

FINDINGS (Lower Council District 5)

General Plan/Charter Findings

In accordance with Charter Sections 556 and 558, the proposed zone change is in substantial conformance with the purposes, intent and provisions of the City's General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC).

General Plan Framework/ Community Plan Consistency

The proposed zone change ordinance for the Lower Council District 5 Community is consistent with 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

General Plan Framework

The proposed Zone Change Ordinance is consistent with the following goals, objectives, and policies of the General Plan Framework:

- 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.

Pursuant to Section 12.32(F) of the Los Angeles Municipal Code this proposal is for a Zone Change to those parcels lying within the Lower Council District 5 Community, bounded within the proposed Ordinance Map, from R1-1 to R1VNew, R1VNew, R1V2 and R1V2-RG. The current Single Family "R1" regulations for the Lower Council District 5 Community allow large, box-like structures that may compromise the existing character of the smaller scaled neighborhood, potentially limiting light and air to adjacent buildings. The proposed zone change ordinance for the Lower Council District 5 Community is necessary in order to preserve and maintain the character defining features, such as scale, proportion, building mass and garage orientation that make the existing single-family neighborhood unique.

With regards to scale and proportion, the existing R1 zone allows for a Floor to Area Ratio that reaches 0.60 for net livable space. Currently, the area is regulated by an interim Control

Ordinance 183,497 which states, “Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Lower Council District 5 unless the proposed structure's Residential Floor Area—without exceptions for detached accessory buildings; porches, patios and breezeways; and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. No Residential Floor Area bonus shall be allowed for green building, proportional stories, or front façade articulation.” The R1V2 zone reduces the allowable FAR from 0.60 to a range that reaches a maximum 0.45 on smaller lots to a minimum 0.35 on larger lots. This FAR allowance is more in keeping with the existing FAR makeup of the community, which averages 0.28 FAR, while still allowing for a reasonable expansion of house size to meet modern needs. It also is in keeping with the intent of the Interim Control Ordinance for the area.

Furthermore, the current R1 is inadequate as it does not control building massing. The existing R1 development standards neither limits the setback distance of the upper portions of the walls nor the structure mass. The new building envelope for the proposed zone, R1VNew, R1V2 and R1V2-RG, requires that walls over 20 feet in height employ an encroachment plane of 45 degrees to a maximum height of 30 feet. The encroachment plane curtails the overall massing of the structure, reducing the perception of size and bulk while enhancing the overall visual quality of the street by providing a more unified and low scale appearance which increases light and air circulation.

West Los Angeles and Westwood Community Plans

The proposed zone change will promote the objectives, policies and goals of the West Los Angeles and Westwood Community Plans by continuing to protect the character of the existing single-family neighborhood in the Lower Council District area. By instituting more restrictive development regulations, the proposed regulations require new development to be compatible with neighborhood character. As new houses are developed in conformance with the proposed regulations, and are built with smaller height, floor area and lot coverage envelopes, the overall existing character of the Lower Council District community is preserved. The proposed zone changes are consistent with applicable objectives and policies of the West Los Angeles Community Plan, including the following:

West Los Angeles Community Plan

- Policy 1-1.1** Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses.
- Policy 1-1.2** Promote neighborhood preservation in all residential neighborhoods.

Westwood Community Plan

- Policy 1-1.1** Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses.
- Policy 1-1.2** Protect the quality of residential environment and promote the maintenance and enhancement of the visual and aesthetic environment of the community.

The policies listed above will be accomplished through the implementation of the proposed zone change to R1VNew, R1V2 and R1V2-RG. Based on data from the existing housing stock in the Lower Council District 5 Community, including floor area and analysis of building typologies, the proposed new zone was selected from a range of new single family subzones. The proposed zone requires all new development to be similar in character to the majority of existing houses in the project area. No changes are proposed to the community's residential density – the project area will remain designated for single family development. On the whole, the proposed zone change to R1VNew, R1V2 and R1V2-RG act as a refinement of the existing Single Family Development Standards contained in the Los Angeles Municipal Code, tailoring existing types of development regulations to more specifically address the needs of a well-defined community.

Public Necessity, Convenience, General Welfare, and Good Zoning

Los Angeles **City Charter Section 558** and **LAMC Section 12.32(C)(7)** require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare, and good zoning practice. The proposed Zone Change conforms to public necessity, convenience, general welfare, and good zoning practice in the following respects: The proposed single family development standards of the R1VNew, R1V2 and R1V2-RG create guidelines and standards for new development which help protect the character of Lower Council District 5 and reinforce the neighborhood's scale. The new single family standards within the R1V2 Zone will ensure that new construction is compatible with the existing context; new projects will enhance and reinforce the existing environment; and that the aesthetic and visual quality of the area will be improved and complement the character of the Community.

