

COUNTY CLERK'S USE

CITY OF LOS ANGELESOFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012**CALIFORNIA ENVIRONMENTAL QUALITY ACT****NOTICE OF EXEMPTION**

(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

CPC-2022-6115-ZC / Zone Change

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2022-6116-CE

PROJECT TITLE

Hillside Constructions Regulations Amendment

COUNCIL DISTRICT

4 – Raman, 5 – Koretz

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

See attached Map

☒ Map attached.**PROJECT DESCRIPTION:**

Zone Change to Apply Hillside Construction Regulations (HCR), a Supplemental Use District, to the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area.

☒ Additional page(s) attached.**NAME OF APPLICANT / OWNER:**

City of Los Angeles (Department of City Planning)

CONTACT PERSON (If different from Applicant/Owner above)

Ulises Gonzalez

(AREA CODE) TELEPHONE NUMBER

(213) 978-1205

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) Section 15307/ Class 7 & Section 15308/ Class 8☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))**JUSTIFICATION FOR PROJECT EXEMPTION:**☒ Additional page(s) attached

(Class 7) consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the California Department of Fish and Game. Construction activities are not included in this exemption.

(Class 8) consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:**CITY STAFF NAME AND SIGNATURE**

Ulises Gonzalez

**STAFF TITLE**

City Planner

ENTITLEMENTS APPROVED

Zone Change

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

Hillside Constructions Regulations Ordinance Class 7 and 8 Categorical Exemption Justification

Project Description: In response to a Council Motion (CF #20-1101), which instructed the Department of City Planning to expand the Hillside Constructions Regulations (HCR) Supplemental Use District (SUD) (referred to as HCR District) to the hillside communities of Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area, the City of Los Angeles has developed and released the proposed Hillside Constructions Regulations (HCR) Ordinance Amendment (Project). The goal of the HCR Amendment is to apply more refined regulations pertaining to grading and construction activities to these additional hillside communities that have a concentration of steep topography, substandard roadways, and high fire severity risk.

The Project proposes to apply the existing HCR District to the following communities: to the Franklin Canyon, Coldwater Canyon, and Bowmont Hazen area within the Santa Monica Mountains, generally bounded by Mulholland Drive to the north and the City of Beverly Hills to the south. See the maps below for the exact Project area boundaries. The area for the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen area includes an estimated 1,934 lots.

The HCR Ordinance, which was first adopted in March 2017, and was expanded to apply to the Laurel Canyon and Bird Street residential neighborhoods in May 2018, will now apply to the expanded areas. Development regulations, discussed in the section below, will apply to all properties within the boundaries of the HCR District.

