

## **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.