



# **ACCESSORY DWELLING UNITS**

## **CONVERSIONS, UNPERMITTED BUILDINGS OR UNPERMITTED ADU'S**

California State Government Code Section 65852.2 requires that local jurisdictions allow Accessory Dwelling Units (ADUs) by-right. This information Bulletin is intended to provide information on conversion and legalization of buildings such as garages, utility rooms, storage rooms, recreation rooms, hobby shops, accessory living quarters, or unpermitted ADU's.

### **I. APPLICATION**

This bulletin applies to the following:

1. Conversion of existing permitted or unpermitted building (or portion thereof) to ADU
2. Permitting of existing unpermitted ADU

The State of California Government Code Section 65852.2(d)(2), mandates that the City shall not deny an application for a permit to create an ADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety. See Sections II and III of this bulletin for further discussion.

### **II. GENERAL BUILDING CODE REQUIREMENTS**

The following prescriptive requirements apply to one story structures. Any deviation from these prescriptive provisions or structures more than one story shall meet the requirements of the 2022 California Residential Code (CRC) and the California Building Code (CBC) as amended by the City of Los Angeles.

Unless specifically exempted in this Information Bulletin, all new work performed to alter a building to create or legalize an ADU and all work done in conjunction with any floor area addition, shall comply with current codes.

### **FOUNDATION**

Existing foundation components are allowed to remain in place provided that they are in good condition and comply with the conventional construction requirements at the time the building was built or any other time.

1. Exterior walls and interior bearing walls shall be supported on continuous footings.
2. Depth of footings below the natural and finished grades (whichever is lower) shall not be less than 12 inches, including footings underneath an infilled garage door opening or

match existing footing depth if deeper than 12 inches. If any portion of the structure has an existing slab without any footing or is less than 12-inch in depth, the foundation shall be underpinned to a minimum of 12-inch in width and 12-inch in depth or match existing footing depth if deeper than 12 inches.

3. Minimum concrete strength for new or underpinned footings shall be 2,500 psi.
4. Existing footings are allowed to remain. New footings shall be reinforced with four ½-inch diameter deformed reinforcing bars (two bars at top of footing, two bars at bottom of footing.)
5. Existing slabs are allowed to remain. New concrete floor slabs shall be at least 3-½ inches thick and shall be reinforced with ½-inch diameter deformed reinforcing bars. Reinforcing bars shall be spaced at maximum 16 inches on center. New concrete floor slabs on grade shall be placed on a 4-inch fill of coarse aggregate or on a 2-inch sand bed covered with a minimum 10 mil moisture barrier membrane. See Section IV of this bulletin for alternative.
6. Existing anchor bolts are allowed to remain. New anchor bolts shall be a minimum of ½-inch diameter x 10" long with 7" embedment spaced at a maximum 6 feet on center. Post-installed anchor bolts shall have an approved evaluation report and shall require special inspection by a deputy inspector.
7. Existing sills and sleepers are allowed to remain provided that they are pressure treated or wood resistant to decay. New sills and sleepers on a concrete slab which is in direct contact with the ground shall be preservative-treated wood in accordance with American Wood Protection Agency (AWPA) U1.
8. Concrete foundation walls shall extend a minimum of 8 inches above the finished grade adjacent to the foundation. See Section IV of this bulletin for alternative.
9. New exterior plaster (stucco) walls shall be provided with a corrosion resistant weep screed.
10. Existing buildings located in a Methane Buffer Zone or a Methane Zone shall not be required to comply with LABC Chapter 71 Methane Mitigation, provided the existing slab remains undisturbed and has only hairline cracks.

## **FRAMING**

1. Existing wall framing may remain unless there is an increase in load of over 400 pounds (i.e. mechanical equipment). If there are no ceiling joists, ceiling joists shall be required to accommodate additional loads (i.e. ceiling drywall, lighting, and mechanical equipment). New framing or altered framing shall comply with current Los Angeles Residential Code (LARC) regulations.
2. The infill walls of existing openings such as a garage door opening shall be 2x4 studs at a maximum 16 inches on center. Existing garage door headers are permitted to remain.
3. Headers for new openings in existing walls shall comply with current LARC regulations.

