



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### City Planning Commission

**Date:** August 25, 2016  
**Time:** After 8:30 A.M.\*  
**Place:** Van Nuys City Hall  
Council Chambers, 2<sup>nd</sup> Floor  
14410 Sylvan Street  
Van Nuys, CA 91401

**Case No.:** CPC-2015-4499-CA  
**CEQA No.:** ENV-2015-4500-CE  
**Council No.:** All  
**Plan Area:** Citywide  
**Specific Plan:** N/A  
**Certified NC:** All

**Public Hearings:** January 20, 2016  
January 26, 2016  
February 17, 2016

**Applicant:** City of Los Angeles

**PROJECT LOCATION:** Citywide

**PROPOSED PROJECT:** A proposed ordinance amending Section 12.22 C.27 of the Los Angeles Municipal Code to require greater front and rear yard setbacks, create a small lot division of land process for existing "bungalow court" projects, and create a process to establish design standards for Small Lot Subdivision projects with an incidental administrative clearance procedure.

#### RECOMMENDED ACTIONS:

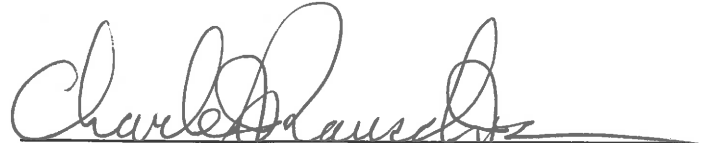
1. **Recommend** adoption of the proposed ordinance amending LAMC Section 12.22 C.27 (Exhibit A) by City Council;
2. **Adopt** the staff report as the report on the subject;
3. **Approve** the findings included in the report and recommend its adoption by the City Council; and
4. **Recommend** the City Council adopt state California Environmental Quality Act ("CEQA") Exemption No. ENV-2015-4500-CE which is a determination based upon the whole of the administrative record, pursuant to CEQA Guidelines, section 15061(b)(3), the project is not subject to CEQA because it can be seen with certainty that there is no possibility the project may have a significant effect on the environment.

VINCENT P. BERTONI  
Director of Planning



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**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please

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## PROJECT ANALYSIS

### Project Summary

The project is a proposed ordinance amendment to update the Small Lot Subdivision Ordinance (“SLS Ordinance”) (Section 12.22 C.27 of the Los Angeles Municipal Code) to require greater front and rear yard setbacks, create a division of land process for the preservation of bungalow courts as Small Lot Subdivisions, and to enable the establishment of design standards with an administrative clearance process for Small Lot Subdivision projects.

The proposed ordinance (“Ordinance Amendment”) is part of a comprehensive update of the SLS Ordinance that is in response to City Council Motion 13-1478 and numerous project appeals and community discussion on prior Small Lot Subdivision applications.

- The Ordinance Amendment will require greater front and rear yard setbacks and greater setbacks when abutting single-family or more restrictive zones, create a division of land process for existing “bungalow court” small lot projects, and establish design standards for small lot subdivision projects with an incidental Administrative Clearance process.
- The Design Standards will create specific and enforceable rules regarding design for all small lots, including building orientation, primary entryways, façade articulation, roofline variation, building modulation, pedestrian pathways, landscaping, and common open space areas. All small lot subdivisions must comply with the Design Standards through an Administrative Clearance process.
- The Map Standards created through the authority of the State Subdivision Map Act will update map provisions for all small lots, including common access driveways and walkways, utility easements, maintenance agreements, vehicular guest parking, on-site trash pick-up, and open space easements. The Map Standards will become effective by the Department of City Planning Advisory Agency memo and will be implemented alongside the Code Amendment and Design Standards.

The intent is to update existing regulations to ensure small lot projects will be more sensitive and compatible with the existing neighborhood context and zoning. The proposed Ordinance Amendment, Design Standards, and Map Standards will limit the buildable area of the lot, require greater setbacks, and establish standards for guest parking and access, building entry orientation, pedestrian access, and landscaping.

### Background

#### *Small Lot Ordinance No. 176,354*

In 2005, the City of Los Angeles adopted a Small Lot Subdivision Ordinance (“SLS Ordinance”) to allow the construction of homes on small lots with fee-simple ownership on lots zoned for multiple family development. The resulting “Small Lot Homes” were intended as infill development and a smart growth alternative to traditional suburban style single-family subdivisions on sites zoned for apartment or condominium development.

The SLS Ordinance created incentives for infill residential development in areas zoned for multi-family and commercial uses to spur more fee-simple housing production and not increasing the allowed density permitted by the zone. While the SLS Ordinance has created new homeownership opportunities to the traditional single-family home or a condominium, small lot projects typically face challenges related to spatial planning and neighborhood compatibility.

For instance, unique characteristics of Small Lot Subdivisions include reduced front, rear and side yards, reduced passageways, and exemptions from open space and guest parking regulations required of all multi-family and condominium projects, respectively. Given the difficulty of spatially fitting multiple Small Lot Homes within one infill parcel, Small Lot Subdivisions are often designed in a “row home” style and the number of units proposed is below the maximum density allowed on the site.

#### *Small Lot Subdivision Statistics*

Since the implementation of the SLS Ordinance, approximately 331 Small Lot Subdivision projects have been approved, yielding a total of 3,412 Small Lot Homes. To date, 1,277 lots have been recorded with the County Assessor’s Office. Small Lot Subdivision approvals constitute approximately 9 percent of all map applications filed with the Department of City Planning. The average size of a small lot project is 10 homes, while the median number of homes is 6. While spread throughout the City’s 35 Community Plan Areas, the Community Plan Areas with the largest proportion of small lot activity include:

Community Plan Area	Percentage of Cases Approved	Percentage of Units Approved
Silverlake – Echo Park – Elysian Valley	14.2%	13.5%
Hollywood	12.3%	9.4%
Venice	11.7%	3.2%
Northeast Los Angeles	9.2%	9.0%
Van Nuys	3.7%	12.6%

In addition, many projects are new investments in areas that have not seen new development within the vicinity and are currently underdeveloped with single-family homes or duplexes despite underlying multi-family zones. Several appeals have been filed by aggrieved parties in response to Small Lot Subdivisions, with common points of appeal including concerns regarding density, scale and massing, and lack of compliance with the Small Lot Design Guidelines. Since 2014, appeals were filed for roughly 22 percent of Small Lot Subdivision projects. This is in comparison to a 11 percent appeal rate in the first 8 years of ordinance implementation. The overall appeal rate since the SLS Ordinance was adopted is 16%.

#### *Council Motions*

In addition, since 2014, a series of Council motions have been filed regarding Small Lot Subdivisions. In July 2015, Council Motion 13-1478-S3 was filed to instruct the Department of City Planning to report on:

- Potential updates to the SLS Ordinance and Guidelines;
- Adaptive reuse incentives that could apply to existing bungalow courtyards;
- Enforcement of SLS Guidelines, including trash collection and guest parking; and
- Creating a unique set of requirements applicable to small lot projects of 20 or more units to include quality urban design and sufficient project open space.

The proposed Code Amendment is in response to the Council Motion by establishing enforceable Design Standards for Small Lot Subdivisions, a division of land process for existing bungalow courtyards, and a unique set of requirements for small lot subdivisions creating 20 or more units.

### *Update Process*

After eleven years of implementation, and in response to recent appeals and Council Motion 13-1478-S3, the Department of City Planning has identified key updates that will continue to promote the smart growth of neighborhoods and enhance livability through small lot projects. The Department of City Planning is proposing to translate select Design Guidelines into newly-created Small Lot Design Standards, and establish a Code-required process whereby projects must adhere to the Standards. The SLS Code Amendment and Policy Update (“Code Amendment”) is necessary in order to make the Small Lot Subdivision approval process more straightforward and reduce the number of development issues that often lead to an appeal of a parcel or tract map approval by the Deputy Advisory Agency.

