



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 1 4 - 0 2 7 5

JUN 17 2014

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 17.06 OF THE  
LOS ANGELES MUNICIPAL CODE TO ALLOW ISSUANCE OF  
BUILDING PERMITS FOR SMALL LOT SUBDIVISIONS  
PRIOR TO RECORDATION OF THE FINAL MAP**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 13-1478

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration a draft ordinance, approved as to form and legality. This draft ordinance, if adopted, will amend the Los Angeles Municipal Code to allow issuance of building permits for small lot subdivisions prior to the recordation of the final map when a covenant and agreement is filed.

Background and Summary of the Ordinance Provisions

In 2005, the City Council enacted the small lot subdivision ordinance (Los Angeles Ordinance No. 176,354). That ordinance allowed the development of row homes or a cluster of single-family homes on small lots in multi-family zones as an alternative to apartment and condominium buildings. Small lot subdivisions allow a greater number of separate single-family homes to be built on a given amount of land,

resulting in reduced lot widths, alternative paths of vehicular access, reduced front, side and rear yards, and no passageway requirement between homes.

Once developers started building on small lot subdivisions, a timing problem became apparent. Ordinarily, the Department of Building and Safety will not issue a building permit until the final subdivision map (in this case a tract map) has been recorded. Due to a combination of factors, it can often take up to two years for a final subdivision map to be recorded. Developers have complained that they cannot afford to wait that length of time merely to get building permits and only then commence construction. This delay also affects buyers who have to wait for new homes. Developers of condominium projects do not face this problem because they can easily obtain a building permit to build an apartment building and then convert the completed apartment building into condominiums.

The proposed draft ordinance will remedy this timing problem by adding a new provision to the City's tentative tract map procedures set forth in Section 17.06 of the Code. Specifically, the proposed draft ordinance will add new Paragraph (f) to Subdivision 2 of Subsection A of Section 17.06. New Paragraph (f) will authorize the Building and Safety Department to issue a building permit for a small lot subdivision prior to recordation of a final subdivision map for the project upon the following condition — the recording of a covenant and agreement stating that a certificate of occupancy will not issue for the project until after the final map is recorded.

#### Charter Findings

Pursuant to Charter Section 559, the Planning Commission has approved the draft ordinance and recommends that the City Council adopt it. If the City Council chooses to adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings prepared by the Director of Planning attached to the file or by making its own findings.

#### CEQA Determination

In accordance with the California Environmental Quality Act (CEQA), the proposed ordinance meets the criteria of a General Exemption pursuant to Article III, Sections 15301 and 15305, Classes 1 and 5 of the CEQA Guidelines. This draft ordinance will involve "negligible or no expansion of the use existing at the time the exemption is granted," and will involve only administrative changes to case processing that do not change the physical aspects of small lot subdivisions or their environmental impacts.

The Department of City Planning has assigned the following number to the General Exemption analysis for this matter: No. ENV-2013-2451-CE.

If you concur, you may comply with CEQA by acknowledging the General Exemption prior to, or concurrently with, your action on the ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

Recommended Actions

If the City Council wishes to adopt this draft ordinance, it should:

1. Acknowledge General Exemption No. ENV-2013-2451-CE; and
2. Adopt the draft ordinance.

If you have any questions regarding this matter, please contact Deputy City Attorney Kenneth Fong at (213) 978-8235. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By   
DAVID MICHAELSON  
Chief Assistant City Attorney

DM/KTF:zra  
Transmittal