

# PLANNING COMMISSION STAFF REPORT

## Legislative Item



Planning Division  
Department of Community and  
Economic Development

## Unit Legalization Zoning Text Amendment PLNPCM2011-00499 Citywide December 14, 2011

**Applicant:** Mayor Ralph Becker

**Staff:** Everett Joyce  
801-535-7930  
everett.joyce@slcgov.com

**Master Plan Designation:**  
Citywide - Salt Lake City Housing  
Plan

**Council District:** Citywide

**Community Council:** Citywide

**Applicable Land Use  
Regulations:**  
*Review Standards:* 21A50.50  
Standards for General Amendment

*Affected Text:* 21A.52.100E  
Legalization of Excess Dwelling  
Units

### **Notification**

- Open House September 12, 2011
- Community Council Chairs  
Mayor's Meeting October 5,  
2011
- Notice mailed on December 1,  
2011
- Agenda posted on the Planning  
Division and Utah Public  
Meeting Notice websites  
December 1, 2011
- Newspaper Notice on December  
2, 2011

### **Attachments:**

- A. Proposed Ordinance
- B. Public Input
- C. Department Comments
- D. Unit Legalization Map

### ***Request***

A request by Salt Lake City Mayor Ralph Becker for a zoning text amendment to the Legalization of Excess Dwelling Units ordinance. The unit legalization ordinance provides a process to consider legalization of excess dwelling units that are not officially recognized by the City. The proposal would modify specific regulations for the unit legalization process. The proposal also creates a sunset date for the unit legalization ordinance. The Planning Commission is required to transmit a recommendation to the City Council for zoning text amendment requests.

### ***Recommendation***

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council relating to this request.

### ***Potential Motions***

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report, testimony and information presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to Petition PLNPCM2011-00499 to amend the excess dwelling unit legalization regulations.

**Not Consistent with Staff Recommendation:** Based on public testimony, information received, and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to petition PLNPCM2011-00499 to amend the excess dwelling unit legalization regulations.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

## **Background**

### **Project Description**

Salt Lake City has adopted a Good Landlord/Tenant Program. The goal of the program is to address aspects of property management that help eliminate code violations and public nuisances while controlling and preventing illegal activity on rental properties that impact the quality of life within our neighborhoods. Under the new program, all residential rental properties, including single and two family homes, boarding houses and fraternities/sororities, require a business license.

In order to license rental dwelling units, these units need to be recognized as legal dwelling units. If the rental units being applied for are not recognized as legal dwelling units, the applicant may apply for unit legalization through the City's Legalization of Excess Dwelling Units process.

The unit legalization process is seen as an interim mechanism for individuals to legalize existing excess dwelling units so that they can be licensed for rental purposes. With the proposed sunset clause, those property owners who chose to maintain illegal units will not have an available mechanism to legalize existing units. Their options would be in the case of a second unit within a single family property would be to apply and meet the requirements of the Accessory Dwelling Unit (ADU) standards. ADU approval requires meeting new construction standards. For properties that exceed two dwelling units the property owner would have to provide evidence that the units were legal at the time they were created and they would be regulated under the nonconforming use chapter of the zoning code.

Salt Lake City has an established ordinance to process the legalization of excess dwelling units that are not recognized by the City. The current unit legalization process has created some issues with the administration of the ordinance. In addition, the Planning Division has noted a number of common concerns raised by adjacent or nearby neighbors relating to properties going through the unit legalization process. These issues and concerns are discussed later in this report.

To address existing unit legalization issues, to support existing Salt Lake City Housing Plan policy and to help implement the Good Landlord/Tenant Program, Salt Lake City is taking steps to modify the legalization of excess dwelling unit regulations.

### **Historic Residential Zoning Patterns in Salt Lake City**

Understanding Salt Lake City's historical zoning patterns can help to understand why the City has excess dwelling units. Since the initial zoning within Salt Lake City in 1927 and until 1951 the City zoning ordinance for low density residential areas, allowed single family and two family structures. During the 1950's the Federal Heights area of the City was the first area to have a single family only zoning designation. In the 1960-1970's period several smaller geographic areas (upper Avenues and Glendale south of 1700 South) became designated for single family only zoning.