Throughout the update process, the Department of City Planning has been engaged in an extensive public outreach process for the proposed amendments to the SLS Ordinance. In January 2016, the draft Ordinance Amendment and Design Standards were issued for public review and comment, followed by three open houses / public hearings at various locations throughout the City to gather input from both community members and the development community. Due to the comments received during the public hearing and outreach process, the Department has taken additional time to further refine the language of both the Ordinance Amendment and Design Standards.

In June 2016, a revised draft of the Small Lot Code Amendment and Policy Update was released to the public for an additional 60-day public comment period. The June 2016 draft includes refinements that are in response to the comments received. Additional comments were received from focus group meetings and email correspondence.

The additional feedback received in the second round of public comments are addressed and/or incorporated in the drafts in Exhibit A-C and summarized in the “Public Hearings and Communications” section of this report.

### **Small Lot Code Amendment Highlights**

#### *Overview*

The Code Amendment proposes to require greater front and rear yard setbacks, create a small lot division of land process for existing “bungalow court” projects, and establish design standards for Small Lot Subdivision projects with an incidental administrative clearance process. The following table summarizes the primary changes with the proposed Code Amendment:

<b>Topic</b>	<b>Existing Limitation</b>	<b>Proposed Change</b>
Procedures	Applicant files for Vesting Tentative Tract Map or Parcel Map. Compliance with design guidelines is flexible.	Applicant files for Administrative Clearance in addition to Tract or Parcel Map, which requires conformance with Small Lot Design Standards.
Lot Width	Requires minimum 16’ lot width.	Requires minimum 18’ lot width.
Buildable Lot Area	Lot coverage limited to 80%.	Lot coverage limited to 75%.
Internal Yards	No yards required along interior lot lines.	(No change).
Perimeter Yards		
Front Lot Line	No yards required along front lot line.	Requires front yard requirements per underlying zone (generally 15’) along front lot line.
Rear Lot Line	Requires 5’ yard along rear	Requires 10’ rear yard (or per

	lot lines.	underlying zone if abutting R1 or more restrictive single-family zone).
Side Lot Line	Requires 5' yard along side lot lines.	Requires 5' side yard (or per underlying zone if abutting R1 or more restrictive single-family zone).
Fences and Walls	Limits to 3.5' fence height if along front lot line, and 6' if along side and rear lot lines.	(No change).
Bungalow Court Projects	No process outlined.	Alterations to existing dwellings must conform with LAMC 12.23 A and applicable Design Standards. New construction must conform with all Design Standards.

#### *Administrative Clearance Process for Design Standards*

The current update of the SLS Ordinance includes, among other changes, the creation of an administrative clearance process to implement, by ordinance, new Small Lot Design Standards to be adopted by the City Planning Commission. The State Subdivision Map Act allows local jurisdictions to impose standards beyond those that govern the design and improvements, or infrastructure and layout, of a subdivision map by local ordinance. The proposed ordinance will require conformance with a set of City Planning Commission adopted design standards.

The establishment of an administrative clearance process through the current SLS Code Amendment will enable the City, by local ordinance, to regulate the design of small lot projects based on the new standards. This enables the review of the buildings and structures that are proposed with the division of land. The application for the Administrative Clearance would be filed concurrently with the filing of the Parcel or Tract Map Small Lot application and the environmental clearance. Compliance with the Design Standards will be determined prior to the required hearing for the Parcel or Tract Map.

In January 2014, the Director of Planning issued the Small Lot Advisory Agency Policy, which introduced the Small Lot Design Guidelines (“Guidelines”) and required that Small Lot Subdivision projects substantially conform or meet the intent of the Guidelines. At the time, the subdivision process lacked such an implementing ordinance that could require compliance with design regulations, and therefore the Guidelines were only recommendations and not mandatory. The establishment of an administrative clearance process through the current SLS Code Amendment will enable the City, by local ordinance, to regulate the design of small lot projects based on the new standards.

#### *Lot Width and Lot Area Coverage*

The current minimum dimension for lot width of 16 feet per lot created by the subdivision is being increased to a minimum of 18 feet. The increase in the lot width requirement will encourage more ground floor living spaces and provide additional room for vehicle maneuverability on the driveway for units that incorporate tandem parking.

With regard to lot area coverage, currently, all structures on a lot which includes one or more dwelling units, may, taken together, occupy no more than 80 percent of the lot area, unless the

tract or parcel map provides common open space equivalent to 20 percent of the lot area of each lot not meeting this provision. The update of the SLS Ordinance requires that lot area coverage by all structures not exceed 75 percent of an approved small lot, unless the tract or parcel map provides an open space easement equivalent to 25 percent of the lot area of each lot not meeting this provision. The decrease in lot coverage has the potential to create more open areas within and around each development.

#### *Changes to Front, Rear, and Side Yards*

The SLS Ordinance adopted in 2005 requires no front, side or rear yard between lots within an approved subdivision. However, a five-foot perimeter setback is required where a lot abuts a lot that is not created by the Small Lot Subdivision. The typical front and rear yard requirement for most residential zones is typically 15 feet, which is much greater than the typical setback provided for Small Lot Subdivisions. In addition, the minimum side yard requirement for most residential zones is typically 5 feet, with an additional foot required for every story above the second floor.

In order to bring Small Lot Subdivision yard requirements more in line with those of other multi-family development types, while continuing to provide incentives for this typology, the Department of City Planning recommends the following for where a lot abuts a lot that is not created by the Small Lot Subdivision: a revised front yard requirement that defaults to that required by the underlying zone, typically 15 feet; a revised rear yard requirement of 10 feet when the subdivision abuts a multi-family or commercial zone or 15 feet when the lot line abuts a single-family zone; and a revised side yard requirement of 5 feet when the lot line abuts a multi-family or commercial zone or that defaults to that required by the underlying zone when the lot line abuts a single-family zone.

The change to the front, rear, and side yard requirements will bring yard requirements for Small Lot projects more in line with those of other multi-family residential developments. Continuing the reduced internal side yard requirement will ensure that the spatial challenges facing Small Lot projects can be addressed while the changes in the front and rear yard requirements become effective.

#### *Bungalow Court Small Lots*

In 2008, the City approved a Small Lot Subdivision for the conversion of the historic Maltman Bungalow Courts into individual “small lots” so that they could be preserved through ownership of the individual units. Bungalow Courts were typically built as individual units on one large lot as rental homes. However, many are deteriorating and currently require multiple variances or exceptions to enable their preservation and rehabilitation. The Code Amendment will enable the reuse of L.A.’s original small lots to become a reality through the Small Lot Ordinance. With the proposed Code Amendment, existing bungalow courts with four or more older detached dwelling units on a single lot with a Certificate of Occupancy issued prior to 1950 may qualify to be subdivided into Small Lot Homes.

Key provisions of the Bungalow Court Small Lot regulations include allowing these developments to retain their non-conforming rights as to yards, parking, driveway access, passageways and density (per Section 12.23 A of the Municipal Code). Any structural alterations or additions must also comply with Section 12.23 A and the “Bungalow Court” Small Lot Design Standards. Enhancements made to Bungalow Courts that are identified as eligible for historic designation must also comply with the Secretary of the Interior’s Standards.



In addition, any new dwellings added to the Bungalow Court Small Lot project will be considered new construction, and are therefore subject to the full provisions of the Ordinance as well as the Design Standards.

### **Proposed Small Lot Design Standards**

The Draft Design Standards were distilled from the Guidelines and translated into enforceable standards. They address topics such as building orientation and entry, façade relief, roofline variation, pedestrian connectivity, and landscaping. The Draft Design Standards were circulated for two rounds of public review during the Public Participation period.