4. Exterior walls with new openings shall be provided with Braced Wall Lines braced with Wood Structural Panels (WSP) as indicated below. WSP braced wall panels shall be a minimum of 4 ft. in length and shall have a minimum of 15/32-in. thickness with 8d common nails at 6 in. spacing along panel edges, 12 in. spacing at intermediate supports and 3/8 in. distance to panel edge. For further information regarding prescriptive framing, please go to [Wood Frame Prescriptive Provisions one Story Residential Construction Only \(ladbs.org\)](http://ladbs.org)

**BRACED WALL PANEL REQUIREMENTS**

**NOTES:**

- BRACED WALL LINES AT EXTERIOR WALLS SHALL HAVE A BRACED WALL PANEL LOCATED AT EACH END OF THE BRACED WALL LINE.  
**EXCEPTION:** FOR METHOD WSP THE BRACED WALL PANEL SHALL BE PERMITTED TO BEGIN NO MORE THAN 10 FEET FROM EACH END OF THE BRACED WALL LINE PROVIDED:
- MIXING BRACING METHODS WITHIN A BRACED WALL LINE IS NOT PERMITTED.
- INTERIOR BRACE WALL PANEL SHALL BE LOCATED NOT MORE THAN 10.0-FT FROM THE END OF A BRACED WALL LINE AS DEMONSTRATED IN FIGURE R602.10.2.2 OF THE LARC.
- HOLD-DOWN DEVICE SHALL BE APPROVED BY CURRENT LOS ANGELES CITY RESEARCH REPORT.

**BRACING REQUIREMENTS**

Roof/Ceiling DL= 15 psf Wall Height= 10' Braced Wall Line Spacing= 25 ft	Minimum Total Length of Braced Wall Panels Required Along each Braced Wall Line
Braced Wall Line Length (ft)	Method WSP
≤ 16	4 ft
16 ≤ L < 30	Min. 2 panels, 4 ft min each, Total = 8 ft
30	Min. 2 panels, 4 ft min each, Total = 8 ft
40	Min. 2 panels, 4 ft min each, Total = 10 ft
50	Min. 2 panels, 4 ft min each, Total = 12.5 ft

**MEANS OF EGRESS AND EMERGENCY ESCAPE**

1. The egress (main entry) door shall be side-hinged and shall be a minimum of 3 feet in width and 6 feet 8 inches in height. All interior doors through which occupants pass shall have a minimum width of 32 inches. See Section IV of this bulletin for alternatives.
2. Emergency escape openings shall be provided from every sleeping room and shall open directly to a yard or public way. Emergency escape openings shall have a minimum clear height of 24 inches, a minimum clear width of 20 inches, and a minimum openable area of 5 square feet. The bottom of the emergency escape opening shall not be greater than 44 inches above the finished floor.

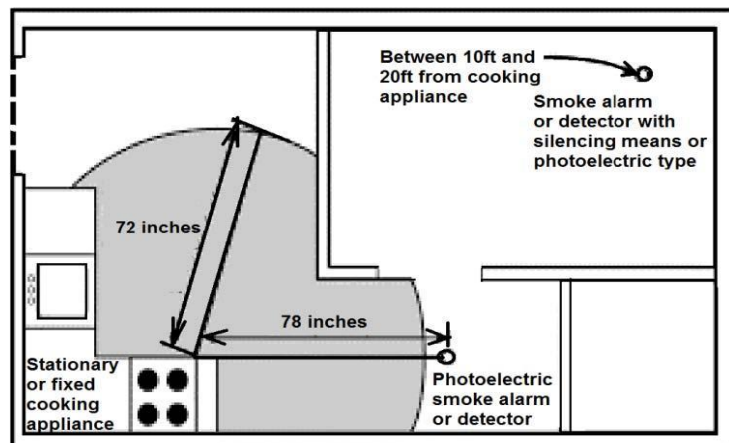
**FIRE PROTECTION AND FIRE-RESISTANCE RATED CONSTRUCTION**

1. Automatic fire sprinklers are required only if the main dwelling already has fire sprinklers or in the unusual event that fire sprinklers are required due to any major remodeling work done to the dwelling in conjunction with the ADU such as when additions (including mezzanines but excluding the ADU) within any three year period exceeds 50% of the existing floor area of the dwelling.
2. Exterior walls less than 5 feet from the property line of a non-sprinklered ADU conversion or less than 3 feet from the property line of a sprinklered ADU conversion shall be 1-hour fire-resistance rated construction. The 1-hour fire-resistance wall can be achieved by installing 5/8" type X gypsum board on the entire interior side of the wall up to the roof line.
3. Smoke alarms shall be provided in each sleeping room and immediately outside of each separate sleeping area. Smoke alarms or smoke detectors shall be installed a minimum of 20 feet horizontal distance from a permanently installed cooking appliance.

