

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

An ordinance amending Sections 12.22 of Chapter 1 of the Los Angeles Municipal Code (LAMC) in order to provide for the review of Two Unit Developments consistent with California Government Code Sections 65852.21, as amended from time to time.

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

**Sec. 1.** A new Subdivision 30 shall be added to Subsection A of Section 12.22 of the LAMC to read as follows:

**30. Two-Unit Developments**

- (a) **Purpose.** The purpose of this subdivision is to provide for the ministerial review and approval of qualifying Two-Unit Developments pursuant to California Government Code Section 65852.21, as amended from time to time.
- (b) **Definitions.** For purposes of this section, all of the following apply:
  - (1) "Two Unit Developments" include projects that propose one or two dwelling units that result in no more than two dwelling units on a lot, not including any allowable Accessory Dwelling Units or Junior Accessory Dwelling Units pursuant to Subdivision (27) of Subsection (A) of Section 12.22 of Chapter 1 of this Code.
  - (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (c) **Qualification and Eligibility Criteria.** Two-Unit Developments shall be permitted in the A, RA, RE, RS, R1, RU, RZ and RW1 zones.
  - (1) A Two-Unit Development shall be considered ministerially pursuant to the procedures if the proposed housing development or lot split meets all of the following requirements:
    - (i) The parcel subject to the proposed housing development or lot split satisfies the requirements of California Government Code Section 65913.4(a)(6)(B) through (K) .
    - (ii) Notwithstanding any provision of Cal. Gov. Code Sections 65852.21 and 66411.7 or any local law, the proposed housing development or lot split would not require demolition or alteration of any of the following types of housing:

- a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - b) Housing that is subject to the Rent Stabilization Ordinance or any form of rent or price control through a public entity's valid exercise of its police power.
  - c) Housing that has been occupied by a tenant in the last three years.
- (iii) The parcel subject to the proposed housing development or lot split is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
  - (iv) The parcel subject to the proposed housing development or lot split is not located on a site with a contributing structure within a Historic Preservation Overlay Zone or a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, nor a parcel individually listed as a Historic Cultural Monument or a historical resource included in the State Historic Resources Inventory.
- (d) **Development Standards.** The following development standards apply to all Two-Unit Developments.

**(1) Objective and Minimum Development Standards.**

- (i) The city may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with Cal. Gov. Code Sections 65852.21 and 66411.7. The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are 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.
- (ii) Notwithstanding Sub-subparagraph (i) above, the city shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units on a parcel or that would physically preclude either of the two units from being at least 800 square feet in floor area, or

together equaling no more than 1,600 square feet. 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 built to the prior square footage. 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 units as proposed at their protected sizes.

**(2) Setbacks**

- (i) No yard, setback or building line shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- (ii) A yard, setback or building line of no more than four feet from the side and rear lot lines shall be required for each new dwelling unit and their associated parking structure developed as part of a Two-Unit Development.

**(3) Parking.** One covered or uncovered off-street parking space is required for each new unit developed as part of a Two-Unit Development, except that no parking is required for each new unit developed as part of a Two-Unit Development that is located within one-half mile of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or located within one block of a designated pick-up and drop-off location of a car share vehicle.

**(4) 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.

**(5) Short Term Occupancy.** The rental of any unit created pursuant to Cal. Gov. Code Sections 65852.21 shall be for a term longer than 30 days.

**(6) Wastewater Management.** For residential units connected to an onsite wastewater treatment system, a percolation test shall be completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

**(7) Community Benefits.** The following public benefit incentives may be ministerially approved by the Director of Planning as part of a Two Unit Development.

- (i) **Preservation of Trees.** As an incentive for maintaining at least one Significant Tree not located wholly in a yard or setback area, a Two Unit Development may select one of the following incentives:

- a) Floor Area. An additional 0.1:1 of Floor Area Ratio may be approved for a project on a non-yard portion of newly created lot; or
- b) Setback Reduction. A 20 percent deviation from any required setback standard

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 certifies that the tree is dangerous to the public.