Throughout and upon the completion of the Public Participation period and public hearings, the Department of City Planning made revisions to the Draft Design Standards to clarify the language for straightforward implementation, based on the comments received. Primary revisions include the creation of a menu of design options for primary entryways, façade articulation, and varied rooflines, as well as clarified language from earlier drafts. The Revised Draft Design Standards document is available in Exhibit B, and contain provisions including but not limited to:

- Small Lot Homes abutting a public right-of-way or private street shall orient the primary entryway toward the street;
- All Small Lot Homes shall have a primary entryway. All primary entryways shall provide the address or unit identification, ornamental low-level lighting for illuminating the entry area, a landing area with enhanced paving material, different texture, or color, and incorporate at least three of the menu options for entryway design;
- For any Small Lot Home façade fronting a public or private street exceeding two stories in height, the roofline shall be articulated by incorporating one of the menu options for roofline variation;
- All roof decks not facing a public right-of-way or private street shall be oriented internally to the Subdivision, and be stepped back and screened from abutting neighbors;
- Pedestrian pathways of a minimum width of 3 feet shall be provided from the public rights-of-way to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements; and
- Any common open space areas shall be located at grade level, contiguous, and readily accessible to all residents. Common open space areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses, with enhancements such as landscaping, activity lawns, picnic pavilion, bench seating, decorative bike racks, dog washing station, retaining or planting mature trees, central mailboxes, and/or children's play areas.

While the Design Standards are not effective until adoption and implementation of the SLS Ordinance, the Department of City Planning recommends that the Design Standards be implemented during a "test" implementation phase. Because the Design Standards are not adopted as regulatory imperatives (an ordinance), they afford the flexibility needed for architects/developers to design within a larger framework of clear and consistent objectives for Small Lot Subdivisions. During the "test" implementation phase, the Department of City Planning may have the authority to "test" the emerging Design Standards on current Small Lot projects to ensure that they are feasible. The intent is to allow a transition period until the revised SLS Ordinance is effective, and to allow City staff, project applicants, and neighborhood

groups to “test” and become familiar with the provisions of the Design Standards on current projects. The City Planning Commission will receive a progress update and may approve the Design Standards for full implementation once the Ordinance is effective by City Council adoption.

### **Small Lot Map Standards**

In accordance with California Government Code 66415, the Advisory Agency is “a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.” In accordance with LAMC Sec 17.03, the Director of Planning is designated as the Advisory Agency for the City of Los Angeles, and is authorized to appoint a Deputy Advisory Agency to act in such capacity. In addition, in accordance with LAMC Sec 17.04, the Advisory Agency is advised by the Subdivision Committee, whose duty is to meet with the Advisory Agency and make recommendations on all tentative tract and parcel maps. The Subdivision Committee is composed of officers from the Departments of Building and Safety, Fire, Water and Power, Recreation and Parks, Transportation, General Services, as well as Public Works through its Bureaus of Engineering and Street Lighting

As part of regulating a Small Lot Subdivision, the Advisory Agency has issued the Small Lot Map Standards, with regulations that set standards for the design and improvements on a parcel or tract map for access, utility easements, maintenance agreements, guest parking, trash enclosures, and open space. An overview of the draft Map Standards document is available in Exhibit C for reference purposes. The Map Standards will become effective by the Department of City Planning Advisory Agency memo and will be implemented alongside the Ordinance Amendment and Design Standards.

The Map Standards govern the “design” and “improvement” of a map as defined under Section 66418 and 66419 of the Subdivision Map Act. The “design” of a map is defined as “the location and size of all required easements and rights-of-way, traffic access and other specific physical requirements in the plan and configuration of the entire subdivision that are necessary...” The “improvement” of a map is defined as “any street work and utilities to be installed...to be used for public or private street, highways, ways, and easements, as are necessary for the general use...” While the Design Standards govern the three-dimensional structures on the site, the Map Standards govern the design and improvements on the two-dimensional parcel and tract map.

### **Issues**

#### *Zones Permitting Small Lot Projects*

Small Lots are not permitted in single-family zones. Small lots can only be developed on multi- or commercially-zoned lots. When Small Lot projects are proposed in a neighborhood developed with single-family homes and multi-family structures, it signifies that they are within an older neighborhood zoned for multi-family uses. In other words, in these neighborhoods, a property with an existing single-family home could be redeveloped with apartments by-right. The Small Lot Subdivision process creates new opportunities for alternative homeownership similar to condos and single-family homes in neighborhoods that could otherwise be developed as multi-family or commercial uses.

Small Lot Subdivision projects are allowed within the R2 Zone under limited circumstances. The SLS Ordinance adopted in 2005 enabled Small Lot Subdivisions in the R2 Zone, provided that

the lot directly abuts a commercial or manufacturing zone. The R2 zone is one of the older zones in the Municipal Code. The SLS Ordinance has very limited applicability in this zone. Since 2005, only one project of over 300 Small Lot projects has been approved on a R2 zoned lot.

Small Lot Subdivision projects can be proposed within areas with Q Conditions and legislatively-adopted specific plans and overlays, such as a Community Design Overlay (CDO) or Historic Preservation Overlay Zone (HPOZ). Small Lot Projects within these areas must comply with all of the Q Conditions or regulations of the specific plan, CDO or HPOZ. In addition to the typical filing of a Small Lot Subdivision case with a parcel or tract map, the administrative clearance, and the environmental review file, a project within a specific plan, CDO, HPOZ, or other overlay is required to file for project approval within that overlay, such as a Project Permit Compliance or Community Design Overlay approval. The SLS Ordinance and Design Guidelines supplement but do not supersede any applicable specific plan, CDO, HPOZ, or other overlays.

#### *Affordable Housing and Small Lot Subdivisions*

The SLS Ordinance was intended to spur the creation of infill housing that is a more attainable home ownership option than the traditional single-family home. Small Lot Subdivision Projects were not intended to be developed as housing that is required to be “affordable” based on definitions established within State law or in City regulations. Due to the smaller lot size and compact building footprints, and combined with different financing and ownership structure compared to a traditional condominium or townhome, Small Lot Homes are often comparatively less expensive than a traditional single family home within the same neighborhood. For example, no Homeowners Associations are required to be established for the project, and no Homeowners Association fees are required from property owners. Also, the homes are owned in “fee,” meaning that the homeowner owns both the land and the structure on the small lot. This is in comparison to a traditional condominium or townhome where the unit is owned by the buyer, but common areas are owned collectively. Units within Small Lot Subdivisions do not share a wall with any adjacent unit on the property.

When a Small Lot Subdivision project involves the demolition of rent-stabilized units under the City’s Rent Stabilization Ordinance (RSO), the developers are subject to providing relocation assistance and meet the RSO requirements.

#### *Density, Height, Setbacks and Massing of Small Lot Subdivision Projects*

With regards to density and height, Small Lot Subdivisions are bound by the underlying zone; the SLS Ordinance does not regulate density and height. And inversely, due to their spatial challenges, they typically result in fewer units than that permitted with condos and apartments. In addition to the increased setbacks and greater front yards per the underlying zones, the front unit(s) abutting a public or private street will be required to provide either a pitched roof, an open deck, or vertical changes in the roofline – providing roofline articulation and enhancing architectural identity. Combined, they can provide for much needed open space within small lot projects.

Through a combination of changes including yard requirements requiring greater building setbacks (Ordinance), façade, roofline, and building articulation (Design Standards), and access easements (Map Standards), it is estimated that massing will be reduced overall by 10 to 20 percent. With the Code Amendment, the front yard of the underlying zone shall apply to the front lot line of the perimeter of the subdivision, and a 10 foot rear yard shall be required along the Rear Lot Line of the perimeter of the subdivision. Subdivisions abutting any single family zone shall provide larger setbacks within side and rear yards per the underlying zone. This will

introduce more open spaces throughout the projects especially along the perimeter of the subdivision that abuts the street or neighboring lots.

