

## **Attachment 2: City Charter, LAMC, and General Plan Findings**

### **Summary**

The Proposed Plan is consistent with the City Charter, LAMC, and General Plan Findings as recommended by the City Planning Commission on October 14, 2021.

### **Project Location**

The Los Angeles Citywide Housing Element 2021-2029 Update, Safety Element Update, and Health Element Amendments (the Proposed Plans) will apply to the entire geographic area located within the boundaries of the City of Los Angeles, which encompasses 467 square miles.

### **Finding Requirements for General Plan Amendments**

#### **City Charter Requirements**

**Charter Section 555** — Charter Section 555 provides that the City Council may amend the General Plan in its entirety, by subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic, or physical identity. No legislative findings are required to amend the General Plan. The Proposed Plans propose amendments to three elements of the General Plan: (1) updating the Housing Element of the General Plan, including a new policy document and related Rezoning Program, (2) amendments to the Safety Element of the General Plan, and (3) amendments to the Health Element (Plan for a Healthy Los Angeles) of the General Plan. All the amendments to subject elements of the City's General Plan apply citywide.

#### **State General Plan Consistency Requirement**

State law requires that the General Plan have internal consistency among its elements (Government Code Section 65300.5). The updated Housing Element, Safety Element and the Health Element must be consistent with the other elements and components of the General Plan. Those elements are the Land Use, Circulation (Mobility), Housing, Conservation, Open Space, Noise, Safety and Health Element. In addition to the eight mandated elements, the City's General Plan includes a Framework Element, an Infrastructure Systems Element, a Public Facilities and Services Element, and an Air Quality Element. State Housing law does provide an exception to consistency where the Housing Element includes a program to bring the other elements into consistency with the Housing Element where necessary to make adequate provision for the housing needs of all economic segments of the community (Gov. Code Section 65583(c)(8).)

Neither state law nor local law (City Charter and Code) requires the City to adopt consistency findings or any other findings to amend a general plan element. The consistency discussion is

provided for the City Planning Commission's consideration in approving and recommending the Proposed Plans and its determination that the Proposed Plans are consistent with the City's General Plan.

### **State Housing Element Findings**

See separate Council File for Housing Element specific findings.

### **Housing Element Consistency Discussion and Findings**

See separate Council File for Housing Element specific findings.

### **Safety and Health Element Findings**

#### **A. General Plan Consistency Discussion**

For all the reasons provided below, the update to the Safety Element and Health Element (Plan for a Healthy Los Angeles) Amendments contain goals, objectives, policies, and programs that are consistent with the General Plan.

#### ***Safety Element Goal 1: Disaster Prevention***

##### *Zoning, Infrastructure and Mitigations in Hazard Areas*

The updated Safety Element places an emphasis on mitigating disaster impacts by using a variety of tools in hazard areas, including: lower intensity zoning designations (such as open space, low density residential and industrial), building code mitigations, fire code requirements, and infrastructure planning that avoids and hardens infrastructure in hazard areas. This is consistent with several other Elements of the General Plan, including Framework, Open Space, and Housing.

With respect to general disaster prevention the **Framework Element** places a focus on using hazard designations to inform zoning decisions by setting aside hazard areas for low density development and open space.

The General Plan Framework Element states the following:

***Framework Policy 6.1.1.*** *Consider appropriate methodologies to protect significant remaining open spaces for resource protection and mitigation of environmental hazards, such as flooding, in and on the periphery of the City, such as the use of tax incentives for landowners to preserve their lands, development rights exchanges in the local area,*

*participation in land banking, public acquisition, land exchanges, and Williamson Act contracts.*

**Policy 6.3.1.** *Preserve flood plains, landslide areas, and steep terrain areas as open space, wherever possible, to minimize the risk to public safety.*

**Framework Goal 9B.**

*A stormwater management program that minimizes flood hazards and protects water quality by employing watershed-based approaches that balance environmental, economic and engineering considerations.*

