



**INFORMATION BULLETIN / PUBLIC - ZONING CODE**

REFERENCE NO.: LAMC 12.26B & 98.0403

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**GUIDELINES FOR CONSIDERATION OF  
YARD REDUCTION REQUESTS**

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

Furthermore, LAMC 12.28 gives the Zoning Administrator the authority 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 Zoning Administrator.

The following guidelines will clarify the Level of Authority, Protocol and Neighbors' Consent Requirement for considering yard reduction requests.

**I. Level of Authority for Considering Yard Reduction Requests**

	When Request is for <b>More Than 20% of Required Yard</b> <sup>5, 6</sup>	When Request is for <b>Up to 20% of Required Yard</b> <sup>5, 6</sup>
<b>Multiple Lots</b> <sup>1</sup>	City Planning (Yard Adjustment)	Without Findings or Neighbors' Consent - City Planning (Yard Adjustment), or Director of Planning determination  With Findings and Neighbors' Consent - LADBS Staff (Administrative Action )
<b>New Addition</b> <sup>3</sup> to Existing Building or New Accessory Building <sup>2</sup>	City Planning (Yard Adjustment)	
<b>Unauthorized</b> <sup>4</sup> Construction Built After 1995		
<b>Unauthorized</b> <sup>4</sup> Construction Built Before 1995	Without Findings or Neighbors' Consent - City Planning (Yard Adjustment), or Director of Planning determination  With Findings and Neighbors' Consent LADBS Staff (Administrative Action )	

Notes:

1. Multiple lots - Requests for more than one project on lots contiguous to each other.
2. Limited to proposed new Accessory Buildings only (No yard reduction for any new main building including Single Family Dwelling, Duplex or Apartment)
3. New Addition - Any proposed construction that adds floor area to an existing building.
4. Unauthorized Construction - All or portion of a building existing without a proper building permit.

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5. Findings - Findings shall be approved by LADBS. See Sec. II.A.1 of this bulletin.
6. Neighbors' Consent - 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. Findings (in writing) (see page 7 & 8 for findings guidelines) to be used as justifications 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.
2. Site Plan and Neighbors' Consents  
Consent is defined as a written agreement in which property **owners** (individuals or trustees) of certain neighboring properties agree to the request (see attached 'Letter of Consent/Non-Consent From Adjoining Neighbor for Request of Yard Reduction'). Exactly which neighbor depends on the type of yard reduction and number of stories of the encroachment (see Pages 3 and 4 - 'Neighbors' Consent Requirement for Administrative Approval-Lots to be Included' and 'Example of Site Plan and Consents Requirement.'). *The Site Plan may be available at the Public Records Counter of Building and Safety.*
3. 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').

Upon receipt of the above, the Plan Check Supervisor will act on the request. If the Plan Check Supervisor denies the request based on either lack of appropriate findings or any of the neighbors' consent, the Petitioner has the choice to file the yard reduction request with the Zoning Administrator 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 variance with City Planning at:

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

**III. Neighbors' Consent Requirement for Administrative Approval - Lots to be Included**

Yard Reduction Requested	Consent Required from all of the Following Owners of Adjoining <sup>1</sup> Lots	
	1 Story Encroachment	Higher than 1 Story Encroachment
Front Yard	Adjoining <sup>1</sup> Front Yard	Adjoining All Lot Lines
Side Yard	Adjoining <sup>1</sup> Side Yard <i>Extended from Front Lot Line to Rear Lot Line</i>	
Rear Yard	Adjoining <sup>1</sup> Rear Yard	

Note 1. Adjoining - Lots having property lines in common with the subject yard (including common corners), or directly across the street or alley from the yard measured at a 90<sup>0</sup> angle to the street or alley property line.

**IV Example of Site Plan and Consent Requirement**



**Sample Lot 3 - Consent Required from all the Following Owners**

Reduction Requested	For One Story Encroachment	For Higher than One Story Encroachment
Front Yard	lots 2, 4, 29 & 30	lots 29, 2, 17, 18, 19, 4 & 30
Northerly Side Yard	lots 29, 2, 17 & 18	
Southerly Side Yard	lots 18, 19, 4 & 30	
Rear Yard	lots 2, 17, 18, 19 & 4	

<b>Reduction Requested</b>	<b>For One Story Encroachment</b>	<b>For Higher than One Story Encroachment</b>
<b>Front Yard</b>	lots 27, 1, & 29	lots 1, 27, 48, 49, 29
<b>Northerly Side Yard</b>	lots 49, 27 & 1	
<b>Southerly Side Yard</b>	lots 29 & 49	
<b>Rear Yard</b>	lots 27, 49 & 29	

<b>Sample Lot 31 - Consent Required from all the Following Owners</b>
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<b>Reduction Requested</b>	<b>For One Story Encroachment</b>	<b>For Higher than One Story Encroachment</b>
<b>Front Yard</b>	lots 30, 4, 5 & 32	lots 4, 5, 32, 52, 51, & 30
<b>Northerly Side Yard</b>	lots 51, 30 & 4	
<b>Southerly Side Yard</b>	lots 5, 32 & 52	
<b>Rear Yard</b>	lots 32, 52, 51 & 30	

- 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 Sec. 12.26K grants the Director of Planning the power and duty to investigate and make decision upon appeals 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.

