

FINDINGS

The proposed Zone Change ordinance is to apply the Hillside Construction Regulation Supplemental Use District (HCR District) to the hillsides with single-family zoning in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen neighborhoods. The intent of an HCR District is to protect hillside residential areas from construction-related impacts by requiring operational limits, setting maximum grading quantity limits for single-family residential projects, and to require a site plan review process, which is a discretionary approval, for single-family residential developments with a cumulative floor area of 17,500 square feet or larger. Specifically, the operational limits include limiting the number of hauling trips allowed per hour per project site and to limit construction activity hours on the weekdays and Saturdays based on whether the construction includes exterior work or interior work.

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, Conservation Element, and Bel Air – Beverly Crest Community Plan Consistency

The proposed Zone Change for the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen areas is consistent with the following goals, objectives, and policies of the General Plan Framework, the Conservation Element, and the Bel Air – Beverly Crest Community 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.

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

Conservation Element: Land Form and Scenic Vistas

Section 15 of the Conservation Element encourages the retention of existing landforms and natural terrain and the protection of scenic features.

The current Baseline Hillside regulations do not provide the fine-grained tools required to regulate construction, hauling operations and other impacts that can be associated with large-home construction. Application of the HCR District aims to address the construction impacts associated with single family developments that are 17,500 square feet or larger, hauling operations and construction activity, and grading "by-right" maximums in hillside areas in a way that is necessary in order to preserve and maintain the character, scale and safety of existing single-family neighborhoods and ensure that future development is held to appropriate standards of safety and protection that are consistent with the scale and scope of the project.

Pursuant to Section 12.32(F) of the Los Angeles Municipal Code this proposal is for a Zone Change ordinance to those parcels lying within the Coldwater Canyon, Franklin Canyon, and

Bowmont Hazen areas, bounded within the proposed Ordinance Map, from RE15-1, RE15-1-H, RE20-1, RE20-1-H, RE40-1, RE40-1-H to RE15-1-HCR, RE15-1-H-HCR, RE20-1-HCR, RE20-1-H-HCR, RE40-1-HCR, and RE40-1-H-HCR. The current Baseline Hillside regulations for the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area do not provide the fine-grained tools required to regulate construction, hauling operations and other impacts that can be associated with large-home construction. Applying the HCR District to address hauling operations will help reduce impacts related to construction related activities along substandard hillside streets. The HCR District includes standards required by the Department of Building and Safety for projects with large hauling jobs. Applying hauling regulations and standards provides this community the appropriate tool for managing the varying scales of smaller and larger projects, while ensuring that construction crews and developers are responsible. These regulations help to preserve the natural environment of the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area.

Reducing the grading maximum and regulating single family homes of a certain size helps prevent the following: major alterations of the City's natural terrain, the loss of natural on-site drainage courses, increases of drainage impacts to the community, off-site impacts, and increases to loads on under-improved hillside streets during construction within the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area. In order to address these issues, while still allowing for reasonable construction and grading activity in these areas, the proposed zone change proposes reducing the amount of grading allowed on a RE-40 zoned property from 6,600 to 6,000 cubic yards, with additional quantity limits for substandard streets, and requires a special review of homes larger than 17,500 square feet in all applicable zones. These regulations combined with the Baseline Hillside Ordinance, which 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 ordinance will promote the objectives, policies and goals of the Bel Air – Beverly Crest Community Plan which identifies the need to minimize grading, and preserve natural topography as an issue, and seeks to balance the intensity of residential development with the adequacy of the street system.

The HCR District Regulations institute maximum grading allowances, primarily applicable to RE40-zoned properties. The HCR District Regulations also institutes more exhaustive regulations pertaining to haul routes and other construction activities, intended to minimize undue congestion, and or blockage of hillside roadways. The HCR District regulations also institute a threshold wherein large houses (greater than 17,500 square feet) become subject to a Site Plan Review Procedure under LAMC 16.05. This provision allows a discretionary review process to evaluate any possible environmental effects of a large-house project under CEQA, and allows for consideration of how the development project is sited relative to minimizing environmental effects.

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 the HCR District measures are needed to regulate single-family residential development in order to avoid the further degrading effects of continuous construction in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area. The measures in the proposed ordinance are needed to preserve the topography, high fire severity risk, and mitigate construction activity for this community within the Bel Air-Beverly Community Plan. Applied concurrently with the amended Baseline Hillside Ordinance, the HCR District provides more fine-grained tools for the Coldwater

Canyon, Franklin Canyon, and Bowmont Hazen area to protect the community's built and natural environment.

The HCR District is in conformity with public necessity, convenience, general welfare and good zoning practice because the construction-related limits and the site plan review process addresses the preservation of single-family residential neighborhoods and the conservation of land forms. The proposed zone change helps address general welfare issues by reducing or limiting hauling truck trips and construction activity and expands the protections of the HCR to a greater portion of the Bel Air-Beverly Crest Plan Area. It is good zoning practice to establish grading limits and to reduce hauling truck trips in the hillsides to protect from construction-related impacts.