Historically a majority of the Salt Lake's residential areas were zoned to allow single family and two family dwellings. Second units in a single-family dwelling, also known as mother-in-law or granny flats, were identified by zoning regulations as acceptable use of properties within the City's low density residential areas.

After World War II and into the 1980's, portions of the city were rezoned from single family / two family development to a zoning classification (R-4) that allowed 1-4 dwelling units per structure. During the 1980's

numerous down zonings of the R-4 zoned areas occurred to prohibit further higher density residential development within many neighborhoods. However, the majority of the City's low density residential areas remained with the zoning designation "R-2" which permitted single family and two family dwellings. The "R-2" Zoning District continued the philosophy established in 1927 that the low density residential areas permitted both single family and duplex development. Unfortunately, for many the zoning designations implied a right to have additional dwellings and such units were created without building permits.

Not until the citywide zoning rewrite in 1995 did the City have multiple single family zoning classifications for the majority of the low density residential areas. The ambiguous historic zoning classifications and surge of housing demand after World War II has developed an informal market that has provided a source of affordable housing in Salt Lake City. This was recognized in the City's Housing Plans starting in 1990. At that time the current excess dwelling unit legalization ordinance and process were adopted.

Until recently, financing for purchasing or reinvestment into structures with non-recognized dwelling units was not a problematic issue. However today, the uncertainty to reconstruct dwelling units lost to fire or other natural calamity severely affects financing. It has become difficult to process and approve financing for purchasing and reinvestment into properties that have officially unrecognized dwelling units. Most financial institutions are requiring complete rebuild letters before approval for financing. If rebuild letters are not obtainable then other nontraditional financing means may be required, which can jeopardize potential sales or reinvestment into the property. In some cases, alternative financing limits the amount of reinvestment into the development and minimizes improvements to the City's housing stock.

### **Housing Market**

Throughout time the demand for housing has led to expansion of the city's informal housing market. Such units have existed since authorities began regulating the number of housing units. This problem became particularly acute after World War II when owners opened their homes to returning war veterans. Today, new immigrants often find these units through family connections and other social networks. A similar economic rationale exists on the supply side as well. For owners, carving separate dwelling units out of existing structures provides a steady source of rental income.

The tenants of illegal dwelling units are more vulnerable to fire and safety hazards that can arise from lack of government regulations. There is good reason to believe that bringing some of these units into the scope of regulation would benefit tenants, owners, communities and the city through an enhancement to safety conditions, an improved ability to plan for and allocate resources, an increase in tax revenues, and greater financial security for both tenants and owners.

Illegal conversions can also reduce the quality of life in our neighborhoods by crowding more people into an area than was originally intended. This unplanned growth may cause strain on municipal services, school overcrowding and reduced neighborhood on-street parking.

### **What are Excess Dwelling Units?**

Excess dwelling units, refers to dwelling units that exist in a structure in excess of the number of units identified within the Salt Lake City permit records. An excess dwelling unit could be additional units in a single family zone or multiple units within apartments and anything in between. For example, if a single family home is turned into a duplex, or a duplex into a triplex or even a 20 unit apartment building into a greater number of dwelling units and no permit for the additional unit(s) were obtained, these units would not be recognized on City records.

The City has long history of zoning designations which identified that additional dwelling units were supported by the City zoning regulations. Through a nearly 70 year time period (1927-1995) there were numerous

additional dwelling units added to the City’s housing stock. Unfortunately, the City does not have building permit records for many of these units. Through the existing excess dwelling unit legalization process numerous residential units have been either legalized or removed. Properties have been brought through this process by owners voluntarily or through city enforcement actions.

