4/8/2016

Enforce Our Existing Second Unit Ordinance – (12.24.W.43) Minesterially

When AB1866 was written, it does not empower the city to make decisions on ‘when’ or ‘when not’ it can use AB1866 as law.

We firmly believe that AB1866 would have been written differently if local city ordinances did not apply and to follow state ordinances. Also, nowhere does it state in AB1866 that a Memorandum, in this case ZA Memorandum 120, can take the place of an existing local ordinance.

We were told multiple times by the City Council Office, that if we did not like the AB1866 state law standards; then we should petition to have AB1866 changed.  Conversely to this, if the City of Los Angeles/our representatives want to impose the state standards on us, first they need to petition AB1866 language on when a Local Second-Unit Ordinance Apply vs. State Standards. Our representatives need to petition for the deletion of "When a local second-unit ordinance is enacted in accordance with subsections (a) or (c), the local ordinance provides the criteria for approving and denying second-unit applications....." and for the creation of language stating....the City has the right to enforce the State Standards even when local ordinances exist..

Once the change petition to AB1866 is granted/added; the city would then have the right/empowerment to enforce the lenient state standards.

In the meantime, the city should have been enforcing, should be enforcing, and should enforce in the future our existing/local second-unit ordinance (12.24.W.43) ministerally. The three stages of projects are: ones currently with certificates of occupancy, one’s in-process of being built, and one’s in the future. All should have our existing ordinance enforced (12.24.W.43) ministerally.

If the city changes our existing local ordinances, it should not be changed until the ALL the citizens of Los Angeles City are given a chance to provide their input. (ALL = those that are not just builders, those that are not just the benefiting owner’s, but to include: those that are the impacted owners of the ordinance change and all other citizens of LA.)

Excerpt from AB1866

**When Does a Local Second-Unit Ordinance Apply versus State Standards?**

                    Second-unit law contains provisions to guide the adoption of a local ordinance (subsections (a) and

                    (c-g)) and describes State standards that apply in the absence of a local ordinance (subsection (b)).

                    When a local second-unit ordinance is enacted in accordance with subsections (a) or (c), the local

                    ordinance provides the criteria for approving and denying second-unit applications. In the absence

                    of a local second-unit ordinance in accordance with subsection (a) or (c), the State standards

                    contained in subsection (b) of Government Code Section 65852.2 establish the criteria for

                    approving and denying second-unit applications. While the State standards, under subsection (b),

                    do not necessarily apply to the preparation or update of a local ordinance, they are appropriate to

                    use as a guideline.

