

Attachment “C” for Regular Monthly Board Meeting 10-27-2021: Draft SB9 Motion

Motion

Los Angeles is unique in that the Santa Monica Mountains traverse the City. In the Santa Monica Mountains Conservancy Act, the California Assembly declared that the Santa Monica Mountains Zone is a unique and valuable economic, environmental, agricultural, scientific, educational, and recreational resource that should be held in trust for present and future generations; that, as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties, it provides essential relief from the urban environment; that it exists as a single ecosystem in which changes that affect one part may also affect all other parts; and that the preservation and protection of this resource is in the public interest.

The City of Los Angeles has adopted legislation over the years, including but not limited to, the Hillside Ordinance and the Baseline Hillside Ordinance, that is designed to protect the natural resources contained in the Santa Monica Mountain Zone.

Senate Bill 9 (Atkins) undermines many of the City’s preservation goals and regulations. This law was signed by Governor Newsom on September 16th and allows homeowners to split their property into two separate lots if they are in an urbanized area and it is zoned single-family. They can then build two units of housing on each lot by right.

Senate Bill 9 was opposed by the City Council as well as many neighborhood groups and community organization because it could lead to gentrification, change the character of many single-family neighborhood, introduce density in fire prone areas and degrade the environment. In response to this criticism, SB9 contains certain safeguards and exceptions to preclude the laws application in environmentally sensitive areas.

Specifically, Govt Code Section 65913.4(J) excludes development located on a site that is “Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).”

Additionally, SB9 excludes "Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.”

Further, Government Code 65913.4 prohibits application of SB9 to parcels "Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as

indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development."

THE BABCNC THEREFORE MOVES that the Department of City Planning and Building and Safety report back on how the city can implement SB 9 to ensure that environmentally sensitive parcels are excluded from utilizing SB9 and that all of the exceptions contained in the legislation are fully acknowledged. Additionally, BABCNC moves that Planning and LADBS analyze the following:

- Evaluation of existing hillside regulations that are considered "objective"
- Development of noticing and appeal procedure to contest applicability of project's approved via SB9 as an environmental safeguard
- Whether any existing regulations or ordinances adopted by the City constitute a "Natural Resource Protection Plan"
- Circumstances in which local building official may deny a project on the grounds that the proposed project would have a specific, adverse impact upon which public health and safety or the physical environment for which there is no feasible method to mitigate said impact
- Whether the City's existing fire hazard mitigation measures allow for development of SB9 projects notwithstanding Government Code Section 65913.4