- (ii) **Preservation of Surveyed Historic Resources.** When a Two Unit Development involves the retention of Surveyed Historic Resource, the applicant shall be granted an additional Floor Area Ratio of up to 0.5:1. In maintaining the surveyed historic resource, the Project must not remove historic material on the primary facade unless it is replaced in-kind. In addition, a decision may be made through the Advisory Agency subdivision process to waive development standards or accept alternative solutions to assist in the preservation of these structures, if such action is necessary to accommodate such preservation.

(e) **Procedures**

- (1) **Administrative Review Process.** A Two Unit Development 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.
- (2) **Other Discretionary Reviews.** No City agency shall require a discretionary permit process for Two Unit Development 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 the issuance of a haul route permit, a street access Conditional Use Permit, or tree removal permit.

- (3) **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.
- (4) **Public Hearing.** A Two Unit Development is not subject to a public hearing, even if otherwise required by this code.
- (5) **Time to Act.** A Two Unit Development must be approved or denied within 60 days from the date a completed application is received.
- (6) **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 submitted, 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.
- (7) **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.
- (8) **Modifications and Corrections.** An approval may be corrected if it includes an error. Approvals may also be modified utilizing the Modification procedures in Subsection H of Section 13.B.3.2 (Expanded Administrative Review) of Chapter 1A of this Code.
- (f) **Combination of a Two Unit Development and Urban Lot Split.** Notwithstanding Cal Gov. Code Sections 66310 - 66342, the city shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the Two Unit Development and Urban Lot Split authority contained within Government Code Sections 65852.21 and 66411.7.
- (g) **Relationship to the Coastal Act.** Nothing in Cal. Gov. Code Sections 65852.21 and 66411.7 shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the City shall not be required to hold public hearings for coastal development permit applications for Two Unit Developments or Urban Lot Splits authorized by Government Code Sections 65852.21 and 66411.7.

**Sec. 2.** A new Subdivision 29 is added to Subsection C of Section 12.22 of Chapter 1 the Los Angeles Municipal Code to read as follows:

**29. Urban Lot Splits.** The purpose of this subdivision is to implement the provisions of the Housing Opportunity and More Efficiency (HOME) Act as reflected in Government Code Section 66411.7 to facilitate housing opportunities by providing for the ministerial review of certain two lot subdivisions.

**(a) Definitions**

**URBAN LOT** - A parcel of land created by an *Urban Lot Split* 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 subdivision and having frontage or access as is provided on the recorded parcel map for the development.

**URBAN LOT SPLIT** - A ministerial subdivision of an existing legal parcel located in an urbanized area or urban cluster into two parcels of approximately equal lot area, approved pursuant to California Government Code Section 66411.7, that is limited to the creation of no more than two parcels, and that does not result in the subdivision of an existing parcel into more than two lots.

**(b) Urban Lot Split Eligibility and Review Criteria.** With the exception of Subparagraph (8) below, the following regulate the applicability for the use and establishment of two Urban Lots through an Urban Lot Split.

- (1) Process.** An Urban Lot Split to create two Urban Lots shall be reviewed pursuant to the applicable provisions of Article 11 (Division of Land), except as when provisions conflict with this section and shall be considered and approved or denied within 60 days of receiving a completed application. If denied, the permitting agency shall provide a full set of comments in writing to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. If the application has not been approved or denied within 60 days, the application shall be deemed approved.
- (2) Applicable Zones.** An Urban Lot Split may only be created in single-family residential zones, including A, R1, RA, RE, RZ, RS, RU, RW.
- (3) Environmentally Sensitive Areas.** An Urban Lot Split is prohibited in certain environmentally sensitive areas and must satisfy the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, as amended from time to time.
- (4) Demolitions and Alterations.** An Urban Lot Split cannot require the demolition or alteration of a dwelling unit that is::

