

# Sunland-Tujunga Neighborhood Council

## LAND USE COMMITTEE

7747 Foothill Bl, CA 91042 • 818-951-7411/ www.STNC.org



### LAND USE COMMITTEE MEETING AGENDA

**DATE: Monday, May 2, 2016**

**LOCATION: Elks Lodge, 10137 Commerce Avenue, Tujunga**

**TIME: 7:00 p.m.**

Call to Order – Introductions of LUC, CD7 staff, neighbors and guests.

Name	P	A	Name	P	A
Cindy Cleghorn*			Arsen Karamians		
Bill Skiles			Karen Zimmerman		
Debby Beck			William Malouf (a)		
Nina Royal*			Cathi Comras (a)		
Elektra Kruger			vacant		
Liliana Sanchez			vacant		
David Barron*			CD-7		
John Laue*					

\* STNC Board Member

The Land Use Committee contains eleven full members and four alternates. A quorum for an LUC Committee meeting consists of seven members, and at least six votes in favor or against an issue are required to achieve consensus.

1. Call to Order
2. Approval of Minutes
3. Committee member recent activities: reCodeLA
4. Baseline Mansionization/Baseline Hillside Ordinance Code Amendment released 4-22-16. Valley hearing Monday, May 16. Should the LUC cancel their 5/16 meeting to attend? Who will draft STNC Comments? Comment Deadline: 6-10-16.
5. Possible Community Impact Statements to submit to the STNC board regarding:
  - a. Home-Sharing (short-term rentals) Draft Ordinance
  - b. Second Dwelling Unit (SDU) repeal ordinance to comply with AB1866 and grandfather SDUs permitted since 6-23-03.
6. Letter of support to Dept. of City Planning regarding 10105 Commerce, Tujunga - the Jain Temple.
7. Early Notification: 7101 Foothill Blvd., Tujunga – proposed drive-thru car wash – application filed.
8. LUC Committee members recommendation to the STNC board.
9. McVine / McGroarty – 8160 McGroarty possible Tentative Tract Map
10. (8 p.m.) Presentation of event details and road closures for the Amgen Tour, second largest cycling tour in the world scheduled to go through Sunland-Tujunga area May 16.
11. PUBLIC COMMENTS – non agenda items
12. ANNOUNCEMENTS: Northeast Strategy upcoming event at Galpin Ford;
13. Adjourn

*The public is requested to address the Board/Committee on any item of the agenda prior to the Board/Committee taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered and at the discretion of the presiding officer(s). Comments from the public on other matters not appearing on the agenda can be heard during Public Comments. Public Comment is limited to two minutes per speaker, unless waived by the presiding officer(s) of the Board/Committee. \*\*Time limits may take more or less time. Order of items on this agenda may be changed by the presiding officer. \*\* All items may be acted upon whether specifically listed for action or not.*

*In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be viewed at the STNC Office, 7747 Foothill Blvd., Tujunga, at our website: [www.stnc.org](http://www.stnc.org) or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the STNC office to schedule an appointment at (818) 951-7411.*

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assisted listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting by contacting Cindy Cleghorn, at (818) 951-7411, toll-free at (866) LA HELPS, or e-mail [secretary@stnc.org](mailto:secretary@stnc.org). Agenda is posted for public review at: [www.stnc.org](http://www.stnc.org); Sunland-Tujunga Chamber of Commerce 8250 Foothill Blvd. Unit B, Sunland; North Valley CityHall, 7747 Foothill Blvd., Tujunga and Sunland Senior Center, 8640 Fenwick Street, Sunland. Posted 4-29-16; Remove after 5-2-16

SUNLAND-TUJUNGA NEIGHBORHOOD COUNCIL  
LAND-USE COMMITTEE MEETING MINUTES  
APRIL 4, 2016

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- I. Meeting was called to order by Interim Co-Chair Cindy Cleghorn at 7:24pm
- II. Roll Call
  - a. Present
    - i. Cindy Cleghorn
    - ii. Bill Skiles
    - iii. Debby Beck
    - iv. Nina Royal
    - v. Elektra Kruger
    - vi. David Barron
    - vii. Karen Zimmerman
    - viii. Lilianna Sanchez
  - b. Absent
    - i. John Laue
    - ii. Arsen Karamians
  - c. Public Representative ☺
    - i. Ricardo Benitez
- III. Self-Introductions of Board Members and Audience
- IV. Approval of Minutes
  - a. **MOTION:** by Karen Zimmerman to approve the STNC-LUC Meeting Minutes of March 21, 2016 as amended 2<sup>nd</sup> by Debby Beck Vote: Unanimously approved
- V. Committee Member Up-Dates
  - a. None
- VI. Public Comments
  - a. Roberta Cole
    - i. Thanked the LUC and especially its Chairperson Cindy Cleghorn for their dedicated service to assure the quality of life and environment in Sunland-Tujunga with their knowledge and objectivity in evaluating land-use issues
  - b. Elektra Kruger
    - i. The most recent presentation at Bolton Hall was on the Furst family that lived in the Furst castle on the hill above the Old Vienna Restaurant in SH. The room was filled & many could not get in. There will be an encore presentation – see attached flyer
    - ii. BH will be having its annual fund-raiser the Blazing Star and Plant sale Sat. April 16. 9am to 3pm. Anyone wishing to donate items to the sale may do so any Tues/Sun from 1pm-4pm. Also certainly attend the sale – see attached flyer
    - iii. There will be a Day of Dialogue on the future of policing hosted by the LAPD Operations Depart, Valley Bureau Apr 14, 6pm-8pm. For those who missed the S/T Townhall Meeting this would be an excellent opportunity to share your concerns – see attached flyer
  - c. Lilianna Sanchez
    - i. There has been some noticeable absenteeism among LUC Board Members. I recommend a letter be sent to them encouraging them to take responsibility for the position for which they have volunteered.

- ii. Lilitiana would like to fill the vacant position of an LUC Board Member as opposed to that of an alternate
    - d. Nina Royal
      - i. Mission College will be coming to S/T. They want to start classes in the summer. We need to send them a list of the types of classes that may be of interest to residents of Sunland-Tujunga. Send recommendations to nroyal1959@aol.com
      - ii. Re Samoa. They have put up a perimeter fence all the way out to the street encroaching onto street parking on a very narrow street that already has limited street parking
        - 1. Cindy C.: In our letter we did request that fencing be off-set from the street
    - e. Cindy Cleghorn
      - i. Re the STNC election held last Sat. There were 1223 voters – a record for the Valley. Venice held the record for all NCs at over 1600. A recount is being held today and results are still pending
        - 1. Maryellen: Made a comment about the post card sample ballot arriving the day before and day of the election.
        - 2. Karen Z.: It would be wonderful if people involved in the voting would continue to follow what’s going on and see how they could get involved. Positive outcomes are so dependent on community involvement
- VII. Committee Announcements
- a. Nina Royal
    - i. Mission College will be coming to S/T this summer. Classes will temporarily be held at the Commerce Center on Commerce/Foothill. Classes can run from 8am to 10pm 6 days a week – that could accommodate a wide variety of classes
      - 1. Cindy C.: There is a survey on the STNC E-Newsletter. Thus far there have only been about 35 responses. We need to encourage people to take the survey. Since the meeting we now have 100 responses.
  - b. Cindy Cleghorn
    - i. There will be a ReCodeLA Forum in our area in Northridge on April 20.
  - c. Oro Vista/Big Tujunga Canyon – Lilianna Sanchez
    - i. Spoke to Senior Grading Inspector Martin Holmes. He and John Kitchco have been on the property itself at our request. They spoke to the contractor Josh who has been “uninvolved” and unaware of what was taking place there
    - ii. They had to remove the lg boulders fr the Wildlife Corridor (being referred to as an Open Air Easement). The corridor is still under investigation bec the perimeter fence is out to the street – it is supposed to be 52’ off-street
    - iii. As of this morning, the fence was still out to the street.
    - iv. The inspectors are requiring construction of a berm to keep water out of the Wildlife Corridor
    - v. The Sr Grading Inspector Holmes said he had not read any of the documents associated with the property. Requested he review the documents/plans and make a return visit to verify the base ht of the building pads are properly raised.
      - 1. The site is in a flood plain. The building pads must be adequately raised prior to initiation of construction to prevent future flooding events of the development site

- VIII. Traffic safety on Tujunga Canyon Place – Cindy Cleghorn
  - a. There are no up-dates. Rafi made connections at the LAPD Townhall Meeting and may be following up with this himself from there.
- IX. Up-Dates and new businesses in the FBCSP area + Commerce – moved to future meeting
- X. Presentation: 10105 Commerce – 2<sup>nd</sup> story addition to an existing structure – Argineh Mailian
  - a. Note: Q = Question, A = Answer by presenter C= Comment R = Response by person other than presenter
  - b. The structure was once a Post Office, then a Pharmacy and then a Dance Studio located across from Bolton Hall on the NW corner of Commerce/Valmont. Proposal is for a 2<sup>nd</sup> story addition to the existing building.
  - c. In 2012, they had obtained approval for interior renovation & change of use fr a dance studio to a temple. The 1st story is to serve as a shrine, the 2<sup>nd</sup> as classrooms & storage. Hours of operation proposed to be M-F 8am to 11am and 7pm to 9pm, S/S 8am to 8pm
  - d. Occupancy meets City Code. Proposed height = 29’6”. The 2<sup>nd</sup> story will be set-back 25 feet from Commerce ave (22 ft from the exterior wall of the first story)
  - e. Q: The maximum capacity of the shrine is 87 people, the parking lot has 18 spaces. That breaks down to 5 people/car. That is unrealistic. A: Parking spaces meets City Code in terms of spaces/sq ft structure
    - i. C: Our concern re parking is that if there is any kind of overflow, there will be no place to park or your membership will park in areas that should by right be available to local residents/businesses
      - 1. A: There is a large parking lot on Commerce/Foothill. We can park there and shuttle to the site. We will inform our people not to park along Commerce.
  - f. Q: The parking area perimeter wall on Valmont is currently covered with nice Bougainvillea bushes. The renderings show low lying plants. That leaves an aesthetically massive wall that would be attractive to graffiti artists. Will the bushes be removed?
    - i. This is only a rendering for the Planning Dept. A presenter showed us a picture of his personal residence in an effort to convince us how much improved the temple will appear – the two have no nexus
  - g. Q: The application states that you are asking for a BoE waiver – what are the waivers? A: All applications have a standard set of BoE requirements one of which deals with street widening. We believe this to be unnecessary.
    - i. C: Especially since the current structure only has a 3 ft set-back from the street
  - h. C: When you made a presentation over a yr ago, you made reference to how community involved your organization would be. Not one name on the submitted project support petition bas a Sunland-Tujunga address and no one has been seen at a local event
  - i. C: You state that typically you have 20 people attending services & you have 4 stoves – that doesn’t jive. Also, for such a small membership, why are you adding all these classrooms? That seems like a lot of extra space if there is no membership to use it
    - i. A: M-F there are typically 20 people/day. S/S there are typically 50-60 (3.3 people/car) w/the hope to have an inc’d membership in the next 10-20 years. We hope to accommodate them without having to build another property
    - ii. A: The 60 people are not there all at once – they come and go during the course of the day

- j. Q: Will the facility be available to non-members for classes in eg yoga? Will there be outreach to the community letting them know the opportunity exists? A: Non-members are welcome to temple events. Flyers will be made available at the NVCH
  - k. Lloyd Hitt: I have been President of Bolton Hall across the street – the historic building #2 of the City of Los Angeles – for 10 years. You have not been good neighbors. Trash surrounds the building, plants have not been watered and are dead.
    - i. Lloyd H.: I have been there a # of times to take care of the property myself which just sits empty. I have been here since 1946. All prior owners have kept up the bldg. You may have nice plans for the building, but you have to care of it
      - 1. A: Apologized for the history of poor maintenance. Promised to take care of the property in the future. Stated that currently they do not come to the site often, but do take care of problems when they do
      - 2. C: That is a problem when you are an organization from out-of-town – you do not have members from the community who might help you take care of the site A: Once we move here it will be taken care of
    - l. Debby B.: clarified a number of details of the proposed plans with the presenters. Requested a sample board of colors/materials proposed to be used. A: Will provide that to the NC
  - m. Q: Will you be holding services during construction of the 2<sup>nd</sup> story? A: No Q: How long do you believe it will take until construction is complete? A: At least a year with the planning process as well as the construction itself
- XI. Meeting adjourned at 8:56pm



# Department of City Planning - Code Studies Section

## NOTICE OF PUBLIC HEARING

### Citywide Proposed Zoning Code Amendment

**CASE: CPC-2015-3484-CA  
ENV-2015-4197-EAF**

**Baseline Mansionization/Baseline  
Hillside (BMO/BHO) Code Amendment  
Council District: All**

This notice is to inform you of four public hearings for case number CPC-2015-3484-CA, a proposed Zoning Code amendment to modify single family zone regulations that has been initiated by City Council Motion (Council File #14-0656). All interested persons are invited to attend any of the public hearings, at which you may listen, speak, and submit written information relating to the proposed project.