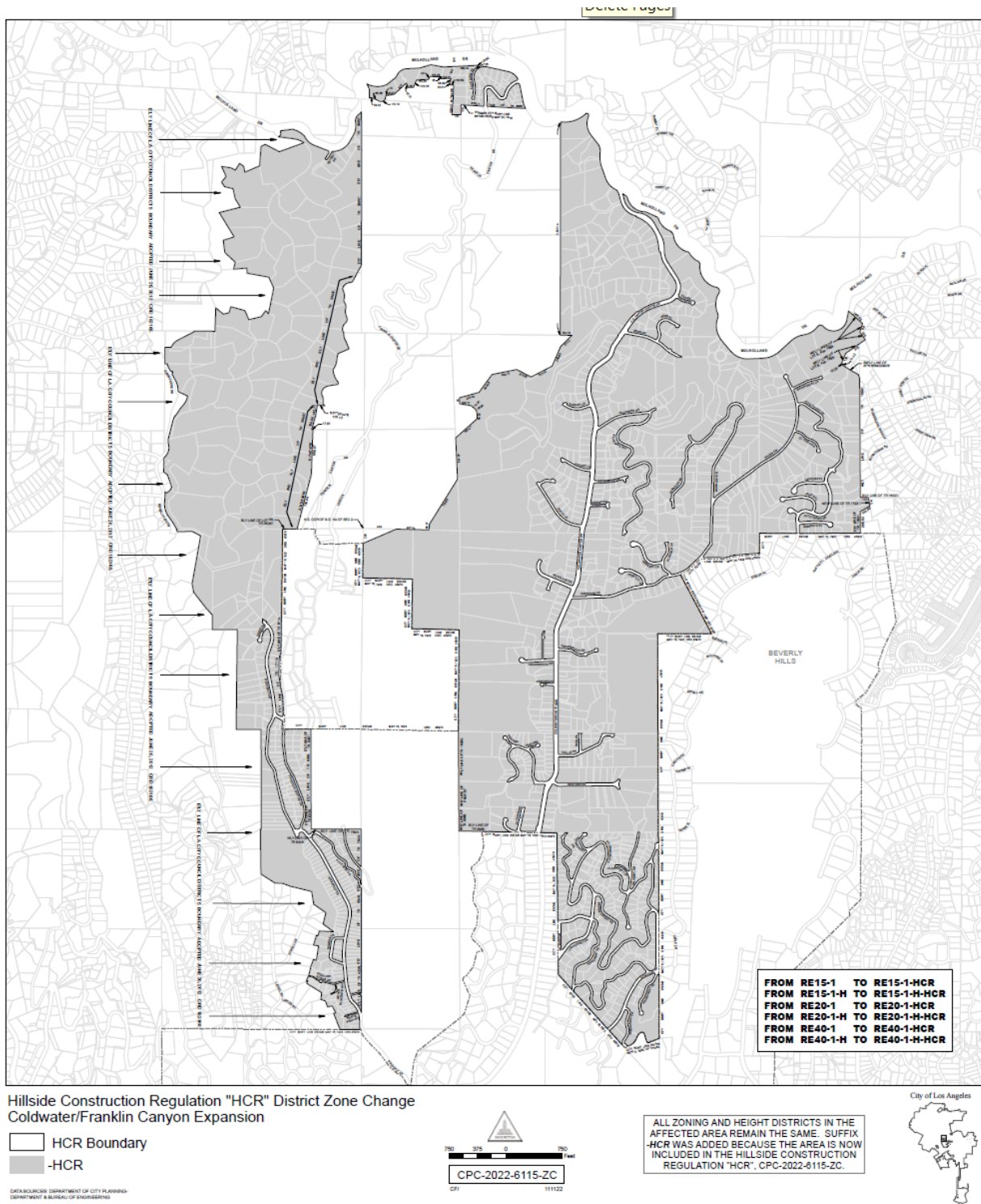


Figure 1: Project area boundaries

District-Wide Regulations

The Hillside Construction Regulations (HCR) development regulations would apply to any of the following development activities in an HCR District:

- Issuance of a building permit: New Construction, additions, and major remodels for the construction of single-family home developments
- Issuance of a grading permit
- Hauling Operation Standards for the development of Single-family home

When an applicable development project is proposed in an HCR District, it will be reviewed for compliance with the HCR District development standards. If a development project is proposed for a property within the HCR District, it will be subject to additional development standards, which are outlined in greater detail below. The proposed Zone Change is intended 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. The City's natural resources also include the urban forest, which includes protected trees and shrubs per Ordinance 186873, habitat for wildlife, natural topography, and natural geologic formations like watersheds. The following table below contains a list of topics addressed by the HCR District, and a brief description of the proposed regulations for each.

