

# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### City Planning Commission

**Date:** November 3, 2022  
**Time:** After 8:30 a.m.  
**Place:** In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over the COVI-19 pandemic, the CPC meeting would be entirely conducted telephonically by Zoom [thhps://zoom.us/]. The meeting's telephone would be provided on the meeting agenda published at: <https://planning.lacity.org/about/commissions/boards-hearings> and/or by contacting [cpc@lacity.org](mailto:cpc@lacity.org).

**Case No.:** CPC-2022-6115-ZC  
**CEQA No.:** ENV-2022-6116-CE  
**Related Case:** CPC-2022-6108-ZC-CA  
ENV-2022-6109-CE  
**Council No.:** 5 – Koretz; 4 – Raman  
**Plan Area:** Bel Air – Beverly Crest  
**Specific Plan:** Mulholland Scenic Parkway Specific Plan  
**Certified NC:** Bel Air – Beverly Crest  
**GPLU:** Residential Single-Family  
**Zones:** RE15-1, RE15-1-H, RE20-1, RE20-1-H, RE40-1, RE40-1-H

**Public Hearing:**  
October 18, 2022

**Applicant:** City of Los Angeles

**PROJECT LOCATION:** The Project Area consists of the Franklin Canyon, Coldwater Canyon, and Bowmont Hazen residential neighborhoods within the Bel Air – Beverly Crest Community Plan area, as shown in the proposed Ordinance Map.

**PROPOSED PROJECT:** The proposed Zone Change Ordinance establishes a Hillside Construction Regulation (HCR) Supplemental Use District (SUD) (referred to as HCR District), which applies specific supplemental development restrictions related to construction, grading quantities, and hauling requirements, to the Project Area.

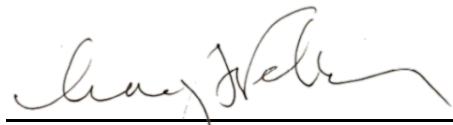
### REQUESTED ACTION:

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15307 (Class 7) and Section 15308 (Class 8), the project is exempt from CEQA, that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. Pursuant to Section 12.32(F) of the Los Angeles Municipal Code (LAMC), approve a recommendation that the City Council adopt a **Zone Change Ordinance** for parcels within the project boundaries identified in the proposed Ordinance Map from RE15-1, RE15-1-H, RE20-1, RE20-1-H, RE40-1, RE40-1-H **to** RE15-1-HCR, RE15-1-H-HCR, RE20-1-HCR, RE20-1-H-HCR, RE40-1-HCR, RE40-1-H-HCR

**RECOMMENDED ACTIONS:**

1. **Find**, that based on the whole of the administrative record, the Project is exempt from 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. **Recommend** that the City Council, pursuant to LAMC Section 12.32, adopt a **Zone Change** from RE15-1, RE15-1-H, RE20-1, RE20-1-H, RE40-1, RE40-1-H to RE15-1-HCR, RE15-1-H-HCR, RE20-1-HCR, RE20-1-H-HCR, RE40-1-HCR, RE40-1-H-HCR for the subject properties; and
3. **Adopt** the Findings.

VINCENT P. BERTONI, AICP  
Director of Planning



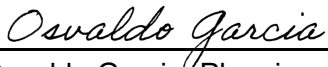
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**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978- 1300.

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## PROJECT ANALYSIS

### Project Summary

The proposed project is a Zone Change ordinance that applies the Hillside Construction Regulation (“HCR”) Supplemental Use District (SUD) (referred to as HCR District) to the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen residential neighborhoods within the Santa Monica Mountains, in the Bel Air and Beverly Crest area. The HCR District was established as a Supplemental Use District in 2017 to address hauling and construction activity in hillside areas. The HCR District has since been applied to the Bel Air-Beverly Crest communities, Laurel Canyon, Kirkwood, the and the Bird Streets. In addition, a recommendation by the CPC to apply the HCR designation to the remaining Hollywood Hills neighborhoods is pending Council approval. The existing HCR District regulates maximum grading allowances, hauling operation standards, and construction hours. The HCR District also applies a Site Plan Review procedure wherever a project involves a house that is larger than 17,500 square feet. Site Plan Review provides an opportunity for larger-scale hillside development to be considered within the context of the California Environmental Quality Act, allowing for the identification of any potential environmental impacts, as well as potential ways to mitigate impacts. The intent of the existing HCR District is to reduce cumulative construction related impacts of large-scale and small-scale hillside developments by requiring standard best practices or conditions for projects of low and high intensity hauling requests. The main development regulation components of the HCR District include:

#### **Maximum Grading Restrictions**

- All single-family residential zones are limited to Cut and Fill “by-right” grading quantity maximums not to exceed 6,000 cubic yards.
- All single-family residential zones abutting or accessed by a substandard street are limited to Import or Export 75% of the “by-right” grading quantity maximums not to exceed 6,000 cubic yards.