**Exception:**

*Ionization smoke alarms with an alarm-silencing switch or photoelectric smoke alarms shall be permitted to be installed 10 feet or greater from a permanently installed cooking appliance.*

*Photoelectric smoke alarms shall be permitted to be installed greater than 6 feet from a permanently installed cooking appliance where the kitchen or cooking area and adjacent spaces have no clear interior partitions and the 10 foot distances would prohibit the placement of a smoke alarm or smoke detector required by other sections of the code. Smoke alarms listed for use in close proximity to a permanently installed cooking appliance.*



4. No openings shall be permitted in the exterior walls of a non-sprinklered ADU conversion where the exterior wall is less than 3 feet to the property line. The area of exterior wall openings of a non-sprinklered ADU conversion located between 3 feet and 5 feet of the property line shall be limited to 25% of the wall area. At 5 feet and beyond there are no restrictions.

For sprinklered buildings, no openings are allowed when the wall is less than 3 feet from a property line. At 3 feet and beyond, there are no restrictions.

5. Carbon monoxide alarms shall be installed where the unit contains fuel burning appliance and shall be provided immediately outside of each separate sleeping area.

## **INTERIOR ENVIRONMENT**

1. Habitable rooms shall have a floor area of not less than 70 square feet and shall not be less than 7 feet in any horizontal dimension. A minimum ceiling height of 7 feet shall be provided throughout.
2. The ADU shall provide permanent provisions for cooking, at a minimum: kitchen sink, cooktop, and refrigerator, each with 30 inches minimum clear space in front.
3. Habitable rooms shall have natural ventilation through an opening of not less than 4 percent of the room's floor area, unless a whole-house mechanical ventilation system is installed.
4. Habitable rooms shall have natural lighting through an aggregate glazing (window) area of not less than 8 percent of the room's floor area, unless artificial lighting is installed to produce an average illumination of 6 foot-candles at a height of 30 inches above the floor in conjunction with a whole-house mechanical ventilation system.
5. The unit shall provide heating facilities capable of maintaining a room temperature of not less than 68°F at a point 3 feet above the floor and 2 feet from exterior walls. Portable space heaters shall not be used to achieve compliance with this section. [The CF1R Residential Certificate of Compliance will dictate what means of heating will be provided.]
6. The unit shall provide a separate bathroom containing a toilet, sink, and bathtub or shower. Bathrooms shall provide mechanical exhaust fans with a minimum intermittent ventilation rate of 50 cubic feet per minute. The center line of any toilet shall be located a minimum 15" from any side wall or obstruction, and a minimum 24" clear space in front of the toilet shall be provided.
7. Attics shall provide a minimum cross ventilation of 1/150 of the area of the vented space. An attic access opening shall be provided with minimum dimensions of 22 inches by 30 inches and a minimum headroom clearance of 30 inches. The attic access opening shall be located in a hallway or other readily accessible location.

## **ENERGY / GREEN BUILDING / PLUMBING / ELECTRICAL CODES**

1. All new work done to convert or legalize existing buildings or portions of buildings to ADU shall comply with California Building Energy Efficiency Standards (Title 24-Part 6). The CF1R Residential Certificate of Compliance shall be attached to the plans but need not be registered with a certified HERS provider and no HERS field verification is required. See Table 1 for other exceptions.
2. All new work necessary to construct the ADU shall comply with applicable Los Angeles Green Building Code requirements. At a minimum, Green Building Code Forms GRN 1, GRN 11, GRN 14, and GRN 16 shall be attached to the plans as needed for the new work.
3. Detached ADUs are not required to have independent service utility (drainage) connections provided the existing service utility complies with the current plumbing code.
4. The ADU shall have a separate water shut off valve, accessible in the unit.
5. The ADU shall require a separate electrical panel.
6. See Section III and Table 1 of this bulletin for special provisions for existing unpermitted ADU's or permitted and unpermitted buildings which will be used as ADU's.

### **III. SETBACKS FOR EXISTING BUILDINGS**

Unpermitted ADUs constructed prior to January 1, 2018, cannot be denied a permit provided the existing zoning or building codes violations do not present a threat to public health and safety. [Government Code Section 65852.23]. Therefore, existing permitted structures and unpermitted structures existing prior to January 1, 2018, can maintain their existing non-complying setbacks provided the existing reduced setbacks do not cause situations that could pose a threat to public health and safety.

Additionally, an existing accessory structure, whether permitted or unpermitted but existing prior to January 1, 2018, can be fully or partially demolished and a new ADU can be constructed in the same location and to the same dimensions as the existing structure; and is allowed to maintain the existing non-complying setbacks.

An existing structure is not allowed to encroach over a property line or onto a separate lot. The Department may require the owner to have the lot surveyed and staked by a registered Civil Engineer (licensed prior to January 1, 1982) or a registered Land Surveyor, so that the property lines of the lot or the building on the lot may be determined. The survey may be required in plan check or during construction by the field inspector.