Other Findings

State Law Restrictions on Zoning Actions under Housing Crisis Act SB 330 and SB 8

On October 9, 2019, Governor Newsom signed into law SB 330, the Housing Crisis Act of 2019. The act amends existing state laws and creates new regulations around the production, preservation and planning of housing. The bill has been in effect since January 1, 2020, and sunsets on January 1, 2025. On September 16, 2021, Governor Newsom signed into law SB 8, which extends provisions of SB 330 to January 1, 2030, along with additional clarifications and protections. The goal of SB 330 and SB 8 is to create certainty in the development of housing projects, speeding up the review of these projects. SB 330 and SB 8 also prevent zoning actions that reduce the capacity of housing. Zoning actions that result in a net downzoning or otherwise reduce housing and population (except for specified reasons involving health and safety, affordable housing and voter initiatives) are prohibited. Moratoriums on housing development, or limits on approval, permits, or housing units cannot not be imposed by local jurisdictions. This does not apply to zoning efforts that reduce intensity for certain parcels as long as density is increased on other parcels and therefore results in no net loss in zoned housing capacity or intensity. SB 330 defines "less intensive use" as "...reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing". The proposed Zone Change to apply the HCR District would not result in creating a "less intensive use," and language has been proposed to be added to the HCR District provisions to ensure that any future use of the Site Plan Review process for large homes would remain consistent with Government Code 66330 (i.e. SB 330).

The proposed Zone Change ordinance to apply the HCR District does not reduce height, density, floor area ratio, open space, lot size, setback, frontage, lot coverage requirements, or anything that would lessen the intensity of housing. The intent of the HCR District is to impose more restrictive grading limits and hauling operation standards than what is generally permitted by the Zoning Code, thus reducing construction impacts. Reducing construction impacts through additional grading standards will help protect the natural resources and the environment. Specifically, it will help preserve riparian areas running along canyons, natural landforms, topography, and vegetation to reduce surface erosion, soil instability, landslides, and/or site disturbance by limiting grading on steep slopes. In order to limit the amount of grading that can take place in the HCR District, development for any single family residential project is limited to the "by-right" maximum pursuant to Los Angeles Municipal Code (LAMC) Section 12.21 C.10. and shall not exceed 6,000 cubic yards and 75 percent of the "by-right" maximum pursuant to Section 12.21 C.10 on a substandard street. The proposed Zone Change proposes to reduce the amount of grading allowed on a RE40 zoned property from 6,600 to 6,000 cubic yards and lots on substandard streets. While the grading limit only applies to limited lots in this Zone Change ordinance, construction and grading activity would still be permitted in these zones. In addition, the LAMC exempts on-site grading activity to further not preclude the use of single-family dwelling.

For example, grading activities associated with foundation systems (such as caisson and piles), remedial grading, and water storage tanks are exempted from the grading limitations. The HCR District also includes additional grading limitations, which further protects the City's natural resources and environment by maintaining the natural topography and preserving natural landforms located in the hillsides. Exempted on-site grading activity to further not preclude the use of single-family dwellings also apply in lots fronting substandard streets.

Another component of the proposed HCR District is to add a new threshold for projects that require Site Plan Review. Site Plan Review, established in Section 16.05 of the LAMC, exists to "promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements". The HCR District, with its supplemental findings, allows for development projects to be altered or conditioned to have less of an environmental impact through the Site Plan Review process. The proposed HCR District will require large-scale houses of 17,500 square feet or larger to apply for a Site Plan Review before the issuance of related permits. Development projects that are proposing large quantities of remedial grading, or that are adding new, large residential structures, have the potential to have a greater impact on the environment than smaller projects. The Site Plan Review process helps to ensure that projects are properly related to their sites, environmental settings, and traffic circulations. The Site Plan Review process may also help mitigate the development of projects that potentially have environmental effects that should be disclosed, and where possible, mitigated. Furthermore, language has been proposed to be added to the HCR District provisions, specifying that the Site Plan Review process may not be used to reduce height, density, floor area ratio, open space, lot size, setback, frontage, or lot coverage requirements, or anything that would lessen the intensity of housing. Site Plan Review promotes orderly development and reduces environmental impacts and does not reduce the development potential of a property.

As such, the proposed Zone Change ordinance to apply HCR District regulations to these residential hillside neighborhoods would not result in a decrease in zoned housing capacity or create a "less intensive use" and therefore the Project complies with the requirements of SB 330 and SB 8.

CEQA Findings

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061, that based on the whole of the administrative record, as supported by the justification prepared and found in the environmental case file, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15307, Class 7, and Section 15308, Class 8, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.