The proposed zone change began with a desire voiced by the community to preserve the built character of the Lower Council District 5 community. Planning staff responded by researching building form in the community, as well as extensive field work and meetings with community members to better understand the issues facing the area. Through this methodology, staff determined that there was an impetus for additional single family development regulations in the Lower Council District 5 community; it was true that the built form of the neighborhood was beginning to change, and that the changes were potentially negatively affecting the character of the community. The proposed zones, R1VNew, R1V2 and R1V2-RG offers protections and methods to preserving the overall character of the community.

The proposed zone change ordinance substantially advances a legitimate public interest in that it will further protect single-family residential neighborhoods from out-of-scale development 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. Good zoning practice requires new development standards for single-family residential zones to further maintain and control the preservation of neighborhood character. This proposed zone change ordinance accomplishes this requirement.

The proposed ordinance is not arbitrary as the Department has thoroughly analyzed many different approaches and has determined that the proposed amendments are the simplest and

most direct way of dealing with the issue of “mansionization” or development of homes that are disproportionate in size within their community. 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 where a Zone Change has been proposed.

Rear Garage (RG) Supplemental Use District

LAMC Section 12.32(S) requires initiation of a Supplemental Use District on the part of the City Council, City Planning Commission, or the Director of Planning. The establishment of the Rear Garage (RG) District furthers several goals of General Plan Framework and will thus be initiated by the Director of Planning within this proposed Zone Change. In keeping with Goal 3B of the General Plan Framework, the proposed “RG” Supplemental Use District ensures that new developments are consistent with the existing architectural character and setting of the Lower Council District 5 community.

After a visual analysis of the existing built form, it was found that a majority of properties within this community maintain a rear, detached garage. There are many urban design benefits to maintaining this garage orientation as it relates to the ultimate preservation of neighborhood character. First, this garage orientation disassociates the garage (a required vehicular storage facility) from the front elevation of the single family dwelling, leaving more room for more inviting features such as porches, entryways and gardens. Second, the rear garage necessitates a vehicular passage way, which creates additional buffering between neighbors, facilitating the circulation of light and air between structures. This vehicular passage way may also be decoratively landscaped and/or designed of pervious ground cover conducive to water preservation. Third, this orientation dissociates the mass of the house from the mass of the garage, reducing the overall bulk of the house. Lastly, In addition to these aesthetic benefits, detached garages have functional attributes, such as limiting the amount of noise and pollution that filters into the house.

Based on the above findings, the proposed Rear Garage District is deemed in substantial conformance with the purposes, intent and provisions of the City’s General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC); consistent with public necessity, convenience, general welfare, and good zoning practice; and in is accordance with the establishment of a Supplemental Use District, satisfies the purposes of the proposed zone change and furthers the overall quest for conservation of the neighborhood character through urban design.

CEQA Findings

Pursuant to Section 210821(c)(3) of the California Public Resource Code, the Department of City Planning prepared a Negative Declaration (ENV–2016–2111–ND), which concludes that the proposed zone change for the Lower Council District 5 (as bounded by the Proposed Ordinance Map) will result in less than significant impacts and/or that there will be no impacts. The Negative

Declaration was published for a period of 20 days, from September 29, 2015 and will be complete by October 19, 2015. We will address comments as they are submitted and will have a final response to comments by second City Planning Commission hearing on November 10, 2016.

As stated in the mandatory findings of significance in the Negative Declaration, the Department of City Planning concludes the following:

- a) Based on the analysis in this Initial Study, the proposed zone changes would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The proposed project does not propose or authorize any new development. Further, development (e.g., additions, new construction) of single-family units that occurs pursuant to the proposed project would not impact any endangered fauna or flora, modify any special status species habitat, and would only occur on lots zoned for single-family development. Due to the highly urbanized nature of the project area and the surrounding area, construction activities and operation of future development would not impact the habitat or population in the Project Area. In addition, the proposed project does not propose or authorize any new development in any identified Biological Resource Areas. The proposed project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare endangered plant or animal. Furthermore, impacts to Cultural Resources and related archaeological and paleontological resources would be less than significant following the implementation of the regulatory compliance measures.
- b) No significant impacts were identified for the 17 environmental factors analyzed within the Initial Study. Currently, a proposed Code amendment to the 2008 Baseline Mansionization Ordinance (BMO) and the 2011 Baseline Hillside Ordinance (BHO) are undergoing similar environmental review that could be viewed in connection to the proposed Project. The proposed Code amendment to the BHO/BMO specifically amends the existing BMO and BHO to establish more stringent development standards for properties zoned R1, modify RFA calculations, adjust grading provisions for single-family lots located in designated "Hillside Areas," and eliminate the "Green Building Option" bonus for properties zoned RA, RE, and RS, and eliminate all bonuses in the R1 zones that currently permit additional RFA in exchange for the inclusion of particular building features.

