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March 26, 2008

Council File No. 06-1293  
Case No. CPC-2007-106-CA  
Council District: Citywide

Los Angeles City Council  
City of Los Angeles  
Room 395, City Hall  
Los Angeles, CA 90012

**REPORT RE: PROPOSED BASELINE MANSIONIZATION ORDINANCE**

Honorable City Council:

The proposed Baseline Mansionization Ordinance is the product of almost two years of public outreach, and has continued to evolve throughout the public hearing process to address various concerns heard from the public. The term "mansionization" refers to new construction, additions, and remodels on residentially-zoned lots that are out-of-scale with the surrounding neighborhood. Hence, the proposed ordinance focuses on establishing a baseline scale for each zone and addressing the issue of bulk and mass. In addition to the baseline limits, it also creates a new overlay district that will enable individual communities to increase or decrease the proposed size limits to fit the scale of their neighborhoods. This ordinance will only apply to single-family zone lots, not located in a Hillside Area or Coastal Zone. The limitations established in this ordinance would still allow for the construction of estate-sized homes on appropriately-sized lots.

**BACKGROUND**

The City Council passed a motion on June 6, 2006 (CF 06-1293) instructing the Department of City Planning (DCP) to prepare an ordinance that establishes an "appropriate size of single-family homes in both the flat and hillside areas." Council also instructed that such an ordinance should consider the size of a structure in relation to the size of the lot, or Floor Area Ratio (FAR), for both new construction and additions to existing homes.

**PLANNING & LAND  
USE MANAGEMENT**

**MAR 27 2008**



On June 28, 2007, the City Planning Commission (CPC) approved the proposed Baseline Mansionization Ordinance and recommended that the City Council adopt the proposed ordinance. It was heard in the Planning & Land Use Management (PLUM) Committee on July 24, November 20, and December 18, 2007. On January 8, 2008 the Committee forwarded the item to the full City Council with instructions to the DCP and City Attorney's Office to draft ordinance language for the following:

- Neighborhood-Specific FAR Tool – a method that individual neighborhoods could utilize to increase or decrease the maximum size limits established by this ordinance;
- Green Bonus Option – an additional option for obtaining a 20% residential floor area bonus when a home is constructed using “green” building methods; and
- Adjustments to FAR Limits – a provision giving the authority to the Zoning Administrator to grant Adjustments, or increases, to the size limits established by the proposed ordinance when appropriate, in addition to the already existing variance process.

The revised ordinance, included in this report as Attachment I, has incorporated these changes and has been reviewed by the City Attorney for form and legality. The DCP was also instructed to further elaborate on the FAR restrictions for the RE20 and RE40 zones, which are discussed in detail below.

### **FAR IN RE20 & RE40 ZONES**

Of the 304,410 individual lots to which the proposed Baseline Mansionization Ordinance will apply, only 131 properties are currently zoned RE20 and 71 properties are RE40. On March 5, 2008, the City Council approved a zone change of an additional 235 properties in the Brentwood-Pacific Palisades Community Plan area from RA to RE20. Together these two zones account for 437 properties – less than one percent of the total number of lots affected citywide.

#### ***Why is the FAR for the RE20 & RE40 Zones smaller than the FAR for the R1?***

When the first mansionization ordinance was proposed in May of 2007 it attempted to find one FAR that could be applied to all single-family zones. That approach was resoundingly rejected by the general public and the City Planning Commission.

Based on testimony in public meetings and public hearings, it was determined that a “uniform” FAR approach ignored the difference in characteristics and the scale of development that are the reasons why we have different zones. The general sentiment of the public and the City Planning Commission was that any meaningful proposal should not only address mansionization for the smaller lots/zones, but that it should also address the issue of disproportionately large structures on the larger lots/zones. Therefore, each zone needed an FAR that corresponded to the purpose, intent, and character of the zone. This resulted in FARs that became progressively smaller as the lots size got larger, but also insured that the homes would still be larger in the next zone, as shown in the Table 1 below.

**Table 1 – Proposed Maximum Development Limitations**

	R1	RS	RE9	RE11	RE15	RA*	RE20	RE40
<b>Minimum Lot Size (sq-ft)</b>	5,000	7,500	9,000	11,000	15,000	17,500	20,000	40,000
<b>Allowable Square-Footage</b>	3,000	4,050	4,320	5,280	6,300	5,250	8,400	16,800
<b>Note:</b>	The RA zone received the smallest FAR because it is intended for more rural areas, some with agricultural/animal-keeping uses, which require a smaller scale of development than that traditionally found in the more urbanized regions of the City of Los Angeles.							

The unique character of each zone creates the need for different scales of development, which is accomplished by giving each zone a different FAR. For example, a typical R1-zoned neighborhood is relatively urban in character consisting of 5,000 to 6,000 square-foot lots that have a larger house-to-lot ratio and less yard spaces. Houses on these relatively smaller R1 lots need a higher FAR in order to build the size of a home that meets the needs of today's families.

Residential estate neighborhoods, such as those in RE20 and RE40 zones, are more suburban in character. These neighborhoods are typically comprised of larger homes on large lots, but also have large yards. Therefore they have a smaller house-to-lot ratio than the R1 neighborhood. In other words, these properties tend to devote a greater portion of their property to large yards, often containing significant landscaping and private recreational facilities such as tennis courts and pools. Further, part of the character of the neighborhood is the greater distance between homes and more privacy. For these reasons, a smaller FAR is more appropriate as the zones become more suburban and will be more effective at maintaining the residential estate characteristics described above.

In summation, extensive public input allowed DCP to strike a balance between establishing FAR limits that help to maintain the unique characteristics of these different neighborhood types, while still allowing room for smaller homes to be expanded to fit the needs of property owners. Providing homeowners with this specific level of predictability helps to ensure that rising property values are enjoyed by the neighborhood as a whole over the long-term.