<b>PLACE:</b> Ronald F. Deaton Civic Auditorium, 100 W 1 <sup>st</sup> St, Los Angeles (Corner of 1 <sup>st</sup> & Main)	<b>PLACE:</b> Martin Luther King Jr. Recreation Center, 3916 S Western Ave, Los Angeles
<b>DATE:</b> <b>Wednesday, May 4, 2016</b>	<b>DATE:</b> <b>Monday, May 9, 2016</b>
<b>TIME:</b> 7:00 pm – 9:00 pm	<b>TIME:</b> 7:00 pm – 9:00 pm
<b>PLACE:</b> Felicia Mahood Multipurpose Center, 11338 Santa Monica Blvd, Los Angeles	<b>PLACE:</b> Marvin Braude Constituent Service Center, Conference Rooms 1a & 1b, 6262 Van Nuys Blvd, Los Angeles
<b>DATE:</b> <b>Tuesday, May 10, 2016</b>	<b>DATE:</b> <b>Monday, May 16, 2016</b>
<b>TIME:</b> 7:00 pm – 9:00 pm	<b>TIME:</b> 7:00 pm – 9:00 pm

**PROPOSED PROJECT:** A proposed ordinance amending the Los Angeles Municipal Code to establish new regulations for all single-family zoned properties including the RA, RE, RS, and R1 Zones.

**PURPOSE:** The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The hearing will be conducted by a Hearing Officer who will consider oral testimony and any written communication received regarding this proposed Code amendment, as well as the merits of the draft ordinance as it relates to existing land use regulations. After the hearing, a recommendation report will be prepared for consideration by the City Planning Commission at a later date.

**Please submit comments to:** Niall Huffman [NeighborhoodConservation@lacity.org](mailto:NeighborhoodConservation@lacity.org), (213) 978-3405. In order to be considered in the report to the City Planning Commission, comments should be received by June 10, 2016. Comments received after June 10, 2016 should be addressed to the City Planning Commission for its consideration.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES:** If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter. Any written correspondence delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

**WRITTEN COMMUNICATION:** Written communications should cite the Case Number indicated at the top of this notice and may be mailed to the attention of the staff contact identified above at the Los Angeles Department of City Planning, Code Studies Section, City Hall - Room 763, 200 North Spring Street, Los Angeles CA 90012.

**REVIEW OF THE FILE:** The complete file including application and an environmental assessment is available for public review at the Department of City Planning, City Hall - Room 763, 200 North Spring Street, Los Angeles CA 90012 between the hours of 8:00 AM to 5:00 PM, Monday through Friday. Please call the staff contact indicated at the top of this notice several days in advance to assure its availability. Case files will not be available for inspection on the day of the hearing.

**ACCOMMODATIONS:** As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. *Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance.*

Other services, such as translation between English and other languages, may also be provided upon request. *Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.*

To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice. *Para asegurar la disponibilidad de éstos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.*



## Q & A: Baseline Mansionization Ordinance (BMO) and Baseline Hillside Ordinance (BHO) Code Amendment

### **Q: What is the purpose of the BMO/BHO Code amendment?**

The City's current development standards for single-family zones are referred to as the Baseline Mansionization and Baseline Hillside Ordinances, or BMO and BHO. These regulations were established to address out-of-scale development in single-family zones throughout the City and related construction impacts in Hillside Areas. The purpose of the BMO/BHO Code Amendment is to update and fine-tune the current rules relating to the size and bulk of new homes, as well as grading of hillside lots.

### **Q: Why is the BMO/BHO Code amendment needed?**

The City began crafting new regulations for single-family zones in 2006 to address the proliferation of out-of-scale development and extensive hillside grading. In 2008, new regulations, known as the Baseline Mansionization Ordinance (BMO), were adopted, followed in 2011 by the Hillside Area counterpart, known as the Baseline Hillside Ordinance (BHO).

As development pressure increased, vulnerabilities in the regulations became more apparent. Especially for R1-zoned properties, the BMO and BHO were not as effective at curtailing large-scale homes and construction impacts as originally anticipated. These issues have not been unique to Los Angeles; other Southern California cities, as well as those in other regions, have experienced similar pressures and subsequently reassessed their regulations.

A multitude of residents and neighborhood organizations asked their respective City Councilmembers for stronger controls. In response, the City Council instructed the Planning Department to draft an amendment to the regulations.

### **Q: What considerations were taken into account in drafting the BMO/BHO Code amendment?**

In a city as diverse as Los Angeles, no one size fits all; different neighborhoods have differing concepts of what constitutes appropriately scaled development. Because the BMO and BHO are citywide regulations, any amendments to them must strike a balance between those various ideas. This Code amendment offers substantial improvement on the most urgent issues, while the Planning Department works to create more tailored single-family zones for everyone through **re:code LA**.

### **Q: What is the difference between the BMO/BHO Code amendment and other single-family zoning initiatives currently in progress?**

There are several single family zoning initiatives currently in progress:

**Interim Control Ordinances (ICOs)**. A patchwork of Interim Control Ordinances (ICOs) has been established in various residential neighborhoods to temporarily restrict development until a more permanent solution is available. These ICOs expire in March 2017.



**re:code LA.** The ongoing effort to comprehensively rewrite the Zoning Code will include the creation of new single-family zones to better address the diversity of Los Angeles' neighborhoods. The preparation and adoption of a new menu of R1 Zones (a component of the new single-family zones) is being accelerated to be available for neighborhoods that are currently subject to one of the City's residential ICOs. These new R1 Zones will contain regulations tailored to the needs of individual communities, such as neighborhoods where the predominant character is detached garages, single-story houses, or houses that are larger in scale.

**BMO/BHO.** The BMO/BHO Code amendment is intended as a more immediate response to the scale of development for neighborhoods not subject to an ICO. It will serve as carefully considered regulations while the new **re:code LA** single-family zones are developed citywide.

**Q: What about the BMO/BHO Code Amendment released to the public near the end of 2015?**

A previous version of the draft BMO/BHO Code Amendment was released to the public near the end of 2015. A presentation, question and answer period, and public hearing were held around the City on **December 2, 3, 15 and 16**. Staff received valuable feedback from the testimony and comments that were submitted on the previously released version of the BMO/BHO Code amendment. As a result, staff has conducted additional research and analysis and prepared this revised version of the BMO/BHO Code amendment.

**Q: What are the key elements of the revised BMO/BHO Code amendment?**

The revised BMO/BHO Code amendment proposes the following changes to existing Zoning Code provisions:

**For all single-family zones**

- Eliminates the existing Residential Floor Area exemption for the first 100 square feet of over-in-height (over 14 feet in height) ceilings.
- Limits the Residential Floor Area exemption for covered porches, patios, & breezeways to the first 150 (instead of 250) square feet.

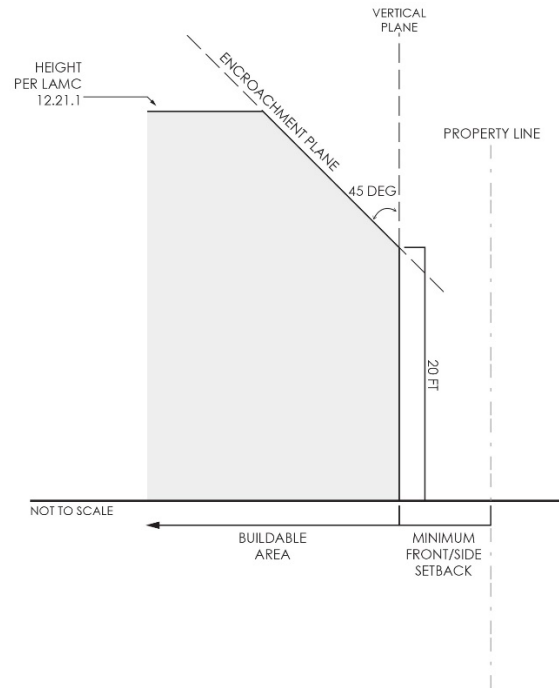
**For all RA, RE, & RS Zones**

- Eliminates the Residential Floor Area bonus for green buildings.

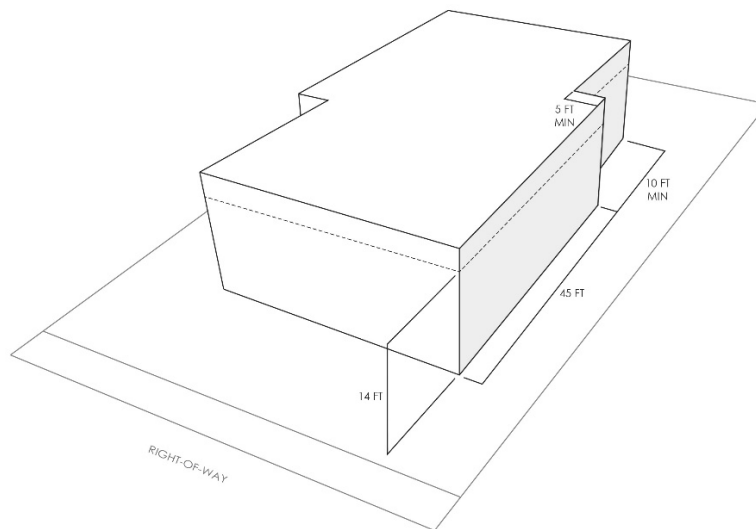
**For all R1 Zones**

- Eliminates all of the Residential Floor Area bonus options.

- Establishes an encroachment plane limit for building height over 20 feet.



- Establishes a side wall articulation requirement for walls more than 45 feet in length and 14 feet in height.



**For R1 Zones not in designated hillside areas**

- Limits driveway width to 25% of lot width.

**For all single-family zones in designated hillside areas**

- Removes the grading exemption for cut and fill underneath a structure, in conjunction with the following:

- Doubles the formula for maximum grading allowed to ~~500~~ **1,000** cubic yards plus the numeric value equal to ~~5%~~ **10%** of the lot size in square feet.
- Doubles the maximum “by-right” quantities to the following:

Zone	Maximum “By-Right” Grading Quantities (cubic yards)
R1	<del>1,000</del> <b>2,000</b>
RS	<del>1,100</del> <b>2,200</b>
RE9	<del>1,200</del> <b>2,400</b>
RE11	<del>1,400</del> <b>2,800</b>
RE15	<del>1,600</del> <b>3,200</b>
RE20	<del>2,000</del> <b>4,000</b>
RE40	<del>3,300</del> <b>6,600</b>
RA	<del>1,800</del> <b>3,600</b>

- Regulates import and export as a combined quantity, subject to the following “by-right” hauling limits:
  - Standard Hillside Limited Streets or Larger: No more than the maximum “by-right” quantities listed in the above table.
  - Substandard Hillside Limited Streets: No more than 75% of the maximum “by-right” quantities listed in the above table.
- “By-right” maximums for grading or hauling may be exceeded with a Zoning Administrator’s Determination.

**Q: Would these changes apply to projects currently in the process of obtaining permits?**

The Code amendment will apply to projects filed after the effective date of the ordinance. Therefore, any projects filed or being processed before the effective date will not be impacted by this proposed Code amendment.

**Q: How can I get more information or share my input?**

The public is invited to learn more about the proposed Zoning Code amendment, ask questions, and testify at any one of four open houses and staff-level public hearings. Locations and times are provided in a separate announcement. Written comments may also be submitted directly to Niall Huffman at [NeighborhoodConservation@lacity.org](mailto:NeighborhoodConservation@lacity.org).

