

ORDINANCE NO. _____

An ordinance amending Section 12.22 of Chapter 1 of the Los Angeles Municipal Code to implement the provisions of the state Starter Home Revitalization Act and to facilitate the development

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

Sec. 1 Section 12.03 of the Los Angeles Municipal Code amended to read as follows:

LOT. A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development, starter home project or ~~an approved~~ small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development.

Sec. 2 Subdivision 4 or Subsection A of 12.21 of the Los Angeles Municipal Code amended to read as follows:

(a) For Dwelling Units. (Amended by Ord. No. 176,354, Eff. 1/31/05.) In all zones, there shall be at least two automobile parking spaces on the same lot with each one-family dwelling thereon, and in any RW Zone there shall be at least two automobile parking spaces per dwelling unit which shall be upon the same lot with the dwelling unit. However, for small lot subdivisions or starter home projects approved pursuant to Article 7 of this Chapter in conformity with the provisions of Section 12.22 ~~C.27.~~ of this Code, the required parking spaces shall not be required to be located on the same lot with each dwelling unit, but shall be provided within the boundaries of the parcel or tract map.

Sec. 3. Subdivision 30 added to Subsection C of Section 12.22 of the Los Angeles Municipal Code to read as follows:

30. Starter Home Revitalization Act. The purpose of this subdivision is to implement the provisions of the Starter Home Revitalization Act as reflected in Government Code Sections 65852.28, 65913.4.5, 66499.40 and 66499.41 to facilitate the development of more affordable homeownership opportunities in Los Angeles, encourage preservation of existing trees and housing stock, and promote high quality design of Missing Middle housing.

(a) **Definitions.**

Bungalow Court means a type of Starter Home Project consisting of at least four dwelling units located arranged around a common pedestrian-accessible garden court amenity ~~two rows of at least two lots with dwelling units~~, with the primary entrances ~~of each unit abutting the garden court~~ oriented towards the a common pedestrian-accessible garden court amenity. ~~The garden court shall have a minimum depth of 40 percent of the Original Lot depth and a minimum width of 30 percent of the Original Lot width, except that on Original Lots less than 50 feet in width, the minimum width may be reduced to 12 feet, and in no case shall the required width exceed 20 feet. 15 feet by 35 feet, or 20 feet by 20 feet, and enclosed by buildings for at least 50% of its perimeter.~~ A rear building or buildings, including a parking structure, may enclose the court facing towards the street. Pedestrian walkways may be located within the garden court, and porches, porch or /entry roof structures, stoops, steps, patios and similar entry features may be located within project into the garden court, provided a minimum unobstructed width of 10 feet is maintained. Vehicular access may also be provided within the garden court by a driveway consisting of two paved wheel strips, each at least 33 inches feet in width, separated by a permeable strip at least 30 inches in width. Where this type of driveway is provided, a minimum 30 inch-wide landscaped area shall be maintained along each side of the driveway for at least 50 percent of its length. Porches, stoops, steps, entry walks, patios, and similar entry features may occupy the remaining area along the driveway.

Net Habitable Square Feet means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

Objective Standards is inclusive of the terms objective zoning standards, objective subdivision standards, and "objective design standards," and refers to standards that involve no personal or subjective judgment by a public official and are clear, measurable and uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Protected Project is a Starter Home Project that is developed with a density of up to 1,452 square feet of lot area per unit, or the maximum density allowed by the zone, whichever is greater.

Remainder Parcel means a type of parcel defined in Government Code Section 66424.6 and created by a Starter Home Project, that retains existing land uses or structures, does not contain any new residential units, ~~and~~ is not exclusively dedicated to serving the housing development project and is not divided for the

~~purpose of sale, lease, or financing. A Remainder Parcel may be improved and provide space used by the residents of the Starter Home Project or Starter Home Bonus Project. However, the Remainder Parcel may not be legally restricted or physically configured for the exclusive use, access, or benefit of the newly created parcels or their residents.~~

Starter Home Project means a subdivision pursuant to Government Code Section 66499.41 and its associated housing development.

Starter Home Bonus Project means a Starter Home Project that also meets the eligibility criteria of Paragraph (d) and is thereby qualified for incentives.

Vacant means a lot having no permanent structures at the time of application, unless the permanent structure is abandoned and uninhabitable. All of the types of housing described in Sub-subparagraph (ix) of Subparagraph (1) of Paragraph (c), shall not be considered as "Vacant".

(b) **Procedures**

- (1) **Ministerial Subdivision Review Process.** The parcel or tract map required for a A-Starter Home Project that meets the provisions of this subdivision shall be ministerially approved pursuant to Section 13B.7.10 of Chapter 1A of this Code (Ministerial Preliminary Parcel Map) for subdivisions resulting in four or fewer lots or Sec. 13B.7.9. (Ministerial Tentative Tract Map) for subdivisions resulting in five or more lots, consistent with Government Code Sections 65852.28 and 66499.41.
- (2) **Ministerial Administrative Review Process for Other Entitlements.** A Starter Home Project that meets the provisions of this subdivision, but may otherwise require a discretionary quasi-judicial review process pursuant to Section 13B.2 or that is located in a Specific Plan, Supplemental Use District, or other overlay, shall be ministerially approved concurrently with the tentative map-subdivision.
- (3) **Starter Home Bonus Project Compliance with Objective Design Standards for Small Lot HomesDesign Standards.** A Starter Home Bonus Project shall comply with the City Planning Commission's Small Lot Design Standards consistent with the procedures in Subparagraph (2) Paragraph (a) of Sec. 12.22. C.27 of Chapter 1 of this Code. This ministerial review shall be subject to the procedures outlined in Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code and be approved concurrently with the preliminary parcel map or tentative tract map.

