residential zone districts. In accordance with state law, the proposed ordinance allows ADUs in the R1-A, R1-B, and R1-C Zones and JADUs on all R1 (R1A, R1B, and R1C), R2, R3 (R3A, R3B, and R3C), and R4 (R4A and R4B) zoned lots that contain an existing or proposed single family residence. Any legally nonconforming residential zoned lot that currently consists of two residential units will not be permitted to construct an additional accessory dwelling unit; however, the owner may apply to make the illegally constructed unit into a legal accessory dwelling unit if all required provisions for ADUs or JADUs in the proposed ordinance are met.

Under the proposed ADU ordinance, R1A zoned properties with one dwelling unit would be allowed to add a detached, attached, or interior ADU unit. The R1A zone district is comprised of approximately six lots located on the western end of West Doheny Road between La Collina Drive and North Sierra Alta Way as shown in the City's Zoning Map (Exhibit F). R1-B zoned lots are prevalent throughout the City and also allow 2 or more residential units depending on the lot size. The R1-C Zone is located only on West Betty Way, a short street that has a limited amount of single family residences that are limited to 15 feet in height. Lots that contain one dwelling unit on a legal lot in these zone districts would qualify for an ADU or JADU. In addition, JADUs would be permitted in any of the R1 zone districts, which include the R1A, R1B, and R1C zones.

Exhibit E is a map of the City that shows where single family residences exist on R2, R3, and R4 zoned lots. There are a total of 350 residential lots developed with an existing single family residence in these multifamily zone districts. Owners of these lots with one single family residence would be allowed to create one junior accessory dwelling unit per lot under the provisions of the proposed ordinance. The breakdown of lots with single family residences in each multifamily zone is as follows:

- R2 Zone – 134 lots
- R3 Zone – 160 lots
- R4 Zone – 56 lots

The 350 properties identified in these zones would be allowed to add a JADU or interior accessory dwelling under the proposed ordinance. There are approximately 15 lots in these zones that have an approved multifamily development and would not be available for the addition of a JADU.

Minimum and Maximum Floor Area

In compliance with state law, the proposed ordinance states that a studio ADU would require a minimum of 150 square feet of livable floor area. The 150 square foot minimum is considered to be an efficiency unit, as defined in Section 17958.1 of the State Health and Safety Code.

In the proposed ADU ordinance the maximum floor area will be 1,200 square feet or 50 percent of the existing floor area, whichever is less. For JADUs, the maximum floor area is 500 square feet. Both standards are consistent with state law.

Parking

Accessory dwelling units would not be required to provide any parking spaces per the following state law parking exceptions:

- ADU is within one-half mile of public transit (all single family lots in the City are within one-half mile of public transit – see Exhibit D).
- ADU is located within an architecturally and historically significant historic district.
- When the ADU is part of the existing primary residence or an existing accessory structure.
- When a car share vehicle is within one block of an ADU.

Since the entire city falls within one half mile of public transit (see attached map), no parking is required for these units.

However, if a garage, carport, or other covered parking structure is converted to an ADU, or demolished in conjunction with the construction of an ADU, the displaced parking spaces would be required to be replaced on the same lot as the ADU in order to satisfy the automobile parking requirement of the primary residential unit. The replacement spaces could be covered, uncovered, in a tandem configuration, or provided in a mechanical lift. In accordance with state law, no parking spaces would be required for JADUs per state law.

Design Standards

Detached and attached accessory dwelling unit design standards are provided to ensure that the ADU is an independent living space that is subordinate to the primary residence while being compatible with its overall design. The design standards that are included in the draft ordinance require that ADUs:

- Be a maximum square footage of 1,200 square feet; not more than 50% of the primary residence floor area
- Have exterior access independent from existing single family residence or accessory structure

- Be architecturally compatible with the main dwelling unit.
- Comply with height and setback requirements of the main dwelling with the following caveats in accordance with state law:
 - *Garage Conversions*. No setback is required for an existing, legally permitted garage or other accessory building that is converted to an ADU, unless required for fire safety purposes. Any additions to a converted garage or accessory building would need to meet current setback provisions.
 - *Accessory Units Constructed Above a Garage*. A setback of five feet is required from an interior lot line for ADUs; however, this would only apply to the second story ADU and not to any improvements on the ground floor.
- Contain separate kitchen and bathroom facilities.
- Comply with requirements for detached dwellings as appropriate in the Municipal Code.
- Meet the approval of the local health officer where a private disposal system is being used, if required.

