

NORTHWEST SAN PEDRO NEIGHBORHOOD COUNCIL COMMENTS ON PROPOSED ZONING CODE CORE FINDINGS

We appreciate the goal of simplifying the Planning Code, and like the concept of having certain Core Findings.

At the outset, we have two comments. First, we think the proposed findings actually weaken rather than strengthen the existing Code requirements and do not adequately reflect the commendable goals as stated in the City comment sections.

Second, we think it is a mistake to delete written CEQA findings. Our concern is a practical concern; if CEQA mitigation is not included as conditions in any entitlement, it is likely, not just possible, they will be overlooked by building permit issues and inspectors, and others. A bit of redundancy is justified in this area.

In this letter, we repeat the Core Findings and the City comment, followed by our comments and suggested modifications to the City's proposed Core Finding, which we highlight in legislative format.

1. The Neighborhood Enhancement Core Finding:

City Proposal:

"That the project will enhance the environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region."

This finding replaces five findings that require, in different phrasing, that a project must enhance the neighborhood. This finding provides clear language that a new conditional use must not only be compatible with the neighborhood but must enhance it as well. This revised language targets more than the five original common findings by ensuring that a project will contribute to the overall well-being of its community.

NWSPNC comment and proposed language:

In this context, the term "environment" is vague, and using "or" in three places means that the four requirements will be interpreted as alternatives. We suggest using "and" so that in fact, a project will contribute to the overall well-being of its community.

*"That the project will enhance the ~~environment in the~~ surrounding **and adjacent** neighborhood ~~or~~ **and** will perform a function ~~or~~ **and** provide a service that is essential ~~or~~ **and** beneficial to the community, city, or region."*

2. The Project Compatibility Core Finding:

City proposal and comment:

“That the project’s location, size, operations and other significant features will be compatible with and will not adversely affect or further degrade the surrounding neighborhood.”

This enhanced finding replaces 24 common findings that all require, in different phrasing, that a project must be compatible with neighboring properties. This revised finding goes further than simply requiring that a project be compatible with its surroundings by requiring that it also not further degrade its surroundings. The “further degrade” phrasing has been added to this finding to further ensure that the project will not harm the community. For example, although some projects may be compatible with their neighboring properties, those neighboring properties may contain negative characteristics that should not be condoned or exacerbated.

NWSPNC comment and proposed language:

We agree with the comment and believe the Finding must be improved if it is to implement the comment. For example, the term “surrounding neighborhood” could be applied so that a larger area was the comparative and the adjacent areas ignored. Also, the 24 findings this core finding replaces are more definite in terms of standards and we recommend this Finding include some standards as well.

*“That the project’s location, size, **height**, operations and other significant features will be compatible with **the scale and character of, and will enhance** and ~~will~~ not adversely affect or further degrade the **public health and welfare, safety, and physical environment of the adjacent and** surrounding neighborhood, **including related public rights-of-way.**”*

3. The General Plan Core Finding:

City proposal and comment:

“That the project is in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community and specific plan.”

This new finding replaces 16 existing findings that require, in differing phrasing, that a project must comply with the General Plan. This revised finding will now also include language that the project must comply with the community plan and any applicable specific plan.

NWSPNC comment and proposed language:

We agree that projects should conform with community and specific plans as well as

the general plan but believe the qualifier “substantial conformance” will generate controversy in its application. It is not a concept in the current code.

State law requires consistency. If the intent is to add community and specific plans to project requirements, then the following language more clearly achieves that goal.

~~“That the project is in substantial conformance~~ **consistent** ~~with the purpose, intent and provisions of the General Plan and applicable community and specific plans.”~~

4. The Adjustment Core Finding:

City proposal and comment:

“That the granting of the adjustment recognizes that while site characteristics or existing improvements make strict adherence to the [zoning regulations, specific plan regulations, or hillside regulations in Section 12.21 A.17 (e) or (h)] impractical or infeasible, the project conforms with the intent of those regulations.”

This new finding replaces five existing findings that standardize the adjustment finding language for the general zoning adjustment, specific plan adjustment, and the substandard hillside street widening relief.

NWSPNC comment and proposed language:

Granting adjustments based on “site characteristics” or “existing improvements”, at the discretion of the Zoning Administrator, is an invitation to mischief. The City proposal [probably inadvertently] weakens rather than standardizes the relief concept. Instead, we support the approach proposed by LA Neighbors United, with mostly minor edits:

*“That the granting of the adjustment is necessary, **recognizing that special circumstances applicable to the project site makes strict application of the** ~~recognizes that while site characteristics or existing improvements make strict adherence to the~~ [zoning regulations **and** specific plan regulations, or hillside regulations in Section 12.21 A.17 (e) or (h)] impractical **or and** infeasible, ~~the project conforms with the intent of those regulations.”~~*

5. The Project Design Core Finding:

City proposal and comment:

“That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with the surrounding neighborhood.”

This new finding replaces seven existing findings that require a project's spatial arrangement (including height, bulk and setbacks) to conform to those of the surrounding neighborhood. It goes further than the Project Compatibility Core Finding to examine the urban design relationship between a project and its surroundings.

NWSPNC comment and proposed language:

We agree with the intent of the finding and believe that intent is better achieved with the following language.

*"That the project provides for an arrangement of uses, buildings, structures, open spaces and other private and public improvements that are compatible with **the scale and character of the adjacent and surrounding neighborhood and conforms with any design requirements in applicable Community and specific plans.**"*

6. The Traffic Core Finding:

City proposed language and comment:

"That the project will not create an adverse impact on street access or circulation in the surrounding neighborhood."

This new finding replaces three existing findings that require that projects not increase traffic problems in the vicinity.

NWSPNC comment and proposed language:

Sometimes, the City has been known to ignore impacts of traffic in areas where it is already LOS E or F. Further, the term "surrounding neighborhood" might allow a project to ignore immediate impacts and focus solely on regional impacts. To better implement the intent of the finding, we recommend the following language:

*"That the project will not create **or add to** an adverse impact on street access, circulation, **and health and safety for pedestrians, bicyclists and motorists** in the **adjacent and** surrounding neighborhood."*

7. The Housing Element Core Finding:

City comment and proposed language:

"That the project implements the affordable housing provisions of the Housing Element of the General Plan."

This finding standardizes three findings that require that projects comply with the affordable housing requirements set forth in the Housing Element of the City's

General Plan.

NWSPNC comment and proposed language:

We understand that the density bonus provisions are unsettled due to recent lawsuits. Is there any reason to limit this Core Finding to only the affordable housing provisions?

*"That the project **is consistent with** ~~implements the affordable~~ housing provisions of the Housing Element of the General Plan."*

Adopted 12/13/10

12 Yes

1 Abstention