**LETTER OF CONSENT/NON-CONSENT FROM ADJOINING NEIGHBORS FOR REQUEST OF YARD REDUCTION**

<b>To be completed by the Petitioner</b>	
Owner:	
Project Address:	
Scope of Work:	
Plan Check Number:	Date:
<p><b>REQUEST: To allow a reduced (side) (rear) (front) yard of _____ feet in lieu of _____ feet as required by Code and <u>as indicated in the attached plans.</u></b></p> <p>I certify that the plans presented to the neighbor for his/her review are identical to those plans for which a building permit is being requested:</p> <p align="center">----- Signature</p>	

<b>To be completed by Neighbor</b>
<p>I, _____, am the legal owner of property <small>(Name)</small></p> <p>located at _____ <small>(address - number and street):</small></p> <p>with the following legal description: Lot: _____ Block: _____ Tract: _____</p> <p>which is an adjoining property (including across the street) to the project address. I am aware that a reduction of required yards is being applied for at the subject property and have reviewed the plans presented to me by the petitioner for the proposed construction.</p>

- I have No Objection to granting my consent for the aforementioned request for yard reduction.
- I Object to this request for a yard reduction. (Note that neighbors are under no obligation to sign)

----- Neighbor signature -----                      ----- print name -----                      ----- date -----

## Guidelines To Prepare Findings

The following guidelines will be required to prepare findings as required by Los Angeles Municipal Code Section 98.0403.1(a)11 for yard modification requests.

### **1) Is the request slight?**

This finding 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 without a permit prior to January 1, 1995, slight modifications may be granted for yard deviations slightly over 20 percent.

1. To establish that a building was in existence prior to January 1, 1995 the applicant must submit evidence in support of the assertion that the subject construction falls within the scope of the exception via old utility bills, County Assessor records, construction receipts, dated photographs, etc. 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 finding 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 adjoining neighborhood? Is the construction compatible with the surrounding neighborhood as far as size, height, bulk etc? Letters of neighbors consent as outlined in the attached bulletin are part of this finding but by themselves do not necessarily satisfy this finding adequately. The burden of proof lies with the applicant.

The following samples demonstrate some findings in support of the spirit and intent of the yard setback requirements are:

- 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 finding 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 finding 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 make positive findings in all three areas before slight modification requests can be granted. Any single negative finding dictates the denial of the request. In case of denial for lack of positive findings or for any other reason, the applicant will be required to file the yard modification request to the Planning department.





Permit App #:

Job Address:

CONDITIONS OF APPROVAL (Continued from Page 1)

CITY OF LOS ANGELES
BOARD OF BUILDING AND SAFETY/DISABLED ACCESS
COMMISSION APPEAL FORM

(Must be Attached to the Modification Request Form, Page 1)

AFFIDAVIT - LADBS BOARD OF BUILDING AND SAFETY COMMISSIONERS - RESOLUTION NO. 832-93

I, \_\_\_\_\_ do state and swear as follows:

(Please Type or Print the Name of the Person Signing this Form)

- 1. The name and mailing address of the owner of the property (as defined in the resolution 832-93) at \_\_\_\_\_ as shown on this appeal application are correct, and \_\_\_\_\_ (Please Type or Print Job Address)
2. The owner of the property as shown on the appeal application will be made aware of the appeal and will receive a copy of the appeal.

I declare under PENALTY OF PERJURY that the forgoing is true and correct.

Owner's Name(s) \_\_\_\_\_ (Please Type or Print) \_\_\_\_\_ (Please Type or Print)

Owner's Signature(s) \_\_\_\_\_ (Please Sign) (Two Officers' Signatures Required for Corporations)

Name of Corporation \_\_\_\_\_ (Please Print Name of Corporation) \_\_\_\_\_ (Please Sign)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT-----SIGNATURE(S) MUST BE NOTARIZED

State of \_\_\_\_\_ County of \_\_\_\_\_ on \_\_\_\_\_

before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, Name, Title of Officer (e.g. Jane Doe, Notary Public) Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument in person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal. \_\_\_\_\_ Signature

APPEAL OF DEPARTMENT ACTION TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS/DISABLED ACCESS APPEALS COMMISSION

Applicant's Name \_\_\_\_\_

Applicant's Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

FEES

Table with 4 columns: Fee Name, Quantity, Rate, Total. Rows include Board Fee, Inspection Fee, Research Fee, Subtotal, Surcharge, and Total Fees.

Fees verified by: \_\_\_\_\_ Print and Sign \_\_\_\_\_

For Cashiers Use Only (PROCESS ONLY WHEN FEES ARE VERIFIED)