**We are NOT OKAY with our City, Representatives, City Employees and/or the Decision Makers:**

1. To say that our local second until ordinance are not valid because they do not have the word Ministerally in it and AB1866 clearly does state that the city can use their existing second unit ordinances, “Ministerially”.
2. To create a memorandum, against the codified ordinances in LAMC 12.24.W.43
3. To allow the builders and owners to benefit from both State and Local laws; picking from each that benefits them entirely and with disregard to the impacted neighborhoods, neighbors and their homes. AB1866 would have been written differently if this were the case
4. To create “building based economy” without consideration of the preservation of our existing/local neighborhoods and the families that live in them
5. To be TOLD that we no longer live in a single family home or in a singly family neighborhood
6. To be able to make decisions on the lot size of our neighborhoods therefore “allowing” or “disallowing” the SDU to become law for those specific lots
7. To systematically withdrawal the existing spacing building requirements so one can then be allowed to build a driveway into the back of their home – only to benefit the owner/builder, with no consideration of the surrounding homes that did and still do meet those requirements
8. To allow for the creation of a second home exceeding the existing second unit ordinances by almost double
9. To allow for the creation of a two story home in the backyard of a one story home Only to benefit the owner/builder and with no consideration of the homeowners surrounding the home
10. To allow owners/builders to invade one’s privacy in their backyard by creating a two story home
11. To permit owners/builders to invade the impacted home’s privacy within their home – with no consideration of allowing neighbors to voice their concerns
12. To allow LLCs to run businesses in the neighborhood by using both homes on one property as their revenue stream – effectively making it commercial property
13. To permit the owners and or LLCs and soon to be renters of the property to become beneficiaries of the unlawfulness of creating two homes and then allowing them to enjoy their property at the expense of the impacted neighbors – with views of their pools, views into others homes, views into their private lives
14. To allow City employees to turn away during the creation of these structures where there is obvious unsafe work conditions occurring and putting families in danger when the structures are created. i.e. ditches in front yard dug and not covered for months, wood and debris falling off the work area, nail guns with no netting or safety in mind – my children have not been allowed in our backyard during the construction because I am responsible for their safety. As well, my kids cannot enjoy the sidewalks in front of the home because of its unsafe work conditions. If my children got hurt; I would be responsible since I knew that it was unsafe.
15. To be identified by Preservation LA – City Planning and the Mayor in 2015 as the Burnet-Norwich Single Story-Single Family Historic District and then in February 2016 this identity is no longer valid with the creation of the FIRST second story home AND NOTEBLY in the backyard. (Note: 100% of all the homes in this historic district are single story homes. There are some two story homes in the surrounding neighborhood but not in this district.)
16. To be told that we “ALL Have a right to build” but then when one looks at the layout of the homes on a map, to be told “you cannot build here because (of this), and you cannot build on this property because (of this)” so essentially not everyone can build. ONLY specific properties that were built in the 50s that meet certain layout standards on the property can be built upon as SDUs
17. To be laughed at when one stands up and questions How can this be?
18. To disregard the fact that people’s entire life investment is in their home and the adoption of the SDUs lenient state standards adversely impact the surrounding homes: appeal, privacy, resale value, noise, light, etc.
19. To allow the owner to maximize the state standard of 1,200 square feet, then add an attached two car garage to that 1,200 square feet, add a balcony (extra living space outside) for the benefit of the owner and with complete disregard of its impact on neighbors.
20. To allow for two homes, three garages which is now no longer a single family residence by FACT
21. To not give the impacted owners the right to JUDICAL PROCESS, ANY Variance to R1 requires judicial process but this is being overlooked
22. To have to go to Building and Safety 5 times or more and be told that one cannot challenge the permit prior to issuance because it has not been issued yet and then be told after it was issued; you cannot challenge it because it is issued. – this is false and 311 and city employees need to be instructed that they must provide correct guidance Not Only for the owners/builders but for the neighbors being impacted if they are request such guidance
23. To overlook the FACT that one starts working on their project prior to issuance of permit, the concerned persons calls in to get information on what is going on, to be told they should not have started yet, a problem/issue is submitted and viewable on the website as such, the inspector assigned to problem/issue closes the problem/issue, no citation issued, one calls to question why, and then be told they are NOT going to issue a citation because they have a permit in Plan Check therefore it is OKAY – this in NOT OKAY
24. To overlook and allow one to continue working on their project prior to Issuance of the permit and NO Citation is issued – ever even when one calls, reports, and asks why and how can this be and is told they are not going to beat this guy up for starting early – this is NOT OKAY
25. For a concerned or impacted individual to have to call his local representatives offices, pleading for understanding of what’s going on, and to be told it is Okay. To be advised that permit issued may not be right but it does meet state standards so it is right. That individual had spent hours and days researching the issue, speaking with subject matter experts, told it is not okay prior to calling representatives but again told it is OKAY
26. Through research on AB1866, to find out that it was created for those in need of a home for the elderly, family members etc. AB1866 was created with this INTENT and then to allow for it to be abused and then consider codifying an ordinance to allow for its continued abuse – is not okay.
27. To disregard the impacted neighbors on weekend and holidays for the benefit of the owner by having his workers work during these times, individuals call and complain about it and to be told they are not going to issue a citation because they were not in the office while it occurred and to be told to call the police next time and they might consider checking into it. The process does not identify this fact but it is overlooked and one is told it is OKAY. IT IS NOT OKAY
28. To spend hours and days researching and understanding ZA Memorandum 120, find out it is Invalid, question why it continues, told to go look at AB1866 – nowhere in permit, and then told it is okay – IT is NOT OKAY