

Chapter 9.60

AMNESTY FOR CERTAIN ILLEGAL GARAGE CONVERSIONS

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9.60.010 Purpose and findings.

(a) The purpose of this chapter is to establish procedures whereby owner-occupants of single-family residential real property on which certain illegal garage conversions now exist may be exempted from enforcement actions for a specified period of time where exceptional circumstances indicate that undue hardship would result from requiring reconversion.

(b) The city council finds and determines as follows:

(1) Numerous garage conversions exist in the city. In most cases, these conversions involve the remodeling of detached garages into habitable floor space, often for rental purposes. Such rentals create additional parking requirements for those single-family residential properties containing such conversions. The need for additional off-site parking and the resulting increase in traffic adversely affect the city's residential neighborhoods.

(2) A small number of conversions involve the remodeling of attached garages in such a manner that the converted garage is incorporated into the floor plan of the single-family residential dwelling. An innocent purchaser thus has no notice that a garage previously existed on that residential property. Such conversions do not generally create parking needs different from other residential properties in the area, and their effect on neighborhood parking and traffic is therefore minimal. The reconversion of such attached converted garages would severely deplete and substantially interfere with the owner-occupant's use of habitable space.

(3) In order to protect innocent purchasers of single-family residential real property having the latter type of conversion from undue hardship in complying with a mandate that the garages be reconverted, the city council finds and determines that it is necessary and desirable to establish the procedures for amnesty as set forth in this chapter.

9.60.020 Definitions.

For purposes of this chapter, the following terms shall be defined as follows:

- (1) “Certificate of amnesty” means the certificate authorized by this chapter to exempt from enforcement actions the owner-occupant of single- family residential real property containing a converted garage.
- (2) “Garage conversion” means the conversion into habitable floor space of a garage which would otherwise provide the off-street parking required for single-family residential property pursuant to Chapter [11.33](#), without providing lawful alternative on-site, off-street parking for such single-family residential property.
- (3) “Hearing officer” means the city’s director of community development or the director’s designee.
- (4) “Substantial remodeling” means any alteration, improvement, rehabilitation, replacement, repair or new construction which increases the habitable floor space of a single-family residential dwelling by ten percent or more.

(Ord. 1871 § 1 (part), 5-28-91)

9.60.030 Hearing officer—Duties.

The hearing officer shall have the following powers and duties:

- (1) To conduct hearings to determine whether exceptional circumstances exist which justify the issuance of a certificate of amnesty.
- (2) To issue certificates of amnesty where warranted under the provisions of this chapter.
- (3) To promulgate rules and regulations for the efficient administration of this chapter, including the conduct of hearings required hereunder.

(Ord. 1871 § 1 (part), 5-28-91)

9.60.040 Applications.

- (a) **Generally.** Every person desiring to obtain a certificate of amnesty for a garage conversion which meets the criteria set forth in Section [9.60.060](#) shall file an application therefor and pay the required fees. Application forms shall be provided by the director of community development.
- (b) **Fees.** The applicable application fees shall be established by resolution of the city council. Such fees shall be nonrefundable.
- (c) **Application Deadline.** Every person desiring to obtain a certificate of amnesty shall submit a complete application therefor no later than six months after the effective date of

this chapter. After such deadline, no applications for a certificate of amnesty shall be accepted or filed.

(d) Submission of Application. The director of community development shall determine whether an application is complete. Subject to the time limitation set forth in subsection (c) of this section, if an application is determined to be complete, then the application shall be accepted and filed. If an application is determined to be incomplete, the applicant shall be notified as to the information required to complete the application. If such notification is given after the deadline specified in subsection (c) of this section, then the applicant shall have fifteen additional days to submit a completed application.

