

## PPCC Land Use Committee (LUC) Interim Report – March 19, 2021

*16796 Marquez Ave. and related zoning issues pertaining to non-hillside Coastal Zone areas of Pacific Palisades*

The PPCC LUC has become aware of residents' sustained concerns related to construction of a large home at 16796 Marquez Ave. in the lower Marquez neighborhood of PPCC Area 3 (the Marquez/Ida project).

Residents object to the structure's overall size and height (just under 45 feet and three stories); believe that it is completely out of scale for the neighborhood; and maintain that it violates numerous zoning code provisions. They question how this project could have been approved, seemingly without advance notice to neighbors, and have asked what steps can be taken to 1) address concerns specific to the Marquez/Ida project, and 2) prevent future projects of such height and scale from being built in the neighborhood.

There is also understandable confusion about the height limit and other applicable zoning restrictions in the location of the Marquez/Ida project: a *single-family (R1-1), non-hillside, Coastal Zone area of the Palisades*.

In light of these concerns, the PPCC LUC has been asked to investigate the Marquez/Ida project and consider broader zoning ramifications for the Palisades; to research applicable laws; to report on the committee's conclusions; and to make recommendations to the PPCC Board.

The following is the PPCC LUC's interim report to the Board and community about these matters. Our investigation and research are ongoing. We anticipate presenting a final report, with conclusions and recommendations, at public LUC and/or Board meetings in the near future (date/s TBA).<sup>1</sup>

### 1. **Marquez/Ida Project Permit History and Current Status**

#### a. Coastal Development Permit

- The owner applied for a Coastal Development Permit (CDP) on July 20, 2016.<sup>2</sup> Notice of the CDP application was required to be posted conspicuously on site and mailed to all residences within 100 ft. of each boundary of the proposed development (LAMC Section 12.20.1.E).
- A public hearing was held on December 19, 2016. The applicant, the property owner, a representative from Council District 11 (CD 11) and four members of the community attended.
- On May 5, 2017, the City Planning Director issued a Determination Letter granting permission for the project (a 5,559 square foot, three-story single-family dwelling, a 630 square foot basement, a 391 square foot roof-top deck and an attached two-car garage), and setting the maximum project height at 44 feet, 7 inches.<sup>3</sup>
- The Determination Letter explained that the project was subject to a height limit of 45 feet (applicable to R-1 properties in Height District No. 1 in the Coastal Zone); it also noted the front façade of the home would have a height of 35 feet, and the overall 45-foot height was due to the lot sloping approximately 10 feet down toward the rear of the lot. The Determination Letter also cited other tall (34+ feet) residential projects that had received prior approvals or waivers, including a 45-foot-high house (on Revello) and two other three-story houses (on Bollinger and Alma Real).
- According to the Determination Letter, prior to the hearing four residents (three adjoining and one nearby) had submitted written opposition objecting to the project's size; the Letter also stated that four community members attended the December 19, 2016 CDP hearing.

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<sup>1</sup> Contact [info@pacpalicc.org](mailto:info@pacpalicc.org) to be added to the PPCC email list for receipt of bulletins, meeting notices and agendas.

<sup>2</sup> The owner also applied for a Mello Act compliance review, required of proposed residential projects in the Coastal Zone.

<sup>3</sup> Links to the Determination Letter and other relevant resources can be found in the attached Resources list.

- Per the Determination Letter and applicable law, the last day to file an appeal was May 15, 2017; it appears that no appeal was filed.<sup>4</sup>
- b. Plans, Building Permits, Construction
- From 2017-2019, the owner submitted and obtained approval of required project plans.
  - On February 28, 2020, the Los Angeles Dept. of Building and Safety (LADBS) issued building permits for the Marquez/Ida project.
  - At some point during construction, the height and size of the project became a concern to several residents. Neighbors notified CD 11 that they believe the project violates code in several respects. Councilmember Bonin’s staff facilitated meeting/s between a few concerned neighbors and LADBS staff. LADBS officials eventually conducted further review of the project in order to determine and ensure code compliance.
- c. Stop Construction Order
- LADBS issued a Stop Construction Order (Order) on March 3, 2021. The Order cites several code violations, indicates that the building permits had been issued in error, and announces LADBS’ **intent to revoke the permits on March 17, 2021.**
  - The Order did *not* indicate that the building height constituted a code violation.
  - The LUC is investigating whether there may be additional code violations not cited in the Order, and that could possibly be added to an amended Order.
  - The Order states that until March 17, the owner may provide LADBS with reasons why the permits should not be revoked. At this writing, the LUC is not aware of any discussions that may be occurring between project representatives and LADBS staff, nor whether the building permits will actually be revoked.

