



Sharon Dickinson <sharon.dickinson@lacity.org>

Brentwood Residents Coalition comment letter re BMO-BHO Amendments (CF 14-0656)

John Given <john@johngiven.com>

Tue, Nov 29, 2016 at 9:20 AM

To: Sharon.Dickinson@lacity.org

Cc: Jose Huizar <councilmember.huizar@lacity.org>, "Curren Price, Jr." <councilmember.price@lacity.org>, Gilbert Cedillo <councilmember.cedillo@lacity.org>, Marqueece Harris-Dawson <councilmember.harris-dawson@lacity.org>, Councilmember Mitchell Englander <councilmember.englander@lacity.org>, vince.bertoni@lacity.org, kevin.keller@lacity.org

Dear Ms. Dickinson:

Attached is a comment letter from Brentwood Residents Coalition regarding amendments to the Baseline Mansionization and Baseline Hillside Ordinance, which is before PLUM this afternoon. Please ensure that the letter is added to the council file for the proposed amendments.

Sincerely,

John Given
Brentwood Residents Coalition



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BRENTWOOD RESIDENTS COALITION
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November 29, 2016

Via email to Sharon.Dickinson@lacity.org

Honorable Jose Huizar, Chair
Honorable Marqueece Harris-Dawson, Vice Chair
Honorable Mitchell Englander
Honorable Gilbert A. Cedillo
Honorable Curren Price
Planning and Land Use Management Committee
City of Los Angeles
200 North Spring Street, Room 430
Los Angeles, CA 90012

**Re: Baseline Mansionization Ordinance & Baseline Hillside Ordinance
CF 14-0656**

Dear Chairman Huizar and Honorable Councilmembers:

The Brentwood Residents Coalition ("BRC") is a non-profit advocacy group dedicated to the preservation and enhancement of the environment and quality of life in the Brentwood neighborhood of Los Angeles.

BRC's January 2016 comment letter to the Department of Planning focused on the underlying motion that generated the currently proposed amendments, whose purpose was the elimination of numerous loopholes that undercut the effectiveness of the ordinances. BRC's January recommendations included (1) removing the FAR exclusion for uncovered and lattice roof patios, breezeways, and balconies, (2) removing the "proportional stories bonus, and (3) eliminating the 10% adjustment mechanism. None of these changes have yet been made. BRC notes, in particular, that the 10% adjustment process was recently deemed contrary to City Charter Section 562 in Los Angeles Superior Court case *Kottler v. City of Los Angeles, et al.* (BS 154184) (currently on appeal by the City). In *Kottler*, the Court determined that an adjustment is simply a variance by another name.

We continue to urge that these three loopholes be eliminated. This letter focuses on two additional points regarding the proposed amendments: removal of exemptions for institutional uses that rely on Conditional Use Permits, and eliminating the doubling of grading allowances under the Baseline Hillside Ordinance as an apparent trade-off for removing the basement grading exemption.

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I. BRC Objects to the Proposed Exemption for Institutional Uses Relying Upon Conditional Use Permits (CUPs).

Deputy Director of Planning Kevin Keller's November 28, 2016 letter asserts that PLUM should "clarify[] that the BMO/BHO regulations are intended to apply to institutional uses (such as schools and houses of worship) as well as residential uses." But that assertion is misleading. While it should be true that BMO/BHO regulations apply to institutional uses no less than to residential uses, the Planning Department has recently adopted a contrary "interpretation" that allows merely conditional uses to exceed BMO/BHO limitations without a variance—in violation of the City Charter.

Indeed, Mr. Keller's letter reflects Planning's new but erroneous theory, stating that "the decision maker already has the authority to explicitly override height and area regulations, as provided in Zoning Code Section 12.24.F" in conditional use cases. Since virtually all institutional use cases are now processed utilizing the CUP process (and the proposed changes provide additional incentive to continue that trend), Planning allows zoning administrators to deviate from BMO/BHO requirements without a variance. Thus, while the "clarification" makes it seem that BMO/BHO regulations will apply to institutional uses in residential zones, Planning's current practice is to the contrary. At best, only Residential Floor Area limits would apply based on Planning's erroneous interpretation of the zoning code.¹

This would effect a substantial change in City policy, and would cause serious adverse environmental impacts due to the many major projects that would no longer be subject to municipal code height and area limits. The resulting change would have substantial environmental impacts, including impacts on aesthetics, traffic, circulation, biological resources, air quality, and green house gases, plus cumulative impacts. These impacts must be properly reviewed before the ordinance can be adopted.

BRC urges your honorable PLUM Committee to eliminate this problem by removing the clause "except for conditionally permitted uses enumerated in Section 12.24" wherever it appears in the code amendment language. *See* Sections 2, 5, 8, 11, and 19 of the proposed ordinance.

¹ Note that the proposed ordinance language could be read much more broadly than Deputy Director Keller's current interpretation, as entirely exempting institutional uses from both amended ordinances. This is contrary to the City's historical interpretation of the BHO, which was always intended to apply to *all* uses, including institutional uses.

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II. BRC Objects to the Doubling of Baseline Hillside Ordinance Maximum “By-Right” Grading Quantities.


Among other concerns in BRC’s July 20, 2016 letter to the City Planning Commission regarding the proposed ordinance’s Negative Declaration, BRC objected to the doubling of maximum by-right grading quantities in the BHO, because the change is not supported by substantial evidence. While it remains unclear exactly how the doubling of maximum grading quantities was arrived at, the appearance is that it is merely based on staff’s assumption that doubling grading quantities is fair in light of the removal of the basement exemption. This is a grossly insufficient basis to make such a major change to grading quantities for hillside projects.

Elimination of the basement grading loophole is a very positive and necessary improvement to the BHO. Doubling maximum “by-right” grading quantities, however, would clearly violate CEQA unless the City provides significantly more data and analysis to support its action. It is the City’s burden to provide substantial evidence in support of its conclusion that this major change in the BHO grading allowance will have no significant adverse environmental impacts.

Conclusion

Thank you for the opportunity to comment.

Respectfully submitted,



Tom Freeman



Wendy-Sue Rosen



John P. Given

Cc: Vince Bertoni, Director of Planning
Kevin Keller, Deputy Director of Planning

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January 11, 2016

Hagu Solomon-Cary
Planning Department
City of Los Angeles
201 N. Figueroa Street
Los Angeles, CA 90012

hagu.solomon-cary@lacity.org

**Re: BRC Comments to Planning Department
Proposed BMO/BHO Amendments, CF #14-0656**

Dear Ms. Solomon-Cary:

The Brentwood Residents Coalition ("BRC") is a non-profit advocacy group dedicated to the preservation and enhancement of the environment and quality of life in the Brentwood neighborhood of Los Angeles. The BRC strongly supported the Baseline Hillside Ordinance ("BHO") when it passed. The ordinance, however, has only been partially successful in preventing mansionization because spec developers have exploited the ordinance's numerous loopholes. The draft amendments go far in closing some of the most egregious loopholes. In particular, Section 14 of the proposed ordinance, which removes the exemption for cut or fill beneath the footprint of structures, is vital to achieving the purpose of the BHO amendments. But the amendments do not go far enough. Spec developers, seeking to maximize square footage, will still have the ability to frustrate the ordinance's purpose unless the remaining loopholes are closed.

Mansionization continues to plague the hillsides

The City Council recognized the need to close these loopholes when it tasked Planning with the assignment to amend the BHO and the Baseline Mansionization Ordinance ("BMO"). In passing these ordinances and directing Planning to amend them, the City Council recognized the detrimental impacts of mansionization throughout the City. The BRC is particularly concerned with the ease in which spec developers have "gamed" the system despite the City Council's intent to prevent precisely the type of McMansions that the ordinances were intended to prevent. In the hillside areas subject to the BHO, spec developers have continued to overbuild properties, reducing green open space, erecting giant retaining walls, building towering structures that fail to honor the contours of the hillsides, blocking sunlight and literally casting shadows over the neighboring residents. This is what the BHO was supposed to prevent.

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Spec developer-driven mansionization also changes the character of established hillside neighborhoods, raising the prices of houses built in historically modest areas—making them less affordable. There are many modestly-priced homes in the hillsides of Los Angeles. But spec developers, seeking outsized profits by turning them into McMansions, are transforming the hillside neighborhoods, threatening to turn them into exclusive enclaves no longer available to the middle class. Moreover, those who buy McMansions seeking maximum indoor space are less likely to care about the natural hillside environment—making them poor stewards of these environmentally sensitive areas. The tradition of environmental protection spearheaded by hillside residents has been responsible for the preservation of open spaces that would long ago have been given over to development. But McMansion owners, who choose to live in overbuilt homes inconsistent with the natural hillside environment, are not likely to assume the mantle of hillside protectors. The entire City will suffer if the hillsides natural advocates are effectively driven away by rising prices.

Three remaining loopholes must be closed

Three critical changes are necessary to achieve the City Council's goals in passing the mansionization ordinances.

