



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### City Planning Commission

**Date:** August 14, 2008  
**Time:** After 8:30 am\*  
**Place:** City Hall,  
Council Chambers, Room 340  
200 N. Spring Street  
Los Angeles, CA 90012

**Public Hearing:** Completed June 24, 2008

**Case No.:** CPC-2008-1182-ZC  
**CEQA No.:** ENV-2008-1183-MND  
**Incidental Cases:**  
**Related Cases:** CPC-2004-7068-ICO  
**Council No.:** 1, 14  
**Plan Area:** Northeast Los Angeles  
**Certified NC:** Arroyo Seco,  
Lincoln Heights, LA-32  
**GPLU:** Various: Open Space,  
Public Facilities, Minimum  
Residential, Very Low  
Residential, Low  
Residential, Low Medium I &  
II Residential, Medium  
Residential, Neighborhood  
Commercial  
**Zone:** Various: OS-1XL, PF-1, A1-  
1, RE40-1, RE20-1, RE9-1,  
RS-1, R1-1, RD6-1,  
[T][Q]RD6-1, RD5-1,  
[Q]RD5-1, R2-1, RD3-1,  
RD4-1-HPOZ, RD1.5-1,  
(T)(Q)RD1.5-1, RD2-1,  
[Q]C1-1, C1-1  
**Applicant:** City of Los Angeles

### PROJECT LOCATION:

The proposed project area (see Exhibit A) is generally bounded by:

(Subarea I) Elephant Hill-Happy Valley-Hermon-Heritage Square-Lincoln Heights-Mt. Olympus (Flattop Hill)-Montecito Heights-Monterey Hills-Oak Hill-Paradise Hill-Rose Hills generally bounded by the Pasadena (110) Freeway to the northwest, Via Marisol, Bushnell Way, Kendall Avenue, Ebey Avenue, Avenue 59, Lomitas Drive, Avenue 60, and Monterey Road to the north, the City of South Pasadena to the northeast, Van Horne Avenue, Wadena Avenue, Portola Avenue, Novgorod Street, the alley between Rosemead Avenue and El Sereno Avenue north of Novgorod Street, Carnegie Street, Locke Avenue, North Huntington Drive, Collis Avenue, Harriman Avenue, Edison Street, Hellman Avenue, the rear property lines of the lots fronting the north side of Paula Street, Monterey Road, North Huntington Drive, Mercury Avenue, Galena Street, Amethyst Street, North Huntington Drive, and Mission Road to the east, Baldwin Street, Lincoln Park Avenue, and Mission Road to the south, and Thomas Street, Manitou Avenue, Lincoln Park Avenue, North Broadway, Thomas Street, Eastlake Avenue, George Street, Johnston Street, Avenue 28, Griffin Avenue, Avenue 33, and Pasadena Avenue to the west, excluding those commercially

zoned properties fronting Monterey Road, North Huntington Drive, Mission Road, Broadway, and Pasadena Avenue.

- (Subarea II) *El Sereno North* generally bounded by the City of South Pasadena to the north, Lowell Avenue, Newtonia Drive, the rear property lines of the lots mid-block between Stillwell Avenue and Lowell (south of Newtonia Drive), Almont Street, and Stillwell Avenue to the east, Huntington Drive to the south, and Guardia Avenue, Remstoy Drive, and Garden Homes Avenue to the west.
- (Subarea III) *Ascot Hills-El Sereno-Hillside Village-Omaha Heights* generally bounded by South Huntington Drive, Fithian Avenue, Twining Street, Eastern Avenue, Lynnfield Street, Phelps Avenue, Gambier Street, the rear property lines of the lots fronting the west side of Pueblo Avenue, Templeton Street, Pueblo Avenue, Barstow Street, Twining Street, Castalia Avenue, Axtell Street, Portola Avenue, and Navarro Street to the north, Chadwick Drive, Edna Street, Budau Avenue, Cronus Street, Vaquero Avenue, Chester Street, Haven Street, and the alley between Ithaca Avenue and Alhambra Avenue to the east, Druid Street, Eastern Avenue, Klamath Street, Richelieu Avenue, Druid Street, Cyril Avenue, Catalpa Street, Boca Avenue, Yellowstone Street, and Multnomah Street to the south, and Soto Street to the west, excluding those commercially zoned properties fronting South Huntington Drive and Eastern Avenue.
- (Subarea IV) *University Hills* generally bounded by Cavanaugh Road, Borland Road, Block Place, and Valley Boulevard to the north, Mariondale Avenue, Dobbs Street, Warwick Avenue, Bohlig Road, Lansdowne Avenue, Cavanaugh Road, and the rear property lines of the lots fronting the east side of Barnett Road to the east, the Los Angeles city boundary to the south, and Marianna Avenue to the west, excluding those commercially zoned properties fronting Valley Boulevard.