**Q: What are the next steps?**

After the staff-level public hearings, the City Planning Commission will consider the Code amendment at a subsequent public hearing and make a recommendation to the City Council. Email us at [NeighborhoodConservation@lacity.org](mailto:NeighborhoodConservation@lacity.org) to join our mailing list and receive related notifications.

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

An ordinance amending Sections 12.03, 12.07, 12.07.01, 12.07.1, 12.08, 12.21, and 12.23 of the Los Angeles Municipal Code to establish new regulations for all single-family residential zoned properties including RA, RE, RS, and R1.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by amending the definitions of “Base Floor”, “Basement”, “Grade, Hillside Area”, “Floor Area, Residential”, “Height of Building or Structure”, “Story”, and “Story, First” in order to read:

**BASE FLOOR.** That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. ~~All levels within four vertical feet of each other shall count as a single story.~~

**BASEMENT.** Any ~~s~~Story below the ~~f~~First ~~s~~Story of a ~~b~~Building. The ceiling of a Basement cannot exceed the finished floor level of the First Story by more than four vertical feet.

**FLOOR AREA, RESIDENTIAL.** The area in square feet confined within the exterior walls of a Building or Accessory Building on a Lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Residential Floor Area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area.
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet.
3. **Covered Porches, Patios, and Breezeways.** For Lots not located in the Hillside Area or Coastal Zone, the first ~~250~~150 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.

For Lots located in the Hillside Area, the exempted area shall be limited to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:

Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.

Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.

4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have ~~an open~~ a Lattice Roof, as defined in this Section.

~~5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that in the Hillside Area, for a room or portion of a room which has a floor height below the exterior Grade (or "sunken rooms"), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once.~~

~~56. **Basements.** For Lots not located in the Hillside Area or Coastal Zone, any Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 2 feet in height at any point above the finished or natural Grade, whichever is lower.~~

For Lots located in the Hillside Area, any Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots the following shall not disqualify said Basement from this exemption:

- (a) A maximum of one, 20-foot wide depressed driveway with direct access to the required covered parking spaces, and
- (b) a~~A~~ maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.

**GRADE, HILLSIDE AREA.** For the purpose of measuring height on an R1, RS, RE, or RA zoned Lot in the Hillside Area, pursuant to Section 12.21 C.10. of this Code, Hillside Area Grade shall be defined as the Elevation, at the perimeter of a Building or

Structure, of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective Elevation of Grade for purposes of measuring Height of a Building or Structure.

~~STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than 50% of the total perimeter, or is more than twelve feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story. The space in a Building between two vertically adjacent finished floor levels or, for the topmost Story of a Building, the space between its finished floor level and the roof directly above it. Finished floor levels within four vertical feet of each other shall be deemed a single Story.~~

STORY, FIRST. The lowest Story of a Building where the finished floor level directly above the Story is more than six feet above grade for more than 50 percent of the total perimeter or is more than twelve feet above grade at any point. If no such Story exists, then the topmost Story of a Building shall be deemed the First Story.

Sec. 2. Subdivision 5 of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum Residential Floor Area ~~floor area~~ shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum ~~residential floor area~~ Residential Floor Area contained in all buildings and accessory buildings shall not exceed 25 percent of the ~~lot area~~ Lot Area, ~~except that~~ when the lot is 20,000 square feet. ~~For Lots 20,000 square feet or greater, then the residential floor area~~ Residential Floor Area shall not exceed 20 percent of the Lot Area ~~lot area~~, or 5,000 square feet, whichever is greater.

An additional 20 percent of the maximum ~~residential floor area~~ Residential Floor Area for that ~~lot~~ Lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

- (a) The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth. ~~;~~ ~~or~~

~~(c) For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.~~

~~—Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:~~

~~(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;~~

~~(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;~~

~~(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and~~

~~(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.~~

~~(5) Termination and Replacement. The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5. (Added by Ord. No. 181,479, Eff. 12/27/10.)~~

Sec. 3. Subdivision 5 of Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum ~~residential floor area~~Residential Floor Area contained in all buildings and accessory buildings ~~in the RE9 and RE11 Zones~~ shall not exceed 40 percent of the Lot Area when the lot is less than 15,000 square feet. the following standards for each RE Zone: RE9 and RE11 -40 percent of the lot area, except that when the lot is~~For~~ Lots 15,000 square feet or greater in the RE9 and RE11 Zones and Lots in the RE15, RE20, and RE40 Zones, then the residential floor area~~Residential Floor Area~~ shall not exceed 35 percent of the ~~lot area~~Lot Area, or 6,000 square feet, whichever is greater; ~~RE15, RE20 and RE40-35 percent of the lot area.~~

An additional 20 percent of the maximum ~~residential floor area~~Residential Floor Area for that ~~lot~~Lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

(a) The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or



(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth. ~~;~~ ~~or~~

~~(c) For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.~~

~~—Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:~~

~~(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;~~

~~(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;~~

~~(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and~~

~~(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.~~

~~(5) Termination and Replacement. The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5. (Added by Ord. No. 181,479, Eff. 12/27/10.)~~

Sec. 4. Subdivision 5 of Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum ~~residential floor area~~Residential Floor Area contained in all buildings and accessory buildings shall not exceed 45 percent of the ~~lot area~~Lot Area, ~~except that~~ when the lot is less than 9,000 square feet. For Lots 9,000 square feet or greater, ~~then~~ the ~~residential floor area~~Residential Floor Area shall not exceed 40 percent of the ~~lot area~~Lot Area, or 4,050 square feet, whichever is greater.

An additional 20 percent of the maximum ~~residential floor area~~Residential Floor Area for that ~~lot~~Lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

(a) The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth

from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

~~(c) For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.~~

~~Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:~~

~~(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;~~

~~(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;~~

~~(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and~~

~~(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in~~

~~Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.~~

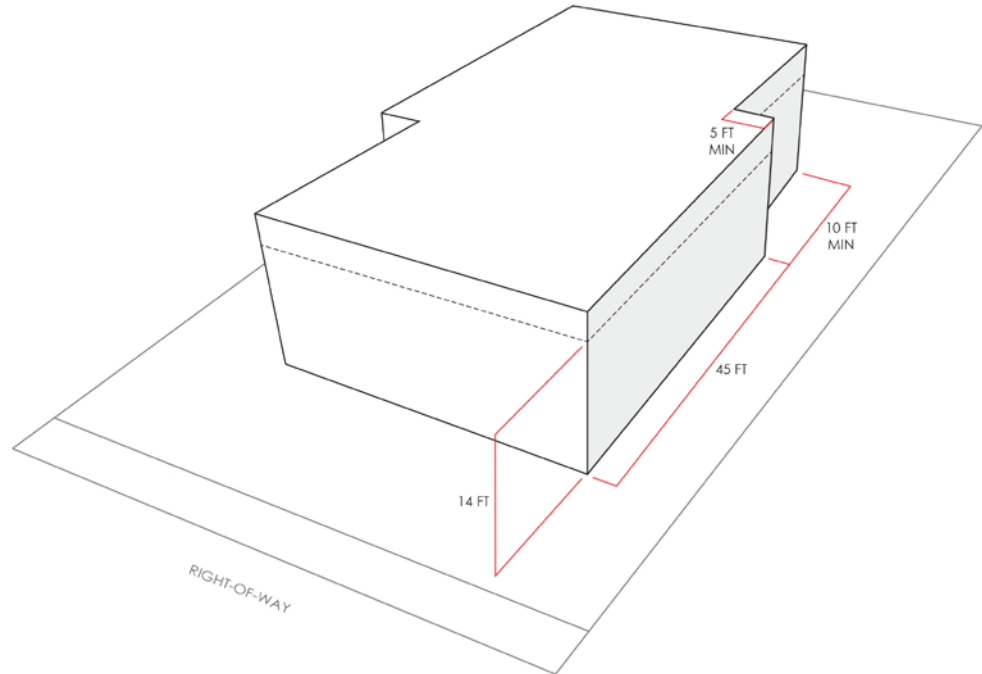
~~(5) Termination and Replacement. The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5. (Added by Ord. No. 181,479, Eff. 12/27/10.)~~

Sec. 5. Subdivision 2 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to read:

**2. Side Yards.**

- (a) For a main building not more than two-stories in height, there shall be a side yard on each side of the building of not less than five feet, except that where the lot is less than 50 feet in width, the side yard may be reduced to ten percent of the width of the lot, but in no event to less than three feet in width. For a building more than two-stories in height, one-foot shall be added to the width of each yard for each additional story above the second story.

All portions of a Building exceeding 14 feet in height which result in a side wall exceeding an overall length of 45 feet shall have an offset/plane break that is a minimum of 5 feet in depth beyond the required yard and a minimum of 10 feet in length. For the purpose of this Subdivision, height shall be measured from the existing or finished grade, whichever is lower, at the perimeter of the building.



- (b) In lieu of the additional one-foot side yard for each story above the second story as required above, for new construction of a main building or a ground floor addition to the main building on a lot not located in a Hillside Area or Coastal Zone, one-foot shall be added to each required side yard for each increment of ten feet or fraction thereof above the first 18 feet.
- (c) Side yard requirements in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over this subdivision. This subdivision shall apply in these areas, however, when there are no such side yard requirements.

Sec. 6. Subdivision 5 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum ~~residential floor area~~Residential Floor Area contained in all buildings and accessory buildings shall not exceed 50 percent of the ~~lot area~~Lot Area when the Lot is less than 7,500 square feet. For Lots except that when the lot is 7,500 square feet or greater, ~~then~~ the residential floor area shall not exceed 45 percent of the ~~lot area~~Lot Area or 3,750 square feet, whichever is greater.

~~An additional 20 percent, or 30 percent for lots less than 5,000 square feet in area, of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.~~

~~(a) The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or~~

~~(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.~~

~~For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or~~

~~(c) For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.~~

~~Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:~~

~~(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;~~

~~(2) A preliminary checklist from a USGBC contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes~~

~~Program with a target of certification at the “Certified” or higher level;~~

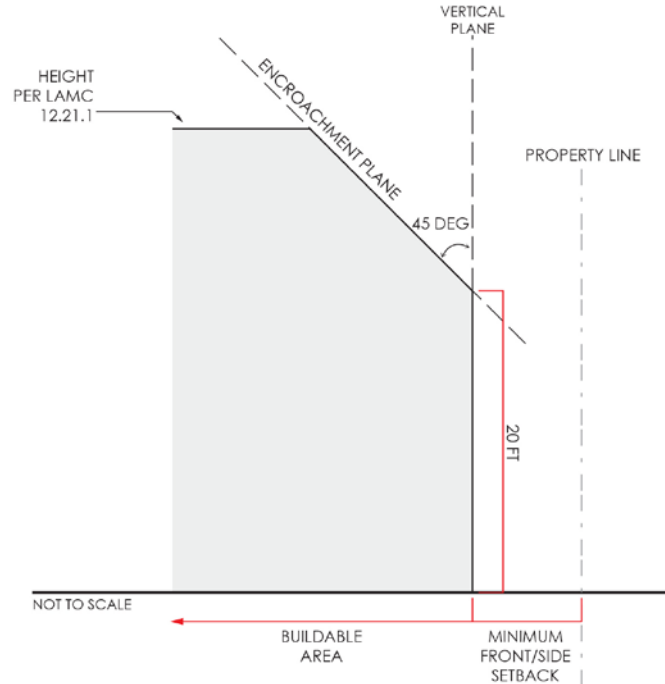
~~(3) A signed declaration from the USGBC contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the “Certified” or higher level; and~~

~~(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.~~

~~(5) Termination and Replacement. The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program and requirement to obtain an authorization from the Department of Planning for a plan check described in Paragraph (c) shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain additional floor area as described in Subdivision 5. (Added by Ord. No. 181,479, Eff. 12/27/10.)~~

Sec. 7. Subdivision 6 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is added to read:

**6. Encroachment Plane.** Buildings shall not intersect a plane, commencing 20 feet in height at the minimum required front and side yards and extending at an angle of 45 degrees from the vertical toward the interior of the site. The encroachment plane restriction does not apply to roof structures and equipment as allowed by Section 12.21.1.B.3. For the purpose of the Subdivision, height shall be measured from the existing or finished grade, whichever is lower, at the perimeter of the building.



Sec. 8. Subdivision 6 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is renumbered to be Subdivision 7.

