



Motion to submit a Community Impact Statement in support of the Baseline Mansionization Ordinance Amendment

Agenda Item: GB072116-22
Date: July 21, 2016
Proposed By: LUED Committee Working Group

Background

The Baseline Mansionization Ordinance (BMO) was enacted in 2008 to establish new regulations to limit height, setbacks, and Floor Area Ratio in single-family zones.

On November 20, 2014, this Board passed a motion to support Councilmember Koretz's proposed changes to the BMO. If a super majority of member NCs approved the motion, it was to be officially endorsed by the Westside Regional Alliance of Councils. However, there is currently no letter from this Board in the Council file for the BMO amendment.

The BMO amendment was passed by the City Planning Commission on July 14, 2016. Next, it will go before the City Council's Planning and Land Use Management (PLUM) Committee, after which it will go before City Council.

As such, the LUED Committee formed a working group to devise language to be included in a Community Impact Statement that aims to strike a balance between the varied opinions of our neighborhoods residents and the economic impact of the proposed amendments.

Proposed Motion

- I. The South Robertson Neighborhoods Council supports these aspects of the Department of City Planning's proposed changes to the Baseline Mansionization Ordinance:
 - a. Eliminate RFA bonuses: green buildings, proportional stories, & front façade articulation
 - b. Require upper-story decks be set back 3 ft from the minimum side yard
- II. However, SORO NC recommends the following amendments to the Department's proposed changes:
 - a. Retain garage sf, over-in-height ceilings, & covered porch exemptions
 - b. Maintain 0.50 FAR for lots <7,500 sf
 - c. Do not establish angled encroachment plane
 - d. Do not require side/front façade articulation
- III. Send a letter to the City Council and Committees and submit a Community Impact Statement for Council File Number 14-0656 to reflect NC's position.

Doug Fitzsimmons
President

Kevin Gres
Vice-President

Terrence Gomes
Treasurer

Beth Hirsch
Secretary

**South Robertson
Neighborhoods Council**

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Considerations

Committee review:
(highly recommended)

Votes For: 0

Against:

Arguments for:

Many neighbors have voiced concern that the current BMO exceptions result in oversized homes.

Arguments against:

Property owners should be allowed to build what they want on their property.

Aside from formally polling property owners, there is no way to know the consensus of the neighborhood.



Council File: 14-0656

Community Impact Statement

As adopted by vote of the full SORO NC governing board

Yes: 0	No: 0	Abstain: 0	Recuse: 0
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Date of vote: 21 July 2016

The SORO NC supports revisions to the BMO with important exceptions.

SUPPORT

1. Eliminate RFA bonuses: green buildings, proportional stories, & front façade articulation
2. Require upper-story decks be set back 3 ft from the min side yard

EXCEPTIONS

1. Retain garage sf, over-in-height ceilings, & covered porch exemptions
2. Maintain 0.50 FAR for lots <7,500 sf
3. Do not establish angled encroachment plane
4. Do not require side/front façade articulation

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Submitted by: Doug Fitzsimmons

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Niall Huffman
City of Los Angeles Planning Department
Office of Zoning Administration
200 N. Spring Street, Room 720
Los Angeles, CA 90012

Via Email: NeighborhoodConservation@lacity.org

21 July 2016

Re: **Council File 14-0656**

Dear Mr. Huffman,

On July 21, 2016, the South Robertson Neighborhoods Council held a regularly-scheduled, Brown Act-noticed, public meeting of the full governing board with a quorum of 00 board members present at which the board approved the following motion and directed that a Community Impact Statement be filed reflecting its position by a vote of 00 yes to 00 no and 00 abstentions.

The South Robertson Neighborhoods Council supports revisions to the Baseline Mansionization Ordinance (BMO) with important exceptions. Following is a list of those revisions we support and the exceptions.