Building permit records for the twelve year period from 1995-2007 show that there were 379 unit legalization requests. Of these 57 cases were inquiries only and applications were received for 324 cases, which were finalized. Of the 324 applications, the City approved 309 unit legalization cases. Of the approved cases 88 percent were duplex or 3-4 dwelling unit structures. Seven percent were properties with multiple units of 5 or more dwelling units. The distribution of unit legalization cases are mapped and provided in Attachment D.

<b>Excess Dwelling Units - Legalization Cases 1995 - 2007</b>		
Dwelling Type	Number of Properties	Percent of Total
Duplex	144	44.4
3-4 dwelling units	141	43.5
5 or more dwelling units	24	7.4
Resolved - To meet current code	15	4.7
<b>Total</b>	<b>324</b>	<b>100</b>

All older cities have unpermitted dwelling units. The key issue with unpermitted dwelling units is safety. The dwelling unit legalization process is a delicate balance between providing fair processes for people involved in a code enforcement action and protecting the majority of residents who abide by regulations and expect their neighbors to as well. Many property owners involved in unit legalization are not the ones that created the excess units.

The premise behind the unit legalization process is that there is a benefit to the City to maintain safe dwelling units, particularly those that were in existence prior to current zoning regulations or that have some sort of implied permit that indicates the unit was at some point recognized by the City.

**Unit Legalization Issues**

The current unit legalization process has created some issues with the administration of the ordinance. These issues primarily deal with:

- The lack of clarity in terms used in the ordinance, such as continuous use and preponderance of evidence;
- The requirement of signatures from abutting property owners with no way of verifying the signatures; and
- The off-street parking requirements.

In addition, the Planning Division has noted a number of common concerns raised by adjacent or nearby neighbors to a property going through the unit legalization process, including:

- Absentee landlords and the general lack of yard maintenance;
- Overall safety of the units, particularly life safety issues;
- The paving over of yards to provide off-street parking;
- The thought that unit legalizations contradict existing zoning regulations;
- The lack of business license and City inspections for rental units;
- On street parking congestion attributed to the increase in the number of dwelling units in a neighborhood;
- The perception that renters are not as invested in a neighborhood and therefore do not respect the neighbors or neighborhood.

Despite the identified issues above, there are benefits to the unit legalization process. The unit legalization process proposed attempts to resolve these issues or minimize the unit legalization action of identified impacts. The recently adopted Good Landlord/Tenant Program to license all rental units addresses several of these issues.

### **Good Landlord / Tenant Program**

The goal of the Good Landlord/Tenant Program is to address aspects of property management that help eliminate code violations and public nuisances while controlling and preventing illegal activity on rental properties that impact the quality of life within our neighborhoods. Under the new program, all residential rental properties, including single and two family homes, boarding houses and fraternities/sororities, require a business license. However, participation in the Landlord/Tenant Program itself is voluntary.

In order to license rental dwelling units, these units need to be recognized as legal dwelling units. If the rental units being applied for are not recognized as legal dwelling units, the applicant may apply for unit legalization through the City's Legalization of Excess Dwelling Unit process. It is anticipated that this program can significantly increase the number of applications for this legalization process. To support existing Housing Plan policy as well as the Landlord/ Tenant program the City is considering modification of regulations to better implement the legalization of excess dwelling unit provisions.

### **Accessory Dwelling Units**

Legalization of dwelling units is an existing process that helps to provide safe housing for the inhabitants of dwelling units built without city permits. The legalization of excess dwelling units is a separate issue from Salt Lake City's development of regulations to allow Accessory Dwelling Units (ADU's). The proposed ADU regulations are strictly for the development of new accessory dwelling units. The proposed regulation changes addressed here regard the legalization of existing excess dwelling units.

However, legalization of excess dwelling units serves similar purposes as allowing accessory dwelling units. The purposes identified for establishing secondary residential units are:

1. Create new housing units while respecting the look and scale of single-dwelling development;
2. Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
3. Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
4. Provide a mix of housing options that responds to changing family needs and smaller households;
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
6. Promote a broader range of affordable housing;
7. Provide opportunity for workforce housing in developed and new neighborhoods, close to places of work, thus reducing greenhouse gas emissions and reducing fossil fuel consumption through less car commuting;
8. Support transit-oriented development and reduce auto usage by increasing density near transit stops; and
9. Support the economic viability of historic properties and the city's historic preservation goals by allowing accessory residential uses in historic structures.