#### *Guest Parking, Open Space and Trash Collection*

Open space, among other amenities, is being required for Small Lot Subdivisions that include 20 or more units ("Small Lot Communities"). When the Ordinance was adopted in 2005, it was not anticipated that large housing developments would be utilizing the Small Lot process. It was intended for infill developments and provisions for larger projects were not included. Since implementation of the SLS Ordinance in 2005, roughly 10 percent of all Small Lot projects have had 20 or more units. Because of the scale of the subdivision, these Small Lot Communities require special consideration with regard to site planning, building, and landscaping that are unique from the typical Small Lot Subdivision. These issues include pedestrian accessibility, neighborhood compatibility, connectivity, and community amenities. Collectively, these added provisions establish higher standards in the design and development of Small Lot Communities.

Moving forward, a subdivision that creates a community of small lots involving 20 or more Small Lot Homes will be required to provide open space at a ratio of 30 square feet of open space per unit. In addition, any common open space areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses such as landscaping, activity lawns, picnic pavilions, bench seating, dog washing stations, retaining or planting mature trees, central mailboxes, and/or children's play areas.

In addition, guest parking will be required on site for projects creating 8 or more Small Lot Homes at a ratio of 0.25 spaces per dwelling unit. The guest parking area shall be readily accessible by all guests and shall abut a Common Access Driveway or a pedestrian pathway.

All Small Lot Subdivisions are now prohibited from locating trash bins on public streets for trash pickup. Instead, small Lot projects are required to provide a centralized trash enclosure or to coordinate with the Bureau of Sanitation for on-site trash pickup of centralized trash. Trash areas and utilities are required to be placed away from the street and public view.

### **Conclusion**

The SLS Ordinance has been a successful tool in the City's toolkit of providing housing opportunities that merge the benefits of living in a condominium while allowing for homeownership akin to owning a traditional, fee-simple single-family home. The intent is to update existing regulations to ensure small lot projects will be more sensitive and compatible with the existing neighborhood context and zoning. The proposed updates to the SLS Ordinance will ensure that projects are more in line with the requirements that other types of housing projects in multi-family zones are required to meet for the front and rear yards, while continuing to provide relief from development standards that are necessary to continue this unique housing typology. The proposed changes address community concerns regarding issues such as the enforceability of design regulations for Small Lot projects, and will ensure that this typology can succeed in providing another housing option to residents for the next decade and beyond.

## FINDINGS

### GENERAL PLAN/CHARTER FINDINGS

#### 1. City Charter Section 556

In accordance with **Charter Section 556**, that the proposed ordinance (Exhibit A) is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would amend regulations to ensure that small lot projects will be more sensitive and compatible with the existing neighborhood context and zoning.

Specifically, the proposed ordinance amendment is consistent with the following goals, objectives, and policies of the General Plan Framework Element and Housing Element.

#### General Plan Framework

##### Policy 4.1.8

*Create incentives and reduce regulatory barriers in appropriate locations in order to promote the adaptive re-use of structures for housing and rehabilitation of existing units. (P2, P18)*

The proposed Code Amendment creates a division of land process for the preservation of bungalow courts as Small Lot Subdivisions. The intent is to allow the preservation and adaptive reuse of existing bungalow courts for the conversion into fee-simple structures for home ownership.

In 2008, the City approved a Small Lot Subdivision for the conversion of the historic Maltman Bungalow Courts into individual "small lots" so that they could be preserved through ownership of the individual units. Bungalow Courts were typically built as individual units on one large lot as rental homes. However, many are deteriorating and currently require multiple variances or exceptions to enable their preservation and rehabilitation. The Code Amendment will enable the reuse of L.A.'s original small lots to become a reality through the Small Lot Ordinance. With the proposed Code Amendment, existing bungalow courts with four or more older detached dwelling units on a single lot with Certificate of Occupancy issued prior to 1950 may qualify to be subdivided into Small Lot Homes.

The proposed Code Amendment also allows existing non-conforming bungalow courts to retain their non-conforming rights as to yards, parking, driveway access, passageways and density (per Section 12.23 A of the Municipal Code), making it simpler for applicants to convert the bungalow courts into small lot homes without demolishing or reconfiguring existing structures.

##### Implementation Program 24

*Formulate citywide development standards that:*  
*a. Enhance and/or conserve the appearance and functionality of residential and commercial areas, including appropriate applications for mixed-use structures that integrate housing with*

*commercial uses. The following indicates a preliminary list of standards that may be considered.*

*(1) Encourage and facilitate the assembly of small lots for higher-density housing or mixed-use*

The proposed Code Amendment is part of a comprehensive update to the Small Lot Subdivision process that establishes standards for the creation of Small Lot Subdivisions that encourage the integration of Small Lot Subdivisions in existing multi-family residential or commercial zoned neighborhoods. The Design Standards also include standards regarding the design of mixed-use small lots.

## General Plan Housing Element

Objective 2.4 *Promote livable neighborhoods with a mix of housing types, quality design and a scale and character that respects unique residential neighborhoods in the City*

The Amendment focuses on changing existing regulations to create Small Lot Subdivisions that exhibit front and rear yard requirements that are more closely aligned with that which is required by a site's zone designation, better respecting unique neighborhood scale and character.

Policy 2.4.1 *Promote preservation of neighborhood character in balance with facilitating new development*

The creation of the "Bungalow Court" Small Lot provisions will incentivize the preservation of this unique typology and neighborhood character on sites that are in danger of being cleared for new development.

Policy 2.4.2 *Develop and implement design standards that promote quality residential development*

The establishment of the Administrative Clearance Process to require adherence to the new Small Lot Design Standards will implement this Policy.

Housing Program 3 *Facilitate the development of Small Lot Subdivisions*

Through ten years of implementation, the City has identified the existing front and rear yard setback exceptions for Small Lot Subdivisions as necessary, but a potential obstacle in moving projects forward in their current form. The Amendment will facilitate the development of Small Lot Subdivisions by bringing the setback exceptions in closer alignment with existing Zoning Code regulations for front and rear yards.

## **2. City Charter Section 558**

In accordance with **Charter Section 558 (b) (2)**, the proposed ordinance (Exhibit A) is in substantial conformance with public necessity, convenience, general welfare and represents good zoning practice.

*Public Necessity, Convenience and General Welfare* – The Amendment is necessary in order to make the Small Lot Subdivision approval process more straightforward and reduce the number of development issues that often lead to an appeal of a parcel or tract map approval by the Deputy Advisory Agency. Since 2014, appeals were filed for roughly 22 percent of Small Lot Subdivision projects. This is in comparison to a 11 percent appeal rate in the first 8 years of ordinance implementation. Most of the appeals were filed by aggrieved parties, and many cited the lack of compliance with the Small Lot Design Guidelines as an appeal point. The Small Lot Design Guidelines were translated into Small Lot Design Standards, and the Amendment will establish a Code-required process whereby projects must adhere to the Standards. The intent is to reduce the number of issues that often lead to an appeal of a parcel or tract map approval by the Deputy Advisory Agency, and address design considerations early on in the process. Reducing the number of issues will also further convenience and general welfare by reducing barriers to create housing opportunities within the City.

*Good Zoning Practice* - The Amendment is in substantial conformance with good zoning practice as it continues to implement and respect the adopted zoning on a given site while creating the mechanism to allow Small Lot Subdivision developments to be constructed with more straightforward regulations, promoting this hybrid housing typology.

