

From: [Lisa](#)
To: [Office](#)
Subject: LHA: Update on Proposed Secondary Unit Regulations from Peter Turner
Date: Monday, February 15, 2016 8:19:52 PM

Hello Cluster Captains – please forward to your clusters.

At three thirty today I received a call from our Council person's assistant, Jennie Gerard, who advised me:

1. Abel approached the Council President, Councilperson Lynette McElhaney, with a request that the proposed secondary unit resolution set for a second hearing on Tuesday, Feb. 16th, be dropped from the calendar, sent back to committee and redrafted to include the modifications which would keep it from having an impact on LHA. This proposal would have restarted the drafting process and moving the final legislation into mid-year for approval.
2. Council President McElhaney refused. Her reason was, "The State is breathing down our necks to get this done. We can't delay."
3. Ms. Gerard expects the Council will approve the Second Unit law as the approval at the first reading was unanimous. Abel voted in favor of it at that time. Abel will announce at the Feb. 16th hearing that he will begin the process to amend the rules immediately. His amendments will be designed to exclude LHA from the impact of the legislation. This process should then begin in March.
4. Ms. Gerard said that the City Attorney is of the opinion that should the Council resolution conflict with HOA CC&Rs or restrictive deed covenants (which it will), HOA rules would prevail. She did not say where, when or after what type of administration or legal action we would prevail.
5. I asked that Abel have the City Attorney's office put that opinion in writing and circulate it to the Mayor, City Administrator, and City Staff. She said she would ask. We will see if that happens.
6. Ms. Gerard further said that on passage of the current proposal, the City planning department would request applicants requesting approval for a secondary unit to state that a) their property is not in an HOA, b) that if it is in an HOA, the HOA has approved in writing the development as being in conformity with the HOA's CC&Rs. Unless those steps result in a affirmative clearance from the HOA, no building permit would be allowed. We will see just how this works. I am not satisfied that it will be anything other than a bloody mess.
6. This is an unacceptable proposal, as we have experienced "flippers" who ignore any HOA or

government requirement and perform work beyond any approved plans. They bulldoze opposition, finish the project to their own specifications and split town.

I am not confident the City is willing to craft a law consistent with the best interests of this neighborhood. So far, the City has not bothered to ask our opinion. This entire process appears to have been a back-room deal, sprung on us without the normal and expected outreach.

At all times our Councilperson has had our Association's phone number and my home number. NO CALL IN ADVANCE OF THIS LEGISLATION - NADA! The Association will keep you informed as to each step of this proposed amendment process. You can judge for yourself whether our City Government has your interests at heart and whether the governmental process is being fair to you.

Sincerely
Peter Turner
Council President.
