

Date: 8/30/24
Submitted in PLUM Committee
Council File No: 16-1468-S
Item No. 2
Deputy: Lina



8-27-24

To: Planning and Land Use Management Committee, Los Angeles City Council

Re: Council File 16-1468-S2 – Quash Eunisses Hernandez Motion and properly amend ADU Ordinance 186481 to be State Compliant

Dear Councilmembers,

I'm one of the people who helped get our state ADU laws passed in 2016 and contributed to Housing And Community Development's (HCD) guide books. I'm writing to ask you to quash the motion by Eunisses Hernandez and update the city's ADU ordinance to be State compliant by removing the restrictions for new ADU construction in the Very High Fire Hazard Severity Zones (VHFHSZ). The city rushed to put together an ordinance at the beginning of 2019 to show they were being compliant and included the VHFHSZ carve out in part to appease the wealthy homeowner associations of the west side who didn't want any ADU's and Gil Cedillo and his constituents on the east side who wanted them. The following is what they inserted:

(4) No ADU is permitted on any lot that is located in both a Very High Fire Hazard Severity Zone designated by the City of Los Angeles Fire Department pursuant to Government Code Section 51178 and a Hillside Area as defined by the Hillside Area Map pursuant to Section 12.03 of this Code, unless it meets one of the following exceptions:

- (i) The ADU is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake - Echo Park - Elysian Valley Community Plan Area; or*
- (ii) The ADU complies with all of the following requirements:*
 - (a) Notwithstanding Subparagraph (c)(10) below, the ADU is protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code;*
 - (b) Notwithstanding Subparagraph (c)(12) below, one off-street parking space is provided for the ADU; and*
 - (c) The ADU is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a Through Lot or a Corner Lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement.*

The above violates statute: under no circumstances can you ever require someone to widen a road, provide a parking spot if they meet one of the 5 exemptions or provide fire sprinklers if the main house isn't required to have them. Furthermore, the city made all of the above non-applicable if you're creating an ADU from a conversion in the VHFHSZ. So what's the point of putting costly, difficult and illegal restrictions on one homeowner who wants to build an ADU from scratch vs. his/her neighbor who's building from a conversion and has no VHFHSZ restrictions? None. It was all politics.

Government code 65852.2 states in the first paragraph (a)(1)(A) that a local agency may "...Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety..." But you have to submit studies to HCD to prove safety risks and it would most likely mean LA requesting that ALL ADU's be banned in hillside for fire safety because there are no "fix" options in the government code like the city of LA improperly put in its ordinance. Let's get the ordinance right this time and help move housing production forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Ira Belgrade".

Ira Belgrade, Founder, YimbyLA, LLC

Cc: Matt Glesne, Sr. City Planner Housing Policy, City of Los Angeles
David Zisser, Assistant Deputy Director, Local Government Relations and Accountability, HCD
Mike Van Gorder, Housing Policy Representative, Local Government Relations and Accountability, HCD