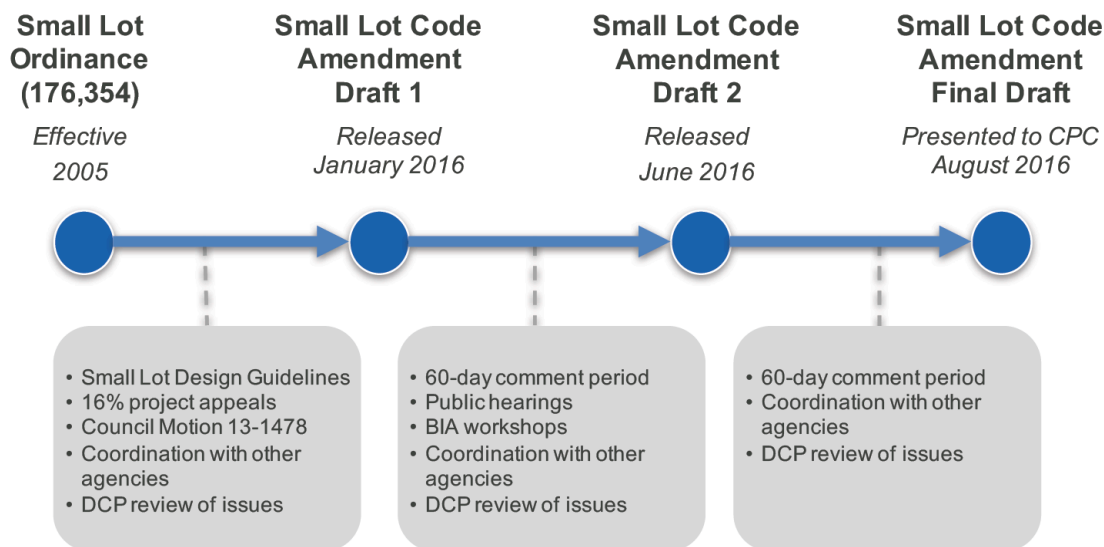
In accordance with Charter Section 558, and in order to ensure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

## **CEQA FINDINGS**

In accordance with California Environmental Quality Act (CEQA) Guidelines, this Ordinance Amendment is exempt under the State CEQA Guidelines Section 15061(b)(3), as well as the City of Los Angeles CEQA Guidelines, Article II, Section 2, class (m). Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. In addition, the City's CEQA Guidelines, Article II, Section 2, Class (m) exempt the adoption of ordinances that do not result in an impact on the physical environment. The proposed ordinance amends provisions of the existing Small Lot Ordinance only and is not considered a project under the CEQA Guidelines because there is no development, change in land use, intensity or density proposed as part of this project. Future requests for the approval of Small Lot Subdivisions and the construction of Small Lot Homes will require entitlement applications and individual environmental review. See attached Exhibit F - CEQA Narrative for Categorical Exemption - ENV-2015-4500-CE

## PUBLIC HEARING AND COMMUNICATIONS

The public outreach process for the Small Lot Subdivision Code Amendment and Policy Update occurred in two rounds over a thirteen month period from July 2015 to August 2016, and targeted both members of the public citywide as well as developers and architects of Small Lot Subdivision projects. The public outreach process generated responses regarding topics such as affordable housing, neighborhood character, and design of small lot projects. Below is a summary of the outreach conducted and comments received.



### First Round of Public Outreach

In January 2016, a draft of the Small Lot Code Amendment and Policy Update was released to the public for a 60-day public review and comment period. Comments were gathered from public hearings, focus group meetings, and email correspondence.

#### *Small Lot Developers Focus Group*

The Department of City Planning hosted two focus group meetings with architects and developers of Small Lot Subdivision projects in July and August of 2015. The meetings were used to garner feedback from the group regarding topics such as the design of access onto the sites, guest parking, landscaping, and design features, such as roofline variation, pedestrian pathways, and façade treatments. The feedback was used to shape the Map and Design Standards.

#### *Public Hearings*

The Department of City Planning hosted three public hearings for the Small Lot Subdivision Code Amendment. The first public hearing was on January 20, 2016 at the Felicia Mahood Multipurpose Senior Center in West Los Angeles; the second public hearing was on January 26, 2016 at the Grace E. Simons Lodge in Elysian Park; and the third public hearing was on February 17, 2016 at the Marvin Braude Constituent Services Center in Van Nuys. The public hearings were attended by a total of approximately 200 people.



### Second Round of Public Outreach

Following the first round of public outreach, and given the input received from both community members and the development community, the Department of City Planning took additional time to further refine the language of the proposed Ordinance amendments and design standards. Specifically, the Department of City Planning formed a Small Lot Working Group comprised of department managers, subdivision staff, and planning staff to review and clarify the provisions contained in the January 2016 draft documents.

A second draft of the Small Lot Code Amendment and Policy Update was later released in June 2016 for an additional 60-day public comment period. The June 2016 draft includes refinements that are in response to the comments received. Additional comments were received from focus group meetings and email correspondence, which are addressed and/or incorporated in the drafts in Exhibit A-C.

In addition, the Department of City Planning engaged other agencies involved in the Small Lot Subdivision process. Briefings were held with subdivision staff from the Department of Building and Safety and other agencies comprising the Subdivision Committee, planning deputies from the Council offices, and land use attorneys from the City Attorney's Office.

#### *Small Lot Developers Focus Group*

The Department of City Planning hosted two additional focus group meetings in May 2016 with architects and developers of Small Lot Subdivision projects to gather further comments on proposed changes.

### Email Communications

Staff also received communications by email from close to 200 members of the public, community groups, and neighborhood councils. The communications addressed general support for the update of Ordinance, with recommendations for further refinements. A list of organizations that provided comments is provided after the Summary of Comments.

### Summary of Comments

Below is a summary of the major points raised throughout the Council Motion and public outreach process, as well as a list of community groups and neighborhood councils that submitted comments. Other comments submitted were outside the scope of the Small Lot Code Amendment and Policy Update.

#### *Support*

Comment: The proposed Small Lot Code Amendment and Policy Update will help to address several issues of prior SLS projects meanwhile still allowing smart growth in multi-family neighborhoods. The need for density and growth in Los Angeles is obvious, and this growth and density should be targeted at infill sites with quality design. Increasing the required perimeter setbacks will make SLS homes more consistent with the surrounding neighborhood, especially when adjacent to single-family homes, and is viewed as essential in maintaining community character and the walkability of our streets. The Ordinance will help to establish basic design regulations for SLS homes, and allow for the preservation of existing bungalow courts. The newly recommended front façade setbacks/articulation for upper levels represents a significant contribution to improved design standards. Comments support the limitation of cantilevered

construction over driveways or open space. The mechanism to require organized trash collection and to remove the impossible placement of a dozen bins on the street for a single property is a much-needed improvement. The adoption of standards that will protect the City's historic bungalow courts and provide a mechanism for individual ownership of these units was supported.

### *Affordable Housing*

Comment: The affordable housing crisis in the City was referenced during the hearings. Participants stated that the City is in need of more affordable housing, and that prior small lot projects have not been covenanted "affordable". The tearing down of affordable housing for luxury housing, especially in established neighborhoods, was a concern. Some speakers stated that as long as small lot projects are allowed to maximize height and density and ignore the prevailing development pattern of their neighbors, developers will be encouraged to destroy more affordable housing. Other comments requested that SLS homes, if rented out, should be rented out at affordable levels in accordance with State law.