Several of these purposes provide a rationale to support maintaining existing housing stock that was put in place without appropriate permits. To maintain these units however, they should be brought up to code, particularly for life and safety reasons.

A key element of the accessory dwelling unit is that the property owner maintains primary residence within the property. Certainly an existing unrecognized second dwelling unit, if brought up to building life safety codes would support the fulfillment of the same purposes as an accessory dwelling unit.

### **Excessive Dwelling Unit Legalization Ordinance**

The number of dwelling units within any specific property may exceed the number that Salt Lake City records show to be legal. In such cases the zoning ordinance contains a process to legalize these units if the property owner can substantiate that the subject dwelling units comply with the legalization standards and subject to appropriate approval processes.

#### *Existing Ordinance Process*

Individual legalization cases need to comply with the ordinance standards for the categories listed below.

1. Units constructed before 1970 with no building permits.
2. Units constructed between 1970 & 1980 with no building permits.
3. Units constructed anytime up to April 12, 1995 (when the City-wide Zoning Rewrite Project was adopted) with an “Implied Permit”

#### *Proposed Ordinance Process*

Individual legalization cases need to comply with the ordinance standards for the categories listed below.

1. The unit or units in question must have existed prior to April 12, 1995 (when the City-wide Zoning Rewrite project was adopted).
2. That the dwelling unit(s) in question has been maintained as separate dwelling units since April 12, 1995.
3. That the property is able to accommodate on-site parking to the extent that was required by the Zoning Ordinance at the point in time that the documentation indicates the unit(s) first came into existence. This standard may also be satisfied if the unit(s) are within ¼ mile radius of a fixed rail transit stop or bus stop.
4. That there is not a history of zoning violations occurring on the property.

Under the proposed concepts the legalization process would be applicable only to dwelling units created prior to April 12, 1995. In 1995 Salt Lake City adopted a comprehensive rewrite of its zoning ordinance. The new ordinance classifications placed single family zoning within a significant portion of the City. The zoning classifications clearly indicate that the development of additional dwelling units in a single family zoning district is prohibited.

*Purpose Statement.* The purpose of this section is to implement the existing Salt Lake City Community Housing Plan. This ordinance places emphasis on maintaining the existing housing stock in a safe manner that contributes to the vitality of the neighborhoods within the City. The owners of structures that contain the dwelling units in question shall demonstrate to the City that the units have existed for a certain number of years, the property has not had a history of zoning ordinance violations since that time, that adequate off street parking can be provided if space allows, and that the property owner demonstrates the ability to maintain the property to address basic life safety issues.

*Sunset Date.* The proposed draft ordinance contains a sunset date. The intent of the sunset date is to eventually remove the unit legalization process from the ordinance as the Good Landlord Program is up and running. After the sunset date, a property owner who may have an excess dwelling unit would have to go through the determination of nonconforming use process. The determination of nonconforming use process places the burden on the applicant to demonstrate that the dwelling unit legally existed at some point in the past. Property owners who chose not to license their rental units and maintain excess dwelling units would be at risk of not having a process that provides the opportunity to legalize excess dwelling units.

Inclusion of a sunset date supports the City's effort to manage rental properties through the Good Landlord Program. Implementation of this program should provide improved knowledge of existing housing stock within Salt Lake City. However, the program is voluntary and it is not known how successful the program will be in identifying existing non-recognized dwelling units. The Salt Lake City Housing Plan recommends maintaining all dwelling units in the City that meet basic life safety requirements. A sunset date for the unit legalization process may be considered inconsistent with this policy. An option the Planning Commission may want to consider is the elimination of the sunset date.

The proposed ordinance is provided in Attachment A.