**2. Palisades Residential Zoning: Applicable Regulations/Guidelines**

- a. Zoning Categories
- In general, Palisades residential (R1-1) neighborhoods fall into one of the following broad zoning categories: *non-hillside, Coastal or non-Coastal Zone*; and *hillside, Coastal or non-Coastal Zone*.
  - The lower Marquez neighborhood, north of Sunset (location of the Marquez/Ida project) is in the *non-hillside, Coastal Zone* category; it appears that other portions of PPCC Area 3 south of Sunset, as well as large portions of Areas 4 and 6 (south of Sunset) are in this same category.
  - The LUC has requested a map from the City Planning Dept. detailing all Palisades single-family residential areas, to be made available when our final report is completed.
- b. Governing Regulations/Height
- Residential (R1-1) development in our non-hillside, Coastal areas is governed by older provisions of the Los Angeles zoning code. One such provision -- Section 12.21.1 -- limits the height of residential dwellings to **45 feet** for lots zoned R1-1 and located in the Coastal Zone. This provision has been in place since **1977**.
  - In our hillside, Coastal and non-Coastal single-family-zoned areas, development is governed by the Baseline Hillside Ordinance (BHO), while “Variation Zones” govern development in non-hillside, non-Coastal single-family areas (pursuant to 2017 code amendments that created “carve-outs” for certain Palisades areas). The BHO and Variation Zones (variations on the Baseline Mansionization Ordinance/BMO) impose different restrictions on development in these respective areas.

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<sup>4</sup> Notice of the determination was required to be mailed to anyone who had submitted a written request for notice of the action on the application (LAMC Section 12.20.1.G). We do not know whether the opponents requested notice or received the Determination Letter, and/or the reason why they did not file an appeal.

- In 2016, in connection with the proposed code amendments being considered by PPCC and the Palisades community, Richard Blumenberg, AIA (then Civic League President; current PPCC and LUC member), prepared an analysis of the amendments; this analysis will be expanded in connection with the LUC's final report.
  - The LUC is continuing to research applicable height and other relevant zoning restrictions in all areas of the Palisades (to be included in our final report).
- c. Tract 9300/Civic League Guidelines
- Portions of PPCC Area 4 (below Sunset) and Areas 5 and 6 are in Tract 9300; they are subject to the Civic League's development guidelines for residential projects (CL Guidelines). The CL Guidelines establish a 28-foot maximum height limit. Most owners/developers in these areas are aware of and voluntarily comply with the CL Guidelines.
  - In many cases, developers in Tract 9300 become aware of the CL Guidelines during CDP hearings, when hearing officers typically instruct developers to meet with the Civic League and follow the CL Guidelines. The LUC is researching whether the CDP hearing process is still required or applied in our Coastal areas in light of the CATEX Categorical Exclusion Order (see discussion below) and if not, what may be the ramifications for residential property development in the Coastal Zone going forward.

