



## PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2016-1245-CA	N/A	ALL
<b>PROJECT ADDRESS:</b>		
City of Los Angeles		
<b>APPLICANT/REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Los Angeles Department of City Planning		
<input type="checkbox"/> <b>New/Changed</b>		
<b>APPELLANT/REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Matthew Glesne	(213) 978-2666	matthew.glesne@lacity.org
<b>APPROVED PROJECT DESCRIPTION:</b>		
<p>A Code Amendment repealing Section 12.24 W.43 and 12.24 W.44 of the Los Angeles Municipal Code (LAMC) for the purpose of complying with state law AB 1866 on Second Dwelling Units and grandfathering Second Dwelling Units permitted since June 23, 2003.</p>		

**COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)**

City Planning Commission

1. Conducted a limited Public Hearing on the Proposed Ordinance (Exhibit A)
2. Approved a proposed Ordinance (revised Exhibit A) repealing Section 12.24 W.43 and 12.24 W.44 of the Los Angeles Municipal Code for the purpose of complying with state law AB 1866 on Second Dwelling Units and grandfathering Second Dwelling Units permitted since June 23, 2003.
3. Adopted the staff report as its report on the subject.
4. Approved and determined that the adoption of the Proposed Ordinance, based on the whole of the administrative record, is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines section 151061(b)(3) and 15303.
5. Adopted the attached findings.

**ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:**

Zoning Code Amendment

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

N/A

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input checked="" type="checkbox"/> Other <u>Exempt</u>	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

**NOTES / INSTRUCTION(S):**

**FISCAL IMPACT STATEMENT:**

Yes

No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

**PLANNING COMMISSION HEARING DATE:**

May 12, 2016

**COMMISSION VOTE:**

6 - 0

**LAST DAY TO APPEAL:**

N/A

**APPEALED:**

N/A

**TRANSMITTED BY:**

James K. Williams



**TRANSMITTAL DATE:**

MAY 24 2016



# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801  
(213) 978-1300; [planning.lacity.org](http://planning.lacity.org)

## LETTER OF DETERMINATION

Mailing Date: **MAY 24 2016**

CASE NO.: CPC-2016-1245-CA  
CEQA: N/A

Location: Citywide  
Council Districts: All  
Plan Areas: All  
Request: Code Amendment

Applicant: Los Angeles Department of City Planning

At its meeting on May 12, 2016 the following action was taken by the City Planning Commission:

1. **Conducted** a public hearing on the Proposed Ordinance.
2. **Approved** a proposed **Ordinance** (Exhibit A) repealing Section 12.24 W.43 and 12.24 W.44 of the Los Angeles Municipal Code (LAMC) for the purpose of complying with state law AB 1866 on Second Dwelling Units and grandfathering Second Dwelling Units permitted since June 23, 2003.
3. **Adopted** the City Planning **Staff Report** as the Commission Report.
4. **Adopted** the attached **Findings**.
5. **Found** that adoption of this ordinance, based on the whole of the administrative record, is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines section 151061(b)(3) and 15303.

### RECOMMENDATIONS TO THE CITY COUNCIL:

1. **Recommend** the City Council **approve** and **adopt** the proposed ordinance.
2. **Recommend** the City Council **adopt** the staff report as its report on the subject.
3. **Recommend** the City Council **approve** and **determine** that the ordinance is exempt from the California Environmental Quality Act pursuant to Public Resources Code 21080.17 and CEQA Guidelines section 151061(b)(3) and 15303.
4. **Recommend** the City Council **adopt** the attached Findings.

This action was taken by the following vote:

**Moved:** Ahn  
**Seconded:** Millman  
**Ayes:** Katz, Mack, Padilla-Campos, Dake-Wilson  
**Absent:** Ambroz, Choe, Perlman

**Vote:** 6 - 0

  
James K. Williams, Commission Executive Assistant II  
Los Angeles City Planning Commission

**Effective Date/Appeals:** The Los Angeles City Planning Commission's decision is final and not appealable.

**If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.**

Attachment: Ordinance, Findings  
Senior City Planner: Claire Bowin  
City Planner: Matthew Glesne

**ORDINANCE NO. \_\_\_\_\_**

An ordinance repealing Subsections 12.24.W.43 and 12.24.W.44 of Chapter 1 of the Los Angeles Municipal Code.