As mentioned throughout, the proposed Code amendment would establish variations of the existing R1 Zone that are tailored to meet the varying character and design of single-family neighborhoods throughout the City. These zones regulate lot coverage maximums, height, placement of bulk, and size. The proposed Project would also create a new Supplemental Use District that mandates garages to be detached from the main building and located at the rear of a property. The proposed Project, by itself, does not propose or authorize any development and would not authorize or expand any new or existing land uses.

The proposed Code amendment to the BMO/BHO (i.e. Related Project) would further apply specific requirements related to form and massing to single-family zoned properties in the area. The Related Project applies specific requirements related to form and process, triggered by an application for a building and/or grading permit in any single family zoned lot (RA, RE, RS, R1). The combination of the proposed Project and the Related Project is not expected to incentivize any new construction; rather, these projects together would in effect address concerns of perceived out-of-scale construction in single-family neighborhoods and help regulate form in residential zones. It is also important to note that no significant impacts were identified for the Related Project.

Thus the proposed Project in combination with Related Projects would not result in a cumulatively considerable effect

- c) A significant impact may occur if the proposed project has the potential to result in significant impacts, as discussed in the preceding sections. All potential impacts of the proposed project have been identified, and regulatory compliance measures have been prescribed, where applicable, to reduce all potential impacts to less-than-significant levels. Upon implementation of mitigation measures identified and compliance with existing regulations, the proposed project would not have the potential to result in substantial adverse impacts on human beings either directly or indirectly.

Delegation of City Planning Commission Authority

In accordance with **Charter Sections Charter 559**, and in order to insure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

FINDINGS (Inner Council District 5)

General Plan/Charter Findings

In accordance with Charter Sections 556 and 558, the proposed zone change is in substantial conformance with the purposes, intent and provisions of the City's General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC).

General Plan Framework/ Community Plan Consistency

The proposed zone change ordinance for the Inner Council District 5 Community is consistent with 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

General Plan Framework

The proposed Zone Change Ordinance is consistent with the following goals, objectives, and policies of the General Plan Framework:

- 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.

Pursuant to Section 12.32(F) of the Los Angeles Municipal Code this proposal is for a Zone Change to those parcels lying within the Inner Council District 5 Community, bounded within the proposed Ordinance Map, from R1-1 to R1VNew. The current Single Family "R1" regulations for the Inner Council District 5 Community allow large, box-like structures that may compromise the existing character of the smaller scaled neighborhood, potentially limiting light and air to adjacent buildings. The proposed zone change ordinance for the Inner Council District 5 Community is necessary in order to preserve and maintain the character defining features, such as scale, proportion, building mass and garage orientation that make the existing single-family neighborhood unique.

With regards to scale and proportion, the existing R1 zone allows for a Floor to Area Ratio that reaches 0.60 for net livable space. Currently, the area is regulated by an interim Control

Ordinance 183,497 which states, “Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Inner Council District 5 area unless the proposed structure's Residential Floor Area—without exceptions for detached accessory buildings and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. Residential Floor Area bonuses permitted by the Zoning Code shall be limited to 15% of the maximum Residential Floor Area.” The R1VNew zone reduces the allowable FAR from 0.60 to a range that reaches a maximum 0.55 on smaller lots to a minimum 0.45 on larger lots. This FAR allowance is more in keeping with the existing FAR makeup of the community, which averages 0.30 FAR, while still allowing for a reasonable expansion of house size to meet modern needs. It also is in keeping with the intent of the Interim Control Ordinance for the area, which proposed modest reductions.

Furthermore, the current R1 is inadequate as it does not control building massing. The existing R1 development standards neither limits the setback distance of the upper portions of the walls nor the structure mass. The new building envelope for the proposed zone, R1VNew, requires that walls over 20 feet in height employ an encroachment plane of 45 degrees to a maximum height of 30 feet. The encroachment plane curtails the overall massing of the structure, reducing the perception of size and bulk while enhancing the overall visual quality of the street by providing a more unified and low scale appearance which increases light and air circulation.

West Los Angeles Community Plan

The proposed zone change will promote the objectives, policies and goals of the West Los Angeles Community Plan by continuing to protect the character of the existing single-family neighborhood in the Inner Council District area. By instituting more restrictive development regulations, the proposed regulations require new development to be compatible with neighborhood character. As new houses are developed in conformance with the proposed regulations, and are built with smaller height, floor area and lot coverage envelopes, the overall existing character of the Inner Council District community is preserved. The proposed zone changes are consistent with applicable objectives and policies of the West Los Angeles Community Plan, including the following:

Policy 1-1.1 Protect existing single family residential neighborhoods from new out-of scale development and other incompatible uses

Policy 1-1.2 Promote neighborhood preservation in all residential neighborhoods

The policies listed above will be accomplished through the implementation of the proposed zone change to R1VNew. Based on data from the existing housing stock in the Inner Council District 5 Community, including floor area and analysis of building typologies, the proposed new zone was selected from a range of new single family subzones. The proposed zone requires all new development to be similar in character to the majority of existing houses in the project area. No changes are proposed to the community's residential density – the project area will remain designated for single family development. On the whole, the proposed zone change to R1VNew act as a refinement of the existing Single Family Development Standards contained in the Los Angeles Municipal Code, tailoring existing types of development regulations to more specifically address the needs of a well-defined community.

