

Date 4-6-16
Submitted to Housing Committee
Council File No 16-0348
Item No Special 1
Deputy Public

From: Steven Appleton

To: The Housing Committee:

COUNCILMEMBER GILBERT A. CEDILLO, CHAIR

COUNCILMEMBER FELIPE FUENTES

COUNCILMEMBER JOSE HUIZAR

COUNCILMEMBER CURREN D. PRICE, JR.

COUNCILMEMBER MARQUEECE HARRIS-DAWSON

Re: Challenge to Accessory Dwelling Units (i.e. "Granny Flats"), Adverse Impact on Housing and Community Based Development

4/6/2016

Honorable Committee Members,

As a community member in Elysian Valley I have witnessed how Accessory Dwelling Units ("ADUs") serve to provide affordable housing that is woven into the social and architectural fabric of the neighborhood. The very naming - "Granny Flats"- speaks to how such housing serves community continuity, families, and multi-generational housing. ADUs are broadly supported by our community.

Such housing helps to stabilize neighborhoods during times of growth. Long term homeowners can leverage the value of their principle asset to improve an existing unit or build a new one. Instead of selling as prices rise, homeowners (many who are low income) can benefit from market growth by keeping their homes. Units are used for family or to provide beneficial rental income, creating prosperity from within the community.

Illegal garage units exist throughout the City - especially in poorer working class. The accessory dwelling unit law facilitates the upgrade of illegal units and creation of new ones, often improving compliance with on-site parking requirements.

ADUs can play an incremental but important role in addressing the affordability housing crisis. Most ADUs are created on lots where the first occupancy was prior to 1978. Thus, they fall under rent control. Though initial rent may be set at any level, subsequent rent increases and tenants' rights are guarded by the Rent Stabilization Ordinance. Rather than being isolated to one district or segregated into large scale housing projects, ADUs equitably create widespread affordable housing. Notably, government incentives are not necessary. When an older property voluntarily adds or upgrades an ADU, affordable housing is the outcome.

As we are well-aware the economy goes through cycles and to stall this form of housing at this time strikes at a vulnerable group of home owners and small scale developers. Personal finances and family plans are at risk when the City halts processing ADU permits of those how have in good faith invested money and effort to create legal ADUs.

I urge you find a way to *allow the continued processing of ADU permits* even while you might consider new ordinances or directives. If there is new ordinance, I urge that that it be permissive and encouraging, rather than restrictive.

Sincerely,

A handwritten signature in black ink, appearing to read "S Appleton", with a long horizontal flourish extending to the right.

Steven Appleton

4/6/2016

Date 4-6-16
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Priority public

SP 1

Isvinder (Lali) Grewal
2303 Riverdale Ave.
Los Angeles, CA 90031
323-580-4723
Isvinder@yahoo.com

To Whom it May Concern:

I am writing to voice my support for AB 1866. Allowing the construction of second units on residential properties generates benefits for individual homeowners, especially in minority and low-income neighborhoods. The presence of a back unit or "granny flat" allows homeowners to generate rental income, increase the values of their properties, and accommodate additional family members on their property. This kind of organic infill increases the housing stock in the city without the need for expensive and environmentally destructive sprawl.

I have seen first-hand in my working class neighborhood how the construction of second units benefits not only R1 homeowners, but also low income renters, because many of these second units will may apply as rent control units because they are built in older neighborhoods.

I myself am a small scale real estate investor and I am trying to build a back house on my property. I have invested \$15,000 in plans for my self-funded project which will develop another rental unit in my neighborhood. But when trying to submit the plans, the City has stopped taking plans while they wait for the City Council's decision on the second unit setbacks.

I encourage the City to allow second unit construction to continue on R1 properties and to please resolve this problem as soon as possible because the delay is costing low income homeowners and small scale investors both time and money while we wait.

Thank you for your time and consideration.

