

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL CASE:</b>	<b>COUNCIL DISTRICT:</b>
CPC-2022-6108-ZC-CA	ENV-2022-6109-CE	1-Cedillo 14-de León
<b>RELATED CASE NOS.</b>		<b>COUNCIL FILE NO:</b>
<input checked="" type="checkbox"/> CPC-2022-6115-ZC; ENV-2022-6116-CE		CF 16-1472-S7
<b>PROJECT ADDRESS / LOCATION:</b>		
<p>The Project Area consists of various hillside residential neighborhoods throughout the Northeast Los Angeles Community Plan area. The Proposed Project consists of a Code Amendment to amend the existing Hillside Construction Regulation (HCR) Supplemental Use District (SUD), which applies specific supplemental development restrictions related to construction, grading quantities, and hauling requirements applicable to the Project Area, and a Zone Change Ordinance to apply the HCR District to parcels within the Northeast Los Angeles Community Plan Area.</p>		
<b>APPLICANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A <input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>APPELLANT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>APPELLANT'S REPRESENTATIVE:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<input checked="" type="checkbox"/> N/A		
<b>PLANNER CONTACT:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Ulises Gonzalez	(213) 978-1205	Ulises.Gonzalez@lacity.org
<b>ITEMS FOR CITY COUNCIL CONSIDERATION (IE. ENTITLEMENTS, LEGISLATIVE ACTIONS):</b>		
<p>Zone Change Ordinance to apply the Hillside Construction Regulations District to parcels within the Northeast Los Angeles Community Plan Area and Code Amendment Ordinance to amend the Hillside Construction Regulations Supplemental Use District</p>		
<b>FINAL ENTITLEMENTS NOT ADVANCING FOR CITY COUNCIL CONSIDERATION: (UNAPPEALED OR NON-APPEALABLE ITEMS)</b>		
<input checked="" type="checkbox"/> N/A		
<b>ITEMS APPEALED:</b>		
<input checked="" type="checkbox"/> N/A		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL DOCUMENT:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption (CE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Statutory Exemption (SE) (Notice of Exemption)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration (ND)	<input type="checkbox"/>
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration (MND)	<input type="checkbox"/>
<input type="checkbox"/> T Conditions	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report (EIR)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Proposed Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program (MMP)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Zone Change Map and Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Project Exemption (SCPE)	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Assessment (SCEA)	<input type="checkbox"/>
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>	<input type="checkbox"/> Sustainable Communities Environmental Impact Report (SCEIR)	<input type="checkbox"/>
<input type="checkbox"/> Exhibit A – Plans	<input type="checkbox"/>	<input type="checkbox"/> Appendices	<input type="checkbox"/>
<input type="checkbox"/> Mailing List	<input type="checkbox"/>	<input type="checkbox"/> Other:	<input type="checkbox"/>
<input checked="" type="checkbox"/> Interested Parties List	<input type="checkbox"/>		
<input type="checkbox"/> Appeal	<input type="checkbox"/>		
<input type="checkbox"/> Development Agreement	<input type="checkbox"/>		
<input type="checkbox"/> Site Photographs	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Other: 1.) Letter to Council from Department of City Planning	<input type="checkbox"/>		

#### NOTES / INSTRUCTIONS:

This is a transmittal of the City Planning Commission's decision and supporting documents related to the proposed Zone Change Ordinance and Code Amendment for the Hillside Construction Regulations work program to the Northeast Los Angeles Community Plan Area (Project Area).

The proposed Hillside Construction Regulation to the Project Area is transmitted for consideration by the City Council.

**Please add the attached materials to the existing Council File CF 16-1472-S7. When uploading documents, please name as follows:**

- Letter to Council from Department of City Planning
- Letter of Determination
- Findings
- Staff Recommendation Report to the City Planning Commission
- Recommended Northeast Los Angeles Community Plan Area Zone Change Ordinance Map
- Recommended Code Amendments to HCR District
- Environmental Clearance Notice of Exemption

**Additional Notes on ATTACHMENTS above:**

☐ N/A

#### FISCAL IMPACT STATEMENT:

☐ Yes ☒ No

\*If determination states administrative costs are recovered through fees, indicate "Yes."

