



clerk CIS <clerk.cis@lacity.org>

Your Community Impact Statement Submittal - Council File Number: 23-1019

LA City SNow <cityoflaprod@service-now.com>
 Reply-To: LA City SNow <cityoflaprod@service-now.com>
 To: Clerk.CIS@lacity.org

Thu, Apr 11, 2024 at 7:16 AM

A Neighborhood Council Community Impact Statement (CIS) has been successfully submitted to your Commission or City Council. We provided information below about CISs and attached a copy of the CIS.

We encourage you to reach out to the Community Impact Statement Filer to acknowledge receipt and if this Community Impact Statement will be scheduled at a future meeting. Neighborhood Council board members are volunteers and it would be helpful if they received confirmation that you received their CIS.

The CIS process was enabled by the to Los Angeles Administrative Code §Section 22.819. It provides that, "a Neighborhood Council may take a formal position on a matter by way of a Community Impact Statement (CIS) or written resolution." NCs representatives also testify before City Boards and Commissions on the item related to their CIS. If the Neighborhood Council chooses to do so, the Neighborhood Council representative must provide the Commission with a copy of the CIS or rResolution sufficiently in advance for review, possible inclusion on the agenda, and posting on the Commission's website. Any information you can provide related to your agenda setting schedule is helpful to share with the NC.

If the CIS or resolution pertains to a matter *listed on the Commission's agenda*, during the time the matter is heard, the designated Neighborhood Council representative should be given an opportunity to present the Neighborhood Council's formal position. We encourage becoming familiar with the City Council's rules on the subject. At the Chair's discretion, the Neighborhood Council representative may be asked to have a seat at the table (or equivalent for a virtual meeting) typically reserved for City staff and may provide the Neighborhood Council representative more time than allotted to members of the general public. They are also permitted up to five (5) minutes of time to address the legislative body. If the CIS or resolution pertains to a matter *not listed on the agenda*, the designated Neighborhood Council representative may speak during General Public Comments.

We share this information to assist you with the docketing neighborhood council items before your board/commission. If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at empowerla@lacity.org.

***** This is an automated response, please DO NOT reply to this email. *****

Contact Information

Neighborhood Council: Eagle Rock

Name: Michael Sweeney

Email: michael.sweeney@ernc.la

The Board approved this CIS by a vote of: Yea(11) Nay(0) Abstain(1) Ineligible(0) Recusal(0)

Date of NC Board Action: 04/02/2024

Type of NC Board Action: Against

Impact Information

Date: 04/11/2024

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 23-1019

City Planning Number:

Agenda Date:

Item Number:

Summary: By a unanimous vote on 4/2/24, the ERNC adopted the following Community Impact Statement concerning Council File #23-1019 and #16-1472-S7: The ERNC strongly objects to the proposed ICO which would prevent homeowners from pulling building permits for their legal, conforming homes without going through a lengthy, expensive, and discretionary site plan review. The Code Amendments included in CF 16-1472-S7 & and the Interim Control Ordinance (ICO) in CF 23-1019 would down-zone our existing hillside communities and will prevent home-owners from getting building permits to renovate or improve their existing homes while also reducing the number of new ADUs constructed in Eagle Rock. For these reasons, we believe that the HCR code change as well as the ICO are fatally flawed

and Council must vote to formally rescind their approval: 1) Lack of any outreach to the affected communities and homeowners regarding the 85% reduction in the threshold for Site Plan Review. 2) Existing residential properties are down-zoned through the inclusion of non-assessable and excluded RFAR area as part of the "2,500 sf [...] inclusive of accessory structures" threshold articulated in the ICO 3) Unduly impacts the permitting and construction of ADUs that meet the current zoning requirements and current State Law. 4) The sunset of the ICO is tied to a different threshold than what is included in the HCR code-change ordinance. We request that Council rescind the ICO and instruct the City Attorney to take no further action on the underlying HCR code-changes (approved as part of CF# 16-1472-S7) until outreach to all of the NELA Neighborhood Councils can be conducted as part of our long-overdue Community Plan Update where all of the impacts of proposed changes such as this are analyzed for their impact on housing production and potential negative impacts on the City's adopted Housing Element.