***RE20 & RE40 Development: Current Code vs. Proposed Ordinance***

According to Los Angeles County Tax Assessor data, of the 437 properties zoned RE20 and RE40 (where the proposed ordinance will apply), only 14 existing homes in the RE20 Zone and 1 existing home in the RE40 Zone could not be built under the proposed ordinance limitations. Of the homes that could not be built, 9 are on under-sized lots, 3 could be built under the proposed limits if they were 100 sq-ft smaller, and 4 more could be built if they were 500 sq-ft smaller. When compared with surrounding properties, the homes that could not be built under the proposed ordinance are generally out-of-scale with the neighborhoods in which they are located. This data reveals that only the most disproportionate examples of mansionization, or 3% of homes in these zones, would not be allowed as currently built.

Most of the existing homes in the RE20 and RE40 zones are currently using significantly less than the maximum square-footage permitted by the proposed ordinance in both zones. The majority of homes in the RE20 Zone use just 35% to 70% of the maximum square-footage that could be built under the proposed ordinance, while the majority of homes in the RE40 Zone use just 17% to 46% of their maximum square-footage. This analysis reveals that a 35% FAR with the 20% bonus allows for most existing homes to

be significantly expanded or replaced. Table 2 below shows the five largest homes on properties zoned RE20 and RE40.

**Table 2 – Five Largest Homes in Each Category: Existing vs. Potential Development**

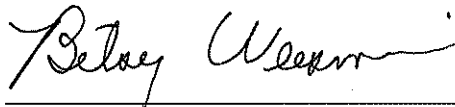
Size of Existing Home	Lot Size	Allowable Square-Footage with 35% Baseline FAR + 20% Bonus
<b>RE20 Zoned Lots</b>		
11,867 sq-ft	37,200 sq-ft	15,624 sq-ft
11,330 sq-ft	32,757 sq-ft	13,758 sq-ft
11,022 sq-ft	76,666 sq-ft	32,200 sq-ft
<i>10,752 sq-ft *</i>	<i>24,611 sq-ft</i>	<i>10,337 sq-ft</i>
10,698 sq-ft	34,195 sq-ft	14,362 sq-ft
<b>RE40 Zoned Lots</b>		
52,503 sq-ft	200,525 sq-ft	84,221 sq-ft
<i>27,816 sq-ft *</i>	<i>51,401 sq-ft</i>	<i>21,588 sq-ft</i>
25,000 sq-ft	108,464 sq-ft	45,555 sq-ft
18,760 sq-ft	123,275 sq-ft	51,775 sq-ft
15,890 sq-ft	40,946 sq-ft	17,197 sq-ft
<b>Source:</b> Size of existing homes is based on Los Angeles County Tax Assessor data.		
<b>Notes:</b> Addresses and other types of parcel identification are withheld for the privacy of the property owners.		
* These homes would exceed the proposed limits for that property.		

Table 2 demonstrates that estate-sized homes are permissible under the proposed ordinance; the two homes that would exceed the allowable size, shown in italics above, are examples of the incompatible development that prompted residents throughout the City of Los Angeles to request a mansionization ordinance.

**Conclusion**

This analysis demonstrates that the ordinance would be effective in preventing the most egregious examples of mansionization. Furthermore, because the regulations would allow for more square-footage than what is currently being utilized in almost all cases, the proposed ordinance is not expected to have a significant impact on property values.

**S. GAIL GOLDBERG, AICP**  
 DIRECTOR OF PLANNING



Betsy Weisman  
 Principal Planner

**Attachments:**

Attachment I – Proposed Baseline Mansionization Ordinance as Transmitted by the City Attorney on March 10, 2008

Attachment II – Draft City Council Findings

**Attachment I**  
**Proposed Baseline Mansionization Ordinance**  
**as Transmitted by the City Attorney on March 10, 2008**

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Sections 12.03, 12.04, 12.07, 12.07.01, 12.07.1, 12.08, 12.21.1, 12.23, 12.28, 12.32, and adding Section 13.13 to the Los Angeles Municipal Code to establish new regulations for all single-family residential zoned properties (RA, RE, RS, and R1) not located in a Hillside Area or Coastal Zone.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the definitions of “Base Floor” and “Floor Area, Residential” in proper alphabetical order to read:

**BASE FLOOR.** That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. All levels within four vertical feet of each other shall count as a single story.

**FLOOR AREA, RESIDENTIAL.** The area in square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the floor area calculation.

Except that the following areas shall not be counted:

1. The first 400 square feet of covered parking area.
2. Detached accessory buildings not exceeding 200 square feet; however, the total combined area exempted of all these accessory buildings on a lot shall not exceed 400 square feet.
3. The first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.
4. Porches, patios, and breezeways that have an open lattice roof.
5. The first 100 square feet of any story or portion of a story of the main building on a lot with a ceiling height greater than 14 feet shall be counted only once.

6. A Basement when the elevation of the upper surface of the floor or roof above the basement does not exceed two feet in height at any point above the finished or natural grade, whichever is lower.

Sec. 2. The definition of "Floor Area" in Section 12.03 of the Los Angeles Municipal Code is amended to read:

**FLOOR AREA.** The area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas. Except that buildings on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone are subject to the definition of Residential Floor Area.

Sec. 3. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provision of Article 3 of this chapter

"O"	Oil Drilling District
"S"	Animal Slaughtering
"G"	Surface Mining District
"RPD"	Residential Planned Development
	District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District

The **Zoning Map** is amended to indicate these districts and the boundaries of each district.

Land classified in an [O] Oil Drilling District, [S] Animal Slaughtering District, [G] Surface Mining District, [RPD] Residential Planned Development District, [K] Equinekeeping District, [CA] Commercial and Artcraft District, [POD] Pedestrian Oriented District, [CDO] Community Design Overlay District, [MU] Mixed Use District, [FH] Fence Height District, [SN] Sign District or [RFA] Residential Floor Area District is also classified in one or more zones, and land

classified in the “P” Automobile Parking Zone may also be classified in an [A] or [R] Zone.

These classifications are indicated on the [Zoning Map] with a combination of symbols, e.g., R2-2-O, C2-4-S, M1-3-G, M1-1-P and R2-O, C2-G, etc., where height districts have not been established.

