

## FINDINGS

### Charter and General Plan Findings

#### ***City Charter Sections 556 and 558***

Pursuant to City Charter Sections 556 and 558, as described below, the proposed Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan, as well as in conformance with the public necessity, convenience, general welfare and good zoning practice in that they establish regulations that would protect biodiversity and wildlife connectivity in the hillsides of the Santa Monica Mountains and because its measures are needed to regulate residential development in order to avoid the further degrading effects of out-of-scale structures on habitat and natural resources. Specifically, the action addresses each of the following goals, objectives and policies of the General Plan as outlined below.

- General Plan Framework
- Conservation
- Open Space
- Safety
- Community Plans

Findings on the most applicable General Plan policies are included below. Additional policies that relate to biodiversity and ecological conservation are listed in Appendix 3.

#### ***Citywide General Plan Element Findings***

##### General Plan Framework Element

The first Goal in the Framework Element lays out an overarching vision for future growth that directs development intensity to designated “centers” in the City, while preserving a linear networks of parks and conservation areas:

**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.

**Policy 3.1.3** Identify areas for the establishment of new open space opportunities to serve the needs of existing and future residents. These opportunities may include a citywide linear network of parklands and trails, neighborhood parks, and urban open spaces. (P1, P2, P19, P59)

The Ordinance is consistent with vision, as it proposes to limit the scale and intensity of development to preserve the open space character of the identified hillside communities without changing underlying density restrictions.

The Framework Element expands on the vision for this park system under Goal 6A.

**Goal 6A: An integrated citywide/regional public and private open space system** that serves and is accessible by the City's population and is unthreatened by encroachment from other land uses.

**Policy 6.1** Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

**Policy 6.1.2** Coordinate City operations and development policies for the protection and conservation of open space resources, by:

- a. Encouraging City departments to take the lead in utilizing water re-use technology, including graywater and reclaimed water for public landscape maintenance purposes and such other purposes as may be feasible;
- b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and
- c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas.

(P2, P9, P59, P60)

**Policy 6.1.3** Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAs) that occur within the City of Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value. (P2, P59)

**Policy 6.1.5** Provide for an on-site evaluation of sites located outside of targeted growth areas, as specified in amendments to the community plans, for the identification of sensitive habitats, sensitive species, and an analysis of wildlife movement, with specific emphasis on the evaluation of areas identified on the Biological Resource Maps contained in the Framework Element's Technical Background Report and Environmental Impact Report (Figures BR1A-D). (P2)

**Policy 6.1.6** Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics. (P70)

The communities proposed for the initial adoption of the Ordinance are characterized by a natural setting with a relatively high percentage of privately owned undeveloped open space land. These policies outline a clear intent to retain that open space character, minimizing the intensity of development and land disturbance to preserve habitat.

### Conservation Element

The Conservation Element is the section of the General Plan with the policies most focused on habitat conservation and biodiversity. Some of the most relevant policies are listed below for reference:

**Goal 1: a city that preserves, protects and enhances its existing natural and related resources.**

Under this Goal the Conservation Element includes the following policies:

- Protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats.
- Continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.
- Preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.
- Continue to identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them.
- Continue to protect, restore and/or enhance habitat areas, linkages and corridor segments, to the greatest extent practical, within city owned or managed sites.
- Protect and reinforce natural and scenic vistas as irreplaceable resources and for the aesthetic enjoyment of present and future generations.
- Continue to encourage and/or require property owners to develop their properties in a manner that will, to the greatest extent practical, retain significant existing land forms (e.g., ridge lines, bluffs, unique geologic features) and unique scenic features (historic, ocean, mountains, unique natural features) and/or make possible public view or other access to unique features or scenic views.

The Ordinance is a direct implementation of these policies. Through this project the City has identified significant habitat areas, corridors and buffers, then tied these designations to development restrictions to protect, restore and enhance these habitat areas.

Open Space Element

The Open Space Element considers designated parks as well as conservation and ecologically focused open space areas, like the area proposed for Ordinance regulations. While some of these areas are formally designated as zoned for Open Space, the Element also includes guidance for privately owned areas with open space and ecological value. The most relevant Objectives and Policies are included below:

**Objectives**

To develop programs and techniques to encourage private landowners **to create and/or preserve open space areas and/or linear strips of land connecting open space areas.**

To **identify, preserve and/or conserve ecologically important areas** within the City which are worthy of preservation and protection.

To **identify unique natural features**, scenic areas and historical sites which are desirable for preservation.

To emphasize the importance of, and to **preserve open space and natural features in private and public development**.

### ***Policies***

Ecologically important areas are generally considered as open space and shall be so designated. The following shall apply:

- a. To the extent feasible, ecologically important areas should be kept in a natural state.
- b. In the event a project is proposed within an ecologically important area, an environmental-impact report shall be prepared.
- c. The construction of roads through ecologically important areas should be closely controlled in order to protect these areas.

Alteration of drainage patterns shall be minimized in the development of any land in mountain areas.

