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**Submitted electronically**

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**RE: Draft Code Amendment to Baseline Mansionization and Hillside Ordinances BMO/BHO, Los Angeles Municipal Code**

Dear Mr. Huffman,

On behalf of the Los Angeles Conservancy I am writing to submit comments on the City's proposed draft code amendment to the Baseline Mansionization and Hillside Ordinances (BMO/BHO). We commented in January of this year on the previous BMO/BHO revisions introduced by the City in October 2015. As we did then and now, we offer these comments to urge the City to pursue the strongest possible measures to address long-standing shortcomings in the current BMO/BHO policies. We appreciate that the City has eliminated some key loopholes in this draft however, we believe additional tweaks and thinking are necessary to tighten these even further. At this time our comments are primarily focused on the BMO provisions specifically.

**I. Conservation is important for retaining the character and livability of Los Angeles' older and historic neighborhoods**

Neighborhood conservation is of paramount concern to the Conservancy and our many supporters as older and historic neighborhoods throughout the city are being adversely impacted by needless demolition and incompatible and out-of-scale new residential development. Teardowns and mansionization are not a new or emerging trend in Los Angeles, but instead one that ebbs and flows – in terms of its visibility and impacts -- with the ongoing health of the real estate market and overall economy.

As the growing trend of teardowns continues and expands to new neighborhoods, these draft code amendments need to provide important safeguards not to just the



currently affected neighborhoods but to **all** neighborhoods. The BMO/BHO is a blanket, citywide planning tool, and should hold up as a stand-alone measure, regardless of others such as the proposed Single Family Zones applicable to specific Interim Control Ordinance (ICO) neighborhoods. None of us can predict what may or may not happen with the Single Family Zones in the future. While we understand the BMO/BHO amendment is an interim response by the City until re:code LA zones are available citywide, the actual process of applying the new zones will not occur right away for non-ICO neighborhoods.

The initial passage of the BMO/BHO was an important first step but now is the time to improve this tool, and ensure it is doing what it is intended to do in helping to maintain and conserve neighborhood character throughout the City. If successfully implemented as an effective policy, we believe this can help balance the need for growth and development alongside with neighborhood conservation.

The May 1, 2014 directive from the City Council regarding the BMO/BHO was clear in asking the Department of City Planning to do four primary things: 1) re-evaluate Residential Floor Area exemptions; 2) re-evaluate design bonuses; 3) remove green building bonus; and 4) reduce R1-Zone Residential Floor Area. In the two years since this directive was issued teardowns have continued largely unabated (with the exception of ICO neighborhoods). Given this has been a problem for more than a decade in Los Angeles, there is something to be said for a straight-forward intervention that can be implemented soon.

## **II. The BMO/BHO code amendments are limited but key to guiding new residential development and growth citywide**

It is important to note that even with the appropriate revisions in place the current BMO/BHO code amendments will not stop teardowns as a practice as it may be the right approach for some neighborhoods. Yet for the many neighborhoods that are in need and seeking relief, it will help reinforce existing neighborhood character and patterns that are important to maintain.

The current BMO/BHO code amendments and 2008 and 2011 ordinances are intended to solely address impacts associated with new construction, by guiding and limiting the size, scale and overall massing of new single-family residences in R-1 Zones. Inherently the Conservancy fully recognizes that these do not necessarily provide guidance or incentives to encourage conservation and preservation of older and historic homes specifically.

Right now our primary tool for doing this is through Historic Preservation Overlay Zones (HPOZ) or individual Historic-Cultural Monument (HCM) designation. The new Single Family Zones should help but again are primarily focused on compatible new construction rather than the retention of existing residences.



These limitations underscore the need for Los Angeles to introduce and offer more moderate tools that can be implemented more quickly. This could include neighborhood conservation overlay districts and the broader application of Community Plan Implementation Overlays (CPIO).

Lastly, the BMO/BHO is further limited and only addresses R1 Zones, leaving out many Los Angeles neighborhoods that may appear to be predominantly single family in character but have a mix of both single and multi-family housing types in a different zoning classification. These neighborhoods have strong characteristics as well that need to be protected and remain at risk.

The Los Angeles Conservancy offers the following specific comments:

- A. R1 Zone Encroachment Plane:** The proposed encroachment plane proposal is a tool similar to a daylight plane or solar plane threshold that has been used successfully in nearby communities and across the country to partially address the challenges and impacts associated with teardown and mansionsization. It can help to further define and retain important patterns of neighborhoods that reinforce the overall community character.