Sec. 4. 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 unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 5. Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 25 percent of the lot area, except that when the lot is 20,000 square feet or greater, then the residential floor area shall not exceed 20 percent of the lot area or 5,000 square feet, whichever is greater.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

**6. Verification of Existing Residential Floor Area.** For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 6. The first unnumbered paragraph of Subsection C of Section 12.07.01 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 unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 7. Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed the following standards for each RE Zone: RE9 and RE11 - 40 percent of the lot area, except that when the lot is 15,000 square feet or greater then the residential floor area shall not exceed 35 percent of the lot area or 6,000 square feet, whichever is greater; RE15, RE20 and RE40 - 35 percent of the lot area.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

- a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or
- b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

- c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

**6. Verification of Existing Residential Floor Area.** For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to

January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 8. The first unnumbered paragraph of Subsection C of Sections 12.07.1 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 unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 9. Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 45 percent of the lot area, except that when the lot is 9,000 square feet or greater, then the residential floor area shall not exceed 40 percent of the lot area or 4,050 square feet, whichever is greater.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan

details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the “Certified” or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

**6. Verification of Existing Residential Floor Area.** For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor’s records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 10. The first unnumbered paragraph of Subsection C of Section 12.08 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 unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 11. Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

**5. Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 50 percent of the lot area, except that when the lot is 7,500 square feet or greater, then the residential floor area shall not exceed 45 percent of the lot area or 3,750 square feet, whichever is greater.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the

project in substantial compliance with the requirements for LEED® Certification.

**6. Verification of Existing Residential Floor Area.** For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 12. The second and third unnumbered paragraphs of Section 12.21.1 of the Los Angeles Municipal Code are amended to read:

In the A1, A2, RZ, RMP, and RW2 Zones, and in those portions of the RD and R3 Zones, which are also in Height District No. 1, no building or structure shall exceed 45 feet in height. In the RA, RE, RS, R1 and R2 Zones in Height District No. 1, located in a Hillside Area or a Coastal Zone, no building or structure shall exceed 45 feet in height. In the RU and RW1 Zones, no building or structure shall exceed 30 feet in height.

Notwithstanding the preceding paragraph, the following height regulations shall apply on a lot that is not located in a Hillside Area or Coastal Zone: In the R2 Zone, no building or structure shall exceed 33 feet in height. In the R1, RS, or RE9 Zones, no building or structure shall exceed 33 feet in height; except that when the roof of the uppermost story of a building or structure or portion of the building or structure has a slope of less than 25 percent, the maximum height shall be 28 feet. In the RE11, RE15, RE20, RE 40 or RA Zones, no building or structure shall exceed 36 feet in height; except that when the roof of the uppermost story of a building or structure or portion of a building or structure has a slope of less than 25 percent, the maximum height shall be 30 feet. Notwithstanding the above, when 40 percent or more of the existing one-family

dwelling with frontage on both sides of the block have building heights exceeding these limits, the maximum height for any building on that block may be the average height of the dwellings exceeding these limits. Height limitations in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of this section. This section shall apply when there are no height limitations imposed on lots by a specific plan or a Historic Overlay Zone or created by a subdivision approval.

Sec. 13. Subdivision 1 of Subsection A of Section 12.21.1 of the Los Angeles Municipal Code is amended to read:

1. The total floor area contained in all the main buildings on a lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the buildable area of the lot; for a lot in all other zones, except RA, RE, RS, and R1 Zoned properties not located in a Hillside Area or Coastal Zone and developed primarily for residential uses, the total floor area contained in all the main buildings on a lot in Height District No. 1 shall not exceed three times the buildable area of the lot. For RA, RE, RS, and R1 Zoned properties not located in a Hillside Area or Coastal Zone, the total residential floor area shall comply with the floor area restrictions for each zone.

Portions of Height District No. 1 may be designated as being in an "L" Limited Height District, and no building or structure in Height District No. 1-L shall exceed six stories, nor shall it exceed 75 feet in height. Portions of Height District No. 1 may be designated as being in a "VL" Very Limited Height District, and no building or structure in Height District No. 1-VL shall exceed three stories, nor shall it exceed 45 feet in height. Notwithstanding that limitation, portions of Height District No. 1-VL that are also in the RAS3 or RAS4 Zones shall not exceed 50 feet in height. Portions of Height District No. 1 may also be designated as being in an "XL" Extra Limited Height District, and no building or structure in Height District No. 1-XL shall exceed two stories, nor shall the highest point of the roof of any building or structure located in this District exceed 30 feet in height. In the RA, RE, RS, and R1 Zones, portions of Height District No. 1 may also be designated as being in an "SS" Single Story Limit Height District, and no building or structure in Height District No. 1-SS shall exceed one story, nor shall the highest point of the roof of any building or structure located in this District exceed 18 feet in height. For the purposes of Height District No. 1-SS, a basement does not count as a story when the elevation of the upper surface of the floor or roof above the basement does not exceed two feet in height at any point above the finished or natural grade, whichever is lower.

Sec. 14. Subdivision 1 of Subsection A of Section 12.23 of the Los Angeles Municipal Code is amended by adding a new Paragraph (c) to read:

(c) A building, nonconforming as to the residential floor area regulations on properties zoned RA, RE, RS, and R1 and not located in the Hillside Area or Coastal Zone, shall not be added to or enlarged in any manner. However, alterations, other than additions or enlargements, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 15. Subsection A of Section 12.28 of the Los Angeles Municipal Code is amended by adding a second unnumbered paragraph to read:

The Zoning Administrator shall also have the authority to grant adjustments in residential floor area of no more than a ten percent increase beyond what is otherwise permitted by Chapter I of this Code. A request for an increase in residential floor area greater than ten percent shall be made as an application for a variance pursuant to Section 12.27 of this Code.

Sec. 16. Paragraphs (a) and (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code are amended by replacing the phrase "this article" with the phrase "Article 3 of this chapter" everywhere that the phrase "this article" appears.