Table 1. HCR District Development Standards that Maintain and Enhance Natural Resources and the Environment

Development Regulations.	Brief Description
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 <u>12.21</u> C.10. and shall not exceed 6,000 cubic yards.	The intent of introducing additional grading standards in HCR District is to preserve water sources, open spaces, riparian areas running along canyons, natural landforms, topography, and vegetation; retain watershed function; and 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 <u>12.21</u> 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 <u>12.03</u> of this Code, the total cumulative quantity of Import and Export of earth combined, shall be no more	Additionally, lots fronting substandard streets are further limited in the amount of grading, which further protects the City's natural resources and environment by maintaining the natural topography and preserving natural resources located in the Hillsides.

than 75 percent of the "by-right" maximum pursuant to Section <u>12.21</u> 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.	Limiting the number of hauling truck trips protects the City's public rights-of-way from construction activity impacting traffic and circulation patterns. Reducing the number of large vehicles in hillside streets will protect the street environment from severe and prolonged traffic congestion and improve access in the roads in case of a fire emergency. Increased access to the public right of way during a fire will help protect natural resources (trees and shrubs, and real property) from fire damage.
4. Hauling Truck Operations. (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.	These additional hauling truck operations standards will also help further protect natural resources and the City's environment because it would allow for the better management of street environment and improve access in the roads in case of a fire emergency.
5. Equipment. (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.	Smaller size vehicles, like dump trucks, on the road and requiring hauling and grading equipment to be kept in good operating condition reduces street obstructions and improves street circulation. This also projects the City's public right-of-way environment from obstruction and improves access in the roads in case of a fire emergency.

6. Operating Hours and Construction Activity. (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. (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. (g) Streets shall be cleaned of spilled materials at the termination of each workday.	Limited hours of hauling and construction activities, the location of construction staging, logging of hauling activities, dust and debris control, "Truck Crossing" warning signs, and a project retaining a flag person(s) are also standards that will reduce street congestion, improve access, air quality, and circulation to help better protect the environment. Also, these Operating Hours and Construction Activity will also help improves access in the roads in case of a fire emergency. Fire mitigation helps protects natural resources from forest fires.
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(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.	
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 <u>16.05</u> of the Los Angeles Municipal Code.	The final component of the proposed HCR District that serves as a mechanism for better protecting natural resources and the environment is Site Plan Review. Site Plan Review, established in 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" (LAMC Sec. 16.05). A series of findings stating that the project complies with all applicable regulations must be made for a development project to receive Site Plan Review approval. 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 homes development of 17,500 square feet or larger to apply for a Site Plan Review before the issuance of related permits and entitlements. 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 other, smaller projects. Utilizing site plan review to analyze these types

	of projects allows for heightened levels of scrutiny to be applied, and for projects to be reconfigured and conditioned so as to have less of an impact on the environment.
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JUSTIFICATION OF EXEMPTION

CEQA Section 15307 - Class 7 Categorical Exemption

*“Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the **maintenance**, restoration, or **enhancement** of a **natural resource** where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the California Department of Fish and Game. Construction activities are not included in this exemption.”*

The use of a Class 7 exemption is appropriate for the proposed Zone Change Ordinance, which is to apply the HCR District to the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen residential areas because the purpose of the ordinance is to protect sensitive hillside environments from the impacts of construction, which often includes heavy construction equipment, large scale grading, and development, and other activities that can impact landform, natural terrain, biological resources such as trees, and wildlife, and other natural resources. This is accomplished by providing regulations with respect to grading, hauling, and construction activities. The Zone Change ordinance provides special attention to identified resources, such as special grading areas, water sources, open spaces, riparian areas running along canyons, protecting natural landforms/topography and protected trees and shrubs, by establishing development regulations aimed at their protection and preservation.

The strongest provisions in the ordinance for protection of natural resources, as outlined in the narrative above, are the limiting of grading, hauling truck operations, operation hours and construction activity, and the requirement of Site Plan Review for large homes. As described in Table 1, these HCR District standards reduce street obstructions, improve street circulation, protect trees, and stabilize the hillsides from landslides. This also projects the City’s public right-of-way environment from obstruction and improves road access in case of a fire emergency. The Site Plan Review process allows the City to more holistically and comprehensively review projects on lots where resources are present to ensure their impact on the environment and natural resources is minimal.

