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Scott Ouellette
1619 N. La Brea Ave #411
Los Angeles, California 90028
(818) 259-0576

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The City of Los Angeles
Planning and Land-Use Committee
200 N. Spring Street
Los Angeles, California

Re: **Revisions to the Baseline Mansionization Ordinance. Additional review and study is required.**
CPC-2015-CA & ENV-2015-4197-ND

Dear planning and land-use committee members:

I am a real estate profession with a 30-year career in the homebuilding industry, and I currently work for Williams Homes. My career has been focused in the Los Angeles area for 26 of the last 30 years. I am one of the founders of Studio City Against RFA, and participated in the drafting of a compromise RFA for Studio City. I am also a former Board Member of the Studio City Neighborhood Council, immediate past President of the Board of the Building Industry Association, former active member of the Urban Land Institute and a Board Member of HomeAid Los Angeles. My civic engagement began in 1994-2003 as a former full-time and reserve police officer for the Los Angeles Police Department. I would consider myself a citizen engaged in civic matters and a credible expert on homebuilding concerns in the City of Los Angeles.

I wish to call to attention some issues in the process of developing, drafting and vetting the revision to the BMO and HMO ordinance. While I appreciate the huge and controversial task of revising these ordinances, I believe a few verifiable facts were overlooked and not addressed. In light of these facts, I believe more work needs to be done by the planning department. Additionally given these facts, the BMO for R-1 lots should be less restrictive.

While I had hoped to express my thoughts at the planning commission meeting, the meeting started too late, lasted too long, with far too many speakers with only one minute to speak. Not all relevant topics were expressed and debated prior to the planning commission recommendations. The recommendation for adoption of the Negative Declaration must be thrown out because the recommendation was made before the public comment period expired. Additionally, the time period from release of the staff report and the public hearing was far too short.

Too much credibility was given to neighborhood council positions and the playing field is not balanced.

In reviewing the staff report and planning commission action, in almost all points of contention, the planning department took the most restrictive approach in crafting their recommendations. This approach is inherently unfair because for reasons discussed below, and property owners generally do not know what's going on.

Generally only neighborhood councils and residents groups are aware of what's going on. The typical neighborhood council profile is someone older in age, part of the community establishment, retired or semi-retired and has a lot of spare time. To prove my point, review the profiles of the speakers at the planning commission meeting on July 14, 2016. There were very few people who identified themselves as working professionals in the prime of their career. Additionally there were very few people in their childrearing years. These groups generally don't get involved in neighborhood council matters, and they are too busy to do so. These groups don't know what's going on.

To further demonstrate my point requires further investigation, I suggest you review the comments received and cross check the source with neighborhood council rosters to see if the bulk of communication was from neighborhood council insiders.

I also request that you review the history of the Studio City RFA. The original, very restrictive Studio City RFA nearly passed in the "dark of the night". Major opposition to a restrictive RFA wasn't identified until every property owner was notified of all the facts by the planning department just prior to the planning commission meeting. This tells me that most folks were "asleep at the wheel" concerning their property rights. Working professionals and younger folks in their childrearing years became involved in Studio City RFA once they were personally notified. This is why the Studio City RFA is not too restrictive. It was a highly negotiated compromise reached after all stakeholders were "in the loop".

Finally, the neighborhood councils and neighborhood council insiders have all the resources to recruit for one side of the issue, and they do. The neighborhood councils have email lists, Constant Contact or other communication databases, the neighborhood council network, other resources and tools, and worse yet, City funding at their disposal to recruit for one side of the issue. That is exactly what happened in Studio City's RFA process. As a property rights activist and former Board Member of the Studio City Neighborhood Council, I know this to be true. I've witnessed these actions repeatedly. Wasn't it the neighborhood council network that exploded the BMO-ICO concept across the City?

People opposed to their neighborhood councils are severely handicapped to organize a coalition to oppose a neighborhood council without spending a massive amount of personal time and personal resources. I know this from experience in Studio City. In

lights of these facts, the playing field should be more balanced and more credibility given to those opposed to the overly restrictive new BMO provisions.