For adjacent properties it can help respect the privacy and protect solar and daylight access. Solar access and sun is often an issue associated with mansionsization that can be addressed through these types of revisions. In addition to privacy it is important for adjacent property owners to maintain access to sunlight where shade/shadow analysis may be necessary in certain circumstances.

It should be fully noted here and throughout our comments that the Conservancy does not believe a single physical development provision alone will adequately address the full spectrum and multiple dimensions of this problem. It is complex and only begins with building volume, scale, and siting issues. Instead it is necessary to combine tools as a package, with an encroachment plane working in concert with others, such as maximum floor area ratio adjustments.

As evidenced in other communities that have implemented a similar approach, an encroachment plane will not offer any guarantees for context-sensitive design, which is coincidentally the same problem with relying only on gross floor area maximums. However, each tool working together do ensure that new development is less overwhelming to adjoining properties.

While the encroachment plane is limited in its effectiveness and should not be solely relied on, the Conservancy does support the concept and the initial recommendations by the Department of City Planning, though it may need to be strengthened and further refined. However, we do express some concern about introducing an encroachment plane at this time as part of the BMO/BHO code amendments, as it could overly complicate and slow down the process.



We recommend the Department of City Planning complete additional modelling to both illustrate and demonstrate the value of this tool as proposed, and with modifications if necessary. The more that people can understand how encroachment planes (along with the BMO/BHO's proposed side wall articulation provision) work the better. Various R1 Zone scenarios should be tested out and made available to the public for review before this is presented to the City Planning Commission.

- B. Maximum Residential Floor Area (RFA):** The May 2014 City Council directive is clear, specifically calling for the reduction in the R1 Zone Residential Floor Area. The current code amendments do not do this. Instead they reverse previous October 2015 recommendations that would have lowered the maximum FAR from 0.50 to 0.45.

The Conservancy supports a reduction in the RFA ratio as it is a fundamental problem with the current BMO/BHO ordinance. Nearly ten years of experience with the BMO/BHO has shown us that even a minimal reduction would help. For a typical-sized residential lot in Los Angeles -- those 7,500 square feet or less -- only forty-five percent could be built upon. This is a needed improvement from the current RFA and is more in keeping with the character and scale of older neighborhoods.

- C. Exemption for Attached Garages:** A long-standing problem with the current BMO/BHO ordinance is the exemption for required covered parking, allowing up to 400 square feet of an attached garage to not count as part of the overall RFA calculation. This issue has been raised repeatedly as a problematic "freebie" and loophole that results in incompatible design impacts to a neighborhood.

The current code amendment calls for retaining this provision, reversing the October 2015 amendments that eliminated it. At the time the Conservancy and others applauded the City for addressing this problem. At the core, attached garages more often than not result in new homes that do not fit the character of an older neighborhood. A majority of the City's older 1900s to 1940s neighborhoods have detached garages located at the rear, with adjacent properties separated by long driveways.

More than any other design element, attached garages severely alter and break the pattern, feel, setting and overall character of an older neighborhood. The design emphasis and focus of many new houses built is most often on the garage, not the house itself or a pedestrian orientation. At the front of the property and immediately off the street, a front-loaded garage often adds significant bulk and eliminates the buffer of a long driveway, and fails to blend in with existing houses in a 70- to 100-year old neighborhood. The long driveway buffer is important and has traditionally provided adjacent owners with some privacy and relief, rather than have a new house occupy most of the width of the lot.



Double-wide curb cuts associated with attached garages have been an associated problem, calling for the loss of mature trees and reducing available street parking. While the current code amendment attempts to limit the width (to 25 percent of lot width) of a driveway and impacts on trees, which is important, it still allows for the drive to fan wider inside the property.

The Conservancy is strongly urging the City to simply count the square footage of attached garages. Anyone could still be allowed and have the option to build an attached garage, as this would not foreclose that opportunity, however it would need to count as part of the overall RFA. This approach would address a well-established and real problem associated with the current BMO/BHO. Further, it would more accurately reflect the actual and real mass of a proposed house. Other required aspects of a new house are counted in the City already; why not attached garages?

The Beverly Grove RFA Overlay (adopted in 2013) addressed this specific issue and counts attached garages and goes one step further, allowing a square footage bonus for those that elect to build a detached garage.<sup>1</sup> This was one of the key BMO/BHO loopholes that was addressed through this measure and, after just three years, appears to be successful. This should be the model citywide.