1. Eliminate the existing 10% "adjustment" mechanism

Perhaps the most glaring loopholes in the existing ordinances are the provisions conferring on staff the authority to exceed BHO and BMO limitations by 10% without any public process. This discretionary authority to make 10% "adjustments" has been controversial since the ordinances were initially proposed. But Planning staff quelled public concern by explaining that the goal was to eliminate the need for variances except in the most unusual of cases. By giving staff the leeway to make "modest" adjustments, it was expected that there would rarely if ever be need for variances from the ordinances' requirements. This discretionary authority to make modest adjustments was critical, staff explained, because variances would otherwise be utilized and variances establish adverse precedents that ultimately serve to degrade the integrity of development limitations.

The laudable goal of the adjustment mechanism, however, has not been achieved. Instead, the adjustment provisions have effectively increased the ordinances' by-right specification by 10% without any impact on variances. Variances are still routinely sought and (unfortunately) too often granted. The adjustment provisions have had no discernable impact on variances. The "adjustment" mechanism, having failed to achieve the intended goal, should be removed. The variance procedure, which is an open public process, should be utilized for any proposed deviation from the ordinances' requirements.

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2. Remove the FAR exclusion for “lattice roof” patios, breezeways and balconies

The amendments would maintain a loophole to exclude “lattice roof” patios, breezeways or balconies from the Floor Area Ratio (“FAR”) calculation. This exclusion will allow precisely the type of McMansions that the ordinances are supposed to preclude. These “lattice roofed” spaces add bulk in excess of the FAR limitations and there is no persuasive justification for exempting them. Moreover, compliance with the “lattice roof” requirements will not be enforced, making it far too easy to transform such spaces into ordinarily-roofed patios, breezeways and balconies. This is an invitation for continued abuse and should be stricken from the proposed amendments.

3. Remove the proposed “proportional stories” bonus

The proposed “proportional” stories bonus promotes mansionization, contrary to the City Council directive. In the rare instances where an exception from code requirements is justified due to special need and proportionality, the variance process can be utilized. But even if the bonus is not completely removed from the proposed amendments, as it should be, it must at least be revised. Specifically, the provision must be revised to better define the first-story footprint. The proposed definition lacks the requisite clarity and encourages gamesmanship that will defeat the statutory objectives. Second, if the provisions are not removed, they must be amended to provide a *public process* and require a written and appealable planning determination before awarding any such bonus. This is not the type of deviation that should ever be permitted “behind closed door,” without a fair and open public process.

The BRC therefore supports the proposed amendments and asks that staff make these three additional changes.

Respectfully submitted,



Tom Freeman



Wendy-Sue Rosen



John P. Given

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July 14, 2016

Los Angeles City Planning Commission
Department of City Planning
200 N. Spring St., Rm. 272
Los Angeles, CA 90012

Re: CPC-2015-3484-CA and ENV-2015-4197-ND
Proposed Update to Baseline Mansionization and Baseline Hillside Ordinances

Dear Commission President Ambroz and Commissioners,

The Brentwood Residents Coalition (BRC) is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in the City of Los Angeles, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, and to educate the public on issues that affect the quality of life and environment.

The BRC strongly supports the Baseline Hillside Ordinance (BHO) as well as Councilman Koretz's proposals for closing the loopholes that threaten its efficacy. We are extremely disappointed that the Planning Department's Recommendation Report has proposed a recommendation that would undermine the very purpose of the BHO—to protect hillside areas from overdevelopment inconsistent with their natural beauty and environmental significance to our City.

Planning's first general recommendation in its Recommendation Report (*see* Appendix B, p. B-1) recommends that "institutions" be wholly *exempted* from the BHO (and BMO). That is, BHO zoning limits for size, mass, grading, and other rules intended to protect the natural environment would be applied only to residential properties in hillside areas, which are *permitted by right*, but not to *institutional* properties that are allowed only conditionally. The recommendation is an unjustifiable gift to institutions that operate in residentially-zoned hillside areas as non-conforming uses under conditional use permits. The proposed exemption would be inconsistent with the institutions' lesser (conditional) property rights even though institutions pose greater risks than residential properties.

The recommended exemption for non-conforming institutional properties couldn't be harder to find. That's why this Commission is unlikely to see many complaints about the exemption—nobody knew about it. Worse than that, however, is the disingenuous explanation that the exemption is "not necessary, but may be desirable for clarity." What you are not being told is that Planning's position that zoning laws apply *only* to by right properties is being litigated. And Planning is not likely to prevail on that question because its position is nonsense.

Planning claims that zoning laws don't apply to non-conforming uses because any mitigating conditions needed can be imposed as conditions of approval to conditional use permits that are granted. There is no authority for that unprecedented argument and it violates the first principle of variance law—that the burden on a party seeking a variance from zoning restrictions is necessarily heavy, to protect the integrity of the neighborhood.

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Zoning laws are designed to protect neighboring property owners' long-term interests by limiting the right of all property owners to develop their land in a manner inconsistent with the zoning restrictions. *Stolman v. City of Los Angeles*, 114 Cal.App.4th 916 (2004). Thus, the City cannot grant variances from zoning laws like the BHO absent factually-supported findings that all elements needed for a variance have been met. As the Supreme Court explained, courts must ensure compliance with the *stringent variance standard* to protect the rights of neighboring property owners:

[C]ourts must meaningfully review grants of variances in order to protect the interests of those who hold rights in property nearby the parcel for which a variance is sought. A zoning scheme, after all, is similar in some respects to a contract; each party forgoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be similarly restricted, the rationale being that such mutual restriction can enhance total community welfare. [Citations.] If the interest of these parties in preventing unjustified variance awards for neighboring land is not sufficiently protected, the consequence will be subversion of the critical reciprocity upon which zoning regulation rests.

Topanga Assoc. for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506, 517-18 (19__).

A conditional use permit, by contrast, does not permit the violation of zoning laws. A "CUP" allows a property use that is authorized by statute, but not on a "by right" basis. A CUP provides *some* protection to neighbors and the environment, but not the stringent protection conferred under the variance standard, which allows zoning variances only in extraordinary circumstances.

Planning's position that an exemption is "not necessary" is misleading at best. If the exemption is approved, it will be far easier for institutions to damage hillside environments in ways that the BHO does not permit and that would not be allowed under the more stringent variance standard.

Needless to say, there has been no environmental review of this supposedly unnecessary exemption. Nor could there have been, since the recommended exemption was made by staff on July 7, a full week after the negative declaration for the proposed ordinance was released to the public on June 30. The potential environmental impacts of exempting institutions from the BHO are clearly substantial and would mandate a thorough environmental impact report.

Respectfully submitted,



Tom Freeman



Wendy-Sue Rosen



John P. Given

LAW OFFICE OF JOHN P. GIVEN

ITEM 11

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Santa Monica, CA 90404
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July 14, 2016

Los Angeles City Planning Commission
Department of City Planning
200 N. Spring St., Rm. 272
Los Angeles, CA 90012

Re: CPC-2015-3484-CA and ENV-2015-4197-ND

Proposed Update to Baseline Mansionization and Baseline Hillside Ordinances

Honorable Planning Commissioners:

I am a hillside resident of Council District 11. As an officer on the boards of my local homeowners association, Brentwood Hills Homeowners Association ("BHHA"), and the Federation of Hillside and Canyon Associations, Inc. (the "Hillside Federation"), and as a land use and environmental law attorney practicing primarily in Los Angeles, I am very familiar with the provisions of the City's Baseline Hillside Ordinance.

I appreciate the hard work of staff in addressing concerns raised by community members and other stakeholders. I would nonetheless like to share several concerns about the proposed revisions to the City's Baseline Hillside Ordinance (BHO), part of a larger ordinance that also substantially modifies the City's Baseline Mansionization Ordinance.

First, elimination of the exemption for cut and fill beneath structures will go a long way to stem abuse of the Baseline Hillside Ordinance. Developers, particularly developers of "spec" homes used this exemption to create amazingly large habitable basements that largely did not count at all toward floor area limitations. While this change is very welcome, the revised ordinance provides an offset to double the formula for maximum grading and double "by right" grading quantities. Some offset is undoubtedly appropriate for removal of the under-structure grading exemption, but nowhere does the Staff Report explain how the doubling of grading quantities was arrived at. Thus, it is impossible for community member and decisionmakers to know, because there is no information in the record to explain, the justification that allows the formula for maximum grading and maximum "by right" grading quantities to be doubled.

Second, the Staff Report recommends a modification to the proposed ordinance of the ordinance that would wholly exempt institutions relying on conditional use permits (CUPs) in residential areas from the provisions of both the BMO and BHO to the extent that they would otherwise apply. The recommendation suggests that such an exemption is "not necessary," which if true, is certainly reason enough not to accept the proposed modification. But the premise upon which the proposed modification is made is false: it is not a reasonable interpretation of the City's existing zoning code that activities and uses permitted via conditional use permit negate provisions of zoning provisions that otherwise apply to specific parcels. The CPC should reject this blatant and obvious giveaway to institutions, because it is contrary to the zoning code and

good planning practice, and would invariably lead to gross conflicts between these projects and community plans for residential areas. Indeed, such conflicts have already arisen due to this interpretation, and there is at least one pending lawsuit that will likely determine that the interpretation is incorrect. Seen in this larger context, there is simply no basis for the City to enact such a major change in its zoning code on the basis that it is merely a clarification and not a substantial change to existing law. Conditions of approval on CUPs cannot possibly provide the same level of protection to community members as far more rigorous variance standards do.