Response: The Small Lot Subdivision Ordinance is one tool within the City's toolkit of strategies to boost housing production within the City. Small Lot Projects were not intended to be developed as housing that is required to be "affordable" based on definitions established within State law or in City regulations. They were also not intended to be exclusively luxury housing. However, given that Small Lot Subdivision projects are subject to a different financing and ownership structure compared to a traditional condominium or townhome, Small Lot Homes are comparatively less expensive and therefore more financially attainable than a traditional single family home within the same neighborhood. No Homeowners Associations, or the accompanying fees, are required within Small Lot Projects. In addition, when constructing a Small Lot Subdivision project involves the demolition of rent-stabilized units under the City's Rent Stabilization Ordinance (RSO), the developers are subject to providing relocation assistance and meet the RSO requirements. The Department has no authority to regulate the rental rates of SLS homes. Small Lot Subdivisions must adhere to the height and density requirements of the underlying zone.

### *Density*

Comment: Concerns of density were raised during the hearings, both with regards to Small Lot Subdivisions as well as general citywide housing production. Hearing participants stated that Small Lot Subdivision Projects should abide by underlying zone, or be limited to 3 group dwellings on a single lot, which would provide plenty of space for developers to fit in allowable density. Other comments were to reduce allowed density by lessening the allowed ratio of permitted lots per square-foot, eliminating the half-alley width from density calculations, and including exclusionary provisions deterring short-term rentals such as AirBnB and banning first floor bonus rooms from having an adjoining bathroom. Other comments were to restrict any projects involving SB1818 density bonuses.

Other participants stated that the Small Lot Ordinance actually reduces density because not as many units can fit on a site. Other concerns were raised regarding a denser LA city; the City is over the tipping point for water, air, traffic, parking, etc. in LA, and more development does not equal progress.

Response: Small Lot Projects must adhere to the height and density requirements of the underlying zone. However, because of the spatial complexities to designing these projects to include the units, as well as the required yards and Code-required back-up spaces for driveways, many projects are constructed without maximizing the density, or number of units

that is allowed on the site. Therefore, many Small Lot Projects are well under the permitted density of the underlying zone. Short-term rentals are regulated through a separate City Ordinance, and cannot be addressed through the Small Lot Code Amendment. The State Subdivision Map Act does not authorize the Advisory Agency to regulate the internal programming of the resulting dwelling units. All housing projects within the multi-family zone, when abutting an alley, are allowed to count one-half of the square-footage of the alley for density calculations; this will be maintained for Small Lot Subdivisions for consistency with other existing regulations. Both the State Subdivision Map Act and SB1818 are State-enabled programs, and the City cannot preclude a developer from filing a Small Lot Subdivision Project with a density bonus request.

Further Comment: Other comments requested that the minimum lot width be reduced to 8 feet to encourage narrower units with tandem parking.

Further Response: The proposed minimum lot width of 18 feet is intended to encourage larger habitable spaces at the ground floor in lieu of building additional height. The 18 feet lot width does not preclude tandem parking as SLS homes can still, and are encouraged to, provide habitable spaces at the ground floor, comparable to traditional single-family homes.

#### *Lots Eligible for Small Lot Subdivision*

Comment: Other comments were to limit the size of SLS projects to prohibit large subdivisions exceeding 100 SLS homes. Other comments were to restrict where Small Lot Subdivisions are permitted, for instance limiting Small Lot Subdivisions to empty infill lots only, restricting Small Lot Subdivisions from R2 zones. R2 zones were intended as “two-family” dwellings with only two dwelling units on a given lot, and were envisioned as a “transition” zone between single-family and multi-family zoned neighborhoods. Allowing Small Lot Subdivisions in R2 zones lot conflicts with the “two-family” and “transitional” intent of the R2 zone.

Response: Project applicants have the right to lot assembly, and the Department does not have the authority to limit the size of subdivisions. However, the proposed Small Lot Design Standards and Map Standards contains additional provisions to further shape and enhance subdivisions of 20 units or more. The existing SLS Ordinance permits Small Lot Subdivisions on R2 zoned lots only when abutting a commercially- or industrially-zoned lot. Within eleven years of implementation, and of over 300 cases approved, only one Small Lot Subdivision has been approved in the R2 Zone. Small lot subdivisions on R2 zoned lots are subject to the same provisions of the underlying R2 zone. The intent of allowing Small Lot Subdivisions in the R2 zone is to maintain consistency with the underlying zoning code and development rights of other multi-family projects in the same zone.

#### *Setbacks*

Comment: Some hearing participants stated that front setbacks in R zones should be mandatory, and not based on prevailing setbacks; other participants stated that fifteen-foot setbacks are excessive for small lot projects. Some comments requested that required side yard setbacks be increased to 15 feet when abutting existing single-family residences. The Ordinance should include statement that the provision front yard setback is a clarification of existing law (underlying zoning) because current ordinance says nothing about front yard setbacks. There should be no reductions for side setbacks: 5 feet is insufficient for trees and fire access. There should be no reductions for rear yard setbacks. The RD and R2 Zones should be added to the list of zones that require abutting projects to provide a 15-foot setback.

Response: The Code Amendment changes the existing yard requirements for Small Lot Subdivision Projects is in direct response to the comments received during the public

participation process. With the Code Amendment, the front yard of the underlying zone shall apply to the front lot line of the perimeter of the subdivision, and a 10 foot rear yard shall be required along the Rear Lot Line of the perimeter of the subdivision. Subdivisions abutting any single family zone shall provide larger setbacks within side and rear yards per the underlying zone. This will introduce more open spaces throughout the projects especially along the perimeter of the subdivision that abuts the street or neighboring lots. The intent is to ensure consistency with the multi-family development potential of surrounding lots, meanwhile allowing more sensitivity to adjacent single-family zones.

#### *Stepbacks and Roof Decks*

Comment: Some hearing participants requested that upper level step backs be codified and mandatory on the third and fourth levels. The open deck requirement should apply to each unit, not just one for every 2 units, or the neighbor on one side gets stuck with a sheer wall.

Response: Because of the spatial complexities to designing Small Lot Projects to include the units, as well as the required yards and Code-required back-up spaces for driveways, the January 2016 draft required upper-level step backs for only those Small Lot units that face a public street. The draft required all street-fronting units to provide either a pitched roof or an open deck.

Further Comment: Some developers stated that the requirement of either a pitched roof or open deck was too cumbersome and limited opportunities for creativity in architectural design.

Further Response: The Design Standards were further modified to establish a larger menu of options to achieve the intent of stepping upper floors back to reduce overall massing. The revised draft requires that Small Lot Homes fronting a public or private street must articulate the roofline by incorporating either a sloped roof, an open deck, a modulated roof, or any other form of roofline modulation.

#### *Driveways/Parking/Orientation*

Comment: Hearing participants stated that parking should not be allowed on the ground floor facing the street. A front yard and family room are necessary for “eyes on the street” surveillance. Some participants requested that guest parking be provided at a ratio of a quarter space per lot, while other participants requested that guest parking requirements be eliminated altogether.

Response: Parking is not allowed within the required front yard of Small Lot units that face a public street. While guest parking was not required previously, new Map Standards will require that Small Lot projects with eight or more units provide a quarter guest parking space per unit.

Further Comment: Some comments requested that 2 guest parking spaces be required for every 4 small lot homes. Some developers asked for further clarification on required driveway widths and the location of guest parking. Some comments requested that small lot driveways cannot be named as streets. Other comments requested that all access driveways be 20 feet clear to sky regardless of project size, and that overhangs be limited to 2 feet maximum to minimize the top-heavy look of small lot homes.

Further Response: The Map Standards require guest vehicular parking for small lot subdivisions containing 8 or more newly constructed dwelling units, at a ratio of 0.25 spaces per unit, which are beyond the requirements for a typical single-family home. Requiring guest parking for small lot subdivisions of 4 or fewer homes will cause additional lot configuration challenges. The Map

Standards clarify that common access driveways must meet the back-up requirements per LADBS provisions, and that a minimum 10 foot width must remain open to sky along upper levels. Guest parking must be located within the subdivision and can be located within required yards provided it does not obstruct required pathways. The Department of City Planning does not have the authority to regulate the naming of Common Access Easements or driveways within Small Lot Subdivisions.

