DEPARTMENT OF CITY PLANNING

REVISED RECOMMENDATION REPORT

LOS ANGELES CITY PLANNING COMMISSION

Date: May 27, 2010
Time: After 8:30 a.m.
Place: Van Nuys Hall
14410 Sylvan St., Council Chamber 2nd Floor
Van Nuys, CA 91401

Public Hearing: April 5, 2010 and April 8, 2010
Continued From: April 22, 2010 (Item No. 7)
May 13, 2010 (Item No. 4)

Case No.:	CPC-2010-581-CA
CEQA No.:	ENV-2010-582-ND
Incidental Cases:	CPC-2007-106-CA CPC-2008-4683-CA
Related Cases:	None
Council District:	Citywide (All)
Plan Area:	Citywide (All)
Specific Plan:	Citywide (All)
Certified NC:	Citywide (All)
GPLU:	Minimum, Very Low I, Very Low II, and Low Density Residential
Zone:	R1, RS, RE9, RE11, RE15, RE20, RE40, and RA
Applicant:	City of Los Angeles
Representative:	City of Los Angeles

PROJECT LOCATION: All properties zoned single-family residential (R1, RS, RE9, RE11, RE15, RE20, RE40, and RA) which are designated as Hillside Area on the Department of City Planning Hillside Area Map.

PROPOSED PROJECT: Baseline Hillside Ordinance – Citywide code amendment to the Los Angeles Municipal Code (LAMC) as described below.

REQUESTED ACTIONS: Proposed amendments to the LAMC to establish new regulations for single-family zoned properties which are designated as Hillside Area. The amendments would result in: a reduction to the existing Floor Area Ratio (FAR); amendments to the existing Single-Family Residential Floor Area definition; changes to the height limits and how they are calculated; creation of new grading regulations; creation of a Hillside Standards Overlay District that would allow individual neighborhoods to adjust the baseline limits to better fit their community's character and scale; and establishment of, or revisions to existing discretionary review processes for projects that deviate from the proposed FAR, height, and grading regulations.

RECOMMENDED ACTIONS:

1. **Approve and Recommend that the City Council Adopt** the amendments to the LAMC as detailed in the Revised Proposed Ordinance Provisions (Exhibit A).

2. **Adopt** the attached Findings.

3. **Approve and Recommend that the City Council Adopt** Negative Declaration No. ENV-2010-582-ND (Exhibit B).

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Exhibits:

A – Revised Proposed Ordinance Provisions

B – CEQA: ENV-2010-582-ND Negative Declaration, Initial Study, CEQA Comments, and Response to CEQA Comments

C – Affected Area Map

D – Council Motion, CF No. 06-1293

PROJECT ANALYSIS

Project Summary

On April 22, 2010 the City Planning Commission (CPC) discussed proposed amendments to the Los Angeles Municipal Code (LAMC) dealing with massing, grading and height of and for new construction, additions to, and remodels on Single-Family Residential Zoned lots located in Hillside Area, as defined in the Zoning Code.

Based on testimony heard at this meeting, the City Planning Commission continued the subject case to May 13, 2010 and instructed staff to consider several alternative solutions to the concerns raised at the public meetings to date. The Commission also formed an Ad Hoc Committee that was charged to work with staff in reviewing these alternatives and bring a recommendation to the entire Commission. The Commission also requested that staff to work with the Department of Building and Safety in crafting the revisions. On May 13, 2009, staff requested further continuance from the City Planning Commission meeting to the May 27, 2010 City Planning Commission meeting in order to address the concerns sufficiently.

Since the last City Planning Commission meeting on April 22, 2010, staff worked closely with the City Planning Commission Ad Hoc Committee and staff from the Los Angeles Department of Building and Safety (LADBS) in exploring the following issues:

1. Guaranteed Minimum & Substandard Lots and Residential Floor Area
2. Additions to Existing Structures
3. Definition of Residential Floor Area, Covered Porches, Patios, and Breezeways
4. “Flat” vs. “Sloped” Roofs
5. RFA Bonus Option: Façade Stepback
6. RFA Bonus Option: Cumulative Side Yard Setback
7. Slope Analysis Map Requirements
8. On-Site Grading Limits
9. Import/Export Limits
10. Exempted Grading
11. Geotechnical Investigation Report Requirements
12. Haul Route Authority Modification
13. Grading on Extreme Slopes
14. Exceptions from the Baseline Hillside Provisions
15. Ridgeline Protection as Separate Action
16. Retaining Wall Revisions as Separate Action
17. User-Friendly Single-Family Zone Regulations Document

In order to address these points, and after several meetings with the CPC Ad Hoc Committee and with staff from the Department of Building and Safety, staff recommends the following proposal.

Floor Area Ratio

Slope Band Method

Staff continues to recommend the Slope Band method of calculating the Residential Floor Area (RFA). The Slope Band method, which uses a slope analysis, is the most direct method to capture a true picture of the topography of the site and results in a structure size that best reflects the slope conditions of a lot. The General Plan (through its Community Plans) identifies the goal to minimize the intensity of development on steeper slopes and this method is adirect way to satisfy this objective. Moreover, this approach takes into account that there are many

differences in hillside lots, and that the Code needs to consider varying hillside conditions when determining house size limits.

Guaranteed Minimum Residential Floor Area
In addition to utilizing the Slope Band method to determine the maximum development potential for a lot, the proposal includes a change in determining the guaranteed Residential Floor Area minimums. Instead of values that are determined by whether the lot conforms to the minimum lot area and a set square footage based on the zone, the minimum RFA would be based on a set ratio (percentage of the lot size) that corresponds to the zone. The premise behind the guaranteed minimum RFA values is to allow development to be at least half of what the BMO permits. In addition, as requested by CPC, staff proposes a variation in the original proposal for the Residential Floor Area (RFA) bonuses. In order to account for substandard sized lots, staff recommends an increase in the bonus percentage for lots that are utilizing the guaranteed minimum RFA as those that do typically are substandard in lot size.

Additions to Existing Structures
As recommended in the April 22, 2010 staff report and instructed by the City Planning Commission, staff has included a provision by which existing structures are permitted an addition to existing structures of no more than 500 square feet (cumulatively), regardless of its conformance to the proposed Residential Floor Area limits. Accordingly, the Zoning Administrator authority was also increased from 750 square feet to 1,000 square feet.

Height

As proposed at the April 22nd CPC meeting, the proposed regulations utilize a method of calculating height which follows the slope of a lot, referred to in these provisions as "envelope" height, which encourages buildings to step up/down a hillside and result in more aesthetically pleasing development. No changes have been proposed for these provisions.

Grading

As a result of the CPC Ad Hoc Committee and LADBS discussions, staff recommends several changes to the grading regulations from the original Ordinance.

"By-Right" Grading Caps
First, was the staff recommended change to the first proposal at the April 22nd hearing, an increase in the "by-right" grading limits for non-exempted land alterations. These would be established by utilizing the formula mentioned previously as a base amount (the numeric value equal to 5% of the total lot size + 500 cubic yards) with an overall cap that would be based on the zone.

Import/Export Limits & Exempted On-Site Grading Activity
Next, the limitations on Import and Export for exempted on-site grading activities (i.e. the footprint of the structure(s), foundation, basement or driveway) should be altered. The impetus behind the change is that in order to satisfy an aim of the proposal which is to encourage structures to be built (or notched) into the hillside. The grading required to accomplish this would either have to be used for other exempted activity, used for additional (non-exempted) on-site grading, or exported from the site. If the goal of this Ordinance is to reduce the amount of additional on-site land alterations, staff recommends that all grading for the exempted activities not be included in the caps on the Export or Import values.

Grading on 100% Slopes
In addition, as a result of discussion with LADBS, staff recommends removing the prohibition of grading on extreme slopes (greater than 100%). As the City has a very large number of slopes that were previously cut to create roadways that are steeper than 100% along the entire front

property line, it would make accessing these lots very difficult and result in essentially requiring a discretionary action for many properties.

Landform Grading for Discretionary Actions
Lastly, the City Planning – Planning Guidelines Landform Grading Manual consists of guidelines which require discretion, applying them through LADBS would create a burden on the processing of project permits and could be more efficiently applied through the Office of Zoning Administration (OZA). In order to address this issue, staff recommends only requiring landform grading techniques to be required for discretionary approvals, and the removal of the Landform Grading RFA Bonus Option.

Hillside Standards Overlay
No change was recommended by the CPC or during staff's meetings with the Ad Hoc Committee or with LADBS. Therefore, the recommendation remains the same as previously proposed.

Additional Hillside Regulations
The City Planning Commission instructed staff to consider what steps are needed to implement ridgeline protection measures and to modify the current retaining wall regulations to address outstanding concerns. Staff has included in this report concepts that were brought up in several conversations with members of the public as well as with the Ad Hoc Committee and LADBS that address these two issues. The proposed Baseline Hillside Ordinance is not making any additional policy changes to other existing hillside development standards at this time.

In addition, as the Northeast Los Angeles Hillside Ordinance and the Oaks Hillside Ordinance contain regulations on RFA, height, grading and lot coverage, staff recommends exempting properties subject to these Ordinances from the corresponding proposed Baseline Hillside Ordinance provisions. Those properties subject to the Northeast Los Angeles Ordinance would be exempt from RFA, height and grading limits and those subject to the Oaks Hillside Ordinance would be exempt from the RFA, height and lot coverage limits.

Background

CITY PLANNING COMMISSION AD HOC COMMITTEE

As requested at the April 22, 2010 CPC meeting, a sub-committee comprised of three members of the Commission met with staff to discuss the ordinance three times. During the meetings, the Committee reiterated the following concerns that staff should address:

1. Comparison Study of Hillside Regulations for Other Jurisdictions
2. Department of Building & Safety Comments
3. Method for Guaranteed Minimum & Substandard Lots to Obtain More Residential Floor Area
4. Additions to Existing Structures
5. Flat Roofs vs. Sloped Roofs
6. Ridgeline Protection as Separate Action
7. Retaining Walls as Separate Action
8. User-Friendly Single-Family Zone Regulations Document

This staff report will discuss the resolution to each item in the Issues section.

DEPARTMENT OF BUILDING AND SAFETY WORKING GROUP

At the April 22, 2010 CPC meeting, concern was raised by several members of the public that the Department of Building and Safety may have felt that the previously proposed ordinance would be difficult to implement. As a result, the CPC directed staff to meet with them to resolve their concerns. Staff met with LADBS two times and discussed the following:

1. Method of Calculating Residential Floor Area
2. Method for Guaranteed Minimum Residential Floor Area
3. Implementation of RFA Bonus Options
4. Implementation of the City Planning Guidelines Landform Grading Manual
5. Additions to Existing Structures
6. Maximum On-Site Grading Quantities
7. Limits on Import/Export
8. Grading on Extreme Slopes
9. Exempted Grading
10. Geotechnical Investigation Report, Grading Plan check Criteria and Soil Report Requirements

This staff report will discuss the resolution to each item in the Issues section.

Issues

COMPARISON STUDY BASED ON OAKS METHOD OF FLOOR AREA CALCULATION

Staff received repeated inquiries as to why the proposed Slope Band method was chosen in lieu of other methods of calculating slope. Currently, there are three general methods to calculate the slope of a lot: average natural slope, perpendicular slope and the Slope Band method. Each method approaches the topography in a slightly different way and results in varying levels of detailed or site specific analysis.

Average Natural Slope Method

The average natural slope calculation is presently used in determining the permitted density during a subdivision. The slope is calculated by the following formula:

$$\mathbf{S} = \frac{\mathbf{C} \times \mathbf{L}}{\mathbf{A}} \times 100$$

Where : **S** = average natural slope in percent.

C = contour interval in feet, at no greater than 25-foot intervals for subdivisions or five-foot intervals for parcel maps, resulting in at least five contour lines.

L = total accumulated length of all contours of interval "**C**" in feet.

A = the area being considered in square feet.

This method takes into account the length of contours as well as the interval between the contours in order to determine the density of contours onsite and then the corresponding average slope. The formula calculates the average slope for the entire site and then is inputted into a formula that results in the allowable number of units per gross acre. As the average slope increases, fewer units are permitted per acre.

This method does not take into account the zoning of the property and focuses on only the general nature of the topography. It is suitable for analyzing large areas to get a vague idea as to the slope of the site. A detailed analysis of the site, as done in the Slope Band method, is not necessary to determine the *general* slope characteristics of the site for subdivision purposes to satisfy the aim of reducing the density of development on steeper slopes. In addition, the method allows for contours to be separated by as much as 25 feet, thus reducing the accuracy of the resulting slope calculation.

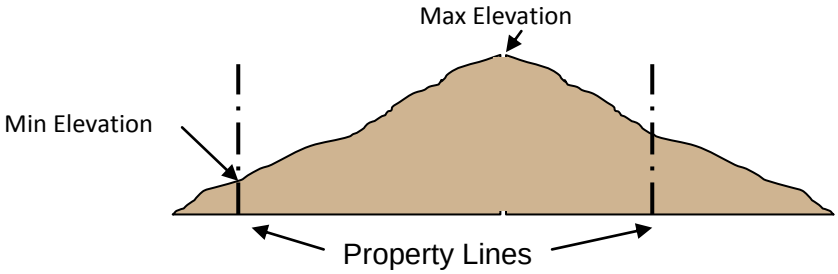
Perpendicular Slope Method

The perpendicular slope method is currently being utilized to determine the height of structures in the Hillside Area as well as in the Oaks Hillside Ordinance. The perpendicular slope is calculated by determining the elevation difference between the highest and lowest point on the lot and the dividing the resulting value by the distance between the two points:

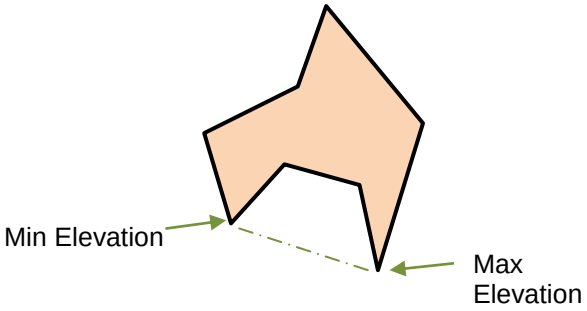
$$\text{Perpendicular Slope} = \frac{\text{Max Elevation - Min Elevation}}{\text{Distance}} \times 100$$

Like the average natural slope calculation, this gives a *general* idea of what the slope of the site is. However, because it does not require the max and min elevation points to be on the property line or at the farthest distance apart on the site, it is possible for the result to be skewed. For

instance, consider the scenario where a lot that has a ridge in the middle of the property (see diagram below). By taking the max elevation in the middle of the lot in this instance and determining the distance between this point and the min elevation does not measure the entire depth of the site or the true slope of the site. In addition, portions of the lot are not even considered when determining the perpendicular slope (in the example below, the area to the right of the max elevation).



Another scenario would be when the site is irregularly shaped such as below. In this case the line between the highest and lowest elevation may not even traverse over the subject property but rather an adjacent property.



By assigning a slope that may not be characteristic of the entire site, this creates a deceiving view of the topography and does not give a detailed or accurate result

Slope Band Method

It is staffs opinion that the slope band method takes a “true picture” of the topography of a site by analyzing each and every portion of the site. A detailed slope analysis is prepared by a Licensed Surveyor or Civil Engineer that determines slope by measuring the shortest distance between each contour and determines how much of the lot has a slope that falls within certain slope bands (or ranges/intervals). By doing this analysis, it is possible to determine an accurate assessment of the topography and to fully realize the City’s goal of having the site conditions of a property determine the appropriate level of development.

Several of the City’s 35 Community Plans have noted the goal of reducing the intensity of development on steeper slopes and this method would identify just how much of each lot truly is steep and fully incorporate the goal in the results. The slope band method is the most effective method to accomplish this as it takes into consideration the slope of the entire lot on a detailed level, unlike either the average slope calculation or the perpendicular slope calculation. When conducting the slope analysis no aspect of the topography is lost and lot configuration does not play a part in the analysis as it does in the perpendicular slope calculation.

Staff continues to recommend the use of a detailed slope analysis when determining maximum development potential in order to include the most accurate conditions of the site. The slope band calculation gives greater Residential Floor Area (RFA) weight to less steep portions and

less RFA weight to very steep portions. By applying a decreasing weight to steeper portions of lots, the resulting structure size would decrease accordingly and would most directly satisfy the aim of minimizing the intensity of development on steep lots.

What Method is Used in the City of Los Angeles to Determine RFA?

The City Planning Commission and the City Council have already adopted similar provisions that use two of the above methods of calculating slope which revise and replace the existing hillside regulations and would be exempt from the current proposal. The Northeast Los Angeles area and the Hollywood area are using a combination of Permanent [Q] Qualified Conditions[1] and [D] Development Limitations[2] established through Zone Changes. The planning staff that worked on the regulations for these two communities communicated with the staff working on the proposed Baseline Hillside Ordinance when determining the appropriate method for each area. The Northeast Los Angeles Hillside Ordinance uses the Slope Band method and the Oaks Hillside Ordinance uses the perpendicular slope method to determine the allowable RFA.

Perpendicular Method vs. Slope Band Method (The Oaks)

As the perpendicular method is currently being used in the Oaks Hillside Ordinance, staff was able to conduct an in-depth analysis and applied both the Oak's method, which relied on the perpendicular slope calculation, and the Slope Band method, which relies on the slope analysis, to all the lots where the Oaks Hillside Ordinance is applied.

The Oaks Hillside Ordinance (CPC-2009-2949-HD; Ordinance No. 181,136): Perpendicular Slope

Like the proposed Baseline Hillside Ordinance, the Oaks Hillside Ordinance ("Oaks Ordinance") also focused primarily on the issues of out-of-scale development. The boundaries of the Ordinance contain 956 single-family zoned parcels located in the Hollywood Community Plan and in the area generally bounded by Griffith Park on the north/northeast, Franklin Avenue on the south and Canyon Drive on the west.

The regulations in place in this community are intended to supersede the FAR, Height and Lot Coverage requirements of the current hillside regulations, and eventually the proposed Baseline Hillside Ordinance.

The Oaks Ordinance uses an incremental lot area FAR method and has two different formulas that are applied based on the perpendicular slope of a lot (less than or equal to 45% and greater than 45% perpendicular slope). As noted above, the perpendicular slope is a singular value that is determined by measuring the elevation difference between the highest and lowest point divided by the distance between these points, regardless of where the highest and lowest points are located. In the adopted Ordinance, the zone of the lot does not factor into the calculation of the maximum development potential as the FARs are based on lot size.

To determine the maximum development potential for a property, the area of each portion of a lot within a defined set of Lot Size Interval is multiplied by the corresponding FAR multiplier associated with the perpendicular slope for the entire property; the products of these calculations are then added together to determine the maximum permitted Residential Floor Area for a lot.

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[1] Q Qualified Conditions allow for more restrictive limits on uses and/or development standards for a property than those found in the Code. On single-family zoned properties, Q Conditions are permitted when mitigating environmental effects identified in a Mitigated Negative Declaration or Environmental Impact Report. Please refer to Section 12.32 G of the LAMC for further details.

[2] D Development Limitations allow for more restrictive floor area ratio, height, lot coverage, or setback regulations than those found in the Code. Please refer to Section 12.32 G of the LAMC for further details.

For lots with an average slope of no more than 45% grade, the maximum Residential Floor Areas is determined according to the following table:

Lot Size Interval (sq-ft)	FAR Multiplier
0 – 4,000	0.40
4,0000 – 8,000	0.30
8,000 – 12,000	0.15
12,000 and greater	0.10

For lots with an average slope of more than 45% grade, the maximum Residential Floor Area is determined according to the following table:

Lot Size Interval (sq-ft)	FAR Multiplier
0 – 4,000	0.37
4,0000 – 8,000	0.27
8,000 – 12,000	0.13
12,000 and greater	0.10

The Ordinance allows for a guaranteed minimum Residential Floor Area of 1,400 square feet, and allows for additions of 400 square feet to existing structures regardless of their conformance status.

Baseline Hillside Ordinance: Slope Band Method

As explained in the April 22, 2010 staff report, in the BHO, the proposed FAR would be based on zone, lot size, and steepness of slopes on a hillside property, rather than lot size alone. This approach takes into account that there are many differences in hillside lots, and that the Code needs to consider the varying hillside conditions when determining Residential Floor Area limits. Residential Floor Area bonuses are also provided, as in the BMO, with additional options related to grading. A lot that is considered "flat" (entirely made up of 0% to 15% slopes) would essentially be treated the same as it would currently under BMO provisions, in terms of the allowable square footage.

Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	**R1**	**RS**	**RE9**	**RE11**	**RE15**	**RE20**	**RE40**	**RA**
0 – 14.99	0.50	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

The Department of Building and Safety currently requires a licensed surveyor to prepare a topographic map of a property for the issuance of a building permit within a Hillside Area. The proposed Ordinance would require that the survey be prepared using two-foot contours. The same surveyor would also prepare a Slope Analysis Map, based on the natural/existing topography, which delineates the portions of a property which fall under each Slope Band and include a tabulation of the total area of the lot (in square feet) within each band. Those values would then be multiplied by the FARs for the zone of the lot (as shown in the table above) to determine the maximum Residential Floor Area limit for each individual property.

The maximum Residential Floor Area for all development on a property is calculated using a formula (outlined below) that factors in the zone, size, and topography of the lot, where "A" is the area of the lot within each Slope Band, "FAR" is the corresponding Slope Band Floor Area Ratio, and "RFA" is the Residential Floor Area value for each Slope Band.

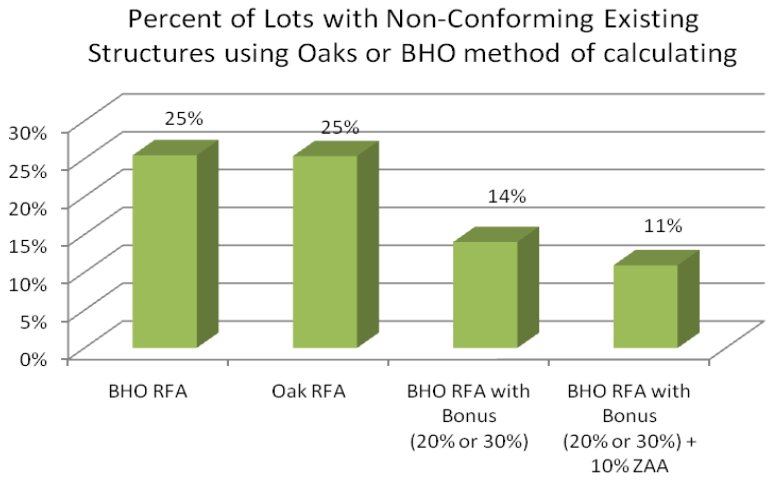
Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	**Area (sq-ft)**		**FAR**		**Residential Floor Area**
0 – 14.99	A^1	×	FAR^1	=	RFA^1
15 – 29.99	A^2	×	FAR^2	=	RFA^2
30 – 44.99	A^3	×	FAR^3	=	RFA^3
45 – 59.99	A^4	×	FAR^4	=	RFA^4
60 – 99.99	A^5	×	FAR^5	=	RFA^5
100 +	A^6	×	FAR^6	=	RFA^6
	Maximum Residential Floor Area			=	Sum of RFA^1 → RFA^6

The BHO also proposes a set of guaranteed minimum values based on a ratio that corresponds to the zone but guarantees that the maximum RFA for all buildings and accessory buildings on any lot need not be less than 1,000 square feet.

Comparison

Staff determined both the perpendicular slope for each lot as well as performed a slope analysis of the site to determine the square footage of the lot that has a slope within each slope band.[3] Staff calculated the maximum RFA using both the Lot Size Intervals/Adjacent Slope method and the Slope Band method, and determined the conformance rate (whether the existing structures would be larger or smaller than what is permitted) for both methods.

As a result, staff found that both the Oaks method and the Slope Band method produced comparable results, that is 25% of the existing structures were larger than the calculated RFA through both methods (see table below). However, the Slope Band method, which allows for either a 20% or 30% bonus in RFA if the structure, for example, reduces the visual massing, results in little disturbance to the site or is energy efficient, resulted in a lower rate of non-conformance (14%) when a bonus option is utilized.



The Oaks method does not allow for an increase if any of these options is used though. So in essence, the Slope Band method would allow for more of the existing structures to be built than the Oaks method, but would require them to minimize massing or minimally disturb the site.

[3] While there are 956 lots in the Oaks area, 13 have lot area less than 1,000 square feet. Staff considered these as fragments and did not include them in the study. These lots are more than likely associated with another lot that may or may not be in the study area and the data associated with these lots (i.e. existing house size or slope) would not be completely accurate as the associated lot should also be incorporated.

In addition, because the Oaks method does not take into consideration the zoning of the lot, the intent behind the Zoning Code's Zone Classification system is lost. In order to better implement the goals and objectives of the General Plan, the Zoning Code assigns a certain scale/character to each zone through setbacks and height regulations for instance. The Slope Band method proposes adding another component to each zone through the RFA calculation. When the appropriate zone is applied to a specific property, the resulting Slope Band RFA would be consistent with the intended scale of that community.

Therefore, because the proposed method incorporates bonus options which reduce the massing and retains the integrity of the existing Zone Classification system, neighborhoods as a result would be better designed and would be more cohesively tied based on the zoning. While the Oaks method and the Slope Band method result in comparable base RFA's, it is the aim of the proposal to retain a certain "character" for each zone and to base the intensity of development on the true nature of the slope. Staff contends that abandoning the zone as the Oaks method does would not allow the Zoning Code to be adequately applied to the various types of hillside communities throughout the City of Los Angeles, as lot sizes, topography, and intensity of development vary dramatically. Furthermore, the slope analysis method is the most direct way to identify the slope of the site and thus to base development capacity on.

GUARANTEED MINIMUM & SUBSTANDARD LOTS AND RESIDENTIAL FLOOR AREA

Since 48% of all single-family lots in the Hillside Area are substandard in lot size for their respective zones, the City Planning Commission instructed staff to consider alternatives to the original guaranteed minimum RFA values to account for the vast number of substandard lots. The original proposal established minimum RFA caps based on the zone for lots that conformed to the minimum lot size and had provisions for non-conforming lots that could have, in some situations, resulted in incompatible structures with the surrounding lots that do conform to the lot size. The previous proposal included a provision for non-conforming lots to determine whether a zone change had occurred which resulted in the lots lot area non-conformity. In addition, if no zone change was performed, the non-conforming lot would be allotted 750 square feet as a guaranteed minimum RFA. The public, the CPC Ad Hoc Committee and LADBS expressed concerns about the above provisions. In order to address these concerns, staff proposes the following changes.

Guaranteed Minimum RFA Revisions

As a result of the above issues, after considering several different methods, staff recommends that in lieu of a set cap based on the zone, the minimum RFA should be based on a percentage of the lot size for each zone, as shown in the table below.

Guaranteed Minimum Residential Floor Area	
Zone	**Percentage of Lot Size**
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

This method increases the guaranteed minimum for lots larger than the minimum lot size requirements as the size of the lot increases. The premise is that this proposal would result in scaled structures since a common ratio would be applied across a neighborhood. The maximum Residential Floor Area for all buildings and accessory structures on any lot need not be less than 1,000 square feet, which is an increase in the previous 750 square foot minimum.

As did the previous proposal, this provision continues to guarantee that a lot would be allowed to build at least half of the size that the Baseline Mansionization Ordinance would give regardless of the topography, but expands this provision to some non-conforming lots as well. As a result, neighborhoods would maintain a scale that is consistent throughout a neighborhood as typically neighborhoods are grouped in the same zone.

In addition, there are many extremely substandard lots (less than 50% of the minimum lot size for the Zone) which were made nonconforming in lot size as a result of an adopted zone change or code amendment. In the 1980s the Zoning Consistency Program was implemented which set out to have each lot conform to the land use designation, even if the zone was not suited for the size of the lot. Thus, this resulted in many of the hillside lots in the Minimum Land Use Designation to be down-zoned to zones that are not appropriate for the size of the lot (i.e. to a 10,000 square foot lot zoned RE40 which requires 40,000 square feet). It was common for these zone changes to apply to specific neighborhoods. As a result, including this provision would then retain a massing consistency throughout the neighborhoods. Therefore, staff recommends retaining a provision to account for these severely substandard lots. For lots that are less than 50% of the minimum lot size as a result of a zone change, the guaranteed minimum RFA for the previous zone would be applied instead of the current zone's minimum RFA.

It is important to note that structures utilizing the Guaranteed Minimums will still need to comply with all other provisions of the hillside regulations, so on unusually small lots it is extremely likely that some sort of discretionary approval will be required in order to deviate from them (i.e. lot coverage, setbacks, height, etc.). This will ensure that this type of development will be reviewed in terms of its relationship with the surround properties, as well as any special site conditions and address some of the various aspects of hillside development issues that are raised in the corresponding Community Plan.

Increase in Bonus Percentage if Guaranteed Minimum RFA Utilized

In addition to altering the method of determining the guaranteed minimum RFA, staff revised the proposed Ordinance to include a provision that allows those properties that rely on the minimum RFA to have a 30% RFA Bonus (instead of 20%) if one of the bonus options is utilized. The increase in percentage coupled with the new method for determining the minimum RFA value will result in ensuring that "livable"-sized home is permitted by this proposal.

Study Area Analysis Using New Proposal

As done for the first Ordinance proposal, staff was able to perform detailed analysis on 2,499 lots to determine if the slope band method combined with the aforementioned guaranteed minimum RFAs resulted in residential floor areas that would accommodate existing development.[4] Staff found that 19% of the existing homes in the study areas would exceed the base RFA allowed under the current proposal. However, when using a bonus that resulted in either a 20% or 30% increase in RFA, only 12% of the existing homes have floor area that would exceed the permitted RFA. In addition, if a 10% Zoning Administrator's Adjustment was approved in addition to using the bonus option, only 10% would be non-conforming.

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[4] The study areas were the same as were analyzed for the previous proposal but in order to discount for small fragment lots, all lots less than 1,000 square feet in lot area were removed from the study.

As a caveat for the results, the analysis did not consider whether a structure was associated with more than one lot (i.e. the lots are owned by one owner and intended to be used together and the structure straddles more than one lot or the lot is tied to another lot but retains a separate ID number) and as a result, not all the lot area was not incorporated into the calculation. The analysis also did not incorporate whether a zone change had occurred and thus requiring the property to use the guaranteed minimum RFA of the previous zone, and as a result, the incorrect guaranteed minimum RFA was inputted, which then produced a smaller RFA than what would occur had the right ratio been applied.

It should be noted that the previous analysis of the study areas for the first draft of the Ordinance also was not able to execute the proposal completely when considering non-conforming lots. Staff was not able to conduct history on all non-conforming lots in the study Areas in order to determine if a zone change occurred. As a result, the previous zone's guaranteed minimum RFA or 750 square feet if no zone change occurred was not inputted into the analysis. When the calculated slope band RFA was less than the current zones guaranteed minimum, the current zone's guaranteed minimum was inputted regardless of lot area conformance.

For instance, consider a lot that is currently zoned RE40, which requires a 40,000 square-foot lot, but instead is only a 11,000 square foot lot and was previously zoned RE11. The guaranteed minimum for the RE40 zone, 7,000 sq-ft, was inputted in the previous analysis for the 11,000 square-foot lot instead of the minimum of a previous zone or 750 sq-ft. As a consequence, the results were skewed as zone changes occurred typically from a less restrictive zone to a more restrictive zone (i.e. RE11 to RE40) and thus the analysis used larger minimum RFAs than the proposal intended (RE11 had a minimum RFA of 2,200 square feet and RE40 had a minimum RFA of 7,000 square feet previously).

The current proposal addresses this issue more effectively as instead of caps associated with zones, a ratio is applied. So, for the above example of an 11,000 square-foot, RE40 lot, instead of inputting 7,000 square feet, the ratio associated with the RE40 zone, 18%, was applied which resulted in 1,980 square feet. Ideally, the ratio corresponding with the RE11 zone, that is 20%, should have been applied in the current analysis, but staff was not able to conduct a detailed history on all 2,500 lots. Staff does consider the current analysis to be more accurate, as the ratios are based on lot size rather than simply a cap and thus are more scaled to the size of the lot.

When using the previous results during the analysis of the first proposal, the conformance rate of the existing structures was higher than the current proposal. Under the current proposal, staff found that 15% of the existing homes in the study areas would exceed the base RFA allowed. However, when using the RFA bonus (20% or 30%) only 9% of the existing homes have floor area that would exceed the permitted RFA. In addition, if a 10% Zoning Administrator's Adjustment was approved in addition to using the bonus option, only 7% would be non-conforming. While the previous proposal's conformance numbers are higher than the new proposal, the knowledge that the miscalculation in the previous results was based on caps that far exceeded the intended scale (i.e. 7,000 square feet on an 11,000 square-foot lot), should account for the lower non-conformity results.

ADDITIONS TO EXISTING STRUCTURES

"By Right" Addition to Existing Structures

At the April 22, 2010 City Planning Commission meeting, the Commission instructed staff to include provisions to allow small additions to existing structures without having to comply with all aspects of the Ordinance. In the previous staff report, staff did recommend revising the previous

ordinance to include a provision accommodating this request. Comments received during the Public Hearings indicated that there is an interest from both residents and developers to maintain the current Hillside Ordinance's exemption provision for minor additions to existing structures. Therefore, staff recommends that the exemption be left in, but with a maximum of 500 square feet of Residential Floor Area, and that the addition comply with the setback requirements as well as the proposed height and grading regulations.

Zoning Administrator Authority

The Zoning Administrator will continue to have the authority to grant an Adjustment of no more than 10% to the maximum Residential Floor Area limits for a property; any increase larger than 10% would require a Variance.

The proposed Ordinance will carry over the previous provision, which allows for additions to existing structures of no more than 1,000 square feet, instead of the April 22nd proposal of 750 square feet. The Zoning Administrator would have the authority to approve any additions made after August 1, 2010 to a one-family dwelling existing prior to that date which exceed the proposed maximum Residential Floor Area limits. These additions would be required to maintain the height of the existing structure or comply with the proposed height limits, whichever is greater.

Proposed Findings:

10% Adjustment

No change from existing.

1,000 sq-ft Additions

That the increase in Residential Floor Area will result in a building or structure which is compatible in scale with existing structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

DEFINTION OF RESIDENTIAL FLOOR AREA, COVERED PORCHES, PATIOS, AND BREEZEWAYS

During the CPC Ad Hoc Committee (Committee) discussion, the Committee recommended expanding the Covered Porches, Patios, and Breezeways exception to the calculation of Residential Floor Area. Because outdoor "usable" open space such as backyards, pools and open area patios are not always present in hillside communities, and restricted in size by the proposed limits for on-site grading, the Committee suggested that an increase in the square footage for covered porches, patios or breezeways would compensate for the lack of "flat" open space. In order to address this, staff recommends that the square footage for exempted Covered Porches, Patios and Breezeways be limited to 5% of the maximum Residential Floor Area for a lot, but not be less than 250 square feet.

"FLAT" VS. "SLOPED" ROOFS

The concept of the maximum height of a building is one that has been utilized by the City of Los Angeles in the Baseline Mansionization Ordinance and the Northeast Los Angeles Hillside Ordinance.

Baseline Mansionization Ordinance

"In the R1, RS, or RE9 Zones, no building or structure shall exceed 33 feet in height; except that when the roof of the uppermost story of a building or structure or portion of the building or structure has a slope of less than 25 percent, the maximum height shall be 28 feet. In the RE11, RE15, RE20, RE 40 or RA Zones, no building or structure shall exceed 36 feet in height; except that when the roof of the uppermost story of a building or structure or portion of a building or structure has a slope of less than 25 percent, the maximum height shall be 30 feet."

Northeast Los Angeles Hillside Ordinance

"Maximum Envelope Height of 30 feet for structures with a roof slope of 25% or greater and 26 feet for structures with a roof slope less than 25%. Combined with existing Overall Height of 36 feet, and 45 feet for lots with an average slope of 66% or greater, determined by measuring the highest and lowest points of structure."