Third, something more must be done to protect those hillside neighborhoods with nonconforming R-1 lots that are, in some cases, half or less of a standard 5,000 square foot R-1 lot. Yet, the proposed ordinance still allows a minimum 1,000 square feet of Residential Floor Area (RFA) for nonconforming lots. In conjunction with the 400 sq. ft. garage exemption that remains, this oversight will cause continued harm in some of our City's densest hillside neighborhoods where these nonconforming lots were created many years ago. A formulaic limit of 0.5 RFA may not be precisely the right solution for these many substandard lots, but it makes no logical sense to limit a 5,000 square foot parcel to 1,000 square feet by right and then pretend that is also the appropriate by-right limit for a grossly nonconforming 2,500 square foot lot. I urge Planning to re-consider the appropriate by-right RFA limit for nonconforming hillside lots.

Finally, this letter cannot substitute for a thorough analysis of all California Environmental Quality Act (CEQA) issues that the City's proposed action raises, but I would like to note several immediate concerns with the proposed Negative Declaration (ND) for the project, in anticipation of a more detailed analysis that will be provided to Planning before the ordinances are presented to the City Council. Based only on the few issues raised in this letter, there is good reason to suspect that an environmental impact report will be needed. First, the Staff Report makes recommendations that were not analyzed in the ND, which was released a week before those recommendations were made. Second, the proposed "clarification" to exempt institutional uses from the BMO and BHO will cause obvious conflicts between future projects and the City's general plan and zoning ordinances. These potential conflicts are not analyzed in the ND. Third, as discussed above, the basis upon which hillside grading limits were doubled is not known, and without substantial evidence to support the conclusion that there will be no environmental impact based on the increase, a negative declaration is insufficient. Undoubtedly, a more thorough analysis will turn up other concerns, but these are alone sufficient to require additional analysis and recirculation, if not preparation of an environmental impact report.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Given', with a stylized, flowing script.

John Given

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July 20, 2016

Darlene Navarrete
Los Angeles Department of City Planning
Department of City Planning
200 N. Spring St., Rm. 750
Los Angeles, CA 90012

VIA EMAIL ONLY TO darlene.navarrete@lacity.org

Re: ENV-2015-4197-ND ; CPC-2015-3484-CA
Code Amendment to Baseline Mansionization and Baseline Hillside Ordinances

Dear Ms. Navarrete:

The following comments are for the above-captioned Negative Declaration ("ND") prepared for the City's proposed code amendment to update the Baseline Mansionization and Baseline Hillside Ordinances (the "Project"). It supplements BRC's earlier letter to the City Planning Commission dated July 14, 2016 (attached as Exhibit A). We also adopt by reference the letter of John P. Given to the CPC, also dated July 14, 2016 (attached as Exhibit B).

The negative declaration is inadequate for a number of reasons.

The project description used in the initial study and negative declaration are vague and shifting, and not an accurate representation of the Project as modified by Planning staff recommendations made on July 7, 2016, and adopted as part of the Project approved by the City Planning Commission at its July 14, 2016 hearing.

On page I-1 of the ND (Initial Study Introduction), the project description describes that proposed code amendments "also regulate and limit grading of single-family lots in designated 'Hillside Areas.'" See also ND at II-5, III-2. This language strongly suggests that the existing ordinance for the City's hillside areas either does not regulate and limit grading, or that the amendment would necessarily result in increased restrictions that would reduce grading compared to the current regulatory regime. In fact, the existing ordinance does limit grading. The code amendment proposes to eliminate that loophole in the existing ordinance that exempts grading beneath structures from being counted toward grading maximums. But elimination of the loophole is offset by a doubling of grading quantities elsewhere, and neither the ND nor the July 7 Staff Recommendation Report explains how the doubling of quantities was arrived at. The staff report assumes that the change will necessarily result in less grading in hillside areas, but that assumption appears based entirely on speculation, and not on substantial evidence.

Compare the differing project description found at ND III-3 (Initial Study Checklist), which is more accurate in that it describes both removal of the basement grading loophole and the offsetting doubling of grading quantities, but which still differs from the version of the ordinance recommended by staff and approved by the CPC on July 14. That version of the ordinance includes

BRENTWOOD RESIDENTS COALITION

two modifications not studied in the ND. One would “[r]etain [the] exemption for certain cut/fill under structures, including piles, caissons, [and] foundation spoils.” The other would “[e]xempt fill resulting from non-exempt cut from being counted against grading maximums to encourage balancing on-site.” ND at Appendix B5 (staff recommendation nos. 21 & 22). These may be terrific ideas, but the assumption that they will necessarily result in less grading and lower environmental impacts again appears to be based entirely on speculation and not evidence, substantial or otherwise.

The project description is not accurate relative to the statement that “[t]he proposed Project, by itself, does not propose or authorize any development and would not authorize or expand any new or existing land uses.” ND at I-1. In fact, adoption of staff’s first recommendation, which would exempt institutional uses entirely from provisions of the BMO and BHO, makes it likely that new and expanded uses will occur in the Project Area due to the changed ordinance. As described in Brentwood Resident Coalition’s letter of July 7, 2014 to the City Planning Commission, “there has been no environmental review of this supposedly unnecessary exemption. Nor could there have been, since the recommended exemption was made by staff on July 7, a full week after the negative declaration for the proposed ordinance was released to the public on June 30.” *See* Exh. A.

The ND provides some details regarding the number of demolitions, additions, and new construction that has occurred in the project area. *See* Table II-1, ND at II-4 to II-5. But there is no data describing actual grading quantities in BHO areas for those projects, which would be very helpful to decisionmakers and community members to determine whether the proposed doubling of grading quantities is an appropriate amount to offset the closing of the basement exemption loophole. Indeed, of the 32,875 vacant lots identified as being within the Project Area, more than half (19,354) are in hillside areas. ND at II-5. The City’s proposed action doubles the by-right grading quantities on all of those lots. *See* Table II-2, ND at II-6. Even if all of those lots were zoned R-1, which has the lowest by-right grading minimums, the City’s action would double by-right grading from approximately 19.3 million cubic yards to approximately 38.6 million cubic yards. Without substantial evidence to justify this increase, it is far from clear that the new regime will necessarily result in less grading than under the current regulatory scheme.

The ND includes very confusing language to justify the increase, and suggests that there are currently no grading limitations in the BHO. “Although the grading quantities allowed by the formula and the ‘by-right’ table would increase, the total amount of grading that could occur would be limited whereas such grading activity is currently exempt and therefore unlimited.” ND at II-6 to II-7. While persons familiar with the existing ordinance can decode this vague sentence, it suggests to the non-expert member of the public that there are currently no grading limits whatsoever, which is far from the case. Closing of the basement exemption loophole is likely a net positive and is expected to result in a diminution of grading from the most abusive projects, but the language is nonetheless vague and the conclusion speculative and not based on substantial evidence. Additional data showing actual grading quantities for “normal” hillside projects, and not based on outrageous hillside mega-mansions that clearly abused the basement exemption and which skew the data, would be extremely helpful to both decisionmakers and stakeholders.

Not all previously constructed projects under the BHO grossly abused the basement exemption loophole, and it is therefore improper to simply assume that doubled grading quantities is

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reasonably needed to allow ordinary single-family residential projects to be built in hillside areas. Considerably more information and analysis is needed.

In the environmental analysis of aesthetics, the ND references the “City’s Design Review Board” as evaluating the massing, placement, and so forth, of buildings and building design. *See* ND at IV-2. But Design Review Boards created pursuant to LAMC § 16.50 only exist in a small number of designated areas, not throughout the City. Most single-family homes would never undergo any sort of design review process. Yet the ND suggests that all projects undergo a design review process, which is incorrect. Moreover, the design review process is a discretionary review process that itself implicates CEQA and results in at least some minimal level of environmental review. The construction of many (perhaps most) single-family homes is not subject to CEQA, because unless they seek a discretionary entitlement, they are generally exempt. *See* Los Angeles City Guidelines, art. III.1.c(1) (class 3 exemption for construction of single-family homes). The ND describes the design review process as if it were a mitigation that the public can rely on, but the reality is far different. The ND must make clear which limited parts of the Project Area fall within specific plan areas where a design review process would provide additional protections.

Changes in the grading quantities also potentially impact the analysis of whether the Project will substantially degrade the existing visual character or quality of the site and its surroundings. *See* ND at IV-3. The section that analyzes this issue contains only two conclusory sentences repeating the project description statements regarding grading, and no actual analysis. (“The amendments to the BHO would specifically make adjustments to grading provisions for single-family lots located in designated ‘Hillside Areas.’” “The amendments also regulate and limit grading of single-family lots in designated ‘Hillside Areas.’”) This analysis is grossly insufficient to conclude that proposed changes will not substantially degrade the existing visual character or quality of the site and its surroundings.

As with the aesthetic impacts, the analysis of air quality is insufficient, because there is no basis to compare existing air quality under the current regulatory scheme with air quality under the proposed changes. Particularly where grading may be substantially increased in the project area due to staff’s recommendations to exempt institutional uses and by the proposed doubling of grading quantities, more analysis is needed.