Sec. 9. Paragraph (f) of Subdivision 5 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(f) **Driveway Width.** Every access driveway shall be at least nine feet in width in the A, RE, RS, R1, RU, RZ, R2, RMP, and RW Zones, and ten feet in width in the RD, R3, RAS3, R4, RAS4, R5, P, PB, C and M Zones; provided, however, every access driveway serving a parking area or garage having a capacity of more than 25 automobiles or trucks shall be at least 19 feet in width, or in lieu thereof, there shall be two access driveways, each of which is at least ten feet in width; provided further, however, that an access driveway serving an apartment house erected in the R2 Zone shall be at least ten feet in width.

Except that in the R1 Zone, not designated as a Hillside Area on the Department of City Planning Hillside Area Map, driveway width at the front property line shall not exceed 25 percent of the lot width.

Sec. 10. The first unnumbered Paragraph of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**10. Single-Family Zone Hillside Area Development Standards.**



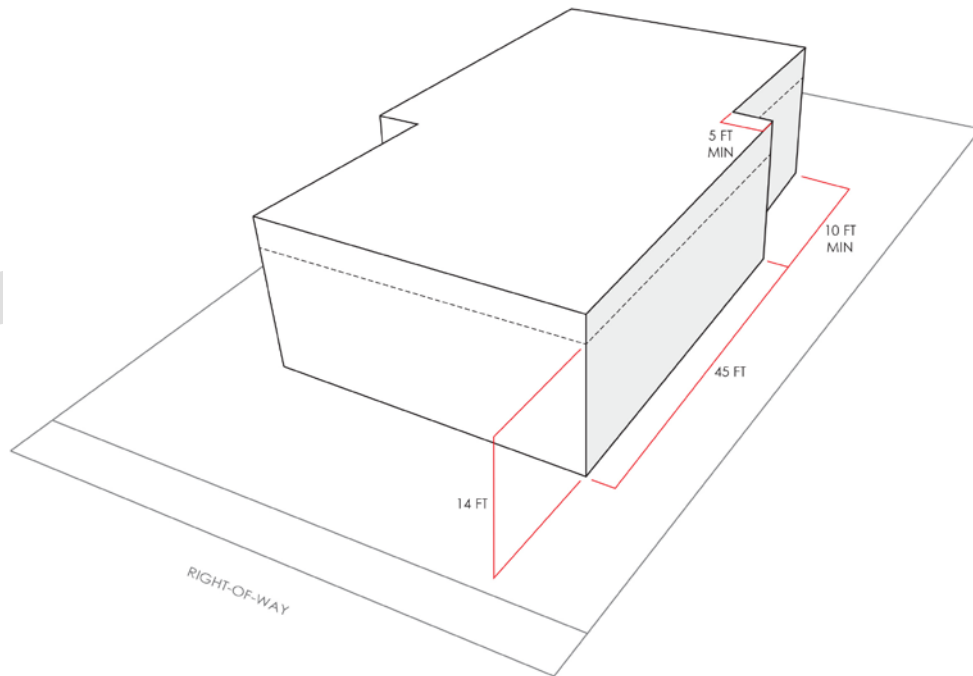
Notwithstanding any other provisions of this Code to the contrary, for any Lot zoned R1, RS, RE, or RA and designated Hillside Area on the Department of City Planning Hillside Area Map, no Building or Structure nor the addition or remodel ~~enlargement~~ of any Building or Structure shall be erected or maintained unless the following development standards are provided and maintained in connection with the Building, Structure, addition or enlargement remodel:

Sec. 11. Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(a) **Setback Requirements.** No Building or Structure shall be erected, maintained-remodeled, or enlarged unless the setbacks as outline in Table 12.21 C.10-1 are provided and maintained in connection with the Building, Structure, or enlargement.

Table 12.21 C.10-1 Single-Family Zone Hillside Area Setback Requirements								
	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
<b>Front Yard</b>								
<b>Not less than:</b>	20% of Lot Depth							
<b>Not to not exceed:</b>	20 ft	25 ft						
<b>Side Yard</b>								
<b>Not less than:</b>	5 ft	7 ft	10% of Lot Width, but not less than 5 ft			10 ft		
<b>Need not exceed:</b>	n/a				10 ft	n/a		
<b>The required Side Yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the Lot is less than the following widths:</b>	50 ft	70 ft	n/a			70 ft*		
<b>For Buildings or Structures with a height greater than 18 feet:</b>	One additional foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof above the first 18 feet.							
<b><u>For Buildings or Structures with a height greater</u></b>	<u>A plane break shall be added that is a</u>							

<b>than 14 feet and which have a side wall exceeding 45 feet in length:</b>	<b>minimum of 5 feet in depth beyond the required yard and a minimum of 10 feet in length.</b>	
<b>Rear Yard</b>		
<b>Not less than:</b>	15 ft	20 ft
		25% of Lot Depth
<b>Need not exceed:</b>	n/a	25 ft
ft - feet n/a - the provision is not applicable Lot Depth - as defined in Section <a href="#">12.03</a> of this Code Lot Width - as defined in Section <a href="#">12.03</a> of this Code  <b>Notes:</b> * Only applicable for Lots which are of record prior to July 1, 1966.		



Notwithstanding the required yards, or setbacks, outlined in [Table 12.21 C.10-1](#) above, or those exceptions found in Section [12.22](#) of this Code, the following provisions shall apply:

Sec. 12. Sub-subparagraph (iv) of Subparagraph (1) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(iv). Nothing contained in this subparagraph (1) shall, however, be deemed to require Front Yards which exceed 40 feet in depth or allow less than 5 feet.

Sec. 13. Subparagraph (3) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(3) **Front Yard Setbacks on Key Lots.** On Key Lots, the minimum Front Yard may be the average of the required Front Yard for the adjoining Interior Lot and the required Side Yard along the Street side of a Reversed Corner Lot. But such minimum Front Yard may apply for a distance of not more than 85 feet from the rear Lot line of the Reversed Corner Lot, beyond which point the Front Yard specified in Table 12.21 C.10-1 or Subparagraph (1) of this Paragraph (a) shall apply. Where existing Buildings on either or both of said adjoining Lots are located nearer to the front or side Lot lines than the Yard required by this Paragraph (a), the Yards established by such existing buildings may be used in computing the required Front Yard for a Key Lot, but not less than 5 feet.

Sec. 14. Sub-subparagraph (i) Subparagraph (10) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(i) **Garages in Front Yards.** A detached Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the front Lot line of a Lot and midway between the side Lot lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5 feet from the front Lot line. Where the wall of such garage is two-thirds below natural or finished Grade of the Lot, whichever is lower, said wall may extend to the adjacent side Lot line; in all other cases, said garage shall not be nearer to the side Lot line than the width of the Side Yard required for a main Building of the same height.

Sec. 15. Sub-subparagraph (ii) of Subparagraph (10) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(ii) **Open, Unenclosed Elevated Stairways, Porches, Platforms, Landing Places, or Balconies.** ~~Notwithstanding any other provisions of this Code, on Lots fronting onto a Substandard Hillside Limited Street, open unenclosed stairways, porches, platforms and landing places not covered by a roof or canopy shall not project or extend into the Front Yard.~~ Balconies with 10 feet or more of vertical clearance beneath them may project or extend no more than 30 inches into a Front Yard. Notwithstanding any other provisions of this Code, on Lots fronting onto a Substandard Hillside Limited Street, elevated stairways, porches, platforms and landing places shall not project or extend into the Front Yard.

Sec. 16. Paragraph (b) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(b) **Maximum Residential Floor Area.** The maximum Residential Floor Area contained in all Buildings and Accessory Buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Floor Area Ratio (FAR) for the zone of the Lot, as outlined in Table 12.21 C.10-2a. This formula can be found in Table 12.21 C.10-2-b, where “A” is the area of the Lot within each Slope Band, “FAR” is the FAR of the corresponding Slope Band, and “RFA” is the sum of the Residential Floor Area of each Slope Band.

Table 12.21 C.10-2a								
Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.50	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 12.21 C.10-2b Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	Area (sq-ft)		FAR		Residential Floor Area
0 – 14.99	A <sup>1</sup>	X	FAR <sup>1</sup>	=	RFA <sup>1</sup>
15 – 29.99	A <sup>2</sup>	X	FAR <sup>2</sup>	=	RFA <sup>2</sup>
30 – 44.99	A <sup>3</sup>	X	FAR <sup>3</sup>	=	RFA <sup>3</sup>
45 – 59.99	A <sup>4</sup>	X	FAR <sup>4</sup>	=	RFA <sup>4</sup>
60 – 99.99	A <sup>5</sup>	X	FAR <sup>5</sup>	=	RFA <sup>5</sup>
100 +	A <sup>6</sup>	X	FAR <sup>6</sup>	=	RFA <sup>6</sup>
Maximum Residential Floor Area				=	Sum of RFA <sup>1</sup> through RFA <sup>6</sup>

(1) **Slope Analysis Map.** As part of an application for a permit to the Department of Building and Safety, or for a Discretionary Approval as defined in Section 16.05 B of this Code to the Department of City Planning, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a registered civil engineer or licensed land surveyor, to verify the total area (in square feet) of the portions of a property within each Slope Band identified in Table 12.21 C.10-2a. The Director of Planning, or his/her designee, shall verify that the Slope Analysis Map has been prepared by a registered civil engineer or licensed land surveyor. In addition, the Director of Planning, or his/her designee shall approve the calculated Maximum Residential Floor Area for the Lot by the registered civil engineer or licensed land surveyor using the Slope Analysis Map prior to applying for a permit from the Department of Building and Safety.

The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.

The Slope Analysis Map shall clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 12.21 C.10-2b.

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

(2) **Guaranteed Minimum Residential Floor Area.** Notwithstanding the above, the maximum Residential Floor Area for all Buildings and Accessory Buildings on any Lot may be at least the percentage of the Lot size as outlined in Table 12.21 C.10-3 below or 1,000 square feet, whichever is greater.

Table 12.21 C.10-3 Guaranteed Minimum Residential Floor Area	
Zone	Percentage of Lot Size
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

The guaranteed minimum for the original zone as stated in the paragraph above shall apply to Lots that meet the following criteria: have an area that is less than 50% of the minimum Lot size for its Zone, were made nonconforming in Lot size as a result of an adopted zone change or code amendment changing the minimum Lot size, and met the minimum Lot size requirements of the original zone.

(3) **Residential Floor Area Bonus for RA, RE, and RS Zones.** An additional 20% of the maximum Residential Floor Area as determined by Table 12.21 C.10-2 of this Paragraph (b), or an additional 30% for Lots where the guaranteed minimum outlined in Subparagraph (2) of this Paragraph (b) is utilized, for that Lot shall be allowed if any of the options listed below is utilized. Only one bonus per property is allowed.

(i) **Proportional Stories Option.** The total Residential Floor Area of each Story other than the Base Floor in a multi-Story Building does not exceed 75% of the Base Floor Area. This option shall only apply to flat Building pads where the Slope of the Building pad area prior to any Grading, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure, is less than 15%; or

(ii) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of

a garage facing the Front Lot Line, equal to a minimum of 25% of the Building width, shall be stepped-back a distance of at least 20% of the Building depth from a plane parallel to the Lot width established at the point of the Building closest to the Front Lot line. When the Front Lot line is not straight, a line connecting the points where the Side Lot lines and the Front Lot line intersect shall be used to establish the plane parallel to the front Lot width. When Through Lots have, or are required to provide, two Front Yard setbacks, the step-back shall be provided along both Front Lot Lines. When referred by the Department of Building and Safety, for unusual Building and/or Lot configuration, the Director of Planning or his/her designee shall determine that the proposed project complies with this provision and qualifies for a Residential Floor Area bonus.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the Front Lot Line at 45 degrees or less shall be considered to be facing the Front Lot Line. The Building width shall be the greatest distance between the exterior walls of the Building measured parallel to the Lot width. The Building depth shall be the greatest distance between the exterior walls of the Building measured parallel to the Lot depth.

