

ADUs and Other Legislation Update

ADUs (accessory dwelling units/granny flats) – new state legislation:

- State law legalizes ADUs and governs local government regulation of these structures. New laws have recently passed under the radar in the state legislature which, if signed by the Governor, will go into effect in January. These bills – intended to produce more housing quickly statewide – further tie the City’s hands in terms of crafting rules for ADUs that respect both state law & local land use & zoning regulations and also address safety, parking and infrastructure concerns. The bills may also prevent adoption of new restrictions on ADUs that are now in process in Los Angeles (including proposed limitations on ADUs in fire-prone hillside areas – as described in the Sept. 6 legislation update). More alarmingly, the new bills *may have the effect of ending single-family zoning* in California (see comment below).
- SB 670 (already signed by the Governor) prohibits all homeowner associations in the state (est. 50,000) from banning ADUs. Collectively, AB 63 & 881 (Bloom) and SB 13 (all 3 awaiting the Governor’s signature) would, among other things, prohibit lot size requirements and require local governments to allow detached ADUs of up to 800 sq. ft., with minimal set back requirements and, depending on conditions, up to two ADUs (including a “junior” ADU), in addition to the main dwelling, on almost all single-family residential lots within the state. As a practical matter, it appears that virtually all lots in R-1 zones (most of the Palisades) would be allowed to have *up to three housing units*. The bills also include provisions to streamline the permit process, limit fees, require non-discretionary approval (*i.e.*, by-right, with no hearings), and *prohibit owner-occupancy requirements for five years*. For an excellent summary, see: <https://www.vcstar.com/story/news/local/2019/09/17/california-housing-legislation-could-make-easier-build-adus-accessory-dwelling-units/2140997001/>.
- According to a commentator for a renter advocacy group (praising the new bills): *“The bottom line in all of these changes is that **single-family exclusive zoning will be effectively abolished statewide.**”* See: <https://carlaef.org/2019/09/13/making-sense-of-this-years-adu-legislation/>. *This conclusion should make most Palisadians – including those who support loosening rules on ADUs – take pause.*

Other state legislation (local control preemption) – SB 592:

- SB 592 – the so-called “gut & amend” bill from Sen. Wiener, containing many of the same provisions as his previous controversial “anti-local land use control” bill, SB 50 – passed in the Senate last spring (prior to the “gut & amend”) and was then sent to the Assembly, where it went through various committees and amendments. During the last week of the legislative session in mid-September, after further amendments the bill went to the Assembly Rules Committee. It did not move out of committee to a floor vote. The legislature is now in recess until January 2020, when the bill may be taken up again. If it eventually passes in committee and then the Assembly, the bill must still return to the Senate for concurrence. We will attempt to monitor.

Los Angeles “sign” legislation – billboards, rooftop digital advertising on cars for hire:

- **Billboards:**
 - As noted in previous summaries & updates to the PPCC board, the proposed Los Angeles “Citywide Sign Ordinance” has a long history, dating back at least 8 years. Recently, the City Council PLUM Committee directed the City Attorney to draft *yet another new version* of the ordinance (*NOT* version “B+,” which PPCC, numerous other NCs & CCs and the City Planning Commission had previously supported; see PPCC’s most recent letter: <http://pacpalicc.org/wp-content/uploads/2019/05/PPCC-letter-re-sign-ordinance.pdf>).

- Among other thing, the new version of the ordinance directed by PLUM would allow digital billboards *outside of designated sign districts* under various circumstances – provisions vigorously opposed by NCs & CCs. It may also allow billboards in public parks (although this remains to be seen) – something that PPCC in particular has long opposed. Once drafted by the City Attorney, the proposed new sign ordinance will go to the City Council for consideration and possible approval (dates currently unknown). We will attempt to monitor.
- **Rooftop digital advertising on cars for hire:**
 - PPCC supports a motion (brought by CM Blumenfield last February) to repeal an old City taxicab rule in order to prohibit such signs in Los Angeles, consistent with *state law that bans mobile digital rooftop signs*. See: <http://pacpalicc.org/wp-content/uploads/2019/03/Bonin-re-Rule-415c.pdf>. In March, the motion passed in the City Council Transportation Committee (Committee chair CM Bonin & member CM Martinez voted yes; the 3rd member CM Koretz voted no), but for reasons unknown, six months later has not been scheduled for hearing by the full City Council.¹ According to CM Bonin’s Transportation Deputy, more public support for the motion is needed.
 - In August, CM Martinez suddenly brought a competing motion, seeking to establish a pilot program to *allow* rooftop digital advertising on cars for hire in the City (despite the statewide ban and despite her previous vote in support of the Blumenfield motion). The Committee has not yet taken up the Martinez motion. CM Koretz is expected to support the Martinez motion based on his support for the taxicab union. The “anti-billboard” advocacy group with whom PPCC has worked in the past, Ban Billboard Blight, opposes the Martinez motion, questioning why the Transportation Committee has not yet forwarded the Blumenfield motion to the full Council and why CM Martinez has now taken a seemingly contradictory position: http://clkrep.lacity.org/onlinedocs/2019/19-0104-S1_PC_AB_08-22-2019.pdf. Meanwhile, mobile rooftop digital advertising continues to appear in Los Angeles, and, as CM Blumenfield has explained, continues to be illegal under state law, to distract drivers and thus pose a public safety hazard, and to be a blight on Los Angeles neighborhoods. We will attempt to monitor.

*Prepared by Chris Spitz
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¹ The Council File contains a letter from City Attorney Mike Feuer on 6/14/19, stating only that a “confidential report” has been transmitted to the City Council concerning this matter, with no other explanation: http://clkrep.lacity.org/onlinedocs/2019/19-0104_rpt_ATTY_06-14-2019.pdf.