

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 18 - 0 0 4 2
FEB 0 8 2018

REPORT RE:

REVISED DRAFT ORDINANCE AMENDING SECTIONS 12.03, 12.09 A.3 AND 12.22 C.27 OF THE LOS ANGELES MUNICIPAL CODE TO IMPOSE GREATER SETBACK REQUIREMENTS AND OTHER RESTRICTIONS ON SMALL LOT SUBDIVISION PROJECTS AND TO ESTABLISH AN ADMINISTRATIVE CLEARANCE PROCESS FOR SMALL LOT SUBDIVISION PROJECTS

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. 16-1045

Honorable Members:

On December 5, 2017, this Office transmitted a draft ordinance, approved as to form and legality, amending Sections 12.03, 12.09 A.3 and 12.22 C.27 of the Los Angeles Municipal Code (LAMC) to require greater front and rear yard setbacks in small lot subdivision projects and to restrict small lot subdivisions from being developed in R2 zones. The draft ordinance also amended the LAMC to create a process for subdividing existing "bungalow court" projects and to establish design standards for small lot subdivision projects in order to allow the use of an administrative clearance process for those projects. (City Attorney Report No. R17-0422.)

At its meeting of January 23, 2018, the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council requested that this Office transmit a revised draft ordinance that includes language requested by the Planning Department

and the Department of Building and Safety to clarify the intent and effect of certain provisions. We have made the changes in the enclosed revised draft ordinance, approved as to form and legality.

The first revision amends Section 12.22.C 27(a)(2)(ii), to require participation in the design review process by the original developer of the small lot subdivision, as well as a future owner looking to make an alteration or addition to a small lot home.

The second revision is to Section 12.22 C 27(b), which the draft revised ordinance amends limits to the small lot conversion process to those structures that were constructed more than 45 years prior to the date a subdivision application is submitted to the City. This revision prevents the conversion of more recently constructed detached apartments or townhomes to small lots without going through the required design review process first.

California Environmental Quality Act (CEQA) Standard of Review

The revision to the draft Small Lot Subdivision Ordinance as described above does not alter the findings required by the California Environmental Quality Act, as discussed in City Attorney Report No. R17-0422.

Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's Transmittal Report, or make its own.

Council Rule 38 Referral

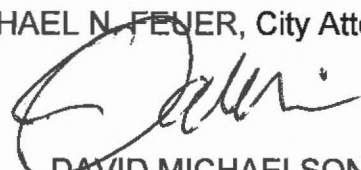
A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety. The department was requested to provide comments, if any, directly to the City Council or its Committee when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adrienne Khorasanee at (213) 978-8246. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:ASK:mgm
Transmittal