**PROPOSED PROJECT:**

City-initiated zone change to the Northeast Los Angeles Community Plan Area for various subareas , as identified above, located in the hillside areas easterly of the 110 freeway. No individual development project is being proposed; however, the proposed zone changes involve the addition of D limitations and Q conditions to the existing zones and does not require a General Plan Amendment because it will maintain the existing General Plan/Community Plan land use designations of Open Space, Public Facilities, Minimum Residential, Very Low Residential, Low Residential, Low Medium I & II, Medium Residential and General Neighborhood Commercial.

**REQUESTED ACTION:**

Pursuant to Section 12.32 of the Municipal Code, Zone and Height District changes from OS-1XL to [Q]OS-1XLD, PF-1 to [Q]PF-1D, A1-1 to [Q]A1-1XLD, RE40-1 to [Q]RE40-1D, RE20-1 to [Q]RE20-1D, RE9-1 to [Q]RE9-1D, RS-1 to [Q]RS-1D, R1-1 to [Q]R1-1D, RD6-1 to [Q]RD6-1D, RD5-1 to [Q]RD5-1D, R2-1 to [Q]R2-1D, RD3-1 to [Q]RD3-1D, RD4-1-HPOZ to [Q]RD4-1-HPOZ-D, RD1.5-1 to [Q]RD1.5-1D, RD2-1 to [Q]RD2-1D and [Q]C1-1 to [Q]C1-1D.

**RECOMMENDED ACTIONS:**

1. **Approve and Recommend that the City Council Adopt** the requested zone change from OS-1XL to [Q]OS-1XLD, PF-1 to [Q]PF-1D, A1-1 to [Q]A1-1XLD, RE40-1 to [Q]RE40-1D, RE20-1 to [Q]RE20-1D, RE9-1 to [Q]RE9-1D, RS-1 to [Q]RS-1D, R1-1 to [Q]R1-1D, RD6-1 to [Q]RD6-1D, RD5-1 to [Q]RD5-1D, R2-1 to [Q]R2-1D, RD3-1 to [Q]RD3-1D, RD4-1-HPOZ to [Q]RD4-1-HPOZ-D, RD1.5-1 to [Q]RD1.5-1D, RD2-1 to [Q]RD2-1D and [Q]C1-1 to [Q]C1-1D as shown on Exhibit C-6.

2. **Adopt** the attached Findings.
3. **Approve and Recommend that the City Council Adopt** Mitigated Negative Declaration No. ENV-2008-1183-MND.

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Director of Planning

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Exhibits

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B - Environmental Clearance

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- C-2: Northeast LA ICO Map**
- C-3: Northeast LA ICO Map, Subarea I**
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- D-1: Ordinance No. 178102**
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E - Photographs

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F - Taskforce Reference Materials

G - Public Outreach Handouts

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure the availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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## PROJECT ANALYSIS

### Project Summary

The Northeast Los Angeles Zone Change has been proposed as a response to the Northeast Los Angeles Hillside Interim Control Ordinance. This proposal consists of a Zone Change Ordinance that addresses protection of natural resources, vegetation and wildlife, neighborhood character, identity and scale, environmental impacts associated with hillside development, emergency access and adequate infrastructure. Approximately 11,000 parcels are proposed for zone changes and height district changes. Proposed zone changes and height district changes are as follows: from OS-1XL to [Q]OS-1XLD, PF-1 to [Q]PF-1D, A1-1 to [Q]A1-1XLD, RE40-1 to [Q]RE40-1D, RE20-1 to [Q]RE20-1D, RE9-1 to [Q]RE9-1D, RS-1 to [Q]RS-1D, R1-1 to [Q]R1-1D, RD6-1 to [Q]RD6-1D, RD5-1 to [Q]RD5-1D, R2-1 to [Q]R2-1D, RD3-1 to [Q]RD3-1D, RD4-1-HPOZ to [Q]RD4-1-HPOZ-D, RD1.5-1 to [Q]RD1.5-1D, RD2-1 to [Q]RD2-1D and [Q]C1-1 to [Q]C1-1D (See Exhibit C-6). The proposed permanent [Q] conditions and [D] limitations would change the hillside development regulations to promote increased geological stability, minimal disruption of the natural terrain, vegetation, and wildlife, as well as promoting an appropriate scale of development and protection of natural resources that complement the surrounding community.