Junior accessory dwelling unit standards are intended to ensure that the unit is subordinate to and separate from the primary residence although it is located entirely within its walls. The provisions of the draft ordinance require that JADUs:

- Be a maximum 500 square feet.
- Be constructed within the existing walls of the structure and require inclusion of a bedroom.
- Have a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- Include an efficiency kitchen, which includes the following
 - A sink with a maximum waste line diameter of 1.5 inches
 - A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural propane gas
 - A food preparation counter and storage cabinets

Utility Connections and Fees

Utility fees are required to be proportional to the actual impact on services based on the size of the ADU or the number of plumbing fixtures within the ADU. ADUs would not be considered as new residential uses when calculating connection fees and capacity charges. These regulations are included in state law and in the proposed ordinance in order to encourage the construction and long-term affordability of accessory units.

Rental and Sale of ADUs

The proposed ADU ordinance states that accessory dwelling units shall not be rented for a period of less than 30 days and must be rented for long term rentals. This provision has been included in the ordinance to prohibit the use of ADUs as short-term vacation rental units or for home-sharing. This restriction is in conformance with state ADU law that whose purpose is to increase the affordability and availability of these units to alleviate the shortage of long-term housing throughout the state.

In accordance with state law, ADUs would not be allowed to be sold separately from the sale of the primary residence. For JADUs, the primary unit must be owner-occupied and a deed restriction is required to be recorded with the City to ensure that this requirement can be enforced.

Approval Process

Every proposed accessory dwelling unit would be required to apply for and receive a Major Zone Clearance and Building Permit from the Community Development Department prior to construction of the unit. In compliance with state law, a major zone clearance and building permit follow an administrative approval process that would take less than 120 days to complete, upon receipt of a complete application from the property owner.

PUBLIC OUTREACH

The staff team presented the proposed accessory dwelling unit ordinance to the West Hollywood Chamber of Commerce Government Affairs Committee (GAC) meeting on October 10, 2017. The GAC comments will be shared orally at the Planning Commission meeting:

PUBLIC NOTICE

The City published a legal notice in the Beverly Press and West Hollywood Independent on October 5, 2017. In addition to the noticing required by the Municipal Code, the Planning Division noticed all West Hollywood neighborhood groups by October 5, 2017.

ENVIRONMENTAL REVIEW

Under California Public Resources Code (CPRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city implementing the provisions of Section 65852.2 (accessory dwelling units) and 65852.22 (junior accessory dwelling units) of the Government Code, which are the State Accessory Dwelling Unit and Junior Accessory Dwelling Unit laws. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the state accessory dwelling unit law.

NEXT STEPS

Planning Commission recommendations will be forwarded to the City Council for their information prior to taking action on the proposed ADU ordinance. Within 60 days of City Council approval, the City's ordinance will be sent to the State Department of Housing and Community Development for their review and comment and ultimate acceptance. At the same time, staff would prepare a guidance document for the public and developers to assist them in processing accessory dwelling unit projects in conformance with the new regulations.

EXHIBITS

- A. Draft Resolution No. PC 17-1223
- B. Section 65852.2 of the Government Code – Accessory Dwelling Units
- C. Section 65852.22 of the Government Code – Junior Accessory Dwelling Units
- D. Map Showing Location of Public Transit Lines and Stops in West Hollywood
- E. City of West Hollywood Map of Single Family Residences in Multifamily Zones
- F. City of West Hollywood Zoning Map

RESOLUTION NO. PC 17-1223

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT AND ORDINANCE AMENDING THE WEST HOLLYWOOD ZONING ORDINANCE (TITLE 19) TO PROVIDE FOR ACCESSORY DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood does hereby resolve as follows:

SECTION 1. Due to recent State legislation, staff has initiated this text amendment to replace the term “second unit” with “accessory dwelling unit” and amend the Zoning Ordinance to provide for accessory dwelling units in the R1 zones and junior accessory dwelling units in the R1, R2, R3, and R4 zones in conformance with state law.

SECTION 2. The Zoning Ordinance text amendments are consistent with the goals, policies, and objectives of the General Plan because accessory dwelling units do not exceed the allowable density for the lot upon which they are located as specifically provided in state law and provide another housing opportunity to address the housing crisis in the region. Furthermore, amending the city’s existing accessory dwelling unit rules to provide for new provisions of state law does not impede the City’s ability to achieve its general plan goals. Adoption of the ADU ordinance would allow single family homeowners in West Hollywood to provide an affordable housing option to alleviate the housing shortage in the state and in the City.

SECTION 3. On October 19, 2017, the Planning Commission conducted a duly noticed public hearing and accepted and considered all of the public testimony on the issue.

SECTION 4. The Planning Commission does hereby find and declare as follows:

- a. In the face of California’s severe housing crisis, Assembly Bills (“AB”) 2299 and 2406, and Senate Bill (“SB”) 1069 collectively and significantly impact local authority to regulate accessory dwelling units and were drafted to apply a clear standard for the accessory dwelling unit permit review process, regardless of whether a local government has an adopted ordinance or not. Specifically, Government Code section 65852.150(b) states, “[i]t is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably

restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”

- b. Signed by the Governor on September 27, 2016, AB 2299 and SB 1069 went into effect on January 1, 2017. Additionally, the Governor signed two accessory dwelling unit trailer bills AB 494 and SB 229. Pursuant to Government Code section 65852.2(a)(1), a local ordinance providing for the creation of accessory dwelling units in single-family and multifamily zones must comply with the provisions of Government Code section 65852.2, otherwise the ordinance is null and void.
- c. The City’s current provisions regulating accessory dwelling units must be amended in order to conform to state law.