**Policy 9.5.1.** *Develop a stormwater management system that has adequate capacity to protect its citizens and property from flooding which results from a 10-year storm (or a 50-year storm in sump areas).*

**Policy 9.6.2.** *Establish standards and/or incentives for the use of structural and non-structural techniques which mitigate flood-hazards and manage stormwater pollution.*

**Policy 9.6.3.** *The City's watershed-based approach to stormwater management will consider a range of strategies designed to reduce flood hazards and manage stormwater pollution. The strategies considered will include, but not necessarily be limited to:*

- a. Support regional and City programs which intercept runoff for beneficial uses including groundwater recharge;*
- b. Protect and enhance the environmental quality of natural drainage features;*
- c. Create stormwater detention and/or retention facilities which incorporate multiple-uses such as recreation and/or habitat;*
- d. On-site detention/retention and reuse of runoff;*
- e. Mitigate existing flood hazards through structural modifications (floodproofing) or property by-out;*
- f. Incorporate site design features which enhance the quality of offsite runoff; and*
- g. Use land use authority and redevelopment to free floodways and sumps of inappropriate structures which are threatened by flooding and establish appropriate land uses which benefit or experience minimal damages from flooding.*

**Policy 9.16.1** *Collect appropriate fire and population development statistics for the purpose of evaluating fire service needs based on existing and future conditions.*

**Policy 9.17.** *Assure that all areas of the City have the highest level of fire protection and EMS, at the lowest possible cost, to meet existing and future demand.*

**Policy 9.25.1.** *Continue to actively participate in emergency planning.*

With respect to general disaster prevention, this update is consistent with the **Open Space** Element which identifies open space as beneficial to public health and safety and calls for the evaluation of open space designation as a mitigation for natural and manmade hazards to public safety.

The Open Space Element states the following:

**Open Space Objective O-7.** *To identify, preserve and/or conserve those lands necessary as open space land in order to protect the public health and safety.*

**Policy 2.2.** *Flood endangered areas should be set aside for appropriate open space uses.*

**Policy 2.20.** *Hazardous open space areas; including property especially subject to fire, steeply sloping hillsides and geologically unstable lands; are threats to the public safety. Proposals for their use should be evaluated in light of more restrictive grading requirements, better provision for access and lower densities and/or intensities of development.*

**Policy 3.12.** *Lands subject to natural or manmade hazards, detrimental to life and property should be left in their natural state, where feasible, and considered as open space.*

With respect to general disaster prevention, this update is consistent with the **2021-2029 Housing Element**, which works to analyze and plan for disaster-resistant housing and to provide for well informed and prepared residents.

The Housing Element states the following:

**Housing Element Objective 3.3** *Promote disaster and climate resilience in citywide housing efforts.*

**Policy 3.3.1** *Identify risks to our housing stock related to disasters and other unplanned events, especially those likely to accelerate as a result of climate change.*

**Policy 3.3.2** *Establish plans, incentives, and development standards that eliminate or minimize disaster risk and promote positive health outcomes for communities most at risk.*

**Policy 3.3.5** *Identifying funding and other resources to support the retrofitting of existing buildings to improve resilience and health.*

**Policy 3.3.6** *Educate homeowners, tenants and landlords about disaster risk and mitigations.*

The Safety Element is consistent with the above policies from the Framework Element, Open Space Element and 2021-2029 Housing Element as they relate to disaster prevention because the Safety Element provides a background on how the city prevents disaster events and minimizes their impact when they do occur. Policies are included to ensure a consideration of disaster prevention while making land use decisions, most commonly by selecting lower zoning designations in Very High Fire Hazard Severity Zones and other designations and mitigations as appropriate for the relevant hazard area. Programs are included to improve future efforts to prevent and mitigate disasters, minimize climate change and associated hazards, and to ensure that communities are well-prepared ahead of disasters and emergencies. This update maintains a focus on mutual aid, coordination, and the protection of critical infrastructure.

