

FINDINGS (Zone Change)

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/Bel Air – Beverly Crest Community Plan Consistency

The proposed zone change ordinance for the Bel Air – Beverly Crest 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.
- Policy 3.5.5** Promote the maintenance and support of special use neighborhoods to encourage a wide variety of these and unique assets within the City

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 Bel Air – Beverly Crest Community, bounded within the proposed Ordinance Map, from A1-1, A1-1-H, A1-1-H-RPD, A1-1XL, [T][Q]C1-1XL, [Q]C2-1VLD, OS-1-H, OS-1XL, OS-1XL-H, [Q]OS-1XL, PF-1XL, [Q]PF-1XL, R1-1, [Q]RD1.5-1VL, RD2-1VL, [Q]RD2-1VL, [T]RD2-1VL-H, [Q]R3-1VL, [Q]R4-1-H, [T][Q]R4-1-H, (Q)RD6-1-H, RE9-1, RE9-1-H-RPD, RE15-1, RE15-1-H, RE15-1-H-RPD, RE15-1VLD-RPD, RE20-1, RE20-1-H, RE40-1, RE40-1-H, and RE40-1-H-RPD to A1-1-HCR, A1-1-H-HCR, A1-1-H-RPD-HCR, A1-1XL-HCR,

[T][Q]C1-1XL-HCR, [Q]C2-1VLD-HCR, OS-1-H-HCR, OS-1XL-HCR, OS-1XL-H-HCR, [Q]OS-1XL-HCR, PF-1XL-HCR, [Q]PF-1XL-HCR, R1-1-HCR, [Q]RD1.5-1VL-HCR, RD2-1VL-HCR, [Q]RD2-1VL-HCR, [T]RD2-1VL-H-HCR, [Q]R3-1VL-HCR, [Q]R4-1-H-HCR, [T][Q]R4-1-H-HCR, (Q)RD6-1-H-HCR, RE9-1-HCR, RE9-1-H-RPD-HCR, RE15-1-HCR, RE15-1-H-HCR RE15-1-H-RPD-HCR, RE15-1VLD-RPD-HCR, RE20-1-HCR, RE20-1-H-HCR, RE40-1-HCR, RE40-1-H-HCR, and RE40-1-H-RPD-HCR. The current Baseline Hillside regulations for the Bel Air – Beverly Crest Community do not provide the fine-grained tools required to regulate hauling operations and standards and homes over 17,500 square feet. The Baseline Hillside regulations also contain a “by-right” grading maximum for RE-40 zoned properties that are in consistent with the goals of the community. The addition of hauling operations help reduce impacts related to construction related activities along narrow and windy hillside streets. The standards applied by this supplemental use district contain standards required by the Department of Building and Safety for projects with large hauling jobs. However the cumulative effect of several small jobs in the Bel Air-Beverly Crest community may exceed the impact of one large hauling jobs. Therefore, applying hauling regulations and standards provides this community and the City the appropriate tool for managing the varying scales of smaller and larger projects, while ensuring responsibility of construction crews and developers. These regulations promote the maintenance and support the Bel Air – Beverly Crest community in a way that encourage the preservation of their unique assets within the City.

Reduction of the grading maximum and regulating single family homes of a certain size helps prevent major alterations of the City’s natural terrain, the loss of natural on-site drainage courses, increased drainage impacts to the community, off-site impacts, and increased loads on under-improved hillside streets during construction within the Bel Air and Beverly Crest Community. It also places regulations on the bulk and massing of large homes which may interrupt the character of the community. In order to address these issues, while still allowing for reasonable construction and grading activity in the Bel Air – Beverly Crest Community, the proposed zone change and supplemental use district proposes reducing amount of grading allowed on a RE-40 zoned property from 6,600 to 6,000 cubic yards and requires a special review of homes larger than 17,500 square feet. That in combination with the Baseline Hillside Ordinance which newly restricts the building envelope and volume of earth allowed to be imported and exported from a property, including that beneath the footprint of the house, preserves the intent of the General Plan’s goals and policies.

