



INFORMATION BULLETIN / PUBLIC - ZONING CODE

REFERENCE NO.: LAMC 12.26B & 98.0403.1(a)

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**GUIDELINES FOR CONSIDERATION OF
YARD REDUCTION REQUESTS**

LAMC Sec. 12.26B and 98.0403.1(a) authorize the Department of Building and Safety (LADBS) to act on requests for slight modifications to yard area requirements (up to 20% reduction of the required yard setback).

Furthermore, LAMC 12.28 authorizes the Department of City Planning and the Zoning Administrator to grant adjustments in yard setback requirements mandated by the Zoning Code. Reduction requests in excess of 20% and those requests under 20% disapproved by LADBS must be filed with the Office of Zoning Administration in the Department of City Planning.

The following guidelines will clarify the Level of Authority and Protocol for considering yard reduction requests.

I. Level of Authority for Considering Yard Reduction Requests

| | When Request is for More Than 20% of Required Yard | When Request is for Up to 20% of Required Yard |
|--|---|--|
| New Addition ² to Existing Building or New Accessory Building ¹ | City Planning (Yard Adjustment) | <u>With</u> Proper Justifications - LADBS Staff (Administrative Action) ⁵ <u>Without</u> Proper Justifications (disapproved by LADBS) - City Planning (Discretionary Action) |
| Construction Built On or After January 1, 1995 | | |
| Construction ⁴ Built Before January 1, 1995 | <u>With</u> Proper Justifications - LADBS Staff (Administrative Action) ^{3, 5} <u>Without</u> Proper Justifications (disapproved by LADBS) - City Planning (Discretionary Action) | |

Notes:

1. Limited to proposed new Accessory Buildings only (No yard reduction for any new main building including Single Family Dwelling, Duplex or Apartment)
2. New Addition - Any proposed construction that adds floor area to an existing building.
3. Slight modifications may be granted for yard deviations slightly over 20 percent.
4. Including unauthorized construction in which all or portion of a building is existing without a proper building permit.
5. Justifications shall be approved by LADBS. See Sec. II.A.2 of this bulletin.

II. Protocol for Considering Yard Reduction Requests

A. **When a Request Is to Be Considered by LADBS Staff (Administrative Action Process)**

The Petitioner shall start the process with the Plan Check Engineer of the project or a Plan Check Supervisor and provide the following:

1. Modification Request

To be completed by the Petitioner with the assistance of LADBS Staff and accompanied by a plot plan of the lot showing the encroachment(s) (see attached 'Request for Modification of Building Ordinances').

2. Justifications (in writing) (see page 3 & 4 for justification guidelines) to be used as the rationale for the determination.

a. Does the request meet the spirit and intent of the Code?

This includes the effect of the reduction on adjoining neighbors and the compatibility with the surrounding neighborhood.

b. What is the impracticality for the project to comply with the letter of the Code? This includes some circumstance specifically unique to the subject site for which the applicant has no other reasonable recourse other than to seek the modification.

Upon receipt of the above, the Plan Check Supervisor will act on the request. If the Plan Check Supervisor denies the request due the lack of appropriate justifications, the Petitioner has the choice to file the yard reduction request with the Office of Zoning Administration in the Department of City Planning.

B. **When a Request Is to Be Considered By City Planning (Yard Adjustment Process)**

When a yard reduction request is to be considered by City Planning according to the aforementioned matrix, the Petitioner shall file the Zoning Administrator's Adjustment with City Planning at:

1. 4th floor, 201 N. Figueroa Street, Los Angeles, CA 90012 or at
2. 2nd floor, 6262 Van Nuys Blvd., Van Nuys, CA 91401

Guidelines To Prepare The Justifications

The following guidelines are provided to prepare the justifications as required by Los Angeles Municipal Code Sections 12.26B and 98.0403.1(a)11 for yard modification requests.

1) Is the request slight?