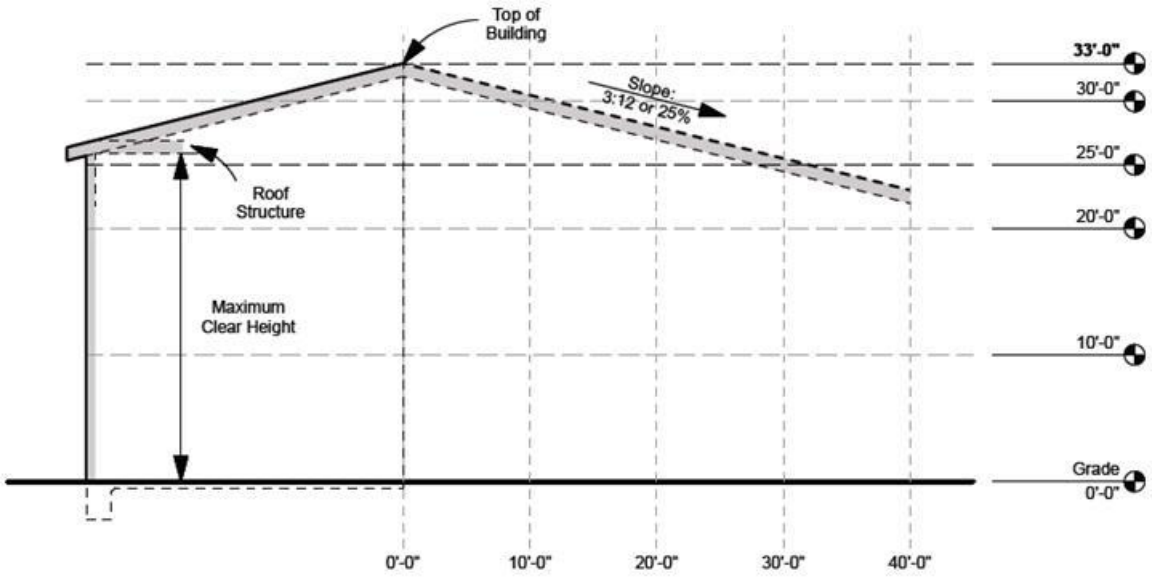
This same approach is applied in the proposed Baseline Hillside Ordinance as outlined in the table below, and will make the height limits more consistent with the height limits established by the Baseline Mansionization Ordinance.

Maximum Height of Structures (in feet)								
Height Districts	**R1**	**RS**	**RE9**	**RE11**	**RE15**	**RE20**	**RE40**	**RA**
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

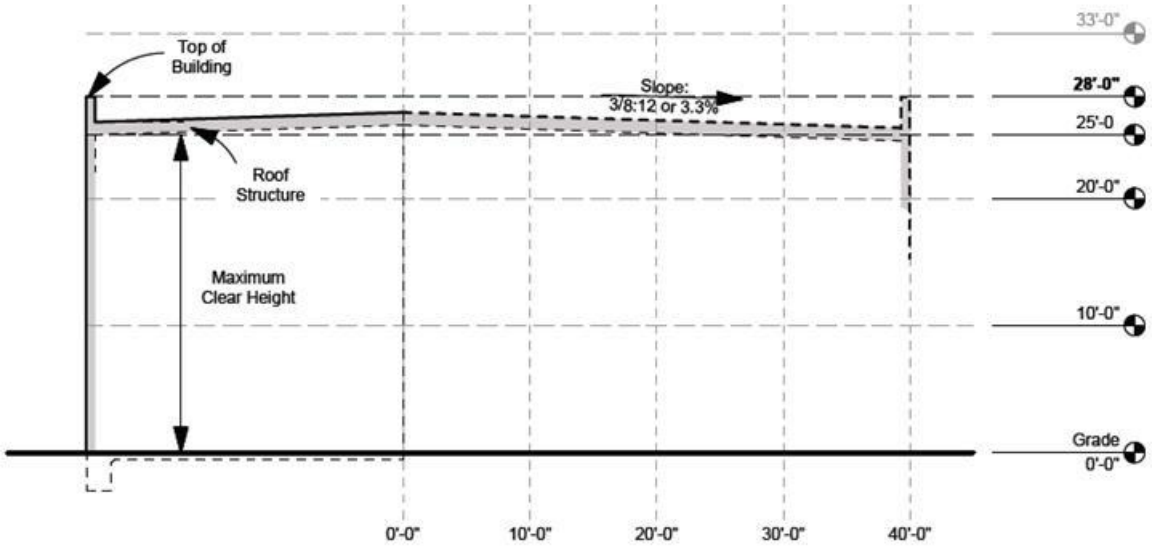
The basis for this limitation in simplest terms is that a building with a sloped roof has less visual mass than a building of the same height with a "flat" roof. However, a concern was raised at the April 22, 2010 City Planning Commission meeting as to whether the proposed height limitations unfairly restricted the interior ceiling height for buildings utilizing a "flat roof" design, and the Commission requested further review on the matter.

Staff has further analyzed the proposed provisions with the assistance of the following diagrams generously prepared by local architect. The diagrams below are based on the R1-1 Zone height limits of 33 feet for a sloped roof (25% slope or greater) and 30 feet for a "flat" roof (less than 25% slope).

Maximum Height of Building – 33 ft. Sloped Roof



Maximum Height of Building – 28 ft. "Flat" Roof (with 2-foot parapet)



Interior Ceiling Height

The diagrams above demonstrate that the difference between a building with a sloped roof and one with a "flat" roof is almost negligible when one is dealing with a flat or finished ceiling (i.e. with an attic space above). The difference is only really present when a building has exposed rafters or vaulted ceilings in a sloped roof scenario.

Third Story

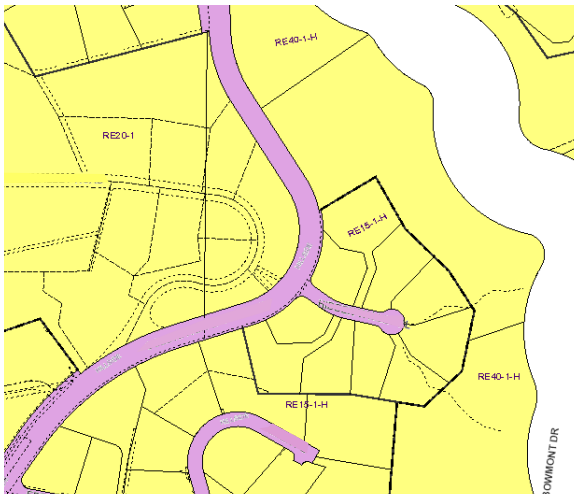
As indicated by the diagram above, one drawback to this approach is that a three-story scenario would not be possible in a "flat"-roofed structure; at least not without dropping the interior floor level by about 3 or 4 feet. However, a small 3rd story or mezzanine space might be possible in a sloped-roof structure without the need to drop the interior floor level, depending on how it is designed.

Additional Height (Discretionary Approval)

However, if a property owner wishes to obtain additional height for a building with a "flat" roof they can apply for a discretionary approval. The design and mass of the proposed building and its relationship to, and impacts on the surrounding properties would be taken into account when determining whether an approval will be granted. It is important to note that this increase in height is also available for structures with sloped roofs.

Staff Recommendation (Height Limits):
The potential ceiling height difference between the sloped and "flat" roof structure height limit is negligible and does not require any change from the current proposed height limits.

RFA BONUS OPTION: FAÇADE STEPBACK



The Department of Building and Safety expressed concerns over the implementation of the Residential Floor Area Façade Stepback Bonus Option due to the difficulty of determining the front lot line in the Hillside Area. Because many lots in the Hillside Area are not oriented at a right angle to the front property line, have multiple street frontages or are a flag lot with no full lot width frontage on a street, it is often difficult to determine.

In order to address this issue, staff has recommended only applying this option to lots which have structures that are setback no more than 35 feet from the frontage along an improved street and on a "flat" building pad where the slope of the building pad prior to any grading, as measured from the highest point of the existing grade within 5 horizontal feet of the exterior wall of the proposed building or structure to the lowest point of the existing natural grade within 5 horizontal feet, is less than 15%. By only limiting the option to those properties that have structures within 35 feet of a street frontage will reduce the opportunity for confusion. Moreover, the proposed revision ensures that the purpose of this provision is upheld: to help break up the horizontal visual mass of buildings along public streets.

RFA BONUS OPTION: CUMULATIVE SIDE YARD SETBACK

LADBS has requested that the Cumulative Side Yard Setback be reworded to prevent the misinterpretation that the sideyard does not have to be maintained along the entire length of the side property line.

"BY-RIGHT" ON-SITE GRADING CAPS

As was suggested as a change to the first proposal at the April 22nd hearing, staff continues to recommend that the "by-right" on-site grading caps vary based on the zoning. Instead of a cap of 1,000 cubic yards regardless of the zone or lot size, staff recommends that additional non-exempted grading shall be limited to the value resulting by utilizing the formula mentioned previously as a base amount (the numeric value equal to 5% of the total lot size + 500 cubic yards) with an overall cap that would be based on the zone.

Maximum "By-Right" Grading Quantities	
Zone	**Maximum Grading (cubic yards)**
R1	1,000
RS	1,100
RE9	1,200
RE11	1,400
RE15	1,600
RE20	2,000
RE40	3,300
RA	1,800

As the Residential Floor Area calculation treats each zone differently, the grading limits should also correspond to the zoning.

IMPORT/EXPORT LIMITS

As a result of the public testimony and discussions with the CPC Ad Hoc Committee and the Department of Building and Safety (LADBS), apprehensions arouse regarding the limits on Import and Export. Because there are already caps for non-exempted on-site grading and a process through LADBS (Haul Route hearing) that reviews the procedures of Import/Export, LADBS recommended either eliminating the Import/Export limits altogether or increasing the quantity in order to avoid a project to have multiple hearings for the same request (haul route hearing with LADBS and Zoning Administrator Determination hearing for exceeding the limits).

The impetus behind the change is that in order to satisfy an aim of the proposal which is to encourage structures to be built (or notched) into the hillside. The grading required to accomplish this would either have to be used for other exempted activity[5], used for additional (non-exempted) on-site grading, or exported from the site. In the long term, the use of exempted excavation as on-site fill instead of exporting it from the property will result in the permanent alteration of a property's natural state. If the goal of this Ordinance is to reduce the amount of additional on-site land alterations, staff recommends that all grading for the exempted activities not be included in the caps on the Export or Import values.

The previously proposed import export limits will not be focused on limiting additional on-site grading (non-exempted) through the import or export of earth.

EXEMPTED GRADING

Through discussions with LADBS and the CPC Ad Hoc Committee it became clear that the proposal should not include provisions that would contradict each other or would require entitlements from one aspect of the Ordinance in order to fully implement another portion. In this case, it became apparent that the previously proposed Import and Export limits may betray a goal of the ordinance to reduce visual massing on the hillside. The previous Ordinance included provisions for the cut and fill for the foundations, required animal keeping site development,

[5] Grading done underneath the footprint of the structure(s), as well as for water storage tanks, required stormwater retention improvements, required animal keeping site development that do not involve the construction of any freestanding retaining walls, remedial grading and the first 500 cubic yards for driveways approved by the Department of Building and Safety.

understructures including basements, pools, water storage tanks, or other completely subterranean spaces, driveways or remedial grading to be exempt from the limits of on-site grading so long as the grading was not derived from or used for any other non-exempt activities on-site. However, the grading for the exempted activities would count towards the Import or Export limits if brought into or removed from the site. As a result, this would discourage projects from building into the hillside as that earth would then be required to be exported.

Consequently, staff recommends that, in order to achieve the goal of reducing the massing above grade and avoid applying undue hardship to projects that do so, that the Import and Export limits should not include grading for any exempt grading activity. In addition, the current proposal modifies the activities that are exempt to include the Cut and/or Fill underneath the footprint of the structure(s) (such as foundations, understructures including basements or other completely subterranean spaces), as well as for water storage tanks, required stormwater retention improvements, required animal keeping site development that do not involve the construction of any freestanding retaining walls and the first 500 cubic yards for driveways approved by the Department of Building and Safety. In order for the grading to be considered exempt from the grading limitations, the Cut and Fill conducted on-site need be from exempted grading activities. For instance, the Cut for the footprint could be used to Fill the driveway but could not be used for Fill to create a deck or backyard or the cut to create a flat backyard could not be used to fill the driveway.

In addition, staff recommends that for health, safety and welfare reasons that the grading done for remedial purposes should also not be included in the limits for Import and Export. If the remedial grading has been recommended by the Geotechnical Investigation Report and approved by LADBS for safety and stability reasons, that the project need not be penalized if the earth must be exported or imported.

The overall intent for this revision is to encourage the notching into the hillside as much as possible in order to minimize the massing of the structure above grade. The previous limitations on exempted grading as well as on the Import and Export limits would encourage the structure to “skirt” the hillside rather than notch in to it.

GEOTECHNICAL INVESTIGATION REPORT REQUIREMENTS

In order to avoid duplicative submittal requirements in the Zoning Code, LADBS requested that the Zoning Code not create any new requirements for Geotechnical Investigation Reports because the studies originally requested are not always needed and should be left to the Grading Division staff’s discretion as is currently in the case per Section 7006 of Chapter 70 of the Los Angeles Building Code. Thus, the current proposal has removed the requirements listed in the proposed Baseline Hillside Ordinance and instead refers to the Building Code requirements.

HAUL ROUTE AUTHORITY MODIFICATION

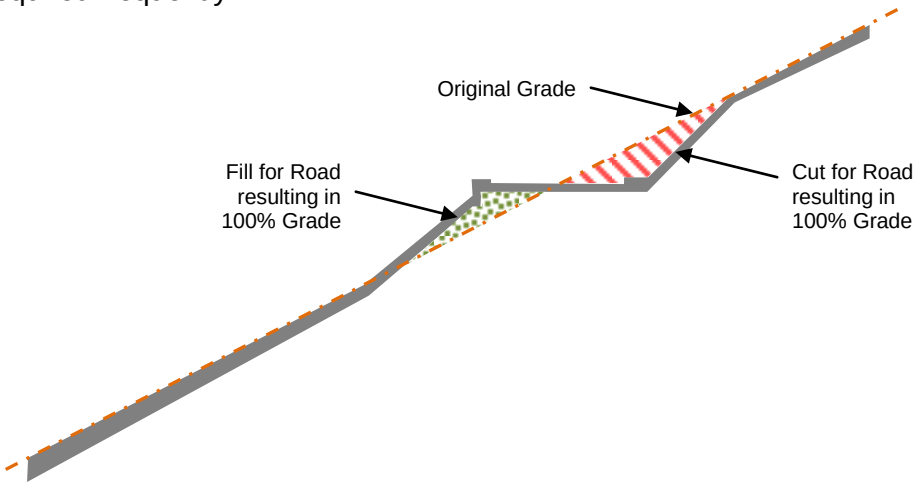
After discussions with LADBS and the CPC Ad Hoc Committee it was clear that the previous proposal would require a project to have duplicative hearings with DCP and LADBS when importing or exporting earth. The proposal required a Zoning Administrator Determination and a public hearing for all import/export limits established by the proposed Ordinance. In addition, if the import/export quantity exceeded 1,000 cubic yards, a Haul Route hearing through LADBS would also be required. Essentially, the same request would then be required to be reviewed and heard publicly twice and thus extending the time and cost it takes to review the request.

In order to address this issue, staff recommends the OZA have the authority to conduct the haul route hearing during the ZAD hearing. The Zoning Administrator would request the General Manager of the Department of Transportation to investigate the circumstances of the proposed import or export of earth materials and the effect thereof upon the public health, safety, and welfare. In addition, the City Engineer would determine the effect of any import or export on the structural integrity of the public streets and would determine the effect on public safety relative to street alignment, width and grade. This language is based on the current authority the Advisory Agency (the decision making body for subdivision cases) has to act in LADBS's place during the Haul Route hearing; the Zoning Administrator would now have the same authority.

In addition to the change in the proposed ordinance which would affect the Zoning Code, the Department of Building and Safety would have to amend the Los Angeles Building Code to include provisions to extend the authority to the Zoning Administrator when constructing or modifying a single-family structure in the Hillside Area. Staff has been working with LADBS staff on initiating this change and a proposal will be drafted once the code section for the proposed hillside regulations have been determined.

GRADING ON EXTREME SLOPES

The previous proposal included a restriction on any grading on extreme slopes (equal to or greater than 100%) unless when recommended by a full site Geotechnical Investigation Report and approved by LADBS or when the portions of the slope that are greater than or equal to 100% is no more than 100 square feet. As the City has a large number of slopes that were previously cut to create roadways that are steeper than 100% along the entire front property line, it would make accessing these lots very difficult and require a discretionary action. As a result, due to the number of properties with this slope or access condition, discretionary actions would be required frequently.



In addition, staff conducted an analysis of all the single-family zoned lots in the Hillside Area and found that only 0.14% of the area is greater than 45% slope. Consequently, after discussions with LADBS, staff recommends removing the prohibition of grading on extreme slopes (greater than 100%).

Slope Class	Sq. Ft.	Acres	Percent of Total
< 15%	947,238,187	21,746	48.25%
15 - 30%	778,291,552	17,867	39.64%
30 - 45%	234,938,015	5,393	11.97%
> 45%	2,685,540	62	0.14%
Total =	1,963,153,293	45,068	100.00%

EXCEPTIONS FROM THE BASELINE HILLSIDE PROVISIONS

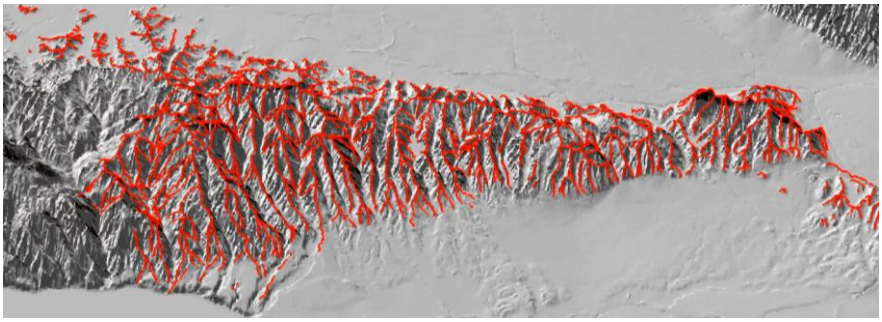
The City Planning Commission and the City Council have already adopted similar provisions which revise and replace the existing hillside regulations and address Residential Floor Area, height, grading and lot coverage in the Northeast Los Angeles area ("Northeast Los Angeles Hillside Ordinance"ORD-180,403) and in the Hollywood area ("Oaks Hillside Ordinance", ORD 181,136). Because these Ordinances contain regulations that may conflict with the proposal, staff recommends exempting properties subject to either ordinance from the aspects of the Baseline Hillside Ordinance where there are provisions which address similar issues (RFA, height, grading or lot coverage). Therefore, those properties subject to the Northeast Los Angeles Ordinance would be exempt from the RFA, height and grading limits and those subject to the Oaks Hillside Ordinance would be exempt from the RFA, height and lot coverage limits.

RIDGELINE PROTECTION AS SEPARATE ACTION

Concern was raised at the April 22, 2010 City Planning Commission meeting that Citywide protections for ridgelines need to be established and should be included in the proposal. Since several specific plans or neighborhood zone changes, such as the Mulholland Scenic Highway Specific Plan, San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan, Hollywoodland Specific Plan, and the Northeast Los Angeles Hillside Ordinance, identify and protect ridgelines, the City Planning Commission wanted to know what steps would be needed to protect them Citywide. While staff recognizes that ridgeline protection is needed on a citywide basis, the proposed Baseline Hillside Ordinance would not be able to include ridgeline protection as it was not a part of the public hearing process. However, staff has explored concepts that could be a stepping off point in the future.

Preliminary Ridgeline Protection Concept

Staff recommends that a ridgeline ordinance be developed that uses the following provisions. In addition, staff recommends using a potentially significant ridgeline map that the Geographic Information System (GIS) DCP Division developed using GIS as a starting point for a Department of City Planning Ridgeline Map.



1) Adopt a Department of City Planning Ridgeline Map that identifies the potentially significant ridgeline on a citywide basis already prepared using Geographic Information System (GIS) software.

2) Through the Community Plan Update/Revision process, the community would identify those ridgelines contained within the Plan boundaries that are considered as "Protected" or "Significant" ridgelines.

3) Theoretical protections:

Potentially Significant Ridgelines:
No protection until identified as Primary or Secondary;

Protected Ridgelines:
Grading. No grading shall occur within 50 feet of a Primary Ridgeline, as measured horizontally on a topographic map, or within 25 vertical feet, as measured from the designated Protected Ridgeline.

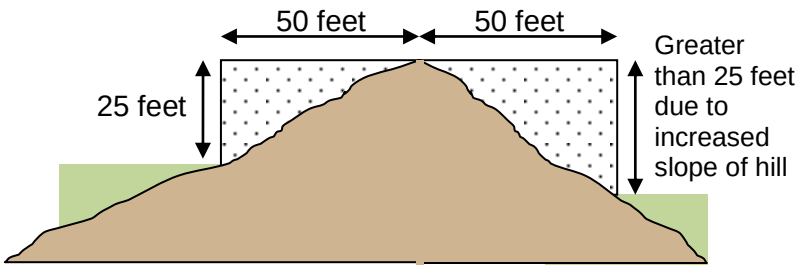
Structure Location and Improvements. No structure or improvements shall occur within 50 feet of a Protected Ridgeline, as measured horizontally on a topographic map.

Height. No Project shall be constructed so that the highest point of the roof, structure, or parapet wall is less than 25 vertical feet, excluding rooftop projections as defined in Section #, from the designated Protected Ridgeline directly above the highest point of the building or structure.

Significant Ridgelines:
Grading. The Natural Elevation of a Ridgeline shall not be altered by more than 5 feet as measured from the designated Significant Ridgeline and shall be retained in its natural state to the greatest extent possible.

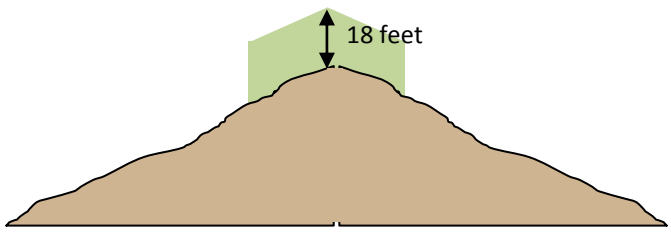
Height. No Project shall be constructed so that the highest point of the roof, structure, or parapet wall will protrude more than 18 feet above the highest point of the designated Significant Ridgeline. The roof shall be sloped at least 25% in order to mimic the slope of the hillside.

Protected Ridgeline:
Buffer limitations



No structure allowed within dotted area

Secondary Ridgeline:
18-foot height limit



RETAINING WALL REVISIONS AS SEPARATE ACTION

Repeated concern was brought up at the April 22, 2010 City Planning Commission meeting over the need to modify the current retaining wall provisions. The current restrictions on retaining walls limit a site to one wall no taller than 12 feet or two walls each no taller than 10 feet. If two retaining walls are used, there must be at least a three foot separation between the two. Public testimony suggested that the current regulations make construction in the Hillside Area difficult and cost prohibitive and that the provisions of the proposed Baseline Hillside Ordinance may unintentionally exacerbate complying with these rules. Therefore, the City Planning Commission requested staff to investigate what steps would be needed to modify the retaining wall ordinance.

While staff recognizes that there may be a need to reconsider the existing retaining wall provisions and possibly modify them, the proposed Baseline Hillside Ordinance would not be able to include retaining wall regulations as it was not a part of the public hearing process. In addition, the proposed grading limits may actually limit the need for retaining walls and alleviate this concern altogether.

However, staff has explored concepts that could serve as starting points in the future and has summarized several options or concerns below that have developed out of discussions with the public, the CPC Ad Hoc Committee, and LADBS regarding revising the current retaining wall ordinance:

- Number of Retaining Walls. The number of retaining walls was consistently noted as being too restrictive and encouraged additional grading. Several thoughts were noted as to how to modify this provision. First, the number of walls should have no limit, but the maximum height of all walls combined (as determined by the maximum vertical distance of each wall) shall not exceed 20 feet maximum height. Second, there should still be a limit of two walls for the site, but the limit should not include those required to construct structure and other required access/improvements.

- Length of Retaining Walls. Public comment has included testimony that the length of retaining walls needs to be limited in order to prevent walls that are hundreds of feet long and create an unnatural flat pad. However, with the proposed grading limits, the length of the retaining wall may not need to be limited. Nevertheless, even with the grading provisions, the public has noted that there could still be a need for a cap on the length based on the dimensions of the site or footprint of the structures.

- Definition of a Retaining Wall. “Retaining Wall” needs to be defined more clearly (i.e. if it has a return or makes an angle as it traverses the site, is it considered as one retaining wall). Currently LADBS generally determines a wall as singular if a straight line extended perpendicular to the wall face does not intersect another wall. However, this is not codified and is open for interpretation.

- Garden Walls. Garden walls (3 foot tall walls supporting earth) should not be counted as a retaining wall. The current ordinance counts a 3 foot tall retaining wall as one of the two retaining walls under 10-feet and this does not encourage the terracing of a site. “Garden wall” should be defined as a freestanding continuous structure, as viewed from the top, intended to retain or support earth, which is not attached to a building with a height of no more than 3 feet as measured from the top of the wall to the lower side of the adjacent ground elevation. By doing so, smaller walls would be encouraged and the site could be terraced without using large or offensive walls which are easier to screen with landscaping or berming techniques.

- Distance Between Retaining Walls. Staff learned that when two walls are used with a three foot separation between them, often times, one of the walls is constructed to the total height of both walls and then earth is filled in so as the wall appears to be less than ten feet above grade and the second retaining wall is placed accordingly but isn't truly supporting the earth as the first retaining wall has a foundation to support the Cut or Fill entirely. This technique is done in order to limit the cost to build two separate foundations three feet apart. Therefore, to avoid excavating the site to the full height of both walls when the walls are three feet apart, as the heights of retaining walls increase, the horizontal separation between the walls should increase in order to discourage the above scenario. In addition, this increase in separation would allow for additional landscaping to screen the taller walls as currently, three feet separation is not adequate to plant mature trees.

SLOPE ANALYSIS … ANALYSIS

Slope Analysis is fairly common requirement for local jurisdictions. It is used to verify a whole myriad of requirements and/or restrictions, but is most commonly used to determine maximum development potential, location of structures (mostly where they are not to be located), grading restrictions. The following table is a breakdown of some local Cities that utilize and/or require applicants to identify a specific set of slope intervals or "slope bands". It is not intended to be a definitive list of ALL jurisdictions which require this type of information, and an exhaustive search of other Codes is very likely to produce more examples.

Slope Analysis in Other Cities

City	Slope Bands	Used to Determine:	Prepared by:	Verification
Brea	0% - 10% 10.1% - 20% 20.1% - 25% 25.1% - 30% > 30%	Maximum Development	Licensed Surveyor Civil Engineer	Only when determined to be necessary (3rd Party)
Claremont	0% - 50% > 50%	Density	Licensed Engineer	Yes
Glendora	0% - 35% > 35%	Prohibited Grading	Licensed Surveyor Civil Engineer [Digital Submittal]	Yes, an analysis of the digital submittal.
Malibu	≤ 5:1 5:1 - 4:1 4:1 - 3:1 3:1 - 2.5:1 2.5:1 - 1:1 ≥ 1:1	Maximum Development Location of Structures	Licensed Surveyor Civil Engineer	None
Moorpark	0% - 20% 20% - 35% 35% - 50% > 50%	Location of Structures Grading Restriction Required Open Space "Density Transfers"	Civil Engineer Licensed Surveyor Other Qualified Professional	None
Pasadena	0% - 15% 15% - 50% ≥ 50%	Maximum Development Application of Stormwater and Runoff Requirements Grading Requirements	Licensed Surveyor Civil Engineer Architect	Cursory Review

Slope Analysis in Other Cities				
City	**Slope Bands**	**Used to Determine:**	**Prepared by:**	**Verification**
Sierra Madre	0 - 14.9% 15% - 19.9% 20% - 24.9% ≥ 25%	Approval Process (Administrative vs. Discretionary) Location of Structures Design Requirements Landscaping Density	Licensed Surveyor Civil Engineer	None
Simi Valley	0% - 10% 10% - 15% 15% - 20% > 20%	Density Location of Structures	Licensed Surveyor Civil Engineer	None
Thousand Oaks	0% - 10% 10.1% - 15% 15.1% - 24.9% ≥ 25%	Significant Topographical Features in Subdivisions	Licensed Surveyor Civil Engineer	None
Ventura	0% - 10% 10% - 20% 20% - 30% 30% - 50% ≥ 50%	Density Grading Restriction	Architect Licensed Surveyor Civil Engineer	Minor comparison against existing topographic information

Slope Band Method

The public, the CPC Ad Hoc Committee and LADBS raised concern that using the Slope Band method to determine the maximum amount of Residential Floor Area was cumbersome or overly complicated. However, staff maintains the opinion that the proposed Slope Band FAR Method is no more complicated than the current slope analysis that is currently being utilized by the Zoning Code since a topographic survey stamped by a Civil Engineer or Surveyor is required in the Hillside Area.

Some of the current hillside regulations are based on an average natural slope or the perpendicular slope of a lot, both of which are explained previously in the staff report. For instance, the average natural slope method is used for subdivision purposes and the perpendicular slope is used in determining the current height limitations in the Hillside Area; as noted previously in the staff report, the perpendicular slope is determined by measuring the slope of the lot from the lowest point of the lot to its highest point as shown on a topographic survey map. Similarly, the Oaks Hillside Ordinance recently adopted by the City Council determines which FARs apply to a lot based on whether perpendicular slope is greater or less than 45%.

For all three slope calculations, a topographic survey is required to meet the requirements of the Department of Building and Safety and is verified through the plan check and inspection processes. While some argue that because the proposed method requires a detailed survey and analysis to be done prior to creating detailed plans for development on the site, it is difficult for interested parties (i.e. those seeking to purchase a property or architects) to have conceptual ideas as to what is permissible on a particular piece of property—or in other words, the concept of not knowing fully what the development potential of a site is. Staff contends that the publicly available contour data on NavigateLA (the City of Los Angeles Bureau of Engineering's free online mapping system) can give a rough idea of what the development potential for a lot is and performing the analysis is rather straightforward as the slope between the contours is simply the shortest line between two contours. In addition, in the future, the Department of City Planning

will look into the possibility of providing access to the Los Angeles County consortium data (with contours at the two-foot level) on ZIMAS to further refine the initial analysis.

In support of this, a local architect voluntarily used the contours from NavigateLA and performed the analysis on several lots. The architect was able to output a rough idea of the development potential by creating a dimensioned scale that corresponds to the slope band thresholds and the scale of the map and compared it to the contours to determine which portions of the site fell within each band. While this is only an approximate method, it does give enough of an idea of the development potential prior to purchasing a property or conceptualizing the development potential until a more detailed survey can be done.

Furthermore, staff maintains that the slope analysis is the best way to obtain a true picture of the topographical conditions of a site. It is important to do so in order to achieve the goal of truly limiting the intensity of development based on slope conditions of a property. As noted in the Comparison Study Based on Oaks Method of Floor Area Calculation section of the staff report, the perpendicular and average natural slope methods can often be inaccurate or skewed based on how either how the topographic survey is produced or where the extreme topography lies on the property. The Slope Band Method does not result in any ambiguity of the site as every portion of the site is analyzed to determine the true proportion of the steeper portions of the site.

How to Produce a Slope Analysis Map

There are a variety of ways to develop a slope analysis as there is a myriad of software that can analyze slope quickly. However, CAD- and GIS-based software are the most commonly utilized. There are other programs that are developed solely for slope analysis and would be left up to the discretion of the Licensed Surveyor or Civil Engineer.

Geographic Information System (GIS) Software

In order to use GIS, one could follow the following general steps:

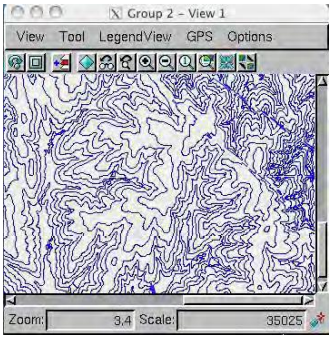
1. **Acquire contour lines:** The data of interest may be acquired in various forms.

2. **Create DEM using the contour lines:** A DEM is a raster file that is broken down into a grid with specific elevation data associated with each cell. This file can be rendered in 3D.

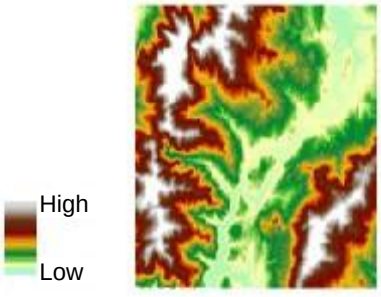
3. **Compute slope:** Using the DEM, simply calculate the slope between the contour lines by using the slope tool in GIS. The slope function calculates the maximum rate of change between each cell and its neighbor, for example, the steepest downhill descent for the cell (the maximum change in elevation over the distance between the cell and its eight neighbors). Every cell in the output raster has a slope value. The lower the slope value, the flatter the terrain; the higher the slope value, the steeper the terrain. The output slope raster can be calculated as percent of slope or degree of slope.

   The Slope function is most frequently run on an elevation dataset, as the following diagrams show. Steeper slopes are shaded red on the output slope

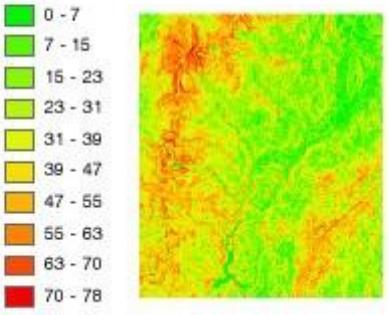
Topographic Survey



Elevation Dataset



Output Slope Data Set



raster. However, the function can also be used with other types of continuous data, such as population, to identify sharp changes in value.

4. **Calculate area included in each slope band:** GIS also has another tool which can calculate the area within certain slope ranges.

AutoCAD

Like GIS, once a 3D surface has been created, AutoCAD has automated tools or software plug-ins that can calculate the steepest slope between contours and the area contained within slope ranges. There is a variety of software available that can convert the 2D contour map into a 3D file that can be then analyzed.

Contour Line Interval Requirements

As a result of discussions with the community, the CPC Ad Hoc Committee and LADBS, staff recommends modifying the contour intermediates to be increased from 1-foot to 2-foot contours as staff contends two-foot data is sufficiently detailed. In addition, staff recommends removing the requirement that the software chose to perform the slope analysis be approved by the Department of Public Works, Bureau of Engineering.

COMPARISON STUDY OF HILLSIDE REGULATIONS FOR OTHER JURISDICTIONS

The following is a short description of the Size (floor area), Height, and Grading regulations for the following cities: *Beverly Hills, Brea, Pasadena, San Rafael, Santa Barbara, South Pasadena, Torrance, and Rancho Palos Verdes*. This will be followed by comparison between their requirements and the proposed Baseline Hillside Ordinance.

Summary

The following table summarizes whether the cities discussed below require a discretionary action through design review, a special hillside permit or the whether the project is "by-right". In addition, it recaps whether the size, height or grading regulations of the reviewed cities are more restrictive, generally more restrictive, generally less restrictive, less restrictive or if staff was unable to determine their relation to the proposed Baseline Hillside Ordinance.