The planning department needs to review prior legislative actions and learn from the process of reducing building rights on single-family homes. To further verify my position let's talk about whether homeowners know.

Homeowners do not know and the planning department outreach has been ineffective.

To determine whether property owners and homebuyers know of the BMO revisions, I suggest you analyze several real estate transactions and talk with real estate agents across the City to determine whether sellers and their agents are disclosing to buyers existing and pending legislative matters that would affect their property rights. Most real estate offices have standard disclosures to protect their agents from lawsuits. The planning department should reach out to real estate offices and ask to review standard disclosures to determine whether people in the marketplace know, through disclosure, of the existing and pending changes to the BMO, HMO, RFAs and ICOs. Such review will objectively determine whether the planning departments outreach has been effective.

What is important to note, is the planning department hearings on the revised ordinance took place in May and December. In May, most families are tied up with year-end school activities. In December, there are many religious-based holidays observed by most people. The timing of the hearings is suspect and severely limits the ability of working professionals in their childrearing years from participating in the process. It was obvious in the planning commission meeting of July 14, 2016 these groups were under represented.

Given the inherently unfair process and advantages of the neighborhood councils, the planning department should give more deference to the opposing position and propose a more balanced BMO.

The CEQA review is deficient & public comment period was not honored.

The CEQA review of revisions to the proposed ordinance is deficit because it fails to review the cumulative effects of the BMO, HMO, RFAs, ICOs and proposed changes in Re-code LA. Are there so many economic disincentives being legislated that redevelopment stops and urban decay sets in?

Please review the case Bakersfield Citizens for Local Control vs. the City of Bakersfield, where Walmart's entry to the marketplace was alleged to cause economic disincentives and failure of small businesses resulting is the downward spiral of neighborhood retail centers and urban decay from empty buildings and storefronts. In this case the City failed to look at cumulative effects from the addition of two Walmart superstores. The City of

Los Angeles has not completed a thorough CEQA review of the cumulative impacts of the BMO, HMO, RFAs, ICOs and Re-Code LA.

Even more concerning from a CEQA perspective, is the planning department and planning commission recommended adoption of the Negative Declaration before the public review and comment period was expired. The public comment period has not closed as of the date of this letter.

The BMO requirements on R-1 as proposed are a penalty to existing homeowners.

As currently proposed the BMO on R-1 lots, after removing the bonus options and reducing the upper FAR limit, R-1 home size is reduced by 25%. On garage forward homes on a 6,750 square foot lot (average for many areas of the City), the reduction in home size is 30%. These substantial reductions are severely penalizing existing homeowners, and will create, in perpetuity, out of scale homes built in recent years. In many areas of the City, the “horse left the barn” and many large homes already exist. The existing conditions must be balanced for future neighborhood integrity. Neighborhood integrity will not be preserved simply by stopping additional large homes.

Neighborhood Character is highly affected by lot width.

What is perceived as out-of-scale homes is inherently an unintended consequence of building two-story homes on narrow lots. We can't change the lot widths on existing communities by removing homes, so we must live with conditions that exist.

The unintended consequences, or not, of building homes on narrow lots was not studied by the planning department. What do neighborhoods across the county with narrow (and deep) lots look like? Do people not like the inevitable evolution of these neighborhoods? Is LA really doing something wrong? Is the planning department proposing the best solutions to this issue? I don't know these answers because the planning department's staff report does not provide any information on the study of the best solutions or any study of the inherent limitations of building homes on narrow and deep lots, which are typical of LA's R-1 neighborhoods.

Developers and Speculators.

So much unwarranted negativity and distain has been thrust upon the development community. Building a home is a very complicated and highly regulated process. Very, very few people buy a piece of land, hire an architect, engineer, landscape architect, structural engineer, title 24 consultant and various other professionals and trades in an effort to build a home for themselves. The process is simply too difficult, time consuming, has too much cost risk, and is intimidating to the average person. It's a fact that most homes are built on speculation and occupied by an end-user after construction.