**WHEREAS**, by its adoption of this Ordinance the Los Angeles City Council makes the following findings:

1. The extreme shortage of housing in the City of Los Angeles has been well documented. High land and construction costs and a long-standing insufficient supply of housing have caused rents to rise steadily for many years, increasing the number of renters who are either cost-burdened or live in overcrowded and often substandard conditions; and
2. The Los Angeles General Plan prioritizes the need for a mix of housing types across the City, including both rental and homeownership opportunities for singles, families, seniors, persons with disabilities, and multi-generational families; and
3. Second dwelling units, often referred to as “granny flats”, can help homeowners make ends meet while providing affordable housing opportunities for single young people, seniors, and multi-generational families by providing a mix of housing that responds to changing family needs and smaller households; and
4. Second dwelling units can provide housing benefits without significantly changing the basic character of established neighborhoods and allow more efficient use of housing stock and infrastructure; and
5. The second dwelling unit ordinance enacted by the City of Los Angeles establishes a discretionary Conditional Use Permit process, stated in Los Angeles Municipal Code Sections 12.24.W.43 and 12.24.W.44; and
6. In 2002, the State of California enacted AB 1866, amending Government Code Section 65852.2, which requires, among other matters, that municipalities with their own second dwelling unit ordinances administer them “ministerially without discretionary review or a hearing”, and states in Government Code Section 65852.2(b)(1) a set of ministerial state development default standards for approving second dwelling units for cities that have not adopted an ordinance governing second units in accordance with state law; and
7. On June 23, 2003, the City of Los Angeles responded to AB 1866 by issuing “Internal-Departmental Correspondence” (2003 Internal-Departmental Correspondence) from the City’s Department of City Planning and Department of Building and Safety, stating that effective July 1, 2003 a second dwelling unit would be considered through a ministerial process without discretionary review and permitted if it met all of the standards in the 2003 Internal-Departmental Correspondence; and
8. On May 6, 2010, the City, through the Office of Zoning Administration, issued ZA Memorandum 120 (ZA Memo 120), which replaced the 2003 Internal-Departmental Correspondence and provided that a second dwelling unit would be considered through a ministerial process without discretionary review and permitted if it met all of the standards in ZA Memo 120; and

9. The City of Los Angeles committed to facilitate the production of second dwelling units when it adopted the Housing Element of the General Plan adopted December 3, 2013; and

10. In 2016, the Los Angeles Superior Court entered an Order in the case titled *Los Angeles Neighbors in Action vs. City of Los Angeles, et al.* (BS 150559), finding ZA Memo 120 invalid; and

11. Property owners in the City have constructed second dwelling units in reliance upon building permits issued pursuant to the 2003 Internal-Departmental Correspondence and 2010 ZA Memo 120, the validity of which may be made uncertain by the Court's 2016 Order in *Los Angeles Neighbors in Action vs. City of Los Angeles, et al.* (BS 150559); and

12. It is the intention of the City Council to promote laws and policies to help alleviate the extreme shortage of housing in the City of Los Angeles, and to expand rental and homeownership opportunities for singles, families, seniors, persons with disabilities, and multi-generational families; and

13. It is the intention of the City Council to repeal LAMC sections 12.24.W.43 and 12.24.W.44 and apply the state's default development standards in Government Code Section 65852.2(b)(1) in approving second dwelling units; and

14. As a matter of public policy the City Council finds it is not in the best interests of the City or its residents to question the lawfulness of any second dwelling unit to the extent it was constructed pursuant to the 2003 Internal-Departmental Correspondence or ZA Memo 120; and

15. As a matter of public policy the City Council finds it is in the best interests of the City and its residents to bestow legal non-conforming status to any second dwelling unit to the extent it was constructed pursuant to the 2003 Internal-Departmental Correspondence or ZA Memo 120.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subsections 12.24.W.43 and 12.24.W.44 of the Los Angeles Municipal Code are hereby repealed.