#### *Americans with Disabilities Act Compliance and Small Lot Subdivisions*

Comment: Some hearing participants stated that Small Lot units should be required to comply with the Americans with Disabilities Act. The current model of placing parking garages on the first floor and living spaces above makes it difficult for those with disabilities to live in one of these homes. The Ordinance is an opportunity to meet the challenges of prioritizing housing for an aging population per Mayor Garcetti's Purposeful Aging LA initiative and the Fair Housing Act. Fair Housing Act units must have at least one accessible entrance; accessible common use areas; doorways and a route through the dwelling wide enough for wheelchairs to pass; switches and controls placed within reach; and bathrooms and kitchens usable in a wheelchair.

Response: As a hybrid housing typology, Small Lot Subdivisions are considered single-family homes based on the Building Code. Therefore, similar to traditional single-family homes, Small Lot Homes are not subject to ADA requirements.

#### *Bungalow Court Small Lots*

Comment: Hearing participants stated that the City should encourage preserving existing bungalow courts and converting them into small lots. Bungalow courts should be allowed more flexibility by adding square footage or reducing the 75% roof coverage requirement to allow for additional living spaces. A 500 square-foot bungalow would be much more livable if it were 200-300 square-feet larger. The City should develop a reasonable formula to allow additional square footage. The City should make it possible for projects with 4 or fewer parcels to make use of the proposed adaptive reuse component of the revisions.

Response: The intent of adding the Bungalow Court Small Lot provisions to the Small Lot Subdivision Ordinance was to preserve this specific typology. The January 2016 draft established that allowing additional square footage to be added to the structures would potentially undermine the intent to preserve these units. In addition, any expansion of these units would trigger current Building Code requirements, which, again, go against the original intent of adding these provisions to the Ordinance. Based on comments received, the threshold for a qualifying project was amended to four units from five units.

Further Comment: Some comments were raised regarding the limitations on additional square footage to existing bungalow courts. Developers stated that in order to make the bungalow courts more functional and livable, some additions are necessary to ensure quality living spaces. Other comments requested that SLS homes not be allowed to replace existing courtyards or landscaped courtyards in bungalow courts. Other comments were raised regarding how parking and setbacks are regulated for bungalow courts as grandfathered structures generally allow non-conforming building rights per the Municipal Code. Small Lot Subdivisions on infill sites should not be required to provide streetscape improvements or roadway widenings.

Further Response: The Code Amendment was further revised so that existing bungalow courts may be maintained, repaired, or structurally altered provided it conforms with LAMC Section 12.23 A ("Nonconforming Buildings and Uses"). While the goal is to preserve these existing structures, the intent was to allow some flexibility so that they can become more livable homes,

meanwhile maintaining consistency with other regulations for nonconforming uses. Applicants converting bungalow courts into SLS homes are encouraged to preserve common open space areas. Sites that are eligible for historic designation must consult with the Office of Historic Resources to verify the development potential of existing bungalow courts. In addition, any newly construction dwelling units within existing bungalow courts are subject to the same requirements as typical small lots. Street dedications and improvements regulated by the Bureau of Engineering, and are not under the authority of the Department of City Planning.

### *Neighborhood Character*

Comment: Hearing participants stated that the designs of new projects should be consistent with character of neighborhood and compatible with adjacent projects and buildings. The current small lot projects are built so that a 30 foot wall towers over adjacent homes. While small lots are only permitted in multi-family or commercial zones, developers are proposing Small Lot Subdivisions in neighborhoods that are predominantly built out as single-family; therefore some Small Lot projects are out of context.

Developers do not need an incentive to build in Los Angeles. Incentives are unnecessary for Small Lot Subdivisions since developers would prefer to build and sell, rather than deal with rental and leasing complications, and therefore would not opt out of Small Lot Subdivisions if the incentives are eliminated. Small lots should not be used to replace existing homes, especially existing affordable rental homes. Developers should not be allowed to assemble multiple properties and request zone changes to create mega subdivisions as this conflicts with the intent of zoning regulations. In addition, developers are allowed to side-step environmental laws by completing inaccurate Master Applications, thereby getting a mitigated negative declaration.

Response: The existing SLS Ordinance allows reduced front, rear and side yards, reduced passageways, and exemptions from open space and guest parking regulations required of all multi-family and condominium projects, respectively. Given the difficulty of fitting multiple small lot units within one infill parcel, Small Lot Subdivisions are often designed in a "row home" style and the number of units proposed is below the full density allowed on the site. In addition, many projects are new investments in areas zoned for multi-family development that have not seen new development within the vicinity and previously underdeveloped with single-family homes or duplexes. The new Code Amendment and Small Lot Design Standards seek to address the design of these projects, to allow architectural freedom within reasonable boundaries to respect yard requirements and provide roofline modulation and façade relief.

The intent of the Small Lot Subdivision Ordinance was to facilitate infill development on underutilized parcels. Often times, Small Lot Projects are built within neighborhoods that are zoned for multi-family uses, but have not seen development over the past five decades. Applications are only approved when a project has gone through the public process and the appropriate findings can be made. The City makes a determination on what type of environmental clearance would be appropriate for a Small Lot Project. Some Small Lot Projects can qualify for Categorical Exemptions from environmental review that is established with the State CEQA Guidelines and the City's CEQA Thresholds.

Further Comment: Enforcing specific design standards are too restrictive and cumbersome for applicants and developers, and will force "cookie-cutter" Small Lot Subdivisions in future projects. Other comments requested that SLS homes be subject to the roofline encroachment plane and side wall articulation requirements of the draft Baseline Mansionization Ordinance (BMO).

Further Response: The Design Standards were clarified to emphasize the intent over specific architectural features. Furthermore, several design standards have been consolidated into a

“menu” of options, in which applicants must choose a select number from an established menu of design alternatives to implement. This allows flexibility within the framework of design provisions, and ensures that all Small Lot Subdivisions will meet the bare minimums of design requirements while still allowing flexibility for architectural creativity and innovation. The BMO only applies to single-family zones, and is not applicable to the multi-family zoned lots in which SLS projects may be developed.

### *Design Standards – Enforceability*

Comment: Some hearing participants stated that a need for codified Design Standards, a Design Review Board, and overall need for projects to respect neighbors. Other comments were to require strict conformance with the existing 2014 Small Lot Design Guidelines. Others requested that the design standards not be governed through a Design Review Board. The design standards must be mandatory for all projects, and the ordinance must be fully enforceable with no extra benefits or “discretionary” add-ons for developers. The new standards are good, but more thought should be put into design standards and setbacks that might mitigate or prevent existing residents from the impacts of new developments. The City needs to be mindful of how this affects cases already in the process – It should be enforceable as soon as possible, and should apply to not-yet started projects that in the pipeline. The City needs to clarify what will happen to the existing guidelines and if they will still be used. The City should clarify which part of the State Map Act allows the guidelines enforceable and address why the Map Act forbids guidelines when many nearby cities effectively use them to maintain design consistency.

Response: The Small Lot Design Guidelines were released in 2014 as recommendations and “best practices” for Small Lot Subdivisions. They were not written as enforceable standards. However, the Department of City Planning is proposing to translate select Design Guidelines into new enforceable Design Standards. The Design Standards will codify functional design components for all small lot projects, including dwelling orientation, entryways, façade articulation, roofline and roof decks, building modulation, pedestrian pathways, fences and walls, landscaping, common open space areas, and amenities.

