



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R17-0086
MAR 17 2017

REPORT RE:

**REVISED DRAFT ORDINANCE ADDING SUBDIVISION 10 TO SECTION 14.00 A
OF ARTICLE 4 OF CHAPTER 1 OF THE LOS ANGELES MUNICIPAL CODE
TO ESTABLISH A PROCESS TO LEGALIZE UNPERMITTED 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. 14-1150-S1

Honorable Members:

On October 4, 2016, this Office prepared and transmitted for your consideration, approved as to form and legality, a draft ordinance adding Subdivision 10 to Section 14.00 A of Article 4 of Chapter 1 of the Los Angeles Municipal Code (LAMC). (City Attorney Report R16-0318.)

This Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality, which includes changes to make clear that the ordinance is intended to preserve and create affordable housing units by establishing a process to grant legal status to existing unpermitted dwelling units consistent with state density bonus provisions. This will ensure that the grant of permitted status to pre-existing unpermitted units, under this subdivision, will not be considered an increase in density or change in development standards which would require a corresponding zone change, general plan amendment, specific plan exception or discretionary approval. This section does not supersede or in any way alter or lessen

the effect or application of the Coastal Act. These changes include adding the above sentence as well as the phrase “consistent with the State Density Bonus provisions in California Government Code Section 65915-65918” to the purpose section.

The draft ordinance generally allows a resulting density of more than 35 percent of the maximum allowable residential density. However, at the request of the Departments of Building and Safety and City Planning, the revised draft ordinance clarifies where there are more permitted units than allowed under the current maximum residential density, the increase in the number of units granted legal status, through this process, may not exceed 35 percent of the number of permitted units on the property. The revised ordinance also allows for an exception to that rule in the case of a property containing a structure with two permitted dwelling units in a multiple family zone – a third unit may be granted legal status, as long as one unit is a Restricted Affordable Unit, even if it exceeds 35 percent of the number of legal units on the property. Finally, the revised draft ordinance contains a correction in the name of the ordinance; it is Unpermitted Dwelling Unit ordinance.

CEQA Determination

For this project, Planning Department staff recommends that the City Council determine the project to be exempt pursuant to City’s Environmental Quality Act (CEQA) Guidelines Section 15301, and Class 1 Categories 1, 4, and 5 of the CEQA guidelines. Projects that qualify for this exemption include those involving repair, permitting, or minor alteration of existing private or public structures or facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. This determination that the Project is exempt from CEQA as referenced above, is based on the whole of the administrative record, the lead agency’s independent judgment and analysis, and the determination that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Charter Findings

The Charter Findings discussed in Report No. R16-0318 support your consideration of the enclosed draft ordinance.

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Housing and Community Investment Department, Department of Building and Safety, Department of Disability, Department of Water and Power, Los Angeles Fire Department and Safety and the Bureau of Engineering 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 Amy Brothers at (213) 978-8069. She 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:AB:gl