## **Public Comments**

An Open House was conducted on September 12, 2011. Comments from the open house and those provided to staff are listed below. Submitted comments are provided in Attachment B.

1. People with a second dwelling unit should be able to maintain the unit even if they choose not to continuously rent it out but maintain the unit as a separate dwelling unit and not combine it with the principal dwelling.
2. Previous denials should have the ability to go through the process. The past process was not consistent in how denials were determined.
3. Sovereign rights – To legalize an existing dwelling unit the City should not make it onerous for individuals to bring the unit up to code when the unit has been a viable dwelling under its existing circumstances. If the unit meets building code standards of the past. The City should consider the use of a Blind Code law like Boston uses when it comes to upgrades for the legalization of dwelling units.
4. City should provide a checklist for property owners of items that will need to be brought up to code in order to legalize a unit. The list should identify what items need upgrading and what the standard is prior to the property owner ever talks with the City.
5. Allow second dwelling unit if owner occupied either through unit legalization or as an ADU but with housing conservation standards rather than current building code.

The proposed ordinance was presented to the Mayor's Community Councils Meeting on October 5, 2011. The only issue discussed was with notification to community councils. Most people there felt that the community councils should be noticed somehow. A concern is that the issue with unit legalizations is that it isn't necessarily the immediate neighbors would have a concern, because often times they are renters as well.

## **City Department Comments**

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment C. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

Concerns identified with the initial draft proposed is that the continuous use evidence requires records for every two years, which just exacerbates the problems with the existing code of continuous use evidence, providing an unrealistic element for applicants to meet. It was noted that the key source of available evidence has been the Polk Directory and that these records within the past decade have shown inconsistent data or lack of data to verify continuous use.

## Analysis and Findings

Under the proposed concepts the legalization process would be applicable only to dwelling units created prior to April 12, 1995. In 1995, Salt Lake City adopted a comprehensive rewrite of its zoning ordinance. The new ordinance placed single family zoning within a significant portion of the City. Anyone developing second dwelling units after 1995 that were located within single family zoning districts if they were to verify the zoning of their property would readily know that the regulations permitted only single family residences and that creation of a second dwelling unit would be illegal.

### Findings

#### Section 21A.50.050 Standards for General Amendments

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making its decision concerning a proposed text amendment, the City Council should consider the following factors:

**1. Whether the proposed amendment is consistent with the purposes, goals, objectives and policies of the City as stated through its various adopted planning documents;**

**Analysis:** The Salt Lake City Housing Plan recommends maintaining all dwelling units in the City that meet basic life safety requirements. (See pages 11-15 of the Housing Plan)

As a matter of legislative policy, Salt Lake City desires to preserve housing that “substantially complies with life and safety codes.” Currently, Salt Lake City administrates a process to legalize existing dwelling units that were constructed before 1980 and have been continuously used. This process is known as “Legalization of Excess Dwelling Units” and is governed by Section 21A.52.100 of the Zoning Title.

Within the *Salt Lake City Community Housing Plan*, which was prepared by the Housing and Neighborhood Division of Community and Economic Development Department and adopted by the Salt Lake City Council in April of 2000, the following policy statements and implementation strategies are applicable:

- **City Council Policy Statement.** The City Council supports a citywide variety of housing units, including affordable housing and supports accommodating different types and intensities of residential development. (p. 8)
- **City Council Policy Statement.** The City Council supports mixed use and mixed income concepts and projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses and incomes in areas with established services. (p. 19)
- **Affordable and Transitional Housing Implementation Strategy 1.** Review “Best Practices” from other cities and establish new programs or expand existing programs that meet housing needs and maximize housing opportunities for all residents within Salt Lake City. (p. 24)
- **City Council Policy Statement.** On a citywide basis, the City Council endorses accessory housing units in single-family zones, subject to restrictions designed to limit impacts and protect neighborhood character. (p. 32)

In another policy document entitled *Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission*, which was commissioned in February 1996 by former Mayor Ted Wilson and delivered to the City Council in March 1998 the following assertions, goals, and recommendations are applicable:

- **Assertion M: There is a mix of housing types, densities, and costs so that people of various economic groups can co-exist.** Services for those less fortunate are seen as a positive attribute and are nurtured within our community.