SECTION 5. Under California Public Resources Code (CPRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which is the State Accessory Dwelling Unit law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the state accessory dwelling unit law.

SECTION 6. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends that the City Council approve Zoning Text Amendment 17-0012, attached hereto as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 19th day of October, 2017 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

SUE BUCKNER, CHAIRPERSON

ATTEST:

JOHN KEHO, INTERIM DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT & HISTORIC PRESERVATION PLANNING

Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.

ATTACHMENT A

(New text indicated with underlining, deleted text with strikethrough)

Section 1. The alphabetical list of land uses in Table 2-2 in Section 19.06.030 of Chapter 19.06 (Residential Zoning Districts) of Article 19-2 (Zoning Districts and Allowable Land Uses) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to amend the land use category for Second Residential units and add a new land use category for Junior Accessory Dwelling Units to read as follows:

19.06.030 Residential Zoning District Land Uses and Permit Requirements.

TABLE 2-2
ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

P – Use Permitted¹	
MCUP – Minor Conditional Use Permit Required	CUP – Conditional Use Permit Required
RI – Rehabilitation Incentives	— Use Not Allowed

[Explanatory Notes Follow at the End of the Table]

LAND USE ²	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R1	R2	R3	R4	
Second residential <u>Accessory Dwelling units</u>	P ^{1, 6}	—	—	—	19.36.310(A)
<u>Junior Accessory Dwelling Units</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	19.36.310(B)

Notes:

- (1) Zone clearance, administrative permit or development permit may be required; see Chapters 19.42, 19.44, 19.48 and 19.54.
- (6) Allowed in R-1-A zoning district only.

Section 2. The category for R1-A in Table 2-4 of Section 19.06.050 of Chapter 19.06 (Residential Zoning Districts) of Article 19-2 (Zoning Districts and Allowable Land Uses) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

19.06.050 Residential Density in R1 and R2 Zones.

TABLE 2-4
 MAXIMUM DENSITY IN R1 AND R2 ZONES

Zoning Map Symbol	Maximum Number of Dwelling Units Allowed¹
R1-A	1 unit per lot, and 1 <u>accessory dwelling second residential unit where allowed by Section 19.36.310(A). No more than one junior accessory dwelling unit per residential lot with an existing single-family dwelling (see Section 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with one single family dwelling.</u>
R1-B	2 units per lot of less than 8,499 sq. ft. 3 units per lot between 8,500 and 11,999 sq. ft. Plus 1 additional unit per lot, for each 3,500 sq. ft. or fraction thereof in excess of 11,999 sq. ft. <u>1 accessory dwelling unit where allowed by Section 19.36.310(A). No more than one junior accessory dwelling unit per residential lot with an existing single-family dwelling (see Section 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with one single family dwelling.</u>
R1-C	<u>1 unit per lot and 1 accessory dwelling unit where allowed by Section 19.36.310(A). No more than one junior accessory dwelling unit per residential lot with an existing single-family dwelling (see Section 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with one single family dwelling.</u>

Notes:

- (1) Density limits may be exceeded to permit legalization of illegal dwelling units in accordance with Section 19.36.270.

Section 3. Subsection (B)(5) of Section 19.28.040 of Chapter 19.28 (Off-Street Parking and Loading Standards) of Article 19-3 (Site Planning and General Development Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is hereby amended to read as follows:

19.28.040 Number of Parking Spaces Required.

B. *Expansion or Remodeling of Structure, or Change in Use.*

5. Additional parking spaces shall not be required for the following.

- d. An accessory dwelling unit which is: (1) located within one half mile of public transit; (2) located within an architecturally and historically significant historic district; (3) part of the existing primary residence or

an existing accessory structure; or (4) located within one block of a car share vehicle.

e. A junior accessory dwelling unit, as defined by the City's Zoning Ordinance.

Section 4. Subsection (C) of Section 19.28.040 of Chapter 19.28 (Off-Street Parking and Loading Standards) of Article 19-3 (Site Planning and General Development Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is hereby amended to read as follows:

19.28.040 Number of Parking Spaces Required.

C. Residential Additions.

1. One or Two Units. Additions to structures on sites with one or two dwelling units are not required to provide additional parking, provided that no additional units are proposed. For the purposes of parking requirements, accessory dwelling units and junior accessory dwelling units shall not count as an additional unit.