*Climate Change Mitigation*

The Safety Element places an emphasis on mitigating the impacts of climate change and preventing climate disasters by reducing greenhouse gas emissions, which is consistent with policies found in the Framework Element, 2021-2029 Housing Element, Mobility Plan 2035 (Circulation Element) and Plan for a Healthy Los Angeles (Health Element).

With respect to climate change mitigation, this update is consistent with the General Plan **Framework Element** which sets the goal of using land use to create a sustainable and high quality built environment throughout Los Angeles, especially by locating land uses and transit infrastructure to reduce pollution and greenhouse gas effects associated with vehicle trips and emissions.

The Framework Element states the following:

***Framework Goal 3A***

*A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.*

***Objective 3.2*** *Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.*

***Framework Goal 3K***

*Transit stations to function as a primary focal point of the City's development.*

***Framework Goal 3L***

*Districts that promote pedestrian activity and provide a quality experience for the City's residents.*

With respect to climate change mitigation, this update is consistent with the **2021-2029 Housing Element** which promotes sustainability in land use patterns, strategies to promote quality of life and make Angelenos more housing secure, and encourages green building design for housing stock.

The Housing Element states the following:

***Housing Element Objective 3.2*** *Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

**Policy 3.2.1** *Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

**Policy 3.2.2** *Promote new multi-family housing, particularly Affordable and mixed income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

**Policy 3.2.3** *Provide outreach and education to the public about the need to address housing needs in relation to other important outcomes, including health, transportation, and the environment, to support overall sustainability goals.*

**Policy 3.2.4** *Provide streamlining, incentives and flexibility for residential buildings that promote energy and resource conservation particularly those that exceed existing green building standards.*

**Policy 3.2.5** *Promote and facilitate reduction of water, energy, carbon and waste consumption in new and existing housing.*

**Policy 3.2.6** *Promote outreach and education to property owners, tenants and homebuilders regarding environmentally sustainable residential development practices.*

**Policy 3.2.7** *Provide environmentally sustainable development standards and incorporate sustainable best practice in building and zoning code updates.*

**Policy 3.2.8** *Provide incentives and promote flexibility for the conversion of non-residential structures to new housing in order to reduce the carbon footprint resulting from demolition and new construction.*

With respect to climate change mitigation, this update is consistent with Mobility Plan 2035 (General Plan **Circulation Element**) which emphasizes active, environmentally sustainable mobility that limits the further impact of greenhouse gas emissions on the climate and climate change-related hazards.

The Mobility Plan states the following:

**Mobility Plan Policy 5.1 Sustainable Transportation:** *Encourage the development of a sustainable transportation system that promotes environmental and public health.*

**Policy 5.2 Vehicle Miles Traveled (VMT):** *Support ways to reduce vehicle miles traveled (VMT) per capita.*

**Policy 5.3 Alternative Metrics:** *Support a range of transportation metrics to evaluate the multiple purposes that streets serve.*

**Policy 5.4 Clean Fuels and Vehicles:** *Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.*

**Policy 5.5 Green Streets:** *Maximize opportunities to capture and infiltrate stormwater within the City's public right-of-ways.*

With respect to general disaster prevention and climate change mitigation, this update is consistent with the General Plan **Health Element** which states the following:

**Health Element Policy 5.6.** *In collaboration with public, private, and nonprofit partners, increase the city's resilience to risks (increasing temperatures and heat related effects, wildfires, reduced water supply, poor air quality, and sea level rise) resulting from climate change, and target resilience in the most vulnerable communities.*

The update to the Safety Element is consistent with the policies related to climate change in the Framework Element, Plan for a Healthy LA (Health Element), Mobility Plan (Circulation Element) and Housing Element as the Safety Element highlights efforts to address the underlying causes of climate change to mitigate its impacts. A new Objective 1.2 directs the City to set measurable targets for carbon reduction, build resilience to better navigate climate uncertainty, and to address the unequal burden of climate change impacts. Policies and Programs encourage the proper management, and if possible, the conservation of natural resources, systems, and services that make the city environment more resilient to disasters. There is increased emphasis on resilient and sustainable energy and water systems as well as a high-quality built environment and mobility system that minimizes greenhouse gas emissions and other burdens, especially those faced by low income families and communities of color. This is aligned with the emphasis on resources, capacity-building, social programs, and services to foster resilient communities.