- Recommendation 1: Amend zoning laws to encourage mixed use in appropriate areas.  
Proposed Action: Adopt amendments to city zoning ordinances that allow mixed-use development in designated areas of the city. Identify areas to be included in ordinances, define types of mixed uses allowed (p. 13).

- **Goal B: The ideal neighborhood will be diverse.** Neighborhoods will encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles, and familial statuses to be active community stakeholders. Families of various size and composition can be well served through a variety of programs and services. Service organizations will also be available to special-needs populations (p. 41).
- **Goal D: The ideal neighborhood will be well maintained.** Landlords, tenants, and homeowners will share responsibility for keeping properties in good condition. Home ownership will be encouraged where possible. Neighborhoods should contain a variety of housing types, but more units should be owner occupied than renter occupied. This leads to longer term residents and stabilizes property values. Owners of rental units will be responsible and will maintain their properties. Mechanisms need to be in place to address problems caused by owners/renters who fail to maintain their properties. Landlords must screen tenants to ensure that they will be responsible renters. Landlords must also make repairs to their housing units to keep them as viable assets in the neighborhood. Housing should be designed for the changing needs of our current and future population (p. 43).

**Finding:** Based on a review of the *Salt Lake City Community Housing Plan*, and the *Creating Tomorrow Together: Final Report of the Salt Lake City Futures Commission*, which documents are applicable citywide, staff finds the proposal is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City. The proposed text amendment meets this standard.

## 2. Whether the proposed text amendment furthers the specific purpose statements of the zoning ordinance;

**Analysis:** Chapter 21A.02.030 of the Zoning Ordinance states: *Purpose and Intent:* The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment.

Additionally, Section 21A.24.010 of the Zoning Ordinance provides the following “general provision” for all residential districts:

**Statement of Intent:** The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.

In Salt Lake City, the Zoning Ordinance has been the main tool used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance.

**Findings:** Staff finds that the proposed changes to the Zoning Ordinance will have no effect on the overall purpose of the Zoning Ordinance. Although staff agrees that legalization of excessive dwelling units may increase congestion and parking on neighborhood streets, permitting these dwelling units will:

- Improve viability of public transit;
- Is an economical use of public and private infrastructure;
- Protect the environment through reduction of vehicle miles driven within the region;
- Provide a range of housing choices; and
- Preserve and maintain neighborhoods as safe and convenient places to live.

Therefore, staff finds that the proposal furthers the specific purpose statements of the zoning ordinance and meets this standard.

**3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and**

**Analysis:** The proposed text amendment is not associated with any specific overlay zoning districts. If a specific unit legalization case was located in an existing overlay district, any further requirements that exist due to being located in an overlay district would apply. The proposed text amendment will not diminish any regulations required in any overlay district.

The proposed text amendment is not associated with any specific overlay zoning districts and meets this standard.

**4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

**Analysis:** The Town of Bristol, Rhode Island has policy and codes for legalization of illegal apartments. San Diego has an administrative process to recognize second dwelling units. The City of Ventura, California has implemented a safe housing project regarding second dwelling unit amnesty and legalization ordinance.

A 2008 Illegal Dwelling Unit study in New York City observed that research and identified models across the country establishing illegal dwelling unit code is a reasonable and achievable means to create affordable and safe housing. It was recognized that to bring units into regulation would have a number of benefits for the city: It would: (1) ensure fire safety and health compliance, (2) increase tax revenues to support additional City costs to provide services, (3) enhance ability to accommodate and plan for population growth through allocation of resources.

There are many potential benefits, as well as risks to bringing illegal dwelling units into regulation. Tenants of illegal dwellings stand to see their living conditions improve if their units can be legalized. But they also risk eviction if extensive improvements are required or enforcement results in the elimination of the unit.

**Finding:** The proposed text amendment meets this standard.