### **3. *Additional Considerations***

a. Councilmember Bonin Motion/BMO Application

- In January 2020, in response to constituents' concerns about development in CD 11 Coastal areas, the Councilmember introduced a motion in City Council for the Planning Dept. and City Attorney to report on possible code amendments to apply stricter BMO development standards to non-hillside, Coastal areas of CD 11 (Pacific Palisades, Venice and Playa del Rey).
- The BMO standards are more restrictive than the code provisions that now apply to non-hillside, Coastal areas. The LUC is conducting research and will provide more details about the BMO standards in our final report.
- The full City Council passed Councilmember Bonin's motion in March 2020. There has been no action on the motion since then. In the meantime, as an alternative to the motion, CD 11 staff has been working with Venice and Westchester/Playa del Rey constituents on possible Community Plan (CP) updates to incorporate BMO standards in their non-hillside, Coastal areas.

b. Community Plan Update Process/Other Alternatives

- Venice and Westchester/Playa del Rey are now actively participating in the CP update process (along with several other Westside communities); a Local Coastal Program (LCP) is also being drafted for Venice. CD 11 staff has advised that these CPs and/or the LCP are likely to include stricter development standards for Coastal areas, based on the BMO.
- The Brentwood-Pacific Palisades CP is not among the plans that are now being updated; the process to update our CP is not expected to begin until 2022-2023, at the earliest. Thus, if Palisadians want to incorporate stricter development standards in the CP, this would not take place for at least another two or three years, and possibly longer.
- Should Palisades residents wish to see stricter development standards in our non-hillside, Coastal areas, one possibility is to wait for the report pursuant to Councilmember Bonin's motion to be completed, and for an eventual ordinance to pass. This is unlikely to occur any time soon.
- Another possibility would be to request that an Interim Control Ordinance (ICO) be enacted. Further investigation and/or outreach would have to be conducted to determine community consensus as to the terms of any ICO. Any conclusions that the LUC reaches about this or other possible zoning alternatives will be included in our final report.

c. CATEX Categorical Exclusion Order

- In 1979, the Coastal Commission issued a Categorical Exclusion Order to exclude R-1 development in most Coastal Zone areas of Pacific Palisades from the requirement of obtaining a CDP (the CATEX Order). The CATEX Order was apparently ignored by the Planning Dept. for decades, until enforcement of the Order was reinstated in 2018. Zoning information for individual properties located in the Coastal Zone in the Palisades now includes a link to the CATEX Order on the Planning Dept.'s ZIMAS website for each property address subject to the exclusion.
- Had the CATEX Order been followed in 2016-2017, the owner/developer of the Marquez/Ida project would not have been required to apply for a CDP and the development would have been allowed to proceed essentially by-right (except for required Mello Act compliance review).
- The LUC is investigating the current status of the CATEX Order and under what circumstances, if any, the Planning Dept. may still be requiring CDPs for residential development in the Palisades' Coastal areas. Any conclusions we reach will be discussed in our final report.

### Resources

Determination Letter:

<https://planning.lacity.org/pdiscaseinfo/document/MTc1MDQ10/03b6cd7a-61f3-4d27-8bc5-9bb6e20119bc/pdd>

LAMC Height Rules: <http://pacpalicc.org/wp-content/uploads/2021/03/LAMC-12.21.1-building-height-.pdf>

RLB 2016 Analysis: <http://pacpalicc.org/wp-content/uploads/2016/05/BMO-BHOProposed042116Changes-Analysis.pdf>

DCP Coastal Zone Map: [https://planning.lacity.org/Code\\_Studies/Housing/CWCZ85x11102003.pdf](https://planning.lacity.org/Code_Studies/Housing/CWCZ85x11102003.pdf)

PPCC Areas: <http://pacpalicc.org/index.php/area-maps/>

Civic League website: <http://ppcl9300.org/>

Planning Dept. ZIMAS website: <http://zimas.lacity.org/>

CM Bonin Motion: [https://clkrep.lacity.org/onlinedocs/2010/10-1058-s4\\_mot\\_01-28-2020.pdf](https://clkrep.lacity.org/onlinedocs/2010/10-1058-s4_mot_01-28-2020.pdf)

CATEX Exclusion Order: <http://zimas.lacity.org/documents/zoneinfo/ZI2481.pdf>

Pacific Palisades-Brentwood Community Plan:

<https://planning.lacity.org/odocument/abf34149-0480-4d2d-950626b8e06fe185/BrentwoodPacific%20Palisades%20Community%20Plan.pdf>