This option shall only apply to Structures which are no more than 35 feet from the Frontage along an improved Street and on a "flat" Building pad where the Slope of the Building pad prior to any Grading, as measured from the highest point of the existing Grade within 5 horizontal feet of the exterior wall of the proposed Building or Structure to the lowest point of the existing natural Grade within 5 horizontal feet, is less than 15%; or

**(iii) Cumulative Side Yard Setbacks Option.**

The combined width of Side Yards shall be at least 25% of the total Lot Width, as defined in Section 12.03 of this Code, but in no event shall a single Side Yard setback be less than 10% of the Lot Width or the minimum required by Paragraph (a) of this Subdivision, whichever is greater. One foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof of height above the first 18 feet of height. The width of a required Side Yard setback shall be maintained for the entire length of a Side Yard and cannot alternate from one Side Yard to the other; or

(iv) **18-Foot Envelope Height Option.** For properties which are not in the “1SS” Single-Story Height District, the maximum envelope height, measured pursuant to Subparagraph (1) of Paragraph (d) of this Subdivision 10, shall be no more than 18 feet; or

(v) **Multiple ~~Buildings Structures~~ Option.** In addition to the Lot coverage requirements in Paragraph (e) of this Subdivision, any one Building and Structure extending more than 6 feet above Hillside Area Grade, as defined in Section 12.03 of this Code, shall cover no more than 20% of the area of a Lot. Such Buildings or Structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width; or

(vi) **Minimal Grading Option.** For properties where at least 60% of the Lot is comprised of Slopes which are 30% or greater, as determined by a Slope Analysis Map prepared in accordance with Subparagraph (1) of this Paragraph (b), the total amount of any Grading on the site ~~(including exempted Grading, as outlined in Paragraph (f) of this Subdivision (10))~~ does not exceed the numeric value of 10% of the total Lot size in cubic yards or 1,000 cubic yards, whichever is less (example: a project involving 500 cubic-yards of Grading on a 5,000 square-foot Lot will be eligible for this bonus option). ~~;~~ ~~or~~

~~(vii) **Green Building Option.** For a new One-Family Dwelling only, the new construction must satisfy the Tier 1 requirements or higher of the LA Green Building Code, as defined in Section 99.01.101.1 of this Code.~~

(4) **Zoning Administrator’s Authority.**

(i) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of this Paragraph (b) of not more than 10%, pursuant to the authority and procedures established in Subsection A of Section 12.28 of this Code.

(ii) **~~Additions to Structures~~Residential Floor Area Added to Lots with Existing Buildings Built Prior to August 1, 2010.** The Zoning Administrator has the authority to approve construction with residential floor area added ~~any additions made~~ after August 1, 2010, to lot with a main a



~~One-Family Dwelling Building~~ existing prior to that date for which permits have been previously obtained which exceed the requirements of this Paragraph (b), pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code, provided:

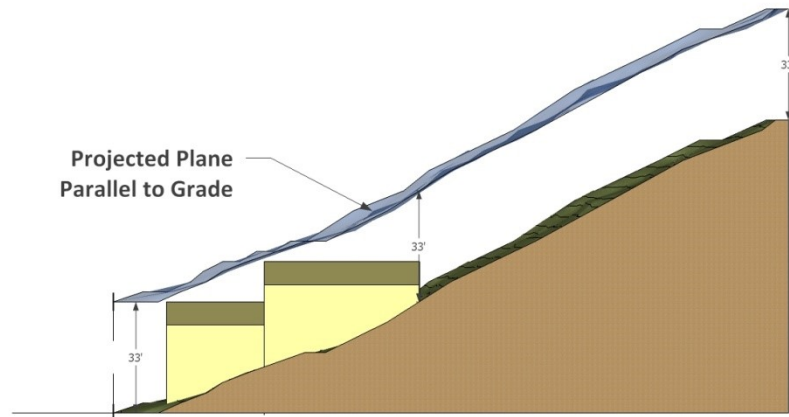
a. the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and

b. the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of this Subdivision 10 below, whichever is greater; and

c. at least two off-street covered parking spaces are provided.

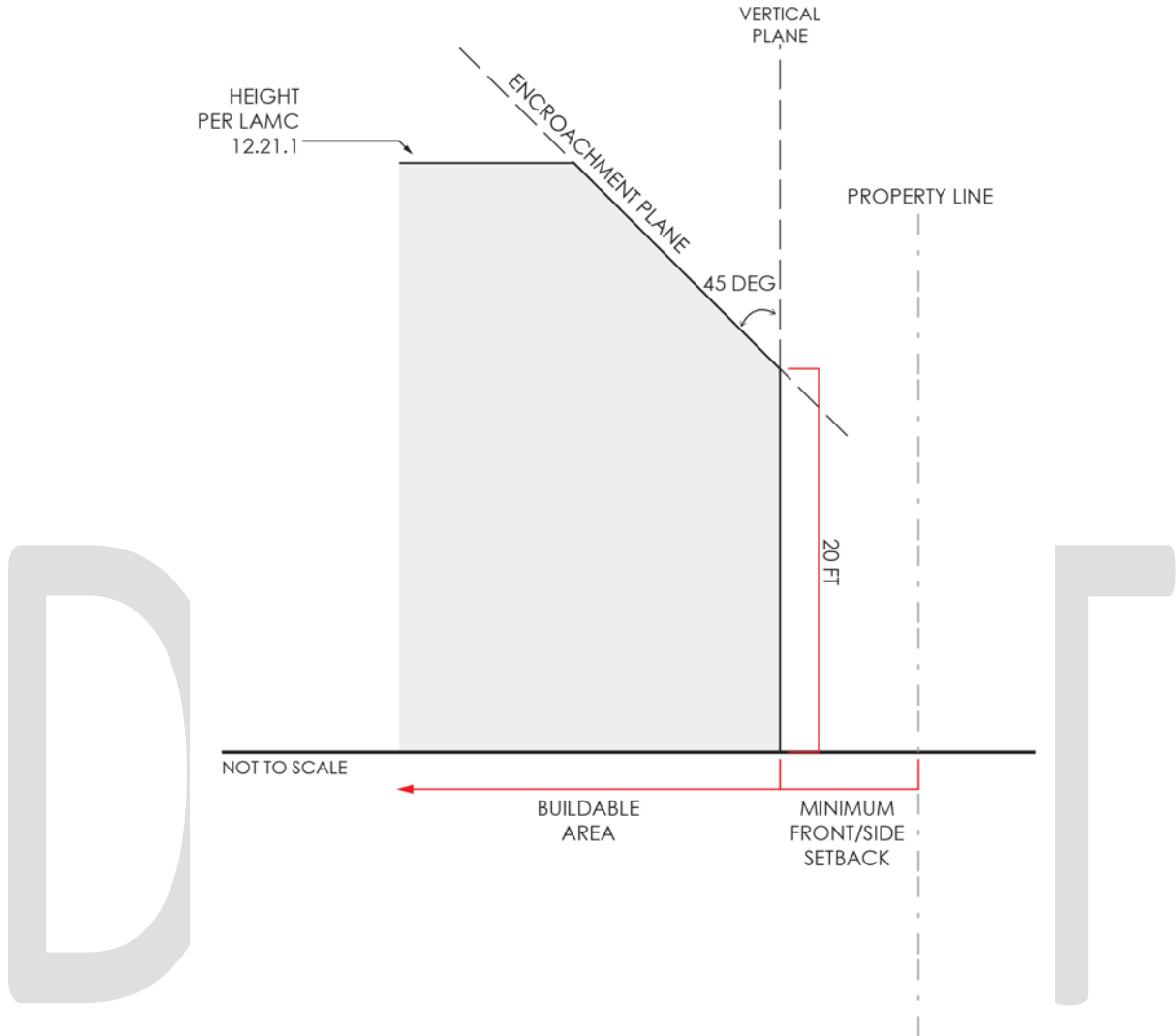
Sec. 17. Sub-subparagraph (i) of Subparagraph (1) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

- (i) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Hillside Area Grade ~~of the site~~ to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest adjacent Hillside Area Grade ~~within 5 horizontal feet of at~~ the exterior walls of a Building or Structure. At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.



Sec. 18. Sub-subparagraph (ii) of Subparagraph (1) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is added to read:

(ii) **Encroachment Plane.** In the R1 Zone, Building height shall not intersect a plane, commencing 20 feet in height at the minimum required front and side yards and extending at an angle of 45 degrees from the vertical toward the interior of the site. The encroachment plane restriction ~~the~~ does not apply to roof structures as allowed by Section 12.21.C.10(d)(7).



A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the ~~5-foot~~ perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with this Paragraph (i).

Sec. 19. Subparagraph (5) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(5) **Lots Fronting on Substandard Hillside Limited Streets.** For any Lot fronting onto a Substandard Hillside Limited Street, as defined in Section 12.03, ~~and subject to the 5-foot Front Yard setback,~~ no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

Sec. 20. Subparagraph (6) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is deleted.

~~(6) **Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies.** Unenclosed/uncovered rooftop decks, cantilevered balconies and “visually permeable railing” (no more than 42 inches in height), may project beyond the maximum envelope height, as limited and measured in Subparagraph (1) of this Paragraph (d), no more than 5 horizontal feet.~~

~~For the purposes of this Subparagraph (6), “visually permeable railing” means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80% open to light and air.~~

Sec. 21. Subparagraph (7) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code shall be renumbered as Subparagraph (6).

Sec. 22. Subparagraph (8) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code shall be renumbered as Subparagraph (7).

Sec. 23. Paragraph (f) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(f) **Grading.** Notwithstanding any other provisions of this Code, total Grading (Cut and Fill) on a Lot shall be limited as outlined below. No Grading permits shall be issued until a Building permit is approved.

(1) **Maximum Grading Quantities.** The cumulative quantity of Grading, or the total combined value of both Cut and Fill or incremental Cut and Fill, for any one property shall be limited to a base maximum of ~~500-1,000~~ cubic yards plus the numeric value equal to ~~510~~% of the total Lot size in cubic yards. Example: a 5,000 square-foot Lot would have a maximum Grading amount of ~~750-1,500~~ cubic yards (~~500-1,000~~ cubic yards for the base amount + ~~250-500~~ cubic yards for the ~~510~~% calculation).

However, the cumulative quantity of Grading shall not exceed the maximum “by-right” Grading quantities outlined by Zone in Table 12.21 C.10-6 below.

Table 12.21 C.10-6 Maximum "By-Right" Grading Quantities	
Zone	Maximum Grading (cubic yards)
R1	<del>1,000</del> <u>2,000</u>
RS	<del>1,100</del> <u>2,200</u>
RE9	<del>1,200</del> <u>2,400</u>
RE11	<del>1,400</del> <u>2,800</u>
RE15	<del>1,600</del> <u>3,200</u>
RE20	<del>2,000</del> <u>4,000</u>
RE40	<del>3,300</del> <u>6,600</u>
RA	<del>1,800</del> <u>3,600</u>

(2) **Import/Export Limits.** The maximum quantity of earth import or export shall be limited to the following quantities:

(i) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03 of this Code, the maximum quantity of earth import and export combined shall be no more than the maximum "by-right" grading quantities as listed in Table 12.21 C.10-6 above 500 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in Subparagraph (1) of this Paragraph (f). The maximum quantity of earth export shall be no more than 1,000 cubic yards.

(ii) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the maximum quantity of earth import and export combined shall be no more than 75 percent of the maximum "by-right" grading quantities as listed in Table 12.21 C.10-6 above 375 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in Subparagraph (1) of this Paragraph (f). The maximum quantity of earth export shall be no more than 750 cubic yards.

(iii) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted Grading activity listed in Subparagraph (3) of this

Paragraph (f) shall be exempted from the maximum import and export quantities set forth in this Paragraph (f). A plan indicating the destination and/or source (i.e. exempted Grading activity or non-exempted Grading activity) of any import and/or export shall be submitted as part of a Grading permit application.

(3) **ExceptionsExemptions.**

The Grading activities outlined in the sub-subparagraphs below shall be exempt from the Grading and/or earth transport limitations established in Subparagraphs (1) and (2) of this Paragraph (f). However, any excavation from an exempted activity being used as Fill, outside of a 5-foot perimeter from the exempted Grading activities, for any other on-site purpose shall be counted towards the limits established in Subparagraph (1) of this Paragraph (f).

(i) Cut and/or Fill ~~underneath the footprint of a Structure(s) (such as foundations, understructures including Basements or other completely subterranean spaces), as well as~~ for water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.

(ii) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.

(iii) Remedial Grading as defined in Section 12.03 of this Code as recommended in a Geotechnical Investigation Report, prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety - Grading Division.

(4) **Zoning Administrator's Authority.** A Zoning Administrator may grant the following deviations from the requirements of Subparagraphs (1) and (2) of this Paragraph (f), pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code.