When combined with the Baseline Hillside Ordinance’s development standards, which also are centered around minimizing disturbance to natural resources and protecting the natural environment, the standards to protect natural resources in the HCR District Ordinance serve to protect the environment and natural resources within the City. Thus, the use of the Class 7 exemption is appropriate.

CEQA Section 15308 - Class 8 Categorical Exemption

*“Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the **environment** where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”*

The use of the Class 8 is appropriate for the proposed Zone Change Ordinance, which is to apply the HCR District to the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen residential areas because the intention of the ordinance is to minimize disturbance to natural areas, protect native flora and fauna, and lessen the impact of development on the street environment. As listed in the narrative above, there are six categories of district-wide regulations that will apply to the applicable development projects located within an HCR District. These district-wide standards include maximum grading limits, hauling truck operations, equipment standards, operating hours and construct activity standards, and review procedures for single-family residential developments larger than 17,500 square feet. All of these standards require new development to be more sensitive and less damaging to the natural environment.

In addition to the city-wide development standards, the HCR District also establishes regulations to better protect identified natural resources, such as water sources, riparian areas, open spaces, riparian areas running along canyons, natural landforms/topography, and protected trees and shrubs. As described in Table 1, these HCR District standards reduce street obstructions, improve street circulation, protect trees, and stabilize the hillsides from landslides. This also limits obstructions to the City's public right-of-way and improves road access in case of a fire emergency. The discretionary site plan review process for houses 17,500 square feet or larger allows the City to take a more holistic and comprehensive review of development projects to minimize environmental impacts.

Given that all of the regulations and review procedures included in the HCR District, which through the proposed Zone Change would apply to the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen residential areas, exist to better protect the environment where the HCR District is applied, this Project represents an action taken by a regulatory agency to assure the protection of the environment, and use of the Class 8 exemption is appropriate.

CEQA Section 15300.2 - Exceptions to the Categorical Exemption

As explained below, the Project does not satisfy the criteria for exceptions to the application of Section 15300, Class 7 and 8 of the State CEQA Guidelines:

Exceptions to Exemptions

The State of California Environmental Quality Act (CEQA) Guidelines Section 15300.2 outlines five exceptions to the use of a Categorical Exemption:

1. **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located— a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Classes 3, 4, 5, 6, and 11 are not being considered as exemptions for this Project. Further, the Project does not propose or authorize any development/construction activities, or expand any new or existing land uses. The Project Area mainly consists of single-family homes located in hillside areas and is not located in a sensitive environmental resource of hazardous or critical concern where it has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Therefore, this exception does not apply.

2. Cumulative Impact: *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time is significant*

The application of the HCR District to the Coldwater Canyon, Franklin Canyon, and the Bowmont Hazen residential areas, by itself, does not propose or authorize any development/construction activities. It does not change any land uses, building heights, densities or intensities. The proposed HCR District seeks to expand the existing regulations and apply development standards on future construction or hauling practices related to by-right projects in order to be more protective of the environment and natural resources than the current regulations. This HCR District regulations would require discretionary site planning review of large new single-family developments 17,500 square feet or larger; impose "best practices" or conditions on the import and export of earth; restrict hours of construction and hauling activity; and, limit the allowable grading quantity for the largest zone (RE40). For example, the HCR District protects the environment by reducing aesthetic impacts by requiring a discretionary review process for large-scale single-family home development projects. Without the HCR District, the construction activities associated with large scale single-family home development projects would generally not be reviewed by the Los Angeles Department of City Planning. Additionally, the restriction on the hours of construction, construction activities, grading quantities, regulation of construction equipment, site plan review, and hauling activity reduces air quality and noise impacts potentially caused by construction. By limiting the hours of construction Monday through Friday and limiting the type of construction on Saturday to interior work from 8 a.m. to 6 p.m., projects are encouraged to be more efficient in transporting of earth and construction rather than inadvertently prolonging hauling and construction activity.