Ref:MSG10154002



ERNC CIS in OPPOSITION to CFs 23-1019 16-1472-S7 - HCR down-zoning and ADU restrictions.pdf
208K



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**CITY OF
 LOS ANGELES**
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2023-2025 ERNC Board

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**CIS IN OPPOSITION TO COUNCIL FILE 23-1019
 “Interim Control Ordinance (ICO) / Hillside
 Construction Regulation Supplemental Use District /
 Northeast Community Plan Area / Single-Family
 Residences / New Construction / Building Permit
 Prohibition”
 AND IN OPPOSITION TO CODE AMENDMENTS ADOPTED
 IN COUNCIL FILE 16-1472-S7 WITHOUT OUTREACH TO
 ALL AFFECTED NEIGHBORHOOD COUNCILS**

April 3, 2024

Los Angeles City Council
 200 N. Spring Street
 Los Angeles, CA 90012

We declare that on April 2, 2024, a Brown Act noticed public meeting was held by the Eagle Rock Neighborhood Council (ERNC) at which a quorum was present. By a unanimous vote, the ERNC adopted the following Community Impact Statement concerning Council File [#23-1019 Interim Control Ordinance \(ICO\) / Hillside Construction Regulation Supplemental Use District / Northeast Community Plan Area / Single-Family Residences / New Construction / Building Permit Prohibition](#) and Council File [#16-1472-S7 “Mount Washington Hillside Community / Single Family Home Construction / Hillside Construction Regulation \(HCR\) / Supplemental Use District”](#)

The ERNC strongly objects to the proposed ICO which would prevent homeowners from pulling building permits for their legal, conforming homes without going through a lengthy, expensive, and discretionary site plan review. The Code Amendments included in CF 16-1472-S7 & and the Interim Control Ordinance (ICO) in CF 23-1019 would down-zone our existing hillside communities and will prevent home-owners from getting building permits to renovate or improve their existing homes while also reducing the number of new ADUs constructed in Eagle Rock.

For these reasons, we believe that the HCR code change as well as the ICO are fatally flawed and Council must vote to formally rescind their approval:

- 1. Lack of any outreach to the affected communities and home-owners regarding the 85% reduction in the threshold for Site Plan Review.**
- 2. Existing residential properties are down-zoned through the inclusion of non-assessable and excluded RFAR area as part of the “2,500 sf [...] inclusive of accessory structures” threshold articulated in the ICO**
- 3. Unduly impacts the permitting and construction of ADUs that meet the current zoning requirements and current State Law.**
- 4. The sunset of the ICO is tied to a different threshold than what is included in the HCR code-change ordinance.**

We request that Council rescind the ICO and instruct the City Attorney to take no further action on the underlying HCR code-changes (approved as part of CF# 16-1472-S7) until out-reach to all of the NELA Neighborhood Councils can be conducted as part of our long-overdue Community Plan Update where all of the impacts of proposed changes such as this are analyzed for their impact on housing production and potential negative impacts on the City's adopted Housing Element.

Our rationale for each of the enumerated items is as follows:

1) Lack of any proactive outreach regarding the change by the Department of City Planning, CD1, or CD14

The Department of City Planning did originally approach the ERNC and other NCs in the Northeast Community Plan area; as a result of that outreach, the ERNC sent a [support letter \(dated 9/7/22\)](#) largely supporting the proposed HCR, though requesting that the Site Plan Review threshold have a logical nexus with the size of the individual lot. We have received no further response or followup regarding the HCR since then from the Department of City Planning, CD1, or CD14 with regards to the 85% reduction in the Site Plan Review Threshold from 17,500 SF to 2,500 SF. Other NCs in our area were also unaware of this change or the ICO and no CIS' from the affected communities of Northeast LA represented by the following Neighborhood Councils are to be found in the Council File:

- Arroyo Seco
- Greater Cypress Park
- Eagle Rock
- Historic Highland Park
- Glassell Park
- Hermon
- LA32
- Lincoln Heights

This lack of outreach coupled with the lowering of the threshold in a Council File that by the clear text of its title appears to only apply to Mount Washington is unacceptable.

2) Arbitrary threshold unrelated to the existing Zoning Code methodology

The "2,500 square feet [...] inclusive of accessory structures" threshold for Site Plan Review appears to stem from Councilmember de Leon's [5/16/23 letter](#) included in the council-file for 16-1472-S7. "Accessory structures" is not a defined term in the LA Zoning Code, however both "accessory building" and "structure" are defined in LAMC 12.02:

ACCESSORY BUILDING. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same or a less restrictive zone and on the same lot with the main building or use. The relationship between the more restrictive and the less restrictive zones shall be determined by the sequence of zones set forth in Sec. 12.23 B.1.(c). (Amended by Ord. No. 106,571, Eff. 1/1/56.)