City	Process	Size (Sq.-ft.)	Height	Grading
Beverly Hills	By-Right and Hillside Permit	Generally More Restrictive	More Restrictive	Generally Less Restrictive
Brea	Hillside Permit	Generally Less Restrictive	More Restrictive	Unable to Determine
Pasadena	Hillside Permit	More Restrictive	More Restrictive	Less Restrictive
San Rafael	Design Review	Generally More Restrictive	More Restrictive	Generally More Restrictive
Santa Barbara	Design Review	Generally Less Restrictive	More Restrictive	More Restrictive
South Pasadena	Design Review and Hillside Permit	Generally Less Restrictive	More Restrictive	More Restrictive

City	Process	Size (Sq.-ft.)	Height	Grading
Torrance	By-Right and Design Review	Less Restrictive	More Restrictive	Less Restrictive
Rancho Palos Verdes	Design Review	Unable to Determine	More Restrictive	Generally More Restrictive

City of Beverly Hills

The City of Beverly Hills allows for a certain amount of development to occur on a "by-right" basis, but requires a "Hillside R-1 Permit" for projects which exceed those thresholds that is issued by their Planning Commission. Their hillside regulations include the following provisions:

Floor Area
Height
Setbacks (Front, Side, Rear, and Pad Edge)
Encroachments into Setbacks
Accessory Buildings
Garage/Parking
Walls, Fences, and Hedges
Paving
Landscaping
Building Materials
Landform Alteration
View Preservation
Construction Activity

Size Limits (Floor Area)

The size limit for this jurisdiction is a uniform formula based on the size of the lot as well as the amount of "level pad" and "sloped area"; essentially 2 separate slope bands (≤ 5% and > 5%). The slope is calculated by using the average slope or

$$S = \frac{I \times L}{\text{[Total square footage of site]}}$$

For the purposes of this formula:

S shall mean the average slope of the site;
I shall mean the contour interval in feet as shown on a contour map of the site;
L shall mean the combined length of contour lines in scale feet on the contour map being used to calculate the contour interval.

A maximum of 15,000 square-feet of development is allowed "by-right" before it automatically requires a special discretionary approval, or "hillside permit". The first 1,600 square-feet of basement garage area and 300 square-feet of basement mechanical area are not included in the 15,000 square-feet.

For a lot that does not have a "level pad", or "level pad" of less than 750 square-feet, and the average slope of the lot is 20% or greater the maximum floor area is 20% of the lot size.

For all other lots the following formula applies:

Floor Area Ratios	
Lot Size	**Maximum Floor Area**
≤ 15,000 sq-ft	40% of “level pad” + 10% of “area of slope”
15,001 – 25,000 sq-ft	37% of “level pad” + 10% of “area of slope”
25,001 – 30,000 sq-ft	34% of “level pad” + 10% of “area of slope”
> 30,000 sq-ft	31% of “level pad” + 10% of “area of slope”

The guaranteed minimum floor area is 4,500 square feet. Keep in mind that the minimum lot size in Beverly Hills hillside areas is 1 acre (43,560 square-feet).

For lots that are 2 acres (87,120 square-feet) or more, the maximum floor area outlined above may be exceeded if permitted by a “hillside permit”.

Definition of a “Level Pad”
“That portion of a site containing level finished grade. No portion of a site with a slope that is greater than five percent (5%) shall be considered to be part of a level pad. Furthermore, for the purposes of calculating floor area ratio, no portion of a level finished surface which is the longest pole of a flag lot shall be considered to be part of a level pad.”

Definition of “Slope”
“That portion of the site other than the level pad.”

Definition of a “Floor Area”
In the Single-family residential zone, "Floor area shall mean the area of all portions of floors and levels which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces and up to four hundred (400) square feet of garage area.”

Additions to Existing Structures
No provision for additions was included for existing structures.

Comparison Assessment: (Generally More Restrictive)
The City of Beverly Hills size limits are generally more restrictive.

A “level pad” in that City is considered to be 5%, which generally does not occur naturally in the hillsides in that region, so this provision also seems to incentivize the drastic alteration of the existing topography in order to obtain the largest “level pad” possible. Moreover, it is difficult to quantify the square-footage difference between our two Cities because we would need to know what the finished grade of a property would be.

However, one could argue that because the threshold for what is considered “flat” in Beverly Hills is significantly lower than our proposed 15% slope threshold, there would be significantly less areas of a property that would qualify for the larger percentages in their jurisdiction than would in the proposed Baseline Hillside Ordinance. Also, the fact that we have more slope bands, all of which have an FAR of more than 10% (except for 100% slopes), means that the proposal should allow for more square-footage.

Height Limits
The base height limit in the hillside area is 26 feet. However, structures may exceed this height when it is built within an “envelope” that begins at the front setback and increases toward the rear of the site at a 33° angle to a maximum of 30 feet.

When a lot does not have a “level pad”, or if the “level pad” that does not exceed 750 square-feet in area, then the maximum height within 40 feet of the front setback is 26 feet and the “envelope” begins at 22 feet in height at the front setback and increases toward the rear of the site at a 33° angle to a maximum height of 30 feet.

When a lot has a level pad elevation that is at least 10 feet higher than any adjacent portion of a street, then the height of the envelope begins at 14 feet in height at the level pad setback line and increases toward the center of the level pad at a slope of 33° to a height of 30 feet.

The maximum permitted height for a structure constructed over fill is reduced by the maximum height of any retaining wall or walls for that fill if they are located within 10 feet.

If a building projects beyond the edge of the level pad by at least 20 feet, then the maximum permitted height for that portion of the building located on the pad is 30 feet, and the portion constructed over a slope 22 feet. However, the overall height (measured from the highest to lowest points) of the structure is 55 feet.

Comparison Assessment: (More Restrictive)
The City of Beverly Hills height limits are more restrictive.

The height limits in the City of Beverly Hills range from 20 to 30 feet for any portion of a structure. The height limits in the proposed Baseline Hillside Ordinance range from 28 to 36 feet depending on the Height District. The Single-Story Height District would limit structures to either 18 or 22 feet in height, but it has not been applied to any hillside properties as of the date of this report.

Grading Limits

Within any 5 year period, the total cubic yards that may be cut and filled on any site in the Hillside Area, including excavation for basements, shall be calculated as follows:

$$\mathbf{C} = \frac{(4 - (10 \times \mathbf{S}))^4 + 0.1}{162} \times \text{Site Area in Square Feet}$$

“**C**” is the total cubic yards of cut and the total cubic yards of fill permitted,
“**S**” is the "average slope".

The maximum import or export within any 5 year period is 3,000 cubic yards of earth material.

These limits may be modified by a “hillside permit”.

Comparison Assessment: (Generally Less Restrictive)
The City of Beverly Hills grading limits are less restrictive. However, because the grading limits include grading to excavate for a basement it is possible that the proposed limitations would be less restrictive since the excavation for basements is exempt from the limits.

The following is an example of the application of this formula to a site that is 30,000 square feet in area with an average slope of 25%:

City of Beverly Hills	**City of Los Angeles**
$C = \frac{(4\text{-}2.5)^4 + 0.1}{162} \times 30{,}000$	(30,000 × 0.5) + 500 = 2,000 cubic yards of cut or fill, or combination thereof
C ={0.031 + 0.1} x 30,000	*Please note that the proposed grading limits exempt more than just excavation for basements.*
C =3,937.5 cubic yards of cut and fill	

City of Brea (Orange County)

The City of Brea adopted a comprehensive revision of its hillside regulations in 2006 which included the following provisions:

Land Use
Floor Area
Height
Setbacks
Accessory Buildings
Garage/Parking
Walls, Fences, and Hedges
Retaining Walls
Open Space
Landscape Standards
Architectural Standards
Water Quality and Stormwater Runoff Control
Grading
Ridgeline Preservation
Subdivisions
Street Requirements and Design

The City requires two kinds of special permits in order to build in their hillside areas: the Administrative Hillside Development Permits (approved by the Planning Director) and the Hillside Development Permit (approved by the Planning Commission). These projects require the review and verification of various design standards and guidelines as they pertain the provisions mentioned above; far more than anything being proposed for the Baseline Hillside Ordinance. The ordinance contains some exemptions which are limited to minor improvements such as additions that are less than 500 square-feet and any construction that does not require a grading permit.

Size Limits (Floor Area Ratio)
The City of Brea limits the amount of development on a Floor Area Ratio based on the "maximum dwelling unit yield" (aka density), and the proposed number of units for a property.

The **first step** is to identify the "maximum dwelling unit yield" for a property based on the following table:

Maximum Allowed Density Based on Average Slope	
Average Slope	**Maximum Allowable Density**
≤ 10%	2.2 units/acre (43,560 sq-ft)
10.1% - 20%	1.6 units/acre (43,560 sq-ft)
20.1% - 25%	1 unit/acre (43,560 sq-ft)
25.1% - 30%	1 unit/5 acres (217,800 sq-ft)
> 30%	1 unit/20 acres (871,200 sq-ft)

The average slope of a property is determined by the following formula:

$$\mathbf{S} = \frac{(0.00229 \times \mathbf{I} \times \mathbf{L})}{\mathbf{A}}$$

"**S**" = Average percent slope
"**I**" = Contour interval, in feet
"**L**" = Summation of length of contours, in feet
"**A**" = Area in acres of parcel being considered

Example: *A 100-acre parcel which has an average slope for the entire parcel of 25 percent would yield a maximum of 100 units.*

However, the largest contiguous area of the least steep slope category may be used to calculate average slope based on a detailed slope analysis prepared by a Licensed Surveyor or Civil Engineer. Any area excluded from the average slope calculation is then required to be set aside as Natural Open Space and deed-restricted from any future development.

Example: *On a 100-acre parcel, of which 60 acres has an average slope of more than 30 percent, 30 acres are between 20.1 to 30 percent slope, and there is a contiguous 10-acre area of between 10.1 to 20 percent, the 10 acres with a average slope of 10.1 to 20 percent can be used to calculate allowable density (1.6 units/acre X 10 acres = 16 units).*

The **second step** is to determine the number of proposed units to determine the maximum Floor Area Ratio based on the following table

Unit Yield Based on Floor Area Ratio	
Dwelling Unit Yield	**Maximum FAR**
Maximum Units	0.4
80% of Maximum	0.5
70% of Maximum	0.6
60% of Maximum	0.7

Gross floor area does not include the first 600 square feet of attached garages, decks, balconies, covered patios, the total combined square footage of any and all accessory structures and detached garages up to 600 square feet inclusive, and attics that do not exceed a height of five feet as measured from the top of ceiling joist (floor) to the bottom of the ridge beam (ceiling).

This approach requires several points of verification of performance criteria before one can determine how much square-footage is permitted on a lot. Discussions with City of Brea planning staff has indicated that these requirements are verified by a third-party consultant.

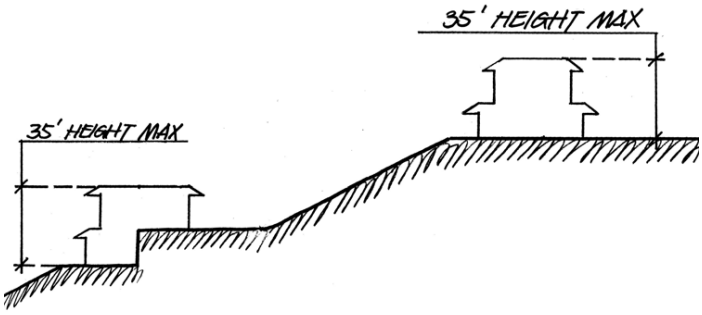
Comparison Assessment: (Generally Less Restrictive)
The City of Brea size limits are generally less restrictive.

These size regulations appear to be written for large subdivision projects and not necessarily the type of lots that are more common in the City of Los Angeles. It is hard to imagine a scenario in which these provisions would yield a Floor Area Ratio of less than 70% of the lot size. It is important to keep in mind that, when combined with the extensive design standards and guidelines that also make up the City's hillside regulations, the larger Floor Area Ratios may either not be an issue or even possible to obtain.

The City's hillside regulations are design-oriented and focus on setting up templates for acceptable design proposals for construction. The proposed Baseline Hillside Ordinance focuses on determining the acceptable level of development for a property and remaining neutral when it comes to the design of homes.

Height Limits

The maximum height in the City of Brea is 35 feet. The maximum allowable building height is measured as the vertical distance from the existing or planned grade of the pad at the point of the building foundation to the midpoint of the roof. The height calculation is similar to the overall height limit which is currently in place in our Zoning Code, as illustrated in the figure to the right.



Comparison Assessment: (More Restrictive)
The City of Brea height limits are more restrictive.

Their 35-foot height limit is a more like the overall height limit (measured from the lowest to highest points of the building) that is currently in place in Los Angeles. The proposed Baseline Hillside Ordinance height limits range from 28 to 36 feet depending on the Height District and are measured along the slope of a lot.

Grading Limits

The City of Brea does not limit grading by quantities. Instead it takes full advantage of the discretionary approval process that is automatically triggered when a grading permit is required. The regulations establish a series of grading standards and guidelines that focus on landform grading techniques and other screening approaches that are intended to minimize the visual impact of development.

Comparison Assessment: (Unable to Determine)
The City of Brea's grading limits are not quantifiable as they focus on how the grading is proposed instead of what the quantities are. Depending on the amount of grading required for a particular project, the standards have the potential to be more restrictive. Moreover, every project involving grading requires a discretionary approval.

The proposed Baseline Hillside Ordinance would establish an acceptable amount of site alteration (outside of what is required to build a home) that would be considered "by-right" before requiring landform grading and a discretionary approval. In that sense, the current proposal is less restrictive than Brea's hillside regulations.

City of Pasadena

The City of Pasadena established a Hillside Overlay District that requires an administrative discretionary approval called a "Hillside Development Permit". Minor additions to existing structures no more than 500 square-feet or 20% of the existing floor area, as well as accessory structures which are no more than 20% of the "primary dwelling" are exempted from having to obtain one of these special hillside permits

Those projects which are not exempted have to comply with the following hillside regulations:

Subdivisions
Setbacks
Ridgeline Protection
Lot Coverage
Garage/Parking
Floor Area
Height
Architectural Standards
Neighborhood Compatibility
View Protection
Grading
Stormwater & Runoff Control
Landscaping
Exterior Lighting
Fire Safety
Construction Activity

The City's hillside regulations also contain a neighborhood specific overlays tool that establishes tailored provisions, and even goes as far as establishing standards, for individual lots and groups of lots within particular subdivisions.

Size Limits

The City of Pasadena utilizes a "Base FAR" (with an additional 500 square-feet) that is then reduced by a formula that takes into account the average slope of a lot.

For lots with an average slope of 15% or less, the following formulas apply for each zone:

Maximum Gross Floor Area Ratios	
Zoning District	**Allowable Base FAR**
RS-1-HD	0.200 + 500 sq-ft
RS-2-HD	0.225 + 500 sq-ft
RS-4-HD	0.250 + 500 sq-ft
RS-6-HD	0.275 + 500 sq-ft
For all lots that are 10,000 square-feet or greater, the portions of a lot with a 50% slope or greater are deducted from the lot area used for	

calculating maximum "gross floor area". However, it is not clear how the portions of the lot that have a slope greater than 50% are determined or verified.

Maximum Gross Floor Area Ratios for Lots Less Than 10,000 sq-ft	
Zoning District	**Allowable Base FAR**
RS-1-HD	0.300 + 500 sq-ft
RS-2-HD	0.300 + 500 sq-ft
RS-4-HD	0.300 + 500 sq-ft
RS-6-HD	0.275 + 500 sq-ft

For lots with an average slope of greater 15%, the maximum FAR is reduced using the following formula:

$$\mathbf{F} = \mathbf{B} \times \left(1 - \frac{(\mathbf{C} - 0.15)}{2}\right)$$

"**F**" is the maximum allowed gross floor area, reduced based on lot slope.
"**B**" is gross floor area calculated in compliance with the formulas above.
"**C**" is average slope of the site.

The average slope, "C", is determined by the following formula:

$$\mathbf{S} = \frac{0.00229 \bullet \mathbf{I} \bullet \mathbf{L}}{\mathbf{A}}$$

Where:

1. **S** is average slope
2. **I** is contour interval in feet
3. **L** is combined length of contour lines in scale feet within land to be divided
4. **A** is gross developable acres, inclusive of any rights-of-way to be established by a proposed parcel map or tract map. Existing rights-of-way for public streets, private streets, private driveway easements, or other vehicular access ways located within the site are excluded from the gross developable area.

The floor area limits include a guaranteed minimum of 3,000 square-feet for lots which are over 10,000 square-feet.

Additions to Existing Structures

When additions otherwise comply with all other applicable requirements of this Chapter and this Zoning Code, the following would be permitted:

1) A single-story addition to a dwelling unit that increases the gross floor area by no more than 500 square feet or 20 percent of the existing floor area of the primary structure, including an attached garage, whichever is greater; or,
2) A second or third story addition that increases the gross floor area by no more than 500 square feet; or,
3) One single-story detached accessory structure that constitutes no more than 20 percent of the gross floor area of the existing gross floor area of the primary structure (including attached garage).

Moreover, the City of Pasadena contains another level or size restriction referred to as "Neighborhood Compatibility". New homes and additions subject to the "Hillside Development Permit" are required to identify the size of structures within 500 feet of the site using the Los

Angeles County Tax Assessor's information. New development for that site is then limited to more than 35% above the median floor area of the existing homes within the established radius.

In calculating the "gross floor area" the following areas are counted which have any exposed wall (or portion thereof) 6 feet or more above finished grade: all covered parking, habitable attic space, and basements, including garage and carport areas. The following areas are also counted if any *portion* of exposed wall exceeds 6 feet in height: basement, garage or carport area.

Definition of "Floor Area, Gross"

"For projects subject to the RS and RM-12 development standards, "gross floor area" means the floor area between the floor and roof above it, as measured from the outside edge of the exterior walls of the main structure and all accessory structures, including required parking (either garage or carport). Any portion of a structure, including stairwells, over 17 feet in interior height, is counted twice for purposes of computing floor area. For flag lots, see 17.40.050.D (Development standards for flag lots)."

Comparison Assessment: (More Restrictive)

The City of Pasadena size limits are more restrictive.

The Base FARs are range from 20% to 30% of the lot size, plus 500 square-feet, and when the average slope of a lot is more than 15% the maximum floor area is further reduced. Moreover, when a lot is 10,000 square-feet or greater it is broken up into two slope bands (0% - 50% and ≥ 50%) where any area of a lot that has a slope of 50% or more does not have any square-footage value at all.

Although there may be some scenarios where the proposed Slope Band FAR formulas may be more restrictive, mainly on extremely steep or substandard lots, the proposed Guaranteed Minimum will make sure that the hillside regulations are not overly-restrictive. These same lots in the City of Pasadena do not have a guaranteed minimum when they are less than 10,000 square-feet and can be limited to around 500 square-feet or less. In addition, the Baseline Hillside's Definition of Residential Floor Area exempts certain covered spaces as well as required parking, whereas Pasadena's definition includes all square footage contained within the outside edge of the exterior walls. Finally, the Neighborhood Compatibility requirements would limit development based on the existing structures in the general vicinity. In most cases we can expect the proposed FARs to allow for more floor area than the City of Pasadena's formulas.

Height Limits

The hillside regulations establish an envelope height (following the slope of a lot) of 28 feet and an overall height (measured from highest to lowest point of a structure) of 35 feet.

Comparison Assessment: (More Restrictive)

The City of Pasadena height limits are more restrictive. The height limit for Pasadena's envelope height is less than the Baseline Hillside Ordinance and Pasadena includes an overall height limit.

The proposed Baseline Hillside Ordinance envelope height limits range from 28 to 36 feet depending on the Height District and does not limited by the overall height (it relies on the FAR limits and lot coverage requirements).

Grading Limits

Grading in the City of Pasadena is regulated by the Building Code which does not seem to limit the amount of land alteration, and is reviewed by their Building & Safety staff. The specific requirements appear to be taken from the California Building Code and very similar to our current requirements.

Comparison Assessment: (Less Restrictive)
The City of Pasadena's grading limits are less restrictive.

Their grading limits are very similar to those currently in place for the City of Los Angeles, and also do not limit the quantities, therefore any new limits on grading, including those proposed Baseline Hillside Ordinance will be more restrictive.

City of San Rafael (Northern California)

The City of San Rafael has relatively simple set of hillside regulations which address the following aspects of development:

Building Stepback
Setbacks
Natural State
Gross Building Square Footage
Ridgeline Development
Parking
Lot Standards
Design Review Requirement

The following projects in the City's hillside areas are required to go through a design review process before it can obtain approval:

- Projects involving more than one story
- Ground floor additions of more than 500 square-feet
- Roof modifications
- Any accessory structure (regardless of size)
- Ridgeline projects

Size Limits

The City of San Rafael uses a Base + Percentage method for determining the maximum development potential for a lot. The maximum permitted gross building square footage of all structures (including garages and accessory structures over 120 square-feet) is limited to 2,500 square-feet plus 10% of the lot area with a maximum of 6,500 square-feet.

Additions to Existing Structures
No provision for additions was included for existing structures.

Comparison Assessment: (Generally More Restrictive)
The City of San Rafael size limits are less restrictive on smaller lots, but more restrictive on lots larger lots. It is also important to note that any proposed construction over one story in height will require a discretionary approval.

The Base + Percentage approach is always more advantageous for smaller lots because the effective floor area to lot size ratio is relatively large. However, because the base floor area is a fixed value and does not increase with the size of the lot, the floor area to lot size ratio diminishes significantly on larger lots.

Height Limits

The maximum height for dwellings is 30 feet, and 15 feet for accessory structures. On a lot with an average slope over 25%, the height of structures is measured vertically from the existing grade to the top of the roof.

Comparison Assessment: (More Restrictive)
The City of San Rafael height limits are generally more restrictive. It is also important to note that any proposed construction over one story in height will require a discretionary approval.

The proposed Baseline Hillside Ordinance envelope height limits range from 28 to 36 feet depending on the Height District and does not require a discretionary action unless a structure encroaches into the proposed envelope.

Grading Limits

The maximum grading permitted on a lot is based on an area of disturbance and not on a volumetric measure (i.e. cubic yards). The hillside regulations establish a minimum area of a lot which is required to remain in its "Natural State" (all land and water that remains undeveloped or undisturbed) based on the following formula:

(Percentage of Average Slope) + 25% = Minimum Percentage of Lot Area in Natural State

The maximum required "Natural State" is 85%.

Comparison Assessment: (Generally More Restrictive)
The City of San Rafael grading limits are less restrictive on flatter lots, but more restrictive on true hillside lots.

The Natural State approach has the potential to be more restrictive than the proposed Baseline Hillside Ordinance grading limits, especially when one takes into account the proposed exemptions such as driveways and accessory structures.

City of Santa Barbara

The City of Santa Barbara Zoning Code does not appear to have a separate set of hillside regulations, but addresses all residential development with the following provisions:

Protection and Enhancement of Solar Access
Building Materials
Height
Design Review of Residential Buildings
Setbacks and Open Space
Lot Area and Dimensions
Maximum Net Floor Area
Nonresidential Buildings, Structures, and Uses
Off-Street Parking
Signs
Vegetation Removal
Grading

It is important to note that any residential project in the City requires a design review approval. A comprehensive set of design guidelines have been adopted which takes into account the design of structures, their placement on a site, as well as their relationship to the surrounding properties. More specifically, the City has adopted a very strict set of "Hillside Housing Design Guidelines" for properties that are within their "Hillside Design District" addressing the following aspect of hillside development:

Natural Surroundings
Height and Proportions
Apparent Height
Grading
Grading for Driveways
Architectural Features
Neighborhood Compatibility
Decks and Courtyards
Retaining Walls

Size Limits

For project proposed on lots which are less than 15,000 square-feet and which are two or more stories or 17 feet or more in height, the amount of development permitted for a property is limited to the following:

Single-Family Maximum Floor Area	
Net Lot Area (sq-ft)	**Maximum Net Floor Area (sq-ft)**
Less than 4,000	2,200
4,000 to 9,999	1,200 + 25% of Net Lot Area
10,000 to 14,999	2,500 + 12.5% of Net Lot Area

Development in hillsides is limited to 85% of the Maximum Net Floor Area for the lot when the average slope of the lot or building site is 30% or greater. The "Hillside Housing Design Guidelines" also contains specific "Neighborhood Compatibility" standards that require a project to reflect the scale and massing of surrounding properties; these have the very realistic potential to further restrict the size limits for an individual property depending on the existing scale or the neighborhood.

For lots which are 15,000 square-feet or larger development is limited to the "Neighborhood Compatibility" standards and the rest of the "Hillside Housing Design Guidelines".

Additions to Existing Structures

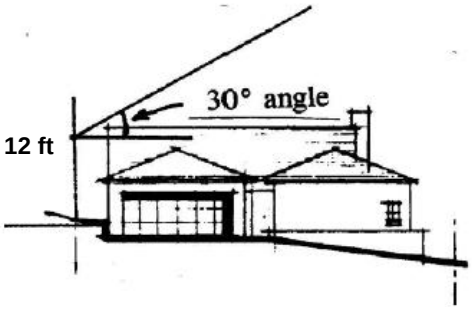
No provision for additions was included for existing structures.

Comparison Assessment: (Generally Less Restrictive)

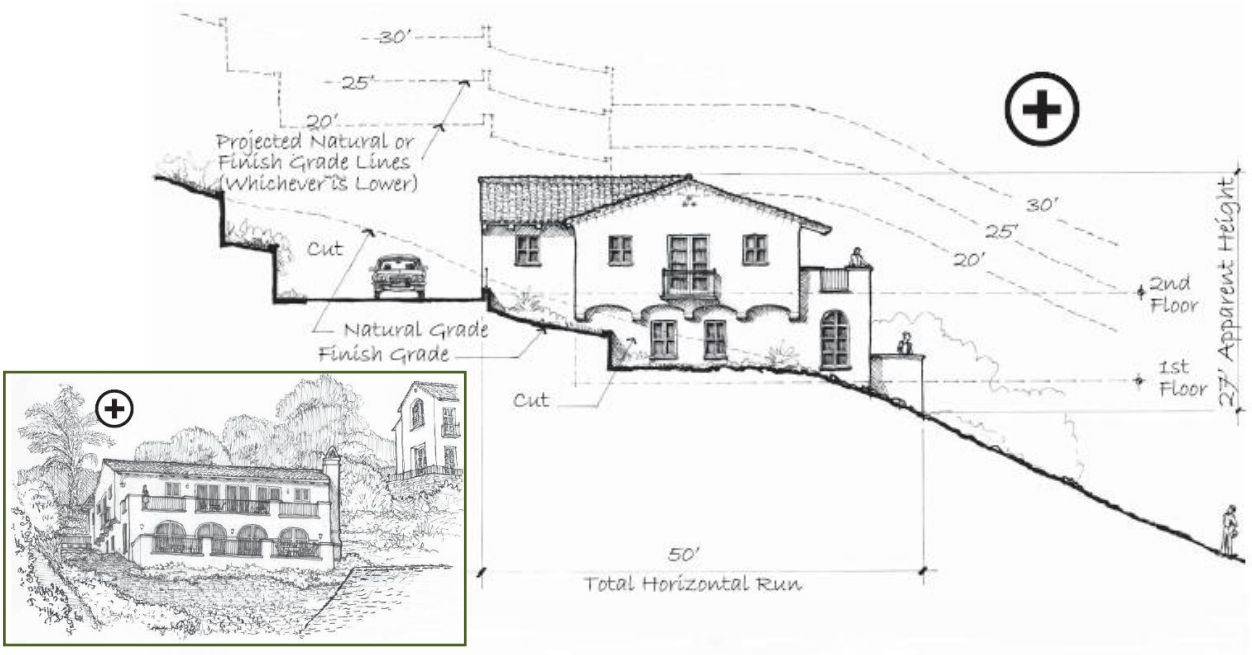
The City of Santa Barbara size limits using the above formula are less restrictive, but because most projects require a discretionary approval in order to be built and they have a comprehensive set of design guidelines, the process ensures that development is done in a manner that is compatible with the existing neighborhood and the natural terrain.

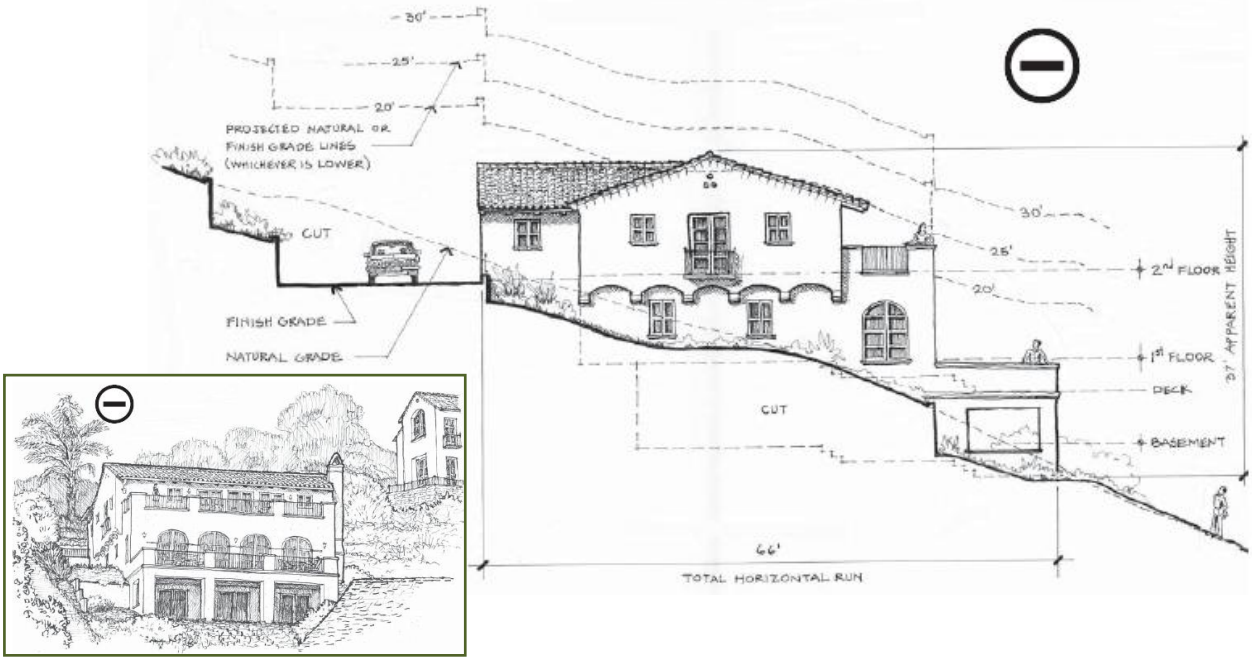
Height Limits

The maximum height limit for structures is 30 feet. For lots that are 15,000 square-feet or less, the height of structures is limited to 25 feet when the proposed development is utilizing more than 85% of the maximum floor area. However, new construction must also comply with the City's Protection and Enhancement of Solar Access provisions; the height of a structure cannot encroach into a 30° plane starting at 12 feet measured vertically from the nearest "northerly lot line" (see the figure on the right).



The "Hillside Housing Design Guidelines" tend to focus on "Height and Proportion" as well as "Apparent Height Standards" which seem to apply the 25- and 30-foot height limits based on an overall height (measured from the lowest to highest points of a structure).





Comparison Assessment: (More Restrictive)
The City of Santa Barbara height limits are generally more restrictive.

Although their code language seems to indicate the use of an envelope height, the "Hillside Housing Design Guidelines" limit the height of structures to an "Apparent Height" (overall height) from 25 to 30 feet, which is measure from the lowest to height point of the structure. The proposed Baseline Hillside Ordinance envelope height limits range from 28 to 36 feet depending on the Height District and does not limited by the overall height (it relies on the FAR limits and lot coverage requirements).

Grading Limits

For projects in a "Hillside Design District", grading outside the footprint of the main building (recompaction is exempted) is limited to 50 cubic yards on a by-right basis. The "Hillside Housing Design Guidelines" contain special standards for "Grading" that generally limit grading outside the footprint of the main building (recompaction is exempted) to 500 cubic yards, and encourage a building to be built into the existing hillside with little to no additional on-site land alterations. The standards pertaining to "Grading for Driveways" limit the location of proposed development to reduce the possible length of a driveway and that such grading be minimized and screened as much as possible. Grading is also prohibited on slopes of 30% or more.

Comparison Assessment: (More Restrictive)
The City of Santa Barbara grading limits are more restrictive.

City of South Pasadena

The City of South Pasadena hillside regulations are in addition to those required by the base zone, and contain the following provisions:

Setbacks (including Ridgeline Setbacks)
Height Limitation (including Ridgeline Height)
Decks
Driveways
Natural State
Grading
Guest Parking (Southwest Monterey Hills)

Hillside projects are required to go before the Planning Commission for design review and "Hillside Development Permit" approval to ensure compliance with design guidelines as they pertain to the following aspects of development:

Terrain Alteration
Street Layout
Location of Structures
Site Layout and Structure Design
Architectural Design
View Protection
Colors and Materials
Exterior Lighting
Retaining Walls

Size Limits

The Zoning Code maintains the same size limit regardless of whether a lot is in the hillside or not. The maximum allowable building floor area for single-family zones is 35% of the lot area.

Definition of "Floor Area, Net"

"The floor area within the walls of a building used for service to the public or tenants, but not including garages or other covered parking, or areas for storage, mechanical equipment, restrooms, and major pedestrian movement, such as enclosed malls, stairways, or major hallways, as defined by the Building Code."

Additions to Existing Structures

No provision for additions was included for existing structures.

Comparison Assessment: (Generally Less Restrictive)

The City of South Pasadena size limits are more restrictive on smaller/flatter lots, and less restrictive on later/steeper lots, but in order to build anything a discretionary approval is required that utilizes design guidelines.

Height Limits

The maximum height for a structure with a roof slope of at least 25% is 28 feet, for a structure with roof slope less than 25% is 24 feet. The height of a structure is also limited by its proximity and relation to a protected ridgeline.

Comparison Assessment: (More Restrictive)

The City of South Pasadena height limits are more restrictive.

The proposed Baseline Hillside Ordinance envelope height limits range from 28 to 36 feet depending on the Height District, and does require a discretionary action or limit the overall height unless a structure encroaches into the proposed envelope.

Grading Limits

The maximum grading permitted on a lot is based on an area of disturbance and not on a volumetric measure (i.e. cubic yards). The hillside regulations establish a minimum area of a lot which is required to remain in its "Natural State" (in terms of slope and vegetation) based on the following formula:

(Percentage of Average Slope) + 25% = Minimum Percentage of Lot Area in Natural State

Land alterations have to be done using landform grading techniques, and cannot be done on 30% slopes.

Comparison Assessment: (More Restrictive)
The City of South Pasadena grading limits are less restrictive on flatter lots, but more restrictive on true hillside lots.

The Natural State approach has the potential to be more restrictive than the proposed Baseline Hillside Ordinance grading limits, especially when one takes into account the proposed exemptions such as driveways and accessory structures.

City of Torrance

The City of Torrance hillside regulations are not comprehensive and are intended to be in addition to those required by the base zone, and contain the following provisions:

Lot Dimensions
Floor Area
Height
Drainage
Foundation Type
Driveways

Hillside projects are required to go through a design review process referred to as a "Precise Plan" that goes before the Planning Commission to ensure that the following findings are met:

a) The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity;
b) The development has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity;
c) The design provides an orderly and attractive development in harmony with other properties in the vicinity;
d) The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;
e) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity;
f) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

However, a "Precise Plan" approval can be waived if a project meets a certain set of requirements (the relevant provisions are outlined in the following subsections), and the Community Development Director determines that the proposed development will not have an adverse effect on other properties in the vicinity, and there is no significant public controversy.

Size Limits

The maximum amount of floor area on a by-right basis is limited to 50% of the lot size, which includes the garage. The maximum floor area with a discretionary "Precise Plan" approval is up to 60% of the lot size. A finding of neighborhood compatibility must be made when approving a "Precise Plan".

Comparison Assessment: (Less Restrictive)
The City of Torrance size limits, in terms of square-footage values, are less restrictive. However, it is important to note that any proposed construction over one story and 14 feet in height will require a discretionary approval.