Sec. 2. **LEGAL NON CONFORMING STATUS.** Any second dwelling unit approved pursuant to the June 23, 2003, Internal-Departmental Correspondence issued by the City of Los Angeles Department of City Planning and Department of Building and Safety, or the May 6, 2010, Zoning Administrator Memorandum 120 issued by the Office of Zoning Administration, shall be considered lawful to the extent that such second dwelling units were approved pursuant to the Internal-Departmental Correspondence or Zoning Administrator Memorandum 120.

Sec. 3. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are

declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Sec. 4. URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The City is currently in the midst of a housing crisis, with the supply of affordable options unable to support the demand for housing in the City. The US Census reports that vacancy rates for housing in the Los Angeles area are currently the lowest of any major city. A housing option that is currently available and affordable for many in the City is second dwelling units. However, a 2016 Order of the Los Angeles Superior Court invalidated ZA Memo 120, and that invalidation (1) leaves the City's existing second dwelling unit ordinances in violation of state law; (2) casts uncertainty over the validity building permits issued in reliance upon ZA Memo 120; and (3) effectively precludes residents who received building permits in reliance upon ZA Memo 120, or who are otherwise in the process of applying for building permits for second dwelling units, from proceeding with their projects. The City estimates there exist hundreds of second dwelling unit projects either currently under construction or in plan check in reliance upon ZA Memo 120. Immediate action is necessary to bring the City's regulations into compliance with state law; allow the continued construction of, and processing of applications for, second dwelling unit; and eliminate confusion and potential litigation regarding second dwelling units that are already built, under construction, and in the permitting process phase.

Public testimony further confirms the dire position of residents pursuing and constructing second dwelling units due to the court's Order. Failure to take immediate action will leave many construction sites unattended and potentially in dangerous situations; and will impede the orderly sale of property in the City as properties with second dwelling units are unable to gain Certificates of Occupancy and therefore be sold as tendered.

Failure to take immediate action to provide for the continued construction of second dwelling and processing of second dwelling unit applications and certainty for residents who constructed second dwelling units in reliance upon policies and practices implemented by the City for second dwelling units since June 23, 2003, will exacerbate the housing shortage and negatively impact individuals living in and seeking to construct second dwelling units.

For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

**Sec. 5.** The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.



## FINDINGS

### General Plan/Charter Findings

#### **City Charter Section 556**

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the following goals, objectives and policies of the General Plan outlined below.

#### General Plan Framework Element

The proposed ordinance will meet the intent and purposes of the General Plan Framework Element to encourage the creation of housing opportunities for households of all types and income levels, while at the same time preserving the existing residential neighborhood stability of single-family zoned neighborhoods and promoting livable neighborhoods. SDUs, as a housing typology, furthers those goals as they increase capacity and availability of housing without significantly changing neighborhood character. In particular, the ordinance would further the intent and purpose of the Framework Element of the following relevant Goals and Objectives:

#### *GOAL 3A - Preservation of the City's stable single-family residential neighborhoods.*

The proposed ordinance is in substantial conformance with the intent to preserve the City's stable single-family neighborhoods as it would result in relatively minor alterations to a very small number of single-family properties each year. As described above, permit data analyzed by the City shows that the number of SDUs being permitted under the state's standards vs. the city's standards does not represent a significant amount of additional activity in single-family neighborhoods (approximately 30 more a year). Therefore, historical evidence has shown that the proposed ordinance will not lead to an inordinate amount of SDUs in the City's single-family neighborhoods.