Section 5. The land use category for Second residential units in Table 3-6 of Section 19.28.040 of Chapter 19.28 (Off-Street Parking and Loading Standards) of Article 19-3 (Site Planning and General Development Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

19.28.040 Number of Parking Spaces Required.

TABLE 3-6
PARKING REQUIREMENTS BY LAND USE
1. RESIDENTIAL LAND USES

[Explanatory Notes Follow at the End of the Table]

Residential Land Use¹	Required Parking Spaces
<u>Second residential Accessory dwelling units and junior accessory dwelling units</u>	<u>No parking spaces required. 1 space in addition to that required for the primary single-family dwelling.</u>

Section 6. Section 19.36.310 of Chapter 19.36 (Standards for Specific Land Uses) of Article 19-3 (Site Planning and General Development Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

19.36.310 Residential Uses – ~~Second Residential~~ Accessory, and Junior Accessory, Dwelling Units.

A. Accessory Dwelling Units.

1. Applicability. As provided under state law, an accessory dwelling unit in an existing single-family residence that conforms to this Section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located; and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy or program intended to limit residential growth.
An second residential accessory dwelling unit may be allowed in the R1-A, R1-B, and R1-C zoning districts specified in Section 19.06.030 (Residential District Land Uses and Permit Requirements) subject to the requirements of this section. ~~More than one dwelling unit may be allowed on individual residentially zoned parcels as provided by Section 19.06.050 (Residential Density in R1 and R2 Zones).~~
2. Applicant Eligibility. Only the owner-occupant of the primary residence located on the residential lot shared by the accessory dwelling unit may apply for a permit under this section. The building permit applicant shall be the owner and resident of the primary dwelling.
3. Permit Application, Approval Process and Timelines. Number of Secondary Units Allowed. Only one second residential unit shall be allowed on a single-family parcel.
 - a. The Director, within 120 days of receipt of a complete application for a major zone clearance and building permit for an accessory dwelling unit, shall approve said application when all of the following requirements are met:
 - i. The accessory dwelling unit is located in conjunction with an existing or new single-family in residential zone;
 - ii. There is only one accessory dwelling unit per single-family lot, and the unit is contained within the existing space of either a single-family residence or accessory structure;
 - iii. The accessory dwelling unit has exterior access which is independent from the existing single-family residence or accessory structure; and
 - iv. The side and rear setbacks are sufficient for fire safety.

For the purposes of this section, a new or separate utility connection directly between the accessory dwelling unit and the

utility or a related connection fee or capacity charge shall not be required.

- b. Within 120 days of receipt of a complete application for an accessory dwelling unit which does not meet the criteria in subsection (A)(3)(a) above, the Director shall consider approval of said application ministerially. In order to deny a major zone clearance under this Section, the Director shall find that the accessory dwelling unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.
- c. For an accessory dwelling unit which does not meet the criteria in subsection (A)(3)(a) above, the applicant must provide a new or separate utility connection directly between the accessory dwelling unit and the utility and pay required connection fees.
- d. Each applicant for an accessory dwelling unit may be subject to the payment of certain planning and building permit fees to the City prior to the issuance of a permit under this section as established by the City Council.

4. *Site Requirements.* A parcel proposed for an accessory dwelling ~~second residential~~ unit shall be developed with only one existing owner-occupied single-family dwelling.

5. *Design Standards.* An accessory dwelling ~~second residential~~ unit shall comply with the following:

- a. Have a floor area not exceeding 750 square feet. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary single-family residence, with a maximum increase in floor area of 1,200 square feet. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 feet;
- b. Be architecturally compatible with the main dwelling unit and garage;
- c. Comply with height and setback requirements for the main dwelling and garage, and distances between buildings (Section 19.20.040); and
- d. Contain separate kitchen and bathroom facilities ~~and have a separate entrance from the main dwelling.~~

- e. Comply with the requirements for detached dwellings, as appropriate, per Section 19.36.
 - f. May be allowed in an existing garage converted to an accessory dwelling unit or junior accessory dwelling unit that does not meet current setback requirements provided that the loss of parking is replaced in any lawful configuration on the site.
 - g. When an accessory dwelling unit is located within an existing garage or eliminates any required parking for the single-family residence, replacement parking must be provided on-site and may be configured as covered or uncovered, in a tandem configuration, or in a mechanical lift.
6. Rental of Unit. An accessory dwelling second residential unit may be rented. In the event the unit is rented, it shall be rented on a long-term basis and not for a period of less than 30 days and shall not be used for short-term rentals or home-sharing.
7. Sale of Unit. An accessory dwelling unit cannot be sold separately from the sale of the primary residence.

B. Junior Accessory Dwelling Units.

1. Junior Accessory Dwelling Units shall comply with the following requirements:
- a. Be constructed within the existing walls of the existing single-family dwelling and require the inclusion of an existing bedroom. A restriction on the size and attributes of the junior accessory dwelling unit that conforms to this section shall be recorded with the County Recorder as set forth in subsection 2.b and 2.c below.
 - b. Include a separate entrance from the main entrance to the structure, with an interior entry to the main living area;
 - c. Include an efficiency kitchen, which shall include all of the following:
 - d. A sink with a maximum waste line diameter of 1.5 inches;
 - e. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas; and
 - f. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior unit.

