

# PLEASE READ

## SMALL LOT ORDINANCE "AMENDMENT"

### The Reality So Far:

- 1) The new revised documents to be used by decision-makers have not been shared prior to these meetings, rendering these hearings somewhat useless. Where are the new Design and Development Standards for review, now?
- 2) Nothing has changed. There is no legal mechanism for a project to be denied based on poor design.
- 3) The new Standards (whatever they might be) are still "discretionary" which means they won't be enforced, same as it is now.
- 4) The only thing the revised Ordinance achieves is pushing back these (mostly awful) projects 5 feet, and it now hands them the right to build a tall 6 foot fence extending into the front property line.
- 5) Setbacks are NOT the #1 issue, project design is. Non-conforming setbacks are the City's greatest vulnerability to legitimate legal challenge by neighbors. This "fix" is a TROJAN HORSE. It does nothing but pull the rug out from under neighbors making it nearly impossible to challenge the zoning inconsistencies.
- 6) So-called improvements to the Standards (limited cantilevering, open to sky driveways, stepped-back street facing units, etc.) are promised in the FAQ, but absent in the Ordinance = Not enforceable.
- 7) The Adaptive Reuse section is useless. Almost no properties will qualify as 5 bungalows or more on a single parcel is rare. Nothing in this ordinance encourages infill behind an existing duplex, for example.
- 8) Adaptive Reuse program is another TROJAN HORSE. It has no tangible developer incentives, ensuring more demolition, not preservation. There is no assurance in the language of the Ordinance that bungalows will be rehabbed instead of demolished and re-built at the same density (but could be taller w/ roof decks!)
- 9) Height, character, roof-top decks and isolation from the neighborhood context are the primary concerns. Nothing in this "fix" addresses these issues with any enforceable legal mechanism. 10% reduction in mass offered is pitiful.
- 10) ADA compliance, homes with Air B'nB units built in to the design, proof of developer compliance with the Ellis Act, trash requirements, maintenance organizations, and use of garages as something other than parking a (working) car have gone completely unaddressed.

Please go to these hearings having done the homework. They will take up 90% of the hearing time with a power point presentation of a bunch of nice ideas that are 100% unenforceable. 10% of the remaining time will be Q & A.

Please don't waste time hollering about a specific project. Everyone has a bad small lot nearby.

**Please focus on the failure of this "fix" and lack of enforceable mechanisms.**

**It is very important to attend at least one of these and MAKE SURE you sign in at the door, even if you are late.**

**Low sign in is used as "proof" that there were few attendees and community concern is coming only from "the vocal minority."**

Each of these meetings are considered "hearings".

Despite this, you will have almost no input opportunities because you will be stuck "hearing" them talk forever and then avoiding answering your questions.

Submit your comments in writing on the comment cards that will be there (they always are).

ORDINANCE NO. \_\_\_\_\_

A proposed ordinance amending Section 12.22-C,27 (Small Lot Ordinance), Chapter 1 of the Los Angeles Municipal Code to require greater front and rear yard setbacks, create a division of land process for "adaptive reuse" small lot projects, and add an incidental administrative clearance process and establish design standards for small lot subdivision projects.

Incidental defined: accompanying, but not a major part of something

THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:

Establish Design Standards?

Where are they for review now?

**Section 1.** Subdivision 27 of Subsection C of Section 12.22 of the Los Angeles Municipal Code is amended to read:

27. **Small Lot Subdivision.** The purpose of this provision is to create alternative fee-simple home ownership within the multifamily and commercial zones. A subdivision for the purposes of small lots enables the construction of new small lot homes while providing opportunities for the preservation and rehabilitation of multiple older apartment homes located on a single lot to be adaptively reused as for-sale housing on individual small lots.

**Provisions.** A Small Lot Subdivision shall be permitted in the R2, RD, R3, R4, R5, RAS and the P and C zones pursuant to an approved subdivision tract map or parcel map.

**New Construction Small Lots.** Notwithstanding any provisions of this Code relating to minimum lot area to the contrary, in the R2, RD, R3, R4, R5, RAS and the P and C zones, parcels of land may be subdivided into lots which may contain one, two or three (attached) dwelling units, provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement established for each zone, or in the case of a P zone, the density of the subdivision shall comply with the minimum lot area per dwelling unit of the least restrictive abutting commercial or multi-family residential zone(s).

Map Standards? Are these new and revised? Need to see the document. Landscape buffering and light placement should be part of the map design.