Height Limits

New construction on a by-right basis is limited to one story and 14 feet in height. Anything greater will require a "Precise Plan" approval. The maximum height with a discretionary "Precise Plan" approval is up to 27 feet measured from the height to lowest point of a structure (overall height). A finding of neighborhood compatibility must be made when approving a "Precise Plan".

Comparison Assessment: (More Restrictive)
The City of Torrance height limits are more restrictive.

The proposed Baseline Hillside Ordinance envelope height limits range from 28 to 36 feet depending on the Height District, and does not require a discretionary action or limit the overall height unless a structure encroaches into the proposed envelope.

Grading Limits

Grading in the City of Torrance is regulated by the Building Code which does not seem to limit the quantities of land alteration, and is reviewed by their Building & Safety staff. The specific requirements appear to be taken from the California Building Code and very similar to our current requirements.

Comparison Assessment: (Less Restrictive)
The City of Torrance's grading limits are less restrictive.

Their grading limits are very similar to those currently in place for the City of Los Angeles, and also do not limit the quantities, therefore any new limits on grading, including those proposed Baseline Hillside Ordinance will be more restrictive.

City of Rancho Palos Verdes

The City of Rancho Palos Verdes is essentially entirely a hillside community; because of this, the Zoning Code does not differentiate between hillside and non-hillside areas. The regulations for single-family zones include the following provisions:

Uses
Lot Dimensions
Setbacks
Lot Coverage
Height
Parking
Neighborhood Compatibility
Exterior Stairs
Roof Decks
Parking/Driveway Standards
View Preservation

Hillside projects are required to go through a design review process to ensure compliance with design guidelines as they pertain to the following aspects of development:

Size Limits

The maximum size of structures is not regulated through a Floor Area Ratio, but instead focuses primarily on a combination of lot coverage, height restrictions, and a review of neighborhood

compatibility against a "Neighborhood Compatibility Handbook" which contains a variety of design guidelines and standards to determine an acceptable building envelope and size.

Comparison Assessment: (Cannot Determine)
The City of Rancho Palos Verdes size limits utilize an approach that cannot be compared to the proposed Baseline Hillside Ordinance provisions. However, one can argue that due to the 16-foot height by-right limit, it can be assumed that the resulting square-footages have the potential to be more restrictive than those currently being proposed.

Height Limits

Height in the City of Rancho Palos Verdes is regulated with the intent to preserve private views. Structures are limited to 16 feet in height on a by-right basis when no grading is involved, and up to 30 feet in height with a discretionary "height variation permit" issued by the Planning Commission.

Comparison Assessment: (More Restrictive)
The City of Rancho Palos Verdes height limits are more restrictive.

The proposed Baseline Hillside Ordinance envelope height limits range from 28 to 36 feet depending on the Height District and does not require a discretionary action unless a structure encroaches into the proposed envelope.

Grading Limits

The grading regulations do not limit the quantities of land alteration, but do require that projects that involve more than 1,000 cubic yards of cut and fill to obtain approval from the Planning Commission. Moreover, structures are not allowed to be built on the portions of a lot that are 35% slope or greater without a discretionary "extreme slope permit".

Comparison Assessment: (Generally More Restrictive)
The City of Rancho Palos Verdes grading limits are generally more restrictive.

The proposed Baseline Hillside Ordinance is more restrictive on lots that are less than 10,000 square-feet in size, but is less restrictive on lots which are 10,000 square-feet or more.

USER-FRIENDLY SINGLE-FAMILY ZONE REGUATIONS DOCUMENT

In developing the Baseline Mansionization Ordinance and the proposed Baseline Hillside Ordinance planning staff has done extensive research into the current Single-Family Zone regulations. In order to best understand the development standards, the provisions located in the Zone Classifications, General Provisions, and Exceptions Sections were consolidated into a series of documents. The intent is to streamline/simplify this language and include figures and diagrams in order to make these regulations more accessible to the general public. These efforts would ultimately become a sort of ***Single-Family Zone Regulations Handbook*** that doesn't change the regulations or policies currently in the Zoning Code, but makes them easier to understand.

Conclusion

The proposed Baseline Hillside Ordinance will be the final component in the Baseline Project which was started in order to prevent out-of-scale single-family development throughout the City of Los Angeles. It builds from the provisions that were adopted by the Baseline Mansionization Ordinance (BMO), which became effective on June 29, 2008, and maintains a certain level of consistency between both the Hillside Area and non-hillside/coastal single-family lots.

In the "flats", site conditions are generally the same on a 5,000 square-foot lot are the same regardless of its location. However, in the Hillside Area the site conditions of a 5,000 square-foot lot are completely different from another lot of the same due to topography and existing infrastructure. This fact highlights the need for our City's hillside regulations to take into consideration the slope conditions and infrastructure of each lot. In order to diminish out-of-scale development in the City's hillside neighborhoods in the simplest and most effective way possible, the proposed hillside regulations focus primarily on Floor Area Ratios (FAR), Height, and Grading.

After the April 22nd City Planning Commission meeting, the public, the City Planning Commission and Ad Hoc Committee, the Department of Building and Safety working group and the American Institute of Architects provided a tremendous amount of valuable insight in how to improve the first proposal of the Baseline Hillside Ordinance. Their input has produced this proposal in which staff incorporated their concerns regarding Residential Floor Area calculations, minimum RFA's and grading limits.

The proposed FAR is based on lot size, zone, and steepness of slopes on a property. Homes would adhere to size limits computed by a formula that gradually reduces the FAR for the steeper areas of the lot. The proposed Slope Band FAR Method addresses the need to consider the topography of a property when determining the amount of development that can occur on a property, and takes into account the fact that every hillside lot is different.

The Slope Band Method takes into account the true picture of the topography onsite. The method is the most direct method to capture the steepness of the slope and thus limit the intensity of development on steep slopes. While there are other methods of capturing the general slope of a site, they do not produce a detailed analysis of the weight of each slope range. As a result of the proposal's comprehensive slope analysis it is possible to apply certain FAR's that decrease with the increase in slope in order to satisfy the aim of limiting the intensity of development on steep slopes.

In addition, the Slope Band method further defines the meaning of the zone by assigning a scale to the zone. In order to better implement the goals and objectives of the General Plan, the Zoning Code assigns a certain scale/character to each zone through setbacks and height regulations for instance. The Slope Band method proposes adding another component to each zone through the RFA calculation. When the appropriate zone is applied to a specific property, the resulting Slope Band RFA would be consistent with the intended scale of that community.

As recommended by staff on April 22, 2010 and agreed upon by the City Planning Commission, a "by-right" addition to existing structures will be permitted. Comments received during the Public Hearings indicated that there is an interest to maintain the current Hillside Ordinance's provision for minor additions (750 square feet). Therefore, staff recommends that the exemption be left in, but with a maximum of 500 square feet of Residential Floor Area, and that the addition comply with the setback requirements as well as the proposed height and grading regulations.

In addition, if a property does not wish to perform the slope analysis, staff has included a provision for a guaranteed minimum RFA. The proposal includes a change in determining the

guaranteed Residential Floor Area minimums. Instead of values that are determined by whether the lot conforms to the minimum lot area and a set square footage based on the zone, the minimum RFA would be based on a set ratio (percentage of the lot size) that corresponds to the zone. The premise behind the guaranteed minimum RFA values is to allow development to be at least half of what the BMO permits regardless of whether the lot is conforming to the lot area requirements. In addition, the provisions guarantee at least 1,000 square feet regardless of the lot size or zone.

The Baseline Hillside Ordinance contains a Residential Floor Area Bonus that creates incentives for good design practices that directly address the issues of building mass, scale, energy efficiency, as well as the retention of the existing topography. The revised proposal took into consideration input from the April 22nd hearing as well as discussions from the CPC Ad Hoc Committee and includes a 30% bonus option if the guaranteed minimum RFA is utilized. The impetus behind this increase is that surrounding lots may have lot size or topography that may result in larger RFA than the subject lot, and the 30% bonus encourages the subject property to produce a design that is for instance less imposing on the street or minimally disturbing to the land.

The proposed Ordinance will directly address the current method of calculating height that typically results in large and tall box-like structures, which many communities have specifically identified as a problem. The proposed regulations utilize a method of calculating height which follows the slope of a lot, or Envelope Height, and allows for buildings to terrace up/down a hillside and result in more aesthetically pleasing development, thereby helping to break up the visual mass of buildings.

The proposed provisions also establish a set of grading regulations, which have been noticeably absent from the City's Zoning Code; currently there are no limits to the quantities of grading which can occur on any lot. The proposed regulations are based on a new limit which utilizes a base quantity of grading plus a percentage of the lot size, with an absolute maximum that varies based on the zone. The grading limits further define the characteristics that a particular zone should result in a certain standard. Projects which exceed the limits per each zone can be approved through a discretionary review process, but would be subject to findings, environmental review and conditions of approval. The proposed Ordinance also ensures that any grading over the limits will be done using landform grading methods which are meant to mimic existing terrain.

The proposed provisions also limit the amount of Import/Export of earth materials based on the level of street improvement. This helps to address the issue of impacts on streets in hillside neighborhoods during construction, and ensures that any activity beyond these limits are reviewed and conditioned accordingly. The revised proposal also includes a revised definition of what grading activities are included in the Import and Export limits. The Ordinance now exempts grading for essentially the activities required to build the structure size the Slope Band method results in (i.e. under the footprint of the house, the required covered parking, access-ways etc.). By modifying the previous limits on Import/Export, projects are no longer penalized when constructing the structure that was determined by the Slope Band method.

Similar to the BMO's Residential Floor Area District, the Baseline Hillside Ordinance establishes a Hillside Standards Overlay that would allow individual neighborhoods to tailor the size limits as well as the other regulations covered by this Ordinance. This provision puts the power to determine the scale of existing neighborhoods directly into the community's hands and will no longer be established in a piecemeal, project-by-project manner as is currently the case.

The proposed Ordinance will also consolidate as many of the various provisions in the Zoning Code pertaining to hillside development into one centralized location. In order to make all

single-family hillside regulations more accessible and easier to understand, staff is attempting to make minor revisions to format and clarification of existing language. This new section will organize the provisions by topic, utilizing tables, charts and graphics wherever possible. It is important to note that these other provisions being migrated to this new location are not intended to result in policy changes.

The proposed Baseline Hillside Ordinance reflects the major concerns of the many hillside residents that have participated in this project's extensive outreach efforts. More importantly, the proposed provisions have been drafted in a manner that helps to implement the goals and policies of the General Plan and Community Plans related to single-family development. The proposed Ordinance would help to:

- Ensure that the character and scale of stable single-family residential neighborhoods is maintained.
- Consider the steepness of the topography and suitability of the geology in any proposal for development.
- To limit the intensity of development in Hillside Areas.
- Allow for infill development provided that it is compatible with and maintains the scale and character of existing development.
- Limit development according to the adequacy of the existing and assured street circulation system within the surrounding areas.
- Require that grading be minimized to reduce the effects on environmentally sensitive areas.
- Preserved, enhanced and restore natural land forms.

The proposed Baseline Hillside Ordinance is intended to prevent out-of-scale development while balancing individual needs and property rights. While the proposed Ordinance will not solve the problems in every hillside neighborhood, it is intended to a one-size-fits-most solution that provides real protection for approximately 130,000 single-family properties. For those neighborhoods that feel the baseline regulations are either too restrictive or permissive for their community, the "HS" Hillside Standards Overlay District will provide a process for establishing their own limits; thereby honoring the City's baseline approach to addressing "mansionization".

FINDINGS

General Plan/Charter Findings

1. General Plan Findings

In accordance with **Charter Section 556**, the proposed code amendments are in substantial conformance with the purposes, intent, and provisions of the General Plan in that they establish regulations that would reduce the development potential of single-family residential structures, in terms of size, mass, and land alteration on single-family zoned lots located in Hillside Areas.

The proposed code amendments are consistent with, and help to further accomplish 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:

Goal 3B Preservation of the City's stable single-family residential neighborhoods.

Objective 3.5 Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.

Policy 3.5.2 Require that new development in single-family neighborhoods maintains its predominant and distinguishing characteristics such as property setbacks and building scale.

Policy 3.5.4 Require new development in special use neighborhoods such as water-oriented, rural/agricultural, and equestrian communities to maintain their predominant and distinguishing characteristics.

Objective 5.5 Enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

In order to preserve and maintain the scale of existing single-family neighborhoods and ensure that future development is more compatible, the proposed Residential Floor Area reduction is necessary. The proposal establishes a reduced sliding Residential Floor Area scale based on zone, lot size and slope, creating a tailored Residential Floor Area that takes into account the terrain conditions of each hillside lot. The proposed Residential Floor Area calculation takes into consideration the varying topography and lot sizes within each zone in order to achieve compatibility and reflect the scale and identity of both the zone classification and existing hillside development. The proposed Residential Floor Area calculation also coincides with the methodology and base Residential Floor Areas put forth in the recently adopted Baseline Mansionization Ordinance (BMO).

The proposed code amendment promotes development that will further limit the intensity of development in hillside areas through reduced Residential Floor Areas, massing and articulation, additional new height requirements, and new grading limits while providing the allowable density. For example, building a 3:1 Floor Area Ratio residential box-like structure which could potentially be larger in area than the lot that it sits on will no longer be permitted due to the code amendment's reduced Residential Floor Area requirement which will not

only provide a smaller building envelope but promote compatibility with existing hillside neighborhood character, identity and scale.

2. Community Plans.

The Code Amendment will promote the objectives, polices and goals of the various Community Plans that contain Hillside Area by continuing to protect the character of the existing single-family neighborhood. By instituting more restrictive development regulations, the proposed provisions require new development to be compatible with the existing site conditions and overall neighborhood character, while at the same time providing some environmental benefits. As new houses are developed in conformance with the proposed regulations, and are built with more appropriate floor area, new grading limitations and a new way to calculate height which encourages terracing rather than tall boxy structures, impacts related to grading, aesthetics and the natural landscape and vegetation could be lessened.

The City of Los Angeles General Plan Land Use Element is subdivided into 35 community plans. The proposed Ordinance helps to accomplish the following objectives, and policies of various Community Plans which appeared consistently throughout the Community Plans that contain hillside areas:

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

Policy 1-5.3 Consider the steepness of the topography and suitability of the geology in any proposal for development within the Plan Area.

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

Policy 1-5.1 Limit development according to the adequacy of the existing and assured street circulation system within the Plan Area and surrounding areas.

Policy 1-5.2 Ensure the availability of paved streets, adequate sewers, drainage facilities, fire protection services and facilities, and other emergency services and public utilities to support development in hillside areas.

Objective 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population and land uses.

Policy 9-1.1 Promote land use policies that enhance accessibility for firefighting equipment and are compatible with effective levels of service.

Objective 1-6 To limit residential density and minimize grading in hillside areas.

Policy 1-6.3 Require that grading be minimized to reduce the effects on environmentally sensitive areas.

Objective 1-6 To limit the intensity and density in hillside areas to that which can reasonably be accommodated by infrastructure and natural topography.

Policy 1-6.6 The scenic value of natural land forms should be preserved, enhanced and restored. Wherever feasible, development should be integrated with and be visually subordinate to natural features and terrain. Structures should be located to minimize intrusion into scenic open spaces by being clustered near other natural and manmade features such as tree masses, rock outcrops and existing structures.

Objective 1-3 Preserve and enhance the character and integrity of existing single and multifamily neighborhoods.

Policy 1-3.3 Preserve existing views in hillside areas.

The current FAR of 3:1 allows large, box-like structures that compromise the character of established neighborhoods. In order to address this problem the proposed Baseline Hillside Ordinance changes the FAR so it is based on zone, lot size, and steepness of slopes on a hillside property, rather than lot size alone. This approach takes into account that there are many differences in hillside lots, and that the Code needs to consider the varying hillside conditions when determining Residential Floor Area limits. In addition, in order to better implement the goals and objectives of the General Plan, the Zoning Code assigns a certain scale/character to each zone through setbacks and height regulations for instance. The Slope Band method proposes adding another component to each zone through the RFA calculation. When the appropriate zone is applied to a specific property, the resulting Slope Band RFA would be consistent with the intended scale of that community.

The citywide FAR reduction is necessary in order to preserve and maintain the scale of existing single-family neighborhoods and ensure that future development is more compatible. The proposed Ordinance includes 20% or 30% Residential Floor Area bonuses that incentivize better design, as in the BMO, with additional options related to grading practices intended to minimally disturb the natural topography or to further reducing the quantities of grading. A lot that is considered “flat” (entirely made up of 0% to 15% slopes) would essentially be treated the same as it would in the BMO, in terms of the amount of development. In addition, the proposal includes a provision for to permit additions of less than 500 square feet to existing structures without discretionary action in order to reduce the possibility for discretionary actions for small additions.

Furthermore, the code amendment addresses the issue of building mass from the public right-of-way and neighboring properties and discourages large and tall box-like structures, which the community has specifically identified as a problem. The proposed ordinance includes the BMO height provision that ties the maximum height of a building to the slope of the roof but also introduces a new way to calculate height which follows the slope of the lot. As currently proposed, when a building or structure has a sloped roof (25% slope or greater) the current height limits apply: 33 feet for the R1, RS, and RE9 zones, and 36 feet for the RE11, RE15, RS, RE20, and RE40 zones. However, when a structure has a flat roof (less than 25% slope) the maximum height is lower: 28 feet for the R1, RS, and RE9 zones, and 30 feet for the RE11, RE15, RS, RE20, and RE40 zones. In addition, depending on the zone and height district a unique envelope height limit is applied, which encourages the terracing of structures up and down a hillside. Thus, with a varied roofline, structures would allow more light and air to reach neighboring properties, add visual interest, and enhance transitions between properties. The proposed provisions help to ensure that the mass of buildings is broken up, and that box-like structures have a lower height thereby further reducing the “looming” factor which has been brought up by the public on several occasions.

The current Floor Area definition, which currently applies to single-family zoned lots in the Hillside Area, is inadequate because it is geared to commercial and industrial structures and does not include portions of a building that add significantly to the mass and bulk of residential structures. The BMO created a new Residential Floor Area definition as a method of calculating floor area specifically crafted for residential development. With the amendments to the existing definition to accommodate hillside conditions, the revised definition will continue to effectively address the portions of a building or structure that add to the mass and bulk of homes and are currently excluded from the calculation of maximum square footage of development on a lot for both the "flats" and the Hillside Area. Furthermore, the proposal includes a provision to encourage outdoor space that is located within the structure, but not fully enclosed in lieu of grading a flat pad for a backyard.

Currently, there are no limits to the quantity of grading or to the amount of earth one can import to or export from a property, resulting in major alterations of the City's natural terrain, the loss of natural on-site drainage courses, increased drainage impacts to the community, off-site impacts, and increased loads on under-improved hillside streets during construction. In order to address these issues, while still allowing for reasonable construction and grading activity, the Baseline Hillside Ordinance proposes to link the amount of grading allowed on a property to the size of the lot, and restrict the volume of earth allowed to be imported and exported from a property. The proposed regulations are based on a new limit which utilizes a base quantity of grading plus a percentage of the lot size, with an absolute maximum that varies per zone. Projects which involve more than the limits can be approved through a discretionary review process, but would be subject to findings, environmental review and conditions of approval. The proposed Ordinance also ensures that any grading over the limits will be done using landform grading methods which are meant to mimic existing terrain.

Similar to the BMO's Residential Floor Area District, the Baseline Hillside Ordinance establishes a Hillside Standards Overlay that would allow individual neighborhoods that have determined they have unique characteristics to tailor the size limits as well as the other regulations covered by this Ordinance in order to preserve the existing character. This provision puts the power to determine the scale of existing neighborhoods directly into the community's hands and will no longer be established in a piecemeal, project-by-project manner as is currently the case.

Lastly, the proposed Ordinance will also consolidate as many of the various provisions in the Zoning Code pertaining to hillside development into one centralized location. In order to make all single-family hillside regulations more accessible and easier to understand, staff is attempting to make minor revisions to format and clarification of existing language. This new section will organize the provisions by topic, utilizing tables, charts and graphics wherever possible. It is important to note that these other provisions being migrated to this new location are not intended to result in policy changes.

2. In accordance with **Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice because the proposed measures are needed to regulate single-family residential development in the Hillside Area in order to avoid the further degrading effects of out-of-scale development in the various hillside neighborhoods throughout the City of Los Angeles as a result of the current FAR of 3:1, restrictive height limits and the lack of grading limits.

a) Reduction of Existing FAR for Single-Family Zones and 20% RFA Bonus

Baseline FAR Reduction

The current FAR of 3:1 for single-family residential zones is extremely permissive and has resulted in the construction of large structures that are incompatible with the existing surrounding neighborhoods. The proposed reduction in FAR is necessary in order to directly address the issue of house size, prevent the worst case scenarios, establish a new base from which to work for future code amendments and/or overlays dealing with mansionization, and for the protection of neighborhood character.

In order to calculate the maximum Residential Floor Area permitted, a site survey showing two-foot contours must be prepared by a licensed surveyor. The survey shall identify the total area of the lot, in square feet, according to the following slope intervals:

1. Slope less than 15 percent;
2. Slope at least 15 percent, but less than 30 percent;
3. Slope at least 30 percent, but less than 45 percent;
4. Slope at least 45 percent, but less than 60 percent;
5. Slope at least 60 percent, but less than 100 percent;
6. Slope greater than 100 percent.

The maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by multiplying the portion of the lot in each slope interval by the corresponding FAR for the slope band to obtain the RFA for the slope band, then adding all RFA values together to reach the total RFA.

The proposed Slope Band FAR Method addresses the need to consider the topography of a property when determining the amount of development that can occur on a property, and takes into account the fact that every hillside lot is different.

Another reason for the proliferation of out-of-scale structure is the use of Buildable Area to determine maximum development potential on a single-family zoned lot. As is the case for the BMO, the proposed Ordinance utilizes the lot area as a base from which FAR is determined, rather than the Buildable Area currently used in the Municipal Code. By tying development potential directly to lot size and to individual zones, the ratio of house size to lot size is maintained proportionally across different lot sizes within each zone, and the development standards for each of the eight zones are further distinguished.

New Floor Area Ratios for Each Single-Family Zone

There are eight distinct single-family zones affected by the proposed ordinance. The proposed solution reflects the differences in the eight zone designations and establishes a base floor area ratio for each zone, based on lot size. As a direct result, two-story structures will automatically have larger setbacks than single-story structures of the same floor area.

The starting point for each zone in the proposal is the base FAR established in the BMO. Then, as the topography gets steeper, a FAR value that decreases applies. The new base Floor Area Ratios for the portions of the lot with slope less than 15% range from 0.25:1 on RA lots to 0.5:1 on R1 lots and decrease to 0:1 for those portions with slope greater than 100%.

20% or 30% RFA Bonus

The code amendment proposes eight Residential Floor Area Bonus Options, which aim to enhance the articulation of the structure and reduce the environmental and physical impacts on the land itself. The purpose of the Bonuses is to incentivize quality design in

single-family development. A 20% bonus can be applied when relying on the calculated Slope Band method to determine the RFA and the 30% bonus can be used when utilizing the guaranteed minimum RFA. The Bonuses include:

1) Proportional Stories Option
2) Front Facade Stepback Option
3) Cumulative Side Yard Setback Option
4) 18-Foot Envelope Height Option
5) Multiple Structures Option
6) Minimal Grading Option
7) Green Building Option 1
8) Green Building Option 2

Several of the bonus options are directed to lots that are more sloped (i.e. more than 30% grade) whereas some are focused on lots that are generally flat (i.e. less than 15% grade). The Proportional Stories, Front Façade Stepback and Green Building Options were established under the Baseline Mansionization Ordinance, but have been modified or expanded in this code amendment to directly relate to hillside development. In addition, there is an option that directly relate to grading for structures that will incentivize minimal footprints or excavation of the hillside. These options will also help improve public safety as it relates to hauling earth on the local streets to and from the site.

Addition to Existing Structures
A provision has been added by which existing structures are permitted an addition to existing structures of no more than 500 square feet (cumulatively), regardless of its conformance to the proposed Residential Floor Area limits. Accordingly, the Zoning Administrator authority was also increased from 750 square feet to 1,000 square feet.

b) Amend Height Limits for Single-Family Zones in the Hillside Area

Currently, flat and sloped roofs have the same height limits. Even with the decreases in the allowable FAR and the use of the design alternatives which make up the 20% or 30% Residential Floor Area Bonus, there may still be concern about visual bulk as seen from the street. The BMO reduced this effect by changing the height provisions and tying the maximum height of a building to the slope of a roof.

The proposed Baseline Hillside Ordinance will carry forward the same provisions, but will adapt the measurement of these heights to address hillside conditions by including a new method of measuring height, the Envelope Height. The new Envelope height would be the vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. The proposed regulations utilize a new method of calculating height which would follow the slope of a lot and encourages the terracing of structures up and down a slope, which helps to visually break up mass, and discourages large and tall box-like structures.

c) Amend the Single-Family Residential Floor Area Definition

Single-Family Residential Floor Area
The existing Floor Area definition does not differentiate between the various building types and zones, and is applied to all development in the same manner, unless otherwise stated. This means that the floor area of a single-family home is calculated in the same manner as a commercial shopping center or an industrial park, yet the structures are very different. The existing Floor Area definition also excludes areas such

as garage space, atriums, and stairwells that contribute significantly to the mass and scale of residential structures.

The Baseline Mansionization Ordinance established a new Residential Floor Area definition as a method of calculating floor area specifically crafted for residential development. The definition is balanced to include most portions of a building or structure that add to the mass and bulk of homes and are currently excluded from the calculation of maximum square footage of development on a lot.

However, the Baseline Hillside Ordinance is proposing to amend the Residential Floor Area definition, by adding language specific to hillside development. The desired objective is to maintain a uniform definition for all development within the Single-Family Zones. The proposal changes the method to exempt covered parking so it is based on a ratio of required covered parking, includes provisions to increase the square footage for covered porches, patios or breezeways, to exempt porches on downhill lots enclosed by retaining walls, allows rooms with ceilings taller than 14 feet to be exempted so long as the exterior wall is only 14 feet and exempts basements as BMO did, but accounts for the varied topography in the hillside areas so now not all of the basement walls need to exceed 2 feet in height above the finished or natural grade. These changes make the Residential Floor Area definition more relevant to the hillside topography and address the concerns of the public.

d) Establish New Grading Limits for Single-Family Zones in the Hillside Area

Currently, there are no limits to the quantity of grading or to the amount of earth one can import or export from a property, resulting in major alterations of the City's natural terrain, the loss of natural on-site drainage courses, increased drainage impacts to the community, off-site impacts, and increased loads on under-improved hillside streets during construction. In order to address these issues, while still allowing for reasonable construction and grading activity, the Baseline Hillside Ordinance proposes to link the amount of grading allowed on a property to the size and zone of the lot, and restrict the volume of earth allowed to be imported and exported from a property.

The total quantities of grading, both Cut and Fill would be limited to a maximum of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards, up to a maximum amount that corresponds to each zone. The proposal was included to address the concern raised by community stakeholders that current grading practices were contributing to slope instability and the deterioration of the City's hillsides.

In addition, for any grading over the limits would require a discretionary action and the Zoning Administrator would require the grading to be done in conformance with the Planning Guidelines Landform Grading Manuel. The purpose of this requirement is to better reflect the original landform and result in minimum disturbance to natural terrain. Notching into hillsides would be encouraged so that projects are built into natural terrain as much as possible. This requirement was imposed in order to address the potential adverse environmental impacts on the natural terrain.

Furthermore, the new ordinance amends what grading activities are included in the Import/Export limits in order to have structures to be tucked into the hillside. The previous proposal did not exempt any grading activity from the limits on Import/Export, which inadvertently encouraged the structure to skirt the hillside to avoid exporting or importing any earth. However, the current proposal will not count exempted grading (i.e. earth under the structure, driveway or 500 cubic yards for required parking) that is imported or exported towards the Import/Export limits.

e) Consolidation of Single-Family Residential Hillside Code Provisions.

The proposed Ordinance will also consolidate as many of the various provisions in the Zoning Code pertaining to hillside development into one centralized location. In order to make all single-family hillside regulations more accessible and easier to understand, the proposed amendments will make minor revisions to format and clarification of existing language. This new section will organize the provisions by topic, utilizing tables, charts and graphics wherever possible. It is important to note that these other provisions being migrated to this new location are not intended to result in policy changes.

f) Amending the Zoning Administrator's Authority to Include Adjustments to Single-Family Residential Floor Area, Height and Grading Limits

Residential Floor Area

The proposed Code Amendment would clarify that the Zoning Administrator can grant adjustments to the Single-Family Residential Floor Area in the Hillside Area. While the proposed provisions already allow for two primary ways for a property owner to increase the amount of habitable square-footage: the 20% or 30% RFA Bonus and the by-right 500 square-foot additions to structures existing prior to the effective date of the ordinance.

The Zoning Administrator will continue to have the authority to grant an Adjustment of no more than 10% to the maximum Residential Floor Area limits for a property; any increase larger than 10% would require a Variance.

The Zoning Administrator would have the authority to approve any additions made after August 1, 2010 to a one-family dwelling existing prior to that date which exceed the proposed maximum Residential Floor Area limits. The proposed Ordinance will carry over the existing provision which allows for additions to existing structures of no more than 1,000 square feet, but will make it a discretionary action when the addition exceeds the "by-right" 500 square feet addition. These additions would be required to maintain the height of the existing structure or comply with the proposed height limits, whichever is greater.

Height

Currently the Zoning Administrator has the authority to grant adjustments of height up to a 20% increase based on the current method of measuring height, which measures from the highest point of the roof structure to the lowest point of the structure within five feet from the structure. The new proposal would continue to permit the Zoning Administrator to have the authority to allow buildings or structures to exceed the maximum height requirements, except that it would apply to Envelope Height. However, the increase in height may not result in a building or structure which exceeds an overall height of 45 feet (measured from the lowest and highest points of a structure); any increase greater than that would require a Variance. In addition, the Zoning Administrator must make the finding that the increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the area vicinity.

Grading

Because there are no grading limits in the current code, the Zoning Administrator has not had authority to grant deviations from grading limits. This proposal gives the Zoning Administrator the authority to grant limited deviations from the grading requirements such as granting the true value of the grading maximum (i.e. grading in excess of the established limits for each zone, if the quantity does not exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards) or deviations in the amount of import and export. The proposal includes additional findings to protect the natural terrain.

Although the measures in this ordinance are not tailored to any specific neighborhood and are instead a citywide approach, they are needed to avoid the continuing negative impacts upon established hillside neighborhoods around the City created by the current development standards.

The proposed code amendments substantially advance a legitimate public interest in that they would further protect single-family residential neighborhoods from economic forces, such as periodic real estate market "booms", which often leads to structures that are built-out to the maximum size allowed in the LAMC. Good zoning practice requires new hillside development standards for single-family residential zones as the housing stock is updated and replaced. This proposed ordinance accomplishes this requirement.

The proposed code amendments are not arbitrary as Department staff has thoroughly analyzed various approaches and best practices, as well as public input/testimony, and determined that the proposed amendments are the simplest and most direct way of dealing with the issue of out-of-scale single-family development in the City's Hillside Areas in a way that is both equitable and meaningful. There is a reasonable relationship between a legitimate public purpose which is maintaining existing single-family residential neighborhood character and the means to effectuate that purpose. Delaying the implementation of these code amendments could result in the continuation of over-sized development of single-family residential hillside neighborhoods which is inconsistent with the objectives of the General Plan and would create an irreversible negative impact on the quality of life in the communities within the City of Los Angeles.

3. In accordance with **Charter Sections Charter 559**, and in order to insure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by the Department of Building and Safety and/or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

4. **California Environmental Quality Act (CEQA).** The Department of City Planning on Friday, March 12, 2010, determined that the proposed code amendments would not have a significant impact on the environment. A Negative Declaration (ENV-2010-582-ND, Exhibit B) was prepared for the ordinance after a review of the proposed ordinance for any potential impacts on the physical environment.

   On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a negative effect on the environment. The attached Negative Declaration was published in the *Los Angeles Times* on Thursday, March 18, 2010, and reflects the lead agency's independent judgment and analysis. The records upon which this decision is

based are located at the Community Planning Bureau of the Planning Department in Room 621, 200 North Spring Street.

Based upon the above findings, the proposed code amendment is deemed consistent with public necessity, convenience, general welfare, and good zoning practice.

PUBLIC HEARINGS AND COMMUNICATIONS

Per Section 12.32 E of the Los Angeles Municipal Code, Code Amendments do not require any public notice or a Public Hearing. A project such as this one would normally go straight to the City Planning Commission and then to the City Council. In the hopes of gathering a bigger and more varied source of input, the Department decided to go above and beyond the legal requirements and standard practices for the proposed Baseline Hillside Ordinance. The Department has done its best to be as open and transparent as possible with the available resources.

Several courtesy public meetings were held throughout the City of Los Angeles; five Kick-Off Meetings in February 2009 to obtain early input to develop a preliminary proposal, and six Public Workshops this February to obtain input on the preliminary proposal. The materials and presentations for both of those sets of meetings and workshops were distributed and made available to the general public. Each phase of the outreach efforts included extended comment periods to allow those individuals who could not attend to provide their input. Most recently, the Department conducted two separate open house/public hearings for this project. Although not required, a courtesy notice was published in the Daily Journal for the Public Workshops and Public Hearings.

Local newspapers, various neighborhood newsletters, and online blogs have written articles or opinion pieces regarding the proposed Baseline Hillside Ordinance. In 2008, the *Los Angeles Times* published a rather lengthy and in-depth article regarding the Baseline Mansionization Ordinance that also clearly stated that a hillside version was in the works, and an article was featured in *The Economist* discussing the City of Los Angeles' efforts to address the issue of mansionization.

Project staff has taken every measure possible to make themselves available to the public at each step, and have had conversations with hundreds of individuals over the last two years explaining the hillside concepts/provisions and going over their specific concerns. A public interest list was created and maintained for this project that has grown to over 700 email addresses (and still growing) which contains individual property owners, architects, engineers, developers, Neighborhood Councils, and Homeowners Associations, as well as professional organizations such as the Los Angeles Chapter and San Fernando Valley Chapter of the American Institute of Architects, the Los Angeles/Ventura Chapter of the Building Industry Association, the Consulting Structural Engineers Society, the Beverly Hills/Greater Los Angeles Association of Realtors. Each of these various organizations have distributed information to their membership as it became available.

The interest list will remain open until the completion of this project. Anyone who wants to obtain updates directly from the Department can email erick.lopez@lacity.org. Please type "Add Me To Hillside Notification List" in the subject line and provide contact information (or at least a ZIP Code) and, if applicable, group/organization/company affiliations.

Official documents for the proposed Baseline Hillside Ordinance have been available for download in our Department's website in Proposed Ordinances section; this is the place to go if anyone wants to know what changes to the Code are in the works. A facebook page was also created for the project (http://www.facebook.com/profile.php?id=733795140#!/pages/Baseline-Hillside-Ordinance/287956893816) where staff posts status updates and inform subscribers where to find important documents as they became available. Currently over 125 individuals have signed up to the Facebook page.

Finally, the Baseline Hillside Ordinance has been a topic of discussion during the adoption process for both the Baseline Mansionization Ordinance and the Hillside Area Amendment Ordinance, as well as both Brentwood Park Zone Changes, the Northeast Los Angeles Hillside Ordinance, and The Oaks Hillside Ordinance. Each of these included several public meetings/hearings as well.

Public Outreach

Below is a summary of the Department's public outreach efforts:

Hillside Kick-Off Meetings

In February 2009 the Department of City Planning conducted five Hillside Kick-Off Meetings throughout the City of Los Angeles in order to hear public comments, and discuss issues related to development in hillside neighborhoods.