- (i) Subject to affordable housing covenants or are income-restricted under City, State, or Federal law, or
  - (ii) Subject to the City's Rent Stabilization Ordinance or is or has been occupied by a tenant for the prior three years, or
  - (iii) Located on a parcel where an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- (5) **Historic Resources.** An Urban Lot Split is not eligible on a lot located within a historical landmark property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated as a Historic Cultural Monument, or require the demolition or alteration of either a contributing structure located within either a historic district that is included on the California Register of Historical Resources or within a Historic Preservation Overlay Zone, or the demolition of an existing exterior structural wall of a structure located within either of these areas.
- (6) **Owner Occupancy** An Urban Lot Split is only eligible on a lot when the applicant signs and submits an affidavit stating that they intend to occupy one of the dwelling units as their principal residence for a minimum of three years from the date the Urban Lot Split is approved. Notwithstanding this provision, an Urban Lot Split may be eligible if the applicant is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
- (7) **Prior Urban Lot Splits.** An Urban Lot Split is prohibited on a lot that was previously established and recorded pursuant to this subdivision or Government Code Section 66411.7.
- (8) **Objective Subdivision, Zoning and Design Review Standards.** An Urban Lot Split shall comply with all applicable objective standards required in this subdivision and Chapter 1 of this Code, including those stated in the underlying zone and height district, Specific Plan, Historic Preservation Overlay Zone, Community Planning Implementation Overlay, and other applicable zoning ordinances established pursuant to Chapter 1, Article 3 of this Code. In any instance where there is conflict, this subdivision shall govern.

Notwithstanding the prior two sentences and regardless of anything to the contrary in this Subdivision 29:

- (i) **Number of Parcels.** A Parcel Map for an Urban Lot Split may subdivide an existing parcel to create no more than two new parcels.

- (ii) **Parcel Size.** No resulting parcels may be smaller than 1,200 square feet, nor may be smaller than 30 percent of the lot area of the original parcel proposed for subdivision.
- (iii) **Access.** In lieu of any lot frontage or lot access strip requirement in the definition of Lot in Section 12.03 of Chapter 1 of this Code and driveway access requirements in Section 12.21 of this Code, an Urban Lot must provide access to the dwelling unit and any required parking spaces by way of a public or private street, an alley, or an access easement meeting the following standards.
- (iv) **Lot Width.** The minimum lot width for an Urban Lot is 18 feet.
- (v) **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) **Access.** In lieu of any lot frontage or lot access strip requirement in the definition of Lot in Section 12.03 of Chapter 1 of this Code and driveway access requirements in Section 12.21 of this Code, an Urban Lot must provide access to the dwelling unit and any required parking spaces by way of a public or private street, an alley, or an access easement meeting the following standards.
  - (a) **Vehicular.** If required to provide vehicular parking, access to on-site parking spaces from the public or private street, or alleyway may be provided through either a shared vehicular access driveway easement (Common Vehicle Access Driveway) or through creation of a flag lot with a minimum lot access strip and lot frontage of eight and a half feet.
  - (b) **Pedestrian.** If vehicle access is not required, a pedestrian access easement may be provided that connects the unit entrance and any common open space to a sidewalk, or another publicly accessible pedestrian right-of-way.
  - (c) **Utility Easements.** Easements required for the provision of public services and facilities may be required as a preliminary parcel map condition.
- (vii) **Number of Dwelling Units.** More than two units are not permitted on an eligible parcel created through an Urban Lot Split. Two units refers to any dwelling unit, including, but not limited to, units part of a Two Unit Development approved pursuant to Government Code Section 65852.21, a primary dwelling, and an Accessory Dwelling Unit or Junior Accessory Dwelling unit as defined in Government Code Section 66313.