(i) Grading in excess of the maximum "by-right" Grading quantities listed in Subparagraph (1) of this Paragraph (f), but in no event shall the quantities exceed the

true value of ~~500-1,000~~ cubic yards plus the numeric value equal to ~~510~~% of the total Lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import and export combined greater than the maximum “by-right” grading quantities as listed in Table 12.21 C.10-6, up to the amount calculated pursuant to Subparagraph (1) of this Paragraph (f). ~~500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Subparagraph (2) of this Paragraph (f).~~

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import and export combined greater than 75 percent of the maximum “by-right” grading quantities as listed in Table 12.21 C.10-6, up to the amount calculated pursuant to Subparagraph (1) of this Paragraph (f). ~~375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Subparagraph (2) of this Paragraph (f)~~

(5) **New Graded Slopes.** All new Graded Slopes shall be no steeper than 2:1 (horizontal: vertical), except when the Department of Building and Safety - Grading Division has determined that Slopes may exceed 2:1 pursuant to Section 91.105 of this Code.

(6) **Grading Activity on 100% Slopes.** Notwithstanding the Grading, Excavations and Fills provisions in Chapter IX of this Code (the Los Angeles Building Code), when any Grading activity is proposed on any slope of 100% or greater, as identified on the Slope Analysis Map, the Department of Building and Safety – Grading Division shall require the Geotechnical Investigation Report (also referred to as a soils and/or geological report) to include the most stringent level of geotechnical analysis and reporting feasible, and in sufficient detail to substantiate and support the design and construction methods being proposed.

A Deputy Grading Inspector, also referred to as a Registered (Licensed) Deputy Inspector, paid for by the owner, will be required to be on site when said Grading activity is being conducted in order to ensure that all work is being done in accordance with the recommendations of the Geotechnical Report, the approved plans,

and/or the applicable Grading requirements of the Los Angeles Building Code for applicable Grading or foundation earthwork in Hillside Areas.

(7) **Grading Plan Check Criteria.** Grading plans and reports shall be submitted for approval with Building plans, and shall include those items required by Section 91.7006 of this Code.

Sec. 24. Sub-paragraph (2), Paragraph (g) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(2) **Additional Required Spaces.** For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, excluding Floor Area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of 5 total on-site spaces. These additional required parking spaces ~~may be uncovered~~ are not required to be covered. Notwithstanding the provisions of Subparagraph (1) of this Paragraph (g), when a Lot fronts onto a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

Sec. 25. Subparagraph (2) of Paragraph (l) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(2) ~~Additions to Dwellings~~ **Residential Floor Area Added to Lots with Existing Buildings Built Prior to August 1, 2010.** Any ~~additions made~~ construction with Residential Floor Area added after August 1, 2010, ~~to One-Family Dwelling~~ to a Lot with a main Building existing prior to that date for which Building permits have been previously obtained, provided that:

(i) the total cumulative Residential Floor Area of all such additions does not exceed 500 square feet (excluded from calculations of this 500 square foot limitations is Floor Area devoted to required covered parking); and

(ii) the resulting Building complies with the requirements of Paragraphs (a) (Setback Requirements), (d) (Height Limits), and (f) (Grading) of this Subdivision 10.

Sec. 26. Subparagraph (6) of Paragraph (l) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read:



**(6) Large Active Remedial Grading Projects.**

Properties with active Remedial Grading Permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety-Grading Division before July 1, 2010, are exempt from Paragraphs (b) (Maximum Residential Floor Area), (d) (Height Limits), and (f) (Grading) of this Subdivision. Such properties shall remain subject to the provisions of Subdivision 17 of Subsection A. of Section 12.21 of this Code, and all other zoning and Building regulations applicable at the time Building Permits are issued. This exception shall expire 85 months after July 1, 2010.

Sec. 27. Paragraph (c) of Subdivision 1 of Subsection A of Section 12.23 of the Los Angeles Municipal Code is amended to read:

(c) A Building, nonconforming as to the Residential Floor Area regulations on properties zoned RA, RE, RS, and R1, not including properties in the Coastal Zone which are not located in a Hillside Area, as defined in Section 12.03 of this Code, shall not be added to or enlarged in any manner, except as permitted by Section 12.21 C.10(l) and except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code. However, alterations, other than additions or enlargements, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 28. The City Clerk shall certify ...



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT

### City Planning Commission

**Date:** May 12, 2016  
**Time:** 8:30 a.m.  
**Place:** Board of Public Works, Rm 350  
City Hall, 200 N. Spring St.,  
Los Angeles, CA 90012

**Case No.:** CPC-2016-1245-CA  
**CEQA No.:** N/A  
**Location:** Citywide  
**Council No.:** 16-0348  
**Council District:** All

**PROPOSED PROJECT:** An ordinance to repeal subsections 12.24 W.43 and 12.24 W.44 of Chapter 1 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.

**RECOMMENDED ACTIONS:**

1. **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
2. **Adopt** the staff report as its report on the subject;
3. **Adopt** the attached Findings;
4. **Approve and recommend** that the City Council, based on the whole of the record, determine that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.17 and CEQA Guidelines sections 15061(b)(3) and 15303.

VINCENT P. BERTONI, AICP  
Director of Planning

Ken Bernstein, AICP, Principal City Planner

Claire Bowin, Senior City Planner

Matthew Glesne, City Planner  
(213) 978-2666

**TABLE OF CONTENTS**

**Project Analysis .....A-1**

- Project Summary
- Background
- Issues
- Conclusion

**Findings ..... F-1**

- General Plan/Charter Findings
- Entitlement Findings
- CEQA Findings

**Public Hearing and Communications ..... P-1**

**Exhibits:**

- A – Proposed Ordinance
- B – California Government Code §65852.2
- C – 2003 Interdepartmental Correspondence
- D – 2010 Zoning Administrator’s Memorandum 120

## PROJECT ANALYSIS

### Project Summary

“Second dwelling units” (SDUs) is the term used by the City to describe a second dwelling unit located on the same property as another dwelling unit. It can be attached to the main dwelling unit or built separately but must always have at least two rooms and include a kitchen. The State of California uses the term “second units”, while others prefer calling them “granny flats,” or “accessory dwelling units” (ADUs).

On February 25, 2016, the Los Angeles Superior Court invalidated the City’s policy regarding SDUs. The Court’s Order (1) leaves the City with existing second dwelling unit ordinances that do not comply with state law; (2) casts uncertainty over the legality of SDUs already constructed; and (3) casts uncertainty for property owners, who applied for, or received building permits, from proceeding with, or completing, SDU projects currently in the planning process or under construction. The City estimates that hundreds of second dwelling unit projects, either currently under construction or in plan check, are affected by the ruling.

The proposed ordinance would repeal the City’s second unit ordinances, Los Angeles Municipal Code (LAMC) §§12.24 W.43 and W.44. With this action, the City will revert to the SDU state law (Government Code Section 65852.2) and the City’s current policy intent with respect to SDUs, as described in the Housing Element. The ordinance would also “grandfather” the SDU projects that have been permitted since 2003, by declaring them to be to be legal non-conforming uses if the permit otherwise complies with all state and local laws.

### Background

#### **Intent of State Second Unit Law**

California’s second-unit law (GCS 65852.2) was enacted in 1982 and has been amended four times. The aim of state law has been to encourage the creation of second-units while maintaining local control and flexibility.

SDUs have been identified by the State as providing an important housing option to both potential renters and homeowners. They typically cost less than other types of housing, provide convenient housing for family members, help ease a severe rental housing deficit, maximize limited land resources and existing infrastructure and assist low and moderate-income homeowners with supplemental income.

The intent of the law is stated as follows:

It is the intent of the Legislature that any second-unit ordinances adopted by local agencies have the effect of providing for the creation of second units and that provisions in these ordinances relating to matters including unit size, parking, fees and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create second units in zones in which they are authorized by local ordinance.” (Gov. Code §65852.150)

#### **The City’s Existing SDU Zoning Provisions**

The City’s existing SDU zoning provisions, LAMC §§ 12.24 W.43 and W.44, create discretionary Conditional Use Permit processes for standard sized lots (W.43) and for larger lots (W.44), each requiring approval by the Zoning Administrator. In addition to the standard CUP findings (e.g., project compatibility with surrounding neighborhood), the ordinances also include several

development standards. For example, second units on standard sized lots are, among other limitations, limited to A, RA, RE, RS, R1, RMP, and RW1 zones, 640 square feet, and lots with a minimum size of 7,500 square feet.

### **AB 1866 and Government Code §65852.2**

A significant change occurred in 2002 with the State's passage of AB 1866 that amended Government Code §65852.2. Government Code §65852.2(a)(3) mandates that SDU applications be considered ministerially without discretionary review or a hearing thereby precluding conditional use, variance or other discretionary review.<sup>1</sup>

State law also provides for local governments to write their own ordinance to regulate SDUs provided it meets the requirements and intent of state law.<sup>2</sup> For example, Government Code §65852.2(c) prevents cities from precluding second units within single-family or multifamily zoned areas unless the ordinance contains specified findings.<sup>3</sup>

The State Department of Housing and Community Development, in a memorandum to local planning departments, said the law "requires localities to consider applications for the development of second-units ministerially with the intent to create second-units and not constrain their development." If localities do not have a SDU ordinance, or their law is not in accordance with state law, AB 1866 introduced a series of development standards (65852.2.(b)) that would then apply. The State's second-unit law also contains provisions that apply in the absence of a local ordinance.

### **The City's Existing Second Dwelling Unit Regulations Do Not Comply with AB1866**

The City's existing second dwelling unit regulations include discretionary standards as part of the Conditional Use Permit and further effectively limit SDUs to single family zones without the required findings under state law, both which do not comply with state law.<sup>4</sup>

Recognizing that a discretionary process is no longer permitted, the Department of City Planning and the Department of Building and Safety jointly issued an Interdepartmental Correspondence concerning AB 1866's impact on the City's SDU law (2003 Interdepartmental Correspondence - *Exhibit C*). The correspondence stated that, pursuant to state law, the City's second unit ordinance "will no longer be applicable," but that the objective development standards contained in the law "will now be used to determine if a second dwelling can be permitted by right in a single family zone."

### **The 2009 Action Update; 2010 ZA Memorandum 120; and 2013 Housing Element**

In December 2009, the Director of Planning, in consultation with the Office of the City Attorney, issued an Action Update on Accessory Dwelling Units addressed to Neighborhood Councils,

<sup>1</sup> Gov. 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".)

<sup>2</sup> California Department of Housing and Community Development. August 6, 2003. Memorandum titled *Second-Unit Legislation Effective January 1, 2003 and July 1, 2003*.

<sup>3</sup> Gov. Code §65852.2(c) ("No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.")

<sup>4</sup> Of the areas specified in LAMC 12.24W43 for second dwelling units, only RMP, mobile home park, is a listed in the zoning code as a multi-family zone. While RMP is technically in the multi-family zone, it comprises a minuscule portion of the lots zoned multi-family and does not appear to comply with the mandate of Government Code Section §65852.150 that prohibits second unit ordinances that "unreasonably restrict the ability of homeowners to create second units"; or mandate of Government Code Section 65852.2(c), that prohibits second units ordinances that "totally preclude" second units within multi-family use zones.

City Council members, and Interested Parties stating, among other matters: “It is crucial that Neighborhood Councils understand that without a City ordinance, the permissive state standards will continue to apply.”<sup>5</sup>

In 2010, the Chief Zoning Administrator (ZA) of the Department of City Planning issued a memorandum (ZA Memorandum 120 - *Exhibit D*) superseding the 2003 Interdepartmental Correspondence and providing that a SDU would be permitted if it meets the state law standards, where they apply, in addition to regular city zoning standards.

The default state law standards are similar, though generally less detailed and more permissive, than the standards in the City’s second unit ordinance. For example, state law allows second units up to 1,200 square feet, requires no minimum lot size, and provides for SDUs in single-family and multi-family zones. The City’s standards limit SDUs to 640 square feet, lots that are 50% larger than the minimum lot size allowed for that zone (and may in no case be less than 7,500 square feet), and A, RA, RE, RS, R1, RMP, and RW1 zones. However, the City’s standards are more flexible and tailored in some ways, for example allowing for reduced ten-foot “passageway” requirements.