Harbor Area Meeting
Tuesday, February 17, 2009
Peck Park Gymnasium
560 N. Western Ave.
San Pedro, CA 90732

Westside Meeting
Thursday, February 19, 2009
Henry Medina Parking Enforcement Facility
11214 W. Exposition Blvd., 2nd Floor
Los Angeles, CA 90064

South Valley Meeting
Monday, February 23, 2009
Marvin Braude Building
6262 Van Nuys Blvd., Room 1A
Van Nuys, CA 91401

North Valley Meeting
Tuesday, February 24, 2009
Council District Two Field Office
7747 Foothill Blvd.
Tujunga, CA 91042

Metro/Eastside Meeting
Thursday, February 26, 2009
City Hall, Room 1010
200 N. Spring St.
Los Angeles CA 90012

The intent was to obtain early public input in order to help staff identify concerns, and influence the scope of the proposed Baseline Hillside Ordinance. Department staff compiled a list of comments and concerns received from the public prior to the meetings and presented them to those in attendance. As part of a prioritization exercise, each person was given a limited number of stickers to add next to each comment under a "agree" or "disagree" comment. Staff also wrote down any new comments given each of the meetings that were not already presented.

The results of these meetings were then put together into a document which was released to the public during the extended comment period for those individuals who could not attend. Similarly, the comments received during the comment period were compiled and released to the public.

These efforts ultimately resulted in a set of goals and objective for the development of the proposed Code Amendments.

Public Workshops

A preliminary proposal was drafted in response to the principal concerns heard at the Kick-Off Meetings, and in February 2010 the Department of City Planning conducted six Public

Workshops throughout the City of Los Angeles in order to hear public comments and suggestions for changes to the preliminary proposals.

South Valley Meeting
Wednesday, February 17, 2010
Braemar Country Club, Sierra Room
4001 Reseda Blvd.
Tarzana, CA 91356San Pedro, CA 90732

North Valley Meeting
Tuesday, February 23, 2010
Council District Two Field Office
7747 Foothill Blvd.
Tujunga, CA 91042

Westside Meeting:
Thursday, February 18, 2010
Mirman School, Ross Family Auditorium
16180 Mulholland Drive
Los Angeles, CA 90049

Harbor Area Meeting
Wednesday, February 24, 2010
Peck Park Gymnasium
560 N. Western Ave.
San Pedro, CA 90732

Hollywood Meeting
Monday, February 22, 2010
Hollywood United Methodist Church
6817 Franklin Avenue
Los Angeles, CA 90028

Metro/Eastside Meeting
Thursday, February 25, 2010
Council District 13 Field Office
3750 Verdugo Road
Los Angeles, CA 90065

The intent was to obtain public input in order to introduce the public to the concepts being explored by staff, as well as hear public comments on, and suggestions for changes to the preliminary proposals. Prior to the meetings, Department staff developed summaries of each concept and released them to the public. A comprehensive presentation was given at each meeting which provided more details. In order to ensure a collaborative environment, questions and comments were accepted during these presentations resulting in a very constructive public discussion.

The majority of those who attended indicated a general agreement with the concepts of the preliminary proposal. There were those who agreed with the concepts, but wanted to wait until proposed code language was released before they gave their support. A majority of those who expressed concerns regarding the proposals seemed to agree with the idea that the current hillside regulations needed to be revised, but disagreed with the approach of the preliminary proposals; some gave specific suggestions for changes. Very few of those who attended believed that the current regulations did not need to be revised and should be left alone. Staff incorporated as many of the actionable suggestions for changes as possible, but there were some that were inconsistent with the goals and objects for, and beyond the scope of the project.

The handouts and presentation for the workshops were distributed and made available to the general public, and an extended comment period was also provided to allow those individuals who could not attend to provide their input.

Public Hearings

In the first week of April 2010, the Department of City Planning conducted two Public Hearings preceded by an Open House/Questions & Answer Session.

Monday, April 5, 2010
Marvin Braude Building
6262 Van Nuys Blvd., Room 1A and 1B
Van Nuys, CA 91401
Open House: 5:00 – 6:00 PM
Public Hearing: 6:30 – 8:00 PM

Thursday, April 8, 2010
Hollywood United Methodist Church
6817 Franklin Avenue
Los Angeles, CA 90028
Open House: 5:00 – 6:00 PM
Public Hearing: 6:30 – 8:00 PM

City Planning Commission

On April 22, 2010, staff presented the Baseline Hillside Ordinance to the City Planning Commission. Approximately 35 members of the public gave public comment in support, opposition or provided suggestions on how to improve the proposal. After the public testimony, City Planning Commission deliberated, questioned staff and requested that staff consider the following:

1. Comparison Study of Hillside Regulations for Other Jurisdictions
2. Department of Building & Safety Comments
3. Method for Guaranteed Minimum & Substandard Lots to Obtain More Residential Floor Area
4. Additions to Existing Structures
5. Flat Roofs vs. Sloped Roofs
6. Ridgeline Protection as Separate Action
7. Retaining Walls as Separate Action
8. User-Friendly Single-Family Zone Regulations Document

On May 13, 2010, staff requested a continuance for the City Planning Commission meeting until May 27, 2010 in order to address the above concerns sufficiently.

Beverly Hills/Greater Los Angeles Association of Realtors

Subsequent to the April 22, 2010 City Planning Commission meeting, staff presented at a Beverly Hills/Greater Los Angeles Association of Realtors meeting on April 28, 2010. Staff conducted a question and answer period for the Association.

EXHIBIT A

REVISED PROPOSED ORDINANCE PROVISIONS

The following language is intended to be a depiction of the proposed Code provisions that may comprise the Baseline Hillside Ordinance. These provisions attempt to consolidate as many relevant Zoning Code provisions related to single-family hillside development as possible into one simplified Code section. The final Baseline Hillside Ordinance, containing legal description of the proposed Code Amendments, will be prepared at a later date by the City Attorney's Office with the assistance of Department of City Planning staff.

LEGEND:

Language that has been changed from the April 22, 2010 Staff Report version is highlighted in yellow (when viewed or printed in color); example: revised text.

Language being migrated to the new consolidated location is generally indicated by a Code Section in brackets that is highlighted in green (when viewed or printed in color); example: [12.21 A.17].

In general, except for the Hillside Area Development Standards section, new language is indicated by underlined text ("text") and proposed language removal is indicated by strikeout text ("~~text~~").

Language in blue (when viewed or printed in color) generally indicates references to other provisions of the Municipal Code or other relevant regulations or policies.

Since the location of the Baseline Hillside Ordinance has not yet been determined the current proposal uses "<<BHO>>" in lieu of the final Section number.

DEFINITIONS (12.03)

COMPACTION. The densification of a fill by mechanical means.

CUT. A portion of land surface or areas from which earth has been removed or will be removed by excavation; the depth below the original ground surface or excavating surface. Also referred to as *EXCAVATION* in Division 70 of Chapter IX of this Code.

ELEVATION. Vertical distance in feet above sea level.

FILL. The depositing of soil, rock or other earth materials by artificial means.

FLOOR AREA. The area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas.

Buildings on properties zoned RA, RE, RS, and R1, not including properties in the Coastal Zone which are not designated as Hillside Area, are subject to the definition of Residential Floor Area. [12.03]

FLOOR AREA, RESIDENTIAL. The area in square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the floor area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.** The ~~first 400 square feet of covered parking area. For properties in the Hillside Area,~~ the total area of 200 square feet per required covered parking area.

2. **Detached Accessory Buildings.** Detached accessory buildings not exceeding 200 square feet; however, the total combined area exempted of all these accessory buildings on a lot shall not exceed 400 square feet.

3. **Covered Porches, Patios, and Breezeways.**
   For lots not located in the Hillside Area or Coastal Zone, the first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.

   For lots located in the Hillside Area ~~Except that in the Hillside Area~~, the exempted area shall be limited to 5% of the maximum Residential Floor Area for a lot, but need not be less than 250 square feet, and:

   a. ~~For Downhill Lots,~~ Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.

   b. ~~For Downhill Lots,~~ Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the street level to a dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned ~~250 square-foot~~ exemption.

4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.

5. **Over-In-Height Ceilings.**
   The first 100 square feet of any story or portion of a story of the main building on a lot with a ceiling height greater than 14 feet shall be counted only once. Except that in the Hillside Area, for a room or portion of a room which has a floor height below the exterior grade (or "sunken rooms"), when the ceiling height as measured from the exterior natural or finished grade, whichever is lower, is not greater than 14 feet it shall only be counted once.

6. **Basements.**
   For lots not located in the Hillside Area or Coastal Zone, a Basement when the elevation of the upper surface of the floor or roof above the basement does not exceed 2 feet in height at any point above the finished or natural grade, whichever is lower.

   For lots located in the Hillside Area, a Basement when the elevation of the upper surface of the floor or roof above the basement does not exceed 3 feet in height at any point above the finished or natural grade, whichever is lower, for at least 60% of the perimeter length of the exterior basement walls. [12.03]

For all lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the basement and no wider than 6 feet shall not disqualify said basement from this exemption.

FLOOR AREA RATIO (FAR). A ratio establishing relationship between a property and the amount of development permitted for that property, and is expressed as a percentage or a ratio of the Buildable Area or Lot Size (example: "3 times the Buildable Area" or "3:1"). ~~In the R1, RS, RE, and RA Zones not located in a Coastal Zone, the FAR is a percentage of the lot size. For all other Zones, unless otherwise specified, the FAR is a ratio based on the Buildable Area for a lot.~~

GRADE, HILLSIDE AREA. For the purpose of measuring height on an R1, RS, RE, or RA zoned lot in the Hillside Area, pursuant to <<BHO>> of this Article, Hillside Area Grade shall be defined as the elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective elevation of grade for purposes of measuring height of a building or structure. [12.21 A.17(c)(5)]

GRADING. Any cut or fill, or combination thereof, or recompaction of soil, rock or other earth materials.

GRADING, LANDFORM. A contour grading method which creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to simulate the appearance of surrounding natural terrain. The graded slopes are non-linear in plan view, have varying slope gradients, and significant transition zones between human-made and natural slopes resulting in pad configurations that are irregular. The concept of landform grading incorporates the created ravine and ridge shapes with protective drainage control systems and integrated landscaping designs.

GRADING, REMEDIAL. For the purposes of <<BHO>> of this Article, Remedial Grading shall mean grading recommended by a California Licensed Geologist prepared in accordance with the provisions in Sections 91.7006.2, 91.7006.3, and 91.7006.4 of Division 70 of Chapter IX of this Code, and approved by the Department of Building and Safety Grading Division, that is necessary to mitigate a geotechnical hazard on a site (including for access driveways), ~~such as~~ including, but not limited to: 1) repair of a landslide, 2) over-excavation of a building site to remediate expansive or compressible soils, and/or 3) altering a building pad to improve site stability (usually by removing materials and lowering finish grade).

LOT, DOWNHILL. A lot for which the Front Lot Line, or street from which serves as the primary vehicular access point for the required parking, is at a higher elevation than the Rear Lot Line.

LOT, UPHILL. A lot for which the Front Lot Line, or street from which serves as the primary vehicular access point for the required parking, is at a lower elevation than the Rear Lot Line.

ROOF, LATTICE. A roof covering constructed as an Open Egg-Crate Roof or Spaced Roof. An Open Egg-Crate roof is constructed of lattice members so that a sphere of 10 inches minimum in diameter can pass through. All lattice members must have a minimum nominal width of 2 inches. A Spaced Roof is constructed of members running in one direction only with a minimum clear spacing between the members of not less than 4 inches. In addition beams supporting and placed perpendicular to the members shall be spaced not less than 24 inches on center. All members or beams must have a minimum nominal width of 2 inches.

SLOPE. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

SLOPE BAND. The area of a property contained within a defined slope interval as identified in <<BHO>> of this Article and shown on a Slope Analysis Map prepared by a licensed surveyor based on a survey of the natural/existing topography. Slope bands need not necessarily be located in a contiguous manner and can be one or more areas as small or as large as they exist on said property.

SUBSTANDARD HILLSIDE LIMITED STREET. A street ~~which does not meet the minimum requirements of a Standard Hillside Limited Street as defined in Section 12.03~~ (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet, as determined by the Bureau of Engineering. [12.03]

HILLSIDE AREA DEVELOPMENT STANDARDS (LOCATION TBD)

Hillside Area Development Standards. For a lot located in a Hillside Area, no building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following development standards are provided and maintained in connection with the building, structure, or enlargement:

1. **Setback Requirements.** No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the setbacks as outlined in Table <<BHO>>-1 are provided and maintained in connection with the building, structure, or enlargement.

Table <<BHO>>-1
Single-Family Zone Hillside Area Setback Requirements

	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
Front Yard								
Not less than:	20% of Lot Depth							
Need not exceed:	20 ft	25 ft						
Side Yard								
Not less than:	5 ft		7ft		10% of lot width, but not less than 5 ft	10 ft		
Need not exceed:	n/a				10 ft	n/a		
The required side yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the lot is less than the following widths:	50 ft		70 ft		n/a			70 ft*
For buildings or structures with a height larger than 18 feet:	One additional foot shall be added to each required side yard for each increment of 10 feet or fraction thereof above the first 18 feet. [12.21 A.17(b)(2)]							

Table <<BHO>>-1 Single-Family Zone Hillside Area Setback Requirements								
	R1	**RS**	**RE9**	**RE11**	**RE15**	**RE20**	**RE40**	**RA**
Rear Yard								
Not less than:	15 ft	20 ft	25% of lot depth					
Need not exceed:	n/a		25 ft					

ft – feet
n/a – the provision is not applicable
Lot Depth – as defined in Section 12.03 of this Code
Lot Width – as defined in Section 12.03 of this Code

Notes:
* Only applicable for lots which are of record prior to July 1, 1966.

Notwithstanding the required yards, or setbacks, outlined in Table <<BHO>>-1 above, or those exceptions found in Section 12.22 of this Chapter, the following provisions shall apply:

a. **Prevailing Front Yard Setbacks.** Where all of the developed lots which have front yards that vary in depth by not more than 10 feet comprise 40% or more of the frontage, the minimum front yard depth shall be the average depth of the front yards of such lots. Where there are two or more possible combinations of developed lots comprising 40% or more of the frontage each of which has front yards that vary in depth by not more than 10 feet, the minimum front yard depth shall be the average depth of the front yards of that combination which has the shallowest average depth. In determining the required front yard, buildings located on key lots, entirely on the rear half of lots, or on lots in the "C" or "M" Zones, shall not be counted, provided, however, that nothing contained in this paragraph shall be deemed to require front yards which exceed 40 feet in depth.

b. **Front Yards on Lots Fronting on Substandard Hillside Limited Street.** For any lot that fronts on a Substandard Hillside Limited Street, there shall be a minimum front yard of at least five feet. ~~For lots having a zoning classification that contains a provision calling for observance of the prevailing setback,~~ The prevailing setback regulations, as outlined in Paragraph a of this Subdivision, shall apply, so long as a front yard of no less than five feet is provided. [12.21 A.17(a)(1)]

c. **Front Yard Setbacks on Key Lots.** On key lots the minimum front yard may be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of a reversed corner lot, but such minimum front yard may apply for a distance or not more than 85 feet from the rear lot line of the reversed corner lot, beyond which point the front yard specified in Table <<BHO>>-1 or Paragraph a of this Subdivision shall apply. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yard required by this Subdivision ~~Article~~, the yards established by such existing buildings may be used in computing the required front yard for a key lot.

d. **Front Yards on Through Lots.** At each end of a through lot there shall be a front yard of the depth required by this Subdivision ~~Subsection~~ for the zone in which each street frontage is located, except that only one front yard need be provided on those through

lots which abut on a primary, major or secondary highway, as such highways are shown on the "Highways and Freeways Element of the General Plan", when the rights to vehicular ingress and egress from such through lots to the highways have been abandoned or prohibited by a tract restriction as a condition precedent to the approval of the recordation of the subdivision in which such through lots are included. Where only one front yard is required on a through lot, as provided herein, the rear yard shall be located on the portion of such lot adjacent to the highway

Where a through lot is less than 150 feet in depth or is developed as a single building site, and the two required front yards are provided, no rear yard is required. [12.21 C.1(h)]

e. **Front Yard Paving.** All portions of the required front yard not used for necessary driveways and walkways, including decorative walkways, shall be used for planting, and shall not otherwise be paved. [12.21 C.1(g)]

f. **Front Yard on Lots Existing Prior to June 1, 1946.** On any lot of less than one acre which was of record or held in separate ownership on June 1, 1946, or was subsequently created either by the recording of a division of land map or otherwise in accordance with the applicable zoning regulations, the originally required front yard shall be provided and maintained on such a lot in addition to any new front yard required by any subsequent rearrangement of the lot lines by sale or division (without recording a subdivision map) creating a new lot fronting on a different street than that on which said original lot fronted. [12.21 C.1(e)]

g. **Side and Rear Yards for Basements.** In determining the required side and rear yards of a building, any basement containing habitable rooms shall be considered a story. [12.21 C.1(l)]

h. **Yards in the Coastal Zone.** The following setback requirements shall apply to lots located in a Coastal Zone:

(1) On a lot in the RE9 or RE11 Zone, there shall be a side yard on each side of a main building of not less than 5 feet, except that, where the lot is less than 50 feet in width, the side yard may be reduced to 10% of the width of the lot, but in no event less than 3 feet.

(2) In lieu of the additional side yard requirement in Table <<BHO>>-1, for a building more than two-stories in height on lots in the R1, RS, or RE Zone, one foot shall be added to the width of each required side yard for each additional story above the second story.

(3) On a lot in the RA Zone, where a side yard is less than 10 feet in width, and the building erected on the lot is three or more stories in height, one foot shall be added to such side yard.

i. **Side Yards in Specific Plans, Historic Preservation Overlay Zones or in Subdivision Approvals.** Side yard requirements in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over requirements in this Subsection. This Subsection shall apply in these areas, however, where there are no side yard

requirements provided in the specific plan, Historic Preservation Overlay Zone, or subdivision approval.

j. **~~Projections~~ Encroachments Into Required Yards.** Notwithstanding those exceptions found in Section 12.22 of this Chapter, every required front, side and rear yard shall be open and unobstructed from the ground to the sky except for the following: [12.21 C.1(g)]

(1) **Garages in Front Yards.** A private garage may be located on the required front yard of a lot ~~having a slope conforming to that specified in Section 12.22 C.6~~ where the elevation of the ground at a point 50 feet from the front lot line of a lot and midway between the side lot lines differs 10 feet or more from the curb level, provided every portion of the garage building is at least 5 feet from the front lot line. Where the wall of such garage is two-thirds below natural or finished grade of the lot, whichever is lower, said wall may extend to the adjacent side lot line; in all other cases, said garage shall not be nearer to the side lot line than the width of the side yard required for a main building of the same height. [12.21 C.5 (l)]

(2) **Open, Unenclosed Stairways, Porches, Platforms, Landing Places, or Balconies.** Notwithstanding any other provisions of this Code, on lots fronting onto a Substandard Hillside Limited Street, open unenclosed stairways, porches, platforms and landing places not covered by a roof or canopy shall not project or extend into the front yard. Balconies with 10 feet of vertical clearance beneath them may project or extend no more than 30 inches into a front yard. [12.21 A.17(a)(3)]

k. **Pools, Ponds, or Body of Water in Required Yards.** No swimming pool, fish pond or other body of water which is designed or used to contain water 18 inches or more in depth shall be permitted in any required yard space in which fences over 42 inches in height are prohibited, even though the pool, pond or body of water extends below the adjacent natural ground level. [12.21 C.1(g)]

l. **Zoning Administrator's Authority.** For lots fronting on a Substandard Hillside Limited Street, A Zoning Administrator may grant ~~limited deviations from the~~ a reduction of the front setback requirements of Paragraph b of this Subdivision and side yard requirements in Table <<BHO>>-1, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Article; however, in no event shall the side yard be less than 4 feet. [12.24 X.11(2)] [12.24 X.11(b)]

2. **Maximum Residential Floor Area.** The maximum Residential Floor Area contained in all buildings and accessory buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Floor Area Ratio (FAR) for the zone of the lot, as outlined in Table <<BHO>>-2. This formula can be found in Figure <<BHO>>-1, where "A" is the area of the lot within each slope band, "FAR" is the FAR of the corresponding slope band, "RFA" is the sum of the Residential Floor Area of each Slope Band.

Table <<BHO>>-2 Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	**R1**	**RS**	**RE9**	**RE11**	**RE15**	**RE20**	**RE40**	**RA**
0 – 14.99	0.50	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Figure <<BHO>>-1 Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	**Area (sq-ft)**		**FAR**		**Residential Floor Area**
0 – 14.99	A^1	X	FAR^1	=	RFA^1
15 – 29.99	A^2	X	FAR^2	=	RFA^2
30 – 44.99	A^3	X	FAR^3	=	RFA^3
45 – 59.99	A^4	X	FAR^4	=	RFA^4
60 – 99.99	A^5	X	FAR^5	=	RFA^5
100 +	A^6	X	FAR^6	=	RFA^6
	Maximum Residential Floor Area			=	Sum of RFA^1 through RFA^6

a. **Slope Analysis Map.** As part of an application for a permit to the Department of Building & Safety, or for a Discretionary Approval as defined in Section 16.05 B of this Code to the Department of City Planning the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a registered civil engineer or licensed land surveyor, to verify the total area (in square-feet) of the portions a property within each slope band identified in Table <<BHO>>-2 of this Subsection. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with ~~one~~ two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the slope analysis, and shall attest to the fact that the slope analysis has been accurately calculated.

The Slope Analysis Map shall clearly delineate/identify the slope bands~~, with~~ (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each slope band, as well as the FAR and Residential Floor Area value of each corresponding slope band.

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose ~~and approved for such use by the Department of Public Works, Bureau of Engineering~~.

~~The Slope Analysis Map shall be stamped and signed by a registered civil engineer or licensed land surveyor, indicating indicate the datum, source, and scale of topographic~~

~~data used in the slope analysis, and attesting to the fact that the slope analysis has been accurately calculated.~~

b. **Guaranteed Minimum Residential Floor Area.** Notwithstanding the above, ~~if a property meets the current minimum lot size requirements,~~ the maximum Residential Floor Area for all buildings and accessory buildings on any lot need not be less than the percentage of the Lot Size as outlined in Table <<BHO>>-3 below or 1,000 square feet, whichever is greater ~~1,250 square feet in the R1 Zone, 1,688 square feet in the RS Zone, 1,800 square feet in the RE9 Zone, 2,200 square feet in the RE11 Zone, 2,625 square feet in the RE15 Zone, 3,500 square feet in the RE20 Zone, 7,000 square feet in the RE40 Zone, and 2,188 square feet in the RA Zone~~.

Table <<BHO>>-3
Guaranteed Minimum Residential Floor Area

Zone	**Percentage of Lot Size**
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

For lots with an area that is less than 50% of the minimum lot size for its Zone, and which were made nonconforming in lot size as a result of an adopted zone change or code amendment changing the minimum lot size and met the minimum lot size requirements of the original zone, the guaranteed minimum for the original zone as stated in the paragraph above shall apply.

~~For all other lots which are nonconforming in lot size, the maximum Residential Floor Area for all buildings and accessory buildings need not be less than 750 square feet.~~

c. **Residential Floor Area Bonus.** An additional 20%, or 30% for lots where the Guaranteed Minimum outlined in Paragraph b of this Subdivision is necessary, of the maximum Residential Floor Area, as determined by Table <<BHO>>-2 or by Paragraph b of this Subdivision, for that lot shall be allowed if any of the options listed below is utilized. Only one ~~20%~~ bonus per property is allowed.

(1) **Proportional Stories Option.** The total residential floor area of each story other than the Base Floor in a multi-story building does not exceed 75% of the base floor area. This option shall only apply to flat building pads where the slope of the building pad area prior to any grading, as measured from the highest point of the existing grade within 5 horizontal feet of the exterior wall of the proposed building or structure to the lowest point of the existing grade within 5 horizontal feet, is less than 15%; or

(2) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of a garage facing the front lot line, equal to a minimum of 25% of the building width shall be stepped-back a distance of at least 20% of the building depth

from a plane parallel to the lot width established at the point of the building closest to the front lot line~~, as illustrated in Figure <<BHO>>-2~~. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used to establish the plane parallel to the front lot width~~, as illustrated in Figure <<BHO>>-3~~. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

This option shall only apply to structures which are no more than 35 feet from the frontage along an improved street and on a "flat" building pad where the slope of the building pad prior to any grading, as measured from the highest point of the existing grade within 5 horizontal feet of the exterior wall of the proposed building or structure to the lowest point of the existing natural grade within 5 horizontal feet, is less than 15%; or

(3) **Cumulative Side Yard Setbacks Option.** The combined width of side yards shall be ~~Side yard setbacks shall be cumulatively~~ at least 25% of the total Lot Width, as defined in Section 12.03, but in no event shall a single side yard setback be less than 10% of the Lot Width or the minimum required by Subdivision 1 of this Subsection, whichever is greater. One foot shall be added to each required side yard for each increment of 10 feet or fraction thereof of height above the first 18 feet of height. The width of a required side yard setback shall be maintained for the entire length of a side yard and cannot alternate from one side yard to the other; or

(4) **18-Foot Envelope Height Option.** For properties which are not in the "1SS" Single-Story Height District, the maximum envelope height, measured pursuant to Paragraph a of Subdivision 4 of this Subsection, shall be no more than 18 feet; or

(5) **Multiple Structures Option.** In addition to the lot coverage requirements in Subdivision 5 of this Subsection, any one building and structure extending more than 6 feet above ~~natural ground level~~ Hillside Area Grade shall cover no more than 20% of the area of a lot. For the purposes of this provision, these structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width; or

(6) **Minimal Grading Option.** For properties where at least 60% of the lot is comprised of slopes which are 30% or greater, as determined by a Slope Analysis Map prepared in accordance with Paragraph a of this Subdivision, the total amount of any grading on the site~~,~~ (including exempted grading, as outlined in Subdivision 6 of this Subsection)~~,~~ does not exceed the numeric value of 10% of the total lot size in cubic yards or 1,000 cubic yards, whichever is less (example: a project involving 500 cubic-yards of ~~non-exempt~~ grading on a 5,000 square-foot lot will eligible for this bonus option); or

~~(7) **Landform Grading Option.** For properties where at least 60% of the lot is comprised of slopes which are 30% or greater, as determined by the Slope Analysis Map, the total quantities of non-exempted grading, as outlined in Subdivision 6 of this Subsection, on the site does not exceed 1,000 cubic yards and landform grading, as outlined in the Department of City Planning – Planning Guidelines Landform Grading Manual, is used to reflect original landform and result in minimum disturbance to natural terrain; or~~

(7) **Green Building Option 1.** For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Silver" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of City Planning. In order to obtain this authorization, the applicant shall provide:

(i) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(ii) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Silver" or higher level;

(iii) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Silver" or higher level; and

(iv) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification at the "Silver" level. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of City Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification at the "Silver" level.

(8) **Green Building Option 2.** Project exceeds the energy efficiency performance of a home built to the Title-24 requirements by at least 15%. Projects can minimize the amount of energy used by installing energy-efficient systems, such as Energy Star

appliances, as well as by minimizing the amount of energy lost as a result of the building envelope.

All projects should have an Energy Usage Plan and should document in detail which features/measures will be implemented in order to limit energy usage. Energy Usage Plans should correspond to the requirements of Title-24.

e. **Zoning Administrator's Authority.**

(1) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of Paragraphs a and c of this Subdivision of not more than 10%, pursuant to the authority and procedures established in Subsection A of Section 12.28 of this Article.

(2) **Additions to Structures Existing Prior to August 1, 2010.** The Zoning Administrator has the authority to approve any additions made after August 1, 2010 to a one-family dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of Paragraphs a and c of this Subdivision, provided: [12.21 A.17(i)(3)]

(i) the total cumulative Residential Floor Area of all such additions does not exceed ~~750~~ 1,000 square feet ~~(excluded from calculations of this 750 square foot limitation is floor area devoted to required covered parking)~~; and [12.21 A.17(i)(3)(a)]

(ii) the resulting building does not exceed the height of the original building or the height permitted in Subdivision 4 of this Subsection, whichever is greater; and [12.21 A.17(i)(3)(b)]

(iii) at least two off-street covered parking spaces are provided. [12.21 A.17(i)(3)(c)]

3. **Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after August 1, 2010, or remodels of buildings built prior to August 1, 2010, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this Subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

4. **Height Limits.** No portion of a building or structure shall be erected or enlarged which exceeds the envelope height limits as outlined in Table <<BHO>>-4, or as otherwise stated in the

paragraphs below. For the provisions below, whenever grade is mentioned it shall mean Hillside Area Grade as defined in Section 12.03 of this Article.

Table <<BHO>>-4 Maximum Height of Structures (in feet)								
Height Districts	**R1**	**RS**	**RE9**	**RE11**	**RE15**	**RE20**	**RE40**	**RA**
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

a. **Measurement of Height.** Notwithstanding any other provision in this Code, the height limits outlined in Table <<BHO>>-4 shall be measured as outlined below.

(1) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or "plumb line" height) shall be the vertical distance from the grade of the site to an ~~imaginary~~ projected plane at the roof structure or parapet wall located directly above and parallel to the grade ~~as illustrated in Figure <<BHO>>-4 below~~. Measurement of the envelope height shall originate at the lowest grade within 5 horizontal feet of the exterior walls of a building or structure. At no point shall any given section of any part of the proposed building or structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, ~~along with~~ or any other information which the Department of Building and Safety deems necessary to determine compliance with this Subdivision.

b. **Zoning Administrator's Authority.** A Zoning Administrator may allow structures which exceed the maximum envelope height requirements of Paragraph a of this Subdivision; however, the increase in height ~~will~~ may not result in a building or structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Article. The overall height shall be measured from the lowest elevation point within 5 horizontal feet of the exterior walls of a building or structure, to the highest elevation point of the roof structure or parapet wall. [12.24 X.11(1)] [12.24 X.11(a)(1)]

c. **Prevailing Height.** Notwithstanding ~~Paragraph a~~ Table <<BHO>>-4 of this Subdivision, when 40% or more of the existing one-family dwellings with frontage on both sides of the block have building heights exceeding these limits, the maximum envelope height

for any building on that block may be the average height of the dwellings exceeding these limits. [12.21.1]

d. **Lots in a Single-Story Height District.** As enabled by Section 12.21.1 A. 1 of this Article, on lots in a **"SS" Single Story Height District**, shown as "1SS" on a Zoning Map, no building or structure shall be erected or enlarged which exceed one story.

Notwithstanding the provision in Section 12.21.1 A.8, in determining the number of stories, any basement which is exempt from the Residential Floor Area calculation, as outlined in Section 12.03 of this Code, shall not be considered a story. [12.21.1]

e. **Lots Fronting on Substandard Hillside Limited Streets.** For any lot~~, where the elevation of the ground at a point 50 feet from the front lot line and midway between the side lot lines is 33 feet or more higher than the lowest point of the front lot line,~~ fronting onto a Substandard Hillside Limited Street, as defined in Section 12.03, and subject to the 5-foot front yard setback, no portion of a building or structure ~~within 20 feet of the front lot line~~ shall exceed 24 feet in height. The 24 foot maximum building and structure height shall be measured from the elevation at the centerline or midpoint of the street on which the lot fronts. ~~Portions of a building or structure beyond the front yards setback of the base zone, structures would be allowed those heights permitted under Paragraph a of this Subdivision.~~ [12.21 A.17(c)(4)]

f. **Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies.** Unenclosed/uncovered rooftop decks, cantilevered balconies and "visually permeable railing" (no more than 42 inches in height), may project beyond the maximum envelope height, as limited and measured in Paragraph a of this Subdivision, no more than 5 horizontal feet.

For the purposes of this Paragraph, "visually permeable railing" means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80% open to light and air.

g. **Roof Structures.** Roof structures as outlined in Table <<BHO>>-5 below, or similar structures, may be erected above the height limit specified in Table <<BHO>>-4.

Table <<BHO>>-5
Projecting Roof Structures

Roof Structures	Projection Above Height Limit	Setback from Roof Perimeter
Elevator Housing	No more than 5 feet.	Not less than 5 feet.
Tanks		
Ventilating Fans or similar equipment required to operate and maintain the building.		
Towers		
Steeples		
Flagpoles		
Smokestacks		
Wireless Masts		
Water Tanks		

Table <<BHO>>-5 Projecting Roof Structures		
Roof Structures	**Projection Above Height Limit**	**Setback from Roof Perimeter**
Silos		
Solar Energy Devices		
Chimneys		None.
Exhaust Ducts/Ventilation Shafts		
Stairway Housing, no larger than 36 square-feet.		
Skylights, covering more than 33 1/3% of the roof area upon which the skylight is constructed.	No more than 30 inches.	

No roof structure or any other space above the height limit specified in Table <<BHO>>-4 shall be allowed for the purpose of providing additional floor space. [12.21.1 B.3(a) & (b)]

h. **Specific Plans, Historic Preservation Overlay Zones or Subdivision Approvals.** Height limitations in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of this section. This section shall apply when there are no height limitations imposed on lots by a specific plan or a Historic Preservation Overlay Zone or created by a subdivision approval.

5. **Lot Coverage.** Buildings and structures extending more than 6 feet above natural ground level shall cover no more than 40% of the area of a lot. [12.21 A.17(f)(1)]

a. **Lot Coverage on Substandard Lots.** Notwithstanding the paragraph above, for a lot which is substandard as to width (less than 50 feet) and as to area (less than 5,000 square feet), buildings and structures shall cover no more than 45% of the area of a lot. [12.21 A.17(f)(2)]

b. **Zoning Administrator's Authority.** A Zoning Administrator may grant limited deviations from these requirements, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Article.

6. **Grading.** Notwithstanding any other provisions of the Municipal Code, total grading (cut and fill) on a lot shall be limited as outlined below. No grading permits shall be issued until a building permit is approved.

a. **Maximum Grading Quantities.** ~~The maximum cumulative quantity of grading, or the total combined value of both cut and fill or incremental cut and fill, for any one property shall be limited to a maximum of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards, up to a maximum of 1,000 cubic yards total. Example: a 5,000 square foot lot would have a maximum grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% calculation).~~ The cumulative quantity of grading, or the total combined value of both cut and fill or incremental cut and fill, for any one property shall be limited to a base maximum of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards. Example: a 5,000 square-foot lot would have a maximum grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% calculation).

However, the cumulative quantity of grading shall not exceed the maximum "by-right" grading quantities outlined by Zone in Table <<BHO>>-6 below.

Table <<BHO>>-6
Maximum "By-Right" Grading Quantities

Zone	**Maximum Grading (cubic yards)**
R1	1,000
RS	1,100
RE9	1,200
RE11	1,400
RE15	1,600
RE20	2,000
RE40	3,300
RA	1,800

b. **Import/Export Limits.** The maximum quantity of earth import or export shall be limited to the following quantities:

(1) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03, the maximum quantity of earth import shall be no more than 500 cubic yards, where additional grading on-site ~~does not exceed 500 cubic yards~~ in conjunction with the amount of import does not exceed the requirements established in Paragraph a of the Subdivision ~~any landform alteration so that the maximum amount of grading is no greater than 1,000 cubic yards~~. The maximum quantity of earth export shall be no more than 1,000 cubic yards.

(2) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03, the maximum quantity of earth import shall be no more than 375 cubic yards, where additional grading on-site ~~does not exceed 625 cubic yards~~ in conjunction with the amount of import does not exceed the requirements established in Paragraph a of the Subdivision ~~any landform alteration so that the maximum amount of grading is no greater than 1,000 cubic yards~~. The maximum quantity of earth export shall be no more than 750 cubic yards.

