

Communication from Public

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Council File No: 21-1414

Comments for Public Posting: Dear Esteemed City Leaders, As it relates to Council File 21-1414, Council File 21-1045 and the Los Angeles City Planning inter-departmental memo dated February 10, 2022, please find attached (PDF) a memorandum of recommendations from AIA Los Angeles on how Los Angeles City Planning can improve SB 9 implementations to achieve more optimal outcomes. We trust if you integrate our list of specific improvements into the SB 9 (Atkins) implementation process that neighborhoods will benefit from SB 9 projects (rather than be harmed by them) and that, in general, City of Los Angeles will benefit from a greater supply of housing, greater preservation of existing housing and tree canopy, and a mixture of housing typologies within each community. Successful implementation of SB 9 will help the City of Los Angeles realize (and celebrate) the prospective outcomes which have been illustrated by the successful Lowrise.LA competition that was organized last year with the leadership of the Mayor's Chief Design Officer, Christopher Hawthorne. Please reach out to AIA Los Angeles if we can be of further assistance. We look forward to further collaborating on a whole range of efforts to address the severity of our regional housing affordability crisis. Very truly yours, Will Wright

AIA Los Angeles MEMO on SB 9 Implementation for City of Los Angeles

Vision and Goals:

Senate Bill 9 is a state law that was enacted to help California address its state-wide housing crisis. The bill was crafted to allow homeowners to add up to three additional dwelling units on their single-family zoned lots for a max total of four dwelling units per single-family lot. SB9 creates options for homeowners to create multi-generational properties or rental income to offset mortgage costs.

SB9 can increase much-needed density in urban neighborhoods (similar to that which already exists in some older neighborhoods like Angeleno Heights, Boyle Heights, and Elysian Valley). This increased density will help create complete, healthy, mixed-income neighborhoods, and will support public and bike transit and could reduce sprawl with intelligent infill development within the city.

SB9 provides a variety of new housing configurations within single-family districts. These options satisfy a variety of income levels and living arrangements that support Los Angeles' incredible diversity and create a more livable city.

Concerns / Impediments:

In the current Los Angeles Zoning Code, there are numerous code sections that, if applied to SB9 lot splits, will make it very difficult for the majority of lots in Los Angeles to utilize this bill.

- **Passageway** (Section 12.21.C.2). The code requires a 10' wide minimum passageway from the street to the entry of each residential unit.
 - If a lot is developed with a house (and a garage that is accessed from the street), and typical 5-6' side yards (or less), there is no passageway to a new, rear unit without demolition of (a part of) the front house
- **Frontage** (Section 12.03 – definition of Lot). A legal lot is a parcel "...fronting for a distance of at least 20' on a street...". Clearly, any lot subdivided laterally will create a new lot at the rear without frontage.
 - For the typical LA lot (with a width of 40-50'), carving off a flag section of 20' to provide frontage for a new rear lot reduces the front lot to 20-30' in width. This is impossible if the lot is already developed with an existing house.
- **Yards**. SB9 does allow the reduction of side and rear yards to 4'. There is no discussion of the setback at interior lot lines created by the subdivision. The city has indicated that they intend to require 4' yards along the new interior lot line as well.
 - If a 50' wide lot is subdivided lengthwise, each resulting 25' wide lot will have a buildable width of 17'. This makes for VERY narrow buildings.
- **Parking**. SB9 allows the city to require a maximum of one car per unit (unless located near transit or car share, etc.). But the ordinance does not specify where that parking can or should be located. Current codes require that parking be located on the same lot as the residential unit, and, for R1 properties, that parking must be in a private garage. Furthermore, unless located in a hillside area, accessory structures (like garages) are limited to the rear ½ of the lot.
 - This means that any new lot must have driveway access to the street. Again, difficult if the current development includes a house with 5-7' side yards.