- (viii) **Standards that Physically Preclude Construction.** Objective zoning, subdivision, and design standards identified in this Code may be applied to Urban Lot Splits and any dwelling units proposed on the Urban Lots. However, no objective standard may be applied that would physically preclude, or have the effect of physically precluding, the construction of two units on either Urban Lot or result in a unit size of less than 800 square feet or 1,600 square feet for a combination of two units.
- (ix) **Parking.** No more than one covered or uncovered automobile parking stall shall be required per dwelling unit. No parking stalls shall be required for dwelling units when the lot is located within ½ mile of a high-quality transit corridor or a major transit stop, or when the lot is located within one block of a car share vehicle drop off or pickup location. Automobile parking stalls for dwelling units may be located on any parcel within the subdivision, provided that each stall is permanently assigned to a specific unit through recorded easements or covenants; However, in no instance may an automobile parking stall be located more than a 250-foot walking distance from the primary unit entry it serves. All automobile parking stalls must comply with all other applicable requirements in Subdivision (5) of Subsection (A) of Section 12.21 of Article 2 of Chapter 1 of this code.
- (x) **Yard/Setbacks.** In lieu of other yard and setback requirements, no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure in those yard areas, or when fronting the lot line is separating lots created as a result of an Urban Lot Split, or when adjacent to an alley. In all other circumstances, a minimum setback four feet from the side and rear lot lines shall be required.
- (xi) **Nonconforming Zoning.** The City may not require the correction of existing or created nonconforming zoning conditions as a condition of approval for an Urban Lot Split. This provision does not apply to an unpermitted (illegal) use or construction, or requirements originating from the Building Code or Government Code Sections 66411.7 or 65852.21.
- (xii) **Public Benefit Incentives.** The following public benefit incentives may be ministerially approved by the Director of Planning as part of an Urban Lot Split.
- (a) **Preservation of Trees.** As an incentive for maintaining at least one Significant Tree not located wholly in a yard or setback area as part of any future development, a Two Unit Development may select one of the following incentives:
- (1) **Floor Area.** An additional .1 of additional Floor Area Ratio may be approved for a project on a non-yard portion of newly created lot; or

- (2) **Setback Reduction.** A 20 percent deviation from any required setback standard

The health and status of the Significant Tree shall be verified by a Tree Report prepared by a certified arborist or Tree Survey prepared by a Tree Expert or Landscape Practitioner. A covenant shall be filed in the project site's chain of title to the benefit of the City using language to the satisfaction of the Planning Department that requires the tree to be maintained for at least 15 years unless a certified arborist certifies that the tree is dead, dying, or dangerous to public health.

- (b) **Preservation of Surveyed Historic Resources.** When a Two Unit Development involves the retention of Surveyed Historic Resource, the applicant shall be granted an additional Floor Area Ratio of up to 0.5:1. In maintaining the surveyed historic resource, the Project must not remove historic material on the primary facade unless it is replaced in-kind. In addition, a decision may be made through the Advisory Agency subdivision process to waive development standards or accept alternative solutions to assist in the preservation of these structures, if such action is reasonably necessary to accommodate such preservation.

**(c) Procedures, Requirements, and Limitations**

- (1) **Ministerial Parcel Map Review Process.** An Urban Lot Split that meets the provisions of this subdivision shall be ministerially approved.
- (2) **Administrative Review Process.** An Urban Lot Split shall be subject to the same ministerial procedures described for Two Unit Developments in Paragraph (e) of Section 12.22 A.30 of Chapter 1 of this Code.
- (3) **Offsite Dedications and Improvements.** A City department or agency may not impose conditions that require dedications of rights-of-way or the construction of off-site improvements for the parcels being created as a condition of issuing a Preliminary Parcel Map for an Urban Lot Split. They may be offered as an alternative to meeting otherwise applicable lot access requirements but other options to comply with the requirement to approve an Urban Lot Split must be offered. However, any such requirements may still apply for the construction of residential units.
- (4) **Deed Restriction for Owner Occupancy.** To comply with Subparagraph (6) of Paragraph (b) above, an property owner for an Urban Lot Split shall record in the Office of the Los Angeles County Registrar Recorder/County Clerk, as a condition of receiving approval of an Urban Lot Split, a deed restriction that is approved by LADBS, which shall contain a reference to the deed under which the property was acquired by the owner stating (at least) that any dwelling units located on a lot created by an Urban Lot Split must be occupied as a primary

residence. The restrictions shall run with the land and be binding upon any successor in ownership of the property.