SUPPORT

1. Eliminate the Residential Floor Area bonus option for green buildings

After the California Green Building Standards Code (CALGreen) became effective in January of 2014, providing incentives to builders or homeowners to be “green” became unnecessary. Also, encouraging larger, more energy-consuming homes to be built runs counter to the goal of incentivizing “green” homes.

2. Eliminate the two Residential Floor Area bonuses (proportional stories and front façade articulation)

The two design-based bonuses result in 20% larger homes, while being ineffective in producing well-designed homes.

3. Require upper-story decks, balconies, and terraces to be set back at least three feet from the minimum side yard

Stepping upper-story decks away from the minimum side yard by three feet minimizes the view angle from the upper deck down into a neighboring home or yard. This minimized view angle gives the neighbor a better opportunity to maintain their privacy with taller planting along their property lines.

EXCEPTIONS

1. Retain the garage square footage exemption

Requiring the square footage of a home's garage to be counted toward the total Residential Floor Area encourages builders to build the smallest garage allowable by code. Smaller garages are quickly overtaken with storage. The unintended consequence will be fewer cars parked in their garages and more cars parked on already-crowded streets.

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2. Retain the over-in-height ceilings exemption

Over-in-height ceilings (or double-height spaces) result in homes with dynamic spatial relationships, instead of two floor plates pancaked on top of one another. Exempting the first 100 square feet of over-in-height ceilings allows designers to design interesting homes without having to count unoccupiable air space as Residential Floor Area.

3. Retain the covered porch exemption

Covered porches, patios, and breezeways are design features that not only add visual interest to a home, they add to the livability of a home, particularly in our Southern California climate. Counting these features toward the total Residential Floor Area will result in builders not including them in homes in order to maximize occupiable indoor space.

Additionally, the South Robertson neighborhood is home to a large Jewish community. Many Jewish homes incorporate a covered patio (a sukkah) that is used during Sukkot, a holiday where families eat and sleep outside for eight days and seven nights. As a city, we must be careful how rules we establish may have a disproportionately negative effect on a particular group of people.

4. Maintain the FAR at 0.50 for lots smaller than 7,500 square feet

The majority of lots in the South Robertson neighborhood are less than 7,500 square feet in size. Many are less than 6,000 square feet in size. An FAR of 0.50 for a 6,000 square foot lot produces a 3,000 max square foot house. R1 lots are meant for a single family. A family which includes a few kids, in-laws, and the occasional houseguest requires multiple bedrooms, multiple bathrooms, ample storage space, a large living room for gathering, and a kitchen large enough to host get-togethers. A 3,000 square foot house is not a mansion; it is a home for a family.

Also, the need for larger homes is particularly evident in Jewish communities, where Jewish families can be large and many homes incorporate two kitchens in order to keep kosher and to use during Passover.

Additionally, minimizing the allowable home size in R1 zones could result in a loss of value for those lots and an increase in value for nearby R2 and RD1.5 zones that do not have these restrictions in home size.

5. Do not establish an angled encroachment plane limit for buildings taller than 20 feet

The angled encroachment plane is an unnecessary and clumsy restriction on a home's building envelope that will, when inevitably maxed out by a builder, result in an awkwardly proportioned home. The intent of this diagram is to reduce the visual impact of a home's mass. However, the result will be to amplify the visual impact of an oddly proportioned upper floor, as this diagram would be applied to both sides of the house. The most effective way to reduce mass is by eliminating the bonuses, as previously mentioned.

6. Do not require articulation of side or front façades

Requiring articulation of the side and front façades, as currently described, is overly restrictive and will be ineffective in producing well-designed homes.



The South Robertson Neighborhoods Council supports the BMO; however, weighing the varied opinions of homeowners with the economic impact of these changes, we feel the amendment as proposed too drastically decreases buildable square footage while not doing enough to mitigate the concerns of some homeowners. We hope Planning staff will take into consideration our suggestions in an effort to pass a revised BMO that strikes a balance between the varied opinions of homeowners and the economic impact of these changes throughout the city.