The state's standards, which would formally become effective upon the repeal of the ordinance, require that the lot contains an existing single-family dwelling. Therefore, in the vast majority of cases, these units would be either be built behind the main home, or attached to the rear of the existing home. Either way, the SDUs are unlikely to be significantly different in character from existing typical rear yard structures such as garages or carriage houses. They are also unlikely, in the vast majority of circumstances, to be significantly visible from the public way. In addition, the state's standards require that the increased floor area of an attached second unit not exceed 30 percent of the existing living area. This limitation is not included in the City's SDU ordinance. The 30 percent limitation helps differentiate an attached SDU from a traditional duplex, which is not permitted in single-family zones. The state's standards do allow for a 1,200 square foot detached structure to be built (versus 640 square feet under the City's standards). While this may result in larger SDUs than otherwise permitted, it is important to note that the state's standards require that City zoning requirements relating to height, setback, lot coverage, architectural review, and other applicable zoning requirements must be enforced. Therefore, a 1,200 square foot SDU can only be reasonably placed on a lot with enough empty space to accommodate a 15 foot rear yard setback, 5 foot side yard setbacks and a 10 foot separation between buildings. These standards offer significant protections against out of scale new development in single-family neighborhoods.

The State Legislature has determined it is appropriate to provide for second dwelling units within single-family and multifamily zoned areas absent specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas. Gov. Code §65852.2(c). The City's Housing Element also provides for second units within single-family and multifamily zoned areas, as a matter of City-wide policy. The

proposed ordinance will increase housing production and capacity in single family and multi-family neighborhoods on lots designed to accommodate more than one independent residence within the existing home or as a separate structure, as part of the City's overall goal to increase housing production and capacity in the City overall to accommodate the existing and expected increases in population.

*GOAL 4A - An equitable distribution of housing opportunities by type and cost accessible to all residents of the City*

The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing. This creates additional opportunities for homeowners to purchase and stay in their homes, as well as for renters to live in areas they might otherwise be excluded from. SDUs are usually smaller than the primary home on the property, which adds to the diversity of type and of housing in the City. The ordinance would facilitate the construction and preservation of a range of different housing types that address the particular needs of the city's households, including the elderly, disabled family members, in-home health care providers, young adults, etc. The proposed ordinance thereby expands rental and homeownership accessibility in single family and multi-family neighborhoods for all residents of the City.

*Objective 4.4 - Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.*

The ordinance would reduce the regulatory and procedural barriers to the operation and placement of second dwelling units by providing for implementation of the ministerial development standards in Government Code Section 65852.2(b)(1) in approving second dwelling units on a City wide basis as has been done since 2009. The ordinance allows the continued construction and processing of permit applications for SDUs for which permits have previously issued but which are not yet fully constructed, eliminates confusion over the legality of second dwelling units that are already built and eliminates potential litigations between neighbors and against the City regarding second dwelling units that are in the planning process, under construction, or already built. It would also expressly permit SDUs on multi-family lots and allow for a greater variety of SDUs to be built. The historical data shows that the production of SDUs increased significantly since 2010 when the City officially aligned its policy with the state standards (although still a relatively small total number).

#### Housing Element

The SDU housing typology is specifically called out by the Housing Element as a way to facilitate the provision of additional rental housing types and help make ownership more affordable. The Housing Element includes a specific Program (or implementation action) to alleviate barriers to increased construction of SDUs (Program 68 in the current 2014-2021 Housing Element). In addition, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives and policies of the Housing Element outlined below.

*Objective 1.4 Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.*

*Policy 1.4.1 Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.*

The proposed ordinance would streamline the land use entitlement, environmental review, and

building permit processes for the operation and placement of second dwelling units as it allows: (1) the continued construction and processing of permit applications for SDUs for which permits have previously issued but which are not yet fully constructed; (2) eliminates confusion over the legality of second dwelling units that are already built and (3) eliminates potential litigations between neighbors and against the City regarding second dwelling units that are in the planning process, under construction, and already built; (4) expressly permits SDUs on multi-family lots; and (5) allow for a greater variety of SDUs to be built. The historical data shows that the production of SDUs increased under the proposed policy of adopting the state standards. The ordinance would also further a more equitable distribution of housing opportunities as it would permit a greater diversity of dwelling units in areas of the City that would otherwise receive little additional housing.