The proposed permanent [Q] conditions would:

- Restrict the storage of construction materials and equipment from reducing the roadway clearance to less than 20-feet in width.
- Require construction vehicles to be subject to the Los Angeles Fire Department (LAFD) Red Flag – No Parking Program.
- Require procurement and installation of restricted parking signs along the project site as required by the Los Angeles Fire Department (LAFD) and/or the Los Angeles Department of Transportation (LADOT).
- Require architectural variation and building design articulations to ensure that new development is compatible with existing neighborhood identity, character and scale.
- Add a new Green Building Bonus of 20% of the maximum development potential of a lot for structures that are 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 "Certified" level or higher.
- Reduce the maximum total height of freestanding retaining walls to 12 feet and individual walls to a maximum of 6 feet each and require that the retaining walls be fully screened with plantings.
- Reduce the total length of each freestanding retaining wall to 75 feet and limit freestanding retaining walls from extending beyond one lot.

- Exempt freestanding garden walls 36" or less in height from being considered retaining walls for the purposes of this proposal.
- Require landscaping plans to be submitted for all new development that consist of landscaping palettes comprised of drought tolerant and/or native plant material that are fire retardant and/or control erosion.
- Require landscape plans be submitted for review by the Bureau of Street Services (BOSS) Urban Forestry Division and require approval letter from BOSS Urban Forestry Division to ensure compliance of the requirements set forth under the Protected Trees Ordinance (LAMC Ordinance No. 177,404) prior to approval of grading, foundation or building permits.
- Require Geotechnical Investigation Reports be submitted for review by the Los Angeles Department of Building and Safety (LADBS) – Grading Division and require Approved Soils & Grading report letters from LADBS prior to approval of grading, foundation or building permits.
- Reduce grading on each lot to be limited to a maximum of 500 cubic yards plus 5% of the total lot size, up to a maximum of 1,000 cubic yards total.

The proposed permanent [D] limitations would:

- Reduce height to 15 feet in height for structures within 50 feet of identified ridgelines, as shown on the Northeast LA Ridgeline Map (See Exhibit C-7).
- Add an additional height measurement method that includes a lower height for structures, or portions of structures based on roof slopes:
  - 25% Roof Slope or Greater: 30 feet
  - Less Than 25% Roof Slope: 26 feet
- Reduce the existing Residential Floor Area for each zone from 3:1 by Buildable Area and change it to a Residential Floor Area for each zone by Lot Size and Slope.

The City Council approved a motion and an ordinance on November 8, 2006, instructing the Planning Department to implement an Interim Control Ordinance (ICO) imposing interim regulations on the issuance of building, grading and foundation permits in Subareas I - III the Northeast Los Angeles Community Plan area, including Mount Olympus, Paradise Hill, Rose Hill, El Sereno and Monterey Hills as shown on the Northeast LA ICO Map (See Exhibits C-2 – C-5). Subsequently, the City Council approved a motion and an ordinance on January 10, 2008 extending the Northeast LA Hillside ICO for a period of one year (See Exhibits D-1, D-2). The Northeast LA Hillside ICO will expire on January 12, 2009.

### **Administrative and Procedural Non-Action Changes**

As part of the research and analysis done for this work program, Planning staff identified and invited staff from the Los Angeles Department of Building and Safety, the Los Angeles Fire Department, the Los Angeles Department of Transportation, the Los Angeles Department of Public Works, Bureau of Engineering, the Los Angeles Department of Public Works, Bureau of Street Services, the Los Angeles Department of Public Works, Bureau of Street Services – Division of Urban Forestry, the Los Angeles Department of Public Works, Bureau of Street Lighting, the Department of Public Works, Bureau of Sanitation, and various Department of City Planning staff from the Environmental Unit, the Office of Zoning Administration, the Code Studies Unit, and the Baseline Mansions team. This invitation and participation by the aforementioned City Departments created the ad hoc Northeast Los Angeles Hillside Interdepartmental Taskforce (Taskforce). This Taskforce brainstormed over several meetings to help the Planning staff not only identify issues that the other Departments were confronting in processing hillside permits but also offered several alternative solutions to help address some of the issues and concerns the public had expressed. Moreover, the Taskforce was able to collectively identify administrative and procedural changes that could be done from an interdepartmental aspect in order to help address some of these concerns as well. These are changes that do not have to be adopted or require that an action be taken in order for these changes to occur. The avenue of communication provided for in the Taskforce in conjunction with Planning staff's follow up, the following administrative and procedural changes were developed collectively and have been recommended:

- Environmental review should include roadway improvements (DCP)
- Require expanded environmental assessment for 2 or more contiguous lots (DCP)
- Additional LAFD review for hydrant access to ensure emergency services are not compromised due to the existing inadequate infrastructure (LAFD)
- Review current soils standards and permit inspection methods to assure that the best industry accepted methods are being used (LADBS)
- Map identified geological hazards from geotechnical/soils reports on NavigateLA (LADBS, DPW, BOE)
- Move Haul Route review process from LADBS to the Department of Public Works to expedite review of haul routes and make data of haul routes available to be uploaded to NavigateLA (LADBS, DPW, BOE)
- Centrally calendar/schedule all projects in the hillside area in PWRS in NavigateLA in order to allow better coordination of the construction activities making use of the public right-of-way for concurrent projects in the same hillside area and allow for more public access to these ongoing activities (DPW, BOE, LADOT)
- Require requests for Temporary Parking Restrictions in hillsides to be filed at least 2 weeks prior to dates needed and restrict renewals to not exceed 90 consecutive days without further review (LADOT)

## **Background**

### **Prior/Current Relevant Cases**

City Plan Case No. 2004-7068-ICO. This case established the Northeast Los Angeles Hillside Interim Control Ordinance, effective December 10, 2006. The directive adopted by City Council included imposing temporary regulations on the issuance of building permits in excess of certain floor area thresholds in the subareas referred to as Mount Olympus – Paradise Hill – Rose Hill, El Sereno, and Monterey Hills within the Northeast Los Angeles Community Plan as shown in the maps labeled Exhibits C-2 – C-5. Additionally, the directive instructed Planning staff to develop a Focus Group discussion with stakeholders such as property owners, community leaders and organizations as well as developers to explore a program based approach to recurring problems such as haul routes, access, traffic, grading, etc. in the Mount Washington – Glassell Park Specific Plan area and the remaining areas included in the Interim Control Ordinance. The Focus Group discussion was also to include various agencies that are involved in the hillside development permit process. Lastly, the directive instructed Planning staff conduct a study for the preparation of a Specific Plan for the areas targeted in the Northeast Hillside ICO as deemed necessary.

As directed in the Council motion, Planning Staff began to work preparing for the public outreach and doing background research on current hillside development regulations and called it the “Northeast Los Angeles Hillside Work Program.” Planning Staff worked closely with the Council District Offices 1, 13, and 14 to identify community stakeholders to include in the first round of public outreach. Between June and July 2007, ten focus groups were held in various locations within the Northeast Los Angeles Community Plan area that included the local Certified Neighborhood Councils, community leaders, community organizations and non-affiliated residents where issues and opportunities were identified regarding the concerns with hillside development.

Subsequently, Planning staff researched the issues and concerns expressed in the first round of public outreach. Planning staff identified and invited staff from the Los Angeles Department of Building and Safety, the Los Angeles Fire Department, the Los Angeles Department of Transportation, the Los Angeles Department of Public Works, Bureau of Engineering, the Los Angeles Department of Public Works, Bureau of Street Services, the Los Angeles Department of Public Works, Bureau of Street Services – Division of Urban Forestry, the Los Angeles Department of Public Works, Bureau of Street Lighting, the Department of Public Works, Bureau of Sanitation, and various Department of City Planning staff from the Environmental Unit, the Office of Zoning Administration, the Code Studies Unit, and the Baseline Mansions team. This invitation and participation by the aforementioned City Departments created the ad hoc Northeast Los Angeles Hillside Interdepartmental Taskforce (Taskforce). The Taskforce met on a monthly basis between November 2007 and February 2008 to discuss the challenges and identify what opportunities were available for potential improvements to the current hillside development regulations and permitted process based on the issues identified in the first round of public outreach. Collectively, the Taskforce was able to identify various administrative solutions to the identified issues which are detailed in the Administrative and Procedural Non-Action Changes Section. Additionally, the Taskforce was able to provide a forum for interdepartmental communication to identify unintended consequences with current hillside development regulations and provided the opportunity for dialogue on how to address these unintended consequences and identified issues from an interdepartmental perspective. Short- and long-term solutions were suggested and provided Planning Staff the option of a two-phased

approach as one of the possible alternative alternatives for a solution to be shared in the second round of public outreach.

During the Fall of 2007, Planning Staff continued outreach efforts in the community by going to local community spaces such as coffee houses and tabling at community events to create awareness of the Northeast Los Angeles Work Program and engage community members to participate as well as to solicit input on the issues and concerns of hillside development in the immediate area.

Using the information from the Taskforce and the input solicited from the community thus far, Planning Staff researched other cities to identify best practices and approaches to hillside development. Planning Staff prepared for the second round of public outreach by incorporating the regulations other cities used for hillside development and comparisons to current hillside regulations throughout the City of Los Angeles with the identified administrative solutions from the Taskforce to present alternative solutions in response to the issues and concerns expressed in the first round of public outreach. The second round of public outreach was comprised of twelve focus groups held between April and May 2008. Participants from the first round of outreach sessions were invited back to participate in the second round as well as subsequent interested stakeholders and community organizations.