Public Necessity, Convenience, General Welfare, and Good Zoning

Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare, and good zoning practice. The proposed Zone Change conforms to public necessity, convenience, general welfare, and good zoning practice in the following respects: The proposed single family development standards of the R1VNew create guidelines and standards for new development which help protect the character of Inner Council District 5 and reinforce the neighborhood's scale. The new single family standards within the R1VNew Zone will ensure that new construction is compatible with the existing context; new projects will enhance and reinforce the existing environment; and that the aesthetic and visual quality of the area will be improved and complement the character of the Community.

The proposed zone change began with a desire voiced by the community to preserve the built character of the Inner Council District 5 community. Planning staff responded by researching building form in the community, as well as extensive field work and meetings with community members to better understand the issues facing the area. Through this methodology, staff determined that there was an impetus for additional single family development regulations in the Inner Council District 5 community; it was true that the built form of the neighborhood was beginning to change, and that the changes were potentially negatively affecting the character of the community. The proposed zone, R1VNew offers protections and methods to preserving the overall character of the community.

The proposed zone change ordinance substantially advances a legitimate public interest in that it will further protect single-family residential neighborhoods from out-of-scale development 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. Good zoning practice requires new development standards for single-family residential zones to further maintain and control the preservation of neighborhood character. This proposed zone change ordinance accomplishes this requirement.

The proposed ordinance is not arbitrary as the Department has thoroughly analyzed many different approaches and has determined that the proposed amendments are the simplest and most direct way of dealing with the issue of "mansionization" or development of homes that are disproportionate in size within their community. 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 where a Zone Change has been proposed.

CEQA Findings

Pursuant to Section 210821(c)(3) of the California Public Resource Code, the Department of City Planning prepared a Negative Declaration (ENV-2016-2111-ND), which concludes that the

proposed zone change for the Inner Council District 5 (as bounded by the Proposed Ordinance Map) will result in less than significant impacts and/or that there will be no impacts. The Negative Declaration was published for a period of 20 days, from September 29, 2015 and will be complete by October 19, 2015. We will address comments as they are submitted and will have a final response to comments by second City Planning Commission hearing on November 10, 2016.

As stated in the mandatory findings of significance in the Negative Declaration, the Department of City Planning concludes the following:

- a) Based on the analysis in this Initial Study, the proposed zone changes would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The proposed project does not propose or authorize any new development. Further, development (e.g., additions, new construction) of single-family units that occurs pursuant to the proposed project would not impact any endangered fauna or flora, modify any special status species habitat, and would only occur on lots zoned for single-family development. Due to the highly urbanized nature of the project area and the surrounding area, construction activities and operation of future development would not impact the habitat or population in the Project Area. In addition, the proposed project does not propose or authorize any new development in any identified Biological Resource Areas. The proposed project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare endangered plant or animal. Furthermore, impacts to Cultural Resources and related archaeological and paleontological resources would be less than significant following the implementation of the regulatory compliance measures.
- b) No significant impacts were identified for the 17 environmental factors analyzed within the Initial Study. Currently, a proposed Code amendment to the 2008 Baseline Mansionization Ordinance (BMO) and the 2011 Baseline Hillside Ordinance (BHO) are undergoing similar environmental review that could be viewed in connection to the proposed Project. The proposed Code amendment to the BHO/BMO specifically amends the existing BMO and BHO to establish more stringent development standards for properties zoned R1, modify RFA calculations, adjust grading provisions for single-family lots located in designated "Hillside Areas," and eliminate the "Green Building Option" bonus for properties zoned RA, RE, and RS, and eliminate all bonuses in the R1 zones that currently permit additional RFA in exchange for the inclusion of particular building features.

As mentioned throughout, the proposed Code amendment would establish variations of the existing R1 Zone that are tailored to meet the varying character and design of single-family neighborhoods throughout the City. These zones regulate lot coverage maximums, height, placement of bulk, and size. The proposed Project would also create a new Supplemental Use District that mandates garages to be detached from the main building and located at the rear of a property. The proposed Project, by itself, does not propose or authorize any development and would not authorize or expand any new or existing land uses.

The proposed Code amendment to the BMO/BHO (i.e. Related Project) would further apply specific requirements related to form and massing to single-family zoned properties in the area. The Related Project applies specific requirements related to form and process, triggered by an application for a building and/or grading permit in any single family zoned lot (RA, RE, RS, R1). The combination of the proposed Project and the Related Project is not expected to incentivize any new construction; rather, these projects together would in effect address concerns of perceived out-of-scale construction in single-family neighborhoods and help regulate form in residential zones. It is also important to note that no significant impacts were identified for the Related Project.