*Policy 1.2.2 Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing.*

The proposed ordinance encourages and incentivizes the preservation of non-subsidized affordable units by making it more likely they are able to be legalized in the future and therefore will not have to be demolished.

*Policy 1.1.1 Expand affordable homeownership opportunities and support current homeowners in retaining their homeowner status.*

The proposed ordinance expands affordable homeownership opportunities and supports current homeowners as the additional rental income from a SDU allows households to afford homeownership who may not otherwise be able.

*Policy 1.1.2 Expand affordable rental housing for all income groups that need assistance.*

The proposed ordinance expands the creation of additional rental housing options by supporting the creation of additional SDU units, which adds to the overall rental housing supply, which results in lower rents by increasing the overall vacancy rate in the City.

*Policy 1.1.3 Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.*

The proposed ordinance facilitates the construction and preservation of a range of different housing types that address the particular needs of the city's households, including the elderly, disabled family members, in-home health care providers, young adults, etc.

*Policy 1.1.6 Facilitate innovative models that reduce the costs of housing production.*

The proposed ordinance also facilitates an innovative housing type that reduces the typical cost of new construction, because the cost of land does not have to be factored into the development costs.

Finally, the ordinance would support the intent and purposes of the Housing Element of the General Plan regarding SDUs in that it affirms that the City should follow, as a matter of policy, state law standards for approving second units (2013 Housing Element, pages 2-11 through 2-12.).

#### **City Charter Section 558(b)(2)**

In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance would be

in conformity with public necessity, convenience, general welfare and good zoning practice for the following reasons:

The proposed ordinance is in conformity with public necessity because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; (3) allows the continued construction of SDUs for which permits have previously issued but which are not yet fully constructed; (4) allows the continued processing of permit applications for SDUs; (5) eliminates confusion over the legality of second dwelling units that are already built; (6) eliminates potential litigations between neighbors and against the City regarding second dwelling units that are in the planning process, under construction, and already built; and (7) reverts the City to the SDU policy in effect since 2009 which has been relied upon since that time by property owners, family members, students, the elderly, in-home health care providers, the disabled, and others, who reside in second dwelling units.

The proposed ordinance is in conformity with public convenience for the same reasons as stated above, because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; (3) allows the continued construction of SDUs for which permits have previously issued but which are not yet fully constructed; (4) allows the continued processing of permit applications for SDUs; (5) eliminates confusion over the legality of second dwelling units that are already built; (6) eliminates potential litigations between neighbors and against the City regarding second dwelling units that are in the planning process, under construction, and already built; and (7) reverts the City to the SDU policy in effect since 2009 which has been relied upon since that time by property owners, family members, students, the elderly, in-home health care providers, the disabled, and others, who reside in second dwelling units. The proposed ordinance is additionally in conformity with public convenience because acting on the proposed ordinance will not preclude a locally-tailored SDU policy from being developed in the City at a later date.

The proposed ordinance is in conformity with general welfare for the same reasons as stated above, because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; (3) allows the continued construction of SDUs for which permits have previously issued but which are not yet fully constructed; (4) allows the continued processing of permit applications for SDUs; (5) eliminates confusion over the legality of second dwelling units that are already built; (6) eliminates potential litigations between neighbors and against the City regarding second dwelling units that are in the planning process, under construction, and already built; and (7) reverts the City to the SDU policy in effect since 2009 which has been relied upon since that time by property owners, family members, students, the elderly, in-home health care providers, the disabled, and others, who reside in second dwelling units. The proposed ordinance is additionally in conformity with general welfare because acting on the proposed ordinance will not preclude a locally-tailored SDU policy from being developed in the City at a later date.

The proposed ordinance is in conformity with good zoning practice because it: (1) brings the City's regulations into compliance with state law; (2) brings the City's regulations into compliance with the Housing Element of the General Plan; and (3) reverts the City to the SDU policy in effect since 2009 which has been relied upon since that time by property owners, family members, students, the elderly, in-home health care providers, the disabled, and others, who reside in second dwelling units.