(3) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted grading activity listed in Paragraph c of this Subdivision shall be exempted from the maximum import and export quantities outlined in Subparagraph (2) of this Paragraph. A plan indicating the destination and/or source (i.e. exempted grading activity or non-exempted grading activity) of any import and/or export shall be submitted as part of a Grading Permit application.

c. **Exceptions.** The ~~following~~ grading ~~activity~~ activities outlined in the Subparagraphs below shall be exempt from the grading and/or earth transport limitations established in Paragraph a and b of this Subdivision~~:~~. However, any excavation from an exempted activity being used as fill, outside of a 5-foot perimeter from the exterior walls of a building, structure, required animal keeping site development, driveway, ~~or~~ fire department turnaround, or remedial grading boundaries, for any other on-site purpose shall be counted towards the limits established in Paragraph a of this Subdivision.

(1) Cut and/or Fill underneath the footprint of a structure(s) (such as foundations, understructures including basements or other completely subterranean spaces), as well as for ~~pools,~~ water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.

(2) Cut and/or fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible street for which a lot has ingress/egress rights.

(3) Remedial Grading as defined in Section 12.03 of this Article as recommended in a Geotechnical Investigation Report, prepared in accordance with ~~Paragraph h of this Subdivision~~ the provisions in Sections 91.7006.2, 91.7006.3, and 91.7006.4 of Division 70 of Chapter IX of this Code, and approved by the Department of Building and Safety Grading Division shall be excluded from grading limitations.

d. **Zoning Administrator's Authority.** A Zoning Administrator may grant ~~limited~~ the following deviations from the requirements of Paragraphs a and b of this Subdivision, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Article.

(1) Grading in excess of the maximum "by-right" grading quantities listed in Paragraph a of this Subdivision, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards.

(2) For a property which fronts onto a Standard Hillside Limited Street of Larger, as defined in Section 12.03, increase the maximum quantity of earth import greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Subparagraph (3) of Paragraph b of this Subdivision.

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Subparagraph (3) of Paragraph b of this Subdivision.

e. **New Graded Slopes.** All new graded slopes shall be no steeper than 2:1 (rise:run), except when the Grading Division has determined that slopes may exceed 2:1 pursuant to Section 91.105 of Division 1 of Chapter IX of this Code.

f. **Grading Plancheck Criteria.** Grading plans and reports shall be submitted for approval with building plans, and shall include those items required by Section 91.7006 of Division 70 of Chapter IX of this Code.

~~d. **Grading on Extreme Slopes.** Grading, excepted as otherwise noted in this Paragraph, on slopes greater than or equal to 100% shall be done only when recommended by a full site Geotechnical Investigation Report and approved by the Department of Building & Safety Grading Division in order to mitigate previously existing unsafe conditions.~~

~~Except that grading activity exempted by Subparagraphs (1) and (2) of Paragraph g of this Subdivision shall not be prohibited as a result of this provision when the portions of a slope that are greater than or equal to 100% is no more than 100 square feet.~~

~~e. **Landform Grading Requirement.** For any project, including remedial grading, involving 1,000 cubic yards or more of grading, landform grading, as outlined in the Department of City Planning – Planning Guidelines Landform Grading Manual, shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.~~

~~h. **Geotechnical Investigation Report.** Notwithstanding the provisions in Sections 91.7006.2, 91.7006.3, and 91.7006.4 of Division 70 of Chapter IX of this Code, a Geotechnical Investigation Report (also referred to as a soils and/or geological report) that evaluates the proposed project's soil and grading shall be submitted for review when required by the Los Angeles Department of Building and Safety Grading Division. This report shall be prepared by a registered geotechnical (or soils) engineer, as defined in Section 91.7003 of Division 70 or Chapter IX of this Code, and in sufficient detail to substantiate and support the design concepts being proposed.~~

~~In addition to the requirements in Sections 91.7006.2, 91.7006.3, and 91.7006.4 of Division 70 of Chapter IX of this Code this report shall include the following information when required by the Los Angeles Department of Building and Safety Grading Division:~~

~~(1) A Phase I Geotechnical Analysis involving a records search and detailed assessment of any other report on file for any property within 1,000 feet of the subject property, with a minimum of 5 separate reports for 5 individual properties; and~~

~~(2) A Phase II Geotechnical Analysis involving physical investigation of soils identifying any hazards present on the property.~~

~~An approved Soils & Grading Report letter shall be required prior to approval of a grading, foundation or building permit when required by the Los Angeles Department of Building and Safety Grading Division.~~

7. **Off-Street Parking Requirements.** Notwithstanding those exceptions found in Section 12.22 of this Chapter, no building or grading permit shall be issued for the construction of any one-family dwelling, accessory building, ~~Major Remodel Hillside,~~ or addition thereto ~~located on a lot which fronts on a Substandard Hillside Limited Street~~, unless the following requirements are met. [12.21 A.17(h)]

   a. **Number of Required Covered Spaces.** There shall be at least two automobile parking spaces on the same lot with each one-family dwelling thereon. These required parking spaces shall be provided within a private garage. [12.21 A.4(a)] ~~No automobile~~ These required parking spaces shall not be provided or maintained within a required front yard, unless otherwise permitted by Paragraph j of Subdivision 1 of this Subsection. [12.21 C.1(g)]

      (1) **Exception for Dwelling on Narrow Lot.** Where only one single-family dwelling is located on a nonconforming lot 40 feet or less in width and not abutting an alley,

only one automobile parking space need be provided. This exception shall not apply to any lot ~~in the A1, RA, RE, RS, R1 or RD Zones~~ which fronts on a Substandard Hillside Limited Street. [12.21 A.4(q)]

b. **Additional Required Spaces.** For a main building and any accessory building located on a lot which fronts on a Substandard Hillside Limited Street, excluding floor area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of floor area for a maximum of 5 total on-site spaces. [12.21 A.17(h)(1)] These additional required parking spaces may be uncovered ~~and in tandem~~. Notwithstanding the provisions of ~~Section 12.21 C.1(g) of this Code~~ Paragraph a above ~~to the contrary~~, when a lot fronts onto a Substandard Hillside Limited Street, the additional parking spaces ~~required by this Subdivision may be uncovered and in tandem, and~~ may be located within the required ~~5-foot~~ front yard. [12.21 A.17(h)(2)]

(1) **Zoning Administrator's Authority.** A Zoning Administrator may ~~grant limited deviations from the requirements of~~ reduce the number of off-street parking spaces required by Paragraphs b of this Subdivision, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Article.

~~(1) **Grading for Additional Required Parking.** If the requirements in this Paragraph require the grading of 1,000 cubic yards or more of earth, then no building or grading permit shall be issued for a new one-family dwelling, accessory building, Major Remodel-Hillside, or addition to the above on a lot which fronts on a Substandard Hillside Limited Street unless the Zoning Administrator has issued an approval pursuant to Section 12.24 X.2128 of this Code.~~ [12.21 A.17(h)(3)]

c. **Parking Stall Dimensions.** In each parking area or garage devoted to parking for dwelling uses, all parking stalls in excess of one parking stalls per dwelling unit may be designed as compact stalls to accommodate parking cars. Every standard parking stall provided for dwelling units shall be at least 8 feet 6 inches in width and 18 feet in length, every compact stall shall be at least 7 feet 6 inches in width and 15 feet in length. [12.21 A.5(a)] [12.21 A.5(c)]

d. **Tandem Parking.** Automobile parking may be parked in tandem in a private parking garage or private parking area serving a one-family dwelling where the tandem parking is not more than two cars in depth. Each required parking stall within a parking area or garage shall be accessible. Tandem parking shall not be allowed in parking areas for recreational vehicles ~~or guest parking~~. [12.21 A.5(h)]

e. **Garage Doors.** Any door or doors installed at the automobile entry to a garage serving a one-family dwelling where the required parking spaces are located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles in each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position. [12.21 A.4(a)]

f. **Driveway Width.** Every access driveway shall be at least 9 feet in width. [12.21 A.5(f)]

~~h. **Garages in Front Yards.** A private garage may be located in the required front yard of a lot having a slope conforming to that specified in Section 12.22-C.6, provided every portion of the garage building is at least 5 feet from the front lot line. Where the wall of such garage is two-thirds below natural or finished grade of the lot, whichever is lower, said wall may extend to the adjacent side lot line; in all other cases, said garage shall not be nearer to the side lot line than the width of the side yard required for a main building of the same height.~~ [12.21 C.5 (l)]

h. **Mechanical Automobile Lifts and Robotic Parking Structures.** The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meet the requirements of paragraphs (a), (b), and (i) of Subdivision 5 of Subsection A of Section 12.21 of this Article. The lift equipment or computerized parking structure shall meet any applicable building, mechanical and electrical code requirements as approved by the Department of Building and Safety. [12.21 A.4(m)]

8. **Fire Protection.** Notwithstanding any other provisions of this Code to the contrary, on a lot fronting onto a Substandard Hillside Limited Street, or on any lot located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1½ miles from a fire station housing a Los Angeles Fire Department Engine Company, the following fire protections measures shall be required.

a. **New Buildings or Structures.** Any new construction of a one-family dwelling or detached accessory building shall be protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code. [12.21 A.17(d)(1)]

b. **Existing Buildings or Structures.** An approved automatic fire sprinkler system in compliance with the Los Angeles Plumbing Code shall be installed: [12.21 A.17(d)(2)]

(1) whenever an addition to an existing one-family dwelling or accessory building increases in Residential Floor Area by 50% or more of the area of the existing dwelling or building; or [12.21 A.17(d)(2)(i)]

(2) whenever the aggregate value of Major Remodels within a one-year period exceeds 50% of the replacement cost of the dwelling or accessory building~~; and the dwelling or accessory building is on a lot located on a Substandard Hillside Limited Street and located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1½ miles from a fire station housing a Los Angeles Fire Department Engine Company~~. [12.21 A.17(d)(2)(ii)]

c. **Fire Sprinkler Coverage.** The sprinkler systems required in this Subdivision shall be sufficient to cover the entire dwelling or building, unless otherwise determined by the Department of Building and Safety, and shall be installed in compliance with all Codes. [12.21 A.17(d)(3)]

d. **Exempt Accessory Structures.** The provisions of this Subdivision shall not apply to accessory structures such as gazebos, pergolas, or storage sheds provided these

structures are not supported by or attached to any portion of a dwelling or accessory building and do not exceed 200 square feet in ~~floor~~ area. [12.21 A.17(d)(4)]

9. **Street Access.**

   a. **Street Dedication.** For any new construction of, or addition to, a one-family dwelling on a lot fronting on a Substandard Hillside Limited Street, no building permit or grading permit shall be issued unless at least one-half of the width of the street(s) has been dedicated for the full width of the frontage of the lot to Standard Hillside Limited Street dimensions or to a lesser width as determined by the City Engineer. The appellate procedures provided in Section 12.37 I of this Code shall be available for relief from this paragraph. [12.21 A.17(e)(1)]

   b. **Adjacent Minimum Roadway Width.** For any new construction of, or addition to a one-family dwelling on a lot fronting on a Substandard Hillside Limited Street that is improved with a roadway width of less than 20 feet, no building permit or grading permit shall be issued unless the construction or addition has be approved pursuant to Section 12.24 X.~~21~~28 of this Code. [12.21 A.17(e)(2)]

   c. **Minimum Roadway Width (Continuous Paved Roadway).** For any new construction of, or addition to a one-family dwelling on a lot that does not have a vehicular access route from a street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no building permit or grading permit shall be issued unless the construction or addition meets the requirements of this Subsection or has been approved by a Zoning Administrator pursuant to Section 12.24 X.~~21~~28 of this Code. [12.21 A.17(e)(3)]

10. **Sewer Connection.** No building permit shall be issued for the construction of any new one-family dwelling on a lot located 200 feet or less from a sewer mainline unless a sewer connection is provided to the satisfaction of the City Engineer. [12.21 A.17(g)]

11. **Hillside Neighborhood Overlay.** The provisions of Subdivisions 2 (Maximum Residential Floor Area), 4 (Height Limits), and 6 (Grading) of this Subsection may be superseded by a Hillside Neighborhood Overlay adopted pursuant to Section 13.## of this Code.

12. **Exceptions.** The provision of this Subsection shall not apply to: [12.21 A.17(i)]

   a. **Tracts With CC&Rs Approved After February 1, 1985.** One-family dwellings, accessory buildings and additions thereto within a subdivision for which a tentative or final tract map was approved by the City of Los Angeles after February 1, 1985, and is still valid, provided that the map resulted in the establishment of covenants, conditions and restrictions governing building height, yards, open space or lot coverage, and provided, further, that such covenants, conditions and restrictions were recorded on or after February 1, 1985. [12.21 A.17(i)(1)]

~~x. **Streets With Minimum Width of 28 Feet.** Any construction on a lot with a vehicular access from a street improved with a minimum 28-foot wide continuous paved roadway within the Hillside Area, provided: [12.21 A.17(i)(2)]~~

~~(1) the roadway begins at the driveway apron which provides access to the main residence and ends where the roadway intersects a designated collector street, or a secondary or major highway where the collector, major or secondary highway roadway also has a minimum continuous paved roadway width of 28 feet from the apron to the edge of the Hillside Area boundaries. [12.21 A.17(i)(2)(i)]~~

~~(2) the area within the vehicular access does not contain any encroachment which would prohibit the passage of emergency vehicles. [12.21 A.17(i)(2)(ii)]~~

b. **Additions to Dwellings Built Prior to ~~September 14, 1992~~ August 1, 2010.** Any additions made after ~~September 14, 1992~~ August 1, 2010, to a one-family dwelling existing prior to that date for which permits have been previously obtained: [12.21 A.17(i)(3)]

(1) the total cumulative Residential Floor Area of all such additions does not exceed ~~750~~500 square feet (excluded from calculations of this ~~750~~500 square foot limitations is floor area devoted to required covered parking); and [12.21 A.17(i)(3)(a)]

(2) the resulting building ~~does not exceed the height of the original building or the height permitted in Subdivision 4 of this Subsection whichever is greater~~ complies with the requirements of Subdivision 1 (Setback Requirements), 4 (Height Limits), and 6 (Grading) of this Subsection. [12.21 A.17(i)(3)(b)]

c. **Hillside Major Remodel.** As defined in Section 12.03, Any remodeling of a main building on a lot in the Hillside Area~~, as defined in Section 12.03~~, which does not add square-footage and for which the aggregate value of all the alterations which a one-year period does not exceed 50% of the replacement cost of the main building. [12.21 A.17(i)(4)]

d. **Northeast Los Angeles Hillside Ordinance.** Properties subject to the Northeast Los Angeles Hillside Ordinance established by Ordinance No. 180,403, shall be exempted from Subdivisions 2 (Maximum Residential Floor Area), 4 (Height Limits), and 6 (Grading) of this Subsection.

e. **The Oaks Hillside Ordinance.** Properties subject to The Oaks Hillside Ordinance established by Ordinance No. 181,136, shall be exempted from Subdivisions 2 (Maximum Residential Floor Area), 4 (Height Limits), and 5 (Lot Coverage) of this Subsection.

~~x. **Vested Development Plan.** Where architectural and structural plans sufficient for a complete plan check for a building permit for a building or structure were accepted by the Department of Building and Safety and for which a plan check fee was collected on or before the effective date of this Subdivision, and for which no subsequent changes are made to those plans which increase the height or reduce front or side yards. However, any building permit shall become invalid if construction pursuant to the permit is not commenced within 18 months of the date the plan check fee was collected.~~ [12.21 A.17(i)(5)]

NONCONFORMING RIGHTS (12.23 A.1)

(c) A building, nonconforming as to the residential floor area regulations on properties zoned RA, RE, RS, and R1, not including properties in the Coastal Zone, which are not designated as Hillside Area ~~and not located in the Hillside Area or Coastal Zone~~, shall not be added to or enlarged in any manner, except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code. However, alterations, other than additions or enlargements, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained. [12.23 A.1(c)]

ZONING ADMINISTRATOR DETERMINATIONS (12.24 X)

28. **Single-Family Zones in Hillside Area.** A Zoning Administrator may, upon application, grant the deviations outlined in Paragraph a of this Subdivision on lots in the R1, RS, RE, and RA Zones which are located in a Hillside Area as defined in Section 12.03.

a. **Zoning Administrator Authority.** If an owner seeks relief, a Zoning Administrator has the authority to grant the following deviations:

(1) **Setback Requirements.** A reduction of the front and side yard setback requirements outlined in Subdivision 1 of <<BHO>> of this Article for lots fronting on a Substandard Hillside Limited Street; however, in no event shall the side yard be less than 4 feet. [12.24 X.11(2)] [12.24 X.11(b)]

(2) **Additions to Structures Existing Prior to August 1, 2010.** The Zoning Administrator has the authority to approve any additions made after August 1, 2010 to a one-family dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of Paragraphs a and c of Subdivision 2 of <<BHO>> of this Article, provided: [12.21 A.17(i)(3)]

(i) the total cumulative Residential Floor Area of all such additions does not exceed ~~750~~ 1,000 square feet ~~(excluded from calculations of this 750 square foot limitation is floor area devoted to required covered parking)~~; and [12.21 A.17(i)(3)(a)]

(ii) the resulting building does not exceed the height of the original building or the height permitted in Subdivision 4 of <<BHO>> of this Article, whichever is greater; and [12.21 A.17(i)(3)(b)]

(iii) at least two off-street covered parking spaces are provided. [12.21 A.17(i)(3)(c)]

(3) **Height.** Exceed the maximum envelope height requirements required by Subdivision 4 of <<BHO>> of this Article; however, the increase in height ~~will~~ may not result in a building or structure which exceeds an overall height of 45 feet. The overall height shall be measured from the lowest elevation point within 5 horizontal feet of the exterior walls of a building or structure, to the highest elevation point of the roof structure or parapet wall. [12.24 X.11(1)] [12.24 X.11(a)(1)]

(4) **Lot Coverage.** Increase the maximum lot coverage limitations as outlined in Subdivision 5 of <<BHO>> of this Article, up to a maximum of 50% of the lot area. [12.24 X.11(3)] [12.24 X.11(c)]

(5) **Grading.** [12.24 X.21(a)(3) NO LONGER NECESSARY]

(i) Grading in excess of the maximum "by-right" grading quantities listed in Paragraph a of Subdivision 6 of <<BHO>> of this Article, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street of Larger, as defined in Section 12.03, increase the maximum quantity of earth import or export greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Subparagraph (3) of Paragraph b of Subdivision 6 of <<BHO>> of this Article.

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Subparagraph (3) of Paragraph b of Subdivision 6 of <<BHO>> of this Article.

(6) **Off-Street Parking.** Reduce the number of off-street parking spaces required by Paragraph b of Subdivision 7 of <<BHO>> of this Article. [12.24 X.11(4)] [12.24 X.11(d)]

(7) ~~**Substandard Hillside Street, or**~~ **Street Access** ~~**or Grading for Parking in Hillsides.**~~ If an owner seeks relief, a Zoning Administrator may permit the ~~grading and~~ construction of buildings and structures on lots in the R1, RS, RE, and RA Zones which: [12.24 X.21(a)

(i) **Adjacent Minimum Roadway Width.** Do not meet the requirements of Paragraph b of Subdivision 9 of <<BHO>> of this Article because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet. [12.24 X.21(a)(1)

(ii) **Minimum Roadway Width (Continuous Paved Roadway).** Do not meeting the requirements of Paragraph c of Subdivision 9 of <<BHO>> of this Article because they do not have vehicular access from streets improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area. [12.24 X.21(a)(2)

~~(iii) Grading in excess of 1,000 cubic yards, in order to accommodate the additional parking requirements in Paragraph b of Subdivision 6 of <<BHO>> of this Article for a new one-family dwelling, accessory building, Major Remodel Hillside, or additions on a lot which fronts on a Substandard Hillside Limited Street, but in~~

~~no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total lot size in cubic yards.~~ [12.24 X.21(a)(3)]

b. **Findings.** The Zoning Administrator shall find that approval of any use in this Subsection is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan~~.~~, and that the approval is consistent with following applicable findings: [12.24 X]

(1) **Setback Requirements.** That the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements. [12.24 X.11(b)]

(2) **Additions to Structures Existing Prior to August 1, 2010.** That the increase in Residential Floor Area will result in a building or structure which is compatible in scale with existing structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(3) **Height.** That the increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the ~~area~~ vicinity. [12.24 X.11(a)(2)] [12.24 X.11(a)(3)]

(4) **Lot Coverage.** That the increase in lot coverage will result in a development which is compatible in size and scale with other improvements in the immediate neighborhood; and that the increase will not result in a los of privacy or access to light enjoyed by adjacent properties. [12.24 X.11(c)]

(5) **Grading.** [12.24 X.21(a)(3) NO LONGER NECESSARY]

(i) That grading in excess of the absolute maximum grading quantities listed in Paragraph a of Subdivision 6 of <<BHO>> of this Article is done in accordance with the Department of City Planning – Planning Guidelines Landform Grading Manual (adopted by the City Council on June 1983), and is used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

(ii) That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the street improvements and traffic of the streets along the haul route, and that potentially significant impacts to the public health, safety, and welfare of the surrounding community are being mitigated to the fullest extent feasible.

(6) **Off-Street Parking.** That the reduction of the parking requirements will not create an adverse impact on street access or circulation in the surrounding neighborhood;

and that the reduction will not be materially detrimental or injurious to the property or improvements in the vicinity in which the lot is located. [12.24 X.11(d)]

(7) **~~Substandard Hillside Street, or~~ Street Access ~~or Grading for Parking in Hillsides~~.**

(i) That the vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood; and [12.24 X.21(b)(1)

(ii) That the building or structure will not be materially detrimental or injurious to the adjacent property or improvements; and [12.24 X.21(b)(2)

(iii) That the building or structure will not have a materially adverse safety impact on the surrounding neighborhood. [12.24 X.21(b)(3)

(iv) That the site and/or existing improvements make strict adherence to Subdivision ~~7 or~~ 9 of <<BHO>> of this Article impractical or infeasible. [12.24 X.21(b)(4)

c. **Procedures.** An application for permissions pursuant to this Subdivision shall follow the procedures set forth in Section 12.28 C.1, 2 and 3. Except that for public hearings for fences, walls, and retaining walls within required yards may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. [12.24 X.7(b)] [12.24 X.11(e)] [12.24 X.21(c)] [12.24 X.26(b)]

(1) **Import/Export (Haul Route) Review.** Upon filing an application pursuant to this Subdivision for the import or export of earth materials pursuant to the authority granted in Subparagraph (5) of Paragraph a of this Subdivision, the Zoning Administrator shall request that ~~the Superintendent of Building and Safety and~~ the General Manager of the Department of Transportation investigate the circumstances of the proposed import or export of earth materials and the effect thereof upon the public health, safety, and welfare. The Zoning Administrator shall request the City Engineer to determine the effect of any import or export on the structural integrity of the public streets and to determine the effect on public safety relative to street alignment, width, and grade.

In taking action on such Zoning Administrator Determination, the Zoning Administrator shall impose conditions of approval to mitigate any detrimental effects of the hauling operations necessary to import or export earth, including but not limited to: limiting truck weight, length and/or speed; and other conditions of approval as may be necessary to ensure repair of damages to public streets along the hauling route that may reasonably be expected to be caused by hauling operations. Such additional conditions may include a condition that the developer shall file a bond for the benefit of the City. Any such bond shall be in a form approved by the City Attorney, executed by the developer and a corporate surety authorized to do business in the State in an amount sufficient to cover the repair of any damage to the public streets reasonably expected to be caused by the hauling operations. The conditions of the bond shall guarantee to indemnify the City for all costs and expense in repairing the damaged streets or other public facilities. In lieu

of a surety bond, the developer may file a cash bond with the Department upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted may be in the form of cash or negotiable United States securities. The term of such effect until the completion of the hauling operations and subsequent inspection of the affected public streets by the Department of Public Works.

d. **Conditions for Approval.** In approving the uses and activities authorized in this Subdivision, the Zoning Administrator may impose those conditions he or she deems necessary to remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning. [12.24 X.26(b)] [12.28 C.4(a) by reference]

ZONING ADMINISTRATOR ADJUSTMENTS (12.28)

A. Adjustments. The Zoning Administrator shall have the authority to grant adjustments in the yard, area, building line and height requirements of Chapter I of this Code. An adjustment shall not be permitted for relief from a density (lot area per unit) or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter I of this Code.

The Zoning Administrator shall also have the authority to grant adjustments in Residential Floor Area of no more than a ten percent increase beyond what is otherwise permitted by Chapter I of this Code. A request for an increase in Residential Floor Area greater than ten percent shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter I of this Code.

ADD PARAGRAPH (d) TO SUBDIVISION 2 OF SUBSECTION C:

(d) For R1, RS, RE, and RA Zoned properties in the Hillside Area, as defined in Section 12.03 of this Article, the Zoning Administrator must conduct a public hearing for any Adjustment or Slight Modification requests.

"HS" HILLSIDE STANDARDS OVERLAY DISTRICTS (13.##)

A. Purpose. This section sets forth procedures and guidelines for the establishment of "HS" Hillside Standards Overlay in single-family residential neighborhoods in designated Hillside Areas, as defined in Section 12.03 of this Chapter, throughout the City. The purpose of the "HS" Hillside Standards Overlay is to permit Residential Floor Area, height, and grading limits in the R1, RS, RE, and RA zones to be higher or lower than normally permitted by this Code in areas where the proposed overlay will further enhance the existing scale of homes and/or help to preserve the existing character of the neighborhood as effectively as the limitations or requirements otherwise established in this Code; and where these changes will be consistent with the policies and objectives set forth in the applicable Community Plan.

B. Establishment of the District. The procedures set forth in Section 12.32 S of this Code shall be followed, however each "HS" Hillside Standards Overlay shall include only properties in the RA, RE, RS, or R1 zones. The overlay shall not generally be less than 100 acres in area; however, the 100 acres do not need to be within one contiguous boundary as long as no one subarea is less than 25 acres in area, and that the entire 100 acres is located within an overall area of 200 contiguous acres. The precise boundary of a district may be adjusted for urban features such as topography, freeways or streets/highways. Boundaries shall be along street frontages and shall not split parcels. An "HS" Hillside Standards Overlay may encompass an area, which is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan. The "HS" Hillside Standards Overlay shall include contiguous parcels, which may only be separated by public streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual overlay.

C. Development Regulations. The Department of Building and Safety shall not issue a building permit for a residential structure within an "HS" Hillside Standards Overlay unless the residential structure conforms to the regulations set forth in a specific "HS" Hillside Standards Overlay. The development regulations for each "HS" Hillside Standards Overlay shall be limited to changes in the numerical values of the Residential Floor Area, height, and grading limits in the R1, RS, RE, and RA zones stated in this Chapter, and shall not result in a substantial deviation in approach, method of calculation, or measurement from the corresponding language already in place in this Chapter. The development regulations shall be determined at the time the overlay is established. The development regulations shall serve to enhance the existing or envisioned character of the overlay.

SUBSECTION D OF SECTION 12.04 AMENDED TO READ:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provision of Article 3 of this Chapter:

"O"	Oil Drilling District
"S"	Animal Slaughtering
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District
"HS"	Hillside Standards Overlay

The "Zoning Map" is amended to indicate these districts and the boundaries of each district.

Land classified in an "O" Oil Drilling District, "S" Animal Slaughtering District, "G" Surface Mining District, "RPD" Residential Planned Development District, "K" Equinekeeping District, "CA" Commercial and Artcraft District, "POD" Pedestrian Oriented District, "CDO" Community Design Overlay District, "MU" Mixed Use District, "FH" Fence Height District, "SN" Sign District, "RFA" Residential Floor Area District or

"HS" Hillside Standards Overlay is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the "Zoning Map" with a combination of symbols, e.g., R2-2-O, C2-4-S, M1-3-G, M1-1-P and R2-O, C2-G, etc., where height districts have not been established.

SUBPARAGRAPH (2) OF PARAGRAPH (C) OF SUBDIVISION 1 OF SUBSECTION S OF SECTION 12.32 AMENDED TO READ:

(2) **Additional Requirements for Application.** One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District or a Hillside Standards Overlay shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

EXHIBIT B

NEGATIVE DECLARATION

DOCUMENT FILED
City Clerk's Office
No: 10-105-PL
Certified by
Date: MAR 12 2010

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NEGATIVE DECLARATION

LEAD CITY AGENCY	**COUNCIL DISTRICT**
City of Los Angeles	CITYW
PROJECT TITLE	**CASE NO.**
ENV-2010-582-ND	CPC-2010-581-CA

PROJECT LOCATION
The proposed project area is citywide but includes only those lots which are zoned single-family (R1, RS, RE, and RA) which are also designated as Hillside Area.

PROJECT DESCRIPTION
The proposed project includes amendments to the Los Angeles Municipal Code to establish new regulations for single-family zoned properties (R1, RS, RE, and RA) which are designated as Hillside Area. The amendments would result in: a reduction to the existing Floor Area Ratio (FAR); amendments to the existing Single-Family Residential Floor Area definition; changes to the height limits and how they are calculated; creation of new grading regulations; creation of a Hillside Standards Overlay District that would allow individual neighborhoods to adjust the baseline limits to better fit their community's character and scale; and establish or revise discretionary review processes for projects that deviate from the proposed FAR, height, and grading regulations.

NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY
City of Los Angeles, Department of City Planning
200 N. Spring Street
Room 621
Los Angeles, CA 90012-4801

FINDING:

The City Planning Department of the City of Los Angeles has Proposed that a negative declaration be adopted for this project. The Initial Study indicates that no significant impacts are apparent which might result from this project's implementation. This action is based on the project description above.

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-make may adopt this negative declariation, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM	**TITLE**	**TELEPHONE NUMBER**
ERICK LOPEZ	City Planning Associate	(213) 978-1243

ADDRESS	**SIGNATURE (Official)**	**DATE**
200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	Charles Rausch Jr.	04/19/2010

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK
ROOM 615, CITY HALL
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

INITIAL STUDY AND CHECKLIST

(Article IV – City CEQA Guidelines)

LEAD CITY AGENCY	**COUNCIL DISTRICT**	**DATE**
City of Los Angeles, Department of City Planning	Citywide	March 12, 2010

RESPONSIBLE AGENCIES

City of Los Angeles, Department of Building & Safety
City of Los Angeles, City Attorney's Office

PROJECT TITLE/NO.	**CASE NO.**
Baseline Hillside Ordinance	CPC-2010-581-CA ENV-2010-582-ND

PREVIOUS ACTIONS CASE NO.	
None.	❑ **DOES have significant changes from previous actions.** ❑ **DOES NOT have significant changes from previous actions.**

PROJECT DESCRIPTION:

The proposed project includes amendments to the Los Angeles Municipal Code to establish new regulations for single-family zoned properties (R1, RS, RE, and RA) which are designated as Hillside Area. The amendments would result in: a reduction to the existing Floor Area Ratio (FAR); amendments to the existing Single-Family Residential Floor Area definition; changes to the height limits and how they are calculated; creation of new grading regulations; creation of a Hillside Standards Overlay District that would allow individual neighborhoods to adjust the baseline limits to better fit their community's character and scale; and establish or revise discretionary review processes for projects that deviate from the proposed FAR, height, and grading regulations.

ENVIRONMENTAL SETTING:

If adopted, the proposed ordinance would affect all lots zoned single-family residential (R1, RS, RE, and RA), which are designated as Hillside Area. The locations include single-family neighborhoods that are located within the City of Los Angeles hillside regions which include, but are not limited to the Santa Susana Mountains, San Gabriel Mountains, Simi Hills, Verdugo Mountains, Santa Monica Mountains, Hollywood Hills, San Rafael Hills, Elysian Hills, Repetto Hills, Baldwin Hills, and Palos Verde Hills.

PROJECT LOCATION

The proposed project area is citywide but includes only those lots which are zoned single-family (R1, RS, RE, and RA) which are also designated as Hillside Area.

PLANNING DISTRICT	**STATUS:**
All Community Plan Areas	❑ **PRELIMINARY** ☒ **PROPOSED** ❑ **ADOPTED** **date**

EXISTING ZONING	**MAX. DENSITY ZONING**	❑ **DOES CONFORM TO PLAN**
R1, RS, RE, and RA	1 unit/lot	❑ **DOES NOT CONFORM TO PLAN**
PLANNED LAND USE & ZONE	**MAX. DENSITY PLAN**	☒ **NO DISTRICT PLAN**
No zone change is proposed.	Minimum, Very Low I, Very Low II, & Low Density Residential	
SURROUNDING LAND USES	**PROJECT DENSITY**	
Varies	None	

☛ **DETERMINATION (To be completed by Lead Agency)**

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

❑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

❑ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

❑ I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

❑ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	Senior City Planner
SIGNATURE	**TITLE**

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less that significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," cross referenced).

5) Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.

9) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

❑ Aesthetics	❑ Hazards & Hazardous Materials	❑ Public Services
❑ Agricultural Resources	❑ Hydrology/Water Quality	❑ Recreation
❑ Air Quality	❑ Land Use/Planning	❑ Transportation/Traffic
❑ Biological Resources	❑ Mineral Resources	❑ Utilities/Service Systems
❑ Cultural Resources	❑ Noise	❑ Mandatory Findings of Significance
❑ Geology/Soils	❑ Population/Housing	☒ There are no environmental factors affected by this project involving a "Potentially Significant Impact"

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

☛ **BACKGROUND**

PROPONENT NAME	**PHONE NUMBER**
City of Los Angeles, Department of City Planning	(213) 978-1243

PROPONENT ADDRESS

200 N. Spring Street
Room 621
Los Angeles, CA 90012-4801

AGENCY REQUIRING CHECKLIST	**DATE SUBMITTED**
Department of City Planning	March 12, 2010

PROPOSAL NAME (If Applicable)

Baseline Hillside Ordinance

☛ ENVIRONMENTAL IMPACTS

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?	❑	❑	✔	❑

Response:

The Ordinance would affect permitted development within or adjacent to a valued focal or panoramic vista or within view of designated scenic highways, corridors, or parkways and therefore any construction activity may have a potential impact. Where these scenic vistas are identified, it is presumed that policies are already in place to protect them and this proposal would not change any existing provisions. Through implementation of existing Scenic Highways Plans, Community Plans, and the Los Angeles Municipal Code, as well as specific plans and other applicable overlays, potential impacts to scenic vistas and viewsheds would be mitigated on a case-by-case basis. Furthermore, provisions within the proposed Ordinance would further limit the size/scale of structures in the City's Hillside Areas through new FAR, height, and grading regulations. The proposal will result in development which is more compatible than the existing regulations with the hillside environment. Therefore, the Ordinance will have a less than significant impact on scenic vistas.

Mitigation:

None.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a city-designated scenic highway?	❑	❑	✔	❑

Response:

The Ordinance would affect permitted development within or adjacent to a valued scenic resources and therefore any construction activity may have a potential impact. Where any known scenic resources are identified, it is presumed that policies are already in place to protect them and this proposal would not change any existing provisions. Through implementation of existing Scenic Highways Plans, Community Plans, and the Los Angeles Municipal Code, as well as specific plans and other applicable overlays, potential impacts to scenic resources would be mitigated on a case-by-case basis. Furthermore, provisions within the proposed Ordinance would further limit the size/scale of structures in the City's Hillside Areas through new FAR, height, and grading regulations. The proposal will result in development which is more compatible than the existing regulations with the hillside environment. Therefore, the Ordinance will have a less than significant impact on scenic resources.

Mitigation:

None.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?	❑	❑	❑	✔

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance would reduce the maximum amount of development, and introduce incentives for more articulated structures, as well as grading activity which involves the least amount of surface alteration and/or retains or reflects the natural topography. The proposed Ordinance would also modify the existing height regulations to allow/encourage terracing of structures. If adopted, the Ordinance would have a net positive impact on the visual character of single-family residential neighborhoods in designated Hillside Areas by directly addressing the massing of buildings in single-family residential zones in the hillside as well as minimize grading activity that has the potential to deteriorate the natural terrain. Ultimately, the proposal would prevent large box-like homes that are out-of-scale with the surrounding community. No direct negative impact would occur as a result of the provisions in question.