Based on general consensus regarding direction from participants in the second round, Planning Staff continued forward preparing and presenting more specific concepts at the first Public Workshop that was held on May 17, 2008. City Departments from the Taskforce participated and were available to answer questions for the general public at the first Public Workshop as well. Planning staff incorporated the feedback participants gave them at the workshop and prepared the draft ordinance that was first made available to the community at large at the Open House held on June 17, 2008. The Public Hearing was held a week later on June 24, 2008. The comments heard at the Public Hearing gave the indication that there was some confusion and misinformation about the proposal and the community was unclear as to what was actually being proposed. Council District 1 and 14 requested Planning Staff another follow-up public workshop to give the community another opportunity to become familiar with the proposal having Planning Staff available to answer questions and address concerns. Planning Staff made all the handouts prepared for the Public Workshop, Open House and Public Hearing, in addition to the draft ordinance, associated maps and comment form available online on the Department of City Planning's website. A follow-up Public Workshop was held on July 26, 2008 where more comments were collected from approximately 150 attending participants.

### **Existing Conditions**

The proposed project area is a residential community situated among the hills of the Northeast Los Angeles Community Plan Area, and is characterized by hillside lots roughly ranging between 3,000 to 300,000 square feet. Approximately half of the parcels involved are developed with predominantly modest homes that range approximately between 1,100 to 3,200 square-feet (sq-ft) in size, while the remaining parcels are currently undeveloped. Properties within the proposed project area are currently zoned: OS, PF, A1, RE40, RE20, RE9, RS, R1, RD6, RD5, R2, RD3, RD4, RD1.5, RD2, or C1. A large majority, approximately 65% of the lots are zoned R1-1/R1-1-HPOZ, a Residential zone originally intended for single family density with a minimum lot size of 5,000 sq-ft.

## **Primary Issues**

The following is a brief overview of the issues central to the proposed zone change, and central to the Northeast Los Angeles Hillside Interim Control Ordinance (ICO).

### **Inadequate Infrastructure**

#### **Discussion**

Members of the public shared that the existing infrastructure in the public right of way is insufficient to support new development. Concerns were also expressed that lack of adequate infrastructure, including the absence of actual paved roads and sewer connections, is prohibitive to property owners who wish to build on vacant lots which do not already front onto a fully improved street. Currently, when an improved roadway does not exist or sewer connections are not in place, the responsibility falls upon the property owner to provide those public improvements in order to obtain the necessary approvals for their building permits. It was also articulated that the existing street network does not allow for adequate street parking. Lastly, concerns were shared that there is insensitive and inappropriate hillside road construction.

[Q] Qualified conditions will require a minimum roadway clearance of 20 feet in width to restrict the storage of construction materials and equipment in the public right of way to ensure that the existing infrastructure continues to be available for use by the surrounding neighborhood and community. Additionally, construction vehicles will be subject to the restrictions established by the LAFD Red Flag – No Parking Program. To assist in enforcement, procurement and installation of the signs indicating restricted parking will be installed along the project site(s) at the owner's expense when required by the LAFD and/or LADOT. Currently, the Citywide Hillside Ordinance and LAFD require a minimum 28 foot wide continuous roadway for streets that allow parking on either side of the street and a minimum of 20 foot wide continuous roadway for streets that do not allow parking which is recommended to continue to be enforced.

The [D] development limitations will also exclude the first 400 square feet of required covered parking from the total Floor Area calculation so as to reduce the demand of street parking due to new development.

Furthermore, issues and concerns raised regarding the public right-of-way are recommended to be further addressed in the second phase proposed where a more in-depth and comprehensive analysis and study can be conducted with input from an interdepartmental perspective to develop a new overlay tool for hillside development. As part of the proposed second phase, it is also recommended that the City conduct a study and analysis for a Development Impact Fee or Assessment District for infrastructure improvements, maintenance, and street paving.

## **Emergency Access**

Members of the public expressed the concern that narrow roads are an obstacle for emergency vehicle access and compromise emergency services as a result.

[Q] Qualified conditions proposed will require a minimum roadway clearance of 20 feet in width to restrict the storage of construction materials and equipment in the public right of way to ensure that the emergency vehicles have sufficient access to substandard streets in the area. Additionally, construction vehicles will be subject to the restrictions established by the LAFD Red Flag – No Parking Program. Again, to assist in enforcement, procurement and installation of the restricted parking signs will be installed along the project site(s) at the owner's expense when required by the LAFD and/or LADOT. Currently, the Citywide Hillside Ordinance and LAFD require a minimum 28 foot wide continuous roadway for streets that allow parking on either side of the street and a minimum of 20 foot wide continuous roadway for streets that do not allow parking which is recommended to continue to be enforced to allow for emergency vehicle access.

The [D] limitations will also exclude the first 400 square feet of required covered parking from the total Residential Floor Area calculation so as to reduce the demand of street parking and leave larger opportunity for emergency vehicle access.