<b>PLANNING COMMISSION:</b>	
<input checked="" type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission	<input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission
<b>PLANNING COMMISSION HEARING DATE:</b>	<b>COMMISSION VOTE:</b>
Thursday, November 03, 2022	5-0
<b>LAST DAY TO APPEAL:</b>	<b>DATE APPEALED:</b>
N/A	N/A
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
Jenna Monterrosa	11/30/22



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: NOVEMBER 30, 2022**

**Case No. CPC-2022-6108-ZC-CA**

Council District: 1 – Cedillo; 14 – de León

CEQA: ENV-2022-6109-CE

Plan Area: Northeast Los Angeles Community Plan Area; Citywide

**Project Site:** Hillside residential neighborhoods within the Northeast Los Angeles Community Plan Area.

**Applicant:** City of Los Angeles

At its meeting of **November 3, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Zone Change and Code Amendment:

Adopt a Zone Change Ordinance (Proposed Ordinance) to apply the Hillside Construction Regulations (HCR) for residential neighborhoods within the Project Site, and adopt a Code Amendment amending Section 13.20 of the Los Angeles Municipal Code (LAMC) to the existing HCR Supplemental Use District that apply Citywide. The proposed Zone Change Ordinance establishes a Hillside Construction Regulation (HCR) Supplemental Use District (SUD), which applies specific supplemental development restrictions related to construction, grading quantities, and hauling requirements, to the Project Site, and a Code Amendment that makes minor technical revisions to the existing Hillside Construction Regulations found in Code Section 13.20, which will apply Citywide, to the Project Site, and only to residentially zone properties.

1. **Recommended** that the City Council **find**, based on its independent judgment, after consideration of the entire administrative record, that based on the whole of the administrative record, 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 an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies; and **ADOPT** the Categorical Exemption;
2. **Approved and Recommended** that the City Council **adopt**, pursuant to Section 12.32 of the Los Angeles Municipal Code (LAMC), a Code Amendment Ordinance amending the Hillside Construction Regulations Supplemental Use District;
3. **Approved and Recommended** that the City Council **adopt**, pursuant to LAMC Section 12.32 F, a Zone Change Ordinance for parcels within the Project boundaries identified from A1-1, A1-1-HPOZ, A1-1XL, R1-1, R1-1-CA, R1-1-CDO, R1-1-HPOZ, R1-1VL, R2-1, R2-1-CDO, RA-1, RD1.5-1, RD1.5-1-CDO, RD1.5-1-HPOZ, RD2-1, RD2-1-CDO, RD2-1-HPOZ, RD3-1, RD3-1-HPOZ, RE11-1, RE15-1, RE20-1, RE40-1, RE9-1, RE9-1-CDO, RS-1, [Q]A1-1D, [Q]A1-1XLD, [Q]R1-1D, [Q]R1-1D-HPOZ, [Q]R2-1D, [Q]R2-1D-HPOZ, [Q]RD1.5-1D, [Q]RD2-1D, [Q]RD3-1D, [Q]RD3-1D-HPOZ, [Q]RD4-1D-HPOZ, [Q]RD5-1D, [Q]RD6-1D, [Q]RE20-1D, [Q]RE40-1D, [Q]RE9-1D, [Q]RS-1D, (T)[Q]RD1.5-1D, (T)(Q)RD5-1D, [T][Q]RD6-1D, and (T)(Q)RE11-1, to A1-1-HCR, A1-1-HPOZ-HCR, A1-1XL-HCR, R1-1-HCR, R1-1-CA-HCR, R1-1-CDO-HCR, R1-1-HPOZ-HCR, R1-1VL-HCR, R2-1-HCR, R2-1-CDO-HCR, RA-1-HCR, RD1.5-1-HCR, RD1.5-1-CDO-HCR, RD1.5-1-HPOZ-HCR, RD2-1-HCR, RD2-1-CDO-HCR, RD2-1-HPOZ-HCR, RD3-1-HCR, RD3-1-HPOZ-HCR, RE11-1-HCR, RE15-1-HCR, RE20-1-