The Conservancy understands part of the rationale for retaining the attached garage exemption is because many of the affected Interim Control Ordinance (ICO) neighborhoods will be receiving their own new Single-Family Zones. This includes a large percentage of the City's R1 Zone single family housing, especially those within older and historic neighborhoods. The Single-Family Zones will effectively trump the BMO/BHO provisions and are expected to address this specific aspect. However, these zones are yet to be implemented or fully vetted. Anything could still happen whereby this issue is not satisfactorily addressed.

While much of the R1 Zones are covered by the current ICO measure (with more to follow through a second ICO introduced on June 2, 2016), other neighborhoods are left out and will remain vulnerable. One prominent example is historic Leimert Park in South Los Angeles. It is not included within an ICO nor listed as an HPOZ (determined eligible). The character of this large neighborhood of predominately 1920s and 30s Spanish residences is much like those in Mid City, Mid-Wilshire and Miracle Mile areas that are a part of the ICO. Similarly houses are relatively small by today's standards, ranging from 1,300 to 2,000 square feet in size.

With construction of Metro's Crenshaw line underway and an aggressive real estate market in place, this neighborhood is now very much in demand, much like other parts of South LA. Home prices are rising fast and, as evidenced within other Los Angeles neighborhoods, teardowns and mansionization will inevitably follow. Unlike the ICO areas, the currently proposed BMO/BHO code amendment

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<sup>1</sup> An additional 0.06 of floor area ratio shall be allowed if the required covered parking is located in a private garage that is detached from the main building and located to the rear of the lot.





leaves Leimert Park neighborhood and others like it without protections from the attached garage loophole.

The Conservancy strongly recommends removing this exemption and counting attached garages as part of the overall RFA. It's a simple and straight forward approach that does not require additional staff resources. It is also an approach that many other cities follow and has been successful in deterring bulky, front-loaded garages.

As an alternative, although more staff intensive, the City could instead implement a prevailing standard approach to address this issue. This could allow for attached garages to be exempted from the RFA count if the majority and prevailing character of the neighborhood already has front-loaded, attached garages. This could address any concerns from residents of more recent neighborhoods (for instance, post 1950s and 60s), such as those within the San Fernando Valley where the front garage is identified and established as being a part of the existing community character.

Other communities have handled this through an overlay district provision to allow neighborhoods to establish different regulations when a significant number of properties have similar characteristics that are contrary to a citywide measure.

- D. Zoning Administrator's Authority, 10% Adjustments:** This provision is a carry-over from the existing ordinances and we urge the City to remove it. It is unclear why a separate "relief" mechanism (as opposed to the City's current variance process) is needed as a stand-alone process here. It would be helpful to better understand why this is needed, and whether or not it has been used effectively in the past. The Conservancy recommends looking to specific examples to illustrate how this type discretionary approval has been applied in the past and whether or not it is desired and needed going forward.
  
- E. Covered and Lattice Roof Porches, Patios, and Breezeways:** Collectively, if poorly designed, porches, patios and breezeways can add bulk and impact the character of a neighborhood and an adjacent property. These types of elements can add bulk and without any oversight can easily be abused. The Conservancy recommends these building elements count as part of the overall RFA, not exempted as currently proposed. The Conservancy suggests the inclusion of these elements within the RFA count or, at the very least, setting a maximum threshold trigger to discourage abuses.

### III. Conclusion

The Conservancy welcomes the opportunity to work closer with the City on these proposed draft amendments. As a neighborhood conservation issue, teardowns and mansionization most often impact older and historic neighborhoods. As much as this is about preservation it is also a larger issue of sustainability and the loss of affordable workforce and starter housing.



Los Angeles cannot continue to throw away quality housing and needlessly generate tons of demolition debris annually when homes can continue to be reused. For this reason we would recommend that the City explore **demolition debris provisions** as part of this amendment process or as a stand-alone ordinance. Other cities have effectively set percentage thresholds (for instance, Boulder, CO) for the amount of demolition debris that must be reused and recycled per project. Given the impacts of mansionization and tearing down existing housing and building new, we think there is a direct correlation with sustainability and the need to address this issue in a meaningful way.

**About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions and if we can be of assistance.

Sincerely,



Adrian Scott Fine  
Director of Advocacy

cc: Office of Historic Resources, Department of City Planning  
City Council, City of Los Angeles