Potentially increased grading may also have a substantial adverse effect on species. The ND assumes that grading changes will have no impact on wildlife corridors in hillside areas, and asserts that there are no such corridors to be protected. ND at IV-15. But this flies in the face of reality. In April 2016, the City Council adopted motion 14-0518 to study wildlife corridors in hillside areas (available at: http://clkrep.lacity.org/online/docs/2014/14-0518_mot_04-23-14.pdf). The ND statement that there are no wildlife corridors in the project area may be legally correct in the sense that the City has not yet designated any such corridors, but it is clear from the City’s recent action that it acknowledges that wildlife corridors exist and need to be protected. And there is substantial evidence in the record for the wildlife corridor motion supporting the existence of wildlife corridors. *See, e.g.,* David Szymanski, National Park Service Superintendent, letter to Los Angeles City Council (April 19, 2016), available at: http://clkrep.lacity.org/online/docs/2014/14-0518_misc_a_4-19-16.PDF. (“During approximately 15 years of research in the Santa Monica Mountains, the NPS has identified increasing urbanization and habitat fragmentation as one of the key challenges to

BRENTWOOD RESIDENTS COALITION

protecting local wildlife and a functioning ecosystem. The proposed [wildlife corridor] ordinance would support NPS goals and objectives to protect open space and provide for wildlife movement throughout the Santa Monica Mountains and the greater vicinity.”)

In addition to this obvious conflict with ND part 4.d, there is also a conflict with ND part 4.e that remains unstudied. The City’s wildlife corridor motion 14-0518, adopted to protect native species and their movement throughout the hillsides, is unquestionably a local policy intended to protect a biological resource.

As described in the attached letters, the exemption of institutional uses conflicts with an applicable land use plan, policy, or regulation. *See* ND at IV-52 (discussion of analysis category 10.b). The proposed modification to “clarify” that institutional uses are not subject to the BHO or BMO represents a major policy shift. The obvious potentially significant environmental impacts of this change must be studied.

The cumulative impact analysis is inadequate in that doubling grading limits in hillside areas and exempting institutional uses from provisions of the BHO and BMO plainly could lead to cumulatively considerable impacts. These changes must be studied in the context of the cumulative impact analysis as well. *See* ND at IV-79.

Finally, we note for the record the numerous staff recommendations that were not studied in the negative declaration before they were adopted by the City Planning Commission (*see* Staff Recommendation Report, Appendix B). Including those described above, these include:

- (1) Exemption of institutional uses from provisions of the BMO and BHO;
- (3) Modification to require decks, balconies, and terraces to be set back a minimum of three feet from the minimum required side yard;
- (9) Clarify that where height is measured from finished grade that it be measured from each point along the perimeter of the building;
- (10) Retaining the front façade articulation bonus as a required development standard;
- (16) Fully eliminate the exemption for covered porches, patios, and breezeways;
- (21) Modify the ordinance to allow grading for deepened foundation systems, such as piles and caissons;
- (22) Modify the ordinance to allow up to one-half of fill resulting from non-exempt cut from underneath the footprint of the main building to remain exempt from grading allowances;
- (26) Modify the ordinance to limit hours of hauling from 9am to 3pm;
- (29) Modify the ordinance to allow cantilevered balconies, but not rooftop decks, to project past height envelope limits;
- (30) Modify dedication requirements for improvement of substandard hillside streets;
- (31) Modify the ordinance regarding driveway minimum and maximum widths;
- (34) Modify the ordinance to prohibit a Zoning Administrator from waiving public hearings for non-hillside properties;
- (36) Clarify that all lots are eligible to take advantage of guaranteed minimum RFA; and
- (37) Reduce by-right square footage for R-1 lots from .5 to .45.

BRENTWOOD RESIDENTS COALITION

While many of the proposed and adopted modifications may be desired and could have either no environmental impact or even tend to reduce environmental impacts, it is improper for them not to have been described in the project description and supporting documents, and for the ND not to consider whether any of them may have potentially significant environmental impacts. Clearly staff recommendations 1, 3, 9, 21, 22, 29, 30, and 36 could have potentially significant impacts. Decisionmakers and stakeholders deserve a more complete understanding of the expected impacts of the proposed Project before it is considered and approved by the City.

Respectfully submitted,



Tom Freeman



Wendy-Sue Rosen



John P. Given



Sharon Dickinson <sharon.dickinson@lacity.org>

Comment on PLUM 11/29/16 mtg Council File 14-0656

Saied Kashani <saiedkashani@googlemail.com>
To: Sharon.Dickinson@lacity.org

Tue, Nov 29, 2016 at 1:52 AM

I am an owner in Pacific Palisades. I oppose the BHO/BMO amendments for Pacific Palisades.

1. The Council should exempt Pacific Palisades from the BHO/BMO changes because these changes are not consistent with the Council's stated objective in the Pacific Palisades. Specifically, the Council's original mandate was to prevent "out of character" or "out of scale" development. The City Planning Commission's report of November 10, 2016 in Case CPC-2016-2112-ZC found, "In the case of Pacific Palisades, the overall character of the community is not in keeping with the proposed amendment to the BMO and BHO and more in keeping with the regulations of the existing BMO and BHO." In other words, in Pacific Palisades, the existing BMO/BHO is consistent with the overall character of the community. The proposed revised BMO/BHO is not in keeping and is out of character.

The CPC has made a modest step in ameliorating the effect of the revised BMO/BHO for Pacific Palisades by recommending new R1H1 and R1V1 zoning but this is only for a very blocks in Pacific Palisades. 95% of Pacific Palisades will be under the revised BMO/BHO with no changes.

The reality is that the majority of homes in Pacific Palisades are out of compliance with the revised BMO/BHO but they are in compliance with existing BMO/BHO. Recall also that the ordinance states that an owner cannot do even a minor remodel or add a bedroom, etc. if the existing house is out of compliance. The effect of the ordinance will be not so much to stop "out of character" new homes as to prevent homeowners from making modest improvements or remodels of their existing homes.

2. Instead, the Council should encourage Pacific Palisades neighborhoods that wish more restrictive regulations to seek overlay districts. The fact that no Pacific Palisades neighborhood sought an overlay district to date shows that, in practice, Pacific Palisades is satisfied with the existing BMO/BHO regulations.

3. If the Council adopts the changes to Pacific Palisades, the Council should grandfather all existing projects as suggested by the latest Planning Commission revision/recommendation (11/28/16). This should apply to all projects of whatever size not just large projects. When the City Council adopted that last BMO/BHO in 2011, at the last minute the Council put in an amendment that exempted pending very large grading/subdivision projects but not individual homes in planning process. This created the impression the City was favoring large developers over individual homeowners. This time the Council should grandfather all individual home projects accepted to plan check and plan check fee accepted prior to the effective date of the new ordinance, not just large projects.

Saied Kashani
tel. (213) 625 4320

November 28, 2016

Re: Baseline Mansionization Ordinance,
Baseline Hillside Ordinance Amendments
CF#: 14-0656

Jose Huizar, Chair
Planning and Land Use Management Committee
Via Email

Honorable Councilmember Huizar and Members of the PLUM Committee:

While certain areas within Granada Hills have been offered protections under the revised Community Plan, there are other residential districts within our community that are subject to overbuilding and mansionization. In addition to Granada Hills, this issue has impacted many neighborhoods across the City of Los Angeles. Mansionization decreases affordable housing and reduces the city's sustainability. It degrades livability, violates neighborhood character, and it puts short-term speculation ahead of stable long-term property values. In response to this, city residents and homeowners, by a very wide margin, called for revisions to the BMO/BHO. The first draft of the amendments to the mansionization ordinances was a good start and provided a template for a simple and effective fix. Councilmembers Koretz and Ryu, the LA Conservancy, and dozens of neighborhood councils and residents' associations also stressed for the need for strong and enforceable ordinances.

Within the latest draft, improvements have been made, especially in the R1 zones that make up most of the city's single-family properties. But there are major flaws:

- Attached garages. The Planning Commission's compromise goes too far. It counts only half the square footage of those at the front.
All attached garages add bulk. But garages attached at the front also clash with the look and feel of many LA neighborhoods and lose the buffer of a driveway.
At an absolute minimum, count *all* front-facing attached garage space. All of the square footage should be taken into account.
- Grading and hauling. Allowances are excessive and must be reduced.
- Bonuses. In RA/RS/RE zones, bonuses that add 20% more bulk should be deleted.

Councilmember Huizar and PLUM Committee members, I strongly urge you to consider the abovementioned recommendations in order to establish some meaningful limits within the BMO/BHO. We can no longer give veto power to a vocal minority concentrated in a few pockets of resistance. It is time to serve the needs of our communities, not the self-serving interests of speculators.

Thank You for Your Consideration,

Maria Fisk
Old Granada Hills

CC: Members of the PLUM Committee



Sharon Dickinson <sharon.dickinson@lacity.org>

BASPOA on BMO/BHO Code Amendment

Bel Air Skycrest <belairskycrest@gmail.com>

Tue, Nov 29, 2016 at 12:51 AM

To: Sharon Dickinson <Sharon.Dickinson@lacity.org>

Cc: Planning Director Vince Bertoni <vince.bertoni@lacity.org>, Councilmember Mike Bonin <mike.bonin@lacity.org>

Dear Sharon,

Attached please find a letter from the President of Bel Air Skycrest Property Owners' Association on the subject of the BMO/BHO Code Amendment coming before PLUM tomorrow. Please share with the members of the PLUM Committee.