#### **Hauling Operation Standards and Construction Activity**

- Standard conditions typically imposed by the Board of Building and Safety Commissioners during the Haul Route Approval process shall be required for all applicable hauling activity within the HCR District.
- Hauling operations shall be conducted between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday. Trucks shall not arrive at the site before 9:00 a.m. No hauling operations shall be conducted on weekends or State designated holidays. Trucks shall not arrive or stage before 9:00 a.m.
- Construction activity is permitted between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday. Interior construction work is permitted 8:00 a.m. to 6:00 p.m. on Saturday, exterior construction work on Saturday is strictly prohibited. No illumination of the exterior of the site allowed after 6:00 p.m.

### **City Planning Discretionary Review of Large Home Construction**

- Single-family home developments with a cumulative Residential Floor Area of 17,500 square feet or greater would be required to go through the Site Plan review process with the Department of City Planning.

Application of the HCR District places restrictions on construction or hauling practices related to by-right projects to reduce the potential impacts from development activities in hillside areas. The regulations are triggered by application for a building permit for a “project” (defined as the construction, erection, alteration of, or addition to single-family dwelling units located entirely or partially in the Project Area). The proposed Zone Change would add the HCR District regulations to the base zone (e.g., R1-1-HCR) to restrict the issuance of a building permit for a “project” (as defined above) that is not consistent with the provisions of the HCR District. The HCR District adds specific supplemental development restrictions to the construction process, including proper identification of hauling vehicles, maximum quantity of allowable grading, and a site plan review process for large-scale single-family projects within the Project Area.

### **Initiation**

On October 29, 2020, City Council approved a motion (CF 20-1101) that was introduced by Council District 4 (Ryu) and seconded by Council District 5 (Koretz) that instructed the Planning Department to prepare and present an expansion of the HCR District to apply the District to all Los Angeles hillsides with high concentrations of active construction, substandard streets, have restricted ingress and egress, below average emergency response times, lack pedestrian infrastructure, and are located in Very High Fire Severity Zones. The motion went on to specify the communities of Bowmont Hazen and Coldwater Canyon. The Franklin Canyon community was included since it is located adjacent to the Coldwater Canyon area and meets the parameters of the study area noted in this motion. In 2021, these three aforementioned neighborhoods were redistricted into Council District 5.

The HCR District was initially adopted in 2017 and has since been applied to the Bel Air and Beverly Crest residential neighborhoods within the Bel Air-Beverly Crest Community Plan Area, and to the Laurel Canyon and Bird Street residential neighborhoods within the Hollywood Community Plan Area. The objective of the HCR District is to regulate the construction of single family homes in the hillside areas and reduce construction related impacts through more restrictive grading limits and hauling operation standards than what is otherwise permitted by the Los Angeles Municipal Code.

In addition, various City Council motions (CF’s 16-1472-S3, 16-1472-S4, and 16-1472-S6) have sought a number of amendments to the HCR District in effort to improve the implementation and enforcement of the HCR regulations, and to add new regulations. Given the complexity of many of the amendments sought, the interplay between numerous City Departments, and the expansion of City resources that would likely be needed to implement many of the amendments sought, no substantial amendments to the HCR District regulations are proposed at this time.

### **Background**

In 2014, the Department of City Planning initiated the Neighborhood Conservation work program, which included an amendment to the Baseline Mansionization Ordinance (BMO) and Baseline Hillside Ordinance (BHO); an Interim Control Ordinance for 15 communities; new Historic Preservation Overlay Zones (HPOZs); an ordinance to create a new series of R1 Single Family Zones; rezoning of several communities subject to Interim Control Ordinances; the creation of a tailored zone for the hillside areas (Hillside District); and the application of the HCR District for

hillside single-family residential neighborhoods within the Bel Air – Beverly Crest Community Plan Area.

On March 17, 2017, the City Council adopted Ordinance No. 184,802 amending the Single-Family Zones (i.e., RA, RE, RS, R1) and shortly thereafter on March 22, 2017, Ordinance 184,827 was adopted, establishing the HCR District across the Bel Air community. On May 20, 2018, the HCR District was expanded to include the Laurel Canyon and Bird Street areas, and on March 18, 2021, the CPC recommended approval of the HCR District for the Hollywood Hills, as part of the larger update to the Community Plan.

The Hillside Construction Regulations were developed with the intention that it may be applied to hillside residential neighborhoods within the City where there is a high level of development activity. Since its adoption, several hillside communities, have requested to be added to the HCR District. These regulations allow for a more tailored approach to grading allowances and specialized hauling operation standards to provide for more accountability and protections to ensure public safety. The HCR District regulates large-scale single-family residential projects, the grading maximum permitted in the RE40 zone, hauling operations, and construction activity in hillside residential areas.

