

**TO:** Palisair Home Owners Association

**FROM:** PHOA Board of Directors

**DATE:** September 30, 2016

**SUBJECT:** Anti-Mansionization Building Code Changes and How They Affect the Palisair Tracts

### **Summary**

Current draft BMO/BHO Code Amendments may be approved by the City Council and go into force later this year. Of the 140 Palisair lots, nearly all (137) are zoned RE and will be moderately affected, each losing up to 550 square feet (sqft) of allowed “exemptions” for additional floor area in a remodel or rebuild. The remaining three Palisair lots are zoned R1, and would lose substantial amounts of the allowed residence area in a remodel or rebuild—about 2,500 sqft. One of these lots is eligible to be included in an R1 Variation Zone, which would restore some or all of the loss.

### **Introduction**

This memo reviews, at a simplified level, changes being made by the Los Angeles Department of City Planning to combat “mansionization.” It focuses on changes that will have an impact on new construction, and on our Covenants, Conditions, and Restrictions (CC&Rs), in the three tracts (15944, and 15948, and 19890) in Pacific Palisades, comprising the Palisair Home Owners Association.

The information below is correct to the best of our knowledge, but use it at your own risk.

### **What is “Mansionization?”**

City documents often describe mansionization as “out-of-scale development in single-family neighborhoods.”

### **What are “Hillside Areas?”**

Hillside Areas are defined by the city. All the Palisair lots are in Hillside Areas. Some other parts of the Palisades are also in Hillside Areas, but others, for example the Alphabet Streets, are not.

### **What is the “Coastal Zone?”**

The Coastal Zone is a region along the Pacific Ocean coastline where California Coastal Commission approval of construction is required. In case of conflict, Coastal Commission rules take precedence over city zoning rules.

The western half of Palisair is in the Coastal Zone and the eastern half is not. The boundary is slightly west of Las Lomas Ave. It cuts thru lots.

### **How Are the Palisair Tracts zoned?**

Nearly all the lots in our tracts are zoned RE for “Residential Estate,” specifically RE9-1, RE11-1 and RE-15-1. However, three of the lots are zoned R1 (in particular R1-1), which is much more common for single-family residences in Los Angeles in general.

### **What is the “Baseline Mansionization Ordinance (BMO)?”**

The BMO was put into effect in 2006, changing the zoning regulations for the city in order to combat mansionization (anti mansionization). It does not apply to Hillside Areas, and therefore does not apply to the Palisair tracts.

### **What is the “Baseline Hillside Ordinance (BHO)?”**

The BHO was put into effect in 2011. It is a counterpart of the BMO that does apply to Hillside Areas. Therefore, it applies to the Palisair tracts. Among other impacts, it controls how large a house can be built on a given lot in Hillside Areas.

### **What are the “BMO/BHO Code Amendments?”**

The BMO/BHO Code Amendments include various amendments to the BMO and the BHO, with the general aim of stronger anti-mansionization. A draft is in the process of being submitted to various committees and then to a City Council vote, which is expected before the end of 2016. If the City Council approves, the amendments will go into force.

Some provisions of the BMO/BHO Code Amendments apply to both RE and R1 zones, and will have a moderate anti-mansionization effect on the Palisair tracts.

The provisions that apply to all single family zones, including both RE and R1 include:

- Eliminating or reducing floor area exemptions of various types,

- Requiring a public hearing in order to grant an adjustment for additional residential floor area,
- Reducing grading exemptions and reducing the amount of grading allowed, and
- Providing “encroachment plane and five-foot setback restrictions,” regarding the allowed height and building envelope.

Additional provisions that apply to R1 zones only include:

- Reducing the allowed floor area ratio from 0.50 to 0.45,
- Eliminating the 20% floor area ratio bonus, and
- Providing “front facade articulation restrictions,” regarding certain architectural details of the front facade.

### **How will the BMO/BHO Code Amendment program affect construction in the lots zoned RE in the Palisair tracts?**

The main factor affecting allowable residence size in the RE lots will be that currently, a total of 750 sqft of exemptions [for covered patio (250 sqft), over-in-height ceiling (100 sqft), and front garage (400 sqft)] are allowed, but after the amendments come into force only a 200 sqft exemption for a garage (if the garage is attached and facing the front) will be allowed. The net effect is a reduction of 550 sqft in exemptions.

For example, on a 15,000 sqft RE11 lot, in the 30-45% slope band, the current rules allow 5,400 sqft of basic residence area plus 750 sqft of exemptions [for covered patio (250 sqft), over-in-height ceiling (100 sqft), and front garage (400 sqft)], but the amended BHO will allow the same 5,400 sqft of basic residence area plus only a 200 sqft exemption for a garage (if the garage is attached and facing the front).

The actual allowed area depends on the average slope (“slope band”). The steeper the lot, the less the area allowed.

In addition, where under the current rules excavating a “basement” under the main floor would be allowed, under the new rules it might not be. Also, the encroachment plane and five-foot setback restrictions will restrict architectural choices if the fully allowed floor space is used.