Thank you.

Lois Becker
BASPOA Community Liaison



BASPOA CF#14-0656.pdf

183K



November 28, 2016

Re: BASPOA Concerns about BMO/BHO Code Amendment
Council File Number: 14-0656

Dear PLUM Committee Members:

I am writing on behalf of Bel Air Skycrest Property Owners' Association (BASPOA) regarding the **BMO/BHO Code Amendment**.

Located as we are immediately adjacent to Mulholland's "Institutional Corridor", Bel Air Skycrest residents know how vital it is that institutions in residentially zoned areas be held to the strictest standards of compatibility and mitigation, in order to preserve a balance between institutional growth on the one hand and the quality of life of the community on the other. After all, the whole point of Conditional Use Permits is that they allow institutions to exist in a certain area on condition that they are respectful of and compatible with the underlying zoning.

For this reason BASPOA is deeply concerned by the inclusion of language that would seem to exempt institutions or conditional uses from any aspect of the BMO/BHO. We are particularly concerned about the amended text proposed for Sections 2, 5, 8, and 11:

C. Area (Development Standards). No building or structure nor the enlargement of any building or structure shall be erected or maintained, except for conditionally permitted uses enumerated in Section 12.24, unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

And this from Section 19:

10. Single-Family Zone Hillside Area Development

Standards. Notwithstanding any other provisions of this code to the Contrary, for any Lot zoned R1, RS, RE, or RA and designated Hillside Area on the Department of City Planning Hillside Area Map, no Building or Structure nor the addition or remodel of any Building or Structure, except for conditionally permitted uses enumerated in Section 12.24, shall be erected or maintained unless the following development standards are provided in connection with the Building, Structure, addition or remodel.

There is also an exemption in Appendix B, General Item 1.

There is no legitimate reason for exempting institutional/conditionally permitted uses from the provisions of the BMO/BHO. Such an exemption would be contrary to the Los Angeles Municipal Code, would represent a major change in City land use policy, and would create an enormous new loophole in the Ordinance, freeing insitutional and conditional users from the obligation to provide environmental review and appropriate mitigation for impacts.

On behalf of Bel Air Skycrest Property Owners' Association, I urge you to preserve the conditionality of CUPs and to reject language that, whatever its intent, might create any ambiguity at all on this subject.

Respectfully,

A handwritten signature in black ink, appearing to read "Raffie Beroukhim", with a stylized flourish at the end.

Raffie Beroukhim
BASPOA President



Sharon Dickinson <sharon.dickinson@lacity.org>

Response to proposed changes to the BHO (CF 14-0656) for todays PLUM meeting

John Southern <john@urban-ops.net>

Tue, Nov 29, 2016 at 11:21 AM

To: Sharon.Dickinson@lacity.org

Cc: Niall.Huffman@lacity.org, will@aialosangeles.org

Dear Ms. Dickinson,

Attached are my concerns and observations regarding the proposed code amendments to the Baseline Hillside Ordinance (CF 14-0656) which were taken from the proposed amendment document available through the City Council's Webpage.

If you could be so kind to enter it into the public record and forward it to the appropriate parties, I would greatly appreciate it. It is my intention to attend today's PLUM hearing, but just in case my schedule changes, I thought it important to forward it on to the PLUM Committee, Council, and DCP Staff.

Thank you for your assistance!

Sincerely,

John Southern, AIA

URBAN OPERATIONS
2820 North Main Street
Los Angeles, CA. 90031
t. 323-644-1415
www.urban-ops.net
Lic. # C-31796



John Southern_Response Letter to CF-14-0656.pdf

28K



URBAN OPERATIONS

2820 North Main Street
Los Angeles, CA 90031
info@urban-ops.net
t: 323.644.1415
License # C 31796

11.29.2016

To:
The Honorable City Council of the City of Los Angeles
Planning and Land Use Management Committee
City Hall, Room 395
Los Angeles, CA 90012

From:
John Southern, AIA
2820 North Main Street
Los Angeles, CA 90031

Re: Concerns regarding the Council File (CF 14-0656) -Proposed Revisions to the BMO/BHO

Dear Colleagues,

I am a licensed architect and builder with over ten years of experience producing custom designs for, and building on, hillside sites here in the City of Los Angeles. I have followed the BHO code revision process since it started last spring and have attended many of the hearings and AIA meetings held by DCP Staff.

I am responding again to the revised proposed amendments to the Baseline Hillside Ordinance currently, dated November 28th, 2016, and which are under review by PLUM and the City Council. I have outlined four amendments which do not recognize the technical and financial challenges facing hillside development here in Los Angeles. My concerns over the recent amendments are only focused on the BHO, and have been developed from analyzing the proposed code changes and their hypothetical effect on several of our projects which were designed and built under the original BHO, which includes my own recently constructed home. I have assembled a few particular items which I believe require further examination before being included in the new code. They are summarized on the following page.

Please feel free to reach out with questions or comments about my observations regarding the proposed changes to the BHO. I thank you in advance for your time and attention to my narrative that follows.

Sincerely,

John Southern, AIA

Commentary on the November 28th, 2016 revisions to the Baseline Hillside Ordinance

- 1) The exemption of 400 SF of covered parking should remain until the Department of City Planning reduces the required number of covered spaces from two to one. On a majority of hillside sites, covered parking at the rear of the home is not technically possible due to the sloping terrain and renders the proposed exemptions inconsequential with respect to a majority of proposed projects. More importantly, the current proposed code amendment will do nothing to reduce the building mass at the street on these lots, since the terrain dictates that the two-car covered spaces are at the front of the building for access. If left in its current form, this amendment will only keep the property owner from realizing their by-right maximum habitable space and will do nothing to reduce the building mass since the two-car covered parking will be at the front due to the terrain of the hillside site.

Solution: Provide an exemption allowing the full 400 SF, regardless of garage location, for hillside lots with grades $\geq 2:1$ within the first 20'-0" L.F. of the street frontage.

[Ref. of proposed amendment: Definitions- FLOOR AREA RESIDENTIAL of the Los Angeles Municipal Code]

- 2) The revisions to the required front yard setback should include the original exemption for lots fronting onto Substandard Hillside Limited Streets. On majority of hillside lots, a setback of more than 5'-0" is not feasible due to the sloping terrain, which often starts at the curb or property line, and existing prevailing setbacks of pre-existing homes are typically less than 5'-0".

[Ref. (§ 12.21 C.10.(a)(2) of the LAMC)]

- 3) The proposed encroachment plane in Hillside Areas should be increased from 20'-0" to 24'-0", on sloping sites with a grade of $\geq 2:1$ (H/V). Our analysis shows that the proposed regulation of 20'-0" will cut into required covered parking reducing the head clearance at the perimeter of the automobiles toward the mid-point of the garage and street-level floor of the residence. Since the grade on slopes $\geq 2:1$ (H/V) descends faster than the building mass can accommodate the required covered parking and residential entry, the encroachment plane provision should be re-written to reflect the topographical challenges of actual hillside sites here in Los Angeles, instead of the flat-lot diagram shown in the Planning document dated, 10.11.16.

[Ref. of proposed amendment: Sec. 31. Sub-subparagraph (ii) of Subparagraph (1) of Paragraph (d) of Subdivision 10 of Subsection C, of Section 12.21 of the Los Angeles Municipal Code]

- 4) Front Façade Articulation: There should be an exemption for lots of substandard width ($\leq 50'-0"$) since a majority of the building mass on these lots is the required two-car covered parking, which will take up more than 2/3 of the allowable frontage, when required side yard setbacks are taken into account.

[Ref. of proposed amendment: Sec. 26. Subparagraph (7) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code]

Pacific Palisades Civic League

PO Box 733, Pacific Palisades, CA 90272

Office: 310.459.9211 Fax: 310.454.2918

Email: ppalisadescivicleague@gmail.com

Website: PPCL9300.org

November 28, 2016

Sharon Dickinson
Neighborhood Conservation
Dept. of City Planning
Los Angeles, California

RE: Council File #14-0656

Dear Ms. Dickinson:

The Pacific Palisades Civic League (PPCL) Board, which approves construction projects within Tract 9300, supports the carve-out for Pacific Palisades with the proposed R1V1 & R1H1 zone variations. This will produce an allowable area that that will be similar to the PPCL Guidelines which we have been applying for over 25 years. We support the encroachment plane of 22 ft. and the 50% lot coverage requirement (which matches our guidelines).

For the rest of the city, the proposed Amendments are excessive and will have far reaching consequences.

The reduction of area for the R1 properties to 45% across the board, and the elimination of the bonus and exemptions will effectively reduce allowable areas by 25 percent.

The larger houses (which people objected to) will be more valuable, and smaller houses will lose value. Homeowners within homeowner associations will find that they cannot build what their HOA allows, and the City will be inundated with requests for variances to allow what their neighbors have built.

The Encroachment Plane is all that is needed to reduce the impact of structure height on adjacent properties.

Existing houses on a slope will be severely limited as to what they will be allowed to build on a second floor due to the measuring of height from existing or proposed grade whichever is lower.