- (5) **Deed restriction for Termination of Tenancies.** Any tenant residing in an existing dwelling at the time of an application for a Urban Lot Split shall be eligible for the tenant notification and relocation assistance provisions of Subsection E and G or Section 12.95.2 of this code and Section 66427.1 of the State Subdivision Map Act, prior to any termination of tenancy for tenants that occupied the units on the date of the subdivision approval.
- (6) **Other Discretionary Reviews.** The issuance of a haul route permit, a street access Conditional Use Permit, or a tree removal permit for a HOME Act project shall not constitute a discretionary approval of a project for purposes of the California Environmental Quality Act.
- (7) **Easements.** Easements created for the provision of utilities, drainage, public facilities and services, or to create lot access across a shared easement may be provided for through the final map or through separate instruments recorded concurrently with the map.
- (8) **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 section if the criteria in Government Code Section 65852.21 and this section are satisfied and the project has met the following criteria:
  - (i) The applicant has received a tentative map or parcel map approval for the subdivision and has submitted a building permit application that has been deemed complete pursuant to subdivision (b) of Government Code Section 65913.3.
  - (ii) Any dedication, improvement, and sewer requirements identified in the approved tentative map or parcel map or its conditions of approval shall be guaranteed to the satisfaction of the Bureau of Engineering at the time of permit issuance. Projects with the following features are not eligible to receive building permits prior to the recordation of a final map: off-site common access or a street or alley vacation or merger.
  - (iii) The applicant has submitted proof, to the satisfaction of the Department of Building and Safety, that a covenant and agreement enforceable by the city has been recorded. This covenant and agreement shall state that the applicant and the applicant's successors and assignees agree the building permit is issued on condition that a certificate of occupancy (temporary or final) for the building cannot be issued until after the final map has been recorded. The Department of Building and Safety shall then issue the

building permit based upon the approved Tentative or Preliminary Map and its conditions of approval.

## OFF SITE PARKING

Sec. 3. Subdivision 4 of Subsection A of Section 12.21 of Chapter 1 the Los Angeles Municipal Code is amended to read as follows:

(a) **For Dwelling Units.** 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, starter home projects, or urban lot splits approved pursuant to Article 7 of this Chapter in conformity with the provisions of Section 12.22 C.27, C.30, and C.29 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.

## EARLY START PERMITS

Sec. 4 Paragraph (d) of Subdivision (2) of Subsection (A) of Section 17.06 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

(d) The Department of Building and Safety ~~shall~~may issue a building permit for a small lot subdivision, starter home project or urban lot split if the applicant for the permit has received a ~~vesting~~ Tentative Tract Map approval or Preliminary Parcel Map approval for the project and has submitted proof to the satisfaction of the Department of Building and Safety that a covenant and agreement has been recorded. This covenant and agreement shall state that the applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy (temporary or final) for the building cannot be issued until after the final map has been recorded. The Department of Building and Safety shall then issue the building permit based upon the approved Tentative or Preliminary Map and its conditions of approval. The dedication, improvement, and sewer requirements identified in the approved Tentative or Preliminary Map or its conditions of approval must be guaranteed to the satisfaction of the Bureau of Engineering at the time of building permit issuance. Projects with the following features are not eligible to receive building permits prior to the recordation of a final map: off-site common access or a street or alley vacation or merger.

The Department of Building and Safety may deny issuance of a building permit if the building official makes a written finding, based upon a preponderance of the evidence, that construction of the proposed structure or structures before recordation of the final map would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.