STRUCTURE. Anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act. (Amended by Ord. No. 107,884, Eff. 9/23/56.)

Based on the totality of the LAMC, "structures" as a category include not just "buildings", but also non-assessable, non-floor-area constructions such as raised decks, stairs, retaining walls, patio-covers, etc. By including these areas (as well as non-residential, non-RFAR "accessory buildings" such as garages and sheds) in the threshold square-footage to trigger Site Plan Review, the *actual* area threshold for this review (and thus for the withholding building permits) for new and existing legal residences is radically reduced. Both the letter and ICO *do not* use the existing and customary Zoning Code "Floor Area Ratio" and "Residential Floor Area (RFAR)" methodologies; rewriting core measurement and threshold rules on the fly is unacceptable absent any pressing life-safety issue.

3) Reduction in the opportunity for home-owners to construct new ADUs

By arbitrarily benchmarking the Site Plan Review threshold to the bottom of a range for "[new houses](#)" regardless of their allowable floor area per current Zoning, this ICO and the underlying changes to the HCR will incentivize home-owners to only build up to that 2,500 sf threshold. If going above that threshold opens an owner up to the uncertainty of a discretionary permit process, then many will avoid that at all cost and the first portions of their projects to be sacrificed will be ADUs.

Disincentivizing ADUs runs counter to the intent of both State Law and the City's own adopted Housing Element. Because ADUs are explicitly allowed in the Very High Fire Hazard Severity Zone (VHFHSZ) within the boundaries of the Northeast Los Angeles Community Plan per LAMC 12.22.A.33.c.4.i, it is deeply problematic that discretionary Site Plan Review implicitly is allowed to be used by the City (or others) to reduce the allowable development potential for sites within the VHFHSZ –regardless of whether the proposed residential development (including ADUs) are within the current, allowed zoning:

Review Procedures for single-family home developments larger than 2,500 square feet within the Northeast Los Angeles Community Plan. The construction, erection, addition to, enlargement of or reconfiguration of any one-family dwelling that has a cumulative Residential Floor Area of 2,500 square feet or larger shall submit an application for a Site Plan Review before the issuance of related permits and entitlements. Application procedures and processing of the application shall be pursuant to Section 16.05 of the Los Angeles Municipal Code. If applied outside of a Very High Fire Hazard Severity Zone, the Site Plan Review process may not be used to reduce the height, density, or floor area of a project, nor may it be used to impose new increased obligations with respect to open space, lot size, setbacks, minimum frontage, or maximum lot coverage. [\(5/18/23 PLUM Report\)](#)

The boundaries of the HCR include significant portions of our community both within and outside of the VHFHSZ; as noted in the [ERNC's 2022 letter to the Planning Department](#), the City's adopted Housing Element assumes that a significant proportion of all new housing units within our community will be ADUs. The HCR changes and ICO will make that goal even harder to achieve for our community and the rest of Northeast Los Angeles.

4) The ICO's sunset is not tied to the adoption of the HCR code-changes

Per the text of the ICO, it is to "remain in effect until such time as the Code Amendment Ordinance to establish 2,500 square feet **inclusive of accessory structures** as the size threshold to require Site Plan Review in the Northeast Los Angeles Community Plan area is adopted and becomes effective" [\(10/3/23 PLUM report\)](#). The inclusion of "accessory structures" is not part of the HCR code-changes quoted above so its codification will not automatically extinguish the ICO.

All of these changes to the HCR and the ICO collectively will do nothing but create uncertainty for home-owners wanting to improve their properties which simultaneously choking off one of the few mechanisms which has appreciably added to housing stock in Northeast LA. Because of these easily foreseeable impacts, we request that the Los Angeles City Council rescind its approval and stop any and all zoning code changes until the long overdue Northeast Los Angeles Community Plan Update.

Please place this letter in the case file, and acknowledge its receipt via email to: executive@ernc.la. Thank you.

Respectfully,



Michael P. Sweeney
President, Eagle Rock Neighborhood Council

cc: Office of Councilmember Kevin De Leon
Office of Councilmember Eunisses Hernandez
PLUM Committee
Planning Commission