The remaining guidelines that were not translated into standards will be included in a best practices and recommendations document that will be prepared by the City subsequent to the adoption of the Code Amendment. Because the Ordinance is citywide in scope, having a Design Review Board to govern the design of projects Citywide would be impractical, undesirable, and only result in “cookie-cutter” subdivisions citywide. The Design Standards that will be adopted will be enforceable through the administrative clearance established by the Small Lot Code Amendment process. In addition, the City cannot require that projects that were filed prior to the effective date of the ordinance meet the new regulations, as many projects are filed as Vesting Tentative Tract Maps and retain their vested rights from the date the project is deemed complete. Similar to any residential project, Small Lot Subdivision projects may request adjustments as allowed by the Zoning Code.

### *Height*

Comment: Hearing participants requested that the height of projects should not to exceed the existing highest multi-family dwellings in neighborhood. Many previous projects have resulted in 30-foot tall towers in otherwise single-story or two-story neighborhoods. No height variances should be granted. Height and density of these project are not reduced enough. There was both support and opposition for the allowance of roof decks. Some hearing participants requested that rooftop decks be banned from small lot subdivisions as they cause privacy issues with abutting neighbors.

Response: Small Lot Projects must adhere to the height and density requirements of the underlying zone. Roof decks are an allowed use for projects within multi-family zones, and from time to time, projects within Height District 1XL, which typically has a 30-foot height restriction, request a height adjustment to include roof railings as part of their projects. These requests are discretionary, and the decision maker is required to make the findings necessary to justify such a request. The Design Standards also require that, if provided, rooftop decks be oriented internally to the subdivision and be stepped back and screened from abutting neighbors.

#### *Landscaping, Trash, and Maintenance*

Comment: Hearing participants requested that landscaping be required in the side yards, and landscape plans should be required for all projects. Existing trees should be saved. All trash bins and containers should be out of sight. The Code Amendment should require consolidation of trash collection and bins.

Response: The Small Lot Design Standards will require that all open areas not used for buildings, parking areas, driveways, pedestrian pathways, utilities, etc, be attractively landscaped and maintained. Through the Subdivision process, projects are required to provide a tree report and replace trees based on City regulations. With regards to trash, all projects will be required to provide on-site trash pick up in accordance with the Map Standards, whether by individual cans that are stored within garages, or through a consolidated trash bin that is screened from public view. Trash storage and collection will not be permitted on public streets.

Further Comment: Comments requested that small lot subdivisions must provide Covenants, Conditions, and Restrictions (CC&Rs) that require a governing body or Homeowners Association to ensure proper maintenance of the property. Other comments requested that required open space remain open to sky in perpetuity, and that required open space be separate and distinct from areas used for above-ground utilities, transformers, trash enclosures, driveways, and parking spaces.

Further Response: Prior small lot subdivisions have recorded maintenance associations that ensure proper maintenance of the property. The Map Standards will require a Maintenance Agreement for all small lot subdivisions that will ensure maintenance of all common areas and shared facilities, such as trees, landscaping, trash, parking, community driveways, and walkways. The Map Standards will require Common Access Driveways and Walkways that must be open to sky. The Map Standards will also require a Common Open Space Easement for all small lot subdivisions of 20 or more units, and must be designed in accordance to the common open space provisions of the Design Standards. The common open space areas shall be designed to be multi-functional and accommodate a range of passive, active, or social uses, with enhancements such as landscaping, activity lawns, picnic pavilions, bench seating, etc. In addition, per the Ordinance, the lot area coverage by all structures shall not exceed 75% of the approved small lot, meaning that the remaining 25% of the small lot shall be open to sky.

#### *Sustainability*

Comment: Hearing participants requested that any new buildings need to capture water on site and become neutral. All projects should be required to install solar panels, since reserving space for solar panels is not enough anymore. The push towards densification is extremely short-sighted in light of the water infrastructure being extremely outdated and dilapidated. Densification is good for the tax base, but not good in any other regard.

Response: Small Lot Projects are encouraged to incorporate solar elements and are required to comply with the applicable building codes pertaining to solar panels. They are also required to



comply with the City's Low Impact Development (LID) Ordinance requirements. The City's growth strategy as identified in the City's General Plan is to direct density near transit and urban areas. The Small Lot Ordinance is intended to promote infill development in established urban areas where the zoning already allows for the number of units proposed and has adequate infrastructure in existence.

#### *Notifications/Process*

Comment: Hearing participants stated that there should be a provision for notifying public of changes/updates to the Design and Map Standards – they cannot simply be internal policy documents. The entitlement process should be slowed down to allow for more opportunities to gather input. Neighborhood Councils need time to respond to citywide amendments.

Response: The Department of City Planning implemented and exceeded its standard public participation policy for the update of the Small Lot Ordinance. This included inclusion of the project within the Early Notification System to all Certified Neighborhood Councils and interested parties, three public hearings, and inclusion of comments received by email in shaping the proposal. In addition, the typical 60-day public review period was extended to two separate rounds of 60-day public review periods in order to allow additional time for comments.

Further Comment: Comments requested that the approval of small lot subdivisions not be administrative, as these developments often change the scale and character of neighborhoods. Those affected by such projects should be involved in the approval process for project proposals.

Further Response: The State Subdivision Map Act establishes a discretionary review process for all tract and parcel map applications. The construction of individual homes on the resulting lots is a by-right process. The proposed Ordinance and Design Standards are intended to update existing regulations to ensure small lot projects will be more sensitive and compatible with the existing neighborhood context and zoning.

#### *Hillside*

Comment: Hearing participants stated that these types of developments should not be allowed on hillsides at all, and that the Code Amendment should address the unique characteristics of hillside neighborhoods. Also, the setbacks and shared spaces proposed for hillside communities are not sufficient to protect residents and meet current requirements such as red flag days and fire truck access.

Response: The existing hillside regulations that currently apply to Small Lot Subdivision projects will continue to govern the projects with the Code Amendment. Any Small Lot Project is required to follow regulatory compliance measures regarding construction, which address procedures during red flag days and emergency access.

#### *Street Widening*

Comment: Some comments requested that incremental street widening be not required on any infill small lot subdivision projects.

Response: Street widening has been required for small lot subdivisions in the past. Public right-of-way improvements are governed by the Bureau of Engineering.

#### *Small Lot Projects with Zone Changes and Plan Amendments*

Comment: Hearing participants stated that zone changes and general plan amendments should not be allowed with Small Lot Projects.

Response: Small Lot Projects were intended as infill development projects within areas where the underlying zoning's land use, height, and density requirements could be met. From time to time, general plan amendments are initiated by the City projects and/or developers request zone changes in order to accomplish the project. These requests accompany proposed Small Lot Projects only a fraction of the time and are discretionary entitlements that are only approved when the appropriate findings can be established.

Participation from Neighborhood Council and Community Groups:

The following Certified Neighborhood Councils formally submitted comments regarding the update of the Small Lot Subdivision Ordinance:

Bel Air Beverly Crest Neighborhood Council  
East Hollywood Neighborhood Council  
Greater Wilshire Neighborhood Council  
Mid City West Community Council  
Northwest San Pedro Neighborhood Council  
PICO Neighborhood Council  
Silver Lake Neighborhood Council  
West Hills Neighborhood Council  
Westside Neighborhood Council  
Woodland Hills Warner Center Neighborhood Council

The following groups formally submitted comments regarding the update of the Small Lot Subdivision Ordinance:

Building Industry Association of Southern California  
Echo Park Improvement Association  
Friends of Studio City  
Friends of Valley Village  
La Brea Willoughby Coalition  
South Hollywood Neighborhood Association  
St Andrews Square Neighborhood Association  
West Adams Heritage Association  
West of Westwood HOA  
Westwood South of Santa Monica Blvd HOA