(a) **Procedures.**

What protects the City from legal action by the developer if Planning asks for a project to be altered in a way that could lower a developer's margin?

- (1) A parcel map or tract map, pursuant to Section 17.00 et seq. of this Code, shall be required for the creation of a small lot subdivision. The parcel map or tract map must comply with the Map Standards contained within the Advisory Agency's Small Lot Guide; and
- (2) Plans incidental to a small lot subdivision shall be required an Administrative Clearance from the Director of Planning demonstrating compliance with the Design Standards contained within the Advisory Agency's Small Lot Guide.

The Jan 2014 Guide says "projects must substantially comply with the small lot design guidelines to receive project approval" but this is never enforced.

Doesn't the developer have the "right" to max-out the zoning?

- (b) The minimum lot width shall be 46 18 feet and the minimum lot area shall be 600 square feet. The Advisory Agency shall designate the location of front yards in the subdivision tract or parcel map approval.

There is no mention of Design Standards being enforceable in this Ordinance. Its subject to the Planner's discretion, same as it is now. Will a project be denied if it does not comply?

- (c) Vehicular An access easement may shall be provided to either a lot containing a dwelling unit or and to its required parking spaces, pursuant to Section 12.21-A.4(a), by way of street or alley frontage, common access driveway access or similar access to a street common access walkway.

This revised Easement language seems to encourage the combining of driveways with pedestrian walkways to cheat the required back up space. We have seen this on a number of projects recently. Bad idea! Driveway width and vehicle back up calculations must not "borrow" from the pedestrian walkway area. Walkways should lead to homes, not merged with driveways.

MISSING FROM THIS ORDINANCE: Accessory units within a Small Lot home. Many of these homes are being purchased as investment vehicles, not family homes. Often, there is a floor within the home that can be sectioned off with little effort and rented out as a separate unit via Air B'nB. These units should a) NOT be allowed or, b) be declared and parked separately, apart from the parking calculations for the home itself.

ADA compliance: Within a new construction subdivision 25% of the units should be ADA compliant so that these compact homes are accessible to the elderly population looking to age in place.

Maintenance Organization: Seems this should be addressed in the Ordinance and its duties defined.

- (d) All structures on an approved small lot which includes one or more dwelling units, may shall, taken together, occupy no more than 80% 75% of the lot area, unless the tract or parcel map provides common an open space easement equivalent to 20% 25% of the lot area of each lot not meeting this provision.
- (e) No front, side, or rear yard shall be required between interior lot lines created within an approved small lot subdivision. However, a five-foot setback shall be provided where a lot abuts a lot that is not created pursuant to this subdivision, the following shall apply:
- (1) the provisions of the front yard of the underlying zone shall apply to the Front Lot Line of the subdivision;
  - (2) a five-foot yard shall apply to the Side Lot Line of the subdivision; and
  - (3) a 15-foot yard when adjacent to RA, RE, RS, and R1 zone, otherwise a 10-foot yard when adjacent to all other zones, shall apply to the Rear Lot Line of the subdivision.
- (f) No passageway pursuant to Section 12.21 C.2. of this Code shall be required.
- (g) In a P zone, lots may be developed as a small lot subdivision, provided that the General Plan land use designation of the lot is "commercial" or "multiple family residential".
- (h) In an R2 zone, a lot may be developed as a small lot subdivision provided that the lot meets the requirements of Section 12.09 A.3. of the Code.
- (i) A dwelling unit in a small lot subdivision shall not be required to comply with Paragraphs (a), (b), (f) and (g) of Section 12.21 A.17. of this Code.
- (j) Fences and walls within five feet of the front lot line shall be no more than three and one-half feet in height. Fences and walls within five feet of the eSide and rRear iLot lines Line of the subdivision shall be no more than six feet in height.

5% reduction is not enough.  
10% is more reasonable since every developer ALWAYS maxes out the zoning and there's no legally supportable reason to believe the City would not allow that practice to continue.

#### Small Lot Fortresses?

6 foot tall fences will now be allowed within 5 feet of a side lot line. This will now allow 6 foot tall fences to be partially incorporated into the front yard area which will encourage the enclosure and gating-off of these developments, further isolating them from the neighborhood context.

"Adaptive Reuse" Small Lots. Five or more Group Dwellings (apartment homes located on a single lot) with a Certificate of Occupancy issued prior to 1950 may be subdivided into small lots and shall comply with Paragraphs (a), (c), and (f) through (i) of this provision.