Mitigation:

None.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	❑	❑	❑	✔

Response:

The Ordinance is expected to reduce the potential for new sources of light or glare that would adversely affect day or nighttime views in the Hillside Areas. As discussed under Sections I.a and b (above), impacts to nighttime views of scenic vistas or resources would be mitigated through implementation of various adopted City ordinances, policies and plans. No impact would occur.

Mitigation:

None.

II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	❑	❑	❑	✔

Response:

The proposed code amendment would not apply to agricultural land zoned A1 or A2, and only applies to residential properties zoned R1, RS, RE, or RA. Moreover, no rezoning is proposed as part of this project and would therefore not result in the conversion of existing farmland. Although the RA zone permits farming (excluding animal raising) as an incidental use, it is intended to be primarily developed with one-family dwellings. The R1, RS, and RE zones do not prohibit minor gardens which may produce some incidental agricultural resources for individual property owners; however, these gardens do not provide any significant commercial agriculture value. Therefore the Ordinance will not substantially impact or reduce the amount of Prime Farmland.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	❑	❑	❑	✔

Response:

The Ordinance will not conflict with existing zoning for agricultural use as the code amendments only apply to development standards on single-family residential lots within the Hillside Area. Existing uses permitted within agricultural zones will remain. Incidental uses in single-family residential neighborhoods will be subject to the current applicable code provisions for uses other than single-family. Furthermore, this Ordinance does not propose any zone changes which may result in the loss of any existing property with an existing Williamson Act Contract. No impact would occur.

Mitigation:

None.

c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	❑	❑	❑	✔

Response:

The Ordinance will not directly or indirectly result in the conversion of Farmland because no rezoning is proposed. Per Sections 12.05 A1 and 12.06 A1 of the LAMC, uses such as one-family dwellings, public parks and community centers, and golf courses are permitted uses on agricultural zoned land. Any conversion of A1 or A2 zoned Farmland to a non-agricultural use not permitted by the zone would require an entitlement request and a discretionary action through a Zone Variance, or Zone Change and General Plan Amendment. Although the RA zone permits farming (excluding animal raising) as an incidental use, it is intended to be primarily developed with one-family dwellings. Therefore, the Ordinance will not result in or accelerate the conversion of Prime Farmland.

Mitigation:

None.

III. AIR QUALITY. The significance criteria established by the South Coast Air Quality Management District (SCAQMD) may be relied upon to make the following determinations. Would the project result in:				
a. Conflict with or obstruct implementation of the SCAQMD or Congestion Management Plan?	❑	❑	❑	✔

Response:

The Ordinance does not alter the density or intensity of use of single-family zoned areas and therefore, it will not conflict or interfere with the implementation of the SCAQMD or the existing Congestion Management Plan. Individual projects are also not expected to conflict with nor obstruct implementation of the SCAQMD or Congestion Management Plan. The Ordinance is not proposing to change construction activity; therefore, construction-related air quality impacts will not go above current levels as a result of this Ordinance.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family residential properties which are not considered substantial sources of pollution or air quality violations. Additionally, no change in density is proposed and therefore not adding to the number of single-family residences contributing to any existing conditions.

Mitigation:

None.

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment (ozone, carbon monoxide, & PM 10) under an applicable federal or state ambient air quality standard?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family residential properties which are not considered substantial sources of pollution or air quality violations. The Ordinance is not likely to result in a net increase in new construction; therefore, it is unlikely to result in a considerable net increase in criteria pollutants. The Ordinance will result in a reduction in the maximum residential floor area and grading limits, and as a result the scope of construction activity could potentially lessen cumulative construction impacts.

Mitigation:

None.

d. Expose sensitive receptors to substantial pollutant concentrations?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family residential properties which are not considered substantial sources of pollution or air quality violations. The Ordinance will result in a reduction in the maximum residential floor area and grading limits, and as a result the scope of construction activity could potentially lessen cumulative construction impacts. Therefore, the Ordinance is unlikely to directly or indirectly expose sensitive receptors to substantial pollutant concentrations.

Mitigation:

None.

e. Create objectionable odors affecting a substantial number of people?	❑	❑	❑	✔

Response:

The Ordinance applies only to single-family residential properties which are not considered substantial point sources of objectionable odors. The Ordinance will result in a reduction in the maximum residential floor area and grading limits, and as a result the scope of construction activity could potentially lessen cumulative impacts of individual single-family projects. Therefore, the Ordinance is unlikely to result in new sources of objectionable odors affecting a substantial number of people.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

IV. BIOLOGICAL RESOURCES. Would the project:

a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	❑	❑	❑	✔

Response:

The proposed Ordinance will maintain the existing residential zoning and land use designations, and therefore are not expected to create any new activity that would further interfere with or impede the use of any known or unknown habitats as well as any species recognized by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Although there are vacant lots within the proposed project area that may contain remnant grassland habitat, they are generally located in a developed and urbanized region and are mostly segmented and lack the continuity that is consistent with those known to support any candidate, sensitive, or special-status species.

As is typically done, for future improvements to (or construction of) single-family residences which exceed the proposed limits, each individual project will be subject to CEQA standards, when appropriate, and evaluated for proximity to designated Significant Ecological Areas (SEA) within the respective Community Plan Areas.

Mitigation:

None.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	❑	❑	❑	✔

Response:

The proposed Ordinance will maintain the existing residential zoning and land use designations, and therefore would not be expected to create any new activity that would have a substantial adverse effect on any riparian habitat or sensitive natural community recognized by the City or regional plans, policies, regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Although there are vacant lots within the proposed project area that may contain natural drainage courses, they are generally located in a developed and urbanized region and are mostly segmented and lack the continuity that is consistent with those known to support any candidate, sensitive, or special-status species.

As is typically done, for future improvements to (or construction of) single-family residences which exceed the proposed limits, each individual project will be subject to CEQA standards, when appropriate, and evaluated for proximity to designated Significant Ecological Areas (SEA) within the respective Community Plan Areas.

Mitigation:

None.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal	❑	❑	✔	❑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?				

Response:

Individual projects will be evaluated for proximity to "Waters of the US" as defined in Section 404 of the Clean Water Act. The Ordinance would not propose any new activities that would discharge directly into surface water bodies. However, some pollutants common to urban areas, especially those related to automobiles, are contained in water runoff and may be carried into the storm drains and discharged into the storm water runoff control; these include oil, grease, metals, and hydrocarbons from streets, parking lots, and driveways, dirt from unpaved areas, herbicides, pesticides and fertilizer from landscaped areas and animal wastes.

Potential runoff is expected to decrease as a result of the proposed Ordinance as the reduction in floor area and grading would potentially increase permeable surfaces and improve groundwater recharge. Overall, this runoff would not be expected to be greater than the normal day-to-day residential use common to similar residential communities and would be considered less than significant.

Mitigation:

None.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	❑	❑	❑	✔

Response:

The proposed Ordinance will maintain the existing residential zoning and land use designations, and therefore would not be expected to create any new activity that would have a substantial adverse effect on any native resident or migratory fish, migratory wildlife corridors, or wildlife species. Although there are vacant lots within the proposed project area that may contain remnant grassland habitat or natural drainage courses, they are generally located in a developed and urbanized region and are mostly segmented and lack the continuity that is consistent with those known to support any candidate, sensitive, or special-status species.

As is typically done, for future improvements to (or construction of) single-family residences which exceed the proposed limits, each individual project will be subject to CEQA standards, when appropriate, and evaluated for proximity to designated Significant Ecological Areas (SEA) within the respective Community Plan Areas.

Mitigation:

None.

e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)?	❑	❑	❑	✔

Response:

The proposed Ordinance would not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policies, such as the City of Los Angeles Oak Tree Preservation Ordinance and the City of Los Angeles Protected Tree Ordinance. Individual single-family residential projects will remain subject to preservation, relocation and replacement of protected trees pursuant to Articles 2 and 7 of Chapter 1 and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	❑	❑	❑	✔

Response:

The proposed Ordinance may apply to areas located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. However, the provisions would not propose any changes that would result in a change in density or intensity of use. Individual residential projects will be evaluated for their proximity to habitat(s) consistent with those supporting rare, threatened or endangered species. Therefore, the proposed Ordinance is not anticipated to adversely affect special status wildlife, sensitive habitats, or wildlife dispersal or migration corridors.

Mitigation:

None.

V. CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in significance of a historical resource as defined in State CEQA '15064.5?	❑	❑	❑	✔

Response:

The proposed Ordinance will apply in current and proposed Historic Preservation Overlay Zones and City designated Historic-Cultural Monuments. Each project within an HPOZ area will be required to mitigate any potential environmental impacts to a level of insignificance by following the Secretary of the Interior's standards for Historical Resources as approved by the Cultural Heritage Commission prior to Planning Department sign-off.

Mitigation:

None.

b. Cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA '15064.5?	❑	❑	❑	✔

Response:

The proposed Ordinance does not involve a change in density or changes of use, and therefore is not expected to have additional foreseeable impacts on archaeological resources. For individual single-family residential projects, when a site is found to contain any "unique archaeological resources," as defined in Section 21083.2 (g) of the California Public Resource Code (CPRC), and/or where a prehistoric or historic archaeological site would either be altered and/or destroyed as a result of the proposed construction, the impacts shall be mitigated such that any potential adverse change is minimal.

In the event that potentially important cultural resources are found in the course of construction of any individual project, work would immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director (or his designee) can review this information, as is standard practice. Where, as a result of that evaluation, the Director determines that the project may have an adverse impact on cultural resources the property owner will be required to address them pursuant to Sections 21083.2 and 21084.1 of the California Public Resources Code prior to continuing the construction.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❑	❑	❑	✔

Response:

The proposed Ordinance does not propose a change in density or changes of use, and therefore is not expected to directly impact paleontological resources or unique geologic features. If any paleontological materials are encountered during the course of construction of individual projects, construction would be halted, and the services of a paleontologist would be required to be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Museum to assess the resources and evaluate the impact, as is standard procedure.

Mitigation:

None.

d. Disturb any human remains, including those interred outside of formal cemeteries?	❑	❑	❑	✔

Response:

The proposed Ordinance does not include any provisions dealing with the discovery of human remains and will therefore not interfere with the treatment of human remains, including those interred outside of formal cemeteries. Subsequent to the adoption of the Ordinance, any individual project which is in close proximity to any known or potential prehistoric or historic burial sites will be required to ensure that disturbance resulting from construction is minimal. In the event that a human bone or any other human remains are discovered during the construction of individual projects, the procedures described in Section 7050.5 of the Health and Safety code would be followed. The property owner or his/her representatives (i.e. architect, contractor, etc.) would be required to notify the Los Angeles County Coroner. If the Coroner determines that the remains are those of a Native American, the applicant would be required to notify the Native American Heritage Commission by phone within 24 hours. Following notification of that organization, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code would be followed.

Mitigation:

None.

VI. GEOLOGY AND SOILS. Would the project:

a. Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	❑	❑	✔	❑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance does not involve and zone changes or changes to the existing density, and therefore would not expose people or structures to additional potential substantial adverse effects, including the risk of loss, injury or death. Future single-family residential projects may potentially fall within existing Alquist-Priolo Earthquake Fault Zoning Areas, but is not expected to result in an increase in development near existing fault lines.

Additionally, due to the intense seismic environment of Southern California, there is always a potential for blind trust faults, or otherwise unmapped faults that do not have a surface trace, to be present. New development will be required to comply with the seismic safety requirements in the California Building Code (CBC) and the California Geological Survey Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California [1997]), which provide guidance for evaluating and mitigating earthquake-related hazards as approved by the Los Angeles Department of Building and Safety. Therefore, with the incorporation of seismic mitigation measures, a less than significant impact is anticipated.

Mitigation:

None.

ii. Strong seismic ground shaking?	❑	❑	✔	❑

Response:

The proposed Ordinance does not involve and zone changes or changes to the existing density, and therefore would not expose people or structures to additional substantial adverse effects, including the risk of loss, injury or death involving seismic ground shaking. However, the proposal is not expected to result in an increase in development near existing fault lines.

Additionally, due to the intense seismic environment of Southern California, there is always a potential for blind trust faults, or otherwise unmapped faults that do not have a surface trace, to be present. New development will be required to comply with the seismic safety requirements in the California Building Code (CBC) and the California Geological Survey Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California [1997]), which provide guidance for evaluating and mitigating earthquake-related hazards as approved by the Los Angeles Department of Building and Safety. Therefore, with the incorporation of seismic mitigation measures, a less than significant impact is anticipated.

Mitigation:

None.

iii. Seismic-related ground failure, including liquefaction?	❑	❑	✔	❑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

According to the Seismic Hazards Map of Los Angeles Quadrangle, the proposed project area does contain properties that may be subject to liquefaction, therefore there is a possibility that people or structures may be exposed to potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction if not built according to Code.

The proposed Ordinance does not involve and zone changes or changes to the existing density, and therefore would not expose additional people or structures to the adverse affects of seismic-related ground failure. However, any development that occurs within the geographical boundaries of Southern California has the potential of exposing people and/or structures to potentially substantial adverse effects involving the rupture of a known and unknown earthquake faults or seismic-related ground failure (including the effects of liquefaction). Although some existing residentially-zoned properties are located within mapped liquefaction zones, projects within these areas will be reviewed individually and will be required to meet the existing levels of safety.

A Geotechnical Investigation Report is required for each proposed development project within the Hillside Area to determine whether seismic-related ground failure, including liquefaction, may be a hazard to the project. Furthermore, new development will be required to comply with the requirements of the CBC and Los Angeles Municipal Code (LAMC), and will be reviewed by various City departments, including but not limited to, the Los Angeles Fire Department, Los Angeles Department of Building and Safety, and the Department of Public Works according to their applicable codes and specifications regarding seismic considerations, which would be enforced through plan review and inspections during construction. Compliance with these requirements would provide an acceptable level of safety and substantially lessen the effects of seismic-related ground failures to less than significant levels.

Mitigation:

None.

iv. Landslides?	❑	❑	✔	❑

Response:

According to the Seismic Hazards Map of Los Angeles Quadrangle, the proposed project area does contain properties that may be subject to slope failure (aka landslides), therefore there is a possibility that people or structures may be exposed to potential substantial adverse effects, including the risk of loss, injury or death involving slope failure if not built according to Code.

The proposed Ordinance does not involve and zone changes or changes to the existing density, and therefore would not expose additional people or structures to the adverse affects of landslide activity. However, any development that occurs within the geographical boundaries of Southern California has the potential of exposing people and/or structures to potentially substantial adverse effects involving the rupture of a known and unknown earthquake faults or seismic-related ground failure (including the effects of slope failure). Similarly, wildfires along with subsequent heavy rainfall also has the potential of exposing people and/or structures to potentially substantial adverse effects involving the slope failure both in known and unknown landslide areas. Although some existing residentially-zoned properties are located within mapped landslide areas, projects within these areas will be reviewed individually and will be required to meet the existing levels of safety.

A Geotechnical Investigation Report is required for each proposed development project within the Hillside Area to determine whether slope failure may be a hazard to the project. Furthermore, new development will be required to comply with the requirements of the CBC and LAMC, and will be reviewed by various City departments, including but not limited to, the Los Angeles Fire Department, Los Angeles Department of Building and Safety, and the Department of Public Works according to their applicable codes and specifications regarding slope failure, which would be enforced through plan review and inspections during construction. Compliance with these requirements would provide an acceptable level of safety and substantially lessen the effects of landslides to less than significant levels.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Result in substantial soil erosion or the loss of topsoil?	❑	❑	✔	❑

Response:

The proposed Ordinance does not involve and zone changes or changes to the existing density, and therefore is not expected to result in increased soil erosion or the further loss of topsoil. Due to the proposed reduction in floor area and grading limits, the provisions are more likely to reduce, rather than increase, the amount of grading necessary for new construction of single-family homes.

All grading activities would require grading permits from the City of Los Angeles Department of Building and Safety, which would be conditioned to include requirements and Best Management Practices (BMPs) designed to limit the potential erosion impacts to acceptable levels. BMPs include scheduling excavation and grading activities during dry weather, as feasible, and covering stockpiles of excavated soils with tarps or plastic sheeting to help reduce soil erosion due to grading and excavation activities. Additionally, grading approval letters issued by the Los Angeles Department of Building and Safety's Grading Division will include additional erosion control mitigation measures. By using these tools and practices and grading mitigation measures, less than significant impacts would occur related to erosion or loss of top soil.

Mitigation:

None.

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	❑	❑	✔	❑

Response:

According to the Seismic Hazards Map of Los Angeles Quadrangle, the proposed project area does contain properties that are located on soil that is unstable which may be subject to landslide, lateral spreading, subsidence, liquefaction, or collapse. Therefore there is a possibility that people or structures may be exposed to potential substantial adverse effects, including the risk of loss, injury or death involving the failure of unstable soil. The proposed code amendments are not expected to effect or aggravate current seismic and geological conditions.

Moreover, any development that occurs within the geographical boundaries of Southern California has the potential of exposing people and/or structures to potentially substantial adverse effects involving the rupture of a known and unknown earthquake faults, strong seismic ground shaking, seismic-related ground failure (including the effects of liquefaction), or landslides.

A Geotechnical Investigation Report will be required for each project proposed to determine whether the development of an individual property will result in the failure of unstable soil. New development would typically be constructed on deepened foundation systems consisting of friction piles and grade beams supported by underlying bedrock when deemed necessary by the Los Angeles Department of Building and Safety. The Los Angeles Department of Building and Safety will review the Geotechnical Investigation Report prepared for each new development and deem whether the report is acceptable provided certain conditions are complied with during site development. New development would comply with the requirements of the CBC and LAMC, and will be reviewed by various City departments, including but not limited to, the Los Angeles Fire Department and the Department of Public Works according to their applicable codes and specifications. Therefore, a less than significant impact is anticipated.

Mitigation:

None.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	❑	❑	✔	❑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance does not involve and zone changes or changes to the existing density, and therefore would not increase development or aggravate existing conditions in areas with expansive soil. A Geological Investigation Report will be prepared for proposed development on individual lots and would include design recommendations for the foundations, slabs on grade, and the retaining walls to mitigate these conditions. As discussed previously, the Los Angeles Department of Building and Safety Building will review the Geotechnical Investigation Report and deem whether the report is acceptable provided certain conditions are complied with during site development. New development would be required to comply with the CBC and LAMC, and will be reviewed by various City departments, including but not limited to, the Los Angeles Fire Department, the Los Angeles Department of Building and Safety Building, and the Department of Public Works according to their applicable codes and specifications. Therefore, a less than significant impact is anticipated.

Mitigation:

None.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	❑	❑	✔	❑

Response:

The Hillside Area is served by the City of Los Angeles wastewater disposal system. The proposed Ordinance does not involve any zone changes or increases in density, and does not interfere with the City's existing sewer system. New development's wastewater disposal system would tie into the existing sewerlines or where identified to be located by the Bureau of Engineering. However, if the City's existing sewer system does not have the capacity to service future development, individual projects maybe delayed by the Department of Building and Safety until adequate service can be provided. Where septic tanks or other alternative wastewater disposal systems are required or necessary for new development, they will be constructed to the satisfaction of the Bureau of Engineering.

Mitigation:

None.

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family zoned properties in the hillside area. Single-family zoned lots do not require the routine transport, use, or disposal of materials which are flammable or hazardous outside of the day-to-day household materials.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family zoned properties in the Hillside Areas. Operation and maintenance of single-family structures are not expected to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, odor, or waste and would not require the daily use of chemicals outside of the day-to-day household materials.

However, short-term impacts may result from the construction of individual residential projects. Sediment resulting from construction activities carries with it work-site pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluids that are toxic to sea life. Also, due to the age of the building(s) being demolished, asbestos-containing materials (ACM) may be located in the structure(s). Exposure to ACM during demolition could be hazardous to the health of the demolition workers as well as area residents and employees. However, these impacts can be mitigated to a level of insignificance by complying with the mitigation measures established by the Department of City Planning on a project-by-project basis.

Mitigation:

None.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	❑	❑	❑	✔

Response:

Operation and maintenance of single-family structures will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, odor, or waste and would not require the daily use of chemicals outside of the day-to-day household materials. Therefore the proposed Ordinance is not expected to result in emissions of hazardous materials within one-quarter mile of an existing or proposed school or other sensitive receptor.

Mitigation:

None.

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	❑	❑	❑	✔

Response:

California Government Code Section 65962.5 requires various State agencies to compile a list of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on an annual basis, at a minimum.

The proposed Ordinance applies to properties zoned for single-family land use and are designated as Hillside Area. It is unlikely that single-family residential properties contain hazardous materials; however, for future project sites suspected of contamination the property owner and/or applicant will be required to submit a soils report for the property that either states that the site does not contain hazardous materials or, if hazardous materials are present, remediation measures developed for the project site prior to issuance of building permits.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	❑	❑	❑	✔

Response:

The proposed Ordinance may apply to some single-family neighborhoods within two miles of local airports. However, the provisions will neither result in an increase in construction of single-family homes adjacent to existing public airports nor result in an increased safety hazard for people residing or working in these areas.

Mitigation:

None.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for the people residing or working in the area?	❑	❑	❑	✔

Response:

The proposed Ordinance does not apply to any single-family neighborhoods within the vicinity of a known private airstrip. However, the provisions will neither result in an increase in construction of single-family homes adjacent to existing private airstrips nor result in an increased safety hazard for people residing or working in these areas.

Mitigation:

None.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	❑	❑	✔	❑

Response:

The proposal will not change the permitted land uses for the affected properties from the existing residential designation and zoning, and would not increase or decrease the density (number of residential units permitted) within the City's Hillside Areas. The proposed Ordinance would reduce the maximum amount of development, and introduce incentives for more articulated structures, as well as grading activity which involves the least amount of surface alteration and/or retains or reflects the natural topography. As a result, impacts related to construction activity would be reduced by the adoption of these provisions.

The development of each individual property is not expected to require any *new* emergency response plans and emergency evacuation plans specifying the appropriate actions to be undertaken with regard to emergency situations such as warning systems, evacuation plans/procedures, and emergency action plans. Therefore, the approval of the proposal would not impair implementation of, or physically interfere with any emergency response or evacuation plan. Furthermore, any new development will still be required to meet all fire safety requirements of the Department of Building and Safety and the Los Angeles Fire Department. The requirements in the street improvement and fire safety provisions in the existing hillside regulations will remain unchanged; these regulations are intended to provide for safe vehicle access for public traffic and for basic access to any property by emergency vehicles in case of fire or any other emergency.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Any individual development project not meeting these requirements would be required to obtain a discretionary approval which would involve an analysis of any impacts regarding the implementation of, or interference with any adopted emergency response or evacuation plan. Construction activity associated with new development may result in temporary impacts to pedestrians and vehicles when done beyond the limits established by this proposal. However, impacts to pedestrians and vehicles that may result due to construction activities would be analyzed on a project by project basis.

Mitigation:

None.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	❑	❑	✔	❑

Response:

The proposed Ordinance does not increase the density in the project area beyond what is currently allowed and would therefore not expose additional people or structures to a significant risk of loss, injury or death a result of wildland fires.

The proposed project area contains a significant number of parcels that are located within a Very High Fire Hazard Severity Zone and a Fire Brush Clearance Zone. These zones establish regulations for individual projects that ensure that any new development does not expose people and/or structures to a significant loss, injury, or death involving wildland fires, and future individual projects will be required to meet all fire safety requirements of the Department of Building and Safety and the Los Angeles Fire Department. In addition, all construction plans must adhere to Fire and Safety Guidelines for access to emergency services, which will require approval prior to construction. Compliance with applicable requirements regarding the building plans and site access is expected to reduce impacts related to wildland fires to a less than significant level through the incorporation of fire mitigation measures.

Mitigation:

None.

VIII. HYDROLOGY AND WATER QUALITY. Would the proposal result in:

a. Violate any water quality standards or waste discharge requirements?	❑	❑	✔	❑

Response:

The proposed Ordinance will not change the permitted land uses for the affected properties from the existing residential designation and zoning, and would not increase or decrease the density (number of residential units permitted) within the proposed project area. Therefore the development of each individual property is not expected to increase the amount of discharge beyond a level that has already been accounted for. New development will consist of minimum to low density residential projects in a residential hillside neighborhood.

The development of individual properties may result in water runoff that may contain some pollutants common to urban areas, especially those related to automobiles, and may be carried into the storm drains and discharged into the storm water runoff control system; these include oil, grease, metals, and hydrocarbons from streets, parking lots, and driveways, dirt from unpaved areas, herbicides, pesticides and fertilizer from landscaped areas and animal wastes. However, each project will be required to comply with all discharge regulations of the Regional Water Quality Control Board (RWQCB). The construction phase of a new development may also result in erosion and runoff. However, project construction and operations would be required to comply with applicable federal, State, and local regulations, as well as code and permit provisions in order to prevent violation of water quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

standards or water discharge requirements. Such regulations include the City of Los Angeles Municipal Code (Chapter IX, Division 70), the National Pollutant Discharge Elimination System (NPDES) regulations, and grading permits from the City of Los Angeles Department of Building and Safety. Therefore, a less than significant impact is anticipated.

Mitigation:

None.

b. Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned land uses for which permits have been granted)?	❑	❑	✔	❑

Response:

The proposed Ordinance would impose size limitations for residential structures, and as a result is expected to reduce the amount of impermeable surfaces which are known to increase run-off and impact groundwater recharge. Individual projects are expected to connect to the City's existing waterworks system and are not likely to result in increased activity in the construction of new water wells and/or pump stations that may be used to tap into existing groundwater supplies or interfere with groundwater recharge. Future increases in demand for water in the City of Los Angeles are proposed to be met primarily by purchasing additional water from Municipal Water District (MWD). Therefore, the proposal is not expected to substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

For the development of individual properties, a geologic investigation will likely be conducted for individual project sites and will involve exploratory borings and hand-dug exploratory test pits. The geologic investigation will determine whether evidence of groundwater is encountered at the maximum depth of the explorations, which would identify any potential impacts and would be analyzed on a case-by-case basis. Therefore, new development would not be expected to deplete or degrade groundwater resources or result in a demonstrable reduction in groundwater recharge capacity.

Mitigation:

None.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	❑	❑	✔	❑

Response:

Drainage within the project area will vary from parcel to parcel. The proposed Ordinance does not apply to a specific project site or area, and therefore the provisions would not directly impact any known natural and/or significant drainage features, such as streams or rivers.

The construction of new development would increase the amount of impervious surfaces and, therefore, could potentially alter the amount of surface runoff. Although individual projects in designated Hillside Areas may cause minor erosion or siltation on- or off-site over time, they are not expected to result in any substantial quantities. The drainage patterns in the vicinity of individual projects, including the downslope residential lots, are anticipated to remain the same as existing conditions. Furthermore, projects will be required to incorporate stormwater pollution

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

control measures, as required by Ordinance Nos. 172,176 and 173,494 which specify Stormwater and Urban Runoff Pollution Control and require the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants will be required to meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the City's standard mitigation measures (A copy of the SUSMP can be downloaded at: http://www.swrcb.ca.gov/rwqcb4/). Implementation of required water quality management practices would minimize erosion and siltation during construction of new development.

A less than significant impact is expected.

Mitigation:

None.

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site?	❑	❑	✔	❑

Response:

Drainage within the project area will vary from parcel to parcel. The proposed Ordinance does not apply to a specific project site or area, and therefore the provisions would not directly impact any known natural and/or significant drainage features, such as streams or rivers.

The proposed Ordinance will not change the permitted land uses for the affected properties from the existing residential designation and zoning, and would not increase or decrease the density (number of residential units permitted) within the proposed project area, and will not increase the amount of development to a level that would result in substantial alteration of existing drainage patterns beyond a level that has already been accounted for. Moreover, the regulations being introduced by this proposal would impose size limitations for residential structures, and as a result is expected to increase the amount of permeable surfaces which are known to decrease run-off. While any new development on vacant lots could increase the amount of impervious surfaces, and would therefore have the potential to significantly alter the existing drainage pattern of a project site and potentially increase the amount of surface runoff and may result in flooding on- or off-site, the proposed Ordinance would reduce further alteration to existing drainage patterns or decrease the rate or amount of surface runoff of the area in a manner which would not result in substantial flooding on- or off-site than would already occur.

Furthermore, projects will be required to incorporate stormwater pollution control measures, as required by Ordinance Nos. 172,176 and 173,494 which specify Stormwater and Urban Runoff Pollution Control and require the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants will be required to meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the City's standard mitigation measures (A copy of the SUSMP can be downloaded at: http://www.swrcb.ca.gov/rwqcb4/). Implementation of required water quality management practices would minimize erosion and siltation during construction of new development.

New development would not substantially alter the existing drainage pattern of the project area through the alteration of a course or stream or substantially increase the rate or amount of surface runoff in a manner which would result in flooding. Less than significant impacts related to drainage and flooding are anticipated.

Mitigation:

None.

e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	❑	❑	✔	❑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance is not expected to create or contribute additional runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. As described above, a comprehensive drainage system would be designed for new development. Stormwater would be directed towards the adjoining storm drainage systems, which is considered adequate to accommodate any additional runoff due to the increase in the amount of impervious surfaces on the various sites. Therefore, although new development would introduce impervious surfaces to the project area, runoff from the project sites is not anticipated to exceed the capacity of planned and existing stormwater drainage system. Furthermore, BMPs would be implemented during construction to reduce pollution in stormwater discharge to levels that comply with applicable water quality standards. Implementation of SUSMP requirements would ensure impacts are mitigated to a less than significant level.

Mitigation:

None.

f. Otherwise substantially degrade water quality?	❑	❑	✔	❑

Response:

The proposed Ordinance is intended to regulate the massing and size of single-family homes and is not expected to degrade water quality. Some pollutants common to urban areas, especially those related to automobiles, are contained in water runoff and may be carried into the storm drains and discharged into the storm water runoff control; these include oil, grease, metals, and hydrocarbons from streets, parking lots, and driveways, dirt from unpaved areas, herbicides, pesticides and fertilizer from landscaped areas and animal wastes. Each individual single-family residential project will be required to comply with all discharge regulations of the Regional Water Quality Control Board (RWQCB).

Mitigation:

None.

g. Place housing within a 100-year flood plain as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	❑	❑	✔	❑

Response:

The proposed Ordinance is regulatory in nature and does not involve changes to existing land uses, and therefore it will not direct the construction of housing to areas mapped on the federal Flood Hazard Boundary or Flood Insurance Rate Map. The proposal will regulate construction of single-family homes or additions to existing single family homes which are already zoned for single-family residential use.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h. Place within a 100-year flood plain structures which would impede or redirect flood flows?	❑	❑	✔	❑

Response:

The proposed Ordinance does not involve rezoning of property or changes to existing land uses. It will not direct the construction of housing to areas mapped within a 100-year flood plain, Hazard Boundary or Flood Insurance Rate Map. The proposal will regulate construction of single-family homes or additions to existing single family homes which are presently zoned for single-family residential use.

Mitigation:

None.

i. Expose people or structures to a significant risk of loss, inquiry or death involving flooding, including flooding as a result of the failure of a levee or dam?	❑	❑	✔	❑

Response:

The proposed Ordinance will not result in a zone change and therefore it is unlikely to direct the construction of housing to areas located near existing levees or dams, or additionally expose people to a significant risk of property loss or death. The proposal is regulatory in nature and affects the construction of single-family homes or additions to existing single family homes which are presently zoned for single-family residential use.

Mitigation:

None.

j. Inundation by seiche, tsunami, or mudflow?	❑	❑	✔	❑

Response:

The proposed Ordinance is regulatory in nature and affects the construction of single-family homes or additions to existing single family homes which are presently zoned for single-family residential use and therefore it is not expected to result in the increase of housing in areas which are more susceptible to inundation by a seiche, tsunami or mudflow, or additionally expose people to a significant risk of property loss or death.

Mitigation:

None.

IX. LAND USE AND PLANNING. Would the project:

a. Physically divide an established community?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family residential areas, and does not involve the type of development that would have the potential to physically divide an established community.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	❑	❑	❑	✔

Response:

The primary objective of the Baseline Hillside Ordinance is to establish more effective regulations as they pertain to the size and scale of single-family development on properties which are zoned R1, RS, RE, or RA within the City of Los Angeles' Hillside Areas. The amendments would result in: a reduction to the existing Floor Area Ratio (FAR); amendments to the existing Single-Family Residential Floor Area definition; changes to the height limits and how they are calculated; creation of new grading regulations; creation of a Hillside Standards Overlay District that would allow individual neighborhoods to adjust the baseline limits to better fit their community's character and scale; and establish or revise discretionary review processes for projects that deviate from the proposed FAR, height, and grading regulations.

The proposed project area is located within the City of Los Angeles and, as such, is subject to planning guidelines and restrictions established by the City of Los Angeles General Plan and the various Community Plans that make up the Land Use Element of the General Plan. On a larger scale, the project area is located within the planning area of the Southern California Association of Governments (SCAG), which is a regional planning organization. The project area is located within the South Coast Air Basin (Basin) which is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD).

General Plan.

The proposed Ordinance helps to accomplish the following goals, objectives, and policies of the General Plan Framework:

Goal 3B Preservation of the City's stable single-family residential neighborhoods.

> ***Objective 3.5*** Ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.
>
> > ***Policy 3.5.2*** Require that new development in single-family neighborhoods maintains its predominant and distinguishing characteristics such as property setbacks and building scale.
> >
> > ***Policy 3.5.4*** Require new development in special use neighborhoods such as water-oriented, rural/agricultural, and equestrian communities to maintain their predominant and distinguishing characteristics.

Community Plans.

The City of Los Angeles General Plan Land Use Element is subdivided into 35 community plans. The proposed Ordinance helps to accomplish the following objectives, and policies of various Community Plans:

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

> ***Policy 1-5.3*** Consider the steepness of the topography and suitability of the geology in any proposal for development within the Plan Area.

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

> ***Policy 1-5.1*** Limit development according to the adequacy of the existing and assured street circulation system within the Plan Area and surrounding areas.
>
> ***Policy 1-5.2*** Ensure the availability of paved streets, adequate sewers, drainage facilities, fire protection services and facilities, and other emergency services and public utilities to support development in hillside areas.

Objective 9-1 Ensure that fire facilities and protective services are sufficient for the existing and future population

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

and land uses.

Policy 9-1.1 Promote land use policies that enhance accessibility for fire fighting equipment and are compatible with effective levels of service.

Objective 1-6 To limit residential density and minimize grading in hillside areas. (Sunland-Tujunga-Lake View Terrace-Shadow Hills- East La Tuna Canyon)

Policy 1-6.3 Require that grading be minimized to reduce the effects on environmentally sensitive areas.

Objective 1-6 To limit the intensity and density in hillside areas to that which can reasonably be accommodated by infrastructure and natural topography.

Policy 1-6.6 The scenic value of natural land forms should be preserved, enhanced and restored. Wherever feasible, development should be integrated with and be visually subordinate to natural features and terrain. Structures should be located to minimize intrusion into scenic open spaces by being clustered near other natural and manmade features such as tree masses, rock outcrops and existing structures.

Objective 1-3 Preserve and enhance the character and integrity of existing single and multifamily neighborhoods.

Policy 1-3.3 Preserve existing views in hillside areas.

Regional Plans

SCAG Regional Comprehensive Plan and Guide. The project area is located within the Southern California Association of Governments (SCAG) jurisdiction. SCAG is the regional planning organization with responsibility for reviewing the consistency of local plans, projects and programs with regional plans. SCAG has prepared a Regional Comprehensive Plan and Guide (RCPG) to serve as a framework to guide decision-making with respect to the growth and changes that can be anticipated in the planning horizons for each document. At the regional level, the goals, objectives and policies in the RCPG are used for measuring consistency of a project with the adopted plans. New development would adhere to RCPG policies because new development is located in a residential hillside neighborhood for residential uses according to the General Plan and Zoning Ordinance. New development would be considered to be consistent with the RCPG.

SCAQMD Air Quality Management Plan

The consistency of new development with SCAQMD's Air Quality Management Plan (AQMD) is discussed in the Air Quality Section of this document (AQ(a)).