Therefore, the Project is not expected to generate cumulative impacts as its regulations are more protective of the environment than the current underlying zoning. With the application of the HCR District, small-scale projects which would otherwise not be subject to hauling "best practices" or conditions on the import or export of earth would be subject to the same standard "best practices" or conditions as large-scale projects. By reducing the air quality impacts typically associated with single-family construction of those smaller-scale projects, the regulations further protect the environment against the cumulative impacts of those previously unconditioned projects. For example, under the HCR District, the owner or contractor must control dust caused by grading and hauling as well as secure and cover loads to prevent spillage and dust further reducing impacts to air quality. If other ordinances of a similar nature were enacted, no additional adverse impacts would accumulate. Further, the Project does not promote or incentivize new development as the application of the HCR District to these residential areas would only apply prescriptive regulations and limitations on existing construction and hauling activities for a project that would

be typically "by-right." The Project serves to prevent and reduce the potential for cumulative impacts caused by several "by-right" projects within the confined Project Area. Therefore, an accumulation of similar Zone Change ordinances to expand the HCR District regulations to apply to the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen residential areas would serve only to further reduce potential adverse environmental impacts. Therefore, this exception does not apply.

3. **Significant Effect on the Environment:** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances*

There are no unusual circumstances that would create the reasonable possibility that the activity would have a significant effect on the environment. The Project does not authorize or expand any new construction or hauling activities, but instead places additional development restrictions on future construction or hauling practices related to by-right projects in order to reduce the potential impacts from development activities in hillside areas. The Project also does not change heights, or densities. The Project will not foreseeably result in a significant impact to the environment as described in the subsequent sections. Therefore, this exception does not apply.

4. **Scenic Highways:** *A categorical exemption shall not be used for any project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or a certified EIR.*

The Project is not located along or near a state designated scenic highway. Currently, the only portion of a scenic highway officially designated by the California Department of Transportation (Caltrans) within the City of Los Angeles is a six mile portion of the Pasadena Freeway (also known as the Arroyo Seco Historic Parkway). The Project Area is not located along or near the Arroyo Seco Historic Parkway, so it will not result in an adverse impact to scenic resources. Therefore, this exception does not apply.

5. **Hazardous Waste Sites:** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

A review of the Envirostor website did not identify any properties within the Project Area noted on the California Department of Toxic Substances Control's (DTSC) list of cleanup sites. The proposed Project does not propose or authorize any development or construction activities or expand any new or existing allowed land uses on any site on any list compiled pursuant to Section 65962.5.

6. **Historical Resources:** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource*

The proposed Project will not cause a substantial adverse change in the significance of a historical resource, as the Project does not authorize or propose any development or construction. The Project instead places development restrictions on future construction or hauling practices related to by-right projects in order to reduce the potential impacts from development activities in hillside areas. It does not change any land uses, building height, densities or intensities. The proposed Project does not propose any regulations that would create an adverse impact to these resources.

For the Coldwater Canyon, Franklin Canyon, and Bowmont Hazen residential areas there is only one designated Historic Cultural Monument (HCM) located within the Project Area. Located at 1861 N. Heather Court, the Sinay House (HCM No. 948), the single-family house is considered a Historic Resource. Any current and future projects which are designated a HCM would need to comply with the HCM regulations, processes and procedures for any demolitions, alterations, and/or additions to the building in addition to complying with the regulations of the HCR District and other applicable ordinances and provisions of the Municipal Code. The project would establish the HCR District over the Project Area, which would require specific requirements related to construction, grading quantities, and would add a discretionary review process for single-family residential projects -greater than 17,500 square feet. The Project is not anticipated to adversely impact historic resources because it adds regulations for new residential development in the hillsides related to grading, haul routes, and construction hours. Therefore, the Project qualifies for the above stated exemptions for CEQA.