Isvinder Grewal



Date: 4-6-16
Submitted in Housing Committee
Council File No: 14-1150-S1
Item No.: 2
~~Deputy:~~ Public

#2

AMNESTY

1. **ELIGIBILITY:** All non-conforming, non-permitted, bootlegged units within the City of Los Angeles may apply to the Amnesty Program.
2. The Owner of the non-conforming unit shall apply to the L.A. City Department of Building and Safety to obtain a Building permit which will allow the unit to be reconfigured in order to comply with all Building and Safety codes, as well as habitability standards. Current and modern standards established for electrical, plumbing and other construction elements will be demanded. In due course, the bootlegged unit shall be inspected and the code requirements verified consistent with the Permit and required plans.
3. In order to accommodate the Program, the planning and zoning requirements of rear and side setbacks for the unit shall be waived. Additionally, the requirement for individual parking for the unit shall be waived.
4. All units which have applied for the Amnesty Program shall not be subject to sanctions issued either by the L.A. Department of Building and Safety or the Los Angeles Housing Department. Simply stated, the units will not be "red tagged" nor will the units be referred into the REAP Program. The existing Tenants shall continue to pay rent during the renovation, and in the event the Tenant has to be relocated, he or she will be entitled to Relocation assistance provided by law. When the unit has been completed, and a Certificate of Compliance issued, the existing original Tenant may move back into the unit at the same Rental arrangement. During the remodel and revision process, no existing original Tenant may be subject to any Eviction action.
5. **AFFORDABILITY:** It is contemplated that these non-conforming and non-permitted units are currently being offered for rent at a sum of money substantially below market. Those original existing Tenants shall be afforded the protection of the current Rent Stabilization Ordinance. In the event they voluntarily surrender the premises, the Owner may adjust the rent consistent with Local and State laws.
6. **AMNESTY INCENTIVE:** It is contemplated that the Program will set a date certain for those units which will be eligible to apply to the Program. The cut-off date has yet to be ascertained or determined. However, units constructed or built after the cut-off date will not be eligible for this special Amnesty Program. All units built on or before the cut-off deadline date may apply for the special Amnesty Program.

**PREAMBLE
MOTION**

The City of Los Angeles wants to encourage and promote affordable housing. There is a drastic shortage of affordable housing within the City of Los Angeles.

There are many thousands of non-permitted, non-conforming, bootlegged and unlawful units that have been constructed and built within the City of Los Angeles. Since these units do not have a building permit, they are considered to be dangerous.

In order to encourage and promote safe dwelling units, and at the same time protect the existing Tenants who are paying affordable rent and sometimes rent substantially below market rent, it is proposed that we adopt the following **AMNESTY PROGRAM:**

UNAPPROVED DWELLING UNIT (UDU) ORDINANCE

Quick Guide – December 10, 2015



What is the purpose of the UDU Ordinance?

The goal of the UDU Ordinance is to further health and safety standards in existing multifamily zones while preserving and creating affordable housing by establishing procedures to legalize certain unapproved dwelling units when affordable units are dedicated on site. The ordinance does not apply to single-family zoned properties. It would also only apply to properties where unapproved units can be proven to have already existed as of December 10, 2015. It would therefore not encourage any future illegal construction.

What is the need for the Unapproved Dwelling Unit (UDU) Ordinance?

Between 400-500 housing units are removed from the market each year as an unintended result of the Systematic Code Enforcement Program's periodic inspection of all multi-family units. When unapproved units are discovered through the Program, the result is often the dislocation of low and moderate income households and the loss of existing housing stock at a time the City is facing a severe housing crisis. Most of these units are removed due to relatively minor zoning violations that cannot be easily addressed today. For example, the vast majority of eligible properties have just one additional unit beyond current limits, but nonetheless require a Zone Variance, which is ill-suited for this type of review.

What would the UDU ordinance do?

The UDU ordinance would create an alternative to the current Variance process for certain unapproved dwelling units. The provisions would largely mirror the existing State-required density bonus program, including the allowance of a limited number of zoning incentives, depending on the percentage of existing units to be set-aside as long-term restricted affordable housing. Projects would be required to demonstrate compliance with certain "good neighbor" performance standards such as the removal of any illegal signage or parking pads in the front yard.

How did the Unapproved Dwelling Unit Ordinance develop?