- (4) **Other Discretionary Reviews.** No City agency shall require a discretionary permit process or public hearing for a Starter Home Project that otherwise complies with this subdivision. The City shall not exercise any subjective judgment in deciding whether and how to carry out or approve the project. This includes but is not limited to a haul route grading permit, street access permit, Conditional Use Permit, in-lieu tree removal, or a tree removal permit for a Starter Home Project.
- (5) **California Environmental Quality Act (CEQA).** In no instance shall a Starter Home Project consistent with this subdivision constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the California Public Resources Code.
- (6) **Public Hearing.** A Starter Home Project is not subject to a public hearing, even if otherwise required by this code.
- (7) **Time to Act.** A Starter Home Project must be approved or denied within 60 days from the date a completed application is received.
- (8) **Determinations.** If a completed application is not approved or denied within 60 days, the application shall be deemed approved. If the application is denied, the local agency shall, within 60 days from the date the completed application is received, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.
- (9) **Disapprovals.** A local agency may disapprove a subdivision or housing development project that meets the requirements of this section if it makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. [Disapprovals include conditions of approval related to standards that have the effect of physically precluding a Protected Project.](#)
- (10) **Building Permit.** The Department of Building and Safety shall issue a building permit for one or more residential units that are part of a housing development project on a lot that is subdivided pursuant to this subdivision [prior to recordation of the final map, provided the applicable map has been approved and](#) the criteria in Government Code Section 65913.4.5 and this subdivision are satisfied. This may include a requirement for a recorded covenant and agreement that states the building permit is issued on the condition that a

certificate of occupancy for the building will not be issued unless the final map has been recorded.

- (c) **Starter Home Subdivision Eligibility and Review Criteria.** The Advisory Agency shall ministerially review an application for a parcel map or a tentative and final map for a Starter Home Project. The [Advisory Agency Director](#) shall approve the application within sixty days following receipt of a completed application, consistent with Government Code Sections 66499.41 and 65852.28. An associated housing development may be reviewed concurrently or separately pursuant to Paragraph (d) below.

(1) **Existing Lot Eligibility (Prior to Subdivision)**

- (i) **Zoning and Vacancy.** The portion of the lot being subdivided is zoned for multifamily residential uses, or if zoned for single-family residential development, the lot is Vacant.
- (ii) **Maximum Lot Size.** The lot being subdivided is no larger than 65,340 square feet (one and one-half acres) unless it is zoned for multifamily residential uses, in which case it is no larger than 217,800 square feet (five acres).
- (iii) **Development of Adjacent Lots as Separate Starter Home Projects.** Adjacent lots may be subdivided as separate projects, including by the same applicant or property owner, provided that each project application is processed separately and evaluated individually for compliance with all applicable ~~eligibility~~ criteria. Vehicular access for two or three adjacent Starter Home Projects under the same ownership may be provided by a ~~single~~ common driveway easement, ~~or~~ private street or alley connected to the public right-of-way, including through ~~via~~ an adjacent Starter Home Project, provided that each project independently complies with any applicable automobile parking requirements. all applicable parcel(s), pre-subdivision, do not require vehicular parking spaces.
- (iv) **Surrounded by Qualified Urban Use.** The lot is substantially surrounded by residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses as defined by California Public Resources Code Section 21072. Substantially surrounded has the same meaning as defined in Public Resources Code Section 21159.25(a)(2).
- (v) **Prior Establishment of Lot.** The lot was not established pursuant to this paragraph, or an urban lot split pursuant to California Government Code Section 66411.7.

- (vi) **Merger and Resubdivision.** Pursuant to Section 11.3.6 of Chapter 1A, the merger and resubdivision of lots may be proposed as part of the same Starter Home Project application.
- (vii) **Sensitive Excluded Sites.** The lot is not located on a site specified for exclusion in Government Code Section 66499.41(a)(9), as summarized below:
 - a. Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a voter-approved ballot measure;
 - b. Wetlands, as defined by the United States Fish and Wildlife Service;
 - c. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan;
 - d. Habitat for protected species;
 - e. Land subject to a conservation easement
 - f. Within a very high fire hazard severity zone.
- (viii) **Sensitive Sites Requiring Certain Criteria Be Met.** Starter Home Projects are only permitted on the following sites identified in Government Code Section 66499.41(a)(9) if the applicable criteria is met:
 - a. A hazardous waste site listed pursuant to Government Code Section 65962.5, unless the site meets the applicable qualifying criteria in Subparagraph (D) of Paragraph (9);
 - b. An earthquake fault zone, unless the development complies with applicable seismic building code standards in Subparagraph (E) of Paragraph (9);
 - c. A special flood hazard regulatory floodway, unless the development meets the applicable qualifying criteria in Subparagraph (F) of Paragraph (9);
 - d. A regulatory floodway as determined by FEMA, unless the development has received a no-rise certification per Subparagraph (G) of Paragraph (9).
- (ix) **Demolition or Alterations of Existing Units.** As demonstrated by a signed statement under penalty of perjury, the Starter Home Project does not require the demolition or alteration of any of the following:
 - a. A dwelling unit that is subject to affordable housing covenants; any form of rent or sales price control imposed by the City's Rent

Stabilization Ordinance; or income restrictions under City, State, or Federal law.