Sec. 17. The list contained in Paragraph (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended by adding a new entry to read "RFA" Residential Floor Area District at the end of the list.

Sec. 18. Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

**(2) Additional Requirements for Application.** One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, or a Residential Floor Area District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or

lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

Sec. 19. Subsubparagraph (iii) of Subparagraph (3) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 is amended to read:

**(iii) Time for Commission to Act on Application.**

The City Planning Commission shall act on an application to establish an [O], [S], [G], [K], [CA], [POD], [CDO], [MU], [FH], [SN] or [RFA] District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an [RPD] District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

Sec. 20. Article 3 of Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 13.13 to read:

**SEC. 13.13. "RFA" RESIDENTIAL FLOOR AREA DISTRICT.**

**A. Purpose.** This section sets forth procedures and guidelines for the establishment of "RFA" Residential Floor Area Districts in residential areas of the City. The purpose of the "RFA" Residential Floor Area District is to permit residential floor area maximums in residential zones to be higher or lower than normally permitted by this Code in areas where the proposed district will further enhance the existing scale of homes and help to preserve the existing character of the neighborhood as effectively as the residential floor area limitations established in this Code; and where the increased or decreased residential floor area maximums will be consistent with the policies and objectives set forth in the applicable Community Plan.

**B. Establishment of the District.** The procedures set forth in Section 12.32 S of this Code shall be followed, however each "RFA" Residential Floor Area District shall include only properties in the RA, RE, RS, or R1 zones. The district shall not generally be less than 100 acres in area. The precise boundary of a district may be adjusted for urban features such as topography, freeways or streets/highways. Boundaries shall be along street frontages and shall not split parcels. An "RFA" Residential Floor Area District may encompass an area,

which is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan. The “RFA” Residential Floor Area District shall include contiguous parcels, which may only be separated by public streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

**C. Development Regulations.** The Department of Building and Safety shall not issue a building permit for a residential structure within an “RFA” Residential Floor Area District unless the residential structure conforms to the regulations set forth in a specific “RFA” Residential Floor Area District. The development regulations for each “RFA” Residential Floor Area District shall be determined at the time the district is established. The development regulations shall enhance the character of the district.

Sec. 21. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all of its members, at its meeting of \_\_\_\_\_.

FRANK T. MARTINEZ, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By \_\_\_\_\_  
SHARON SIEDORF CARDENAS  
Assistant City Attorney

Date \_\_\_\_\_

File No(s). CF 06-1293;CPC 2007-0106-CA

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted . . . . .

March , 2008

See attached report.

\_\_\_\_\_  
S. Gail Goldberg  
Director of Planning

## Attachment II

### Draft City Council Findings

Therefore, it is recommended that the City Council:

**ADOPT** the Baseline Mansionization Ordinance; and

**ADOPT** the following as the findings of the City Council:

1. In accordance with **Charter Section 556**, the proposed code amendments are in substantial conformance with the purposes, intent, and provisions of the General Plan in that they establish regulations that would reduce the development potential of single-family residential structures, in terms of mass and size, on single-family zoned lots not located in Hillside Areas or the Coastal Zone. The proposed ordinance also includes the flexibility necessary in order to address concerns regarding mass and scale on a neighborhood basis.

#### ***General Plan Framework Element***

The proposed code amendments are consistent with, and help to further accomplish the following goals, objectives, and policies of the General Plan Framework, in addition to several similar provisions echoed in most of the Community Plans that make up the Land Use Element of the General Plan:

***Goal 3B*** Preservation of the City's stable single-family residential neighborhoods.

***Objective 3.5*** Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

***Policy 3.5.2*** Require that new development in single-family neighborhoods maintains its predominant and distinguishing characteristics such as property setbacks and building scale.

***Policy 3.5.4*** Require new development in special use neighborhoods such as water-oriented, rural/agricultural, and equestrian communities to maintain their predominant and distinguishing characteristics.

#### ***General Plan Housing Element***

The code amendments are also consistent with the goals, objectives, and policies and goals of the City's Housing Element, and accomplish the preservation of neighborhood character mentioned in the following provisions:

***Goal 2*** A City which actively takes steps to preserve, stabilize, and enhance livability/sustainability in all neighborhoods throughout the City, and maintains the quality of life in all residential areas.

***Objective 2.4*** Develop, preserve, and enhance quality single- and multiple-family housing utilizing approved design standards which maintain the prevailing scale and character of the City's stable

residential neighborhoods, and do not constrain affordable housing development.

**Objective 2.8** Assure that new development is generally consistent with the character and scale of adjacent development and an adopted community vision.

**Policy 2.8.1** Establish individual community visions that retain and enhance community character through the Community Plan Update Program and Framework Element.

The current Floor Area Ratio (FAR) of 3:1 by Buildable Area allows large, box-like structures that compromise the character of established neighborhoods. The citywide FAR reduction is necessary in order to preserve and maintain the scale of existing single-family neighborhoods and ensure that future development is more compatible. The new base FAR for each zone and the 20 percent residential floor area bonus allow for the construction of structures that are larger than existing homes, but still compatible with a typical single-family neighborhood.

The current method of determining the maximum size of a home by using Buildable Area results in disproportionate size limitations for lots which are larger than the minimum lot size, or are the same sizes but differ in shape. In order to address this problem the proposed Baseline Mansionization Ordinance changes the FAR from a percentage of Buildable Area to a percentage of Lot Size. This ensures that regardless of lot shape, the development potential for lots of a given zone is held constant relative to lot size.

Moreover, the proposal establishes a specific FAR for each zone, creating a specific scale for each zone with subtle transitions for larger lots within some of the smaller scale zones, with smaller minimum lot sizes. These specific scales ensure the continuing existence of zones which fit the characteristics of a community; i.e. smaller urban lots with larger homes, larger residential estate lots with large houses and large grounds, or larger residential/animal-keeping lots with minimal development. The proposed ordinance will refine the scale in keeping with the intent of each zone, and thereby further enhancing and preserving neighborhood character.