Sincerely,

Doug Fitzsimmons
President, South Robertson Neighborhoods Council

Cc: Hon. Eric Garcetti, Mayor, City of Los Angeles
LA City Council Members
Vince Bertoni, Director of Planning, Department of City Planning
Council Member Paul Koretz, Council District 5
Council President Herb Wesson, Jr., Council District 10
Shawn Bayliss, Director of Planning and Legislation, Council District 5
Faisal Alserri, Senior Planning Deputy, Council District 5
Jordan Beroukhim, Planning Deputy, Council District 10

Baseline Mansionization Ordinance (BMO) & Baseline Hillside Ordinance (BHO)



CODE AMENDMENT | SUMMARY FACT SHEET | July 6, 2016

The City's current development standards for single-family zones are referred to as the Baseline Mansionization and Baseline Hillside Ordinances, or BMO and BHO. These regulations were established to address out-of-scale development in single-family zones throughout the City and related construction impacts in Hillside Areas. The purpose of the BMO/BHO Code amendment is to update and fine-tune the current rules relating to the size and bulk of new homes, as well as grading of hillside lots.

Staff proposes the following changes to existing Zoning Code provisions:

For all single-family zones

- Eliminate the existing Residential Floor Area exemption for the first 100 square feet of over-in-height (over 14 feet in height) ceilings.
- Eliminate the Residential Floor Area exemption for covered porches, patios, and breezeways.

For all RA, RE, & RS Zones

- Eliminate the Residential Floor Area bonus option for green buildings.

For all R1 Zones

- Establish a Floor Area Ratio of 0.45 for all lots, regardless of size.
- Eliminate all of the Residential Floor Area bonuses.
- Establish an angled encroachment plane limit for building height over 20 feet.
- Require articulation of side façades more than 45 feet in length and 14 feet in height.
- Require upper-story decks, balconies, and terraces to be set back at least three feet from the minimum side yard.
- Require articulation of the front façade.

For R1 Zones not in designated Hillside Areas

- Limit driveway width to 25% of lot width (but not less than 9 feet) or the width of the existing driveway.

For all single-family zones in designated Hillside Areas

- Remove the grading exemption for cut and fill underneath a structure.
- Create a grading exemption for piles and caissons.

- Create a grading exemption for one-half of the fill resulting from cut underneath a main building.
- In conjunction with counting previously exempted grading:
 - Adjust the formula for maximum grading allowed:
 - **Existing:** 500 cubic yards plus the numeric value equal to 5% of the lot size in cubic yards
 - **Proposed:** 1,000 cubic yards plus the numeric value equal to 10% of the lot size in cubic yards
 - Adjust the maximum “by-right” grading quantities:

Zone	EXISTING Maximum “By-Right” Grading Quantity (cubic yards)	PROPOSED Maximum “By-Right” Grading Quantity (cubic yards)
R1	1,000	2,000
RS	1,100	2,200
RE9	1,200	2,400
RE11	1,400	2,800
RE15	1,600	3,200
RE20	2,000	4,000
RE40	3,300	6,600
RA	1,800	3,600

- In conjunction with counting previously exempted grading, modify allowed import/export quantities:
 - Standard Hillside Limited Streets and larger – up to the maximum “by-right” grading quantities.
 - Substandard Hillside Limited Streets – up to 75 percent of the maximum “by-right” grading quantities.

The proposed Code amendment also contains a number of technical edits and clarifications.

Baseline Mansionization Ordinance (BMO) & Baseline Hillside Ordinance (BHO)

CODE AMENDMENT | Q&A | Revised July 6, 2016



What is the purpose of the BMO/BHO Code amendment?

The City's current development standards for single-family zones are referred to as the Baseline Mansionization and Baseline Hillside Ordinances, or BMO and BHO. These regulations were established to address out-of-scale development in single-family zones throughout the City and related construction impacts in Hillside Areas. The purpose of the BMO/BHO Code amendment is to update and fine-tune the current rules relating to the size and bulk of new homes, as well as grading of hillside lots.

Why is the BMO/BHO Code amendment needed?