- b. A dwelling unit occupied by tenants within 5 years preceding the date of application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.
- c. A dwelling unit on parcel where an Ellis Act withdrawal of units has occurred within 15 years of the project application.

(x) **Protected Tree Replacement or Relocation.** Starter Home Projects proposing the removal or relocation of protected trees or shrubs identified in Section 46.01 of Chapter 1 of this Code shall include a request for such action with the project application. The request shall include a Plot Plan prepared by a Tree Expert, as defined in Section 17.02 of Chapter 1 of this Code, identifying each protected tree or shrub proposed for relocation, or removal and the location of any proposed relocated or replacement trees or shrubs.

- a. The Advisory Agency, in consultation with the City's Chief Forester, shall review any proposed removal or relocation concurrently with the Starter Home Project pursuant to the applicable objective provisions of Subsection (R) of Section 17.05 of Chapter 1 of this Code. Where retention of a protected tree or shrub would physically preclude a Protected Project, such physical preclusion shall constitute prevention of the reasonable development of the property for purposes of Subparagraph (i) of Paragraph (b) of Subdivision (1) of Subsection (R) of Section 17.05 of this Code.
- b. As part of any approval, the relocation or replacement of a protected tree or shrub may occur anywhere within the boundaries of the project site, including on one or more newly created parcels or a Remainder Parcel.

(2) **Resultant Lot Review Criteria (Post Subdivision)**

- (i) **Maximum Number of Parcels and Units.** The proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot or lots proposed to be subdivided must contain 10 or fewer residential units, not inclusive of units located on a Remainder ~~Parcel or Junior Accessory Dwelling Units (JADUs).~~
- (ii) **Minimum Size of Newly Created Parcels.** Any newly created parcels shall be at least 600 square feet on lots that allow multifamily residential

uses, or 1,200 square feet on A, RA, RE, RS, R1, RU, RZ, and RW1 zoned lots that are limited to single-family residential uses.

- (iii) **Type of Units Created.** The housing units on the lot proposed to be subdivided are one of the following:
- Constructed on fee simple ownership lots or parcels;
 - Part of a condominium or other common interest development;
 - Part of a housing cooperative, as defined in Civil Code Section 817;
 - Owned by a community land trust meeting the requirements of Government Code Section 66499.41;
 - Part of a tenancy in common, as defined in Civil Code Section 685.
- (iv) **Maximum Density and Use.** A Starter Home Project may contain up to 10 dwelling units and 10 parcels, subject to the limitations of this subsection.

For a fee simple Starter Home Project, the minimum ~~maximum~~ number of ~~allowable~~ dwelling units shall be determined by the number of parcels authorized pursuant to this Subparagraph. Additional dwelling units may be permitted based on the density (minimum lot area per unit) allowed by the zoning as applied to each resultant lot, and any additional dwelling units otherwise permitted by the applicable zone.

For a common interest development, housing cooperative, or tenancy in common project, the maximum number of dwelling units shall be the greater of:

- ~~The~~ the maximum density otherwise permitted by the applicable zone; or
 - 30 dwelling units per acre.
- (v) **Minimum Density Requirements for Housing Element Sites.** If the pre-subdivided parcel is identified as a Housing Element Site in the City's currently adopted and compliant Housing Element, the development shall result in at least as many units as projected for that parcel in the Housing Element, including at least as many low- or very low income units, if applicable. These units shall be subject to a recorded affordability restriction of 45, 55 or 99 years as specified in Section 16.61 A of Chapter 1 of this Code. This requirement does not apply to sites that were projected for moderate income units in the City's currently adopted and compliant Housing Element or were rezoned to meet a shortfall of housing need pursuant Government Code Section 65583.2

- (vi) **Minimum Density Requirements for Non Housing Element Sites.** If the parcel was not identified in the Housing Element for the current planning period that is in substantial compliance state law, the Starter Home Project will result in the greater of the following:
- a. At least 66 percent of the maximum allowable residential density as specified by local zoning, or
 - b. 66 percent of the applicable residential density specified in Government Code Section 65583.2(c)(3)(B), including cases when zoning does not specify a maximum allowable residential density.
 - c. The area of any designated Remainder Parcel shall be excluded from the calculation of residential density.
 - d. ADUs or JADUs may not be counted towards meeting the minimum unit or density requirements of this Sub-subparagraph.
- (vii) **Maximum Average Floorspace of Units.** The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet.
- (viii) **Affordability Requirements.** The housing development project on the lot proposed to be subdivided complies with any inclusionary zoning requirements required by any zoning ordinance, including the Affordable Housing Linkage Fee.
- (ix) **Utilities.** The parcels created pursuant to this subdivision must be served by a public water system and a municipal sewer system.
- (x) **Unit Separation.** The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.
- (xi) **Prohibition on Sale, Lease or Finance.** No person shall sell, lease, or finance any parcel or parcels of real property resulting from a Starter Home Project ~~subdivision under this section~~ separately from any other such parcel or parcels, unless each parcel that is sold, leased, or financed meets one of the following criteria:
- a. The parcel contains a residential structure completed in compliance with all applicable provisions of the California Building Standards Code that includes at least one dwelling unit.
 - b. The parcel already contains an existing legally permitted residential structure.
 - c. The parcel is reserved for internal circulation, open space, or common area.