Thus the proposed Project in combination with Related Projects would not result in a cumulatively considerable effect

- c) A significant impact may occur if the proposed project has the potential to result in significant impacts, as discussed in the preceding sections. All potential impacts of the proposed project have been identified, and regulatory compliance measures have been prescribed, where applicable, to reduce all potential impacts to less-than-significant levels. Upon implementation of mitigation measures identified and compliance with existing regulations, the proposed project would not have the potential to result in substantial adverse impacts on human beings either directly or indirectly.

Delegation of City Planning Commission Authority

In accordance with **Charter Sections Charter 559**, and in order to insure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

FINDINGS (Fairfax)

General Plan/Charter Findings

In accordance with Charter Sections 556 and 558, the proposed zone change is in substantial conformance with the purposes, intent and provisions of the City's General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC).

General Plan Framework/ Community Plan Consistency

The proposed zone change ordinance for the Fairfax Community is consistent with 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

General Plan Framework

The proposed Zone Change Ordinance is consistent with the following goals, objectives, and policies of the General Plan Framework:

- 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.

Pursuant to Section 12.32(F) of the Los Angeles Municipal Code this proposal is for a Zone Change to those parcels lying within the Fairfax Community, bounded within the proposed Ordinance Map, from R1-1 to R1VNew. The current Single Family "R1" regulations for the Fairfax Community allow large, box-like structures that may compromise the existing character of the smaller scaled neighborhood, potentially limiting light and air to adjacent buildings. The proposed zone change ordinance for the Fairfax Community is necessary in order to preserve and maintain the character defining features, such as scale, proportion, building mass and garage orientation that make the existing single-family neighborhood unique.

With regards to scale and proportion, the existing R1 zone allows for a Floor to Area Ratio that reaches 0.60 for net livable space. Currently, the area is regulated by an interim Control Ordinance 183,497 which states, "Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Fairfax area unless the proposed structure's Residential Floor Area—

without exceptions for detached accessory buildings and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. Residential Floor Area bonuses permitted by the Zoning Code shall be limited to 15% of the maximum Residential Floor Area.” The R1VNew zone reduces the allowable FAR from 0.60 to a range that reaches a maximum 0.55 on smaller lots to a minimum 0.45 on larger lots. This FAR allowance is more in keeping with the existing FAR makeup of the community, which averages 0.31 FAR, while still allowing for a reasonable expansion of house size to meet modern needs. It also is in keeping with the intent of the Interim Control Ordinance for the area, which proposed modest reductions.

Furthermore, the current R1 is inadequate as it does not control building massing. The existing R1 development standards neither limits the setback distance of the upper portions of the walls nor the structure mass. The new building envelope for the proposed zone, R1VNew, requires that walls over 20 feet in height employ an encroachment plane of 45 degrees to a maximum height of 30 feet. The encroachment plane curtails the overall massing of the structure, reducing the perception of size and bulk while enhancing the overall visual quality of the street by providing a more unified and low scale appearance which increases light and air circulation.

West Los Angeles Community Plan

The proposed zone change will promote the objectives, policies and goals of the West Los Angeles Community Plan by continuing to protect the character of the existing single-family neighborhood in the Fairfax area. By instituting more restrictive development regulations, the proposed regulations require new development to be compatible with neighborhood character. As new houses are developed in conformance with the proposed regulations, and are built with smaller height, floor area and lot coverage envelopes, the overall existing character of Fairfax community is preserved. The proposed zone changes are consistent with applicable objectives and policies of the West Los Angeles Community Plan, including the following:

Policy 1-1.1 Protect existing single family residential neighborhoods from new out-of scale development and other incompatible uses

Policy 1-1.2 Promote neighborhood preservation in all residential neighborhoods

The policies listed above will be accomplished through the implementation of the proposed zone change to R1VNew. Based on data from the existing housing stock in the Fairfax Community, including floor area and analysis of building typologies, the proposed new zone was selected from a range of new single family subzones. The proposed zone requires all new development to be similar in character to the majority of existing houses in the project area. No changes are proposed to the community’s residential density – the project area will remain designated for single family development. On the whole, the proposed zone change to R1VNew act as a refinement of the existing Single Family Development Standards contained in the Los Angeles Municipal Code, tailoring existing types of development regulations to more specifically address the needs of a well-defined community.

Public Necessity, Convenience, General Welfare, and Good Zoning

Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with

public necessity, convenience, general welfare, and good zoning practice. The proposed Zone Change conforms to public necessity, convenience, general welfare, and good zoning practice in the following respects: The proposed single family development standards of the R1VNew create guidelines and standards for new development which help protect the character of Fairfax and reinforce the neighborhood's scale. The new single family standards within the R1VNew Zone will ensure that new construction is compatible with the existing context; new projects will enhance and reinforce the existing environment; and that the aesthetic and visual quality of the area will be improved and complement the character of the Community.