The proposed [Q] conditions will also require landscaping plans to be submitted in connection with requests for building permits. The landscaping plans shall be comprised of drought tolerant, fire retardant and/or erosion control vegetation to minimize potential danger to the extent possible in emergency situations such as wild fires and landslides.

Furthermore, issues and concerns raised regarding the public right of way are recommended to be further addressed in the second phase proposed where a more in-depth and comprehensive analysis and study can be conducted with input from an interdepartmental perspective to develop a new overlay tool for hillside development. As part of the proposed second phase, it is also recommended that the City conduct a study and analysis for a Development Impact Fee or Assessment District for infrastructure improvements, maintenance, and street paving for more emergency vehicle access as well.

## **Environmental Impacts Associated with Hillside Development**

Concerns about excessive grading destabilizing the hillsides were identified. Members of the public expressed that environmental studies are not sufficiently identifying and disclosing major existing environmental conditions, slope stability is being compromised by weather cycles, cumulative impacts of individual projects are not sufficiently considered in the environmental review process, and flood and drainage issues are also not adequately addressed, especially with regard to retaining walls causing slopes to slide. Additional concerns voiced that current hillside regulations promote grading and limit landscaping, which both contribute to decreased slope stability and the increased possibility of slope failure. Construction activity mitigation measures that do not sufficiently address the physical impacts on the affected neighborhood such as haul routes, traffic congestion and decreased parking availability was also a concern. There was an expressed need to have more effective erosion control methods to improve slope stability as well as having regulations that distinguish between up- and down-sloping

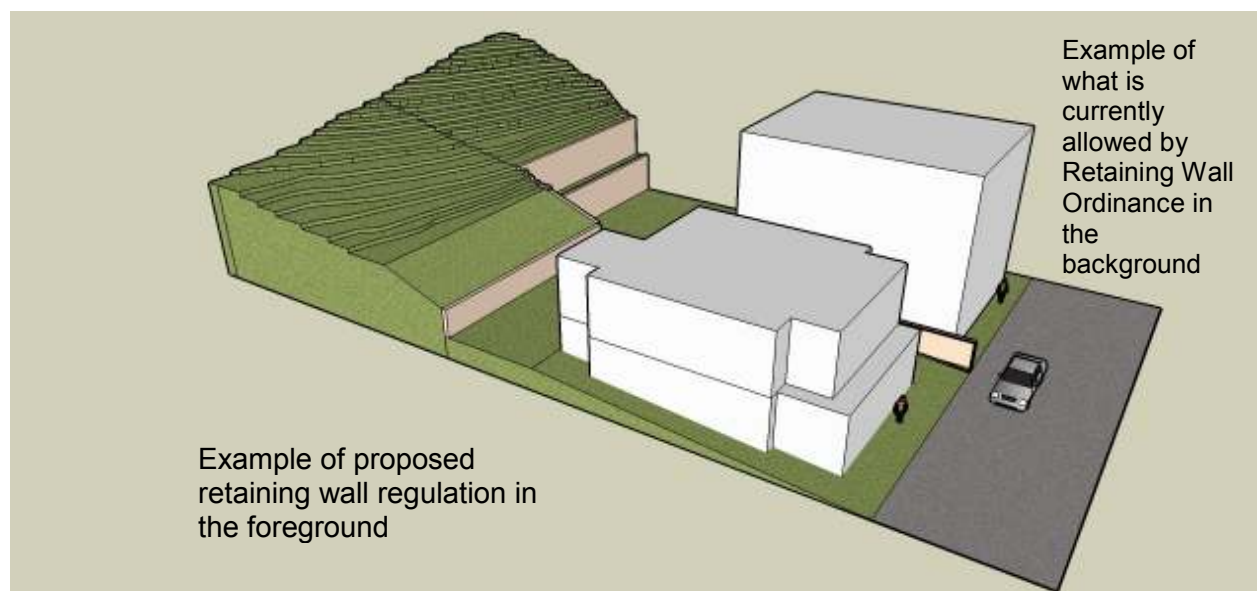
topography. The question as to how the ICO boundaries were drawn was also frequently asked and it was expressed that further study be done to include all the hillside areas in the Northeast Los Angeles Community Plan, particularly those not currently in an existing Specific Plan.

The [Q] Qualified conditions proposed will require that Geotechnical Investigation Reports be submitted for review by the Los Angeles Department of Building and Safety (LADBS) – Grading Division and require Approved Soils & Grading report letters from LADBS prior to approval of grading, foundation or building permits such that major existing environmental conditions are recorded and kept on file by LADBS – Grading Division staff.

