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May 31, 2019

Public Counters

Department of Building and Safety

Other Interested Parties

CASE NO. ZA 2019-2359(ZAI)
ZONING ADMINISTRATOR'S
INTERPRETATION

Mezzanines in Dwelling Units

CITYWIDE

A mezzanine level shall not be considered a Story for Zoning Code purposes, provided that the mezzanine meets the standards in this interpretation.

AUTHORITY OF THE ZONING ADMINISTRATOR TO INTERPRET ZONING REGULATIONS

Section 12.21-A,2 of the Code provides, in pertinent part, as follows:

"2. Other Use and Yard Determinations by the Zoning Administrator. (Amended by Ord. No. 177,103, Eff. 12/18/05.) The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.

The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.

These provisions have also been interpreted to permit resolution of conflicts between disparate sections of the Code and to provide clarity where ambiguity exists.

BACKGROUND

Mezzanines have been ubiquitous, character-defining features within many residential buildings throughout the city. A mezzanine is a common building form on the interior of a building that often appears to be a subordinate, upper-level extension of the room in which it is located. Webster's Dictionary defines a mezzanine as a "low ceiling story between two main stories of a building; esp.: an intermediate story that projects in the form of a balcony." Mezzanines can include a wide range of functions in all building types. In residential buildings, they could be used as bedrooms or recreation rooms, for example, and often provide natural light to the lower portion of a room and additional space for the flow of air.

In the course of project permitting and code enforcement, the Department of Building and Safety determines whether proposals for new buildings and alterations to existing buildings conform to the area and height requirements in Chapter 1 of the Los Angeles Municipal Code (Zoning Code). That determination partially depends on the number of stories in a building. A "Story" is defined in the Zoning Code, in part, as "[t]he space in a Building between two vertically adjacent finished floor levels [...]." While commercial buildings in some areas are limited in the number of stories allowed, residential buildings generally are not. For residential buildings, the number of stories is used to determine required yards, passageways or spaces between buildings. So an increase in stories in a building results in an increase in the required yard space. The intent of these regulations is to help define neighborhood character by providing increased open areas commensurate with an increase in building scale. However, the Zoning Code does not distinguish between a Story and a mezzanine, it does not provide guidance on where to measure a Story, and includes few provisions for the treatment of mezzanines, outside of Adaptive Reuse projects and buildings in the Hybrid Industrial Zone.

DISCUSSION

Contrary to the intent of these Story limitations to help define the character of neighborhoods, a small mezzanine open to the room it is in would be considered a Story without necessarily functioning that way. Using the Zoning Code's definition of Story, a small, open, interior mezzanine in a room and the Story above it may both be construed as another Story, depending on where the measurement between "vertically adjacent finished floors" is taken. As such, ambiguity exists in the enforcement of Story limits, Yards, Space between Buildings, and Passageway requirements in buildings with a mezzanine level.

The 2017 Los Angeles Building Code (LABC) defines Mezzanine as, in part, "[a]n intermediate level or levels between the floor and ceiling of any story [...]." The LABC has recognized mezzanines, and has included separate provisions for the treatment of mezzanines. In 2008, the LABC defined "Mezzanine" and "Story" separately and acknowledged that a mezzanine may be a level in a Story as opposed to a separate Story. However, changes in the LABC in 2008 allow the common mezzanine form to function as or appear to be an additional Story.

Under certain circumstances, the LABC allows a mezzanine to be fully enclosed to the interior of the building and take up two-thirds of the floor area of a room. For these types of mezzanines, such levels should be considered as a Story for Zoning Code purposes.

DETERMINATION

A mezzanine level shall not be treated as a Story in a dwelling unit, provided that the following are met:

- 1) A mezzanine shall not exceed one-third of the floor area of the room in which it is located. The remaining two-thirds minimum of the floor area of the room shall be open to the ceiling of the room.
 - a) The stairs need not to be considered as part of the mezzanine floor area, but may be considered as part of the room in which it is located.
 - b) Any roofed or unroofed portion of a deck, balcony, porch, landing or platform that is accessible from a mezzanine level shall be included as part of the one-third allowed mezzanine area.
- 2) A mezzanine level shall be open to the interior of the room in which it is located, with the following exceptions:
 - a) A maximum 42-inch-high wall, counter or guard rail, measured vertically from the top of the mezzanine finished floor, may be allowed along a mezzanine perimeter.
 - b) A maximum of ten percent of the floor area of the mezzanine level may be fully enclosed with walls.
- 3) A room shall have only a single mezzanine with one mezzanine level.
- 4) A mezzanine level shall fully comply with all applicable provisions in the Zoning Code and the LABC.

A mezzanine level shall be treated as an additional Story in a single-family dwelling, an Accessory Building associated with a single-family dwelling, a Guest Room, Accessory Living Quarters, an Accessory Dwelling Unit, and any portion of a building used for commercial, industrial, or institutional purposes.

Yards, Passageway, Space between Buildings

A mezzanine that meets the standards in this interpretation shall not result in an increase in Yards, Passageways or Space between Buildings in any zone where additional feet are required for each additional Story.

Floor Area

The area of a mezzanine within a building shall be counted as Floor Area, except where the Zoning Code provides an exception or exemption.

Habitable Rooms, Parking, Open Space

A mezzanine shall be considered a separate Habitable Room or Rooms for the purpose of determining required parking and Open Space, except where the Zoning Code provides an exception or exemption.

This interpretation does not supersede the provisions of any Specific Plan, Zoning Overlay, LAMC Sections 12.04.06 (Hybrid Industrial Live Work Zone) and 12.22-A.26 (Downtown Adaptive Reuse), Q condition (permanent or temporary), or D limitation to the contrary.

For the reasons set forth above, a mezzanine level shall not be treated as a Story in a dwelling unit provided that the aforementioned criteria are met.

This interpretation shall be published pursuant to the Los Angeles Municipal Code and administrative practice of the Office of Zoning Administration.

APPEAL PERIOD – EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after JUNE 17, 2019, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available online at <http://planning.lacity.org>. Public offices are located at:

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If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

A handwritten signature in black ink, appearing to read 'Estineh Mailian', with a large, stylized loop at the end.

ESTINEH MAILIAN
Interim Chief Zoning Administrator

EM:SMP:JB