A City-facilitated working group of apartment owner and tenant representatives was asked by Councilmember Cedillo (CD 1) to identify a housing policy where it believed common ground among members could be found. The group identified the high number of evictions and unit removals that occur as a result of City initiated code enforcement processes in multifamily buildings as an area where similar goals around safety, affordability and stability could be furthered. In December 2014, the City Council adopted a motion by Councilmember Fuentes (CF 14-1150) that directed the Department of City Planning (DCP) to propose options to better facilitate the legalization of these unapproved dwelling units. The DCP proposed various options to the Housing Committee of the City Council in a June 4, 2015 report, and was then directed by Councilmembers to prepare an ordinance based on their recommendations.

What properties are eligible for using the legalization process?

To be an eligible project, the residential or mixed-use building with the unapproved dwelling unit must be located in a multiple family zone (R2 or above). The owner must be able to demonstrate that the unit existed as of December 10, 2015 and be willing to provide at least one restricted

Date: 4-6-16

Submitted in Housing Committee

Council File No: 14-1150-51

Item No.: 2

Deputy: Planning Dept

UNAPPROVED DWELLING UNIT (UDU) ORDINANCE

Quick Guide – December 10, 2015



affordable unit for up to 55 years¹. To be approved, the building must be free from other code violations and comply with a range of other performance standards. Legalization through this process may not result in any increase in building height or expansion of the building's footprint.

What Process for Compliance is Available?

The Public Benefit process in LAMC 14.00 is proposed to be used for these applications. Planners will review the application and ensure compliance with the ordinance. All health and safety codes must be adhered to. Normal planning and zoning standards will also apply, with the exception of the provisions in state density bonus law, which include:

- 1) Additional units may be allowed over the maximum otherwise allowable residential density, up to 35%, depending on the number of set-aside restricted affordable units being provided².
- 2) Up to three additional "incentives or concessions" are permitted, depending on the number of restricted affordable units. These include modifications from zoning code requirements or other site development standards.
- 3) Projects may request a waiver or reduction of additional development standards that will have the effect of physically precluding the legalization of a unit at the densities or with the concessions or incentives permitted under this section.

Why require affordable units?

The provision of affordable housing provides a significant part of the rationale for the City to act proactively and assist property owners, some of whom may have not complied with laws in the past or stand to benefit from a past illegal conversion. This model is based on current State and City zoning law and is an appropriate trade-off for the considerable benefits provided by the ordinance. It is worth noting that in most current legalization cases involving Zone Variances, the property owner already volunteers an affordable housing unit as a condition of approval.

How can I find out more information or make comments?

Comments and questions are encouraged and should be directed to Matthew Glesne at matthew.glesne@lacity.org, or (213)978-2666. The Public Hearing is scheduled for January 13, 2016 at 6:00 pm at the Deaton Auditorium downtown Los Angeles.

¹ Including Low or Very Low Income units, as well as Moderate Income units when not located in a Low Moderate Income area as defined by the Community Reinvestment Act.

² Multi-family buildings that have a number of legally existing units that exceeds current zoning limits (usually because the property has been downzoned over time) are eligible for a higher level of unit increase because the calculations are based off current zoning limits, not the number of legally established units.

16-0348

Sabrina S. Schiller, Esq.
SBN 144370

P.O. Box 1452 Pacific Palisades, CA. 90272

April 5, 2016

Colin Kumabe, Chief
Metro Plan Check Division
201 N. Figueroa Boulevard, Room 1080
Los Angeles, California 90012

Date: 4-6-16
Submitted in Housing Committee
Council File No: 16-0348
Item No.: Special 1
~~Deputy:~~ Public

RE: City of Los Angeles Dept. of Building and Safety's Notice to Stop Work and Intent to Revoke Building Permit BC 16016-20000-02318 for an Addition and Conversion of Existing Garage to a new 2nd Dwelling Unit Located at 14807 Ryan Street, Sylmar, CA 91342, per ZA Memo 120.

Dear Mr. Kumabe,

On January 21, 2016, Mr. Domingo Acevedo, owner of the property at 14809 Ryan Street in Sylmar received Order #A-3968174 (Case #706770) entitled "Substandard Order and Notice of Fee from the Code Enforcement Bureau of L.A. City Building and Safety. He was cited for having converted a garage to a dwelling without permits, and failing to register the unit with the City Department of Housing as a rental unit. Until then, Mr. Acevedo was unaware he had a duty to do so.

