NURY MARTINEZ
COUNCILWOMAN, SIXTH DISTRICT

June 7, 2016

Councilmember Jose Huizar
Planning and Land Use Management Committee
200 N. Spring Street
Los Angeles, CA 90012

RE: Council File 14-0057-S8

Dear Councilmember Huizar,

I write to you in opposition to the City Planning Commission transmittal regarding Second Dwelling Units, and instead offer 3 alternative recommendations, listed further in this letter.

The general question regarding the allowance of Second Dwelling Units was answered by the state legislature with the enactment of AB 1866 in 2003. What remains to be resolved here in Los Angeles however, is how to conform with that legislation. This Council must meet the housing needs of a growing City, but must do so in a manner that recognizes and respects the varying scale and character of neighborhoods across Los Angeles.

In that spirit, the focus of our initial steps forward should be towards fixing our current ordinances and municipal code, not deleting them out of convenience. If there needs to be a discussion on the effectiveness or appropriateness of second dwelling unit standards, then that should be a separate and thorough process.

Further, the findings and declarations in AB 1866 indicate the legislation was designed to benefit homeowners, and the intent of the legislature was to ensure local agencies did not restrict the ability of homeowners to create second units. No language in AB 1866 suggests the legislation was intended to ensure opportunities for investors, developers, and flippers. In fact, numerous municipalities including the cities of Pasadena, San Fernando, Burbank, and the County of Los Angeles, instead require homeowners to live on the property. Similarly, our approach should be about neighborhoods first.

Recognizing the recent court judgment, it is my belief that the following set of recommendations provide a more appropriate path forward for the many communities across Los Angeles:

CD6.LAcity.org
City Hall Office • 200 N. Spring Street, Suite 470, Los Angeles, CA 90012 • (213) 473-7006 • Fax: (213) 473-7779
Van Nuys Office • 14410 Sylvan Street, Suite 215, Van Nuys, CA 91401 • (818) 778-4999 • Fax: (818) 778-4998
Sun Valley Office • 9300 Laurel Canyon Blvd., 2nd Floor, Sun Valley, CA 91331 • (818) 771-0236 • Fax: (818) 767-7821

1) For existing Second Dwelling Units, the City should acknowledge and consider lawful only those units with a Certificate of Occupancy issued prior to the February 25, 2016 decision, if they meet all other state and local laws.

2) For those Second Dwelling Units that have commenced construction but have not yet received a Certificate of Occupancy, those building permits should be invalidated and rescinded, unless the unit will meet the original set of standards prescribed in Sections 12.24 W43 and 12.24 W.44 when completed.

   If invalidating building permits is not the pursued recommendation, then the City should acknowledge and consider lawful only those units that have been issued a building permit prior to February 25, 2016, **IF** the property is owner occupied. Permits for properties owned by an LLC or other development or investment group should not qualify for this consideration.

3) Moving forward, rather than repealing the existing ordinance and leaving neighborhoods vulnerable to a more generous set of development standards, the Planning and Zoning Code should instead be amended to ensure procedural compliance with AB 1866 while maintaining the original standards established in LAMC subsections 12.24 W.43 and 12.24 W.44. (Any future changes to these standards should only come after open and extensive discussion.)

   In addition, the City should require a covenant of owner occupancy to ensure AB 1866 is not abused as a means to convert single family neighborhoods into multi-family zones.

Thank you for your consideration. It is my hope that the PLUM Committee request the City Attorney to instead prepare an ordinance that captures the recommendations listed above, thus rectifying any immediate issues in a manner that respects the architectural and development character of neighborhoods.

Sincerely,

NURY MARTINEZ
Councilwoman, Sixth District