Notwithstanding any provisions of this Code relating to minimum lot area to the contrary, in the R2, RD, R3, R4, R5, RAS and the P and C zones, parcels of land may be subdivided into lots which may contain one, two or three (attached) dwelling units, provided that the density of the subdivision complies with the minimum lot area per dwelling unit requirement established for each zone, or in the case of a P zone, the density of the subdivision shall comply with the minimum lot area per dwelling unit of the least restrictive abutting commercial or multi-family residential zone(s). Group Dwellings that are nonconforming as to density, yards, or parking may be subdivided provided that the subdivision does not further increase the density nor reduce the yards, and that existing parking be maintained, respectively.

This is a "program" with no tangible developer incentives, therefore it will never be used.

What prevents a developer from subdividing the "group dwellings" (bungalows) into small lots and then subsequently fully or partially demolishing them to build something else (at the same density). No incentive to actually rehab or preserve. Don't let the title of this "program" fool you.

In exchange for REHAB ONLY of 100% of the units in a "group dwelling", developers who pursue this should be entitled to multiple incentives such as FREE expedited processing and relaxed parking/driveway requirements. Paragraph (c) above should be discretionary. Additions ok, demolition should not be allowed.

Why is this limited to 5 or more? This should be available for 2 units or more. No one will use this. There are barely any lots that qualify. Nothing in this Ord. incentivizes preservation alongside infill



## CODE AMENDMENT AND POLICY UPDATE

Frequently Asked Questions – REVISED January 5, 2016

### What is a Small Lot?

Adopted in 2005, the Small Lot Ordinance ("Ordinance") established a new hybrid housing typology that looked and functioned like row townhomes but where each unit was built independently on individual "small lots". It combined the benefits of a single-family home and its full fee-simple ownership of building with the conveniences of a townhouse lifestyle.



### What is the intent of the Small Lot Ordinance?

The Small Lot Ordinance was intended as an innovative housing tool to encourage the development of alternative fee-simple homeownership in areas zoned for multi-family and commercial uses. The Ordinance created incentives for infill residential development to spur more housing production. Today, the City has identified key updates that will continue to promote the smart growth of neighborhoods and enhance livability through compact, but livable, Small Lots. The proposed changes will establish new **Small Lot Standards**, which will provide consistency and set clear expectations for a more streamlined process – while enhancing the overall form and function of Small Lot developments.

**Streamlined process? What exactly will be streamlined with the revisions to the Ordinance?**

**What are the Small Lot Standards? Is this limited to the language in the ordinance?**

### Are Small Lots allowed in single-family neighborhoods?

Small Lots are not permitted in single-family zones. The approved Small Lot projects comply with the current rules, which prohibit them in the single-family zones. When Small Lot projects are proposed in a neighborhood developed with single-family homes or small duplexes, it signifies that they are within an older multi-family 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.

### Based on the recent Council Motion, is the Planning Department adjusting the rules for Small Lots?

Yes. A comprehensive update of Small Lots is being undertaken by the Planning Department. It will consist of a two-phased fix under an Advisory Agency Policy Update that will create enforceable development standards, followed by a Small Lot Code Amendment that will require greater yard setbacks in the front and the rear. Additional design standards will be created to enhance the buildings' overall look and functionality. A new, user-friendly "Small Lot Guide" that will serve as a consolidated policy booklet will be published online soon after.

**2 Part Fix? Where's the Policy Update being referred to here? It sounds like there's four elements:**

- 1) Advisory agency policy
- 2) Small Lot Code Amend
- 3) New Design Standards
- 4) New Small Lot Guide book

**Enforceable dev standards? This sounds discretionary, which means they won't be enforced.**

**Are the proposed standards different from the existing Guidelines?**

Released in 2014, the Design Guidelines were created to accompany the implementation of the Ordinance and provide examples of best practices in addressing the complexities of designing small lot developments. The Guidelines are used to inform developers and staff, and assist project design at the onset of the process. The proposed standards will go a step further to create specific and enforceable rules addressing site planning, massing and other project features. All new small lot projects will need to show compliance with the standards.