The City began crafting new regulations for single-family zones in 2006 to address the proliferation of out-of-scale development and extensive hillside grading. In 2008, new regulations, known as the Baseline Mansionization Ordinance (BMO), were adopted, followed in 2011 by the Hillside Area counterpart, known as the Baseline Hillside Ordinance (BHO).

As development pressure increased, vulnerabilities in the regulations became more apparent. Especially for R1-zoned properties, the BMO and BHO were not as effective at curtailing large-scale homes and construction impacts as originally anticipated. These issues have not been unique to Los Angeles; other Southern California cities, as well as those in other regions, have experienced similar pressures and subsequently reassessed their regulations.

A multitude of residents and neighborhood organizations asked their respective City Councilmembers for stronger controls. In response, the City Council instructed the Department of City Planning to draft an amendment to the BMO regulations. Additionally, the Council called for restrictions in selected Hillside Area neighborhoods covered by the BHO, citing concerns about the scale of new development as well as impacts from excessive grading and hauling. The Department determined that the best way to respond to these concerns would be a Code amendment addressing the BMO and the BHO.

How is the varied nature of Los Angeles' neighborhoods being taken into account in the BMO/BHO Code amendment?

In a city as diverse as Los Angeles, no one size fits all; different neighborhoods have differing concepts of what constitutes appropriately scaled development. Because the BMO and BHO are citywide regulations, any amendments to them must strike a balance between those various ideas. This Code amendment offers substantial improvement on the most urgent issues, while the Department works to create more tailored single-family zones for everyone through **re:code LA**.

What is the difference between the BMO/BHO Code amendment and other single-family zoning initiatives currently in progress?

There are several single-family zoning initiatives currently in progress:

Interim Control Ordinances (ICOs). In 2015 an Interim Control Ordinance (ICO) covering various residential neighborhoods was adopted to temporarily restrict development until a more permanent solution is available. This first ICO expires in March 2017. A second ICO, covering several additional neighborhoods, was adopted by the City Council on June 29, 2016.

re:code LA. The ongoing effort to comprehensively rewrite the Zoning Code will include new single-family zones to better address the diversity of Los Angeles' neighborhoods. The preparation and adoption of a new menu of R1 Zones (a component of the new single-family zones) is being accelerated to be available for neighborhoods that are currently subject to one of the City's residential ICOs. These new R1 Zones will contain regulations tailored to the needs of individual communities, such as neighborhoods where the predominant character is detached garages, single-story houses, or houses that are larger in scale.

BMO/BHO. The BMO/BHO Code amendment will serve as a more immediate response to the scale of development for neighborhoods not subject to an ICO. It will provide carefully considered regulations while the new **re:code LA** single-family zones are developed citywide.

How has the City involved residents, stakeholders, and members of the public in the process of drafting the BMO/BHO Code amendment?

The Department of City Planning has presented two drafts of the proposed ordinance and held a total of eight public meetings, in addition to accepting comments in writing, by email, and over the phone. In total, more than 300 spoken comments and 1,000 written comments were received.

The first draft of the BMO/BHO Code Amendment was released on October 30, 2015. The Department held four public meetings around the City on **December 2**,

3, 15 and 16, 2015. Staff received valuable feedback from the testimony and comments that were submitted.

As a result, staff conducted additional research and analysis and prepared a revised draft of the BMO/BHO Code amendment, which was released on April 21, 2016. The Department held four additional public meetings on **May 4, 9, 10 and 16, 2016**. Each meeting included a presentation, question-and-answer period, and public hearing. Staff reviewed the comments and recommended a set of changes for the City Planning Commission's consideration and action.

What are the key elements of the revised April 2016 draft of the BMO/BHO Code amendment?

