

CF-14-0057 5-8 & 16-0348

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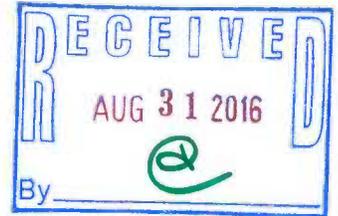
**Statement regarding repealing ordinance 12.24.W.43 & 12.24.W.44**

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**Members of Los Angeles City Council:**

**Since the city of Los Angeles has failed to comply with state law since AB1866 was passed in 2003, I urge the city pass this ordinance and adopt the state law standards for 2<sup>nd</sup> dwelling unit permits. I do not wish our public monies to be squandered in litigation over this matter any further. Ordinances 12.24.W.43 & 12.24.W.44 do not comply with state law.**

Upon review of the comments submitted by those opposing repealing the ordinances, A consistent comment is that the state 2<sup>nd</sup> dwelling unit ordinance (AB 1866) is a "one size fits all" approach to allowing granny flats. The city has in place many, very targeted zoning ordinances and specific plans that limit new additions in a very robust way. These zoning overlay zones, and specific plans limit: Height, FAR, lot coverage, setbacks and placement of the 2nd dwelling unit on the site.

These existing ordinances prevent the "one size fits all" approach to architectural design and structural improvements.

Additionally, the state also requires additional parking be provided along with meeting all of the zoning regulations for the 2<sup>nd</sup> dwelling unit. It is clear that this is a very high bar indeed, or there would be many more of these 2<sup>nd</sup> dwelling units permitted since the memorandum 120 was employed by city plan checkers to issue the 2<sup>nd</sup> dwelling unit permits since 2010. Only about an average of about 60ty a year were issued in the vast city of Los Angeles?

As an architect that has been practicing in the city of Los Angeles for more than thirty years, it has been the primary focus of my practice to design affordable housing solutions for residents on the city of Los Angeles, primarily in the hillside areas.

I agree with the ordinance as drafted and wish to support repealing Ordinance 12.24.W.43 & 12.24.W.44 with the emergency measures and the nonconforming rights provisions. I have several projects that have been thrown into limbo by the current moratorium of memorandum ZA 120.

However, I strongly encourage that the city draft an Ordinance that implements a "ministerial" approval process for approving 2<sup>nd</sup> dwelling units in the city to clarify the approval process for these 2<sup>nd</sup> dwelling units such that memorandum ZA 120 attempted to do. Defaulting to the state bill language of Code Section: 65852.2(b)(1) (which tracks with the ZA 120 memorandum is not specific enough for the city of Los Angeles) in my opinion.

Zoning regulations especially in **the Hillside areas** in the City of Los Angeles have several restrictions on the books that were specifically drafted to prevent "flex units" from being approved (or it seems that way). Most noticeably in the zoning code: regulation 12.21C 5(b). This does not allow any accessory structure other than a garage or use ancillary to a garage use, to be placing on the first 55'-0" of a property. On steep hillsides especially steep upslope from the street hillsides, it saves grading and other environmental impacts to place the garage at the street level into a hillside embankment and separate the house and the garage. If a 2<sup>nd</sup> unit was placed over that garage then currently a zone variance would have to be pursued. My read of the state ordinance where it states under item 1, 2:

"No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this regulation."

This implies that there are some issues that need to be further examined by the city to provide clarity and a policy going forward. A new ordinance implanting AB 1866 And revision of the zoning by said ordinance that removes items in the code that do are in direct conflict with the intent of AB 1866 should be examined and clarified by a new ordinance, as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Elizabeth Herron', with a long horizontal flourish extending to the right.

Elizabeth Herron Architect Ca. license # C15167