- d. The parcel is the only remaining parcel within the subdivision that is not developed with a residential structure that was completed in compliance with all applicable provisions of the California Building Standards Code.
- e. The parcel is ~~For purposes of this Sub-subparagraph, "parcel or parcels of real property resulting from a subdivision under this section" shall not include any~~ designated Remainder Parcel.

(xii) **Remainder Parcel.** Starter Home Projects may be proposed concurrently with one contiguous Remainder Parcel that retains existing land uses or structures, does not contain any new residential units, and is not exclusively dedicated to serving the Starter Home Project. The Remainder Parcel is not a part of the Starter Home Project but must be shown on the applicable maps. A Remainder Parcel proposed concurrently with a Starter Home Project is also subject to the following:

- a. A Remainder Parcel and any existing lawfully permitted use, building, structure, or improvement thereon may be made nonconforming with current zoning ordinances as the result of a Starter Home Project, but any subsequent redevelopment of a Remainder Parcel following recordation of the final map shall be subject to then-applicable zoning and building regulations, including applicable provisions governing nonconformities . Notwithstanding the previous sentence, a building or structure located on a Remainder Parcel may be maintained, repaired, or structurally altered in accordance with Section 12.23 of Chapter 1 and Article 12 (Nonconformities) of Chapter 1A of this Code.
- b. A Remainder Parcel may provide space utilized by residents of the Starter Home Project, but shall not be legally restricted or otherwise be exclusively dedicated to serving the project. Land used as existing yard or open space may constitute a retained land use and may be landscaped, improved or reconfigured provided it retains the use. Ongoing maintenance of a landscaped Remainder Parcel may be included in the recorded maintenance agreement.

(3) **Objective Subdivision, Zoning, and Design Standards.** The Starter Home Project shall comply with all objective zoning standards, objective subdivision standards, and objective design standards applicable to the parcel, including in Paragraphs (c) and (d) of this Subdivision, consistent with Government Code Sections 65852.28 and 66499.41.

Notwithstanding Subparagraph (3) above, a local agency shall not impose any objective standard that does or is any of the following:

- (i) **Subdivision Map Act Standards.** A Subdivision Map Act standard commencing with California Government Code Section 66410 and Division of Land standards in Article 7 of this code that is expressly referenced in this subparagraph and Government Code Section 66499.41.
- (ii) **Lot Size Requirements.** A requirement on size, depth, or dimensions of an individual parcel beyond the minimum parcel size specified in Sub-subparagraph (ii) of Subparagraph (2) of Paragraph (c).
- (iii) **Lot Frontage and Access Strip.** A minimum requirement on the lot frontage for an individual parcel, ~~including those in the “Lot” definition in Section 12.03 of Chapter 1 of this Code,~~ that require a lot to front, for any distance, upon a street or private street, as well as ~~any the~~ associated lot access-strip or flag portion of a flag lot.
- (iv) **Lot Access.** Any requirement to provide lot access in excess of the following: Each proposed Starter Home Project parcel shall have access from a public or private street, an alley, or through an access easement. Where automobile parking is provided, parking may be located pursuant to Section 12.21 A.4(a). Notwithstanding Section 12.21 A.4(h), access serving more than one lot through a shared internal driveway to a street or alley may be provided through a Common Access Driveway easement located on one or more parcels within the Starter Home Project. Where a parcel does not contain automobile parking, nor direct access from a public or private street or alley, the required access may be provided through a Common Access Pedestrian Pathway easement as provided in the Small Lot Map Standards.
- (v) **Driveway Width Lot Access for Fee Simple Starter Home Projects.** Require driveway width access as described in pursuant to Paragraph (h) of Subdivision (54) of Subsection (A) of Section 12.21 of Chapter 1 in excess of 8 feet of this Code for a project on an existing lot that is 50 feet or less in width or where the driveway serves no more than 10 automobile parking spaces. for fee simple Starter Home Projects that meet the applicable lot access requirements in the Small Lot Map Standards, including a common access pedestrian easement and a driveway access easement when automobile parking is provided.
- (vi) **Compact Stalls.** In each parking area or garage devoted to required parking for no more than one residential unit and an ADU or JADU, all

parking stalls may be designed as compact parking stalls, including any applicable electric vehicle parking requirements.

- (vii) **Vehicle Backup Distances.** Parking spaces serving Starter Home Projects shall comply with the minimum stall dimensions as set forth in 12.21 A.5(a) and minimum required vehicle back-up distance adjacent to the stalls set forth in the table below, subject to any required fire and life safety access requirements.

	<u>Stall Width</u>	<u>90° Parking</u>	<u>75° Parking</u>	<u>60° Parking</u>	<u>45° Parking</u>
1	<u>7'-6" ft (Compact)</u>	<u>24'</u>	<u>22'</u>	<u>19'</u>	<u>15'</u>
2	<u>8'-6"ft (Standard)</u>	<u>22'</u>	<u>20'</u>	<u>17'</u>	<u>14'</u>
3	<u>9'-0"ft or Larger (Large)</u>	<u>20'</u>	<u>18'</u>	<u>15'</u>	<u>12'</u>

~~**Automobile Parking Location.** Any requirement that prohibits shared parking arrangements for Starter Home Projects, including but not limited to, Paragraph (g) of Subdivision (4) of Subsection (A) of Section 12.21 of Chapter 1 of this Code. All automobile parking spaces must still be located within a 750-foot walking distance of the use it is to serve.~~

- (viii) **Homeowners Associations and Maintenance Agreements.** The formation of a homeowners' association, except as required by the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code). This provision does not prohibit the Advisory Agency from requiring a mechanism to maintain common areas and shared facilities. This may include, but is not limited to a maintenance agreement among all property owners to maintain shared infrastructure, landscaping, parking areas, and community driveways.

