

FINDINGS (The Oaks of Los Feliz)

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/Hollywood Community Plan Consistency

The proposed modifications to the Oaks of Los Feliz Development "D" Limitations are 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 project is in substantial conformance with the purposes, intent, and provisions of the General Plan, and is in conformity with public necessity, convenience, general welfare, and good zoning practice in that the proposed "D" Development Limitations seek to limit the adverse impacts of hillside development incompatible with the scale of existing neighborhoods, including:

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.

The Oaks community in Hollywood is an existing, stable single-family neighborhood. The proposed project is seeking to maintain the existing use and character of that neighborhood by proposing alterations to the current development regulations. The proposed amendments include lot coverage maximums as well as modifications to the calculation of residential floor area. The combination of these amendments will rectify community concerns within the Oaks Community regarding the development of large, disproportionately scaled homes thereby preserving the scale and character of existing development within the community.

The first amendment includes the inclusion of lot coverage maximums. Currently, the "D" limitation sets a percentage for lot coverage by lot size. As lots increase in size, lot coverage is reduced. However, since the lot coverage percentage covers a range of lot sizes, instead of numeric proportion of the lot size, property owners at the beginning of the lot size scale were unduly penalized. As such, the lot coverage maximum encouraged the development of second story additions instead of ground floor additions. The amendment equalizes the lot coverage allowance so that it is more proportional and affords all property owners a more fair lot coverage requirement. Also, the allowance of additional lot coverage encourages the development of single story

development, thereby reducing the overall bulk and mass and preserving the character of the Oaks of Los Feliz community.

The second amendment deals with the exemption of basements within the Oaks of Los Feliz development regulations. The current single family development standards (Baseline Hillside Ordinance) within the Los Angeles Municipal Code exempt “basements” when the “elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.” Basements were exempted as part of the Baseline Hillside Ordinance as they were intended to be inconspicuous. However, the mountainous terrain of the Oaks of Los Feliz have rendered these structures to be just as prominent, or even more so, than the habitable residential floor area of the house. Because of this, an Interim Control Ordinance (No. 183,497) has been established to count basements as part of the total residential floor area within the Oaks of Los Feliz. Since the intent is only to count what is exposed or visibly contributing to the perception of bulk and massing, the proposed amendment aims to include any portion of above ground basement to the overall calculation of residential floor area. This amendment disincentives the development of large above ground basements which alter the character of the community

Hollywood Community Plan

The “D” Development Limitations will promote the objectives, policies and goals of the Hollywood Community Plan by continuing to protect the character of the existing single-family neighborhood in the Oaks area. By instituting more restrictive development regulations, the proposed regulations require new development to be compatible with neighborhood character, while at the same time providing some environmental benefits. As new houses are developed in conformance with the proposed regulations, and are built with smaller height, floor area and lot coverage envelopes, impacts related to grading, aesthetics and the natural landscape and vegetation could be lessened. The “D” Development Limitations are consistent with applicable objectives and policies of the Hollywood Community Plan, including the following:

- Objective 3:** To encourage preservation and enhancement of the varied and distinctive residential character of the community, and to protect lower density housing from the scattered intrusion of apartments.
- Objective 3:** To minimize grading so as to retain the natural terrain and ecological balance. To provide a standard of land use intensity which will be compatible with street capacity, public facilities and utilities, and topography and in coordination with development in the rest of the City.
- Objective 4:** To promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

Housing: The Plan encourages the preservation and enhancement of well defined residential neighborhoods in Hollywood through preparation of neighborhood preservation plans which further refine and tailor development standards to neighborhood character.

These objectives will be accomplished through the implementation of the proposed project. The modifications to the “D” Development Limitations were developed based on data from the existing housing stock in the Oaks neighborhood, including floor area and lot coverage; the proposal will require 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. The project does not directly affect grading; however, the combination of further lot coverage and floor area restrictions could mean that the amount of grading required to construct a house is lessened. A reduction in grading due to reduced permitted envelopes for development could help to retain the natural terrain and ecological balance of the Oaks neighborhood. On the whole, the proposed amendments to the “D” Development Limitations act as a refinement of the existing hillside regulations 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 “D” Development Limitations create guidelines and standards for new development to help protect the character of The Oaks of Los Feliz reinforcing the neighborhood’s scale and prevalent building envelope. The modified hillside development standards within the “D” Development Limitation 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 The Oaks of Los Feliz 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 modifying the existing “D” Development Limitation and the hillside development standards in the Oaks of Los Feliz community; it was true that the built form of the neighborhood was rapidly changing, and that the changes were potentially negatively affecting the character of the community. The proposed amendments to the “D” Development limitation offer 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 to maintain 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.

Establishment of a D-Limitation Findings

The enabling language for the establishment of “D” Development Limitations contained in Section 12.32(G.4) of the Code requires that the following finding shall be made:

That the proposed “D” Development Limitations are necessary to protect the best interests of and assure a development more compatible with the surrounding property or neighborhood.

The proposed project is necessary to assure that new development in the Oaks is compatible with the existing housing in the neighborhood. The majority of the larger, more flat lots in the Oaks were developed in the early 20th century. This development pattern created a neighborhood with often modest sized houses on larger, less steeply sloped lots. Today, significantly larger houses are proposed on vacant lots in the neighborhood, many of which have a significant slope. The goal of many developers to construct “spec” houses on these steep lots, which often sacrifice design for the maximization of square footage, is putting the idyllic, woodsy character of the Oaks at risk. Permit data since 1999 has shown that the size of new houses, and of additions to existing houses, has been steadily increasing; the scale of the new development is much greater than that of existing housing stock. The earlier, traditional development pattern may also have required less grading, and therefore may have had fewer environmental impacts, than larger, more modern houses recently proposed for construction in the area. The proposed regulations seek to maintain the open, wooded character of the Oaks through limits on building massing and envelopes,

resulting in new construction that is both comparably scaled with existing houses in the neighborhood and potentially less harmful to the environment.

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 Osks of Los Feliz Community (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.