2. Within 120 days of receipt of application for a major zone clearance and building permit, the Community Development Director shall approve an application for a junior accessory dwelling unit if all of the following requirements are met:
- a. No more than one (1) junior accessory dwelling unit per residential lot zoned for single-family residences with a single-family dwelling already built on the lot;
 - b. The single-family dwelling in which the junior accessory dwelling unit may be permitted must be owner-occupied. A covenant to this effect shall be recorded with the County Recorder's Office in a form acceptable to the City Attorney. Owner-occupancy shall not be required if the owner is another government agency, land trust, or housing organization; and
 - c. Both the primary single-family dwelling and the junior unit shall permanently remain under one ownership. A deed restriction shall be recorded with the County Recorder's Office in a form acceptable to the City Attorney and shall include a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

Section 6. Chapter 19.42 (Zone Clearances) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is hereby amended to read as follows:

19.42.020 Applicability.

- A. *When Required.* A zone clearance shall be required as part of department review of any construction permit, change in business tenant, or other authorization required by the Municipal Code for the proposed use. A zone clearance shall also be required to authorize:
1. A change of use that does not require more parking than the previous use;
 2. An addition to any structure other than a single-family home or duplex, or an addition to any detached accessory structure, that does not exceed 500 square feet, and maintains the same architectural character or theme, as limited by subsection (B);
 3. An addition to the first floor of a single-family home or duplex that does not exceed 500 square feet and maintains the same architectural character or theme, as limited by subsection (B);
 4. An exterior alteration that maintains the same architectural character or theme (see Section 19.44.020, Administrative Permits – Applicability);

5. An alteration solely for the purpose of increasing access for disabled persons or to comply with local, state, or federal regulations concerning handicapped accessibility;
 6. Reduction in the number of residential units;
 7. Any detached accessory structure serving a residential use that does not exceed 500 square feet and maintains the same architectural character or theme;
 8. Construction of a fence or any other structure that does not require a building permit or any other item regulated by the Zoning Ordinance;
 9. Solar energy systems, collectors and panels.
 10. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit, as authorized by 19.36.310.
- B. Limitation on Use of Zone Clearance. Only one zone clearance shall be allowed within any three-year time period for an expansion in floor area. The only exception is for expansions or alterations solely for the purpose of increasing access for disabled persons or to comply with local, state, or federal regulations concerning handicapped accessibility. Any additional expansion within three years shall require a development permit, in compliance with Chapter 19.48. Zone clearances for accessory dwelling units and junior accessory dwelling units shall not be subject to this subsection.

19.42.040 Post-Approval Procedures.

- A. Decisions of the Director may be appealed in compliance with Chapter 19.76 (Appeals). The procedures of Chapter 19.62 (Permit Implementation, Time Limits, and Extensions) shall apply after the issuance of a zone clearance.
- B. Construction Mitigation. Prior to receiving a Building Permit, the applicant shall submit a Minor Construction Mitigation Period Plan on a form provided by the Community Development Department, demonstrating compliance with the applicable construction mitigation standards in this code.
- C. Deed restriction. Prior to issuance of a certificate of occupancy for an accessory dwelling unit or junior accessory dwelling unit, a deed restriction shall be recorded with the County Recorder's Office in a form acceptable to the City Attorney and shall include a prohibition on the sale of the accessory dwelling unit or junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

Section 7. The alphabetical list of definitions in Section 19.90.020 of Chapter 19.90 (Definitions/Glossary) of Article 19-6 (Definitions) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is hereby amended, to remove the definition of "Second Residential Units" and to add the following new definitions:

19.90.020 Definitions of Specialized Terms and Phrases.

A. Definitions, A

Accessory Dwelling Unit. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence (single family dwelling unit) is situated. An accessory dwelling unit also includes: (1) an efficiency unit, as defined in section 17958.1 of the Health and Safety Code; or (2) an efficiency unit, as defined in section 18007 of the Health and Safety Code.

C. Definitions, C

“Car share vehicle” means a motor vehicle that is operated as part of a regional fleet by a public or private car-sharing company or organization and provides hourly or daily service

E. Definitions, E

“Existing space” means an allowable space that can be converted to an accessory dwelling unit within the four walls and roofline of any structure existing on or after January 1, 2017, that can be made safely habitable under the City’s building codes at the determination of the City’s building official.

J. Definitions, J

“Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure and may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of providing service for water, sewer, or power, or for fire or life protection, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

L. Definitions, L

“Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

O. Definitions, O

Owner-occupant. A resident of a property who is also the owner of that property.

P. Definitions, P

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Primary residence” means a structure that contains the primary dwelling on the lot.