The proposed zone change began with a desire voiced by the community to preserve the built character of the Fairfax community. Planning staff responded by researching building form in the community, as well as extensive field work and meetings with community members to better understand the issues facing the area. Through this methodology, staff determined that there was an impetus for additional single family development regulations in the Fairfax community; it was true that the built form of the neighborhood was beginning to change, and that the changes were potentially negatively affecting the character of the community. The proposed zone, R1VNew offers protections and methods to preserving the overall character of the community.

The proposed zone change ordinance substantially advances a legitimate public interest in that it will further protect single-family residential neighborhoods from out-of-scale development 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. Good zoning practice requires new development standards for single-family residential zones to further maintain and control the preservation of neighborhood character. This proposed zone change ordinance accomplishes this requirement.

The proposed ordinance is not arbitrary as the Department has thoroughly analyzed many different approaches and has determined that the proposed amendments are the simplest and most direct way of dealing with the issue of "mansionization" or development of homes that are disproportionate in size within their community. 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 where a Zone Change has been proposed.

CEQA Findings

Pursuant to Section 210821(c)(3) of the California Public Resource Code, the Department of City Planning prepared a Negative Declaration (ENV-2016-2111-ND), which concludes that the proposed zone change for the Fairfax (as bounded by the Proposed Ordinance Map) will result in less than significant impacts and/or that there will be no impacts. The Negative Declaration was published for a period of 20 days, from September 29, 2015 and will be complete by October 19,

2015. We will address comments as they are submitted and will have a final response to comments by second City Planning Commission hearing on November 10, 2016.

As stated in the mandatory findings of significance in the Negative Declaration, the Department of City Planning concludes the following:

- a) Based on the analysis in this Initial Study, the proposed zone changes would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The proposed project does not propose or authorize any new development. Further, development (e.g., additions, new construction) of single-family units that occurs pursuant to the proposed project would not impact any endangered fauna or flora, modify any special status species habitat, and would only occur on lots zoned for single-family development. Due to the highly urbanized nature of the project area and the surrounding area, construction activities and operation of future development would not impact the habitat or population in the Project Area. In addition, the proposed project does not propose or authorize any new development in any identified Biological Resource Areas. The proposed project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare endangered plant or animal. Furthermore, impacts to Cultural Resources and related archaeological and paleontological resources would be less than significant following the implementation of the regulatory compliance measures.
- b) No significant impacts were identified for the 17 environmental factors analyzed within the Initial Study. Currently, a proposed Code amendment to the 2008 Baseline Mansionization Ordinance (BMO) and the 2011 Baseline Hillside Ordinance (BHO) are undergoing similar environmental review that could be viewed in connection to the proposed Project. The proposed Code amendment to the BHO/BMO specifically amends the existing BMO and BHO to establish more stringent development standards for properties zoned R1, modify RFA calculations, adjust grading provisions for single-family lots located in designated "Hillside Areas," and eliminate the "Green Building Option" bonus for properties zoned RA, RE, and RS, and eliminate all bonuses in the R1 zones that currently permit additional RFA in exchange for the inclusion of particular building features.

As mentioned throughout, the proposed Code amendment would establish variations of the existing R1 Zone that are tailored to meet the varying character and design of single-family neighborhoods throughout the City. These zones regulate lot coverage maximums, height, placement of bulk, and size. The proposed Project would also create a new Supplemental Use District that mandates garages to be detached from the main building and located at the rear of a property. The proposed Project, by itself, does not propose or authorize any development and would not authorize or expand any new or existing land uses.

The proposed Code amendment to the BMO/BHO (i.e. Related Project) would further apply specific requirements related to form and massing to single-family zoned properties

in the area. The Related Project applies specific requirements related to form and process, triggered by an application for a building and/or grading permit in any single family zoned lot (RA, RE, RS, R1). The combination of the proposed Project and the Related Project is not expected to incentivize any new construction; rather, these projects together would in effect address concerns of perceived out-of-scale construction in single-family neighborhoods and help regulate form in residential zones. It is also important to note that no significant impacts were identified for the Related Project.

Thus the proposed Project in combination with Related Projects would not result in a cumulatively considerable effect

- c) A significant impact may occur if the proposed project has the potential to result in significant impacts, as discussed in the preceding sections. All potential impacts of the proposed project have been identified, and regulatory compliance measures have been prescribed, where applicable, to reduce all potential impacts to less-than-significant levels. Upon implementation of mitigation measures identified and compliance with existing regulations, the proposed project would not have the potential to result in substantial adverse impacts on human beings either directly or indirectly.

Delegation of City Planning Commission Authority

In accordance with **Charter Sections Charter 559**, and in order to insure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

FINDINGS (Mar Vista / East Venice)

General Plan/Charter Findings

In accordance with Charter Sections 556 and 558, the proposed zone change is in substantial conformance with the purposes, intent and provisions of the City's General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC).