Stream and wash areas should be conserved except where improvements are necessary to protect life and property.

The amount of earth moved in grading operations within desirable open space areas should be limited and closely controlled. Aesthetic consideration should be incorporated into the City's approval of grading plans in these areas.

Subdivision and zoning regulations should provide standards emphasizing natural and topographic values and constraints through: density and/or intensity limitations, establishment of access standards, availability of public services, consideration of natural hazards, employment of aesthetic as well as safety aspects of grading practices and environmental preservation. This is especially important with respect to preservation of vegetative cover and minimization of sheet erosion.

Where development is allowed in ecologically important areas, the intensity of development should be kept at a minimum consistent with reasonable uses of the land. All measures should be taken to protect these areas including buffering ecologically important areas from conflicting or detrimental uses.

As described earlier in this Staff Report, the Ordinance represents the first concerted effort on the part of the City to designate an area containing ecologically important habitat areas, including constrained wildlife corridors as a supplemental use district, furthermore proposing development regulations for that District. The Open Space Element clearly lays out a vision for this type of project, with policies that include specific direction on regulating grading, subdivisions, drainage, zoning and development intensity. The policies additionally direct the City to buffer ecological areas, a key strategy employed by the Ordinances' introduction of Resource Buffers to trigger biological assessments.

### Safety Element

The Safety Element addresses risks associated with hazards. State law requires local jurisdictions to map areas that are more vulnerable to specific categories of hazards, such as flood zones, earthquake faults, and Very High Fire Hazard Severity Zones. In Los Angeles these hazard areas are mapped through the Local Hazard Mitigation Plan (also displayed in ZIMAS). The Safety Element references these maps and details policy direction to minimize risk and mitigate hazards. As of 2021 the Safety Element additionally includes policy guidance on climate change mitigation. Some of the policies most relevant to the Ordinance are highlighted below:

**Policy 1.1.8** Consider hazard information and available mitigations when making decisions about future land use. Maintain existing low density and open space designations in Very High Fire Hazard Severity Zones. Ensure mitigations are incorporated for new development in hazard areas such as VHFHSZs, landslide areas, flood zones and in other areas with limited adaptive capacity.

**Policy 1.2.11** In keeping with the Conservation and Open Space Elements, create a more temperate biodiverse city with more green space for people and habitats.

**Policy 3.1.5** Look to the future and rebuild based on the lessons of the past. Prior to a disaster, develop and establish procedures for securing assistance and expediting inspection and permitting activities to facilitate the rapid repair and rebuilding of those parts of the private and public sectors which were damaged or disrupted as a result of the disaster with an added consideration of future safety. Develop and establish procedures to enhance the resilience of buildings and infrastructure that are rebuilt following a disaster. Develop tools to ensure that vulnerable residents and business owners are included in community rebuilding efforts.

The geography proposed for the Wildlife District overlaps with several low density residential land use designations, as well as hazard areas including Very High Fire Hazard Severity Zone. Therefore, interventions such as 1) minimizing land disturbance, particularly to steep slopes prone to landslide, 2) avoiding development in waterways and areas prone to flooding, as well as 3) maintaining native trees for biodiversity and tree canopy benefits, all support the goals of hazard minimization, maintaining sensitive areas for habitat, as well as the co-benefits of disaster planning, and climate mitigation listed above.

### Land Use Element (Community Plans)

Community Plans represent the Land Use Element of the General Plan, the City's main policy document guiding development. For decades the City has recognized the importance of conserving local natural resources, adopting policies and regulations to further resource protection in its General Plan. Policies in the Framework, Open Space and Conservation Elements, as well as those in various Community Plans, including areas identified as Environmentally Sensitive Areas, articulate the City's recognition and commitment to conserving open spaces and environmentally sensitive resources within its jurisdiction. Considerable attention has been given to protecting resources within the portions of the Santa Monica Mountains and San Gabriel Mountains within Los Angeles. Various regulations have been adopted to implement these policies such as specific plans, overlays and supplemental use districts.

### ***Existing Community Plans***

The Ordinance intersects three Community Plan Areas: Bel Air - Beverly Crest, Hollywood, and Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass. Many of these plans are undergoing a current update, with proposed changes discussed below. However, the current adopted plans have considerable policy language that supports the adoption of the Wildlife District Ordinance:

#### **Bel Air - Beverly Crest**

The open and natural character of single-family development of the Bel Air Beverly Crest Community is desirable and deserving of public protection. Changes in this area should be fully justified as being in the public interest before the City grants a different or more intensive land use which would alter this character.

All areas within Bel Air-Beverly Crest should be subject to improved design standards to ensure compatibility of new development with the scenic character of the Community.