In order to incentivize good and/or sustainable design, the ordinance includes a bonus of up to 20 percent of the maximum residential floor area for a lot if one of three options is followed. Option 1 requires the second story of a home proportionally smaller than the first floor; option 2 requires stepping back a portion of the building frontage facing the front property line. Option 3 requires the use of the “green” building methods outlined in the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes Certification program. Additional floor area is allowed because any of these methods encourages creative design solutions and provides an opportunity for additional floor area. An exception is made for substandard R1 lots, where the bonus is increased to 30 percent of the maximum residential floor area to allow equitable development on smaller lots.

The proposed code amendment includes provisions that enable the creation of “RFA” Residential Floor Area Districts (RFA Districts) which will allow individual communities to increase or decrease the residential floor area limits established

in this ordinance. The purpose of the RFA Districts is to enable further refinement of the desired scale in distinct neighborhoods with special characteristics that are not fully recognized by the baseline regulations. The proposed ordinance only includes enabling language for this new RFA District and would not apply to any specific neighborhood at this time. Communities would now have the opportunity to request this new District through the process established in Section 12.32 Subsection S of the LAMC.

In order to further address the issue of building mass from the public right-of-way and neighboring properties, the proposed ordinance includes a new height provision that directly ties the maximum height of a building to the slope of the roof. As currently proposed, when a building or structure has a sloped roof (25% slope or greater) the current height limits apply: 33 feet for the R1, RS, and RE9 zones, and 36 feet for the RE11, RE15, RS, RE20, and RE40 zones. However, when a structure has a flat roof (less than 25% slope) the maximum height is lower: 28 feet for the R1, RS, and RE9 zones, and 30 feet for the RE11, RE15, RS, RE20, and RE40 zones. This provision will ensure that rooflines are built in a manner that will reduce the visual mass of a structure built to the maximum height. The ordinance lowers the maximum height for buildings with flat roofs because the bulk of a building with a flat roof is greater than one with sloped roof.

The current Floor Area definition is inadequate for residential development because the current definition does not include many portions of a building that add significantly to the mass and bulk of structures. The new definition would include the portions of a building or structure that are currently excluded from the maximum square footage of development on a lot but which add to the total volume and bulk. In addition, the proposed Base Floor definition is necessary for the Department of Building and Safety to effectively implement the proportional stories method of achieving the 20 percent residential floor area bonus.

Currently, the Municipal Code does not have a Single-Story Height District. For those neighborhoods that want to maintain their single-story character there are no tools available that can provide comprehensive protection from multi-story homes. Therefore, the proposed Single-Story Height District is a necessary tool for preserving the defining characteristic of single-story single-family residential neighborhoods.

The existing Zoning Administrator's Adjustment authority does not address Floor Area limitations. The proposed ordinance grants the Zoning Administrator the authority to allow for adjustments in residential floor area of only up to a 10 percent increase beyond what is otherwise permitted by ordinance. These projects will be required to make the findings for an Adjustment. Therefore, projects will only be approved when the Zoning Administrator can be sure that the property has site conditions or existing improvements that make strict application of the proposed residential floor area limits infeasible, and that the resulting development will be compatible with the surrounding neighborhood.

The proposed 10 percent will allow enough flexibility in individual situations and should be sufficient because the proposed ordinance already includes two ways for a property owner to increase the amount of habitable square-footage without having to obtain a discretionary approval: the 20 percent residential floor area bonus and the exemption of habitable basements that are not visible to the rest of the neighborhood. Furthermore, the variance process will also remain

available for requests for more significant deviations, and will ensure that these requests are held up to strict hardship findings, noticing, and hearing requirements.

Lastly, in order to address the new Residential Floor Area limitations for buildings or structures in the single-family residential zones, Section 12.23 A.1(c) of the LAMC will continue the nonconforming policies for buildings or structures which are nonconforming as to these regulations. Nonconforming buildings built prior to the effective date of this ordinance can be maintained and repaired. However, should these buildings ever be voluntarily demolished they will not be allowed to be rebuilt unless the new construction complies with the requirements established by this ordinance. This provision ensures that the new regulations created by this ordinance are enforced.

2. In accordance with **Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice because its measures are needed to regulate single-family residential development in order to avoid the further degrading effects of out-of-scale structures in the various neighborhoods throughout the City of Los Angeles as a result of the current FAR of 3:1 (by Buildable Area). Furthermore, the proposed ordinance also contains provisions that allow for the flexibility to address mass and scale concerns on a neighborhood- and property-specific basis.

**a) *Reduction of Existing FAR for Single-Family Zones and New 20% Residential Floor Area Bonus***

Baseline FAR Reduction

The current FAR of 3:1 (by Buildable Area) for single-family residential zones is extremely permissive and has resulted in the construction of large structures that are incompatible with the existing surrounding neighborhoods. The proposed reduction in FAR is necessary in order to directly address the issue of house size, prevent the worst case scenarios, establish a new base from which to work for future code amendments and/or overlays dealing with mansionization, and for the protection of neighborhood character.

According to building permit data from 2005, the median house size built on an R1 lot was 3,520 square feet, this is forty percent larger than the average-sized home nationwide (2,400 square feet) , and more than double the size of existing, post-war homes in established R1 neighborhoods (approximately 1,700 square feet). This ordinance allows for homes larger than the median size, but prevents the irreversible adverse impacts associated with the new construction and additions at the current 3:1 FAR which result in out-of-scale structures that will otherwise be permitted by-right, and further degrade the quality of life in existing single-family residential neighborhoods.

Another reason for the proliferation of out-of-scale structure is the use of Buildable Area to determine maximum development potential on a single-family zoned lot. The proposed solution utilizes the lot area as a base

from which FAR is determined, rather than the Buildable Area currently used in the Municipal Code. By tying development potential directly to lot size and to individual zones, the ratio of house size to lot size is maintained proportionally across different lot sizes and configurations within each zone, and the development standards for each of the eight zones are further distinguished.