### **Safety Element Goal 2: Emergency Response**

The updated Safety Element emphasizes the need for rapid, effective and coordinated emergency response, which is constant with policies in the Framework Element.

With respect to general disaster response, this update is consistent with the General Plan **Framework Element** which includes coordinating rapid disaster response, minimizing interruptions of critical services, and quickly restoring services should they be interrupted in case of a disaster. The Framework Element emphasizes that each neighborhood be informed and prepared for emergencies and that communities are able utilize available resources and coordinate with first responders.

The General Plan Framework Element states the following:

**Framework Objective 9.4.** *Ensure continued provision of wastewater collection and treatment after an earthquake or other emergency.*

**Policy 9.4.1.** *Restore minimal operations as soon as possible after an emergency, and full operations as soon as feasible.*

**Policy 9.4.2.** *Establish joint cooperation agreements with other jurisdictions for mutual assistance during emergencies.*

**Objective 9.11.** *Ensure, to the extent possible, the continued provision of water capacity, quality and delivery after an earthquake or other emergency.*

**Policy 9.11.1.** *Provide for the prompt resumption of water service with adequate quantity and quality of water after an emergency.*

### **Framework Goal 9I.**

*Every neighborhood in the City has the necessary police services, facilities, equipment, and manpower required to provide for the public safety needs of that neighborhood.*

**Objective 9.15.** *Provide for adequate public safety in emergency situations.*

**Policy 9.15.1.** *Maintain mutual assistance agreements with local law enforcement agencies, state law enforcement agencies, and the National Guard to provide for public safety in the event of emergency situations.*

**Framework Goal 9J.**

*Every neighborhood has the necessary level of fire protection service, emergency medical service (EMS) and infrastructure.*

**Policy 9.19.1.** *Maintain mutual aid or mutual assistance agreements with local fire departments to ensure an adequate response in the event of a major earthquake, wildfire, urban fire, fire in areas with substandard fire protection, or other fire emergencies.*

**Policy 9.19.2.** *Maintain special fire-fighting units at the Port of Los Angeles, Los Angeles International Airport, and Van Nuys Municipal Airport capable of responding to special emergencies unique to the operations of those facilities.*

**Policy 9.19.3.** *Maintain the continued involvement of the Fire Department in the preparation of contingency plans for emergencies and disasters.*

**Objective 9.25.** *Utilize park space in emergency situations.*

**Policy 9.25.2.** *Continue to utilize parks and recreation facilities as shelters in times of emergency.*

**Objective 9.3.** *Ensure continued electric service after an earthquake or other emergency.*

**Policy 9.30.1.** *The LADWP shall periodically examine its emergency response programs to ensure continued electrical service.*

**Policy 9.35.1.** *Support the special needs of urban emergency and public safety services and benefit the largest number of people.*

**Policy 9.37.2.** *Improve the City's existing emergency telecommunications systems so that it can better respond to and mitigate the impacts of various emergency situations.*

The Safety Element provides information on the activation of emergency procedures, including the response functions of the Emergency Management Department and the activation of emergency roles by and for the Office of the Mayor. The Element articulates a goal of rapid and coordinated emergency response.