HCR, RE40-1-HCR, RE9-1-HCR, RE9-1-CDO-HCR, RS-1-HCR, [Q]A1-1D-HCR, [Q]A1-1XLD-HCR, [Q]R1-1D-HCR, [Q]R1-1D-HPOZ-HCR, [Q]R2-1D-HCR, [Q]R2-1D-HPOZ-HCR, [Q]RD1.5-1D-HCR, [Q]RD2-1D-HCR, [Q]RD3-1D-HCR, [Q]RD3-1D-HPOZ-HCR, [Q]RD4-1D-HPOZ-HCR, [Q]RD5-1D-HCR, [Q]RD6-1D-HCR, [Q]RE20-1D-HCR, [Q]RE40-1D-HCR, [Q]RE9-1D-HCR, [Q]RS-1D-HCR, (T)[Q]RD1.5-1D-HCR, (T)(Q)RD5-1D-HCR, [T][Q]RD6-1D-HCR, and (T)(Q)RE11-1-HCR;

4. **Recommended** that the City Council instruct that the Proposed Ordinance be incorporated into the Zoning Code, subject to changes to conform to the format, style, and nomenclature of the Zoning Code;
5. **Requested** that the Director of Planning provide a report to the CPC, at a future date uncertain, as to the use of Site Plan Review within HCR Districts;
6. **Adopted** the Staff Recommendation Report as the Commission Report on the subject; and
7. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Dake-Wilson  
 Second: Choe  
 Ayes: Campbell, Mack, Millman  
 Absent: Hornstock, Leung, Lopez-Ledesma, Perlman

**Vote: 5 – 0**

*Cecilia Lamas* (Electronic Signature due to COVID-19)

Cecilia Lamas, Commission Executive Assistant  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is final and not appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Proposed Zone Change Ordinance, Code Amendment, Findings

c: Shana Bonstin, Deputy Director  
 Craig Weber, Principal City Planner  
 Ulises Gonzalez, City Planner  
 Osvaldo Garcia, Planning Assistant

**ORDINANCE NO.** \_\_\_\_\_

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

**SECTION 1.** Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications on properties shown upon portions of the Zoning Map, and properties shown in the associated Geographic Information System Shapefile and geospatial data information, and the table for Section 1 below and incorporated herein by this reference, and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code.

**Table 1 for Section 1**

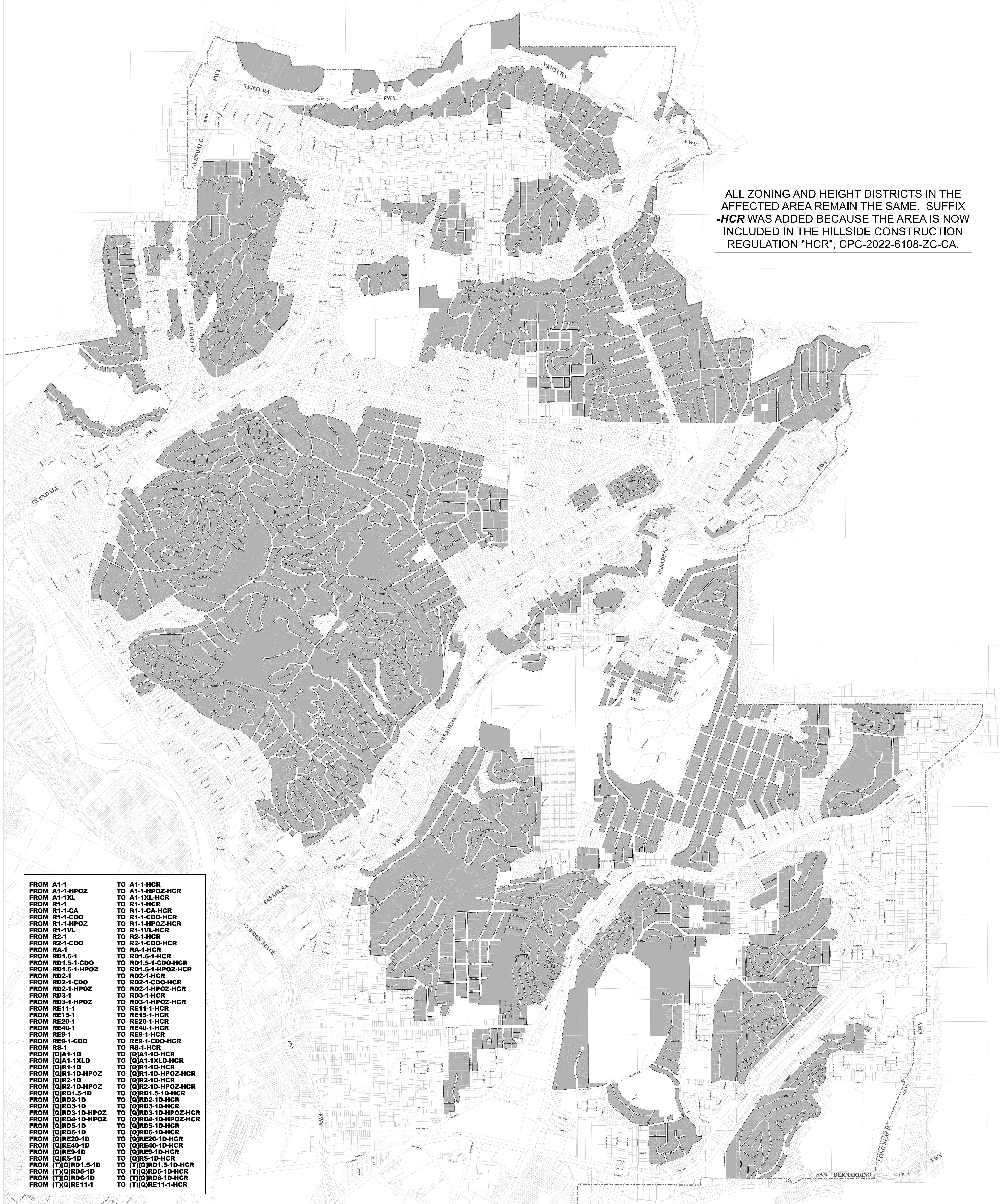
Existing Zone	New Zone
A1-1	A1-1-HCR
A1-1-HPOZ	A1-1-HPOZ-HCR
A1-1XL	A1-1XL-HCR
R1-1	R1-1-HCR
R1-1-CA	R1-1-CA-HCR
R1-1-CDO	R1-1-CDO-HCR
R1-1-HPOZ	R1-1-HPOZ-HCR
R1-1VL	R1-1VL-HCR
R2-1	R2-1-HCR
R2-1-CDO	R2-1-CDO-HCR
RA-1	RA-1-HCR
RD1.5-1	RD1.5-1-HCR
RD1.5-1-CDO	RD1.5-1-CDO-HCR
RD1.5-1-HPOZ	RD1.5-1-HPOZ-HCR
RD2-1	RD2-1-HCR
RD2-1-CDO	RD2-1-CDO-HCR
RD2-1-HPOZ	RD2-1-HPOZ-HCR