#### New Floor Area Ratios for Each Single-Family Zone

The uniform or “one size fits all” approach taken in the current Zoning Code is a major contributor to the issue of mansionization. A proposal that maintains this uniform approach will result in disproportionately larger structures on the larger-sized lots or larger zones, and will only address mansionization for the smaller-sized lots while doing nothing for larger lots/zones. Instead, the proposed ordinance takes a “scaled-down” FAR approach that gives each zone an FAR, or scale, that is progressively smaller as the minimum lot size got larger while still ensuring that the homes would increase in size. In determining the proposed residential floor area limits for each zone, the R1 Zone was used as the base from which the rest of the FAR were determined. Each zone also contains a provision that addresses larger lots within a zone in order to help “dove-tail” or blend into the FAR of the next largest zone. This new approach addresses the disproportionately large square-footage permitted on the larger lots/zones.

There are eight distinct single-family zones affected by the proposed ordinance. The proposed solution reflects the differences in the eight zone designations and establishes a base floor area ratio for each zone, based on lot size. As a direct result of this reduction, two-story structures will automatically have larger setbacks than single-story structures of the same floor area.

In order to preserve the character and pattern of each of the eight zones, each zone will have a unique Floor Area Ratio. Due to the range of lot sizes found within each zone designation, some of which are non-conforming as to the minimum lot size requirements and some of which are uncharacteristically large, the Floor Area Ratio for each zone was carefully chosen to respect the character of the zone designation. Transitional Floor Area Ratios have been selected to ensure a continuous increase in development potential as lot size increases and to prevent abrupt changes in maximum development potential on slightly larger lots.

**R1 – “One Family Zone”.** This R1 zone is the densest of the single-family zones, with a minimum lot size requirement of 5,000 square feet (6.2 units per acre). Typically, R1 lots measure 50 ft in width and are found in some of the older subdivisions throughout Los Angeles.

Floor Area Ratio: The proposed Floor Area Ratio is 0.5:1, except when lots are 7,500 sq-ft or larger, the Floor Area Ratio is 0.45:1 or 3,750 sq-ft of development potential, whichever is greater.

This Floor Area Ratio was selected as the baseline in the R1 zone because it allows for the construction of an average-sized house (2,500 sq-ft) on a 5,000 square foot lot. This is in harmony with the

stock of existing homes in established neighborhoods averaging 1,700 square feet, but still allows for growth.

**RS – “Suburban Zone”.** The RS zone, mostly found in the Valley, is slightly larger than the R1 zone; because of the lower density (4.8 units per acre), it was originally intended for suburban portions of the City. Homes in this zone are intended to have larger yards than homes in the R1 zone.

Floor Area Ratio: The proposed Floor Area Ratio is 0.45:1, except when lots are 9,000 sq-ft or larger, the Floor Area Ratio is 0.4:1 or 4,050 sq-ft, whichever is greater. Lots zoned RS typically have large prevailing front setbacks, therefore slightly larger homes have a lesser visual impact in the RS zone than a similar-sized home in the denser R-1 zone.

By limiting the Floor Area Ratio to 0.45:1, the proper ratio of house size-to-lot size will be maintained with larger yards as a direct result.

**RE – “Residential Estate Zone”.** RE zoned lots range from a minimum lot size of 9,000 square feet to 40,000 square feet in RE40, the largest of the RE zones, and are generally concentrated in foothills and outlying regions of Los Angeles. On most RE zoned lots, the footprint of the main residential structure, despite its size, makes up a small portion of the lot coverage. Lots zoned RE are intended to have expansive grounds in relation to the primary residential structure.

Floor Area Ratio: RE9, RE11, RE15, RE20 and RE40 – The proposed Floor Area Ratio is 0.4:1, except when lots are 15,000 sq-ft or larger, the Floor Area Ratio is 0.35:1 or 6,000 sq-ft, whichever is greater.

The Floor Area Ratios in the RE Zone allow home sizes ranging from 3,600 square feet in the RE9 zone to 12,000 square feet or larger in the RE40 zone. The Floor Area Ratios selected maintain the predominant estate quality of a large home on expansive grounds.

**RA – “Suburban Zone”.** The RA Zone was originally intended for formerly agricultural tracts of land. There are many RA zoned parcels in parts of the Valley and other areas in the City that maintain agricultural uses. Currently, the typical RA lot consists of a modest primary residential structure on a 17,500 square foot lot or larger. Many RA lots still contain accessory structures such as barns or stables that are incidental to animal-keeping uses.

Floor Area Ratio: The Floor Area Ratio is: 0.25:1, except when lots are 20,000 sq-ft or larger, the Floor Area Ratio is 0.2:1 or 5,000 sq-ft whichever is greater

A lower Floor Area Ratio was selected for the RA zone to retain the agricultural character and form of the zone such that existing animal-keeping uses are not jeopardized by the encroachment of neighboring primary residential structures.

The new base FARs ranging from 0.25:1 on RA lots to 0.5:1 on R1 lots respect the characteristics of these zones and address most of the factors that contribute to Mansionization.

Under the current code standards, setbacks are fixed values and do not increase as the lot size becomes larger and results in disproportionate size limitations for lots which are larger than the minimum lot size, or are the same sizes but differ in shape. This has resulted in the construction of two-story homes on large lots with little air space between neighboring structures. To remedy this, the reduced floor area ratio is tied directly to lot size and is in addition to setback requirements in the zone, resulting in larger setbacks on two-story structures.

In order to implement the regulations for maximum residential floor area, the ordinance establishes a process for the verification of existing square-footage of structures built prior to the effective date of this ordinance for remodels and additions less than 1,000 square-feet in size. The existing residential floor area will be either the building square-footage shown on the most recent Los Angeles County Tax Assessor's records at the time that a complete set of plans are submitted to LADBS and a plan check fee is paid, or may be determined as shown on a set of as-built plans of all the structures on the lot, prepared by a licensed architect or engineer, submitted by the applicant. For all other projects, the new definition of residential floor area will apply. This provision is being introduced for the purposes of: simplification, and to avoid requiring the large expense of preparing an "as-built" plan for the existing structures. It will also maintain the extensive streamlining policies that the Department of Building & Safety has worked so hard to establish for the permitting process for residential dwelling units.