- If a new rear lot includes a flag to the street (to satisfy the Passageway and Frontage requirements noted above) then any driveway located in that flag would be prohibited from paving more than 50% of the frontage.
- Two new side-by-side lots (developed with two units each and parking for 2 cars), quickly runs the risk of over-paving the front yard as well.
- **Minimum Unit Size.** The way the planning memo identifies the minimum unit size can cause confusion. At present the LACP SB 9 memo dated February 10, 2002 states, “Each unit shall be permitted a minimum of 800 square feet.” However, that can be easily misinterpreted by a plan checker to seem like a unit less than 800 square feet is not allowed. We recommend that the language be revised to reflect the language in the ADU ordinance to make it clear that units less than 800 sf are also still allowed if that’s the project applicant’s choice.
- **Maximum Residential Floor Area.** (per zone). This limits the amount of floor area that can be built on a lot. It varies from 25% in the RA zone to 45% in other zones. For a 5000 sf lot zoned R1, this results in a total RFA of 2,250 sf. Clearly, this is plenty of floor area for one house, but ridiculously small for 4 units, and in fact, would be superseded by the SB9 guaranteed minimum of 800 sf per unit. The RA zone limit of 25% applies, in that zone, to lots of less than 20,000 sf., or likely to all lots created using the SB9 urban lot split process.
- **Demolition and Occupancy vs Tenancy** - Per the Memo, housing occupied by tenants within the last 3 years are not allowed to be developed. Can we confirm demo can occur if the existing structure is Owner Occupied (as opposed to Tenant occupied)? It seems that is the intent. What if the house is currently owner-occupied and may have had a tenant *as well* within the last 3 years?
- **Easements** - The memo is mute on easements. In our view, and in our Low-Rise Competition Entries, shared/communal easements play a large role. There is almost no way to do a lot split without an alley unless there is a driveway easement.
- **LAFD 5’ access** (incl 9’ unobstructed height) required at sleeping room windows. This is effectively a setback requirement that is in conflict with the 4’ reduced rear/side setbacks and would serve to limit the development further.

Opportunities:

The Small Lot Subdivision standards already in the code: 12.22.C.27 could be used to bypass some of these barriers. Specifically:

- 12.22.C.27(4) – Access to new internal lots can be via easement
- 12.22.C.27(6) – Internal Side Yards not required
- 12.22.C.27(9) – No passageway required
- 12.22.C.27(13) – No frontage required
- 12.21.A.4(a) - For small lot subdivisions, the required parking spaces are not required to be on the same lot with each dwelling unit, but shall be provided within the boundaries of the parcel map. (Note: this also relieves the requirement that the parking stalls be in a private garage).

Extend the Maximum Residential Floor Area 20% bonus (12.07.C.5) to units in all single family zones (including R1) created using an SB9 Urban Lot Split.

The ordinance states that “A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.” This seems like the

wrong date to start the occupancy requirement, since it could take 1-1.5 years from approval of the lot split to occupancy. We propose that the city consider moving the start date to Certificate of Occupancy resulting in a full, 3 year occupancy requirement. The Department of City Planning should investigate methods for enforcing this important requirement.

Summation of Our Requests:

AIA Los Angeles believes that SB9 offers a positive move in the right direction for the City of Los Angeles. By increasing density within existing single family zoned areas of the city, the ordinance can increase housing options, increase diversity, and address the “missing middle” income renter and home buyer by offering lower cost housing options. But only if it is easy and affordable for homeowners to use the bill.

AIA Los Angeles strongly recommends that the Department of City Planning remove the identified zoning code barriers to utilizing SB9. This could be done by applying the identified existing zoning code sections to SB9 “urban lot split” projects.

AIA Los Angeles strongly recommends that the Department of City Planning clarify which specific existing zoning code sections are superseded by SB9.

AIA Los Angeles strongly recommends that the City Council address staffing and budget deficiencies in the Bureau of Engineering and Department of City Planning that currently preclude their ability to process parcel map applications in a timely and cost effective manner.

For more information, please contact:

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