In 2013, the City Council adopted an update to the Housing Element of the City’s General Plan. The 2013-2021 Housing Element affirms that the City should follow, as a matter of policy, the state law standards for approving second units<sup>6</sup>. The Housing Element also calls for the DCP to “identify obstacles to enable second units on single family lots and propose ways to address the obstacles.” (Program 69 on pg. 6-47).

### **Litigation Background**

On September 23, 2014, the Department of Building and Safety, applying the 2010 Memorandum, issued a building permit for an 895-square-foot second unit located at 2716 S Krim Drive (also known as 2723 Anchor Avenue) in Cheviot Hills. After losing an appeal of the issuance of the building permit (DIR-2015-290-BSA-1A) a group led by a nearby property owner filed a lawsuit challenging the building permit and the City’s overall SDU policy.

On February 25, 2016, the Los Angeles Superior Court invalidated both the building permit and the City’s policy and practice of applying standards for second units under the 2010 Memorandum. The court ruled the 2010 Memorandum to be invalid because it did not analyze whether the standards of the City’s second unit ordinance could be severed from its discretionary components and applied ministerially. The court explained that AB 1866 required such a severance analysis and that “severance should occur wherever possible to preserve the validity of an impermissible statute.” The court held that the City could not disregard its second unit ordinance without a severance analysis or further legislative action<sup>7</sup>.

On April 4, 2016 the Court entered Judgment which: (1) directs issuance of a writ of mandate to command the City to immediately rescind the building permit issued to the SDU applicant at 2716 Krim Drive; (2) enjoins the City “from issuing any further building permits for second dwelling units under invalid ZA 120”; and (3) requires monthly reports on the status of the City’s actions regarding second dwelling units.

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<sup>5</sup> Government Code Section 65852.2(b)(4) states: “No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.”

<sup>6</sup> City of Los Angeles General Plan, Housing Element; adopted December 3, 2013; pages 2-11 through 2-12.

<sup>7</sup> The plaintiff neighborhood group also challenged the City’s policy and practice of determining setbacks in certain hillside areas. The City successfully defended against that challenge, and the court upheld the City’s setback calculations in hillside areas

Enjoined by the Court from issuing any further building permits for second dwelling units under invalid ZA 120, and without an ordinance that complies with state law, the City is currently unable to issue building permits for SDUs.

## **Issues**

### **Status of Second Dwelling Units in Los Angeles**

Since the passage of AB 1866 in 2003, a total of 591 SDUs have been permitted in the City of Los Angeles, of which only 347 have been completed by receiving a Certificate of Occupancy<sup>8</sup>. This represents an extremely small amount of approvals, considering the size of Los Angeles and that approximately 100,000 units have been built in the City since that time. In comparison, Portland, Oregon (a much smaller city) has permitted about 600 SDUs in the last two years alone<sup>9</sup>. In 2015 a record number of SDUs was permitted in the City (88); however, this was still less than 5% of the total number of single-family homes built that year.

Since 2010, when the City issued Zoning Administrator Memo 120, the number of SDUs permitted by the City has increased, though it remains minimal. From an average of about 30 SDUs a year from 2003 to 2009, the figure has doubled to about 60 per year since 2011.

Approximately 58% of the SDUs that have been permitted in Los Angeles since 2003 are detached structures. The rest are (in order) a mix of garage conversions, other accessory structure conversions, attached new construction and conversions of existing single-family dwellings. Almost 90% of the SDUs that have been permitted are located in the San Fernando Valley, with a few in South LA, Hollywood and West LA.

### **City Policy on Second Dwelling Units**

Since the City Council adoption of the 2006-2014 Housing Element of the General Plan, the City has had a policy and program to alleviate barriers to increased construction of SDUs. The objective of the program (number 68 in the current 2014-2021 Housing Element) has been to “identify development standards and code requirements that pose compliance difficulties” and “adopt amendments to the Zoning Code to alleviate (those) challenges.” The Mayors *Sustainable City Plan* included a policy to “pilot new regulations governing second units and granny flats” as a way to build capacity for housing. In addition, several City Council motions supporting SDUs have been issued by Council members in recent years, including motions most recently by Councilmembers Cedillo (CF 14-0057-S1) and Price (CF 14-0057).

Like the State, the City’s primary goal in supporting the concept of SDUs is primarily related to housing availability and affordability. The City is currently in the midst of an unprecedented housing crisis, with vacancy rates for housing the lowest of any major city. SDUs are an affordable housing option that, up until December 2015, has only provided an additional 347 completed units since 2003. Many more SDUs (likely thousands) exist as non-permitted structures.

### **Policy Alternatives**

A policy alternative to the proposed repeal ordinance is making substantive changes to the City’s SDU regulatory framework by adopting a new SDU ordinance. While a comprehensive

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<sup>8</sup> Department of Building and Safety permit data from January 2003 through December 18, 2015, as analyzed by the Los Angeles Mayor’s Office Innovation Delivery Team. Because there is not currently a ‘second dwelling unit’ category in the city’s permit tracking system, this list was generated based on a keyword search that included the following terms: 1) ‘ZA 120’; 2) ‘AB 1866’; 3) ‘Secondary’; 4) ‘2nd’; 5) ‘Accessory’. From there, the list was reviewed to remove non-secondary units.

<sup>9</sup> <http://portlandtribune.com/pt/9-news/273749-146747-code-changes-could-boost-number-of-adus>

policy review is always welcome, undertaking it now, in lieu of the proposed ordinance, would have significant negative consequences for hundreds of Angelenos. Delay or inaction on this repeal ordinance would cast uncertainty over the validity of hundreds of building permits issued for SDUs already constructed, and prevent residents who applied for or received building permits from completing SDU projects currently in the planning process or under construction. Any new policy approach to make substantive changes to the City's SDU policy framework would require many months (likely more than a year) for additional public outreach, technical review of best practices, policy development, and debate by policymakers, leaving a very lengthy period of legal and practical uncertainty. In addition, if policy changes further restrict SDUs, the City runs the risk of running afoul of state law and its own General Plan. Acting on this repeal ordinance will not preclude a locally-tailored SDU policy from being developed in the City at a later date.

It does not appear feasible or advisable to leave the City's existing second dwelling unit ordinances, LAMC §§12.24W43 and 44 in place (by not repealing them). While the Court did not prohibit the City from attempting to perform a "severability analysis" of these sections, such an analysis would not leave the City with second dwelling unit standards that comply with state law or are consistent with the Housing Element. LAMC §§12.24W43 and 44 violate state law because they include discretionary standards as part of the Conditional Use Permit and further effectively limit SDUs to single family zones without the required findings under state law. Gov. Code §65852.2(a)(3) and (c). These sections are not consistent with the Housing Element which provides for application of the state standards as a matter of policy and calls for the removal of barriers. While a severance analysis might arguably be able to sever the discretionary portions of these ordinances, such an analysis could not provide for second dwelling units in multifamily zones, nor change the ministerial development standards to be consistent with the Housing Element. Such an analysis also would restrict, rather than expand opportunities for second dwelling units and be contrary to the City's stated practice since May 2010, as outlined in ZA Memorandum 120.

### **Conclusion**

The proposed ordinance will address the City's current situation by taking an action that will eliminate confusion and create a clear policy on SDUs moving forward. The ordinance would bring the City's regulations into compliance with state law and the Housing Element of the General Plan, allow the continued construction of, and processing of permit applications for, SDUs and eliminate confusion and potential litigation regarding second dwelling units that are already built, under construction, or in the permitting process phase. The ordinance would essentially align the City with the SDU policy that has been in effect, as stated in the 2010 ZA Memo. Acting on this repeal ordinance now will also not preclude a locally-tailored SDU policy from being developed in the City at a later date.



## 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.

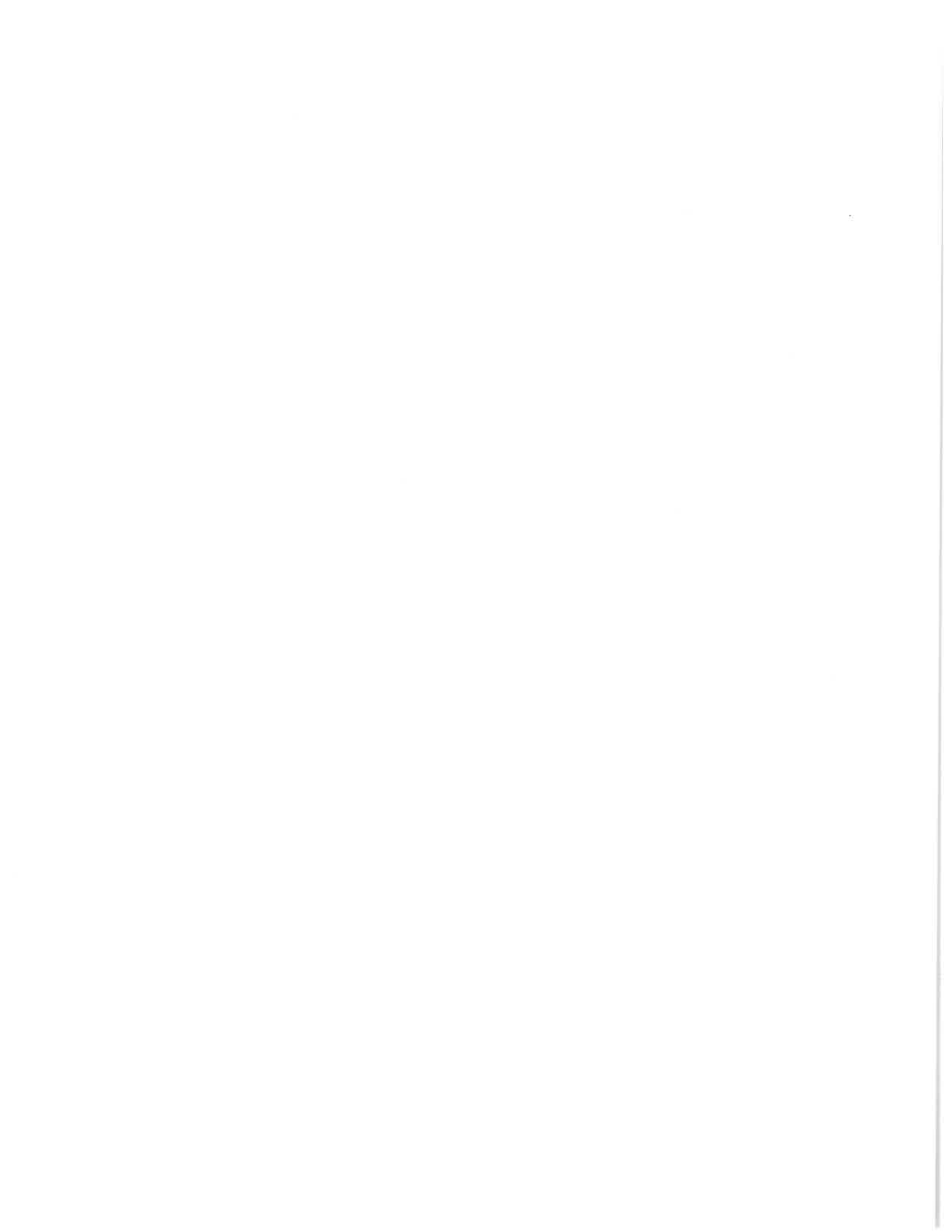
For those approximately 175 SDUs that have received building permits but have not yet been constructed or finished construction, the CEQA Guidelines Section 15303(a) (Class 3 Categorical Exemption for New Construction or Conversion of Small Structures) also applies. The exemption expressly exempts the 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.

## **PUBLIC HEARING AND COMMUNICATIONS**

The proposed ordinance includes an Urgency Clause. Timing is critically important in this matter given the current legal uncertainty faced by hundreds of Los Angeles homeowners and residents as well as the City.

The ordinance meets the regulations for amending the zoning code prescribed in LAMC 12.32, including publication of a hearing notice in a newspaper of general circulation in the City 24 days prior to the date of the hearing. The notice was published in the Daily Journal on April 18, 2016. The ordinance and hearing notice for the City Planning Commission was also sent by email to interested parties and Neighborhood Councils on Thursday April 14th. The email generated a number of clarification questions and comments by community members. Some community members expressed that they believe the City should enact a comprehensive SDU policy.

Public input has also been received through the City Council process related to the Court's decision (CF 16-0348). Public testimony occurred most notably at the April 6, 2016 meeting of the City Council's Housing Committee. The public comments received were generally supportive of the need to expedite the repeal of the ordinance and grandfather current barriers. Likely issues of public interest were identified and discussed under the Issues section above.