In an attempt to comply with the City's Order, Mr. Acevedo set about having architectural plans drawn up for the existing building and submitted his plans for plan check and a permit. That permit referenced above was granted February 11, 2016 but given only 30 days to complete compliance due to the pending "Substandard Order." He also paid the substantial inspection fee levied by the Building and Safety Inspector.

With all due haste to complete the work within the time allowed, Mr. Acevedo expended in excess of \$10,000 to install a fire sprinkler system, install a heating system, improve the plumbing, commission a Title 24 Report, upgrade the electrical system, install smoke and carbon monoxide monitors, affix new address numbers, install a second mailbox, and other improvements, complete with the interim inspections as required.

He paid a sewer facilities charge of \$456, a Fire Department Access plan fee of \$178, a plan check fee of \$354, an engineering processing fee of \$75, and, of course, the fees for the building permit itself in the amount of \$4,853.

To be approved, Mr. Acevedo had to have his address approved by the Bureau of Engineering and a new address assigned for the new unit, his roof and site drainage to be approved, to have his sewer connection and sewer availability be approved, a determination made that this project is consistent with the Sylmar Community Plan, have it ascertained that he complied with the mandatory Green Building requirements, and determined that there was access around the building and sufficient hydrant capacity available for the new dwelling unit. Mr. Acevedo met all of these requirements.

With all work completed, a call was placed for the final inspections. That same day, a "Notice to Stop Work and intent to Revoke Building Permit" was taped to Mr. Acevedo's front gate. When the Building inspector arrived, he acknowledged that Mr. Acevedo had properly performed the work, but that the Inspector was unable to sign-off on the inspection card because of the Stop Work Order. Mr. Acevedo now sits in "legal limbo." He has taken all actions required of him by the City and expended huge amounts of his savings in doing so. He has a friend in need of housing who wants to live there, yet Mr. Acevedo is not allowed to rent it to him.

At the bottom of this problem, apparently, is the recent decision by the Los Angeles Superior Court entitled *Los Angeles Neighbors in Action v. City of Los Angeles, et al*, BS 150559. Filed on February 25, 2016, this case invalidated permits granted under the criteria of an administrative zoning memorandum known as "ZA 120." The Court's reasoning is that no City elected body ever considered and officially approved ZA 120, and that it is inconsistent with the provisions of the officially adopted Los Angeles Municipal Code section 12.24. W. 43. Both sets of criteria relate to the approval of second dwelling units under California legislation known as AB 1866, which was passed in recognition of the urgent need for more housing in the State.

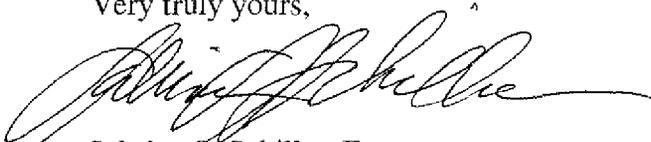
Mr. Acevedo's second dwelling unit was, indeed, approved under the more lenient criteria of ZA 120 as well as that outlined in AB1866. But Mr. Acevedo's property also meets the more demanding requirements of L.A.M.C. 12.24. W. 43 in that it does not exceed 640 square feet (it actually has only 552 square feet including exterior walls), it is not visible from the street, is not located in a Hillside District and complies with the setback requirements in all ways. (It is actually set back from the street farther than the main house.)

Colin Kumabe, Chief
Metro Plan Check Division
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In conclusion, it is unfair that Mr. Acevedo's permits are held hostage to the City's inaction after Mr. Acevedo cooperated in all ways and paid significant fees to comply in good faith with the City's requirements for his second dwelling unit. We ask that the City grant ministerial approval for his permits as vested improvements. His property in Sylmar is almost an acre in size so there is no neighborhood crowding issue. The housing need in the area is great, indeed. He complies in all ways with the criteria of ZA 120, of AB 1866 and with the City's section 12.24. W.43. He will most likely comply with any reasonable criteria the City could develop for second dwelling units. We ask that you relieve Mr. Acevedo of this onerous threat to void his permits and approve them instead, in accordance with the final inspection.

Don't hesitate to call me if you wish to discuss this matter further: 310-617-7414.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Sabrina S. Schiller', written in a cursive style.

Sabrina S. Schiller, Esq.