RD3-1	RD3-1-HCR
RD3-1-HPOZ	RD3-1-HPOZ-HCR
RE11-1	RE11-1-HCR
RE15-1	RE15-1-HCR
RE20-1	RE20-1-HCR
RE40-1	RE40-1-HCR
RE9-1	RE9-1-HCR
RE9-1-CDO	RE9-1-CDO-HCR
RS-1	RS-1-HCR
[Q]A1-1D	[Q]A1-1D-HCR
[Q]A1-1XLD	[Q]A1-1XLD-HCR
[Q]R1-1D	[Q]R1-1D-HCR
[Q]R1-1D-HPOZ	[Q]R1-1D-HPOZ-HCR
[Q]R2-1D	[Q]R2-1D-HCR
[Q]R2-1D-HPOZ	[Q]R2-1D-HPOZ-HCR
[Q]RD1.5-1D	[Q]RD1.5-1D-HCR
[Q]RD2-1D	[Q]RD2-1D-HCR
[Q]RD3-1D	[Q]RD3-1D-HCR
[Q]RD3-1D-HPOZ	[Q]RD3-1D-HPOZ-HCR
[Q]RD4-1D-HPOZ	[Q]RD4-1D-HPOZ-HCR
[Q]RD5-1D	[Q]RD5-1D-HCR
[Q]RD6-1D	[Q]RD6-1D-HCR
[Q]RE20-1D	[Q]RE20-1D-HCR
[Q]RE40-1D	[Q]RE40-1D-HCR
[Q]RE9-1D	[Q]RE9-1D-HCR
[Q]RS-1D	[Q]RS-1D-HCR
(T)[Q]RD1.5-1D	(T)[Q]RD1.5-1D-HCR

(T)(Q)RD5-1D	(T)(Q)RD5-1D-HCR
[T][Q]RD6-1D	[T][Q]RD6-1D-HCR
(T)(Q)RE11-1	(T)(Q)RE11-1-HCR

**SECTION 2.** Pursuant to Section 12.32 F of the Los Angeles Municipal Code, and any amendment thereto, the use of that property described in Section 1 thereof are subject to the regulations of the Hillside Construction Regulation “HCR” Supplemental Use District regulations pursuant to Section 13.20 of the Los Angeles Municipal Code.