This justification can only be made when the request for reduced yard does not exceed 20% of the required setback or spacing. Requests beyond 20% are not within the purview of the Department and must be referred to the Department of City Planning.

However, for structures and additions built prior to January 1, 1995, slight modifications may be granted for yard deviations slightly over 20 percent.

1. A further determination must be made regarding just how much additional reduction beyond 20% can still be considered slight. These determinations will be made on a case by case basis.

2) Does the request meet the Spirit and Intent of the Code?

This justification involves the effect of the proposed reduction on the quality of life issues inherent to the Planning and Zoning Code and is determined by investigating the individual circumstances surrounding the request. What is the effect of the reduction on the adjoining neighborhood? Is the construction compatible with the surrounding neighborhood as far as size, height, bulk etc.? The burden of proof lies with the applicant.

The following samples demonstrate justifications in support of the spirit and intent of the yard setback requirements:

- a. A yard reduction request for a room addition in a side yard with a condition of approval requiring that the windows facing the reduced yard be translucent thereby mitigating the opposing neighbor's perception of loss of privacy.
- b. A yard reduction of 8 ft. in lieu of 10' meets the spirit and intent of the Code required side yards if the entire area was down-zoned, the lots in the area are of substandard nonconforming size and most of the surrounding existing homes have side yards of less than 8 ft.
- c. Inasmuch as a proposed reduced northerly side yard faces a neighboring 10'-0" wide driveway, the petitioner's request to allow the 1'-6" reduction may be approved since the impact on natural light and sound transmission to the adjacent property is minimized.

NOTE: These situations represent only samples to be used as a guide. In each case, a decision must be made individually after due consideration of all the relevant circumstances.

3) Why is it impractical to comply with the letter of the Code, in the instant case?

This is where the applicant justifies the reason(s) for the proposed reduction. The justification must include some circumstance specifically unique to the subject site, and for which the applicant has no other reasonable recourse other than to seek the modification.

Samples of the impracticality justifications are:

- a. Given that the subject RE-40 lot is only 50'-0" wide, it is impractical, in this case, for the petitioner to provide the code required 11'-0" side yards inasmuch as the resultant 28'-0" buildable width would not readily accommodate the required 3-car garage and front entrance.
- b. It is impractical for the petitioner to comply with the additional 3'-0 side yard setbacks at the existing one story dwelling due to a proposed 2-story addition in the hillside area with a total maximum height of 39'-0" since that would require that the existing dwelling be essentially demolished and rebuilt.
- c. An old and dilapidated garage of substandard size is proposed to be replaced with a two-story garage and rec room at approximately the same location. The available location is bounded between an existing swimming pool and the side property line. Inasmuch as this space is only 19 ft., it would be impractical to require the first floor to observe the required 5 ft. side yard since that would not permit a conforming two car garage to be built. The second story will be offset 5 ft. from the westerly side yard

NOTE: These situations represent only samples to be used as a guide. In each case, a decision must be made individually after due consideration of all the relevant circumstances.

The supervisor will be required to agree with all three justifications before a slight modification request can be granted. If any single justification is not appropriate, the request will be denied. In the case of denial for lack of appropriate justifications or for any other reason, the applicant will be required to file the yard modification request with the Department of City Planning.

Notes:

1. The above guidelines will cover the great majority of the cases. However, whenever these guidelines cannot reasonably be complied with or it is difficult to determine their applicability in unusual cases, the guidelines may be modified at the discretion of the Superintendent of Building or his/her designee on a case by case basis.
2. LAMC Ch. 1A Section 13B.10.2 grants the Director of Planning the power and duty to investigate and make decision upon an appeal where it is alleged there is error or abuse of discretion in any order, decision, or determination made by LADBS in the enforcement of any ordinance regulating the use of properties, e.g., yard setback requirements. Such appeals to the Director of Planning shall initially be filed with LADBS. However, in the case that the Director of Planning finds that there was an error or abuse of discretion by LADBS with regards to a yard reduction request, the Director of Planning need not reverse the decision by LADBS.