#### **City Charter Section 559**

In accordance with Charter Section 559, and in order to ensure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary

by the Office of City Attorney. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

### **CEQA Findings**

Pursuant to Sections 21080.17 of the California Public Resources Code and CEQA Guidelines Section 15061(b)(3), the adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA).

Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code (i.e. second dwelling unit law). The proposed ordinance, if adopted will result in implementing the State law for second dwelling units within the City of Los Angeles.

Additionally, the grandfathering portions of the proposed ordinance would be subject to the "common sense" exemption at CEQA Guidelines section 15061(b)(3), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA. The grandfathering provisions will result in approximately 350-400 existing non-conforming SDUs becoming legal, in addition to approximately 175 SDUs currently in the development pipeline but not yet finished with construction. As such, the effect of the grandfathering provisions for units already built is to maintain the existing baseline conditions and would not have a significant effect on the environment.

For those approximately 175 SDUs that have received building permits but have not yet been constructed or finished construction, the CEQA Guidelines Section 15303(a) (Class 3 Categorical Exemption for New Construction or Conversion of Small Structures) also applies. The exemption expressly exempts the approval of SDUs in residential zones and would apply to these 175 unfinished and/or permitted but not constructed SDUs. Additionally, the City finds that the exceptions to the exemptions in Guidelines section 15300.2 do not apply. There is nothing unusual about second dwelling units in a City of the size and type of Los Angeles and 175 SDUs in a City of the size of Los Angeles with approximately 600,000 single family homes would not reasonably be expected to result in cumulative impacts. An analysis of these 175 SDUs did not find any significant concentrations, which would be expected to trigger unusual circumstances. The City has no evidence or any reason to believe any of the other exceptions apply related to sensitive environment, scenic highway, historic resources, or properties listed on the Cortese list for hazardous wastes.

**DETERMINATION LETTER**  
**CPC-2016-1245-CA**  
**MAILING DATE: 05/24/16**

Robert Mahanian  
861 Norman Place  
Los Angeles, CA 90049

Len Judakin  
P.O. Box 24388  
Los Angeles, CA 90024

Ron Bender  
10250 Constellation Blvd.  
Suite 1700  
Los Angeles, CA 90067

Seyed Zadeh  
2591 S. Westgate Avenue  
Los Angeles, CA 90064

Seyed Torabzadeh  
2591 S. Westgate Avenue  
Los Angeles, CA 90064

John Gregorchuk  
1935 W. 36<sup>th</sup> Place  
Los Angeles, CA 90018

Stephen Gregorchuk  
1935 W. 36<sup>th</sup> Place  
Los Angeles, CA 90018

Agnes Lewis  
12212 Catenia Dr.  
Granada Hills, CA 91344

Carlos Vazquez  
961 Marietta Street  
Los Angeles, CA 90023

Andrew Galambos  
3580 Ocean View  
Los Angeles, CA 90066

Linda Taalman  
1570 La Baig Avenue  
Los Angeles, CA 90028

Mary Harrison  
2565 Granville Avenue  
Los Angeles, CA 90064

Andres Rodriguez  
12579 Montague Street  
Pacoima, CA 91331

Bill Hankins  
19360 Rinaldi Street  
Suite 147  
Northridge, CA 91326

Elizabeth Herron  
935 W. Avenue 37  
Los Angeles, CA 90065

Gary Scherquist  
4989 Vincent Avenue  
Los Angeles, CA 90041

Brian Janeczko  
2898 Rowena Avenue #102  
Los Angeles, CA 90039

Mike Uchyniak  
900 E. 103<sup>rd</sup> Street  
Los Angeles, CA 90002

Izamar Hernandez  
961 Marietta Street  
Los Angeles, CA 90023

Daniel Freedman  
JMBM  
1900 Avenue of the Stars, 7<sup>th</sup> Fl.  
Los Angeles, CA 90067

Pouya Payan  
Lebyrinth Design Studio  
1600 Sawtelle Blvd. #230  
Los Angeles, CA 90025