General Plan Framework/Wilshire Community Plan Consistency

The proposed zone change ordinance for the Mar Vista/ East Venice Community is consistent with 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

General Plan Framework

The proposed Zone Change Ordinance is consistent with the following goals, objectives, and policies of the General Plan Framework:

- 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.

Pursuant to Section 12.32(F) of the Los Angeles Municipal Code this proposal is for a Zone Change to those parcels lying within the Mar Vista/ East Venice Community, bounded within the proposed Ordinance Map, from R1-1 to R1V2 and R1V/New. The current Single Family "R1" regulations for the Mar Vista/ East Venice Community allow large, box-like structures that may compromise the existing character of the smaller scaled neighborhood, potentially limiting light and air to adjacent buildings. The proposed zone change ordinance for the Mar Vista/ East Venice Community is necessary in order to preserve and maintain the character defining features, such as scale, proportion, building mass and garage orientation that make the existing single-family neighborhood unique.

With regards to scale and proportion, the existing R1 zone allows for a Floor to Area Ratio that reaches 0.60 for net livable space. Currently, the area is regulated by an interim Control

Ordinance 183,497 which states, “Notwithstanding any section of the LAMC, no building permit shall issue for a Project in Mar Vista/East Venice unless the proposed structure's Residential Floor Area—without exceptions for detached accessory buildings; porches, patios and breezeways; and over-in-height ceilings—does not exceed the base Residential Floor Area set forth in the Zoning Code. No Residential Floor Area bonus shall be allowed for green building, proportional stories, or front façade articulation.” The R1V2 zone reduces the allowable FAR from 0.60 to a range that reaches a maximum 0.45 on smaller lots to a minimum 0.35 on larger lots. The R1VNew zone reduces the allowable FAR from 0.60 to a range that reaches a maximum 0.55 on smaller lots to a minimum 0.45 on larger lots. These FAR allowances are more in keeping with the existing FAR makeup of the community, which averages 0.25 FAR, while still allowing for a reasonable expansion of house size to meet modern needs. It also is in keeping with the intent of the Interim Control Ordinance for the area, which proposed reductions.

Furthermore, the current R1 is inadequate as it does not control building massing. The existing R1 development standards neither limits the setback distance of the upper portions of the walls nor the structure mass. The new building envelope for the proposed zone, R1V2 and R1VNEW, requires that walls over 20 feet in height employ an encroachment plane of 45 degrees to a maximum height of 30 feet. The encroachment plane curtails the overall massing of the structure, reducing the perception of size and bulk while enhancing the overall visual quality of the street by providing a more unified and low scale appearance which increases light and air circulation.

Venice and Palms – Mar Vista –Del Rey Community Plan

The proposed zone change will promote the objectives, policies and goals of the West Los Angeles Community Plan by continuing to protect the character of the existing single-family neighborhood in the Mar Vista/ East Venice area. By instituting more restrictive development regulations, the proposed regulations require new development to be compatible with neighborhood character. As new houses are developed in conformance with the proposed regulations, and are built with smaller height, floor area and lot coverage envelopes, the overall existing character of Mar Vista/ East Venice community is preserved. The proposed zone changes are consistent with applicable objectives and policies of the Venice and Palms-Mar Vista- Del Rey Community Plans, including the following:

Venice Community Plan

- Objective 1-1** To provide for the preservation of the housing stock and its expansion to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.
- Policy 1-1.2** Protect the quality of the residential environment and the appearance of communities with attention to site and building design.
- Policy 1-1.3** Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses.

Palms-Mar Vista-Del Rey Community Plan

- Objective 1-1** To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population of the Plan area to the year 2010.
- Policy 1-1.2** Protect the quality of the residential environment and the appearance of communities with attention to site and building design.
- Policy 1-1.3** Protect existing single-family residential neighborhoods from new out-of-scale development and other incompatible uses.

The policies listed above will be accomplished through the implementation of the proposed zone change to R1V2 and R1VNEW. Based on data from the existing housing stock in the Mar Vista/ East Venice Community, including floor area and analysis of building typologies, the proposed new zone was selected from a range of new single family subzones. The proposed zone requires all new development to be similar in character to the majority of existing houses in the project area. No changes are proposed to the community's residential density – the project area will remain designated for single family development. On the whole, the proposed zone change to R1V2 and R1VNEW act as a refinement of the existing Single Family Development Standards contained in the Los Angeles Municipal Code, tailoring existing types of development regulations to more specifically address the needs of a well-defined community.

Public Necessity, Convenience, General Welfare, and Good Zoning

Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare, and good zoning practice. The proposed Zone Change conforms to public necessity, convenience, general welfare, and good zoning practice in the following respects: The proposed single family development standards of the R1V2 AND R1VNEW create guidelines and standards for new development which help protect the character of Mar Vista/ East Venice and reinforce the neighborhood's scale. The new single family standards within the R1V2 AND R1VNEW Zone will ensure that new construction is compatible with the existing context; new projects will enhance and reinforce the existing environment; and that the aesthetic and visual quality of the area will be improved and complement the character of the Community.