The revised BMO/BHO Code amendment proposed the following changes to existing Zoning Code provisions:

For all single-family zones

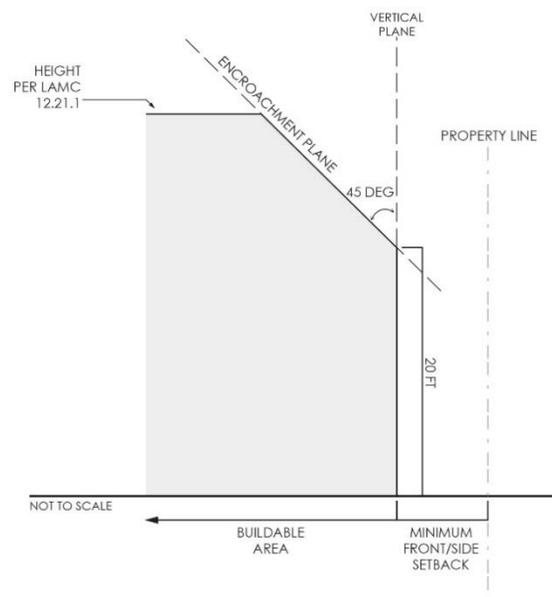
- Eliminate the existing Residential Floor Area exemption for the first 100 square feet of over-in-height (over 14 feet in height) ceilings.
- Limit the Residential Floor Area exemption for covered porches, patios, & breezeways to the first 150 (instead of 250) square feet.

For all RA, RE, & RS Zones

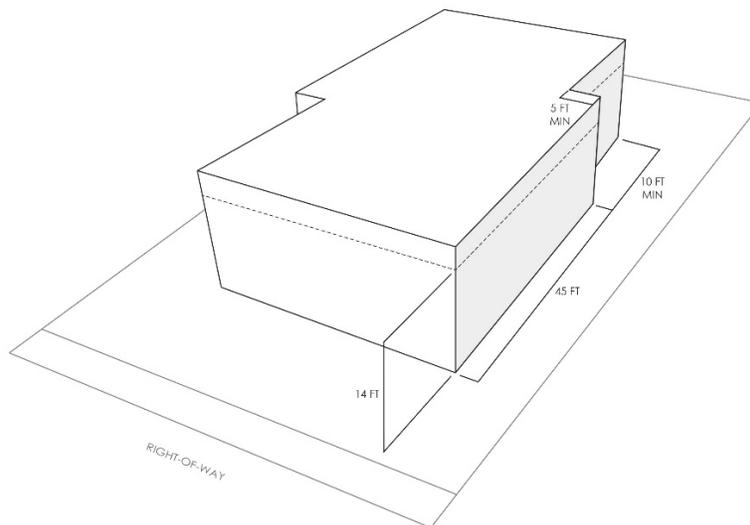
- Eliminate the Residential Floor Area bonus option for green buildings.

For all R1 Zones

- Eliminate all of the Residential Floor Area bonus options.
- Establish an encroachment plane limit for building height over 20 feet.



- Establish a side wall articulation requirement for walls more than 45 feet in length and 14 feet in height.



For R1 Zones not in designated hillside areas

- Limit driveway width to 25% of lot width.

For all single-family zones in designated hillside areas

- Remove the grading exemption for cut and fill underneath a structure.
- In conjunction with counting previously exempted grading:
 - Adjust the formula for maximum grading allowed:
 - **Existing:** 500 cubic yards plus the numeric value equal to 5% of the lot size in cubic yards
 - **Proposed:** 1,000 cubic yards plus the numeric value equal to 10% of the lot size in cubic yards

- Adjust the maximum “by-right” grading quantities:

Zone	EXISTING Maximum “By-Right” Grading Quantity (cubic yards)	PROPOSED Maximum “By-Right” Grading Quantity (cubic yards)
R1	1,000	2,000
RS	1,100	2,200
RE9	1,200	2,400
RE11	1,400	2,800
RE15	1,600	3,200
RE20	2,000	4,000
RE40	3,300	6,600
RA	1,800	3,600

- In conjunction with counting previously exempted grading, modify allowed import/export quantities:
 - Standard Hillside Limited Streets and larger – up to the maximum “by-right” grading quantities.
 - Substandard Hillside Limited Streets – up to 75 percent of the maximum “by-right” grading quantities.

