

## **PPCC Land Use Committee (LUC) 2<sup>nd</sup> Interim Report – October 28, 2021**

*16796 Marquez Ave. and related zoning issues pertaining to R1-1, non-hillside, Coastal Zone areas of Pacific Palisades*

### **Introduction**

The PPCC LUC has been asked to look into the construction of a large home at 16796 Marquez Ave. in the lower Marquez neighborhood of PPCC Area 3 (the Marquez/Ida project).

Many area 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 development standards in the location of the Marquez/Ida project: a *R1-1, non-hillside, Coastal Zone area of the Palisades*.

In addition, many residents have stated that they want to know what action might be available to the PPCC to intervene in addressing the larger zoning issues, to prevent such large and incompatible homes from being constructed in the future.

### **Executive Summary**

- The Marquez/Ida project appears to be in compliance with applicable development standards, has been reviewed closely by City of L.A. officials and has been granted necessary construction permits. There is nothing PPCC can realistically do to stop this project or alter the design.
- There is substantial lack of information in the community about the zoning regulations in the single-family zones, particularly in the non-hillside, Coastal zone areas of the Palisades. PPCC should make such information available through the posting of zoning maps and documentation of the current development standards in the various single-family residential zones.
- Large 45' tall homes are allowed in the lower Marquez neighborhood north of Sunset Blvd because they are in the *R1-1, non-hillside, Coastal Zone* category. Other areas in the same category where such homes are allowed include portions of the El Medio bluffs, the Via de la Paz Mesa and Bluffs, portions of the Huntington Palisades and other areas.
- PPCC should consider what action, if any, it wishes to recommend to City of L.A. to restrict the currently allowable height, mass and scale of development projects in the non-hillside, Coastal zone areas of the Palisades.
- One option available to PPCC is to support Councilmember Mike Bonin's January, 2020 City Council motion asking the City Planning Department, and other offices, to report back with new ordinance(s) which would extend the Baseline Mansionization Ordinance (BMO) to Coastal Zone areas currently not covered by the BMO or the Baseline Hillside Ordinance (BHO).

## Discussion

### 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>1</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>2</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.
- 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>3</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.

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<sup>1</sup> The owner also applied for a Mello Act compliance review, required of proposed residential projects in the Coastal Zone.

<sup>2</sup> Links to the Determination Letter and other relevant resources can be found in the attached Resources list.

<sup>3</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.

- 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 on March 3, 2021. The Order cited several code violations, indicates that the building permits had been issued in error.
- The Order did **not** indicate that the building height constituted a code violation.
- The property owner successfully obtained a Supplemental Permit on June 18, 2021 to revise plans as required by the Dept of Building & Safety.

d. Resumption of Work

- Shortly after receiving the Supplemental Permit in June, 2021, construction work resumed on the project and continues as of the date of this report.

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

a. Zoning Categories

- In general, Palisades single-family residential neighborhoods fall into one of the following broad zoning categories: *hillside or non-hillside, Coastal or non-Coastal* or different combinations of these categories.
- 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 several maps from the City Planning Dept. detailing all Palisades single-family residential areas, to be made available when completed.

b. Governing Regulations/Height

- Residential development in R1-1, non-hillside, Coastal areas is governed by older provisions of the Los Angeles zoning code. One such provision -- Section 12.21.1 -- allows the height of residential dwellings to be **45 feet** for lots zoned R1-1 and located in the Coastal Zone. This provision has been in place since at least **1977**, and perhaps earlier.
- In our hillside single-family-zoned areas, both Coastal and non-Coastal, development is governed by the Baseline Hillside Ordinance (BHO). In non-hillside areas, the governing regulations vary depending on whether a property is located in the Coastal or Non-Coastal Zone.

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.

**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 full City Council passed Councilmember Bonin’s motion in March 2020. There has been no action on the motion since then. In the meantime, 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.
- Councilmember Bonin’s motion will expire in March, 2022 unless extended.

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 R1-1, non-hillside, Coastal areas, one possibility is to urge for the report pursuant to Councilmember Bonin’s motion to be completed, and for an eventual ordinance to pass.
- Another possibility would be to request that an Interim Control Ordinance (ICO) be enacted. Preliminary inquiries have provided feedback that the ICO option would involve a lengthy process, at best.

- Another option would be to wait for City Planning action on an update to the Brentwood/Pacific Palisades Community Plan in conjunction with the development of a Local Coastal Program for the Pacific Palisades area. The LUC has been advised this is at least a 3-year process and has not yet begun.

c. CATEX Categorical Exclusion Order

- In 1979, the Coastal Commission issued a Categorical Exclusion Order which excluded single-family development in most Coastal Zone areas of Pacific Palisades from the requirement to obtain a CDP (the CATEX Order). The CATEX Order was apparently forgotten by architects, developers and the Planning Dept. for decades, until the Order's application was resumed 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 applied 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).

### **Recommendation**

The PPCC LUC recommends that the PPCC Board schedule a public meeting to discuss and take input from community residents regarding what steps, if any, should be taken to urge the City to adopt stricter development standards in the R1-1, non-hillside, Coastal areas of Pacific Palisades.

### **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>