The Safety Element, and related plans including LHMP, the Emergency Operations Plan, and individual department emergency plans minimize disruption to critical infrastructure and city services in the event of an emergency or disaster and prepare agencies to coordinate responses and the provision of mutual aid. The Element additionally emphasizes the evaluation of neighborhood vulnerabilities and policies and programs to strengthen community disaster response capacity. Finally, the updated Safety Element reinforces the value of Mutual Aid Agreements and coordination between departments and surrounding jurisdictions.

**Safety Element Goal 3: Disaster Recovery**

The updated Safety Element places an emphasis on resilient and equitable restoration of public and private assets immediately following a disaster, which is consistent with both the 2013-2021 and 2021-2029 Housing Elements.

With respect to general disaster recovery, this update is consistent with the General Plan **2013-2021 Housing Element** which includes policies to provide emergency housing and facilitate the post-disaster reconstruction of housing at sufficiently high density.

The General Plan 2013-2021 Housing Element states the following:

***Housing Element Policy 1.3.4. Plan for post-disaster reconstruction of housing.***

***Policy 4.1.5. Plan for emergency housing needs that will result from natural or man-made disasters.***

***Policy 3.7.3. Allow the reconstruction of existing multi-family dwelling units destroyed by fire, earthquakes, flooding, or other natural catastrophes to their pre-existing density in areas wherein the permitted multi-family density has been reduced below the pre-existing level.***

***Policy 3.12.3. Permit the re-construction of existing commercial structures destroyed by fire, earthquakes, flooding, or other natural catastrophes to their pre-existing intensity.***

With respect to general disaster recovery, this update is consistent with the General Plan **2021-2029 Housing Element** which emphasizes planning for housing needs resulting from climate change events as well as promoting resilience to housing displacement among vulnerable Angelenos as a direct or indirect result of disasters.

The General Plan 2021-2029 Housing Element states the following:

***Housing Element Policy 3.3.3 Plan for emergency housing needs that will result from disasters and climate events.***

***Policy 3.3.4 Plan for post-disaster housing recovery that promotes equity, resilience, environmental sustainability and safety. Work to ensure a right of return to existing residents if housing is retrofitted or reconstructed after a disaster.***

***Policy 3.3.7 Provide assistance to mitigate the impacts and financial disruption of emergencies in order to support Angelenos to stay in their homes.***

The Safety Element sets Goals and Objectives for highly coordinated disaster recovery to restore the built environment, including housing, to conditions equal or better than those which existed prior to any disaster events. This is consistent with the General Plan Framework Growth Strategy. The Safety Element is consistent with Housing Element policies for post-disaster rebuilding and construction, adding further detail on when, where, and how to rebuild and construct housing that is sustainable and disaster resilient. The Safety Element and Housing Element are also consistent

in their additional consideration of anti-displacement Goals, Objectives, and Policies to promote equity in disaster impacts and resilience.

### ***Plan for a Healthy Los Angeles (Health Element) Targeted Amendment Consistency Discussion***

See separate Council File for Health Element specific findings.

### **B. State Planning Requirements – Safety Element**

Government Code Section 65302(g) and the other statutes that regulate Safety Elements do not require separate findings to amend the Safety Element. Please see Exhibit I for how the Safety Element complies with the state law.

### **Summary of CEQA Findings**

The EIR analyzed the approval of the Proposed Plans. In regard to the Housing Element, the EIR analyzed the potential effect from the construction and operation of 420,327 housing units (full RHNA build out of 456,643 units minus the 36,316 housing units that have been approved but not built). The Draft EIR found that the environmental impacts of several of the issue areas were significant and unavoidable, even with imposition of mitigation measures. Based on the analysis in the Draft EIR, the EIR concluded the Proposed Project could result in unavoidable significant environmental impacts with regard to:

- Air Quality – Threshold 4.2-2 (Construction and Operational Air Criteria Air Pollutant Emissions: Project and Cumulative)
- Biological Resources – Threshold 4.3-1 (Special-Status Species: Project and Cumulative); Threshold 4.3-2 (Sensitive Habitats: Project and Cumulative); Threshold 4.3-3 (Wildlife Corridors: Project and Cumulative)
- Cultural Resources – Threshold 4.4-1 (Historic Resources: Project and Cumulative); Threshold 4.4-2 (Archaeological Resources: Project and Cumulative)
- Geology and Soils – Threshold 4.5-1 (Paleontological Resources: Project and Cumulative)
- Hazards and Hazardous Materials – Threshold 4.7-2 (Hazardous Materials Near Schools: Project and Cumulative); Threshold 4.7-3 (Hazardous Materials Sites: Project and Cumulative)
- Noise – Threshold 4.10-1 (Construction Noise: Project and Cumulative); Threshold 4.10-2 (Operation Noise: Project and Cumulative); Threshold 4.10-3 (Construction Vibration: Project and Cumulative)
- Public Services – Threshold 4.12-1 (Fire Protection: Project); Threshold 4.12-2 (Police Protection: Project); Threshold 4.12-3 (School Facilities: Project)

- Recreation – Threshold 4.13-1 (Deterioration of Recreational Facilities: Project and Cumulative); Threshold 4.13-2 and Threshold 4.13-3 (Construction of Recreational Facilities: Project and Cumulative)
- Transportation (Freeway Queuing: Project and Cumulative)
- Tribal Cultural Resources – Threshold 4.15-1 (Construction: Ground Disturbance during Construction: Project and Cumulative)
- Wildfire – Threshold 4.17-1 (Impair Emergency Response Plan: Project and Cumulative), Threshold 4.17-2 (Exacerbate Wildfire Risks in State Responsibility Area or VHFHSZ: Project and Cumulative), Threshold 4.17-3 (Require Infrastructure that may Exacerbate Fire Risk: Project and Cumulative), Threshold 4.17-4 (Expose People or Structures to Significant Risks in State Responsibility Area or VHFHSZ: Project and Cumulative), Threshold 4.17-5 (Expose People or Structures to Significant Risks Involving Wildland Fires: Project and Cumulative)

The Draft EIR has also identified the following significant impacts that are anticipated to be reduced to less than significant with identified mitigation measures: Air Quality (Construction TACs); Hydrology (Impeding or Redirect Flood Flows); and Transportation (Conflict with Circulation Plan, Policy, Ordinance; Hazard due to Geometric Design; Emergency Access).

### **Recommended Project**

The Proposed Project was analyzed in the Draft EIR. As discussed above some changes have been made to the Proposed Project since the Draft EIR was published. None of the changes affect the analysis or conclusions in the Draft EIR. In particular, while the Proposed Project has been revised to include a higher overall required rezoning need (increased to 255,415 units from 220,000 units), this changed number does not affect the analysis presented in the Draft EIR as the rezoning need is determined to be needed in order to accommodate build-out of the RHNA. The Draft EIR analyzed build-out of the RHNA, and therefore this and other changes do not result in new significant impacts or an increase in the severity of the significant impacts identified in the Draft EIR. As such, that change and the others to be described in the Final EIR do not result in significant new information as defined in CEQA Guidelines Section 15088.5 requiring recirculation.

### **FINAL EIR**

Section 15088 of the CEQA Guidelines requires the lead agency, Department of City Planning (DCP), to evaluate comments on environmental issues received from public agencies and interested parties who review Draft EIR and provide written responses. The City received written comments on the Draft EIR from public agencies, groups, and individuals. Responses to all comments received during the comment period will be included in the Final EIR.

### **CPC RECOMMENDATION**

Pursuant to Section 15025(c) of the CEQA Guidelines, the City Planning Commission, as a recommending body on the Proposed Project, is required to consider the Draft EIR and make a recommendation to the City Council.

The Final EIR will be completed after the City Planning Commission meeting, and the Final EIR and associated CEQA Finding and Statement of Overriding Considerations will be considered by the City Council prior to adoption of the Proposed Project and certification of the EIR.