



PO Box 34055 GH, CA 91394

June 7, 2016

Planning and Land Use Management Committee
Board of Public Works Public Edward R Roybal Hearing Room 350
200 N. Spring Street
Los Angeles, CA 90012

Via email

Re: Code Amendment/Second Dwelling Units/Proposed Ordinance
CF#14-0057-S8

Honorable Councilmember Huizar and Members of the PLUM Committee:

On May 10, 2016, the Old Granada Hills Residents' Group Board of Directors **voted to strongly oppose the proposed repeal of our City's current adopted second unit standards.**

When development entitlements are "by right," it is vitally important that cities have adopted standards to protect their neighborhoods. Under state law (Gov't Code section 65852.2), if a city has adopted its own local standards, it approves or rejects second unit applications in accordance with those local standards, which can include substantial protections for the surrounding neighborhood. For example, LA City's local standards (adopted back in 1985) specify a maximum size of 640 SF for second units, they forbid construction of second units that are visible from the street, and second units cannot be built in designated "hillside" areas.

The Legislature encourages cities to adopt and enforce their own local standards by providing that, if a city does not have its own adopted standards, it must approve second units "by right" according to very weak state "default" standards that provide virtually no neighborhood protection. For example, under the lenient "default" standards, a second unit can be 1,200 SF (the size of many primary residences), and there are no visibility or hillside protections.

If the current adopted standards are repealed, LA planning and building officials will have to follow these very lenient "default" standards. This would allow many negative impacts on surrounding neighborhoods from second unit construction.

The City should retain and apply its existing adopted second unit standards until such time as a better, customized second unit zoning reform proposal is adopted. In particular, the Planning Department should consider ways to tighten up the City's standards to provide even greater protection. The current "fast track" of the proposed repeal does not allow for adequate study or public input.

Thank You for Your Consideration,

A handwritten signature in cursive script that reads "Dave Beauvais".

Dave Beauvais, President
Old Granada Hills Residents' Group

A handwritten signature in cursive script that reads "Maria Fisk".

Maria Fisk, board member
Old Granada Hills Residents' Group

Marian Dodge
2648 N. Commonwealth Avenue
Los Angeles, CA 90027

City Councilmembers
City Hall
200 N. Spring Street
Los Angeles, CA 90012

June 24, 2016

Re: **CF #14-0057-S8**
Second Dwelling Unit Ordinance

Dear Councilmembers,

I strongly urge you to oppose the hastily crafted proposal to repeal the City's current municipal code regarding second dwelling units or "granny flats." The current municipal code is compliant with state law so there absolutely no reason to change it.

The City's current code protects our neighborhoods against the negative impacts of second dwelling units. The code now requires that second units be relatively small, not be located in hillside areas, and not be visible from the street frontage. If the city's code is repealed, the state's default standards would apply. Those default standards can only be described as lame; they provide none of the above protections.

I urge you to follow the recommendations of your fellow Councilmembers Martinez and Ryu to delay the repeal of the existing second dwelling unit code until all the alternatives have been evaluated and all the ramifications explored. Changes to the municipal code have long-lasting consequences to the community. They should not be undertaken lightly. It could come back to haunt you.

Sincerely,

Marian Dodge

Marian Dodge

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Rancho Verdugo Estates
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Roscomare Valley Assn.
Save Coldwater Canyon!
Save Sunset Blvd.
Shadow Hills Property Owners
Sherman Oaks HO Assn.
Silver Lake Heritage Trust
Studio City Residents Assn.
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President David H. Ambroz, President and
Honorable Commissioners of the
Los Angeles City Planning Commission
200 N. Spring Street, Los Angeles, CA 90012

14-0057-S8

May 9, 2016

Re: CPC-2016-1245-CA
Repeal of LAMC Sections 12.24 W.43 and 12.24 W.44

Dear President Ambroz and Honorable Planning Commissioners:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 45 resident and homeowner associations with approximately 250000 constituents spanning the Santa Monica Mountains. At its meeting of May 4, 2016, the Federation voted to oppose the City's proposed repeal of Los Angeles Municipal Code Sections 12.24 W.43 and 12.24 W.44 and to support retention of the protections embedded within those code sections.

The proposed draft ordinance to repeal the City's long-ignored Second Dwelling Unit ordinance is based on the false premise that the recent invalidation of ZA Memo 120 by the Court in *Los Angeles Neighbors in Action v. City of Los Angeles, et al.* (LA Super. Ct., 2016, BS150599) requires the City to take immediate action. Repeal of the City's ordinance would default the City to the second dwelling unit standards codified in California Government Code Section 65852.2(b)(1). These default standards provide little protection against the potential overdevelopment of our City's hillside areas, whereas the City's existing Second Dwelling Unit ordinance provides substantial protections to hillside and other areas.

As noted in the Court's recent decision in *Los Angeles Neighbors in Action*, in passing AB 1866, the legislature acknowledged that many cities had approved discretionary Second Unit Ordinances, but AB 1866 specifically allowed that cities needn't amend those ordinances. *See* Govt. Code § 65852.2(a)(3) ("When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the

application shall be considered ministerially without discretionary review or a hearing. . . . Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.”). The *LA Neighbors* Court summarized AB1866’s legislative intent as follows: “local agencies may continue to apply their existing adopted second unit standards on a ministerial basis without formally amending their ordinance to delete CUP discretionary procedures.” Thus, so long as the standards of the Second Dwelling Unit ordinance are applied ministerially, no City action is required, let alone emergency action.

Further, the immediate repeal of the City’s Second Dwelling Unit ordinance is unlikely to resolve any lingering questions about the validity of past approvals. The *LA Neighbors in Action* opinion and judgment say nothing about the validity of any of those approvals, and the City’s proposed action would not validate earlier approvals if they were void at inception. Moreover, it is impossible to know without reviewing specific cases whether any are consistent with the City’s existing standards. Additional study of these issues is needed before action is justified.

AB 1866 encourages cities to adopt their own customized second dwelling unit standards. The City of Los Angeles did so long ago, and those standards provide significantly greater protections to community members than the default state standards. The recent Superior Court action invalidated only the former Planning Director’s memo and one approval, not the existing ordinance. The Court considered but rejected the City’s assertion that the City Council’s 2013 Housing Element is controlling. Importantly, in 2013 policymakers made their decisions believing that ZA Memo 120 was legally valid, which we now know is wrong. A major policy decision such as regulation of Second Dwelling Units in a City as large as Los Angeles should not be built upon a foundation of erroneous legal advice.

Repeal of the City’s Second Dwelling Unit ordinance will require planning and building officials to follow the very lenient default standards of AB 1866, which would remove carefully considered protections to hillside and other areas of the City. If policymakers desire to change the City’s Second Dwelling Unit ordinance, this should be considered only after thorough study (including potential negative environmental impacts to hillside areas) and public input.

The Hillside Federation urges the City Planning Commission to recommend that the existing Second Unit Dwelling ordinance be retained, not repealed.

Sincerely,

Charley Mims

Charley Mims

cc: Honorable City Council
Dept. of City Planning: Dir. Vince Bertoni, Ken Bernstein, Claire Bowin, Matt Glesne