# **EXHIBIT A: Proposed Ordinance**

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CPC-2016-1245-CA  
May 12, 2016



**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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality  
MICHAEL N. FEUER, City Attorney

By \_\_\_\_\_  
STEVEN BLAU  
Deputy City Attorney

Date \_\_\_\_\_

File No(s). \_\_\_\_\_

**EXHIBIT B:**  
**California Government Code §65852.2**

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CPC-2016-1245-CA  
May 12, 2016

65852.2. (a) (1) Any local agency may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. The ordinance may do any of the following:

(A) Designate areas within the jurisdiction of the local agency where second units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow.

(B) Impose standards on second units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(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, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of second units.

(b) (1) When a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following:

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other

zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(4) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subdivision.

(5) A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

(d) A local agency may establish minimum and maximum unit size requirements for both attached and detached second units. No minimum or maximum size for a second unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(f) Fees charged for the construction of second units shall be determined in accordance with Chapter 5 (commencing with Section

66000).

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(h) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) or (c) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second units.



## **EXHIBIT C:** **2003 Interdepartmental Correspondence**

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CPC-2016-1245-CA  
May 12, 2016

## CITY OF LOS ANGELES

## INTER-DEPARTMENTAL CORRESPONDENCE

DATE: June 23, 2003

TO: Department of City Planning Staff  
Structural Plan Check Engineers and Building Inspectors

FROM: Robert Janovici, Chief Zoning Administrator, Department of City Planning *RJ*  
Peter Kim, Zoning Engineer, Department of Building and Safety *PK*

SUBJECT: SECOND DWELLING IN SINGLE FAMILY ZONE PURSUANT TO AB1866

State Assembly Bill 1866, Chapter 1062, amending Government Code Sections 65583.1, 65852.2, and 65915 becomes effective on July 1, 2003. The changes in the State code mandates that the creation of second units on parcels zoned for a primary single family be considered ministerially without discretionary review or hearing.

Currently, 12.24W43 of the Planning and Zoning Code addresses permitting a second dwelling in a single family zone, under the authority of the Zoning Administrator subject to specified conditions. Pursuant to the State law, most of the conditions contained therein will now be used to determine if a second dwelling can be permitted by right in a single family zone. Therefore, Section 12.24W43 will no longer be applicable and should the second dwelling not be able to meet the specified "by right" conditions, then a zone variance would be required through the City Planning Department.

Effectively, July 1, 2003, a second dwelling will be permitted in the A, RA, RE, RS, R1, RU, RZ, RMP or RW1 Zones if it meets ALL of the following standards.

- (1) the second dwelling unit consists of a group of two or more rooms for living and sleeping purposes, one of which is a kitchen, and the second dwelling unit has a maximum floor area of 640 square feet; and
- (2) the second dwelling unit is located on a lot having an area at least 50 percent larger than the minimum area required for a lot in the zone in which it is located, and in no event is the lot area less than 7,500 square feet; and
- (3) the second dwelling unit meets the yard, lot coverage, passageway, and height requirements applicable to the zone in which it is located; and
- (4) the primary dwelling unit and all other existing or proposed buildings meet the use, lot coverage, height, yard and other requirements applicable to the zone in which they are located; and
- (5) at least one covered or uncovered off-street automobile parking space is provided for the second dwelling unit, in addition to the off-street automobile parking spaces required by Section 12.21A4(a)

for the principal dwelling; and that such parking provided is in compliance with the parking facilities requirements as set forth in Section 12.21A5; and

(6) the second dwelling unit is combined with or be attached to a main building containing only one dwelling unit unless:

(a) The second dwelling unit results from the conversion of a legally established, detached accessory living quarters, servants' quarters, or guest house which had been issued a certificate of occupancy prior to July 1, 1983; or

(b) The detached dwelling unit will be constructed in full compliance with setback, lot coverage, height and other requirements applicable to the zone; and

(7) not more than one entrance to the dwellings is visible from the street frontage(s) for each lot; and

(8) the second dwelling unit is not be located in a Hillside Area, as defined in Section 91.7003 of the Building Code, in an Equinekeeping District, along a Scenic Highway designated in the General Plan (as identified in ZIMAS, or determined by City Planning counter), or where the width of the adjacent street is below current standards as defined in Section 12.37H (as determined by the City Engineer); and

~~(9) no building nonconforming as to use is converted to a second dwelling unit.~~

**EXHIBIT D:**  
**2010 Zoning Administrator's Memorandum 120**

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CPC-2016-1245-CA  
May 12, 2016



**OFFICE OF ZONING ADMINISTRATION**

City Hall • 200 N. Spring Street, Room 763 • Los Angeles, CA 90012

**OFFICE OF ZONING ADMINISTRATION**

MEMORANDUM

ZA MEMORANDUM NO. 120

May 6, 2010

TO: Office of Zoning Administration  
Public Counters  
Interested Parties  
Department of Building and Safety

FROM: Michael LoGrande *ML*  
Chief Zoning Administrator

SUBJECT: **SECOND DWELLING UNITS PURSUANT TO AB 1866**

State Assembly Bill 1866 became effective on July 1, 2003 amending Government Code Sections 65583.1, 65852.2 and 65915 that allows the creation of second dwelling units on residentially zoned lots, be considered ministerially without discretionary review or hearing. The intention of this memorandum is to assist with implementing AB 1866. It supersedes a previous memorandum issued by Robert Janovici, former Chief Zoning Administrator, and Peter Kim, former Zoning Engineer, dated June 23, 2003.

A second dwelling unit is permitted by right on a lot if it meets ALL of the following AB 1866 standards:

1. The second unit is not intended for sale and may be rented;
2. The lot is zoned for single-family or multi-family use;
3. The lot contains an existing single-family dwelling;
4. The second unit is either located within the living area of the existing dwelling (attached) or on the same lot as the existing dwelling (detached);
5. The total area of the increased floor area of an attached second unit does not exceed 30 percent of the existing floor area;
6. The total area of the floor area for a detached second unit does not exceed 1,200 square feet;
7. The requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property are met;

8. The local building code requirements which apply to dwellings, as appropriate, are also met; and
9. A minimum of one additional covered or uncovered off-street parking space is provided. If not otherwise prohibited by the zoning ordinance or any other land use regulation, tandem parking is allowed and the parking space may be located in a required yard.

#### APPROVAL

If the proposed second dwelling unit meets all nine AB 1866 standards, the Department of Building and Safety shall approve the plans and issue a building permit. If the proposed unit meets all nine standards but is governed by an historic preservation overlay zone, specific plan, or other zoning regulation that requires architectural review or a similar type of review, then the Department of Building and Safety shall refer the applicant to the Department of City Planning. The Planning Department may impose conditions on the project as a result of this architectural or similar review, but may not deny the second unit if it otherwise meets all nine AB 1866 standards.

#### ALTERNATIVE APPROVAL

If a proposed second dwelling unit does not comply with the nine standards listed above, then AB 1866 does not apply and all applicable regulations in the zoning code govern. If an applicant still wishes to build a second unit, then two options may be available:

First Option. Obtain all necessary approvals as provided by the zoning code. For example, if a proposed second dwelling unit complies with all nine standards set forth above except the required rear yard, then the applicant would have to file for two discretionary land use approvals: (1) an adjustment, pursuant to LAMC Section 12.28, for a reduced rear yard; and (2) a variance, pursuant to LAMC Section 12.27, for an increase in density to permit an additional unit on a lot where the zoning only allows one dwelling unit.

Second Option. Obtain an approved conditional use permit from the Zoning Administrator pursuant to either LAMC Section 12.24-W,43 or LAMC Section 12.24-W,44, subject to all applicable requirements and limitations set forth in those sections.

#### MULTIPLE DWELLING ZONES

AB 1866 shall not be construed to allow an increase in the density of a zone that may permit two or more dwelling units on a single lot. For example, a third dwelling unit on a lot zoned R2 is not allowed by right pursuant to AB 1866.

May 2, 2016 -- DRAFT - 2

Marc Woersching  
Department of City Planning  
6262 Van Nuys Blvd.  
Van Nuys, California

[marc.woersching@lacity.org](mailto:marc.woersching@lacity.org)

RE: 10105 Commerce Avenue – The Jain Temple  
Project Permit Compliance  
DIR-2016-425-SPP

Dear Mr. Woersching:

On November 5, 2012 the LUC heard a presentation by the owner's representatives requesting changing the use of the building from its current use to a "Community Center/Place of Worship". The existing structure has served our community in the past as the local Post Office, as a Pharmacy and most recently as a Dance Studio. It is located directly across from Bolton Hall Museum, L.A. City Historic Site #2 and Little Landers Park. The LUC supported this request.

On April 4, 2016 the STNC's Land Use Committee heard a presentation by the owner's representatives regarding their proposed plans for a second story addition to this existing building.

The first story is to serve as a shrine, the second as classrooms and storage. Hours of operation proposed are to be M-F 8:00 am to 11:00 am and 700 pm to 900 pm. Saturdays and Sundays 8:00 am to 8:00 pm. Occupancy meets City Code. The proposed second story height will be 29'6". The second story will be set-back 25 feet from Commerce Ave (22 ft from the exterior wall of the first story).

The LUC provisionally supports this request providing the colors and materials promised are used, parking requirements are confirmed with City Planning and Landscaping requirements are made part of the final determination.

Questions and Concerns:

- a Parking: Plans show parking increasing from 12 spaces to 18 spaces. A major concern was expressed that should these 18 spaces prove to be inadequate the overflow would self-direct onto Commerce, Valmont and other neighboring streets. Parking in this neighborhood is already crowded and would seriously impact local residents and businesses. Applicants stated that they are considering seeking shared parking arrangements with the large parking lot on the Southwest corner of Commerce and Foothill and using a shuttle. They agreed to inform their members not to park along Commerce.
- b Landscaping: The parking area perimeter wall on Valmont is currently covered with nice Bougainvillea bushes. The renderings show low lying plants. That leaves an aesthetically massive wall that would be attractive to graffiti artists. Will the bushes be removed? Applicant stated that this is only a rendering for the Planning Dept. A presenter showed us a picture of his personal residence in an effort to convince us how much improved the temple will appear – the two have no nexus.
- c Bureau of Engineering Waiver: Applicant is requesting a waiver of dedications and improvements along Commerce Avenue and Valmont as required per

Department of Engineering. The LUC supports the granting of this waiver, on the basis that street widening at this location is not necessary, especially since the current structure only has a 3 foot set-back from the street.

- d Community Support: Although the applicant indicates that their organization will be involved in the community, not one name on the submitted project support petition has a Sunland-Tujunga address or local event cited.
- e Intensity of the Use: The applicant states that the Jain Temple will typically have 20 people a day, and typically 50 – 60 visitors on Saturdays and Sundays. These visitors come and go during the course of the day and are not at the location at the same time. They hope to have an increased membership in the next 10-20 years and hope to accommodate them without having to do additional construction. Given these numbers curiosity was stated over the four stoves and number of classrooms shown on the plans.
- f Applicant stated that non-members are welcome to temple events, and will be welcome to any classes offered at the temple. Flyers will be made available at the NVCH
- g Upkeep of the Property: The applicant's property is located directly across from Bolton Hall, historic site #2 in the City of Los Angeles. Dr. Lloyd Hitt Bolton Hall Museum past president and longtime resident and business owner expressed his concern that the applicant has not taken care of the property over the past few years and that he himself has on a number of occasions had to personally take care of the property. Specifically trash surrounds the building, plants have not been watered and are dead. Applicants apologized for the history of poor maintenance and promised to take care of the property better in the future. They stated that they do not come to the site often, but do take care of problems when notified.
- h The LUC requested a sample board of colors/materials proposed to be used. Applicant promised to send this detail to the committee.
- i Construction: Applicants will not be holding services during construction of the second story. They anticipate it to take at least one year to complete the planning process and construction.

The LUC supports the applicant's plans for the addition of a second story provided the colors and materials promised are used, parking requirements are confirmed with City Planning and Landscaping requirements are made part of the final determination.

Thank you for the opportunity to present our comments regarding this application.

Sincerely,

Mark Seigel  
President

Cc: Councilman Felipe Fuentes  
Rajesh Shah, The Jain Temple of Los Angeles  
Mailian & Associates