- (d) **Starter Home Housing Development Project Review Criteria.** The Advisory Agency shall ministerially review an application for a Starter Home Project on a lot that is subdivided pursuant to Paragraph (c) and Government Code Section 66499.41. Applications shall be approved if the applicable criteria in Government Code Section 65852.28 and Paragraph (c) is satisfied. This review may take place concurrently or following approval of the preliminary parcel or tentative tract map.

- (1) **Applicable Standards.** The proposed Starter Home Project shall comply with all objective zoning standards, objective subdivision standards, and objective design standards that are related to the housing development or to the design or improvement of a parcel, including those in Paragraphs (c) and (d) of this

Subdivision, consistent with Government Code Sections 65852.28 and 66499.41

Notwithstanding Subparagraph (1) above, a local agency shall not impose a standard that does or is any of the following:

- (i) **Standards that Physically Preclude a Protected Project.** A standard that physically precludes the construction of a Protected Project, at the minimum floor area ratio standards in Government Code Section 65852.28(b)(2)(G), except that the applicable building height limits in single-family zones may be imposed.

Applicants may make a written request in their application to waive or modify a local standard(s), to the minimum extent required, by identifying the standard and demonstrating how its application would physically preclude the housing development. If waiver or modification requests are denied or subsequently modified, the City shall provide an explanation in writing detailing why application of the development standard did not physically preclude the project as proposed. Density calculations that yield a fractional number shall be rounded down to the next whole number.

- (ii) **Standards that are Applicable Because the Project is a Starter Home Project.** A standard that applies solely or partially on the basis that the subdivision or housing development is a Starter Home Project.
- (iii) **Setbacks Between Units.** A yard, setback, [encroachment plane](#) or any building separation requirement between the [proposed](#) units, except as provided in the California Building Code.
- (iv) **Setbacks From the Original Lot Line.** A rear and side yard setback requirement from the original lot line more than four feet, or any setback for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure. [A plane break or side wall offset cannot be required if it would result in a setback of more than 4 feet from the original side lot lines.](#)
- (v) **Passageway and Spaces Between Buildings.** Requirements for passageways or spaces between buildings from Subdivision (2) of Subsection (C) of Section 12.21 of Chapter 1 of this Code shall not be imposed.
- (vi) **Automobile Parking.** A requirement for more than one offstreet automobile parking space per unit, or requirement to cover or uncover

the parking spaces. If the parcel is located within [one block of a car share vehicle](#), one-half mile of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3, then no automobile parking spaces may be required.

- (vii) **Minimum Floor Area Ratio Standards.** A Floor Area or Residential Floor Area ratio of less than 1.0:1 [on a resultant lot](#) for a Starter Home Project consisting of three to seven units and less than 1.25:1 for a Starter Home Project consisting of eight to ten units, not inclusive of ~~ADUs or~~ any units located on a Remainder Parcel.
 - (viii) **Multifamily Use.** [Any](#) multifamily use limitation for Starter Home Projects developed as a common interest development (condominium), tenancy in common, housing cooperative, or community land trust.
 - (ix) **Certain Hillside Regulations.** Paragraphs (a), (b), and (f) of Subdivision (17) of Subsection (A) of Section 12.21 of Chapter 1 of this Code.
 - (x) **R1 Variation Zone.** [In addition to the residential floor area ratio and encroachment plane standards described in sub-subparagraphs \(iii\) and \(vii\) above, the maximum lot coverage limitations. The building envelope, height envelope, lot coverage and encroachment plane standards applicable in R1 Variation Zones for each individual structure or resulting subdivision lot. Encroachment plane standards may be applied along the original front and side yard lot lines. provided they are applied to the combined building massing of the development.](#)
 - (xi) **Floor Areas beneath Projections.** A standard of measurement that would count the following types of unenclosed non-habitable spaces toward the maximum permitted Floor Area or Residential Floor Area: Spaces located beneath portions of a building that project, cantilever, or extend above grade-level open areas, driveways, pathways, parking areas, courts, crawlspaces, basements, or other non-habitable space.
- (e) **Starter Home Community Benefits.** If an applicant proposes any of the following community benefits, they are eligible for the corresponding development incentives to be ministerially approved as part of a Starter Home Project. [Allowable increases in floor area ratio shall be considered part of a Protected Project's allowable floor area ratio standards described in Sub-subparagraph \(i\) of Subparagraph \(1\) of Paragraph \(d\) above.](#) Additional Incentives shall be available through the Starter Home Bonus Program in Paragraph (f).