S. Definitions, S

~~**Second Residential Units.** A second permanent dwelling that is accessory to a primary dwelling on the same site. A secondary residential unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking.~~

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State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

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

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

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

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

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2016, Ch. 735, Sec. 1.5. (AB 2299) Effective January 1, 2017.)

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State of California

GOVERNMENT CODE

Section 65852.22

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

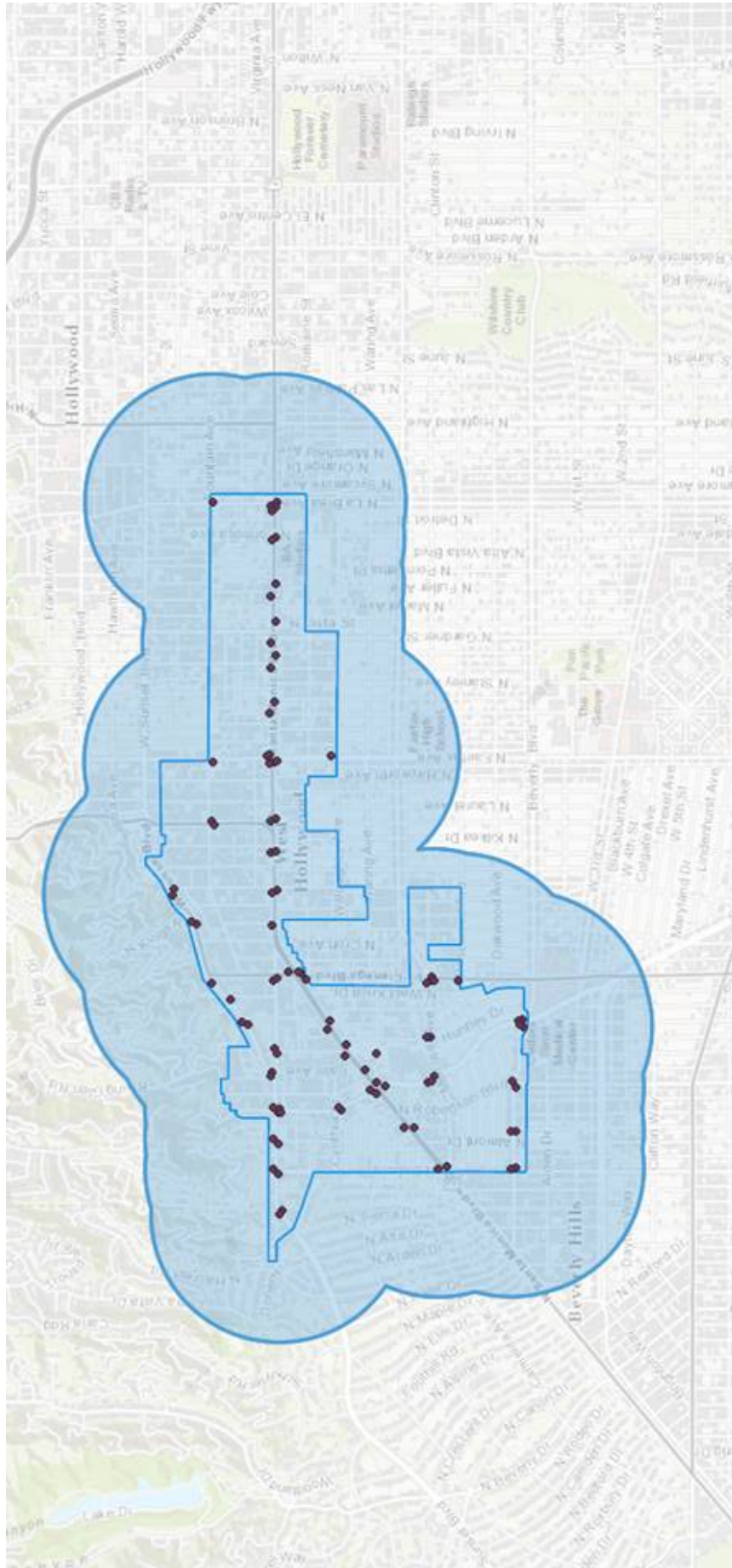
(g) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(Added by Stats. 2016, Ch. 755, Sec. 1. (AB 2406) Effective September 28, 2016.)