Ordinance No. \_\_\_\_\_

An ordinance amending Sections 13.20 of the Los Angeles Municipal Code in order to amend the “HCR” Hillside Construction Regulation supplemental use district so that it may be applied to regulate the construction of single-family homes in RA, RE, R1, R2, and RD residential hillside areas.

**THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:**

Section 1. Section 13.20 of the Los Angeles Municipal Code is hereby amended to read as follows:

**SEC.13.20. “HCR” HILLSIDE CONSTRUCTION REGULATION DISTRICT.**

- A. **Purpose.** This section sets forth procedures and guidelines for the establishment of the Hillside Construction Regulation (HCR) District in residential areas of the City. The purpose of the HCR District is to ~~impose more restrictive grading limits and hauling operation standards,~~ apply more refined regulations pertaining to grading and construction activities, within communities that have a concentration of steep topography, substandard roadways, and high fire severity risk than what is generally permitted by this Code in areas where the proposed district is adopted, thus reducing construction impacts.
- B. **Establishment of the District.** The procedures set forth in Section 12.32 S of this Code shall be followed, however, each HCR District shall include only properties in residential zones. ~~Boundaries shall be along street frontages and shall not split parcels.~~ An HCR District may encompass an area which is designated, in whole or in part, as a Historic Preservation Overlay Zone (HPOZ) and/or Specific Plan. The HCR District shall include contiguous parcels, which may only be separated by Streets, ways or alleys or other physical features, or as set forth in applicable rules approved by the Director of Planning. Precise boundaries are required at the time of application to expand or create a HCR District.
- C. **Relationship to other Zoning Regulations.** Unless the provisions of this section state otherwise, the underlying base zone regulations applicable to a given project in a HCR District shall prevail pursuant to Sections 12.03, 12.04, 12.05, 12.07.01, 12.07.1, 12.08, 12.09.1, 12.21, 12.23 and 12.32. Where the provisions of the HCR District conflict with those of a Specific Plan or HPOZ, then the provisions of the Specific Plan or HPOZ shall prevail. If provisions of the HCR District conflict with any other City-wide regulations in this Code or with provisions of other supplemental use districts other than the Specific Plan or HPOZ, then the requirements of the HCR shall prevail.
- D. **Development Regulations.** All ~~S~~single-family home developments within a HCR District, including any accessory structures, accessory dwelling units, and small-lot subdivision

development, shall comply with each of the following ~~Grading, Hauling and Hauling Operation~~ Standards, as applicable:

1. **Maximum Grading.** For any single lot, the total cumulative quantity of Grading, or the total combined value of both Cut and Fill for the import and export of earth, or incremental Cut and Fill for Import and Export of earth shall be limited to the “by-right” maximum pursuant to Section 12.21 C.10 and shall not exceed 6,000 cubic yards.
2. **Maximum Import and/or Export for Hillside Areas Fronting Substandard Streets.** For a lot which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the total cumulative quantity of Import and Export of earth combined, shall be no more than 75 percent of the “by-right” maximum pursuant to Section 12.21 C.10 and shall not exceed 6,000 cubic yards.
3. **Hauling Truck Trips.** A maximum of four trucks are permitted to haul per hour per project site. A grouping or convoy of hauling vehicles shall not be allowed; only one hauling vehicle is permitted per project site at any one time.
4. **Hauling Truck Operations.** As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following hauling operation standards shall be met:
  - a. Projects required to obtain a Haul Route approval from the Board of Building and Safety Commissioners for the import and/or export of 1,000 cubic yards or more of earth material shall prominently post the final action letter with the approved Haul Route staff report on the job site at all times.
  - b. No grading shall be performed within any areas designated “hillside” unless a copy of the grading permit is prominently posted on the job site at all times.
  - c. All hauling vehicles must be identified by a placard identifying the project address which shall be prominently displayed on each hauling vehicle.
5. **Equipment.** As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following equipment standards shall be met:
  - a. 10-wheeler dump trucks (with a 10 cubic yard capacity) or smaller are the only type of trucks permitted for hauling of earth. Notwithstanding the foregoing, the Board of Building and Safety Commissioners may authorize the use of other types of hauling vehicles for a project through the Haul Route approval process.