- (1) **Preservation of Trees.** As an incentive for maintaining at least one Significant Tree¹, a Starter Home Project may receive both of the following provided it complies with the requirements in this subparagraph:

- (i) A floor area ratio increase of 0.1:1, or if shown to be greater, the amount of otherwise buildable floor area located within the required to be reserved as part of the tree protection zone or zone(s) identified in the tree protection plan described required below, ~~This calculation shall be multiplied by 2.5. the number of stories proposed for the affected portions of the project.~~
- (ii) A waiver of encroachment plane and building height increase of no more than that permitted by Sub-subparagraph (ii) of Subparagraph (3) of Paragraph (f) below when required to accommodate the increase of a Protected Project's allowable floor area ratio standards.
- ~~(iii) A 20% reduction in any otherwise required front, side, or rear yard setback from the original lot lines.~~

The health and status of the Significant Tree shall be verified by a Tree Report prepared by a certified arborist or a Tree Survey prepared by a Tree Expert or Landscape Practitioner. To satisfy the Tree Preservation requirement, the project must include and adhere to a tree protection plan during demolition, grading and construction with measures to protect the critical root zone and the tree protection zone for every Significant Tree to be preserved.

A covenant shall be filed with City Planning that requires the tree to be protected with measures in the Tree Protection Plan during any construction or subsequent landscaping activities, and retained and maintained in good health for at least 15 years unless a certified arborist attests/certifies that the tree is dangerous to the public.

- (2) **Preservation of Surveyed Historic Resources.** When a Starter Home Project involves the retention or rehabilitation of a Surveyed Historic Resource, including as part of a Remainder Parcel, the applicant shall be granted the following incentives:

- (i) An additional floor area ratio of 0.5 :1. which can be averaged across the contiguous ~~the~~ newly created parcels.
- (ii) An increase of density in lots and/or units equivalent to the number of lots and/or units that would apply to a Protected Project if the resource were not preserved, as demonstrated by the applicant.

¹ Significant Tree is defined in the Landscape and Site Design Ordinance (Council File 24-1399), recently adopted by the City Council. A Significant Tree is any tree with a trunk that measures 12 inches or more in diameter at 4 1/2 feet above the average natural grade at the base of the tree or is more than 35 feet in height.

~~A request that the Advisory Agency waive or modify development standards or accept alternative solutions to assist in the preservation of these structures, including additional height when otherwise not permitted, if such action is necessary to accommodate such preservation.~~

- (iii) An encroachment plane and building height increase of no more than that permitted by Sub-subparagraph (ii) of Subparagraph (3) of Paragraph (f) below when required to accommodate the Protected Project's allowable floor area ratio standards.
- (iv) Eligibility to use the California Historical Building Code if any alteration or rehabilitation involving a Surveyed Historic Resource complies with the Secretary of Interior Standards for Rehabilitation.

Prior to the issuance of a building permit, any proposed alteration of a Surveyed Historic Resource shall be reviewed by the Office of Historic Resources to ensure compliance with the Secretary of the Interior's Standards for Rehabilitation; retention without alteration does not require this review. In altering or rehabilitating the Surveyed Historic Resource, ~~the Project must not remove no~~ character-defining features on the primary facade may be removed unless they are replaced in-kind. Starter Home Projects utilizing this incentive shall also be subject to the Office of Historic Resources procedures established by 12.22 A.26.(f)(2)(ii).

As a condition of receiving the benefit, prior to issuance of a building permit the owner shall record a covenant and agreement, in a form approved by the Department, requiring retention of the Surveyed Historic Resource for a period of fifteen years following issuance of the Certificate of Occupancy for the Starter Home Project. During this period, demolition of the Surveyed Historic Resource shall be prohibited and exterior alterations affecting character-defining features shall conform to the Secretary of the Interior's Standards for Rehabilitation, as determined by Los Angeles City Planning.

- (3) **Automobile Parking Below Grade.** Projects in which at least 75 percent of the provided automobile parking spaces are located within a parking structure below finished grade shall be eligible for the following incentives.

~~The subsurface parking structure may extend up to six feet above finished grade, measured from adjacent finished grade to the top of the parking structure slab.~~

- (i) The subsurface parking structure may encroach a maximum of 3 feet past the original front lot line.
- (ii) The maximum Floor Area Ratio for each lot may be increased to 1.5:1.

- (iii) Required parking spaces located within a subterranean parking structure may be located on any parcel within the subdivision, provided that permanent access to and use of the required parking spaces is secured by recorded easements, covenants, or similar instruments.
 - (iv) A shared subterranean parking garage may extend beneath multiple resultant lots and across resulting lot lines. The garage may be located within portions of the respective fee-simple lots or within a separate subterranean airspace parcel, provided that all necessary access, use, and maintenance rights and obligations are established by recorded easements, covenants, or other legally sufficient instruments.
- (4) **Bungalow Courts ~~and Gardens~~.** A bungalow court as defined in this subdivision may be permitted along with the incentives listed below.
- (i) Reduction of perimeter four feet side and rear setbacks by up to 25%, or 50% if the building height receiving relief from the setback is less than 22 feet in height.
 - (ii) Reduction of front setbacks by up to 50%, but not less than 10 feet if the building height receiving relief from the setback is less than 22 feet in height.
 - (iii) Reduction of any required parking by 50%.
 - (iv) A Bungalow Court may be developed and permitted to share access in accordance with Sub-Subparagraph (iii) of Subparagraph (1) of Paragraph (c) of this Subdivision.
 - (v) Exemption from any requirement for a front entrance facing the street or frontage requirements.
 - (vi) Exemption from any requirement limiting the maximum number of driveways if no more than two access lanes are being provided within a distance of 75 feet.
 - (vii) A minimum 3' foot pedestrian pathway allowance within the court area when also serving as pedestrian access.
 - (viii) Allowance for a garage of less than 12 feet in height located on a through lot within a secondary front yard if the garage is providing vehicular access to a road with the same or a lower capacity roadway designation in the Mobility Element.