1/2 Mile Buffer from Metro Transit Stops

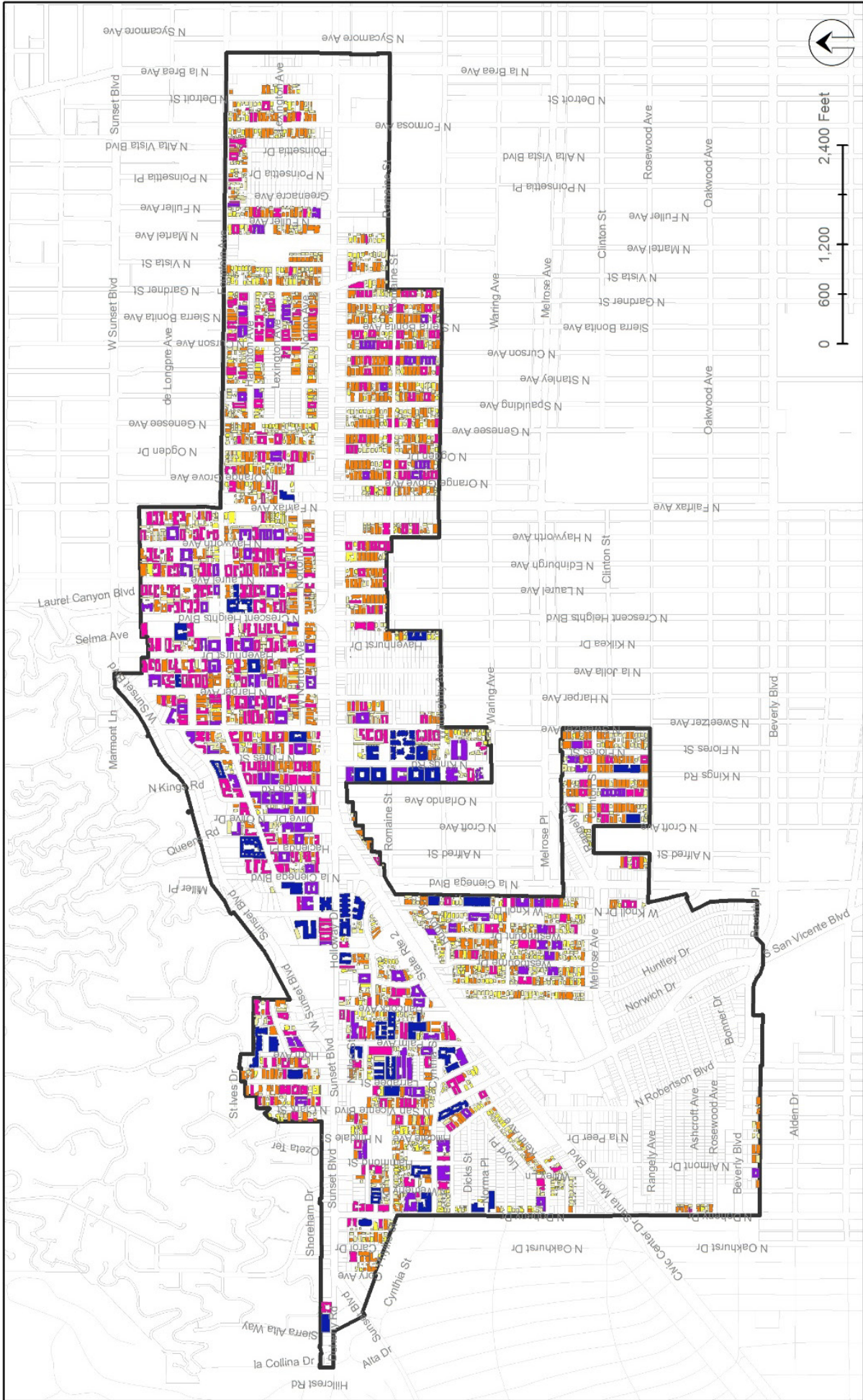


● Transit Stop

— City Boundary

☁ 1/2 mile buffer from transit stops:









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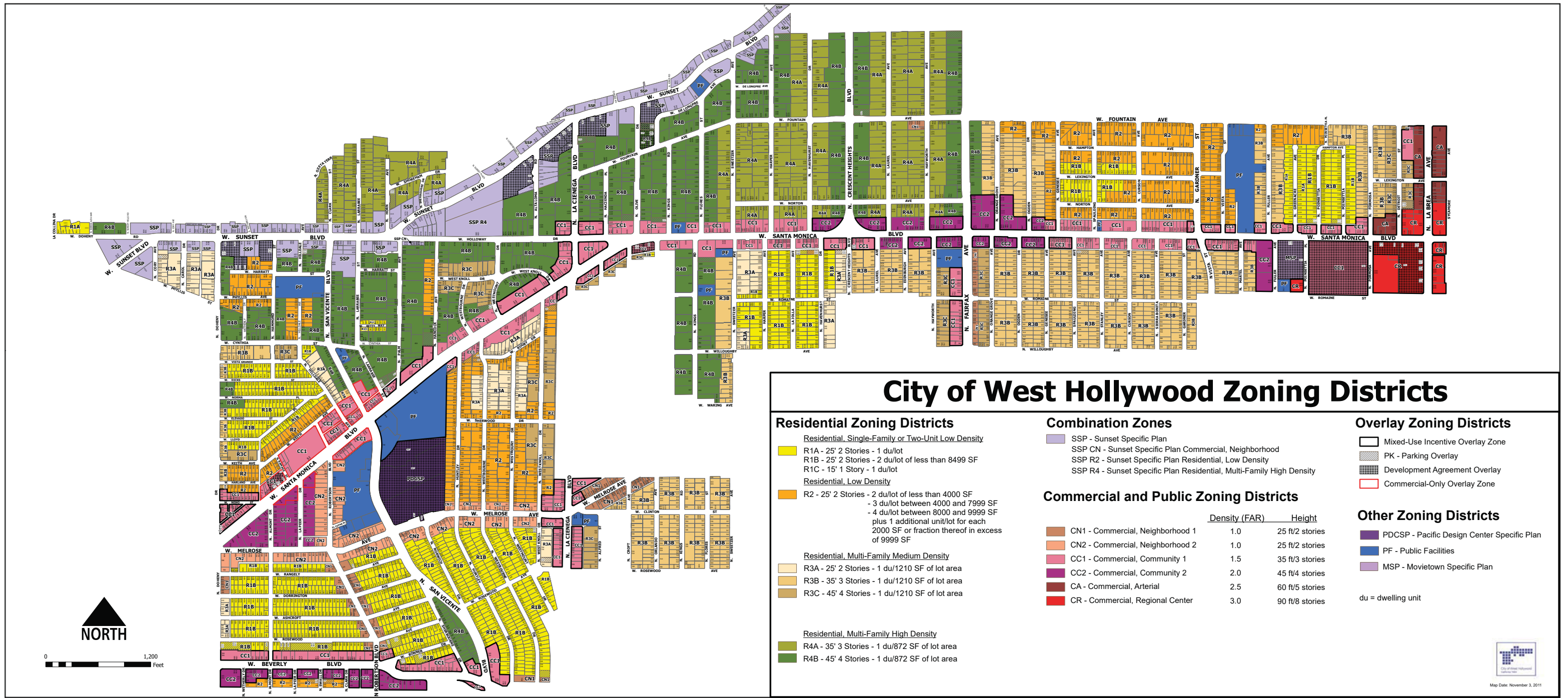
Single Family Units in Multifamily Zones

Zone	Units	Percentage
R2	134	26%
R3	160	17%
R4	56	8%

LEGEND

	Single		City Boundary
	4 to 10 Units		City Parcels
	Duplex/Triplex		
	11 to 25 Units		
	26 to 50 Units		
	51 to 200 Units		

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City of West Hollywood Zoning Districts

Residential Zoning Districts

- Residential, Single-Family or Two-Unit Low Density**
 - R1A - 25' 2 Stories - 1 du/lot
 - R1B - 25' 2 Stories - 2 du/lot of less than 8499 SF
 - R1C - 15' 1 Story - 1 du/lot
- Residential, Low Density**
 - R2 - 25' 2 Stories - 2 du/lot of less than 4000 SF
 - 3 du/lot between 4000 and 7999 SF
 - 4 du/lot between 8000 and 9999 SF
 - plus 1 additional unit/lot for each 2000 SF or fraction thereof in excess of 9999 SF
- Residential, Multi-Family Medium Density**
 - R3A - 25' 2 Stories - 1 du/1210 SF of lot area
 - R3B - 35' 3 Stories - 1 du/1210 SF of lot area
 - R3C - 45' 4 Stories - 1 du/1210 SF of lot area
- Residential, Multi-Family High Density**
 - R4A - 35' 3 Stories - 1 du/872 SF of lot area
 - R4B - 45' 4 Stories - 1 du/872 SF of lot area

Combination Zones

- SSP - Sunset Specific Plan
- SSP CN - Sunset Specific Plan Commercial, Neighborhood
- SSP R2 - Sunset Specific Plan Residential, Low Density
- SSP R4 - Sunset Specific Plan Residential, Multi-Family High Density

Commercial and Public Zoning Districts

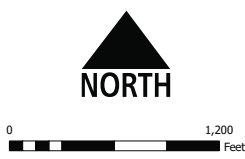
District	Density (FAR)	Height
CN1 - Commercial, Neighborhood 1	1.0	25 ft/2 stories
CN2 - Commercial, Neighborhood 2	1.0	25 ft/2 stories
CC1 - Commercial, Community 1	1.5	35 ft/3 stories
CC2 - Commercial, Community 2	2.0	45 ft/4 stories
CA - Commercial, Arterial	2.5	60 ft/5 stories
CR - Commercial, Regional Center	3.0	90 ft/8 stories

Overlay Zoning Districts

- Mixed-Use Incentive Overlay Zone
- PK - Parking Overlay
- Development Agreement Overlay
- Commercial-Only Overlay Zone

Other Zoning Districts

- PDCSP - Pacific Design Center Specific Plan
 - PF - Public Facilities
 - MSP - Movietown Specific Plan
- du = dwelling unit



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