- b. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law
6. **Operating Hours and Construction Activity.** Compliance with each of the following standards shall be required for all projects in a HCR District requiring the issuance of a grading or building permit. However, if a Haul Route approval by the Board of Building and Safety Commissioners is required for import and/or export of 1,000 cubic yards or more, then the conditions set by the Board of Building and Safety Commissioners during the Haul Route approval process shall prevail and the following standards shall not apply.
- a. Hauling operations shall be conducted only on Monday through Friday, between the hours of 9:00 a.m. and 3:00 p.m. Hauling operations on Saturdays, Sundays, or state or federal designated holidays is strictly prohibited.
  - b. Haul trucks shall be staged off-site and outside of the HCR District. As deemed necessary, the Board of Building and Safety Commissioners may permit staging on-site or in any alternate staging area by special condition during the Haul Route Approval process.
  - c. Construction activity shall be limited to Monday through Friday, between the hours of 8:00 a.m. to 6:00 p.m. Exterior construction work at any other time is strictly prohibited. However, interior construction work may be conducted on Saturdays between the hours of 8:00 a.m. to 6:00 p.m. Excess exterior illumination of the site through the use of flood lights and/or similar lighting devices is strictly prohibited after 6:00 p.m. on any day of the week.
  - d. A log noting the dates of hauling activity and the number of hauling truck trips per day shall be available on the job site at all times.
  - e. The owner or contractor shall control dust caused by grading and hauling and provide reasonable control of dust caused or exacerbated by wind at all times. Grading and hauling activities shall be discontinued during periods of high winds and Red Flag days as determined by the Los Angeles Fire Department.
  - f. Loads shall be secured by trimming and shall be covered to prevent spillage and dust. Haul trucks are to be contained at the export site to prevent blowing of dirt and are to be cleaned of loose earth at the export site to prevent spilling.

## Technical Code Amendments

- g. Streets shall be cleaned of spilled materials at the termination of each workday.
  - h. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit from the project site in each direction.
  - i. Flag person(s) shall be required for all project sites. Flag persons with radio control and warning signs shall be in compliance with the latest edition of the "Work Area Traffic Control Handbook." Flag persons provided at the job site shall assist trucks in and out of the project area.
  - j. A sign shall be placed at the project site, at a location that is viewable from the adjacent public right-of-way, that provides contact information for City enforcement entities related to the following topics: blocked roadways, construction noise or hours of operation, grading activities, and tree removals.
7. **Review Procedures for single-family home developments larger than 17,500 square feet.** The construction, erection, addition to, enlargement of or reconfiguration of any one-family dwelling that has a cumulative Residential Floor Area of 17,500 square feet or larger shall submit an application for a Site Plan Review before the issuance of related permits and entitlements. Application procedures and processing of the application shall be pursuant to Section 16.05 of the Los Angeles Municipal Code. If applied outside of a Very High Fire Hazard Severity Zone, the Site Plan Review process may not be used to reduce the height, density, or floor area of a project, nor may it be used to impose new increased obligations with respect to open space, lot size, setbacks, minimum frontage, or maximum lot coverage.

Sec. 2. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

## **FINDINGS (Code Amendment)**

The proposed Code Amendment is to apply the Hillside Construction Regulation Supplemental Use District (referred to as HCR District) to the hillsides with single-family zoning in the Northeast Los Angeles Community Plan Area. 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 Code Amendment 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 Northeast Los Angeles Community Plan Consistency**

The proposed Code Amendment Ordinance for the Northeast Los Angeles Community Plan area communities are consistent with the following goals, objectives, and policies of the General Plan Framework, in addition to several similar provisions echoed in most of the Community Plans that make up the Land Use Element of the General Plan.

### **General Plan Framework**

The proposed Code Amendment 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 land forms 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.

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 Northeast Los Angeles Community Plan Area.

Reducing the grading maximum and regulating new 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 Northeast Los Angeles Community Plan Area. It also places regulations on the bulk and massing of large homes which may interrupt the character of the community. 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.

This Code Amendment is requested considering minor technical amendments that it will provide more specialized regulation for single family dwelling units by proposing a new HCR District for the Northeast Los Angeles Community Plan Area in R2 and RD zoned lots. These minor technical code amendments apply to the HCR District citywide and to any accessory structures, accessory dwelling units, and small-lot subdivision developments not previously described.