The proposed zone change began with a desire voiced by the community to preserve the built character of the Mar Vista/ East Venice community. Planning staff responded by researching building form in the community, as well as extensive field work and meetings with community members to better understand the issues facing the area. Through this methodology, staff determined that there was an impetus for additional single family development regulations in the Mar Vista/ East Venice community; it was true that the built form of the neighborhood was beginning to change, and that the changes were potentially negatively affecting the character of the community. The proposed zone, R1V2 and R1VNEW offers protections and methods to preserving the overall character of the community.

The proposed zone change ordinance substantially advances a legitimate public interest in that it will further protect single-family residential neighborhoods from out-of-scale development 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. Good zoning practice requires new development standards for single-family residential zones to further maintain and control the preservation of neighborhood character. This proposed zone change ordinance accomplishes this requirement.

The proposed ordinance is not arbitrary as the Department has thoroughly analyzed many different approaches and has determined that the proposed amendments are the simplest and most direct way of dealing with the issue of “mansionization” or development of homes that are disproportionate in size within their community. 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 where a Zone Change has been proposed.

CEQA Findings

Pursuant to Section 210821(c)(3) of the California Public Resource Code, the Department of City Planning prepared a Negative Declaration (ENV-2016-2111-ND), which concludes that the proposed zone change for the Mar Vista/ East Venice (as bounded by the Proposed Ordinance Map) will result in less than significant impacts and/or that there will be no impacts. The Negative Declaration was published for a period of 20 days, from September 29, 2015 and will be complete by October 19, 2015. We will address comments as they are submitted and will have a final response to comments by second City Planning Commission hearing on November 10, 2016.

As stated in the mandatory findings of significance in the Negative Declaration, the Department of City Planning concludes the following:

- a) Based on the analysis in this Initial Study, the proposed zone changes would not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The proposed project does not propose or authorize any new development. Further, development (e.g., additions, new construction) of single-family units that occurs pursuant to the proposed project would not impact any endangered fauna or flora, modify any special status species habitat, and would only occur on lots zoned for single-family development. Due to the highly urbanized nature of the project area and the surrounding area, construction activities and operation of future development would not impact the habitat or population in the Project Area. In addition, the proposed project does not propose or authorize any new development in any identified Biological Resource Areas. The proposed project would not impact the habitat or population level of fish or wildlife species, nor would it threaten a plant or animal community, nor impact the range of a rare endangered plant or animal. Furthermore,

impacts to Cultural Resources and related archaeological and paleontological resources would be less than significant following the implementation of the regulatory compliance measures.

- b) No significant impacts were identified for the 17 environmental factors analyzed within the Initial Study. Currently, a proposed Code amendment to the 2008 Baseline Mansionization Ordinance (BMO) and the 2011 Baseline Hillside Ordinance (BHO) are undergoing similar environmental review that could be viewed in connection to the proposed Project. The proposed Code amendment to the BHO/BMO specifically amends the existing BMO and BHO to establish more stringent development standards for properties zoned R1, modify RFA calculations, adjust grading provisions for single-family lots located in designated "Hillside Areas," and eliminate the "Green Building Option" bonus for properties zoned RA, RE, and RS, and eliminate all bonuses in the R1 zones that currently permit additional RFA in exchange for the inclusion of particular building features.

As mentioned throughout, the proposed Code amendment would establish variations of the existing R1 Zone that are tailored to meet the varying character and design of single-family neighborhoods throughout the City. These zones regulate lot coverage maximums, height, placement of bulk, and size. The proposed Project would also create a new Supplemental Use District that mandates garages to be detached from the main building and located at the rear of a property. The proposed Project, by itself, does not propose or authorize any development and would not authorize or expand any new or existing land uses.

The proposed Code amendment to the BMO/BHO (i.e. Related Project) would further apply specific requirements related to form and massing to single-family zoned properties in the area. The Related Project applies specific requirements related to form and process, triggered by an application for a building and/or grading permit in any single family zoned lot (RA, RE, RS, R1). The combination of the proposed Project and the Related Project is not expected to incentivize any new construction; rather, these projects together would in effect address concerns of perceived out-of-scale construction in single-family neighborhoods and help regulate form in residential zones. It is also important to note that no significant impacts were identified for the Related Project.

Thus the proposed Project in combination with Related Projects would not result in a cumulatively considerable effect

- c) A significant impact may occur if the proposed project has the potential to result in significant impacts, as discussed in the preceding sections. All potential impacts of the proposed project have been identified, and regulatory compliance measures have been prescribed, where applicable, to reduce all potential impacts to less-than-significant levels. Upon implementation of mitigation measures identified and compliance with existing regulations, the proposed project would not have the potential to result in substantial adverse impacts on human beings either directly or indirectly.

Delegation of City Planning Commission Authority

In accordance with **Charter Sections Charter 559**, and in order to insure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.