We support Planning's decision to eliminate the requirement for articulation of the front façade for R1 properties.

Covered porches on the first floor help to reduce the mass of two-story structures. The elimination of this exemption will result in boxier designs.

The additional step-back of 5 ft.(for 10 ft. length minimum length), in addition to the minimum side setback, if the length of a building is longer than 45 feet is too excessive. Our guidelines require an additional 2 ft. setback on the second floor (where it has the most impact).

Sincerely,

Richard Blumenberg, AIA, President
Pacific Palisades Civic League

cc:
mike.bonin@lacity.org
Tricia.keana@lacity.org
Niall Huffman, NeighborhoodConservation@lacity.org



Sharon Dickinson <sharon.dickinson@lacity.org>

Council File #14-0656

mary robinson <maryrobinson0266@sbcglobal.net>

Tue, Nov 29, 2016 at 11:43 AM

Reply-To: mary robinson <maryrobinson0266@sbcglobal.net>

To: "Vince.Bertoni@lacity.org" <Vince.Bertoni@lacity.org>, "Sharon.Dickinson@lacity.org" <Sharon.Dickinson@lacity.org>



I support the support the recommendations of Councilmembers Ryu and Koretz.
Please consider and adopt these recommendations
"Adopting these recommendations will strengthen the Baseline Hillside Ordinance,
allowing it to live up to its original spirit and intent."

Respectfully,
Mary Margaret Robinson



Hillside Federation Letter.pdf

129K

P.O. Box 27404
Los Angeles, CA 90027
www.hillsidefederation.org

PRESIDENT
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Bel Air Skycrest Property Owners
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Brentwood Residents Coalition
Cahuenga Pass Property Owners
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Lookout Mountain Alliance
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Mt. Washington Homeowners All.
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N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Oaks Homeowners Assn.
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Rancho Verdugo Estates
Residents of Beverly Glen
Roscomare Valley Assn.
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Save Sunset Blvd.
Shadow Hills Property Owners
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Vince Bertoni
Director of Planning
Department of City Planning
200 North Spring Street, 5th Floor
Los Angeles, CA 90012

May 11, 2016

**Re: Baseline Hillside Ordinance Amendments
CPC-2015-3484-CA
CPC-2015-4197-EAF**

Dear Mr. Bertoni:

The Federation of Hillside and Canyon Associations, Inc, founded in 1952, represents 45 resident and homeowner associations with approximately 250,000 constituents spanning the Santa Monica Mountains. At its meeting on May 4, 2016, the Federation voted to support the letter from Councilmembers Paul Koretz and David Ryu. The Councilmembers' letter requested that proposed amendments to the Baseline Hillside Ordinance (BHO) revert to the original goal of protecting neighborhoods. With respect to hillside areas, these requests include:

- Removal of increased 'by right' grading allowances;
- Reducing FAR for R-1 lots below 7500 square feet to 0.45;
- Elimination of the guaranteed 1,000 sq. ft. minimum residential floor area in designated Hillside areas; and
- Seeking additional community input on FAR exemptions and basement exemptions.

As addressed in the Hillside Federation's January 9, 2016 comment letter on then-proposed BHO amendments, the spirit and intent of the Baseline Hillside Ordinance is to use natural hillside terrain to determine the appropriate scope of development on hillside parcels. The Federation's letter requested the closure of the loopholes in the original BHO, which came to light only after its adoption in 2011. The originally proposed BHO

amendments, drafted after a long series of public hearings/meetings, helped to close those loopholes. The Hillside Federation's January letter also urged the City to:

1. Map all hillsides with a 1:1 or greater slope in hillside areas; and
2. Prohibit development of 1:1 or greater slopes unless a Zoning Administrator's Determination is obtained.

As you know, since the passage of the BHO in 2011, hillside communities in the City of Los Angeles have experienced a dramatic increase in development. Engineering and construction techniques not contemplated when the BHO was first adopted have resulted in many unintended consequences. For example, the recent trend of expansive 'habitable basements' in hillside area (many twice the square footage of the above-ground home) cause enormous harm. The massive amounts of grading for such projects causes substantial degradation of natural terrain in hillside areas. Corresponding negative impacts include the loss of open space, negative environmental impacts including substantial loss of wildlife connectivity, negative impacts to public safety of our hillside communities, failure of infrastructure that is unable to support the increase in volume and scale of development, and destruction of neighborhood character.

One need only look to recent development applications such as the 82,000 square foot single family residence previously proposed at 10101 Angelo View Drive (see attached Hillside Federation letter of June 22, 2015) to understand the urgent need to close BHO loopholes and adopt more stringent regulations to protect the steepest, most prominent slopes in our hillsides.

The Hillside Federation urges the Department of City Planning to follow the recommendation of the May 4, 2016 letter from Councilmembers Koretz and Ryu to revert to the objectives of City Council motion 14-0656, and to include the Hillside Federation's request to map and further regulate development of slopes of 1:1 or greater. Adopting these recommendations will strengthen the Baseline Hillside Ordinance, allowing it to live up to its original spirit and intent.

Sincerely,

Charley Mims
Charley Mims

Cc:

Honorable Mayor Eric Garcetti

Honorable Councilmembers: Council President Herb Wesson, Paul Koretz, David Ryu,
Jose Huizar, Mitch Englander, Gilbert Cedillo, Mike Bonin, Paul Krekorian

Dept. of City Planning: Tom Rothman, Nicholas Maricich, Phyllis Nathanson, Erick Lopez



Sharon Dickinson <sharon.dickinson@lacity.org>

Council File #14-0656

Eric Puritsky <Eric@puritskylaw.com>

Tue, Nov 29, 2016 at 2:40 PM

To: "paul.koretz@lacity.org" <paul.koretz@lacity.org>

Cc: "Sharon.Dickinson@lacity.org" <Sharon.Dickinson@lacity.org>, "cpc@lacity.org" <cpc@lacity.org>, Courtney Puritsky <courtney@grodsky-olecki.com>

Dear Councilman Koretz:

I am unable to attend tonight's PLUM Committee meeting, but would like to voice my wife's and my opposition to the proposed R1 Variation Zones Code Amendment. My family and I live in a single-family house within Lower Council District 5 along with our two daughters (ages 3 and 1). As I understand it, the City proposes to change the zone classification of my house, which lies in Lower Council District 5, from "R1-1" to "R1V2." Such a change would significantly and negatively affect the character and value of my home and neighborhood:

First, a classification of "R1V2" would impose an overly-burdensome and unrealistic limit on the living space of our home. Our house (along with many others in my neighborhood) is roughly 1,500 square feet, and our parcel size is roughly 5,000 square feet (*i.e.*, a 30% ratio). Many in my neighborhood (including us) intend to grow our family and our house. Under the City's current proposal, the square footage of my house could be increased no more than 45% of the lot size (*i.e.*, a total living space of 2,250 square feet, or an additional 750 square feet). Such a limitation is unfair, and I am unable to understand how it achieves any rational goal of the City.

Second, it appears that our neighborhood is being unfairly singled out. Under the City's proposal, the areas surrounding our neighborhood (such as Beverlywood and Inner Council District 5) would be zoned as "R1VNew." "R1VNew" allows for a home's square footage to be up to 55% of the lot size. A house on an identically-sized lot only a few blocks away from us could increase in size up to 2,750 square feet (500 square feet larger than the proposed limitation on my house). The practical affect is obvious: the homes in our neighborhood will become less desirable and less valuable.

We ask that, to the extent the City wishes to move forward with the amendments, it amends Lower Council District 5, from "R1-1" to "R1V1" or "R1VNew." Feel free to contact me should you have any questions.

Eric

Eric A. Puritsky, Esq.**PURITSKY LAW**

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Santa Monica, California 90403

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Sharon Dickinson <sharon.dickinson@lacity.org>

"CF 14-0656, BMO/BHO Ordinance Amendments"

mary thorne <mthorne13@hotmail.com>

Tue, Nov 29, 2016 at 3:09 PM

To: "councilmember.Krekorian@lacity.org" <councilmember.Krekorian@lacity.org>

Cc: "NeighborhoodConservation@lacity.org" <NeighborhoodConservation@lacity.org>, "Sharon.Dickinson@lacity.org" <Sharon.Dickinson@lacity.org>, "afine@laconservancy.org" <afine@laconservancy.org>

Dear Mr. Krekorian,

I wanted to express my very strong support for any and all ordinances or measures that will curb/stop mansionization and the destruction of LA's neighborhoods. It seems that the horse bolted the barn years ago on the west side but it's not too late to save the valley (you should keep trying to save the westside too though!). My charming neighborhood is seeing the first wave. Two giant builds dwarf every house in the area, scale is important! The character of our neighborhoods is important, as is the quality of life of those of us already living here. A giant monstrosity built next door, towering over ones existing home and invading previously private spaces absolutely effects quality of life.

I have heard the "density" argument made to support monstrous builds. I find this argument specious. Neighborhoods houses are not being knocked down in order to provide high density, multi-family structures. The argument is ridiculous and demonstrably false. They are being knocked down to command ever higher sales prices with no regard to the harmony and quality of the neighborhoods upon which they are being imposed. Please help protect us.