## **Research and Analysis**

### ***Development Patterns***

From 2017 to September 2022, the Project area, consisting of the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area experienced approximately 579,732 square feet of single-family development, with roughly 45 percent being new construction and 55 percent being additions, renovations, conversions or remodels. Furthermore, from 2017 to September 2022, construction activity included 18 new homes, three (3) new Accessory Dwelling Units (ADUs), and 56 projects involving additions, renovations, conversions, or remodels. Similarly, from 2006 to 2016, adjacent neighborhoods, consisting of both the Bird Street and Laurel Canyon neighborhoods, experienced approximately 2,057,530 square feet of single-family development, with roughly 78 percent being new construction and 22 percent being additions. Construction from new single-family residential projects combined with construction activity for projects that involve additions, renovations, conversions, or remodels happening concurrently are affecting the quality of life for community members in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area. The construction activity and associated activity from hauling vehicles on residential streets have generated public safety concerns such as fire truck and emergency vehicle access.

### ***Grading Activity***

In the Project Area some haul trips occur on substandard streets that are often 28 feet wide and, in some cases, less than 20 feet wide. In this section “smaller-scale” projects are defined as projects grading less than 1,000 cubic yards and “larger-scale” projects are defined as projects grading 1,000 cubic yards or more. Under current regulations, only larger-scale projects need Haul Route approval in which a public hearing is held by the Board of Building and Safety Commissioners (BBSC) to hear public comments, set hauling operation standards, and require (as-needed) specific conditions for Haul Route approval. Some hauling operation standards are generally the same for each project, including requiring hauling vehicles to display an identification placard showing the project address they are hauling from requiring hauling activity to occur within a set time frame, and ensuring streets are maintained and cleaned of debris at the end of each workday, amongst other hauling operation standards for “large-scale” projects. Although the Haul Route approval process requires these hauling operation standards, “smaller-scale” projects may not necessarily follow the same protocol since they are not required to obtain Haul Route approval. While smaller-scale projects are not reviewed and conditioned by BBSC, the cumulative

trips generated from multiple smaller-scale projects negatively affect the quality-of-life for residents living in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area. Furthermore, from 2017 to September 2022, the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area included 15 project sites with approved haul routes within the proposed Project area.

As an example, one “smaller-scale” project hauling 500 cubic yards will need approximately 50 10-wheeler dump trucks (with a capacity of 10 cubic yards) to haul 500 cubic yards to or off the project site. Considering the trips needed to import and/or export, the hauling vehicle is making approximately 100 trips, 50 trips to the site and 50 trips off the site. As a result of these smaller-scale and larger-scale grading projects happening simultaneously, in any given year, thousands of hauling vehicles enter and exit the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen areas. Table 1 provides a summary of grading activity between 2017 and September 2022 within the Project Area.

**Table 1**  
**Issued Grading Permits between 2017 and September 2022 within the Project Area**

| <b>Yearly Summary</b> | <b>Total Permits</b> | <b>Approximate Cumulative Total of Cubic Yards Approved for Grading</b> | <b>Total Number of Projects exporting greater than 1,000 cubic yards**</b> |
|-----------------------|----------------------|-------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 2017                  | 27                   | 14,467                                                                  | 4                                                                          |
| 2018                  | 28                   | 44,187                                                                  | 7                                                                          |
| 2019                  | 37                   | 38,456                                                                  | 4                                                                          |
| 2020                  | 19                   | 4,125                                                                   | 0                                                                          |
| 2021                  | 24                   | 11,212                                                                  | 3                                                                          |
| September 2022*       | 27                   | 9,388                                                                   | 2                                                                          |

*\*For 2022, data reflects from January 2022 to September 2022*

*\*\*Projects may have a pending or outstanding haul route application in progress*

*Source: Los Angeles Department of Building and Safety*

Table 1 depicts the total grading permits issued and the cumulative amount of grading approved (by cubic yards) in a year. However, the cumulative total of grading can serve as an indicator of the potential amount of haul trips generated. As shown in Table 1 the majority of grading permits in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area are associated with “smaller-scale” projects, which cumulatively yield a significant amount of cubic yards per year. For example, in 2019, the approximate 38,456 cumulative total of cubic yards approved for grading would require 3,845 trips for a 10-wheeler dump truck (with a capacity of 10 cubic yards). Given the amount of development occurring in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area, these haul trips could potentially create added stress on the residential streets.

## **Conclusion**

City Planning has recommended expansion of the HCR District to the Project Area. As noted in the staff report, a preponderance of ongoing construction activities, hillside conditions, substandard road widths, and high fire severity risk warrant application of the HCR District. Furthermore, surrounding residential neighborhoods in the Bel Air, Beverly Crest, and Laurel Canyon communities already have the District applied.