Pouya Payan  
3601 Wasatch Avenue  
Los Angeles, CA 90066

Carlyle Hall  
2710 Krim Drive  
Los Angeles, CA 90064

Quiriu de la Cuesta  
Van Nuys Neighborhood Council  
6911 Matilija Avenue  
Van Nuys, CA 91405

Christine O'Brien  
2811 Westshire Dr.  
Los Angeles, CA 90068

Kimberly Christensen  
10912 Exposition Blvd.  
Los Angeles, CA 90064

Julia Coffe  
17184 Talsa Street  
Granada Hills, CA 91344

Lynn Kuwahara  
1110 S. Windsor Blvd.  
Los Angeles, CA 90019

Monica Alexinico  
15006 Archwood Street  
Van Nuys, CA 91405

Beverly Palmer  
10940 Wilshire Blvd., Suite 2000  
Los Angeles, CA 90024

David Garfinkle  
6073 Calvin Avenue  
Tarzana, CA 91356

Sue Behrstock  
2741 Anchor Avenue  
Los Angeles, CA 90064

Ken & Michelle Kirrs  
6656 Burnet Avenue  
Van Nuys, CA 91405

John Eddins  
15136 Hayness Street  
Van Nuys, CA 91411

Judith Wyle  
1201 Westchester Place  
Los Angeles, CA 90019

John Given  
2551 La Condesa Drive  
Los Angeles, CA 90049

John Given  
2461 Santa Monica Blvd. #438  
Santa Monica, CA 90404

Jason Golding  
6649 Cleon Avenue  
N. Hollywood, CA 91606

Garen Papazyan  
6993 Wilkinson Avenue  
Van Nuys, CA 91606

Piruz Papazyan  
6509 Tujunga Avenue  
N. Hollywood, CA 91606

Arthur Avakian  
13027 Aetna Street  
Valley Glen, CA 91401

Armen Muradyan  
6228 Elmer Avenue  
N. Hollywood, CA 91606

Archie G.  
12322 Terra Bella Street  
Pacoima, CA 91331

Enrique L.  
4527 E. Rose Hill Dr.  
Los Angeles, CA 90032

R. O'Donnell  
666 S. Bronson  
Los Angeles, CA 90005

Bruno Vavala  
809 Warren  
Venice, CA 90291

B. Bustos  
4527 E. Rose Hill Dr.  
Los Angeles, CA 90032

Ira Belgrade  
317 S. Mansfield Avneue  
Los Angeles, CA 90036

Antonio Pacheco  
4132 Los Feliz Blvd.  
Los Angeles, CA 90024

Doug Haines  
P.O. Box 93596  
Los Angeles, CA 90093

Matthew Glesne  
City Planning Associate  
City Hall, Room 667  
**Mail Stop 395**

GIS / Fae Tsukamoto  
City Hall, Room 825  
**Mail Stop 395**

Claire Bowin  
Senior City Planner  
City Hall, Room 667  
**Mail Stop 395**

First Council District  
City Hall, Room 460  
**Mail Stop #201**

Second Council District  
City Hall, Room 435  
**Mail Stop #202**

Third Council District  
City Hall, Room 415  
**Mail Stop #204**

Fourth Council District  
City Hall, Room 425  
**Mail Stop #206**

Fifth Council District  
City Hall, Room 440  
**Mail Stop #208**

Sixth Council District  
City Hall, Room 470  
**Mail Stop #210**

Seventh Council District  
City Hall, Room 455  
**Mail Stop #211**

Eighth Council District  
City Hall, Room 450  
**Mail Stop #213**

Ninth Council District  
City Hall, Room 420  
**Mail Stop #215**

Tenth Council District  
City Hall, Room 430  
**Mail Stop #217**

Eleventh Council District  
City Hall, Room 475  
**Mail Stop #218**

Twelfth Council District  
City Hall, Room 405  
**Mail Stop #220, #237**

Thirteenth Council District  
City Hall, Room 480  
**Mail Stop #222**

Fourteenth Council District  
City Hall, Room 465  
**Mail Stop #223**

Fifteenth Council District  
City Hall, Room 410  
**Mail Stop #225**