#### 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 Northeast Los Angeles Community Plan Area. The measures in the proposed ordinance are needed to preserve the topography, high fire severity risk, and mitigate construction activities within this community. Applied concurrently with the amended Baseline Hillside Ordinance, the HCR District provides more fine-grained tools for the Northeast Los Angeles Community Plan Area to protect the community's built and natural environment. In addition, this Code Amendment is making minor technical amendments that will provide more specialized regulation for single family dwelling units by proposing a new HCR District for R2 and RD zoned lots. These minor technical code amendments apply to the HCR District citywide and to any accessory structures, accessory dwelling units, and small-lot subdivision developments not previously described.

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 Code Amendment 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 Northeast Los Angeles Community 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 Code Amendment 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 Code Amendment 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 Code Amendment 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 Code Amendment 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 Code Amendment 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.

## **FINDINGS** **(Zone Change)**

The proposed Zone Change is to apply the Hillside Construction Regulation Supplemental Use District (HCR District) to the hillsides with single-family zoning in the Northeast Los Angeles Community Plan Area. 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 17,5000 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 Northeast Los Angeles Community Plan Consistency**

The proposed Zone Change Ordinance for the Northeast Los Angeles Community Plan Area communities are consistent with the following goals, objectives, and policies of the General Plan Framework, in addition to several similar provisions echoed in most of the Community Plans that make up the Land Use Element of the General 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 land forms 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 to those parcels lying within the Northeast Los Angeles Community Plan areas, bounded within the proposed Ordinance Map, from A1-1, A1-1-HPOZ, A1-1XL, R1-1, R1-1-CA, R1-1-CDO, R1-1-HPOZ, R1-1VL, R2-1, R2-1-CDO, RA-1, RD1.5-1, RD1.5-1-CDO, RD1.5-1-HPOZ, RD2-1, RD2-1-CDO, RD2-1-HPOZ, RD3-1, RD3-1-HPOZ, RE11-1, RE15-1, RE20-1, RE40-1, RE9-1, RE9-1-CDO, RS-1, [Q]A1-1D, [Q]A1-1XLD, [Q]R1-1D, [Q]R1-1D-HPOZ, [Q]R2-1D, [Q]R2-1D-HPOZ, [Q]RD1.5-1D, [Q]RD2-1D, [Q]RD3-1D, [Q]RD3-1D-HPOZ, [Q]RD4-1D-HPOZ, [Q]RD5-1D, [Q]RD6-1D, [Q]RE20-1D, [Q]RE40-1D, [Q]RE9-1D, [Q]RS-1D, (T)[Q]RD1.5-1D, (T)(Q)RD5-1D, [T][Q]RD6-1D, and (T)(Q)RE11-1, to A1-1-HCR, A1-1-HPOZ-HCR, A1-1XL-HCR, R1-1-HCR, R1-1-CA-HCR, R1-1-CDO-HCR, R1-1-HPOZ-HCR, R1-1VL-HCR, R2-1-HCR, R2-1-CDO-HCR, RA-1-HCR, RD1.5-1-HCR, RD1.5-1-CDO-HCR, RD1.5-1-HPOZ-HCR, RD2-1-HCR, RD2-1-CDO-HCR, RD2-1-HPOZ-HCR, RD3-1-HCR, RD3-1-HPOZ-HCR, RE11-1-HCR, RE15-1-HCR, RE20-1-HCR, RE40-1-HCR, RE9-1-HCR, RE9-1-CDO-HCR, RS-1-HCR, [Q]A1-1D-HCR, [Q]A1-1XLD-HCR, [Q]R1-1D-HCR, [Q]R1-1D-HPOZ-HCR, [Q]R2-1D-HCR, [Q]R2-1D-HPOZ-HCR, [Q]RD1.5-1D-HCR, [Q]RD2-1D-HCR, [Q]RD3-1D-HCR, [Q]RD3-1D-HPOZ-HCR, [Q]RD4-1D-HPOZ-HCR, [Q]RD5-1D-HCR, [Q]RD6-1D-HCR, [Q]RE20-1D-HCR, [Q]RE40-1D-HCR, [Q]RE9-1D-HCR, [Q]RS-1D-HCR, (T)[Q]RD1.5-1D-HCR, (T)(Q)RD5-1D-HCR, [T][Q]RD6-1D-HCR, (T)(Q)RE11-1-HCR. The current Baseline Hillside regulations for the Northeast Los Angeles Community Plan 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 Northeast Los Angeles Community Plan 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 Northeast Los Angeles Community Plan 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.