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in any increase in population density that would generate the need to require amend any existing plans or policies.

The proposal is expected to improve the compatibility of homes in their topographical settings and surrounding community. In the long run, in reducing the scale of houses built on properties zoned for single-family use, there may also be an incremental reduction in the potential energy use and waste generated by single-family structures. Therefore, new development in compliance with the proposed provisions would conform to the goals, objectives, and policies of the General Plan and the various Community Plans. Projects which deviate from the proposed regulations would require discretionary approval, will be reviewed for their impacts to any adopted plans or ordinances in addition to the surround neighborhood and the environment on a case-by-case basis.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	❑	❑	❑	✔

Response:

The proposed Ordinance does not amend or conflict with any applicable conservation plan or natural community conservation plan, nor does it result in increased development in sensitive ecological areas. The proposal is regulatory in nature and does not involve changes to existing land uses; therefore, will not result in additional construction of housing within any known conservation areas.

Mitigation:

None.

X. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	❑	❑	❑	✔

Response:

Pursuant to Section 13.01 of the LAMC, lots designated "O", Oil Drilling District Overlay, throughout Los Angeles, allow for controlled drilling sites and oil wells. However, as this proposed Ordinance applies citywide, any individual project site containing an existing or proposed oil well, would be evaluated as required to ensure that any mineral resources of value to the region and the residents of California would not be lost as a result of the project. The proposal applies to residential zoned lots located in hillside areas and is not expected to result in the further depletion of local mineral resources.

Mitigation:

None.

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	❑	❑	❑	✔

Response:

Pursuant to Section 13.01 of the LAMC, lots designated "O", Oil Drilling District Overlay, throughout Los Angeles, allow for controlled drilling sites and oil wells. The proposed Ordinance shall applies Citywide, and as such, no proposed project site is delineated on the City's General Plan, specific plan, nor any other land use plan as a locally-important mineral resource recovery site, therefore the proposal is not expected to have an impact on the availability of mineral resources.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. NOISE. Would the project:				
a. Exposure of persons to or generation of noise in level in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	❑	❑	✔	❑

Response:

The proposed Ordinance does not involve zone changes or changes to the existing land use designations that could affect density or noise levels in single-family neighborhoods. The noise levels in residential land uses are lower than those of commercial or industrial land uses and are unlikely to exceed noise levels established in the General Plan.

Individual projects are likely to create a temporary or periodic increase in noise levels during the construction phase, due to the heavy construction equipment and related construction activity, and could be audible to the closest residents to the project site. However, the duration of construction activities on the proposed site would be short-term. By limiting construction hours the corresponding noise will be minimized, thereby reducing any potentially significant impacts to less than significant.

The City of Los Angeles has established policies and regulations concerning the generation and control of noise that could adversely affect is citizens and noise sensitive land uses. A significant impact may occur if new development would generate excessive noise that would cause the ambient noise environment at the various development sites in the project area to exceed noise level standards set for in the City of Los Angeles General Plan Noise Element and the City of Los Angeles Noise Ordinance. Regarding construction, the Los Angeles Municipal Code indicates that no construction or repair work shall be performed between the hours of 6:00 p.m. and 7:00 am, since such activities would generate loud noises and disturb persons occupying sleeping quarters in any adjacent dwelling, hotel, apartment or other place of residence. No person, other than an individual home owner engaged in the repair or construction of his/her single-family dwelling, shall perform any construction or repair work of any kind or perform such work within 500 feet of occupied land before 8:00 am or after 6:00 pm on any Saturday or on a federal holiday, or at any time on any Sunday. Under certain conditions, the City may grant a waiver to allow limited construction activities to occur outside of the limits described above.

The Los Angeles Municipal Code also specifies the maximum noise level of powered equipment or powered hand tools. Any powered equipment or hand tool that produces a maximum noise level exceeding 75 dBA at a distance of 50 feet is prohibited. However, the noise limitation does not apply where compliance is technically infeasible. Technically infeasible means that the above noise limitation cannot be met despite the use of mufflers, shields, sound barriers and/or any other noise reduction device or techniques during the operation of equipment.

Mitigation:

None.

b. Exposure of people to or generation of excessive groundborne vibration or groundborne noise levels?	❑	❑	✔	❑

Response:

The proposed Ordinance will not affect land use densities or increase construction activity. Additionally, groundborne noise levels and vibration in residential land uses are lower than those found in commercial or industrial land uses and are unlikely to exceed levels established in the general plan or LAMC.

Individual projects are likely to create a temporary or periodic increase in groundborne vibration and/or groundborne noise during the construction phase, due to the heavy construction equipment and related construction activity, and could be audible to the closest residents to the project site. However, the duration of construction activities on the proposed site would be short-term. By limiting construction hours the corresponding noise and vibration will be minimized, as noted above, thereby reducing any potentially significant impacts to less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ❑ ❑ ✔ ❑

Response:

The proposed Ordinance is intended to establish a new limit to the size and scale of single-family residential development in the City's Hillside Areas. Residential land uses near individual development projects within the project area may occasionally be disrupted by construction activity, but would not be considered permanent.

Mitigation:

None.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ❑ ❑ ✔ ❑

Response:

The adoption of the Ordinance will not result in an increase in construction activity or changes in land use or population density that would raise ambient noise levels in single-family residential areas.

Individual projects are likely to create a temporary or periodic increase in ambient noise levels during the construction phase, due to the heavy construction equipment and related construction activity, and could be audible to the closest residents to the project site. However, the duration of construction activities on the proposed site would be short-term. By limiting construction hours the corresponding noise will be minimized, as noted above, thereby reducing any potentially significant impacts to less than significant.

Mitigation:

None.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ❑ ❑ ✔ ❑

Response:

The proposed Ordinance would not result in the further exposure of people residing or working within an airport land use plan to excessive noise levels. The proposal would not result in a rezoning or reclassification of land located near an existing airport. Existing or proposed single-family homes within two miles of a public airport will be subject to the proposed Code Amendments; however, no portion of the provisions would subject new populations to airport noise levels.

Mitigation:

None.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ❑ ❑ ❑ ✔

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance would not result in the further exposure of people residing or working in the vicinity of a private airstrip to excessive noise levels. The proposal would not result in a rezoning or reclassification of land located near an existing air strip. Existing or proposed single-family homes in the vicinity of an airstrip are subject to the proposed code amendments; however, no portion of the provisions would subject new populations to excessive noise levels resulting from a nearby airstrip.

Mitigation:

None.

XII. POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	❑	❑	❑	✔

Response:

The proposed Ordinance would not: change any existing general plan land use designations; result in any change in the circulation element of the general plan that might indirectly lead to an increase in new home construction beyond the existing capacity; or directly result in a zone change or change of land use. The proposed Ordinance and related code amendments would neither induce nor prevent population growth, and it would not direct population growth to new areas. The proposed Code Amendments are limited to regulating the massing and scale of buildings on lots zoned for single-family residential use.

Mitigation:

None.

b. Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	❑	❑	❑	✔

Response:

The proposed Ordinance is not expected to inhibit the construction of new housing, or result in the demolition of existing housing that would necessitate replacement housing elsewhere. The proposal is intended to mitigate the massing and scale of larger-than-average single-family homes.

Mitigation:

None.

c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	❑	❑	❑	✔

Response:

The proposed Ordinance applies to single-family zoned lots only and it does not involve rezoning or a reclassification of existing land uses. No change in population density is expected to result from the implementation of the proposal and it is unlikely that people would be displaced or that the construction of replacement housing elsewhere would be required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?	❑	❑	❑	✔

Response:

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the Ordinance is not proposing any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Therefore, new development in the project area would not affect the LAFD's existing level of service. Furthermore, all projects will be required to comply with all applicable State and local codes, ordinances, and guidelines as set forth in the Fire Protection and Fire Prevention Plan and the Safety Plan. In addition, new development would be subject to the site plan review requirements of the LAFD to ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles. Therefore, a less than significant impact is expected on fire protection services.

Mitigation:

None.

b. Police protection?	❑	❑	❑	✔

Response:

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in an increased demand for police protection.

Mitigation:

None.

c. Schools?	❑	❑	❑	✔

Response:

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in an increased demand for schools.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

d. Parks?	❑	❑	❑	✔

Response:

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in an increased demand for parks.

Mitigation:

None.

e. Other governmental services (including roads)?	❑	❑	❑	✔

Response:

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in any increase in population density that would generate the need to require additional infrastructure or other governmental services.

Mitigation:

None.

XIV. RECREATION.

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	❑	❑	❑	✔

Response:

The proposed Ordinance does not involve any zone changes or changes to the existing land use designations, and is not expected to result in a significant increase in population density that would cause or accelerate a substantial physical deterioration of these resources.

Mitigation:

None.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	❑	❑	❑	✔

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance does not involve any zone changes or changes to the existing land use designations which would result in an increase in the number of dwelling units, and therefore does not require the construction or expansion of recreational facilities.

Mitigation:

None.

XV. TRANSPORTATION/CIRCULATION. Would the project:

a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to ratio capacity on roads, or congestion at intersections)?	❑	❑	❑	✔

Response:

The proposed Ordinance applies only to single-family homes and it does not involve any zone changes or changes to existing land use designations which would increase population density in single-family neighborhoods. The proposal is not likely to exacerbate congestion at intersections or result in an increase in the number of vehicle trips. No direct or indirect impacts are expected on existing traffic patterns and road capacity.

Mitigation:

None.

b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	❑	❑	❑	✔

Response:

Adoption of the proposed Ordinance is not expected to substantially increase population size and vehicular traffic because it does not involve any zone changes or changes to existing land use designations which would increase population density in single-family neighborhoods. Therefore it is not expected to exceed the level of service standard for the existing street system.

Mitigation:

None.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	❑	❑	❑	✔

Response:

The proposed Ordinance will not generate new housing units and therefore will not increase the number of individuals who would require airline service and/or transportation because it does not involve any zone changes or changes to existing land use designations which would increase population density in single-family neighborhoods.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation:

None.

d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ❑ ❑ ❑ ✔

Response:

The proposed Ordinance does not amend the LAMC in any way that would increase the risk of exposure to a design feature such as sharp curves or a dangerous intersection. For individual projects, no permits will be issued unless the project meets the fire and life safety requirements of the applicable local and State codes and the approval of the City of Los Angeles Department of Transportation, Bureau of Engineering, and Department of Building and Safety.

Mitigation:

None.

e. Result in inadequate emergency access? ❑ ❑ ❑ ✔

Response:

The intent of the proposed Ordinance is to ensure that single-family development is consistent in scale with their respective lot sizes. New development in the proposed project area would not involve any activities that would interfere with or create an impediment to the implementation of an existing emergency response plan; however, construction of new development may result in temporary impacts to pedestrians and vehicles.

Furthermore, new development would be subject to the site plan review requirements of the Los Angeles Fire Department (LAFD) to ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles. Additionally, all construction plans would be required to adhere to Fire and Safety Guidelines for access to emergency services. New development would, therefore, result in a less than significant impact.

Mitigation:

None.

f. Result in inadequate parking capacity? ❑ ❑ ❑ ✔

Response:

The proposed Ordinance does not propose a change in the amount of parking required by the LAMC for single-family residential projects. Therefore, the proposal is unlikely to impact parking capacity.

Mitigation:

None.

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ❑ ❑ ❑ ✔

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Response:

The proposed Ordinance is regulatory in nature and applies only to construction of or additions to single-family homes. It does not conflict with any adopted or proposed policies, plans, and programs supporting alternative transportation.

Mitigation:

None.

XVI. UTILITIES. Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	❑	❑	❑	✔

Response:

The proposed Ordinance is not expected to result in an increase in the potential for new home construction or increases in the number of persons per single-family home. Therefore, the proposal is unlikely to result in development which exceeds the current wastewater treatment loads established by the Regional Water Quality Control Board.

Mitigation:

None.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	❑	❑	❑	✔

Response:

The proposed Ordinance is not expected to result in an increase in the potential for new home construction, or a redirection of population growth. Therefore, the proposal is not likely to result in the need for new water or wastewater treatment facilities or expansion of existing facilities servicing single-family homes.

Mitigation:

None.

c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	❑	❑	❑	✔

Response:

The proposed Ordinance is not expected to result in an increase the potential for new home construction, and therefore result in increased demand on the City's stormwater drainage facilities. The construction of individual single-family homes may be subject to compliance with the Los Angeles County SUSMP requirements.

Mitigation:

None.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Have sufficient water supplies available to serve the project from existing entitlements and resource, or are new or expanded entitlements needed?	❑	❑	❑	✔

Response:

The proposed Ordinance is not expected to result in an increase in single-family residential development which would require new sources of water supplies or expanded entitlements. Future increases in demand for water in the City of Los Angeles are proposed to be met primarily by purchasing additional water from Metropolitan Water District (MWD). The Department of Water and Power reports that deficiencies in the ability of the water system to provide domestic water supply to Los Angeles.

Mitigation:

None.

e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	❑	❑	❑	✔

Response:

The proposed Ordinance will not result in an increase in the potential for new home construction, and therefore would not result in increased demand on the City's wastewater treatment facilities. However, if necessary, individual single-family projects may be delayed by the Department of Building and Safety until adequate service can be provided.

Mitigation:

None.

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	❑	❑	❑	✔

Response:

The proposed Ordinance will not result in an increase the potential for new home construction, and therefore would not result in increased demand on the City's landfill capacity. However, if necessary, individual single-family projects may be delayed by the Department of Building and Safety until adequate service can be provided.

Mitigation:

None.

g. Comply with federal, state, and local statutes and regulations related to solid waste?	❑	❑	❑	✔

Response:

Solid waste regulations are not within the scope of this Ordinance, therefore the proposed code amendments are not expected to conflict with federal, state, or local statues and regulations related to solid waste. Moreover, the Ordinance will not result in an increase the potential for new home construction, and therefore would not impact regulations related to solid waste.

Mitigation:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

None.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	❑	❑	✔	❑

Response:

If adopted, the proposed Ordinance will apply to single-family homes in the City's Hillside Areas, and are primarily within heavily urbanized areas. Currently, single-family home construction in the City occurs predominantly on in-fill sites. The proposed Ordinance will not introduce any new, or change existing land uses or density to undeveloped areas that are incompatible with single-family land use. Moreover, the proposal is regulatory in nature and is not expected to result in an increase in the potential for new home construction or direct construction to previously underdeveloped areas. The provisions would not, on its face, have the potential to degrade the quality of the environment, or threaten rare or endangered flora or fauna any more than is already permitted.

New development is not expected to degrade the quality of the environment, reduce or threaten any fish or wildlife species (endangered or otherwise), or eliminate important examples of major periods of California history or pre-history. Most single-family development is concentrated in the City's urbanized areas; therefore, it is unlikely that the adoption of this proposal – a regulatory action - will directly cause a native fish or wildlife population to drop below self sustaining levels beyond what is already permitted. Additionally, the changes are not likely to eliminate a plant or animal community because a good number of existing plant forms and animal population have adapted to the urbanized/developed environment or were imported to it.

Finally, the Ordinance is not expected to reduce the number or, restrict the range of endangered plants or animals because it does not propose to rezone property such that a further increase in development in sensitive ecological areas would occur, thereby threatening rare or endangered flora or fauna. The project is not expected to eliminate important examples of the major periods of California history or prehistory, and any future single-family development within Historic Preservation Overlay Zones will be coordinated with the Office of Historic Resources in the Department of City Planning.

Mitigation:

None.

b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	❑	❑	✔	❑

Response:

The Los Angeles Municipal Code currently allows for floor areas which are larger than the lots on which they are situated, has height limits that prevent the terracing of structures which would be more effective in terms of aesthetics as well as reducing the potential impact on the existing terrain, and has no limits the grading activity

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

which occurs on any particular property thereby allowing for the major alteration of the City's existing hillsides. The primary objective of the Baseline Hillside Ordinance is to establish more effective regulations as they pertain to the size and scale of single-family development on properties which are zoned R1, RS, RE, or RA within the City of Los Angeles' Hillside Areas.

The amendments would result in: a reduction to the existing Floor Area Ratio (FAR); amendments to the existing Single-Family Residential Floor Area definition; changes to the height limits and how they are calculated; creation of new grading regulations; creation of a Hillside Standards Overlay District that would allow individual neighborhoods to adjust the baseline limits to better fit their community's character and scale; and establish or revise discretionary review processes for projects that deviate from the proposed FAR, height, and grading regulations. Therefore, the proposal is expected to result in a reduction in the potential for cumulative impacts for new projects built pursuant to the proposed provisions.

Moreover, the proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in any increase in population density that would generate the need to require additional infrastructure or other governmental services, beyond what is already present.

The proposals is also expected to incrementally reduce construction-related impacts resulting from residential development activity, maintain appropriate distances between single-family homes, and improve the compatibility of homes in their topographical settings and surrounding community. In the long run, in reducing the scale of houses built on properties zoned for single-family use, there may also be an incremental reduction in the potential energy use and waste generated by single-family structures.

Projects completed in compliance with the proposed Code Amendments are expected to have fewer environmental impacts than those presently being constructed. Projects which deviate from the proposed regulations would require discretionary approval, will be reviewed for their impacts to the surround neighborhood and the environment on a case-by-case basis, and would be subject to conditions of approval in order to mitigate those effects.

Mitigation:

None.

c. Does the project have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly?	❑	❑	❑	✔

Response:

The primary objective of the Baseline Hillside Ordinance is to establish more effective regulations as they pertain to the size and scale of single-family development on properties which are zoned R1, RS, RE, or RA within the City of Los Angeles' Hillside Areas. Projects completed in compliance with the proposed Code Amendments are expected to have fewer environmental impacts than those presently being constructed. Projects which deviate from the proposed regulations would require discretionary approval, will be reviewed for their impacts to the surround neighborhood and the environment on a case-by-case basis, and would be subject to conditions of approval in order to mitigate those effects.

Mitigation:

None.

☛ **DISCUSSION OF THE ENVIRONMENTAL EVALUATION** (Attach additional sheets if necessary)

PREPARED BY	TITLE	TELEPHONE #	DATE
Oliver Netburn	Planning Assistant	(818) 374-5038	March 12, 2010

CEQA COMMENT RECEIVED APRIL 8, 2010

Jeffrey A. Kaplan
Attorney at Law (inactive)
924 Westwood Blvd. #910
Los Angeles, CA. 90024
(310) 208-0075

April 8, 2010

Erick Lopez
City Planner - Department of City Planning
200 N. Spring Street
Room 621
Los Angeles, CA 90012
(213) 978-1243 / (213) 978-1226 - fax
email: erick.lopez@lacity.org

Sent via email; fax and hand delivered at City Planner Office

Re: **Baseline Hillside Ordinance**
Case Number CPC-2010-0581-CA
CEQA Number ENV-2010-0582-ND

Mr. Erick Lopez,

Thank you very much for conducting multiple public workshops relating to the proposed Baseline Hillside Ordinance (BHO) and the opportunity to voice concerns to the Department of City Planning. In furtherance of the foregoing, this letter shall serve as additional notice of my concerns regarding the BHO and its compliance under the California Environmental Quality Act (CEQA).

As you may recall, I am an inactive lawyer and CPA and a real estate investor and owner of homes in Bel-Air. I am also a member of the Board of Directors of the Bel-Air Assn. and a member of the Coalition of Concerned L.A. Real Estate Industry and Hillside Homeowners.

I have recently learned of CEQA Case Number ENV-2010-0582-ND, and have had only a brief opportunity to review the same. However, it is clear that a Negative Declaration is not appropriate in this instance as the environmental impact of the Baseline Hillside Ordinance (LA City Planning Case Number CPC-2010-0581-CA) is "potentially significant" as to a number of factors and therefore a full Environmental Impact Report is required under CEQA.

Potentially significant effects of the Baseline Hillside Ordinance (CPC-2010-0581-CA) on the environment include, without limitation all of the matters set forth in this letter, including the following:

I. Aesthetics: Potentially Significant Impact. The proposed ordinance would potentially degrade the existing visual character and quality of LA City hillside properties and surroundings areas as, for example, certain undeveloped lots and potions of lots will be required to remain in its "natural state" as opposed to being improved with new landscaping and development appropriate and consistent with currently existing area homes and properties. By way of example, currently graded or ungraded lots (i.e., fenced and unfenced vacant lots consisting of little more than dirt and weeds) would potentially remain in a blighted condition as compared to being beautified, utilized and developed.

XII. Population and Housing, etc. Potentially Significant Impact. The proposed ordinance would potentially displace substantial numbers of people necessitating the construction of replacement housing elsewhere due to the cumulative effect of grading and residential floor area (RFA) restrictions. For example, certain families living in LA City hillside properties will not be able to add to existing homes in order to accommodate elderly parents, newborn children, older children returning home and other members of the immediate or extended family of the homeowners, which would resultantly increase the need to construct housing and accommodations elsewhere. Further, LA City hillside homeowners who desire to accommodate large families would potentially need to move to other areas (where they can provide a higher quality of life for their family through the use of their land for pools, play yards, etc. that would potentially be prohibited by the proposed ordinance through grading and other development restrictions), thereby causing a shortage of adequate housing opportunities and the increase of population density in such other areas.

XIII. Public Services and XIV Recreation: Potentially Significant Impact. The proposed ordinance will potentially and significantly limit development on all hillside properties in the City of private pools, play yards, recreation areas, etc., thereby potentially significantly increasing the burden on public schools, parks and recreation areas. Moreover, the proposed ordinance would potentially create a greater burden on schools and parks in the City's non-hillside areas as people with large families move out of the hillsides that would no longer accommodate their desired quality of life.

XV. Transportation / Circulation: Potentially Significant Impact. The proposed ordinance will reduce usable land area in the hillside areas (through both the grading and RFA restrictions) that will potentially result in fewer families being willing or able to buy homes in close-in hillside neighborhoods. These families will then potentially live in other areas further from their work and desired transportation destinations resulting in longer commutes and a generally increased traffic burden throughout the City.

XVII. Mandatory Findings of Significance: Potentially Significant Impact. The proposed ordinance will potentially have the cumulative impact through application of RFA, grading and other restrictions of causing certain families to not be able to live together due to limits on remodeling, additions and quality of life improvements (such as restrictions limiting development of pools, play yards, recreational areas, etc.). Moreover, as the proposed ordinance will apply to all existing hillside properties, expectations of existing homeowners that desire families and children will be practically frustrated due to their potential inability to redevelop and expand their home to appropriately accommodate these desires.

Please note that the foregoing is not an exhaustive list of all the potentially significant environmental impact factors as to the BHO, and I reserve the right, as allowed under applicable law, to supplement, expand and add to this list..

I, along with a growing number of hillside residents, do not believe that the BHO is in the best interests of the hillside defined areas in the City of Los Angeles. From a social standpoint, the modernization of homes in this area has attracted new and/or growing families and has contributed to a revitalization of older, outdated homes throughout the City -- which activity also results in the profoundly important creation of numerous local area jobs and the support of local area service providers and businesses.

In conclusion, the foregoing clearly presents substantial evidence that demonstrates that there is a fair argument that the adoption of the BHO will result in significant adverse environmental impacts. See Mejia v. City of Los Angeles, 130 Cal. App. 4th 322 (205). Additionally, it is clear that the displacement of development which will result from the adoption of the BHO is precisely the kind of impact which should be investigated through a thorough EIR. Muzzy Ranch v. Solano County Airport Land Use Commission, 41 CAL 4th 372 (2007).

Accordingly, from a legal standpoint, since the BHO has not been subjected to proper environmental review as required by CEQA, it can not legally be adopted without a thorough EIR, prepared and subject to review in compliance with CEQA.

Very Truly Yours,

Jeffrey A. Kaplan

Cc: Coalition of Concerned L.A. Real Estate Industry and Hillside Homeowners

RESPONSE TO CEQA COMMENT RECEIVED APRIL 8, 2010

On April 8, 2010, a Mr. Jeffrey Kaplan submitted comments regarding the proposed Negative Declaration (ENV-2010-582-ND) for the proposed Baseline Hillside Ordinance. The following is a list of the comments followed by the Department response.

CEQA Comment (verbatim)

I. Aesthetics: Potentially Significant Impact. The proposed ordinance would potentially degrade the existing visual character and quality of LA City hillside properties and surroundings areas as, for example, certain undeveloped lots and portions of lots will be required to remain in its "natural state" as opposed to being improved with new landscaping and development appropriate and consistent with currently existing area homes and properties. By way of example, currently graded or ungraded lots (i.e., fenced and unfenced vacant lots consisting of little more than dirt and weeds) would potentially remain in a blighted condition as compared to being beautified, utilized and developed.

Department Response

The proposed Ordinance will not restrict any property from being developed, and are intended to revise the provisions pertaining to the size/scale of structures in the City's Hillside Areas through more effective Floor Area Ratio, height, and grading regulations. The proposal will result in development which is more compatible than the existing regulations with the hillside environment. Safeguards have been included in the language to ensure that development is allowed to occur on legal lots.

Section I. Aesthetics is intended to be a review of potential impacts to:

- scenic vistas;
- scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a city-designated scenic highway;
- the existing visual character or quality of the site and its surroundings; and
- day or nighttime views in the area as a result of new sources of substantial light or glare.

It is staff's determination that the responses in the Environmental Assessment Form are appropriate for these environmental concerns and do not need to be reconsidered or revised, and that the existing determination of "Less Than Significant Impact" for each of these categories are correct.

CEQA Comment (verbatim)

XII. Population and Housing, etc. Potentially Significant Impact. The proposed ordinance would potentially displace numbers of people necessitating the construction of replacement housing elsewhere due to the cumulative effect of grading and residential floor area (RFA) restrictions. For example, certain families living in LA City hillside properties will not be able to add to existing homes in order to accommodate elderly parents, newborn children, older children returning home and other members of the immediate or extended family of the homeowners, which would resultantly increase the need to construct housing and accommodations elsewhere. Further, LA City hillside homeowners who desire to accommodate large families would potentially need to move to other areas (where they can provide higher quality of life for their family through the use of their land for pools, play yards, etc. that would potentially be prohibited by the proposed ordinance through grading and other development restrictions), thereby causing a shortage of adequate housing opportunities and the increase of population density in such other areas.

Department Response

The proposed Ordinance would not:

- change any existing general plan land use designations;
- result in any change in the circulation element of the general plan that might indirectly lead to an increase in new home construction beyond the existing capacity;
- directly result in a zone change or change of land use;
- inhibit the construction of new housing, or result in the demolition of existing housing that would necessitate replacement housing elsewhere; or
- change population density and is unlikely that people would be displaced or that the construction of replacement housing elsewhere would be required.

The proposed Ordinance and related code amendments would neither induce nor prevent population growth, and it would not direct population growth to new areas. The proposed Code Amendments are limited to regulating the massing and scale of buildings and land alteration not involving the foundations of structures on lots zoned for single-family residential use. Moreover, the proposed Ordinance includes provisions which establish an avenue to allow for modest additions to existing dwellings regardless of their conforming status.

It is staff's determination that the responses in the Environmental Assessment Form are appropriate for these environmental concerns and do not need to be reconsidered or revised, and that the existing determination of "No Impact" for each of these categories are correct.

CEQA Comment (verbatim)

XIII. Public Services and XIV Recreation: Potentially Significant Impact. The proposed ordinance will potentially and significantly limit development on all hillside properties in the City of private pools, play yards, recreation areas, etc., thereby potentially significantly increasing the burden on public schools, parks and recreation areas. Moreover, the proposed ordinance would potentially create a greater burden on schools and parks in the City's non-hillside areas as people with large families move out of the hillsides that would no longer accommodate their desired quality of life.

Department Response

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes, and the proposed code amendments would apply only to properties zoned single-family residential. Consequently, the changes are not expected to substantially increase the number of residents in any given neighborhood and therefore, it is not expected to result in an increased demand for schools or parks.

Moreover, private pools, play yards, recreation areas, etc. are not considered to be public recreation resources and therefore have no bearing in the analysis of impacts to public services.

It is staff's determination that the responses in the Environmental Assessment Form are appropriate for these environmental concerns and do not need to be reconsidered or revised, and that the existing determination of "No Impact" for each of these categories are correct.

CEQA Comment (verbatim)

XV. Transportation / Circulation: Potentially Significant Impact. The proposed ordinance will reduce usable land area in the hillside areas (through both the grading and RFA restrictions) that will potentially result in fewer families being willing or able to buy homes in close-in hillside neighborhoods. These families will then potentially live in other areas further from their work and desired transportation destinations resulting in longer commutes and a generally increased traffic burden throughout the City.

Department Response

The proposed Ordinance would not increase the number of dwelling units permitted on a given lot as the proposal does not involve any zone changes or changes to existing land use designations which would increase population density in single-family neighborhoods. Consequently, the changes are not expected to substantially increase the number of residents The proposal is not likely to exacerbate congestion at intersections or result in an increase in the number of vehicle trips, or exceed the level of service standard for the existing street system. No direct or indirect impacts are expected on existing traffic patterns and road capacity.

It is staff's determination that the responses in the Environmental Assessment Form are appropriate for these environmental concerns and do not need to be reconsidered or revised, and that the existing determination of "No Impact" for each of these categories are correct.

Public Comment (verbatim)

XVII. Mandatory Findings of Significance: Potentially Significant Impact. The proposed ordinance will potentially have the cumulative impact through application of RFA, grading and other restrictions of causing certain families to not be able to live together due to limits on remodeling, additions and quality of life improvements (such as restrictions limiting development of pools, play yards, recreational areas, etc.).

Moreover, as the proposed ordinance will apply to all existing hillside properties, expectations of existing homeowners that desire families and children will be practically frustrated due to their potential inability to redevelop and expand their home to appropriately accommodate these desires.

Department Response

The proposed Ordinance will not restrict any property from being developed, and are intended to revise the provisions pertaining to the size/scale of structures in the City's Hillside Areas through more effective Floor Area Ratio, height, and grading regulations. The proposal will result in development which is more compatible than the existing regulations with the hillside environment. Safeguards have been included in the language to ensure that development is allowed to occur on legal lots. Moreover, the proposed Ordinance includes provisions which establish an avenue to allow for modest additions to existing dwellings regardless of their conforming status.

It is staff's determination that the responses in the Environmental Assessment Form are appropriate for these environmental concerns and do not need to be reconsidered or revised, and that the existing determination of "Less Than Significant Impact" for each of these categories are correct.

EXHIBIT C
AFFECTED AREA MAP

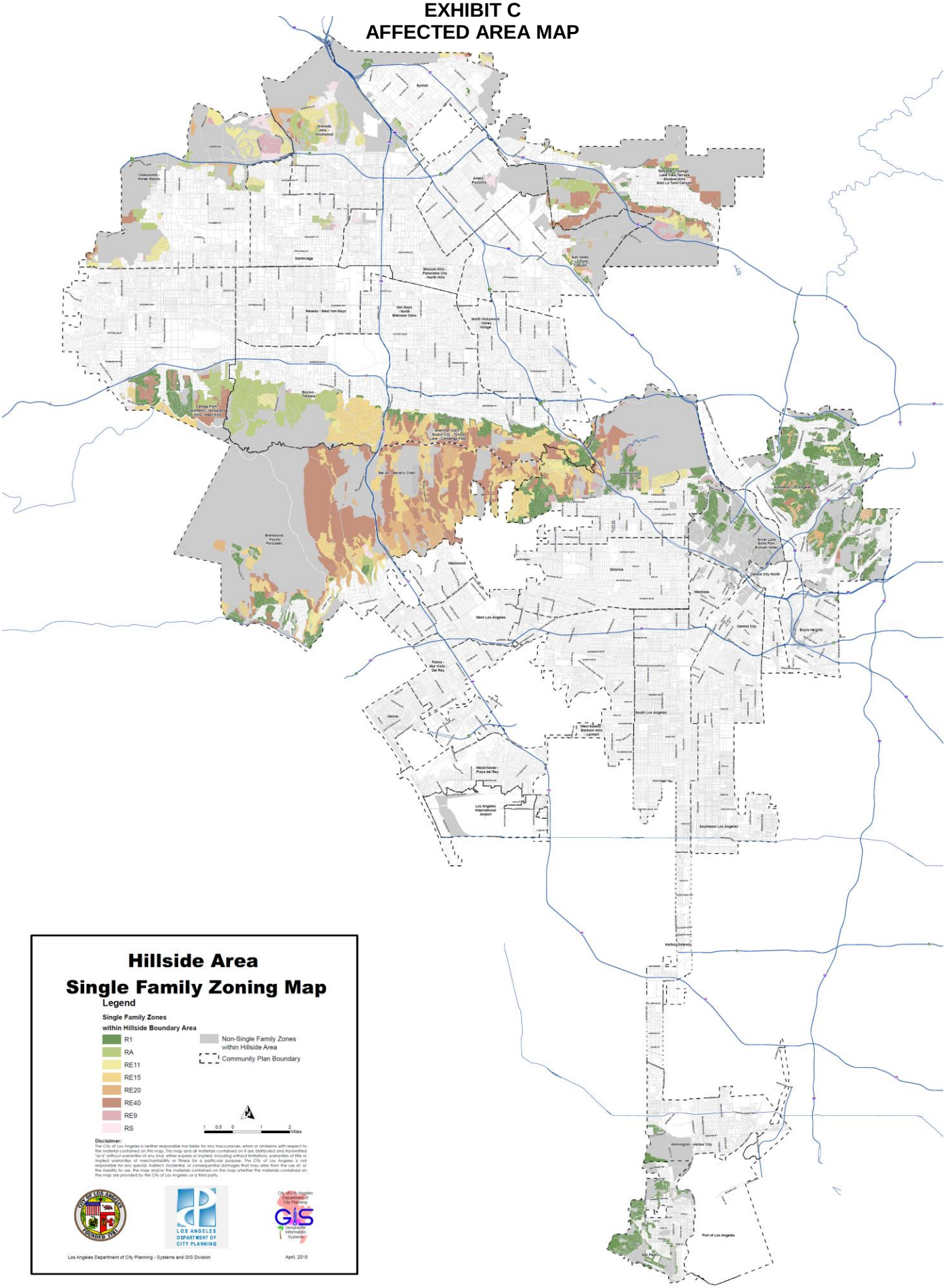


EXHIBIT D

COUNCIL MOTION, CF NO. 06-1293

MOTION PLANNING and LAND USE MGT.

JUN 0 6 2006

Preservation of established single-family neighborhood character has emerged as a citywide issue, in both the flat and hillside areas of the City. Changes in land value, housing preference and housing inventory are all playing a part in the trend toward larger and larger single family homes being constructed in the City. These larger homes, however, are often incompatible with the established scale and character of existing single-family neighborhoods.

Current Los Angeles Municipal Code (LAMC) provisions governing building height, yard setbacks and, in hillside areas, building footprint lot coverage, are insufficient to address the issues of massing and bulk of single family homes, both in relationship to the property on which they are built and to the neighboring existing homes. For example, a 7,020 square-foot house can be constructed by right on a 5,000 square-foot lot; on a 7,500 square-foot lot, a 11,040 square-foot house can be constructed, also without any variances or other entitlements.

Existing communities and neighborhoods have been demanding interim control ordinances to control this overbuilding. However, ICO's are temporary measures which are meant to curb activity until permanent legislation is approved. Creation of ICO's and processing of hardship exemptions consume staff resources that would be more efficiently used in pursuing a permanent solution. Therefore, rather than creating a patchwork of ICOs, a comprehensive, citywide approach is needed.

I THEREFORE MOVE that the Department of City Planning, in conjunction with the City Attorney and the Department of Building and Safety, be directed to prepare an ordinance amending the LAMC to establish the appropriate size of single family homes in flat and hillside areas. Such ordinance should consider: the size of the structure in relation to the size of the lot (floor area ratio), for both new construction and additions to existing homes the relationship between percentage of slope and allowable buildable area amendments to existing Specific Plans and municipal code provisions to ensure consistency.

PRESENTED BY: _____

SECONDED BY: _____

JUN 0 6 2006

EG 06-1292