Bel Air – Beverly Crest Community Plan

The proposed zone change will promote the objectives, polices and goals of the Bel Air – Beverly Crest Community Plan by continuing to protect the character of the existing single-family neighborhood in the Bel Air – Beverly Crest area. By instituting more restrictive development and hauling regulations, the proposed zone change require new development to be compatible with neighborhood character and preserve the unique hillside assets this community provides the rest of the City. As new houses are developed and constructed in conformance with the proposed regulations, the overall existing character and construction practices in the Bel Air- Beverly Crest community is preserved. The proposed zone changes are consistent with applicable objectives and policies of the Bel Air – Beverly Crest Community Plan, including the following:

Objective 1 Preservation and enhancement of the varied and distinctive residential character of the community.

In the Bel Air – Beverly Crest Community, there is a need to minimize grading, limit land use intensity, and preserve natural topography in hillside areas. There is also a need to improve the visual environment and safety of the narrow, sometimes under-improved hillside roads through the development of appropriate criteria and controls. The zone change of this community helps preserve these needs by instituting department discretionary review of single family homes which exceed 17,500 square feet. By doing this, we regulate and have an opportunity address the appropriate environmental impacts resulting from a development of its size, scale and development intensity. The zone change also places maximum grading quantities for all single-family residential zones to be limited to a cut and fill “by-right” grading quantity maximum of 6,000 cubic yards for projects on a standard street and 75% of that on a substandard street. These restrictions regulate grading with an aim to preserve the natural topography of the Bel Air – Beverly Crest Community. Lastly, the zone change applies hauling operation standards for construction activity of smaller hauling projects. By regulating the development practices of smaller projects, the zone change protects the community from the effect of the aggregate of those smaller projects within a community with narrow, under-improved hillside streets.

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 because its measures are needed to regulate single-family residential development in order to avoid the further degrading effects of larger structures in Bel Air – Beverly Crest. The measures in the proposed ordinance are needed to avoid the continuing negative impacts upon established neighborhoods, such as Bel Air – Beverly Crest, resulting from current development standards. Applied in additions to the amended Baseline Hillside Ordinance, the supplemental use district provides more fine-grained tools for the Bel Air-Beverly Crest Community to protect the character of their community.

The proposed zone change substantially advance a legitimate public interest in that it will further protect Bel Air – Beverly Crest’s single-family residential neighborhoods from development that often leads to structures with a proliferation of grading permitted 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. These newer, larger structures often require more grading and hauling of dirt in Hillside areas that contain narrow, windy, often under-improved roads. Good zoning practice requires new development standards for single-family residential zones to further maintain and control the preservation of neighborhood character while

promoting safe operating procedures in the process. This proposed ordinance accomplishes this requirement.

The proposed zone change is not arbitrary as the Department has thoroughly analyzed many different approaches and has determined that the proposed application of the Hillside Construction Regulation Supplemental Use District are the simplest and most direct way of dealing with the issue of hauling, overdevelopment and construction impacts in the hillsides. There is a reasonable relationship between a legitimate public purpose which is maintaining existing integrity of hillside communities citywide and the means to effectuate that purpose. Delaying the implementation of this code amendment could result in the continuation of over grading and an accumulation of hauling efforts that in aggregate may impact hillside neighborhoods in a manner 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.

CEQA Findings

Pursuant to Section 210821(c)(3) of the California Public Resource Code, the Department of City Planning prepared a Negative Declaration (ENV-2016-4086-ND), which concludes that the proposed zone change for the Bel Air – Beverly Crest 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 November 24, 2016 and will be complete by December 14, 2016. We will address comments as they are submitted and will have a final response to comments by City Planning Commission hearing on December 15, 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 above. As the proposed Project would not result in any unmitigated significant impacts, there would be no cumulative impacts. No impact would occur and no further analysis is required.
- 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. The proposed Project would not have an environmental effect that would cause substantial adverse effects on human beings 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.