Kindest Regards,

Mary Thorne

5803 Matilija Ave.

Valley Glen, Ca 91401



Sharon Dickinson <sharon.dickinson@lacity.org>

Land Planning - CF 14-0656, BMO/BHO Ordinance Amendments

Alex Davis <alex.elia@gmail.com>

Tue, Nov 29, 2016 at 4:24 PM

To: councilmember.bonin@lacity.org

Cc: NeighborhoodConservation@lacity.org, Sharon.Dickinson@lacity.org, afine@laconservancy.org

Hello Mr. Bonin,

I'm emailing you to urge you to support city planning commission's recommendation to amend the BHO/BMO and do everything you can to stop the mansionization that's been going on as long as I can remember. It's heartbreaking to see so many houses in Venice and elsewhere being destroyed and replaced by industrial blocky mansions that disturb and harm the neighborhood and the people that live in it.

I had the pleasure of meeting Bill Rosendahl many years back and am glad to have you representing us now, hope we can fight the good fight together.

Thank you for listening,
Alex Davis
Venice, CA

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
P. O. Box 64213
Los Angeles, CA 90064-0213

November 29, 2016

LA City Council
PLUM Committee

RE: Council File 14-0656 / PLUM agenda 11-29-16, Item 6

Dear Chair Huizar and Committee Members:

The Westwood South of Santa Monica Homeowners Association Board has carefully considered the proposed ordinance governing potential home sizes as provided by the R1 variation options and the proposed changes to the Baseline Mansionization Ordinance. As our area does not fall within the jurisdiction of the Hillside BMO, we have not reviewed the provisions related to hillside homes. Our organization represents over 3800 single family and condominium homeowners in the area that lies between Pico and Santa Monica Blvds. on the south and north, and between Beverly Glen and Sepulveda Blvds. on the east and west. We have first-hand experience with the negative impacts that the overdevelopment of R1 lots can bring and welcome a revised BMO that will address the weaknesses seen in the initial legislation. We support the proposed motion and ask that you act to eliminate remaining loopholes that will allow for out-of-scale construction. Please adopt the Baseline Mansionization Ordinance with the following changes/additions:

1. A defined formula to provide a budget for enforcement of the ordinance must be included in the final ordinance (along with automatic increases to reflect inflationary/cost of living increases). There should be a provision included for the addition of staff to provide for the enforcement of all provisions defined. Inconsistent enforcement should not be tolerated. Neighbors should not have to hire architects to review neighboring property plans to ensure that the structures comply with the plans and the law (as now happens).

It must be understood by all who do construction in the City that any construction that deviates from approved plans resulting in a change in square footage/home size will be required to be brought into compliance and cannot be retroactively permitted.

2. We continue to request the complete elimination of any additional exempt square footage allowances for attached garages. Garages to the rear of the property include the very important "driveway" which provides the current additional spacing we have between houses in most neighborhoods before "manisitionization" occurs. Any incentives for attached garages provide additional bulk to a home's dimensions and have impact whether used as garage space or housing.

3. The elimination of all Residential Floor Area bonuses for all R1 Zones in accordance with the Code Amendment Summary Fact Sheet dated July 6, 2016. Page 3 and page 5 of Appendix A: Proposed Ordinance Provisions continue to indicate that there is still one 20 percent bonus per property if the conditions listed in either (a) or b) are met. As we note no revision to that provision in Appendix B, we request that the bonus referred to above be eliminated in the final ordinance.

4. We continue to request the elimination of the provision which states that "Adjustments" of 10 percent can be granted by zoning administrators in private without public oversight as indicated on page 21 of Appendix A Proposed Ordinance Provisions. The city already has a process for variances and a wealth of zoning tools tailored to the needs of individual neighborhoods. Additional "adjustments" should not be permitted. Any requested "change" to the BMO, BHO or RFA Districts must be handled as part of the public hearing process.

5. We request clarity in the definition of what constitutes an existing structure or remodel. The definition should include clear limits as to the extent of demolition allowed such project categories, as well as requirements for how portions of existing structures to remain must be utilized in the new construction. These protections are necessary to prevent new building projects from being disguised as renovation projects or remodel. We have seen too many projects that are in fact, new construction disguised as remodels in our area.

6. We request the complete elimination of the exemption which is included in Appendix B General Item 1. There should be no explicit exemption for CUP projects from the BMO and BHO provisions.

We continue to request that the City keep the ordinance as straightforward and enforceable as possible. We specifically request the addition of enforcement provisions including explicit requirements that project design documents clearly demonstrate compliance with all aspects of the ordinance in order to facilitate efficient and timely review by City officials.

It is critical that the proposed ordinance eliminate all Bonus Options. In the absence of design review standards/boards, it is also critical that the ordinance retain all articulation requirements so that any new homes or large-scale additions do not have the side and back walls appearing as one long flat wall. This articulation is important to the existing neighboring homes as it gives some design to the side and back walls visible all around.

Please note that there is a typographical error in the ordinance that appears on PAGE 11, Sec. 16, Encroachment Plane:

"Encroachment Plane. Buildings shall not intersect a plane, commencing 20 feet in height at the minimum required front and side yards and extending a an angle of 45 degrees from the vertical toward the interior of the site"....

In the first sentence as copied, the word "a" may be an error that should read "at."

We thank the City for the opportunity to comment on this important measure and wish to recognize the Planning Department for its excellent outreach work to engage communities during the crafting of the ordinance.

Sincerely,



Barbara Broide
President

Cc: CD 5 Councilmember Koretz



Sharon Dickinson <sharon.dickinson@lacity.org>

Council File #14-0656

Francie Kelley <Francie@paragonegallery.com>
To: Sharon.Dickinson@lacity.org

Tue, Nov 29, 2016 at 5:23 PM

Dear Ms. Dickinson:

As a 36 year resident of the hills that lie between Laurel and Nichols Canyons, I am appalled by the amount of over development in the past few years. Not only the amount of homes being built, but their massive scale.

It is time that the Planning Department step up to the plate and protect the fragile hillsides and wildlife corridor that is dwindling daily. And its time to stand up to the developers whose insatiable appetite for profit and no regard for the quality of life for those who have lived in the hills for years.

The fragility of the landscape must be considered. Great architects always consider the topography and the surrounding landscape, but the monstrosities that are going up take none of this into account.

Additionally, the wildlife was here before us, and it is up to us, to ensure their future by maintaining accessible and connected habitat via the wildlife corridor.

The hills are already overdeveloped, and the fragile infrastructure cannot handle more. Especially as the canyon roads have become thoroughfares for commuters.

With that said, I am in complete support of the recommendations made by Council members Ryu and Koretz regarding the BMO/BHO amendments.

I yearn for a reasonable slope density formula!!

Regards, Francie H Kelley

Francie Kelley
Paragone Gallery
621 West Knoll Dr.,
W. Hollywood, CA 90069
t: 310.659.0607
f: 310.659.0895
www.paragonegallery.com



Sharon Dickinson <sharon.dickinson@lacity.org>

CF 14-0656, BMO/BHO Ordinance Amendments

Patti Topete Sanchez <ptopete@gmail.com>

Tue, Nov 29, 2016 at 5:48 PM

To: councilmember.huizar@lacity.org

Cc: NeighborhoodConservation@lacity.org, Sharon.Dickinson@lacity.org, afine@laconservancy.org

Dear Council member Huizar,

I am writing to ask that you support the City Planning Commission's recommendations to amend the BMO/BHO and further strengthen the BMO/BHO by including all of the square footage of attached garages in the total allowable square footage count.

Please help preserve the character of our neighborhoods—it's what makes our communities unique and adds value to our quality of life.

Thank you,
Patricia Sanchez



Sharon Dickinson <sharon.dickinson@lacity.org>

BMO/BHO meeting, Council File #14-0656

Stacy Sillins <s.sillins@nicholscanyon.org>
To: Sharon.Dickinson@lacity.org

Tue, Nov 29, 2016 at 12:05 PM

Dear Ms. Dickinson,

I will keep this short as I am hoping you are getting a lot of emails about the PLUM meeting today. I am writing to ask that you support the recommendations of Councilmembers Ryu and Koretz as well as the Hillside Federation and many other groups, for the BMO/BHO amendments, Council File #14-0656.

Thank you for your time.
Stacy Sillins
Elio Lupi

BEVERLY WILSHIRE HOMES ASSOCIATION, INC.

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November 29, 2016

TO: City Council Planning and Land Use Committee (PLUM)
FROM: Richard Platkin, Board Member, Beverly Wilshire Homes Association
RE: BMO/BHO Amendments, Council File 14-0656

By a *very* wide margin, city residents and homeowners have called for amendments to the Baseline Mansionization Ordinance that adhere to the original Motion presented by Councilmember Paul Koretz and unanimously adopted by the City Council. Councilmembers Koretz and Ryu, the Los Angeles Conservancy, and dozens of neighborhood councils and homeowner and resident associations – including the Beverly Wilshire Homes Association -- have repeatedly stressed the need for a strong, simple, easily enforced ordinance to curtail mansionization in Los Angeles.