- (f) **Starter Home Bonus Program.** A [fee-simple](#) Starter Home Project may choose to qualify for additional incentives through the Starter Home Bonus Program in this paragraph. The Starter Home Bonus Program provides allowances to increase the creation of more homes and homeownership opportunities if meeting additional program eligibility requirements.
- (1) **Program Eligibility.** Starter Home Bonus Projects utilizing the Starter Home Bonus Program shall be eligible [for the Subdivision and Housing Development incentives below](#) if [also](#) compliant with the following provisions~~the Subdivision and Housing Development incentives below~~:
- (i) **Concurrent Applications.** Starter Home Bonus Projects must propose the subdivision and housing development project concurrently.
 - (ii) **Small Lot Map and Design Standards.** Starter Home Bonus Projects must comply with all applicable requirements of the Advisory Agency Small Lot Map Standards and the City Planning Commission's Small Lot Design Standards, consistent with Subparagraphs (1) and (2) of Paragraph (a) of Subdivision (27) of Subsection (A) of Section 12.22 of Chapter 1 of this Code.
 - (iii) **Historic Resources.** The [Starter Home Project subdivision or housing development project is not located in a historic preservation overlay zone or does not](#) require the demolition of a Designated Historic Resource, and is not located on a lot where a Designated Historic Resource was demolished after [December 31, 2022](#).
- (2) **Subdivision Incentives.** Notwithstanding Subsection (c) above, Starter Home Bonus subdivisions are eligible for [the following](#) additional incentives based on compliance with the following provisions:
- (i) **Accessory Dwelling Units and Junior Accessory Dwelling Units.** The minimum number of units (ten) permitted by Sub-subparagraph (i) of Subparagraph (2) of Paragraph (c) above do not apply to the allowance of Accessory Dwelling Units (ADUs) or Junior ADU (JADU) as follows:
 - a. In fee simple Starter Home Bonus Projects, one attached ADU or JADU will be allowed on each parcel created pursuant to this Subdivision.
 - b. All other provisions of the City's ADU Ordinance and State ADU law will apply.

- (ii) **Minimum Size of Newly Created Parcels.** Individual lot sizes may be reduced by 25 percent to 450 square feet on lots that allow multifamily residential uses or 900 square feet on A, RA, RE, RS, R1, RU, RZ, or RW1 zoned lots. Starter Home Bonus Projects utilizing this incentive are limited to an average total floorspace of 1,300 net habitable square feet .
- (iii) **Maximum Number of Parcels and Units (Density).** The maximum number of units and/or parcels permitted in Sub-subparagraph (ii) of Subparagraph (2) of Paragraph (c) may be exceeded by 20%. Starter Home Bonus Projects utilizing this incentive are limited to an average total floorspace of 1,300 net habitable square feet. The number of units may be rounded up to the nearest whole number if a fraction.
- (iv) **Minimum Unit and Density Requirements.** Starter Home Bonus Projects shall be subject to the following minimum unit and density requirements:
 - a. On sites not identified in the Housing Element, the Minimum Density requirement shall not apply provided that number of units isare greater than what would have otherwise been permitted by local zoning and the average total area of floorspace for each of the proposed dwelling units on the lot proposed to be subdivided, excluding ADUs, JADUs or any units on Remainder Parcels, does not exceed 1,750 net habitable square feet.
 - b. On sites identified in the Housing Element, Low- or Very Low Income units shall be required when the number of Low- or Very Low Income units projected in the housing element, when rounded to the nearest whole number, is at least one unit. These units shall be subject to a recorded affordability restriction pursuant of either 45 years or consistent with the equity sharing provisions of Government Code Section 65915(c)(3).
 - c. On all sites, ADUs and JADUs may count towards minimum density requirements.

(3) **Housing Development Incentives**

- (i) **Standards that Physically Preclude Protected Projects.** The waiver of standards allowance provided for in Sub-subparagraph (i) of subparagraph (12) of paragraph (de) shall be applied by rounding the 30 units per acre figure up instead of down.
- (ii) **Building Height and Encroachment Plane.**

- a. An allowance for an additional building height of four feet may be permitted.
 - b. Additional building height beyond four feet of up to 2 feet where the roof pitch is greater than or equal to 45% or greater.
 - c. Notwithstanding LAMC 12.08 C5, the encroachment plane from the front and side setbacks in the R1 zone may originate from a height of 24 feet.
- (iii) **Automobile Parking Reduction.** Notwithstanding Sub-subparagraph (vi) of Subparagraph (1) of Paragraph (d), a fifty percent reduction in any required parking spaces.
- (iv) **Floor Area Ratio.** Notwithstanding Sub-subparagraph (vii) of Subparagraph (1) of Paragraph (d) above:
 - a. Minimum allowable Floor Area Ratio may not exceed 1.25:1 or the Floor Area Ratio allowed by the parcel's underlying zone, whichever is larger, and
 - b. For projects that provide a shared automobile parking location or a common open space easement, floor area may be averaged across the subdivision.
- (v) **Setbacks From the Original Front Lot Line.** The applicable front setback from the original front lot line may be reduced to any of the following:
 - a. **Street Fronting Proposed Lots.** When the proposed lots will front a public street, they may follow the setbacks in Sub-subparagraph (vi) below.
 - b. **Frontage Height Incentive.** A 15 foot setback is permitted for a dwelling provided it is less than 25 feet in height, except any portion of a dwelling beyond the front setback for the original lot may exceed this limit.
 - c. **Front Yard Average of Adjacent Buildings.** A front yard reduction limited to no more than the average depth of the front yards of the adjacent buildings along the same street frontage. Or, if a site is a corner lot, adjacent to a vacant lot, or only has one adjacent building, the front yard setback may align with the facade of an adjacent building along the same front lot line.