**WHERE ARE ALL THESE DOCUMENTS FOR REVIEW RIGHT NOW?**

**Development standards and Design Standards are two very different things. Both of these sound discretionary. Without proper design**

**How can massing and integrating Small Lot Subdivisions into neighborhoods with existing single family dwelling units be better addressed from a design standpoint?**

**review, how can you enforce design characteristics of a project?**

Through changes in the yard requirements and new standards, massing will be reduced by 10%-20% overall. With the Code Amendment, yard setbacks in the front and the rear will be pulled back, similar to condos and apartments. This will introduce more open spaces throughout the projects. The common access driveways will be required to be open to the sky at all times so that cantilevering of the buildings will be limited – reducing the top-heavy look of some small lot designs. The smaller "infill" developments will have a more noticeable visual reduction. The increased front and rear yard setbacks, limited cantilevering within the common access driveway, and new design standards for the top portions of the street-facing units can address design and help to better integrate Small Lot Subdivisions into existing single family neighborhoods zoned for multi-family uses.

**This 10-20% reduction should be 25 -30%. All developers go for the maximum and the language in the ordinance is weak and gives no legal authority to shrink/alter a project's design to blend with the character of the neighborhood.**

**Limited Cantilevering? -- Need to know exactly what that means. Cantilevering over 1/2 of the driveway is seen on nearly all small lot projects. Recently few small lot projects comply with the required 20 feet open to the sky driveway. Why is this being allowed?**



### Is the height being reduced? What about density?

Small Lot projects are currently bound by the height limitations of the underlying zone – not by the Small Lot Ordinance. However, the front unit(s) abutting the street will be required to provide an open deck or a pitched roof at the top level – providing roofline modulation and enhancing architectural identity. This will also increase light and air to the street. The open decks, along with roof decks, can provide for much needed open space within small lots projects and activate rooftops. Regarding density, small lot projects are also bound by the underlying zone, and inversely, due to their spatial challenges, they typically result in less units than that permitted with condos and apartments.

### What about open space and guest parking?

Open space, among other amenities, will be required for Small Lot projects that include 20 or more units. When the Ordinance was adopted, it was not anticipated that large housing developments would be utilizing the Small Lot process. It was intended for infill developments, so no provisions were required for larger projects. Moving forward, a subdivision that creates a community of small lots involving 20 or more Small Lot Homes ("Small Lot Community") will be required to provide open space, bike parking, and additional design features. Guest parking will be required on site for projects creating 8 or more Small Lot Homes.

### How can we ensure that trash bins for Small Lot Homes are not on the public street?

All Small Lot projects are now being prohibited from locating trash bins on streets for trash pickup. In recent months, Small Lot projects have been required to provide a centralized trash enclosure or to coordinate with the Bureau of Sanitation's new "stinger operation" – where a small jeep (worker bee) drives onto the development, picks up the trash bins onsite and routes them back to the big dumpster (queen bee) waiting on the street. Trash areas and utility equipment will be placed away from the street.

### What circumstances allowed for the historic Maltman Bungalow Courts to be preserved and rehabbed with ownership opportunities created through a Small Lot Subdivision? Is this an option for other similar historic development sites?

In 2008, the City approved a Small Lot Subdivision for the conversion of the Maltman Bungalow Courts into individual "small lots" so that they could now be owned. L.A.'s vernacular bungalows were typically built on one large lot as rental homes. Unfortunately, many are deteriorating and currently require multiple variances or exceptions to enable their preservation and rehabilitation. Although allowing a path for preserving these bungalow courts was part of the original intent of the Small Lot Ordinance, it was never written into the rules. The Code Amendment will enable the adaptive reuse of L.A.'s original small lots to become a reality – via the Small Lot Ordinance without any variances.



### What happens next? How do I give my input for the Small Lot Code Amendment?

There will be three Open House/Public Hearings in early 2016 in the Eastside, the Westside and the Valley (see attached Hearing Notice for more information). There will be further opportunities to participate as the proposed Small Lot Ordinance amendment moves on to the City Planning Commission and the City Council for consideration. In the meantime, please direct your written comments via email or questions to Jane Choi, Senior City Planner, at [jane.choi@lacity.org](mailto:jane.choi@lacity.org) or (213) 978-1379, or May Sirinopwongsagon, City Planning Associate, at [may.sirinopwongsagon@lacity.org](mailto:may.sirinopwongsagon@lacity.org) or (213) 978-1372. The draft code amendment is available on the Department of City Planning's website ([planning.lacity.org](http://planning.lacity.org)) under the "What's New" section. The draft Small Lot Design Standards and the Advisory Agency Policy Update that will set the new Small Lot Map Standards will also be available on the website in early 2016.

### Why is this not in the Draft Ordinance?

How much open space? Where is the draft language for all these new development standards? How will they be codified?

### What about HPOZs? How would a small lot conversion play out in an HPOZ?