The proposed Code amendment also contained a number of technical edits and clarifications.

How have the Department’s recommendations changed based on public input?

After reviewing the public input received since the release of the April 2016 draft, staff recommends the following modifications for the City Planning Commission’s discussion and consideration:

- Reduce Floor Area Ratio in the R1 Zone from 0.5 to 0.45, regardless of lot size.
- Fully eliminate the Residential Floor Area exemption for covered porches, patios, and breezeways.
- Require upper-story decks, balconies, and terraces to be set back at least three feet from the minimum side yard.
- Require articulation of the front façade in the R1 Zone.
- Exempt deepened foundation systems, such as pile foundations and caissons, from maximum grading quantities.
- Exempt one-half of fill resulting from non-exempt cut underneath the footprint of the main building from maximum grading quantities.

- State that driveways in the R1 Zone shall not be required to be less than 9 feet in width, and that the existing driveway width may be used in lieu of the 25 percent maximum.
- Additional technical edits and clarifications.

Would the Code amendment apply to projects currently in the process of obtaining permits?

The Code amendment will apply to projects filed after the effective date of the ordinance. Therefore, any projects filed or being processed before the effective date will not be impacted by this proposed Code amendment.

What are the next steps? How can I get more information or share my input?

On July 14, 2016, the City Planning Commission will consider the Code amendment at a public hearing and make a recommendation to the City Council. The Code amendment will then be considered by the City Council's Planning and Land Use Management (PLUM) Committee, followed by the full City Council.

Email us at NeighborhoodConservation@lacity.org to join our interested parties list and receive updates on the proposed Code amendment. For more information, visit preservation.lacity.org and click "Neighborhood Conservation," then "Updates."

Please direct questions to:

Niall Huffman, Planning Assistant niall.huffman@lacity.org 213-978-3405

Phyllis Nathanson, City Planner phyllis.nathanson@lacity.org 213-978-1474

Tom Rothmann, Principal City Planner tom.rothmann@lacity.org 213-978-1597

Comments should be submitted directly to the City Planning Commission at CPC@lacity.org.

14-0656

PLANNING & LAND USE MANAGEMENT

MOTION

Since its inception on May 6, 2008, the City's Baseline Mansionization Ordinance (BMO), (Ordinance No. 179883), has been the guiding land-use regulation for all single-family zoned properties located within non-hillside designated areas.

Over the past six years, we have seen where the BMO has accomplished the intended goals of maintaining and promoting communities that preserve their integrity and livability. However, the past six years have also shown us where the BMO has fallen far short of its mandate to create regulations that allow for sustainable neighborhoods and that protect the interest of all homeowners. The largest victim of these shortcomings is the city's stock of R1 (single family) zoned lots.

Of all the residential family zoned parcels within the BMO, 234,575 or 77% are zoned R1. And, of those, half are lots in the 5,000-6,000 square foot range. This means the backbone of our city's single-family neighborhoods are modest sized lots, with modest sized homes. These neighborhoods are integral to the city's history, as they have provided a consistent presence for our families and economic growth. And despite its good intentions, the BMO has shown to have vulnerabilities that threaten the cohesion and character of our single-family neighborhoods.

I THEREFORE MOVE that the Council instruct the Planning Department, with the assistance of the Department of Building and Safety, and in consultation with the City Attorney, to prepare and present an ordinance that will address the counterproductive provisions of the Baseline Mansionization Ordinance (No. 179883), to stabilize the conflict of out-of-scale homes that continue to proliferate in entire neighborhoods as follows:

- *Green Bonus Provisions:* The City's Green Building Program (Ordinance No. 181480), was instituted as a mandatory requirement for all new construction, which applies energy and resource conservation use. The City's inclusion of a "Tier 1" bonus of 20% increase in home size has encouraged larger, and more energy and resource consuming homes. Therefore project applicants should not be allowed to enlarge a home, by claiming a 20 percent Floor Area Ratio (FAR) bonus that encourages larger, more energy and resource consuming homes.
- *The BMO's Two Design Bonuses:* Each resulted in a 20 percent increase in the size of a house, and each appear to produce the large, boxy, suburban-style houses that the Baseline Mansionization Ordinance intended to prevent. The houses actually permitted through the Baseline Mansionization's two design bonuses need to be carefully reviewed to determine if these bonuses meet the ordinance's intended goals of stopping mansionization.
- *FAR Bonus and R1 (Single Family) Zones:* R1 lots that exceed 7,500 square feet have a by-right FAR of 45 percent of the lot area, while those below 7,500 square feet have an FAR of 50 percent of the lot area. This small difference has meant that those R1 neighborhoods with the smallest lots and the least amount of setback have the largest home to lot-size ratio of any single-family zone in the city. This provision has encouraged out-of-scale homes that loom over neighborhoods with smaller lots, and the by-right FAR for the smaller lots should be reduced to .45 to ensure that all R-1 lots are covered by the same zoning regulations.
- *Re-evaluate FAR Exemptions:* The six exemptions listed in the BMO need to be re-evaluated to determine their impact citywide on the scale and character of new houses. In particular, exemptions for attached garages, attached porches/patios/breezeways, and double-height entryways appear to result in out of scale and out of character development. They should, therefore, be removed from the Baseline Mansionization Ordinance.

PRESENTED BY: PAUL KORETZ
Councilmember, 5th DistrictSECONDED BY: 

rrm

MAY 6 2014



ORIGINAL



Motion for Letter of Support on Proposal to Allow Counties to put a Measure on the ballot for a ½ Percent Tax on incomes over \$1 million to Combat Homelessness

Agenda Item: GB072116-23

Date: July 21, 2016

Proposed By: Beth Hirsch

Background

Motion withdrawn per B. Hirsch

Doug Fitzsimmons
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Motion to establish standing rule regarding email access for non- Boardmembers

Agenda Item: GB072116-24

Date: 21 July 2016

Proposed By: Executive Committee

Background

As more and more non-Boardmembers become involved with committees—particularly in leadership roles—the NC has occasionally had requests to establish soronc.org email accounts for them. While we haven't done that to date, ex-Boardmember committee chairs who have existing accounts have been more of a grey area.

On the one hand, they are arguably still acting on behalf of the NC, often have a wealth of accumulated information in their email account, and in some cases, are engaging in on-going discussions using that address.

On the other, the soronc.org email address implies that they are still members of the Board and would require the NC to continue to administer the account. We also have a limited number of NC email accounts available.

Further, well-documented and relatively easy processes exist to copy email and contacts to new accounts. As they hold the correspondence of duly-appointed representatives, those accounts would still be subject to the Brown Act and the Public Records Act. It makes sense to keep them separate from other personal and business email.

Therefore, the Pro Tem members of the Executive Committee recommend the following addition to the standing rules.

Proposed Motion

To add the following to the SORO NC standing rules:

- I. Only current SORO NC Boardmembers may have official soronc.org email accounts. However, role-based addresses (e.g., outreachchair@soronc.org) may be used to forward incoming email to non-Boardmember email addresses.
- II. Former Boardmembers will have thirty (30) days to copy/archive content from their SORO NC email accounts after leaving the Board.
- III. Non-Boardmember committee chairs and liaisons are strongly encouraged to create third-party email accounts specifically for NC business, subject to the provisions of the Brown Act, Public Records Act, and other applicable laws.

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Considerations

Committee review:
(highly recommended)

Votes For: 2

Against: 0

Amount previously allocated in Committee's working budget: \$
(applies to funding motions only)

Arguments for:

Clarifies NC policy and minimizes burden of email administration

Prevents misunderstandings about Board positions

Arguments against:

It can be time-consuming to copy email from one account to another

They're still acting on behalf of the Board in some capacity