- d. **Alignment with Existing Development Pattern.** In cases where the prevailing setback includes structures with variable setbacks, the front setback may be in line with the shallowest residential building from the frontage provided the building height is 25 feet or less.
 - e. **Large / Corner Projects.** If a project occupies more than half the lots on an entire street frontage, or when the original lot(s) front a public street for at least 120 feet and includes a corner property, a reduction to the front yard depth is permitted to a dimension equal to a corresponding increase in the original rear yard [zoning](#) depth; but no less than 10 feet.
- (vi) **Front Setbacks for Proposed Lots When Fronting the Street.** When front yards front public streets, a reduced front yard may be applied in the following cases:
- a. **Reverse Corner Lots.** In cases where the lot is a reverse corner lot, and the newly created lots front upon a different street from the original lot, the front setback may be reduced to five feet or in line with the façade of the adjoining building along the same front lot line, whichever is less.
 - b. **Corner Lot Two Lot Development.** Where a project is developed on two or more consolidated lots, including at least one corner lot, the front setback may be reduced to not less than 10 feet, provided any building located within the reduced setback area does not exceed 25 feet in height.
 - c. **Front Yard Average.** In cases when the average of the front yards of the adjacent buildings along the same street frontage is less than otherwise required. Or, if a site is a corner lot, adjacent to a vacant lot, or only has one adjacent building, the front yard setback may align with the facade of an adjacent building along the same front lot line.
 - d. **Boulevard and Avenue Frontages.** In cases where the lot is located on a Boulevard or Avenue as defined in the Mobility Plan, the front setback may be 10 feet.
- (g) **Interpretations Consistent with the State Law.** This subdivision is intended to be interpreted as consistent with State Law contained in California Government Code Sections 65852.28, 65914.4.5, and 66499.41. If at any time, this Subdivision

becomes inconsistent, as Determined by the Director of Planning, the provisions of State Law shall apply.

- (h) **Relationship to Other Sections of the Los Angeles Municipal Code.** If anything in this subdivision differs with those of any otherwise applicable Specific Plan, supplemental use district, “Q” condition, “D” limitation, or citywide regulation established in Chapter 1 of this Code, this subdivision shall prevail. Furthermore, to the extent permitted by law, a Starter Home Project approved pursuant to this subdivision shall not require any discretionary procedures under any Specific Plan, Supplemental Use District, or other overlay. In addition, a Starter Home Project may utilize any density bonus, incentive, concession, waiver or reduction of development standards, parking ratio, or other development entitlement available pursuant to Government Code Section 65915 or other applicable state or local affordable housing incentive law, provided that the resulting project continues to satisfy all eligibility requirements of Government Code Sections 65852.28, 65913.4.5, and 66499.41, including the maximum number of principal dwelling units permitted for a Starter Home Project. Nothing in this paragraph shall authorize an incentive, concession, waiver, or other modification of a requirement imposed directly by state law.
- (i) **Severability.** If any provision of this subdivision is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Subdivision which can be implemented without the invalidated provisions, and to this end, the invalid provisions of this Subdivision are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

Sec. 3. Section 64.11.1 of the Los Angeles Municipal Code is amended to read as follows:

Exception 2: On a case by case review, the City Engineer shall have the authority and discretion to grant an exception to the above requirement in the case of a new Small Lot Subdivision, Starter Home Project or Urban Lot Split as defined in Sections 12.03, 12.09, 12.12.1, 12.21 and Section 12.22 of this Code, or a fee simple ownership project approved pursuant to Government Code Sections 66499.41 and 65852.28 after July 1, 2024. The City Engineer may allow a new individual house connection sewer to serve more than one lot or parcel subject to the following conditions:

- a. The size of the new shared house connection sewer for the Small Lot Subdivision, Starter Home Project, or fee simple ownership project as noted in Exception 2, shall be determined by the Bureau of Engineering and be included in the approved conditions for the subdivision.

- b. A sewer maintenance hole shall be required on the mainline sewer in the street adjacent to the small lot subdivision property, if the size of the house connection will not permit a standard “wye” connection to the City’s main line sewer.
- c. A Homeowners Association Agreement or Maintenance Agreement for all subdivided lots or parcels in the Small Lot Subdivision, Starter Home Project, or fee simple ownership project as noted in Exception 2, that are connected to the shared sewer house connection shall be created and run with each lot or parcel in perpetuity. This Agreement shall: include common shared maintenance responsibility for the shared house connection sewer among all lots or parcels served by the shared sewer house connection; bind all the property owners and successors in interest of the subject lots or parcels to the agreement; indemnify and hold harmless the City of Los Angeles for granting the owners of the multiple lots or parcels the right to construct and/or connect to the shared house connection sewer; and the Agreement shall be filed with the Los Angeles County Recorder and be binding on all lots or parcels connected to the shared house connection sewer.

DRAFT