(e) Contents of Application. Every application for a certificate of amnesty shall contain or be accompanied by the following information:

- (1) The name and residence address of the applicant;
- (2) The address, legal description and assessor's parcel number of the single-family residential real property for which the certificate of amnesty is requested;
- (3) The name and address of the owner of the residential real property for which the certificate of amnesty is requested if different from the applicant's;
- (4) A floor plan, and a plot plan, drawn to scale, which describes the single-family residential real property for which the certificate of amnesty is requested, including the lot size, the dwelling unit floor area (both excluding and including the floor area of the converted garage) and the number of on-site, off-street parking spaces for the dwelling unit. Applicant shall also set forth the year in which the dwelling unit was constructed, and the year in which the garage conversion occurred, if known;
- (5) A brief statement describing how the garage conversion for which the certificate of amnesty is requested meets the criteria set forth in Section [9.60.060](#), and the applicant's need for such certificate;
- (6) Documentation which establishes, or tends to establish, when the garage conversion occurred, including but not limited to a report of a city inspection to determine the approximate date of the conversion;
- (7) Photographs of the interior and exterior of the converted garage;
- (8) A copy of the certificate of amnesty investigation report as prepared by the department of building and safety;
- (9) Any additional information which the director of community development may require.

9.60.050 Review and approval—Appeals.

(a) Notice of Hearing. Following the receipt and filing of an application for a certificate of amnesty, the director of community development shall schedule a hearing. Written notice of the hearing shall be given to the applicant and to the owners of all abutting real property at least ten days prior to the scheduled hearing date.

(b) Conduct of Hearing. The hearing officer shall conduct the hearing and determine whether to issue or deny the certificate of amnesty. The decision of the hearing officer shall be final unless appealed to the city council.

(c) Appeals. Any decision of the hearing officer may be appealed to the city council. Such appeal must be submitted in writing to the city clerk, accompanied by the fee as established by resolution of the city council, no later than ten calendar days after the decision was rendered. The city clerk shall set the matter for hearing by the city council on the earliest convenient date and shall notify the appellant in writing of said hearing date. The decision of the city council on an appeal by an applicant for a certificate of amnesty shall be final and conclusive. The findings and decision of the city council shall be set forth in a resolution to be adopted not later than twenty days following the conclusion of the hearing.

(Ord. 1871 § 1 (part), 5-28-91)

9.60.060 Findings.

The hearing officer, or the city council on appeal, may issue a certificate of amnesty only if all of the following findings are made:

- (1) The garage conversion was undertaken and completed prior to January 1, 1960 by a prior owner of the property and not by the current owner;
- (2) The converted garage is attached to the main dwelling unit and incorporated into the floor plan of the main dwelling unit;
- (3) The main dwelling unit is owner-occupied and is not used for rental purposes;
- (4) The converted garage is kept in a clean, neat and well-maintained condition;
- (5) Allowing the converted garage to remain on the property will not preclude on-site, off-street parking for the occupants of the dwelling unit nor unduly burden on-street parking and traffic in the neighborhood;
- (6) The converted garage is so incorporated into the dwelling unit that the applicant could not reasonably have been on notice that the conversion had been made;
- (7) The spatial relationship between the attached converted garage and the main dwelling unit is such that reconversion would cause undue hardship by eliminating a substantial amount of living space from the main dwelling unit.

(Ord. 1871 § 1 (part), 5-28-91)

9.60.070 Imposition of conditions.

The hearing officer, or the city council on appeal, may impose any conditions which are reasonably required to ensure that the converted garage whose owner-occupant is issued a certificate of amnesty pursuant to this chapter complies with all applicable building and safety laws.

(Ord. 1871 § 1 (part), 5-28-91)

9.60.080 Effect of certificate of amnesty.

The certificate of amnesty issued pursuant to this chapter shall authorize the owner-occupant to maintain the converted garage as an integral part of the main dwelling unit to which it is attached only until such time as substantial remodeling of the main dwelling unit occurs. At that time, the property owner shall be required to provide all necessary on-site, off-street parking spaces required by Chapter [11.33](#). The issuance of a certificate of amnesty shall not be construed as the city's approval of, or acquiescence in, any violations of any building or safety laws which may have occurred in constructing a garage conversion.

(Ord. 1871 § 1 (part), 5-28-91)

9.60.090 Recordation of certificate of amnesty.

Upon issuance of a certificate of amnesty, the property owner shall, within ninety days thereafter, cause such certificate to be recorded with the Los Angeles County recorder's office. A copy of the recorded document shall be provided by the property owner to the city. If the certificate is not recorded within said ninety day period, the certificate shall be deemed void and of no further force and effect.