



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R16-0277  
SEP 02 2016

**REPORT RE:**

**REVISED DRAFT ORDINANCE GRANDFATHERING  
SECOND DWELLING UNITS**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 14-0057-S8

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality. At a regular meeting on August 31, 2016, the City Council, pursuant to amending motion 19A (Martinez-Koretz-Ryu-Krekorian-Blumenfield), requested the City Attorney to revise the draft ordinance on file, dated June 23, 2016, without Section 1 of the draft ordinance pertaining to repeal provisions, and transmit the revised ordinance directly to Council for action. The revised draft ordinance is responsive to Council's request and grandfathers second dwelling units (SDUs) approved or applied for in the City since June 23, 2003, and includes an urgency clause.

California Environmental Quality Act (CEQA) Standard of Review

The City Planning Commission (CPC) recommends that the City Council determine that this project is exempt from CEQA based upon the categorical exemption set forth in CEQA Guidelines Sections 15061(b)(3) ("common sense" exemption) and 15303(a) (Class 3 Categorical Exemption for New Construction or Conversion of Small Structures). Adoption of these categorical exemptions are appropriate when the

Council, exercising its independent judgment, determines the project meets all of the requirements set forth in the above-referenced section of the CEQA Guidelines and none of the exceptions to the use of a Categorical Exemption set forth in CEQA Guidelines Section 15300.2 apply to this project, based upon substantial evidence contained in the entire administrative record.

Charter Findings Required

Charter Section 558(b)(3) requires the Council to make the findings required in Subsection (b)(2) of the same section, namely whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. Council can either adopt the CPC's findings and recommendations supporting the grandfathering provisions and stated in the Letter of Determination by the CPC dated May 24, 2016, or make its own.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and Department of City Planning with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Steven Blau at (213) 978-8235. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:TKM:zra  
Transmittal