#### 20% Residential Floor Area Bonus

The purpose of the 20 percent residential floor area bonus is to encourage quality and/or sustainable design of single-family homes; there are three ways of obtaining the bonus.

The Proportional Stories method allows for slightly larger two-story structures by granting a floor area bonus of 20% of the maximum Residential Floor Area as long as the stories other than the Base Floor are not greater than seventy-five percent of the Base Floor. This Proportional Story articulation incentive will provide a meaningful amount of usable living space and encourage articulation by requiring that the second floor be smaller than the first floor, thereby changing the perception of size and scale of a structure. Seventy-five percent was selected as an appropriate ratio because a larger ratio would reduce the effectiveness of the articulation provision and would not address box-like structures while a smaller ratio would preclude many building designs.

The Facade Modulation method allows for slightly larger two-story structures by granting a floor area bonus of 20% of the maximum Residential Floor Area as long as 25% of the building frontage facing the street is stepped back from the front façade by a minimum of 20% of the total building depth. Stepping back at least one quarter of the length of

the building façade will have an immediate aesthetic benefit as seen from the street. Moreover, the requirement for 25% percent of the frontage still allows the property owner to accommodate a garage in the front of the building and some additional uses. Both the Proportional Stories method and the Facade Modulation method are flexible in terms of design, allowing the property owner to determine where this area is to be used.

The Green Building method allows for a floor area bonus of 20% of the maximum Residential Floor Area as long as a home substantially complies with the “green” building methods outlined in the U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes Certification program. The project would need to be designed to meet the LEED® for Homes “Certified” level or better. The larger size will be offset by the environmentally sensitive and more sustainable design.

To ensure that the FAR reduction does not result in inequitable restrictions on substandard R1 lots resulting in homes smaller than the median home size of 2,500 square feet, the Bonus is raised to 30% in order to encourage reasonably-sized homes on substandard lots that are also well-designed on the exterior or built using sustainable construction methods.

**b) *New “RFA” Residential Floor Area Districts***

The proposed code amendment includes provisions that enable the creation of “RFA” Residential Floor Area Districts (RFA Districts) which will allow individual communities to increase or decrease the residential floor area limits established in this ordinance. The purpose of the RFA Districts is to enable further refinement of the desired scale in distinct neighborhoods with special characteristics. The proposed ordinance only includes enabling language for this new RFA District and would not apply to any specific neighborhood at this time. Communities would now have the opportunity to request this new District through the process established in Section 12.32 Subsection S of the LAMC.

**c) *Amend Height Limits for Single-Family Zones***

Roofs are a defining characteristic of single-family homes; articulated roofs add visual interest to a structure and provide transitions between properties. Therefore, the proposed ordinance establishes new standards to differentiate between sloped and flat roofs.

Section 12.21.1 has been amended to allow building heights of up to 33 feet in the R1, RS, and RE9 zones and 36 feet in the RE11, RE15, RA, RE20, and RE40 zones, for buildings that provide a roof slope of at least 25 percent (25%). For buildings with a flat roof, or a slope of less than 25%, the maximum height would be 28 feet in the R1, RS, and RE9 zones and 30 feet in the RE11, RE15, RA, RE20 and RE40. A sloped roof is defined as having a slope of 25% or greater because it is the predominant roof slope in Southern California. A structure can combine flat and pitched roof sections; however, the allowable heights for each section will vary depending on slope.

The proposed ordinance lowers the allowable height for buildings with flat roofs and maintains the existing height limits for buildings with sloped roofs. This provision will ensure that rooflines are built in a manner that will reduce the visual mass of a building when at the maximum height, and when roofs are flat that the mass of the building will appear to be low-lying.

**d) Add New Residential Floor Area and Base Floor Definitions**

Residential Floor Area

The existing Floor Area definition does not differentiate between the various building types and zones, and is applied to all development in the same manner, unless otherwise stated. This means that the floor area of a single-family home is calculated in the same manner as a commercial shopping center or an industrial park, yet the structures are very different.

The existing Floor Area definition also excludes areas such as garage space, atriums, and stairwells that contribute significantly to the mass and scale of residential structures. The new Residential Floor Area definition would include such areas that are currently excluded from the maximum development potential for a lot. The existing definition still applies to uses other than residential.

In order to control the mass and bulk of a building, the definition will also count portions of a building, in excess of 100 sq-ft, with ceiling height greater than 14 ft as twice the area, and include any attic space with a ceiling height greater than 7 ft. The proposed definition exempts the first 100 sq-ft of any portion of a building or structure with a ceiling height greater than 14 ft in order to emphasize entry treatments which can help to mitigate building mass when properly designed.

The exemption of the first 400 sq-ft of garage area is in place in to compensate for the parking provisions required in the LAMC. Floor area in excess is counted in order to prevent unnecessarily large garages which would otherwise contribute to the overall mass and scale of residences or detached structures on a lot.

Detached structures used for storage purposes (such as tool sheds and pool equipment rooms), no greater than 200 sq-ft, that are not used for parking purposes, are exempted from the total Residential Floor Area calculation because these structures generally do not contribute to the overall mass of the development on a lot. However, the new definition limits the cumulative total area of these structures to 400 sq-ft to avoid an unchecked clustering of these structures which would likely result in aggregate massing problems on a single-family property.

Currently, all porches, patios, and breezeways are counted towards the development potential of a single-family lot; this ordinance exempts the first 250 sq-ft of these types of spaces, as long as they are open on at least two sides. These architectural elements help to articulate a structure and mitigate the overall bulk of a building.

The proposed definition specifically excludes basements containing habitable or nonhabitable rooms as an alternative for property owners

seeking additional square-footage in a way that does not add to the bulk of a building. The 2-foot above grade ceiling height requirement is established in order to insure that these basements are inconspicuous.