Furthermore, the proposed [Q] conditions will restrict grading on each lot to be limited to a maximum of 500 cubic yards plus 5% of the total lot size, up to a maximum of 1,000 cubic yards total increasing the slope stability on each parcel and minimizing the negative impact grading has on the surrounding area. Requiring grading to be done in accordance with the Planning Guidelines Landform Grading Manual adopted by City Council as part of the proposed [Q] conditions will also increase slope stability. The aforementioned proposed [Q] conditions requiring landscaping plans to be submitted for requests for building permits shall be comprised of drought tolerant, fire retardant and/or erosion control vegetation will further improve erosion control efforts. Reducing the Residential Floor Area, or maximum development potential, on a parcel in combination with the additional height measurement that is parallel to the adjacent finished grade of a parcel through the proposed [D] conditions will also reduce the building mass and weight that the slope will need to sustain and further ensure slope stability.

To address increased retaining wall stability, the proposed [Q] conditions will restrict freestanding retaining walls to an overall total maximum height of 12 feet and individual freestanding retaining walls to six feet in height on one lot. Smaller freestanding garden walls 36" in height or lower will not be counted as retaining walls for the purposes of the proposed zone change. Figure 1 below shows a visual comparison of the proposed regulation in comparison to the existing Retaining Wall Ordinance:

Figure 1



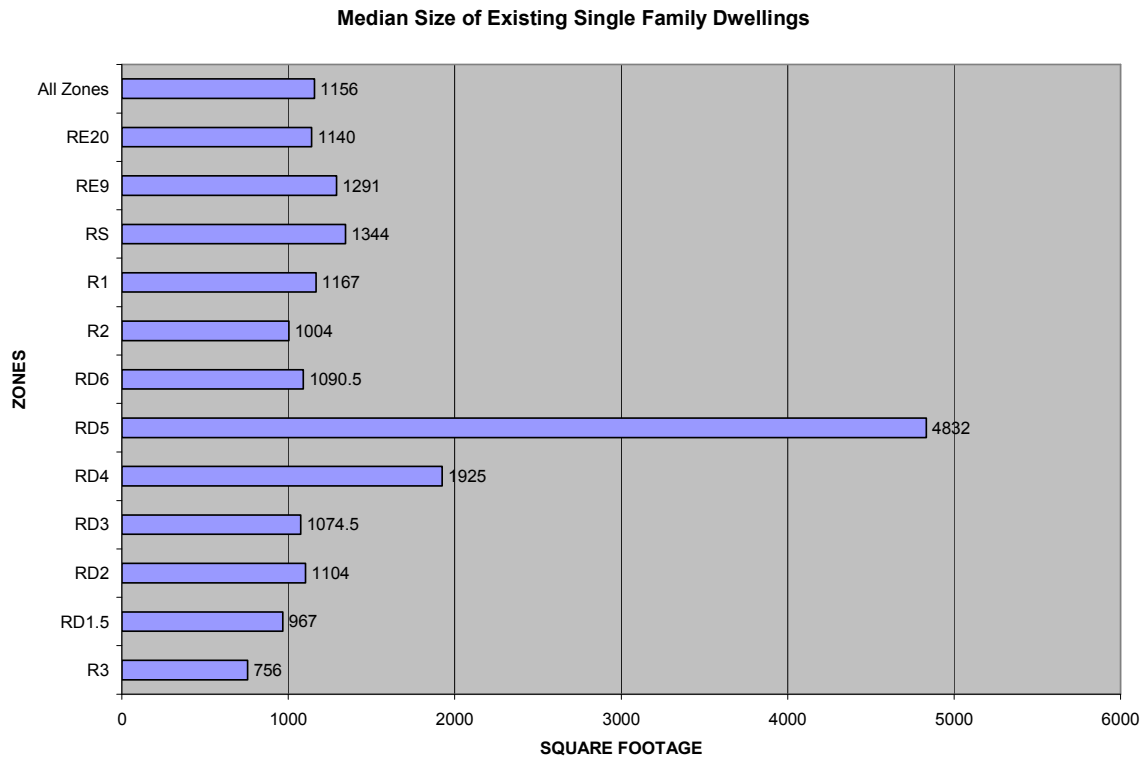
The original ICO boundaries were drawn primarily to identify and protect vacant, undeveloped parcels in the Northeast Los Angeles Community Plan area. Through slope and contour analysis in conjunction with field checking, the hillside areas constituting a 15% slope or greater were identified and Planning Staff drew boundaries to incorporate these true hillside areas. During the second round of public outreach, this analysis was presented and the general consensus was to expand the ICO boundaries to include and apply these new proposed hillside development regulations to the areas outside of the Mount Washington/Glassell Park Specific Plan. The same issues and concerns apply to lots outside the original ICO boundaries because of their hillside topography. Additionally, since buildings on parcels that are developed with structures now are near the 1,000 square foot size range, it is not beyond a reasonable expectation that these structures will have additions constructed or they will be demolished and redeveloped entirely subjecting the new development to the same issues, concerns and obstacles currently experienced within the original ICO boundaries (See Exhibit C-8).