To understand fully the effect on the Palisair tracts, we would have to carry out a more detailed examination. For example, we could examine the plans for several of the large projects that were built recently in Palisair tracts, and determine what the impact on each would have been if the BMO/BHO Code Amendment had been in force.

### **What are the “Interim Control Ordinances (ICOs?)”**

The Anti-Mansionization Interim Control Ordinances (ICOs) were passed as temporary measures to prohibit the construction of single-family homes that do not meet specific criteria. They apply only to 14 specific neighborhoods, such as Beverlywood. The ICOs do not apply to the Palisair tracts. They expire soon.

### **What are the “R1 Variation Zones?”**

The R1 Variation Zones are designed to replace the ICOs. They are tailored to the individual needs of various neighborhoods. In addition, new zones have been created for possible adoption in additional neighborhoods beyond the original ICO neighborhoods, for example Pacific Palisades.

These zones can only be applied to lots that are currently zoned R1. In addition, the Coastal Commission refused to accept these “carveouts,” and as a result they can be applied only outside the Coastal Zone.

Specifically, for Pacific Palisades, these variation zones can be applied: R1H1 Revised, R1H New, R1H2, and R1H3 for Hillside area, non-Coastal Zone lots, and R1V1, R1V2, and R1V3 for non-Hillside Area, non-Coastal Zone lots. The R1H codes allow for an increase or decrease in floor area ratio compared to the baseline.

The Planning Department held a hearing on September 13 in which residents from the Palisades and several other neighborhoods were able to express their preference regarding R1 Variation Zones in their neighborhood. The Planning Department will accept letters or e-mails up to a deadline of October 13. Contact [neighborhoodconservation@lacity.org](mailto:neighborhoodconservation@lacity.org) for more information.

## **How will the R1 Variation Zones affect construction in lots zoned R1 in the Palisair tracts?**

In the Palisair, the R1H1 Revised, R1H New, R1H2, and R1H3 codes are available for the one Palisair lot that is zoned R1 and is not in the Coastal Zone, namely 1231 La Lomas Place. For this approximately 13,000 sqft lot, the basic residence area allowed is: under the current rules, 7,800 sqft; under BMO/BHO amendment, 5,850 sqft; under BMO/BHO amendment and the “R1H New” variation zone, 7,150 sqft; and under BMO/BHO amendment and the “R1H1 Revised” variation zone, 8,450 sqft.

In addition, differences will occur due to allowed floor area exemptions, encroachment plane and five-foot setback restrictions, and front façade articulation provisions, with effects that depend on individual circumstances.

The lots at 1205 N Las Lomas Pl and 1220 N Las Lomas Ave are also zoned R1 but are in the Coastal Zone, and therefore Variation Zone codes cannot be applied to them.

## **Will the impact of the zoning changes be different in the Coastal Zone?**

The impact of the zoning changes on lots in the Palisades will usually not depend on whether a property is in the Coastal Zone or not. However, occasionally there may be a dependence.

In a lot that is entirely or partly in the Coastal Zone, a Coastal Development Permit, requiring approval by the Coastal Commission, must be obtained for construction. This is in addition to required plan approval from the city. In Pacific Palisades, there are no direct Coastal Commission restrictions on floor area, building height, or setbacks. Approval, however, can depend on “coastal impact” such as bluff setbacks, impact on environmentally sensitive habitats, and impact on public views. In specific cases, this could reduce the allowable floor area from what is permitted by the city zoning alone.

## **What is the “Neighborhood Integrity Initiative?”**

The Coalition to Preserve LA (see [2preservela.org](http://2preservela.org)) is a coalition of neighborhood activists and others. It is said to be underwritten, in large part, by the AIDS Healthcare Foundation, which is said to have “set its sights on [opposing] real estate developer control of fundamental processes at L. A. City Hall.” The coalition is sponsoring an initiative, to be put on the March, 2017 City ballot, called the “Neighborhood Integrity Initiative.” Part of the

initiative will institute “a protective 2-year timeout that stops the Los Angeles City Council from its current practice of spot zoning – bending the rules to approve mega-projects and inappropriate development that destroys neighborhood character and displaces longtime residents and businesses.” This may invalidate the R1 Variation Zones, which as we already have stated would only affect a single one of our 140 Palisair lots, which is zoned R1-1 and is not in the Coastal Zone. Of course it also will affect many more lots elsewhere in Pacific Palisades and throughout the city.

### **What is “re:Code LA?”**

“re:Code LA” is a massive initiative undertaken by the city, for future implementation, that will eventually replace the entire zoning code of the City of Los Angeles. The plan is to roll out revisions on an ongoing basis, with implementation in about five years. At some point during this period, the drafters of the initiative will deal with matters that affect us in the Palisair tracts, and we should keep abreast of ongoing developments.

The re:Code LA project team contains 22 members, assisted by an army of consultants. Among the goals are to simplify the code, to restate it in simpler language, to provide greater ability to customize zoning for different neighborhoods (along the lines of the R1 Variation Zones), and to present the code in an on-line, hyperlinked format, so that both non-experts and experts can understand the rules and regulations more easily. In addition, rules will be updated and added on an ongoing basis.