**NOTE:** In most instances existing fences or walls are not an accurate indicator of lot lines.

#### **IV. COMMON SITUATIONS AND CONSTRUCTION DEFICIENCIES IN EXISTING CONSTRUCTION**

Section 65852.2(d)(2) of the State of California Government Code prohibits the City from denying an application for a permit to create an ADU due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety. The City is required to approve an application to convert unpermitted structures into an ADU where the resulting structure does not pose a threat to the public health and safety.

The Department is responsible for deciding what poses a threat to public health and safety. The following is a list of some of the most common deficiencies found in existing or unpermitted construction indicating whether or not they constitute a threat to health and safety and consequently whether existing construction can be maintained.

**TABLE 1**

<b>Requirement</b>	<b>Allowed to be Maintained?</b>
There is no moisture barrier under slab	Yes, approved sealant is allowed
Lack of any required fire rated partitions	No
Insulation R-19 in roof and R-11 in walls	Yes, See note below
Exterior Walls with no insulation	No, see note below
Concrete foundation extend less than 8" min. above the finished grade	6" min
Min. interior door size less than 32"	Yes
Min. main unit exit door less than 36"	32" min. clear opening ok
Min. room size/ dimension less than 70 sf	No
No emergency Egress window/door within all bedrooms	No
Natural lighting less than 8% of room area	No
Natural ventilation less than 4% of room area	No
No heating	No
Insufficient attic ventilation	No
Wiring and plumbing deficiencies	No
Green Code not in compliance (cool roof, etc.)	Yes
Accessory building without foundation	No
Garage with rafter ties but no ceiling	No
Accessory building with no wall bracing	No (old let-in braces and stucco ok)
Garage with no foundation under garage door	No
Separate Utility Meters	No (DWP requirement)
Water heater in a sleeping room	No
Ceiling height less than 7'	No
Lack of separate entrance/exit	No

Note: Accessible attics must have at least R-19 insulation and exterior walls must be fitted with at least R-11 insulation. Exterior doors and windows shall comply with current code. Electrical or plumbing fixtures/equipment that are replaced must comply with current energy requirements.

## **V. PLAN CHECK REQUIREMENTS**

### **PLAN REQUIREMENTS**

Document submittal requirements are listed in Information Bulletin P/GI 2020-008.

### **WORK DESCRIPTION ON THE BUILDING PERMIT**

Whenever a building permit for an ADU is issued and the work is not in full compliance to the current code, as delineated in this Information Bulletin, the following note shall be added to the work description: "Existing construction that does not pose a threat to the public's health and safety was allowed per Government Code Section 55.852.2(d)(2)."

### **RECORDS RESEARCH**

If the existing building has previously been permitted, a copy of the building's Certificate of Occupancy and previous building permits shall be provided at the plan check stage to verify the permitted use of the structure.

### **ACCEPTABLE EVIDENCE FOR ESTABLISHING THE CONSTRUCTION DATE OF UNPERMITTED ACCESSORY STRUCTURES**

Documentation establishing that the unpermitted structure was built prior to January 1, 2018 shall include at least one of the following:

1. Rent Stabilization Ordinance (RSO) Rent Registration Certificate.
2. Contractor's bills and/or building material receipts.
3. Utility bills pertaining to the unpermitted construction.
4. Code Enforcement case documentation (i.e. Orders to Comply).
5. A signed and dated lease agreement.
6. Other third-party created documents acceptable to the Department.

## **VI. TYPICAL CLEARANCES (Approval from other City Departments)**

### **LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP)**

Approval will be required if the existing structure is located in a Public Utility Easement or within 10' of a Public Utility Easement. Additional information may be found at the following link: [LADWP Encroachment Process](#).

### **LOS ANGELES DEPARTMENT OF PUBLIC WORKS, BUREAU OF ENGINEERING (BOE)**

Approval is required from BOE for all ADUs to assess sewer capacity and availability (i.e. "sewer



availability” clearance). Additionally, permit applications for unpermitted dwelling units or projects that alter the site’s existing drainage pattern require roof drainage clearance.

### **LOS ANGELES FIRE DEPARTMENT (LAFD)**

Approval is required if any attached/detached ADU is more than 150 feet from the edge of the roadway or if any detached ADU is located in a designated Very High Fire Hazard Severity Zone (VHFHSZ).

### **VII. INSPECTION REQUIREMENTS**

The Department of Building and Safety, at the discretion of the field inspector, may require existing covered or concealed work to be exposed for examination during the inspection phase to verify appropriate installation.

### **VIII. CERTIFICATE OF OCCUPANCY**

Once all inspection requirements have been met and the permit has been finalized; and all required clearances from other city departments are obtained, a certificate of occupancy will be issued.