Base Floor Definition

The Base Floor definition is needed in order to establish a base from which the Proportional Story provisions are to be taken for primary structures on a lot. There is currently no such definition in the zoning code. The reason for not using the first floor as the default base is because there are sloped lots where it is entirely possible that a second floor can be larger than the first. This approach allows for maximum flexibility in calculating Proportional Stories compliance regardless of the topography of a lot.

**e) *Rename Subsection C of Each Single-Family Residential zone and Move Residential Floor Area Regulations to Each Zone.***

Currently, the Floor Area regulations for all zones, including single-family residential, are found in Subsection A of Section 12.21.1 of the LAMC. Furthermore, Subsection C of Sections 12.07, 12.07.01, 12.07.1, and 12.08, contain the “Area” requirements such as Front, Side, and Rear Yards, as well as the Lot Area for each zone.

As a result of the proposed Residential Floor Area regulations, the proposed ordinance will rename Subsection C of each single-family zone to “Area (Development Standards)”, and move the proposed Residential Floor Area requirements to each zone. The ordinance also includes a reference in Section 12.21.1 of the LAMC to the new FAR requirements in each zone. This revision will allow each zone to have its own specific development standards, making these regulations easier to find in the LAMC.

**f) *New Single-Story Height District for Single-Family Zones***

To preserve the defining characteristic of one-story single-family neighborhoods, the ordinance establishes a new Single-Story Height District. The preservation of predominantly single-story neighborhoods was a critical issue raised by residents before and during the public outreach meetings.

Adding a Single-Story Height District would create a tool that allows one-story neighborhoods that want to remain one-story the ability to limit construction to one story and 18 feet in height. Eighteen feet permits enough height for a one-story structure with a sloped or flat roof.

The proposed ordinance only includes enabling language for this new Height District and would not apply to any specific neighborhood at this time. Communities would now have the opportunity to request this new Height District through the standard zone change process.

**g) *Clarify that Zoning Administrator’s Adjustment Authority Includes 10% Adjustments to Residential Floor Area***

The proposed Code Amendment grants the Zoning Administrator the authority to allow for adjustments in residential floor area of only up to a

10 percent increase beyond what is otherwise permitted by ordinance. These projects will be required to make the findings for an Adjustment. Therefore, projects will only be approved when the Zoning Administrator can be sure that the property has site conditions or existing improvements that make strict application of the proposed residential floor area limits infeasible, and that the resulting development will be compatible with the surrounding neighborhood.

The proposed 10 percent will allow flexibility enough in individual situations and should be sufficient because the proposed ordinance already includes two ways for a property owner to increase the amount of habitable square-footage without having to obtain a discretionary approval: the 20 percent residential floor area bonus and the exemption of habitable basements that are not visible to the rest of the neighborhood. Furthermore, the variance process will also remain available for requests for more significant deviations, and will ensure that these requests are held up to strict hardship findings, noticing, and hearing requirements.

***h) Non-Conforming Buildings or Structures as to Residential Floor Area in Single-Family Residential Zones.***

In order to address the new Residential Floor Area limitations for buildings or structures in the single-family residential zones, Section 12.23 A.1(c) of the LAMC will continue the nonconforming policies for buildings or structures which are nonconforming as to these regulations. Nonconforming buildings built prior to the effective date of this ordinance can be maintained and repaired. However, should these buildings ever be demolished they will not be allowed to be rebuilt unless the new construction complies with the requirements established by this ordinance. This provision ensures that the new regulations created by this ordinance are enforced. Over time the nonconforming housing stock that is torn down will make way for new structures that comply with the Residential Floor Area regulations established by this Ordinance.

Although the residential floor area limitations established by this ordinance are not tailored to any specific neighborhood, and are instead a citywide approach, they are needed to avoid the continuing negative impacts upon established neighborhoods around the City created by the current development standards. The proposed Baseline Mansionization Ordinance also includes enabling language that establishes the RFA District that will allow individual neighborhoods to adjust their base FARs to have residential floor area limits which are higher or lower than normally permitted by this Code. The RFA District, because it focuses on a smaller area, will still enhance the existing scale of homes and help to preserve the existing character of the neighborhood as effectively as the residential floor area limitations established in this Code. Furthermore, the 10 percent Zoning Administrator's Adjustment will allow enough flexibility to deal with individual situations where the property has site conditions or existing improvements that make strict application of the proposed residential floor area limits infeasible.

The proposed code amendments substantially advance a legitimate public interest in that they would further protect single-family residential neighborhoods

from economic forces, such as a booming real estate market, that often leads to structures that are built-out to the maximum size allowed in the LAMC. In recent years, Citywide property values have increased rapidly and this high premium for land has driven a trend where property owners and developers tear down the original houses and replace them with much larger structures or significantly remodel existing houses with large-scale two-story additions which are out-of-scale with the neighboring properties. Further exacerbating the problem, much of the existing housing stock is reaching maturity (80 years or older). Good zoning practice requires new development standards for single-family residential zones as the housing stock is updated and replaced. This proposed ordinance accomplishes this requirement.

The proposed code amendments are not arbitrary as Planning staff has thoroughly analyzed many different approaches and public testimony and determined that the proposed amendments are the simplest and most direct way of dealing with the issue of mansionization in a way that is both equitable and meaningful. There is a reasonable relationship between a legitimate public purpose which is maintaining existing single-family residential neighborhood character and the means to effectuate that purpose. Delaying the implementation of these code amendments could result in the continuation of over-sized development of single-family residential neighborhoods which is inconsistent with the objectives of the General Plan and would create an irreversible negative impact on the quality of life in the communities within the City of Los Angeles.

3. **California Environmental Quality Act (CEQA).** The Department of City Planning on Friday, April 6, 2007, determined that the proposed code amendments would not have a significant impact on the environment. A Negative Declaration (ENV-2007-107-ND, Exhibit B) was prepared for the ordinance after a review of the proposed ordinance for any potential impacts on the physical environment.

On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a negative effect on the environment. The attached Negative Declaration was published in the Los Angeles Times on Thursday, April 12, 2007, and reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are located at the Community Planning Bureau of the Planning Department in Room 621, 200 North Spring Street.