Builders are not destroying neighborhoods. They are filling a demand for new housing, which does not exist in the market. People who can afford larger homes should have the same opportunities to live close to employment centers and live in walkable neighborhoods. One shouldn't have to move to the suburbs to get a larger home. Even wealthy professionals despise commuting. LA has a very old housing stock and a healthy level of redevelopment needs to be preserved. Redevelopment creates jobs, revenues and tax base. Many of these jobs created by redevelopment are well compensated and do not require a college degree.

Developers are generally not tearing down the better homes in a neighborhood. They're buying the lowest priced homes in the greatest state of disrepair. If a home has been well maintained and updated, its value is generally more than what a developer will pay.

Summarizing Thoughts

The facts and positions presented herein should be discussed and evaluated in a staff report to the PLUM committee. It's important to shed a positive light on facts that allow the PLUM committee and planning department to give deference to builders and the Building Industry Association who have commented on the revised ordinance. The planning department and planning commission have summarily dismissed the input of the development community in crafting of the proposed ordinance revisions. The planning department also completely dismissed the comments of those opposed to the excessive tightening of the BMO.

In lights of these facts, further review and study by the planning department is required.

Additional deference to the input from opposing views and the development community is warranted.

The R-1 BMO upper limits should be addressed as follows:

- Maximum FAR restored to 50% of lot size.
- Restore full exemption for garages regardless of placement. Let's not fail to recognize that easier access to off-street and side-by-side parking reduces street parking, and larger driveway aprons create more open streets with improved travel visibility and safety. This is especially important on narrow streets.
- Driveway aprons should be up to 25% of lot width, but not less than 16 feet.
- Restore the exemption for porches, covered patios and breezeways to allow 100 sf for porches and 100 sf for covered patios and breezeways. These are desirable architectural features that break up building massing and add character to the shape and profile of home.

- The additional side yard setbacks for balconies should not apply to “Juliet balconies” which are less than 18” in depth. These are desirable architectural features not large enough for people to congregate. They do not constitute a “party deck” in need of further setback.
- The encroachment plan break should be measured 20’ from top of slab to provide an objective and verifiable location of measurement. This would allow for 9’ plate height for two-story homes, which is consistent with today’s building practices.
- The 5’ depth of the side-wall articulation requirement should be reduced, or more creative options for side articulation should be explored. Simply cutting a 5’ block out of the side of the house will encourage building deeper into the lots and reduced backyards. The cutout area becomes inefficient and unusable dead space. Such back and side yard dead spaces typically attract junk, rarely used items, over-growth of plant material and urban critters. Side yards of homes are rarely attractive and generally not well maintained.

The members of the Planning and Land-Use Committee should re-examine the recommendations of the planning department and planning commission. In the rush to move this ordinance forward and quiet down the noise level on mansionization, too many items were overlooked and too many issues were glossed over. Ultimately the penalty to owners of R-1 lots is too severe.

I hope you’ll reconsider the recommendations brought to the PLUM Committee, revisit the merits of the opposing views, revise the Negative Declaration and respect the CEQA public comment period before taking further action.

Sincerely,



Scott Ouellette

Cc: Mayor Eric Garcetti
City Attorney Mike Feuer
Gilbert Cedillo
Paul Kerkorian
Bob Blumenfeld
David E. Ryu
Paul Koretz
Nury Martinez
Filipe Fuentes
Margueece Harris-Dawson
Curren D. Price, Jr.
Mike Bonin

Mitchell Englander
Mitch O'Farrell
Jose Huizar
Joe Buscaino
Artaro Chavez CD1
Jennifer Rivera CD1
Gerald Gubatan CD1
Karo Torossian CD2
Areen Ibranossian CD2
John Popoch CD3
Andrew Pennington CD3
Sarah Dusseault CD4
Nicholas Greif CD4
Rebecca Valdez CD7
Claudia Rodriguez CD7
Susan Wong CD7
Paloma Perez CD9
Chad Molnar CD11
John Lee CD12
Nicole Bernson CD12
Paul Habib CD14
Shawn Kuk CD14
Sharon Dickinson
Michael Espinosa
John White
Adam Lid
Neighborhoodconservation@lacity.org
Vince Bertoni
Thomas Rothmann
Phyllis Nathanson
Niall Huffman