## **FINDINGS**

The proposed Zone Change ordinance is to apply the Hillside Construction Regulation Supplemental Use District (HCR District) to the hillsides with single-family zoning in the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen neighborhoods. 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 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 Bel Air – Beverly Crest Community Plan Consistency**

The proposed Zone Change for the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen areas is consistent with the following goals, objectives, and policies of the General Plan Framework, the Conservation Element, and the Bel Air – Beverly Crest Community 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 landforms 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 ordinance to those parcels lying within the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen areas, bounded within the proposed Ordinance Map, from RE15-1, RE15-1-H, RE20-1, RE20-1-H, RE40-1, RE40-1-H to RE15-1-HCR, RE15-1-H-HCR, RE20-1-HCR, RE20-1-H-HCR, RE40-1-HCR, and RE40-1-H-HCR. The current Baseline Hillside regulations for the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen 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 Coldwater Canyon, Franklin Canyon, and Bowmont Hazen 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 Coldwater Canyon, Franklin Canyon, and Bowmont Hazen 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.

### **Bel Air – Beverly Crest Community Plan**

The proposed Zone Change ordinance will promote the objectives, policies and goals of the Bel Air – Beverly Crest Community Plan which identifies the need to minimize grading, and preserve natural topography as an issue, and seeks to balance the intensity of residential development with the adequacy of the street system.

The HCR District Regulations institute maximum grading allowances, primarily applicable to RE40-zoned properties. The HCR District Regulations also institutes more exhaustive regulations pertaining to haul routes and other construction activities, intended to minimize undue congestion, and or blockage of hillside roadways. The HCR District regulations also institute a threshold wherein large houses (greater than 17,500 square feet) become subject to a Site Plan Review Procedure under LAMC 16.05. This provision allows a discretionary review process to evaluate any possible environmental effects of a large-house project under CEQA, and allows for consideration of how the development project is sited relative to minimizing environmental effects.

### **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 Coldwater Canyon, Franklin Canyon, and Bowmont Hazen 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 Bel Air-Beverly Community Plan. Applied concurrently with the amended Baseline Hillside Ordinance, the HCR District provides more fine-grained tools for the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen 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 Bel Air-Beverly Crest 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 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 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 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.

## PUBLIC COMMUNICATIONS

### **Public Outreach/Community Meetings**

In the months of May and June 2022, the Department of City Planning held virtual meetings with various community members to hear and discuss the construction related issues facing their community. Each virtual meeting included a presentation about the Hillside Construction Regulation (HCR) District, the proposed new HCR District boundaries, answering questions about the existing ordinance, and receiving feedback from the community members about the proposed boundaries and about improvements to the existing ordinance. Meeting dates are noted in the table below:

| Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area |                                            |
|-----------------------------------------------------------|--------------------------------------------|
| Date                                                      | Neighborhood Council/Organization          |
| Tuesday, May 17                                           | Bowmont Hazen Briarcrest Coalition         |
| Wednesday, June 22                                        | Bel Air-Beverly Crest Neighborhood Council |

Due to the large size of the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area, staff met with community members on three separate occasions, including meeting with the Bel Air-Beverly Crest Neighborhood Council and Bowmont Hazen Briarcrest Coalition. Additionally, community members continued to engage via individual telephone calls and conference calls with staff and the Council Office.

On June 6, 2022, the Bel Air-Beverly Crest Neighborhood Council (BABCNC) submitted a letter to City Planning, and to Council Districts 4, and 5, articulating a desire to see a number of changes to the HCR District regulations (as pertaining to existing and proposed HCR Districts). Some of the requests made by BABCNC are a reiteration of requests articulated under Council Motion CF CFs 16-1472-S3, 16-1472-S4, and 16-1472-S6, which has separately sought amendments to the HCR District, and other requests are new. Subsequent to the submittal of the BABCNC letter, numerous stakeholders have expressed a desire to see the expansion of the HCR District to the Project area, without delay to address many of the amendments sought. Given the complexity of many of the amendments sought, the interplay between numerous City Departments, and the expansion of City resources that would likely be needed to implement many of the amendments sought, City Planning has prioritized expansion of the HCR District to the Project area and may pursue amendment to the HCR District Regulation as resources become available.

### **Stakeholder Correspondence and Public Hearing**

From May 2022 to October 18, 2022, approximately 9 written comments were received and approximately 17 individuals made verbal public testimony at the noticed Public Hearing on October 18, 2022. At the Public Hearing, those 17 testimonies were in favor of the expansion advocated for additional provisions to be added to the HCR and conveyed a desire to see that occur at a future time.