

# ADMINISTRATIVE MOTION

**COMMITTEE:** MVCC PLUM

**TITLE:** Support for Combining By-Right and Surplus FAR for ADUs in Accordance with GC 65852

**PURPOSE:** To advocate for the approval of combining by-right 800 sq. ft. ADU space and surplus Floor Area Ratio (FAR) entitlements into a single project. This motion supports maximizing land use for housing by allowing property owners to fully utilize both by-right and surplus entitlements for Accessory Dwelling Units (ADUs), in alignment with the intent of Government Code 65852(e).

**BACKGROUND:** The issue centers around whether Government Code 65852 prohibits the combination of the 800 sq. ft. "detached exemption space" with other legally detached structures such as existing ADUs or garages. ("**GC 65852 exemption space**" is the **800 square feet** of detached ADU space that local authorities must allow, without additional conditions beyond those laid out by state law, such as setbacks, height limits, and other basic standards. This provision is aimed at simplifying the process for homeowners to add small, detached living spaces to their properties, regardless of more restrictive local regulations.). This has led to two common scenarios:

1. **Adding to Existing Structures:** A property owner has an existing ADU and seeks to add the 800 sq. ft. GC 65852 exemption space to the structure to reach the maximum allowable size of 1,200 sq. ft. under Los Angeles City Code. The LADBS has yet to provide a clear policy on allowing this combination, although it aligns with all other state height and setback requirements.
2. **New Construction:** A property owner wishes to use surplus FAR entitlements to build a garage and add an ADU above it, combining the ADU with the 800 sq. ft. exemption. This common scenario has been met with resistance due to height restrictions under LADBS interpretations of GC 65852.

**THE MOTION:** The MVCC supports the combination of by-right and surplus FAR entitlements in a single ADU project, allowing GC 65852's 800 sq. ft. of 'detached exemption space' to be attached to other legal, detached structures. This approach promotes more efficient use of residential space while remaining consistent with State law.

**DIRECTED TO:** WRAC Executive Committee

## ACTION/VOTE COUNT:

**MVCC PLUM Committee Meeting, October 10, 2024**

Motion of support moved by \_\_\_\_\_, seconded by MVCC \_\_\_\_\_

Motion of support approved by MVCC PLUM COMMITTEE XXY-XXN-XXA

**MVCC Board Meeting, \_\_\_\_\_, 2024**

Motion of support moved by MVCC \_\_\_\_\_, seconded by MVCC \_\_\_\_\_

Motion of support approved by the MVCC Board XXY-XXN-XXA

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Additional Information:

Under the **Los Angeles City Code**, the **maximum allowable size of an Accessory Dwelling Unit (ADU)** can be up to **1,200 square feet**, but this size limit varies depending on the type of ADU and the specifics of the property. Here are the key details:

## 1. Maximum Size Limits for ADUs:

- **Detached ADU:** A **detached ADU** (a separate structure from the main residence) can be up to **1,200 square feet** regardless of the size of the main house.
- **Attached ADU:** An **attached ADU** (one that is connected to the primary residence) is limited to **50% of the square footage** of the existing primary residence, but it cannot exceed **1,200 square feet**.

## 2. By-Right ADUs (GC 65852.2 Exemptions):

- Under **California Government Code 65852.2**, an **ADU up to 800 square feet** is permitted by-right. This means that local zoning regulations (including maximum floor area restrictions) cannot prevent the construction of an ADU of up to 800 square feet, as long as it meets basic state requirements, such as setbacks and height limits.
- However, if a property owner wants to build an ADU larger than 800 square feet (up to the maximum of 1,200 square feet), it must comply with the local zoning regulations, including floor area limitations and other design standards.

## 3. Lot Size and Coverage:

- While an ADU can be up to **1,200 square feet**, it must still comply with **lot coverage** and **open space requirements**. For instance, the ADU cannot cover more than a certain percentage of the total lot area, and there may be minimum open space requirements for the property.

## 4. Setback and Height Requirements:

- ADUs must meet **setback requirements** (typically 4 feet from side and rear lot lines).
- For **detached ADUs**, the height is limited to **16 feet** or up to **18 feet** if the ADU is located within half a mile of public transit. An additional 3 feet (up to 21 feet total) may be allowed if the ADU has a sloped roof, according to LADBS zoning interpretations.

## 5. ADU + Existing Structures:

- Property owners may combine existing square footage (such as a garage or an older ADU) with new construction, provided the total area doesn't exceed the maximum allowable size for ADUs (i.e., 1,200 square feet for detached ADUs).

## 6. Exceptions and Variances:

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- For ADUs larger than 1,200 square feet or those that do not meet these requirements, a variance may be required, but the 1,200 square foot limit is generally the cap without triggering additional reviews or approvals.

In summary, the **1,200 square foot limit** under **Los Angeles City Code** applies as the maximum allowable size for detached ADUs, although smaller ADUs of **800 square feet** are permitted by-right under California state law. Properties must still comply with local zoning rules, but 1,200 square feet is the typical upper limit for detached ADUs in LA.