### **Northeast Los Angeles Community Plan**

The proposed Zone Change will promote the objectives, policies and goals of the Northeast Los Angeles Community Plan by continuing to protect the character of the many existing single-family hillside neighborhoods within this area. By instituting more restrictive development and hauling regulations, the proposed Zone Change would require new development to be compatible with neighborhood character and preserve the unique hillside assets this community provides the rest of the City. As new houses are developed and constructed in conformance with the proposed regulations, the overall existing character and construction practices in the proposed zone change area is preserved. The proposed Zone Change is consistent with applicable objectives and policies of the Northeast Los Angeles Community Plan, including the following:

**Objective 1 - 1** To preserve and enhance existing residential neighborhoods.

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

In the Northeast Los Angeles Community Plan Area, there has been and continues to be a need to minimize grading, limit land use intensity, and preserve natural topography in hillside areas. On December 10, 2008, in response to the Northeast Los Angeles Hillside Interim Control Ordinance (No. 2004-7068-ICO), which was in response to a significant increase in development projects and excessive grading in hillside communities, a Zone Change was adopted to involve the addition of D-limitations and permanent [Q] conditions to select zones in the Northeast Los Angeles Community Plan Area. Adopted as the Northeast Los Angeles Hillside Ordinance (Ordinance No. 180,403), the Zone Change's purpose was to address the protection of natural resources, vegetation and wildlife, neighborhood character, identity and scale, environmental impacts associated with hillside developments, emergency access and adequate infrastructure. The Ordinance itself did not require a General Plan Amendment because it maintained the existing General Plan/Community Plan land use designations of Open Space, Public Facilities, Minimum Facilities, Minimum Residential, Very Low Residential, Low Residential, Low Medium I and II, Medium Residential and General Neighborhood Commercial.

The D-Limitations, or Development Limitations, as part of the Northeast Los Angeles Hillside Ordinance, include limitations on height, maximum residential floor area, and regulations to proposed structures within proximity to ridgelines. The permanent [Q] Conditions include limitations on infrastructure, such as not permitting construction materials and equipment to be stored in the public right of way and to restrict construction vehicles from being exempt from the Los Angeles Fire Department's Reg Flag – No Parking Program. The [Q] Conditions also include regulations on building design, landscaping, retaining walls, and grading. Grading shall be limited to a maximum of 500 cubic yards and a numeric value equal to 5 percent of the total lot size, up to a maximum of 1,000 cubic yards total. Any deviations beyond these limits shall require a Zoning Administrator's approval of a Zone Variance. Although there are some existing [Q] Conditions from this Ordinance that help mitigate construction impacts, many of the aforementioned communities in the Northeast Los Angeles Community Plan area do not avail of these [Q] Conditions. Regarding grading, compared to the HCR District, the Northeast Los Angeles Hillside Ordinance's permanent [Q] Conditions are more restrictive. For example, any project requesting over 1,000 cubic yards in this area would require a Zoning Administrator's approval, whereas the HCR District permits up-to 6,600 cubic yards in the RE40 Zone by-right. Site Plan Review, another measure included in the HCR District for new construction projects greater than 17,500 square feet, may also not be as effective for R-Zoned properties in this area given that there are not many, if any, lots of this size in Northeast Los Angeles.

Despite the differences in grading limitations and Site Plan Review between the Northeast Los Angeles Hillside Ordinance and the HCR District, there is benefit to applying the HCR District to the Northeast Los Angeles Community Plan Area because its development regulations regarding construction provide more detailed measures in the hauling operation standards and construction activity that could better mitigate the impacts to this community's quality of life. By including these development regulation practices not previously detailed, the Zone Change Ordinance provides additional mitigation measures for properties impacted by these projects and ultimately protects the community from the effect of the aggregate of those smaller projects within a community with narrow, under-improved hillside streets.

#### 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 Northeast Los Angeles Community Plan 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 Northeast Los Angeles Community Plan Area. Applied concurrently with the amended Baseline Hillside Ordinance, the HCR District provides more fine-grained tools for the Northeast Los Angeles Community Plan 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 Northeast Los Angeles Community 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. Plans 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 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.