The intensity of land use in the mountain and hillside areas and the density of the population which can be accommodated thereon, should be limited in accordance with the following:

- The adequacy of the existing and assured street circulation system, both within the area and in peripheral areas, to accommodate traffic.
- The availability of sewers, drainage facilities, fire protection services and facilities, and other public facilities.
- The requirements of the City's Hillside Ordinance.
- The suitability of the area for development, and the steepness of the natural topography. In areas designated for Minimum Density Housing, the dwelling unit density shall not exceed that allowed by the following formula, but in any case shall not be greater than one dwelling unit per acre nor less than 0.05 dwelling units per acre:

$D = (50 - S) / 35$  Where D = The maximum number of dwelling units per gross acre allowable, and

S = The average natural slope of the land in percent.

- The use of landform grading techniques on prominent slopes, or slopes which are visible from scenic corridors and major public ways, according to the Landform Grading Manual adopted by the City Council.
- The compatibility of proposed developments with existing adjacent development.
- The adequacy of existing and assured school and park facilities.

Open Space Lands and areas designated as Desirable Open Space are identified on the Plan Map. The former include both publicly and privately owned lands and the latter privately owned lands considered desirable as open space.

The Bel Air-Beverly Crest Community is deemed to be an area of very beautiful and attractive residences and of a high quality environment worthy of public protection. Devices to protect these qualities, such as scenic districts, should be developed and utilized.

### Hollywood

**Objective 3:** To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice. To encourage the 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. In hillside residential areas to:

- a. Minimize grading so as to retain the natural terrain and ecological balance.
- b. Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City.

**Objective 7:** To encourage the preservation of open space consistent with property rights when privately owned and 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.

### Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass

**Policy 1-1.2** Protect existing single-family residential neighborhoods from new, out of scale development.

**Policy 1-1.4** Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.

**Objective 1-5** To limit the intensity and density in hillside areas.

**Goal 5:** A community with sufficient open space in balance with development to serve the recreational, environmental, and health needs of the community and to protect environmental and aesthetic resources.

The existing policies listed above give explicit direction to preserve existing community character, combating out of scale development, and in keeping with the objectives of the Wildlife District Ordinance. They also direct the City to reduce development intensity and grading in hillside areas. Many of the policies acknowledge that much of the desirable open space land is privately held, and direct the City to work to restrict development intensity while respecting property rights, a balance that has been a major focus of this Ordinance through cycles of public outreach and revisions.

### Community Plan Updates - Southwest Valley, Southeast Valley and Hollywood

The Southwest Valley Community Plans Update project area includes portions of the Santa Monica Mountain range, which runs along the southern boundary of the communities of Encino, Tarzana, and Woodland Hills. The Southeast Valley Community Plans Update project area includes portions of the Santa Monica Mountain Range, which runs along the southern boundary of the communities of Sherman Oaks, Studio City, and Cahuenga Pass. The goals and policies of both the Southwest and Southeast Valley Community Plans would encourage a balanced approach between allowing for appropriate scale and development in the hillsides and the conservation of valuable natural resources to protect the local ecosystem and encourage biodiversity. Areas currently under the jurisdiction and authority of the Mountains, Recreation & Conservation Authority and the Santa Monica Mountains Conservancy that are currently designated as Very Low I Residential and Minimum Residential would be proposed to be redesignated as Open Space through the Community Plans Update program to acknowledge that these areas should be preserved and conserved as natural resources.

The Proposed Hollywood Community Plan, which is pending adoption by City Council, is redesignating more than 300 acres of land in the hillsides from Very Low I Residential and Minimum Residential to Open Space, some of which is owned by the City, the SMMC, and the Laurel Canyon Land Trust. Further, the Southwest and Southeast Valley Community Plans Update teams will be working with the New Zoning Code team to implement development regulations in the hillside, with the draft land use regulations and policies of the Ordinance.

The Ordinance therefore works to implement existing, recent and proposed policy guidance across all relevant Elements of the General Plan.

### **CEQA Findings**

Pursuant to the requirements of the California Environmental Quality Act (Public Resources Code, Division 13 §21000-21178, "CEQA"), and State CEQA Guidelines (Title 14, California Code of Regulations, §15000-15387), the proposed project was evaluated for compliance with CEQA. City Planning staff has determined, and recommends that the City Planning Commission find, that the proposed Wildlife Ordinance is exempt from CEQA review pursuant to the following CEQA Guidelines: (1) the project is exempt under the 'Common Sense Exemption' in Section 15061(b)(3), because it can be seen with certainty that there is no possibility the proposed amendments may cause a significant effect on the environment, (2) the project is categorically exempt under Sections 15307 and 15308 because the proposed Ordinance consists of regulations intended to benefit the environment and (3) there is no reasonable possibility that the proposed amendments will have a significant effect on the environment due to unusual circumstances pursuant to CEQA Guidelines section 15300.2, so as to preclude the application of the CEQA categorical exemptions set forth above.

To the extent that the project affects the environment, the effect is expected to be beneficial since the proposed project includes changes that facilitate the protection of biological and other natural environmental resources through development standards for lot coverage, floor area, grading and height limitations and as well as native landscaping/trees, fence, trash enclosure, window and lighting requirements thereby minimizing land disturbance, improving watershed health and protecting native species, wildlife habitat, and plant diversity.