The most recent draft BMO amendments make big improvements from earlier drafts, especially in the R1 zones that comprise most of Los Angeles' single-family homes. But the draft amendments to be considered by the Planning and Land Use Committee on November 29, 2016, still have major flaws:

- Attached garages. The City Planning Commission's compromise amendments go too far. The current draft counts half the square footage of attached garages in the front of a house. All attached garages add bulk, and garages attached at the front of a house clash with the look of many Los Angeles neighborhoods. They also reduce the enhanced side yard created by a driveway. Square footage is square footage, and it should all count. At an absolute minimum, the final amendments should count *all* front-facing attached garage space.
- Grading and hauling. Allowances are excessive. The Canyon and Hillside Federation recommendations would cut them down to size.
- Bonuses. In RA, RS, and RE zones retained FAR bonuses add 20% more bulk to the baseline through a secretive ministerial approval. PLUM should follow the example of the R-1 zone amendments and get rid of these bonuses. Any increases in FAR above the permitted baseline must be through a discretionary action.

The baseline must set meaningful limits, not find the lowest common denominator to appease a small minority who view their house as a piggy bank, not a home.

The original Council Motion was fair and reasonable to start with, and the current draft of amendments makes unwarranted concessions to real estate lobbyists. It's time to hold the line.

You will hear that “one size does not fit all.” True. That's why City Planning has developed **re:code LA** zoning options for individual neighborhoods that want larger houses in relationship to lot size. We cannot give veto power to a vocal minority concentrated in several pockets of opposition to the original Council motion, especially since they will soon be able to get the more permissive zoning they want through **re:code LA** to circumvent the amended Baseline Mansionization Ordinance.

Finally, we want to restrict mansionization because it decreases the supply of affordable housing, and it reduces the city's sustainability in an era where the heavy lifting to mitigate and adapt to climate change will take place at the municipal level. More specifically:

- Mansionization replaces affordable homes with pricey showplaces, and it puts short-term speculation ahead of stable long-term property values.
- Mansionization destroys mature street trees, increases runoff, and turns houses into debris.
- Mansionization guzzles energy and overloads local utilities.
- mansionization degrades livability, and violates neighborhood character.
- Mansionization increases the cost and size of houses, without creating more housing units.
- Mansionization of residential neighborhoods it has gone on far too long in Los Angeles.

It's time to serve the needs of LA's communities, not the financial interests of small special interest groups.



Sharon Dickinson <sharon.dickinson@lacity.org>

Baseline Mansionization/Baseline Hillside (BMO/BHO) Code Amendment

Janet Eckholm <janeteckholm@gmail.com>

Tue, Nov 29, 2016 at 12:37 PM

To: Vince.Bertoni@lacity.org, Sharon.Dickinson@lacity.org

Dear Mr. Bertoni and Ms. Dickinson:

I support the recommendations of Councilmembers Ryu and Koretz regarding this amendment.

Thank you,
Janet

Janet Eckholm
7533 Kimdale Lane
LA, CA 90046



BRENTWOOD Community Council

149 S. Barrington Ave., Box 194, Los Angeles, CA 90049

www.brentwoodcommunitycouncil.org

November 29, 2016

LA City Council PLUM Committee
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

VIA EMAIL: Sharon.Dickinson@lacity.org

RE: Baseline Mansionization Ordinance (BMO)

Dear Chairman Huizar,

The Brentwood Community Council supports revisions to the Baseline Mansionization Ordinance (BMO), but we believe it has left some loopholes remaining and needs fine tuning before being finalized. We propose the following ideas:

1. R-1 FAR Amendment

The R-1 amendment eliminates the 20% bonus and most of the prior exemptions. For a 7,500 square foot lot, this could result in a square footage reduction of 25%. While we agree with a reduction in bulk, we feel the allowed 3,375 square foot home is smaller than need be to achieve that objective. We believe keeping the FAR at .50 (instead of .45) is a logical and fair compromise.

2. Basements

We believe there must be a limit to the size of basements. While not clearly in the original objective, basements can present substantial pitfalls to neighbors and neighborhoods. Larger basements consumer more energy, extend construction times and increase earth displacement. We believe basements should be limited to no greater than the size of the base floor. We also believe the additional restrictions of the new BMO will lead developers to seek alternatives to gain back lost square footage, and larger basements will be one easy alternative.

3. Subterranean Garages

A garage below the base floor creates the impression of a three-story home and contradicts the intent of the BMO. The exclusion to allow for these garages in the BMO (4a) should be deleted. Since we know basements are becoming more prevalent, and the subterranean garage allows for direct access to the basement, we believe this clause actually encourages subterranean garages. Lastly, subterranean garages are highly impractical due to the necessity to either back in or out on a steep incline, and are not likely to be used to park cars.

4. Attached Garage Exemption

We believe the 400 square foot garage exemption should remain. While we realize this may add an architectural characteristic not pleasing to some, there are four strong reasons to keep it.

- a. The front side by side garage is the most pragmatic placement for a garage meant to be used as a garage.
- b. The front garage in concert with the reduction in FAR will still result in substantially less “bulk”.
- c. The front garage in concert with the reduction in driveway apron allowance will not reduce street parking as it did previously.
- d. LADBS does not require 400 square feet for a garage, and without the 400 square foot exemption, developers will look to reduce garage size to recapture lost living space. Smaller garages may not fit two cars and force homeowners to use street parking.

The Brentwood Community Council represents 10,000 homes in West Los Angeles and representatives of our Land Use Committee will make themselves available at your convenience to elaborate on the issues raised above.

Thank you.

LARRY WATTS

Larry Watts, Chair

Cc: Jose Huizar, Chair
Marqueese Harris-Dawson
Gilbert A. Cedillo
Mitchell Englander
Curran D.Price
Mike Bonin
Tricia Keane
Vince Bertoni
Ezra Gale

SUNSET COALITION

www.sunsetcoalition.org

info@sunsetcoalition.org

November 29, 2016

Via email to Sharon.Dickinson@lacity.org

Planning and Land Use Management Committee
City of Los Angeles
200 North Spring Street, Room 430
Los Angeles, CA 90012

Re: BMO/BHO Code Amendment Council File: 14-0656

Dear PLUM Committee Members:

On behalf of Sunset Coalition, I submit the following comments regarding the proposed BMO/BHO Code Amendment. Sunset Coalition is an unincorporated organization founded by concerned residents and organizations and represents the thousands of individual residents from Pacific Palisades to Brentwood, impacted by the unprecedented number of large development projects that threaten to impact traffic on Sunset Blvd between the 405 freeway and the Pacific Ocean. The organization includes Residential Neighbors of Archer, Brentwood Residents Coalition, Brentwood Hills Homeowners Association, Upper Mandeville Canyon Association, Bel Air Skycrest Property Owners' Association and Bundy Canyon Association.

We continue to object to any proposed exemption for institutional uses relying upon conditional use permits (CUPs) from the BMO and BHO because the proposed "clarification" would be contrary to the City's clearly written Municipal Code and would potentially create a major change in City land use policy. This is also contrary to the City's historical interpretation of the BMO, which was always intended to apply to all uses, including institutional uses.

This major change in City land use policy will have profoundly adverse environmental impacts as many land uses would no longer be subject to the area limitations of the Municipal Code. We oppose such a policy change. In any case, before such a profound policy change can be adopted, it must be reviewed pursuant to the California Environmental Quality Act because it is likely to have extensive adverse impacts on the environment, including aesthetics, traffic and circulation, biological resources, cumulative impacts, air quality, and other impact areas affected by increased density. We strongly believe that CUP institutions must comply with the BHO and BMO and under no circumstances should they receive an exemption from the Ordinances.

Additional environmental review in the form of an environmental impact report is also necessary before doubling of the grading allowances under BHO as proposed. We also oppose this allowance for additional grading.

Therefore, we request that the text of the Ordinance, on page 3, Section 2, C. Area, be amended to strike the words "*except for conditionally permitted uses enumerated in Section 12.24*".

"Sec. 2. The first unnumbered paragraph of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended to read:
C. Area (Development Standards). No building or structure nor the enlargement of any building or structure shall be erected or maintained, *except for conditionally permitted uses enumerated in Section 12.24*, unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:"

The same text should also be amended in the following locations where the identical paragraph is then repeated: Page 4, Sec. 5, Page 6, Sec. 8, Page 7, and Sec. 11.

There's no legitimate reason to exempt institutional and conditionally permitted uses from the provisions of BMO/BHO. On behalf of Sunset Coalition, I urge the Committee to eliminate and reject language that would create significant negative impacts in applying these Ordinances to institutions.

Thank you for your opportunity to comment.

Respectfully submitted,

Zofia Wright

Zofia Wright
Sunset Coalition



Sharon Dickinson <sharon.dickinson@lacity.org>

My Comments for Baseline Mansionization

Rose Fahey <rosefahey1@gmail.com>

Tue, Nov 29, 2016 at 2:27 PM

To: Sharon.Dickinson@lacity.org

To Who This May Concern,

I am not able to make today's meeting downtown.

However, I'd like to give you my comments:

- I DO NOT want the new baseline mansionization. I feel that it's not a one size fits all. Is unfair to us that like/want bigger homes.

- If someone disagrees with the larger homes then they should have it written in their deed that they you can't build a big home on their lot.

- I feel it's unfair to tell me what size home I can build on my lot.

Hoping this doesn't go thru.

Very best,

Rose M. Ferraro Fahey
4160 Camino de la Cumbre
Sherman Oaks, CA 91423