### **Neighborhood Character, Identity and Scale**

Members of the public expressed concerns that new development consisting of tall box-like homes surrounded by large retaining walls are out of character with the existing built environment, and that new development is changing the identity of the community. Also, it was noted that hillside development regulations lack urban design requirements. It was opined that the current height measurement methodology does not result in desired architectural designs. The concern that ridgeline development should preserve neighborhood character was also articulated. The desire was expressed to have required onsite parking exempt from the Floor Area Ratio of a parcel. A reduction in order to be reflective of the neighborhood character and scale was also articulated as a concern by working focus group stakeholders. It was added that Floor Area Ratio calculations should vary based on lot topography in order to create compatible development in the various hillside neighborhoods. Moreover, it was distinguished that overall current hillside development regulations that pertain to grading, height, retaining walls, and parking requirements do not account for the up- and down-sloping typology. Members of the public expressed that green building needs to be further incorporated into new development regulations, particularly in the hillside communities. Additionally, concerns were expressed that there was a need to create more pedestrian linkages, particularly to parks, as well as the need to preserve the mixed-income aspect of the community.

The Northeast Los Angeles hillside neighborhoods do have a distinctive building pattern: the majority of the homes in this area are modest homes that were built early to mid century. Additionally, the architecture ranges from craftsman to Spanish bungalows with a mix of ranch style homes on larger parcels. This proposed zone change stipulates that identical exterior architectural designs would not be permitted on adjacent lots. These [Q] conditions proposed will prevent the cookie-cutter look of multiple lot developments that are incompatible with the local neighborhood character and identity.

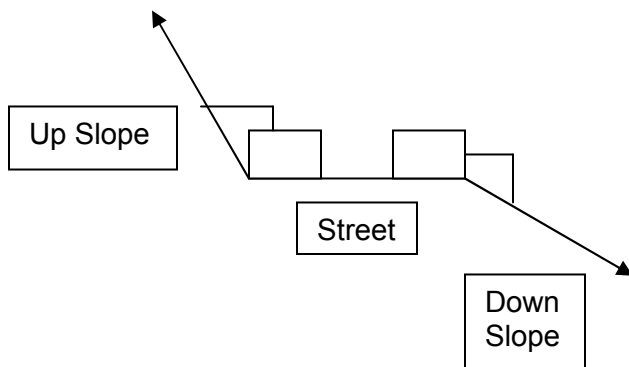
The bar graph below illustrates the median size of existing single family dwellings within the proposed boundaries:



Due to practical constraints related to the hillside terrain, most homes on upsloping lots have the garages abutting the property line and the homes are either detached above the garage, higher up on the lot or are terraced behind the garage. Similarly, homes on the downsloping lots also have the garage abutting the property line and are terraced down the slope. Figure 2 visually depicts the difference between up- and down-slope:

Figure 2

**Up-slope vs. Down-slope**



In the drawing, the house on the right is built on a “down-slope” because it is built on the side of the street where the hillside runs down. The house on the left is built on an “up-slope” because it is built on the side of the street where the hillside is going up.

The newer and more recent construction follows a contemporary architectural style that range between Mediterranean to Modern Contemporary. Generally, the newer construction does lack the articulation and modulation in the building massing that is predominant in the overall character of existing homes.

The proposed [Q] Qualified Conditions contextualize site planning for, and address concerns related to, future development by addressing scale, bulk, massing and design within the proposed expanded boundary areas by adding a new height measurement methodology, by encouraging terraced structures and building stepbacks of upper stories, a reduced sliding scale Floor Area Ratio calculation based on zone, lot size and slope, building articulation and landscaping that help to soften the hardscape and promote the existing vegetation, and design requirements that promote the existing neighborhood character, identity and scale.

The following describes the specific details of how the zone change proposed will address these concerns:

- The [Q] qualified conditions proposed will require architectural variation and building design articulations to ensure that new development is compatible with existing neighborhood identity, character and scale through second-story setbacks and various building modulation requirements.
- The proposed [Q] qualified conditions will require that building materials match architectural style of new development in order to maintain the neighborhood character and identity.
- To ensure that neighborhood character is preserved, architectural design elements of the front and rear building elevations that vary from the adjacent/abutting buildings will be required.
- In order to reinforce the neighborhood character, scale and identity and promote consistency with the Baseline Mansionization Ordinance, Ordinance No. 179,883, effective June 29, 2008, the [Q] qualified conditions will require that the design of new structures shall meet one of the following standards:

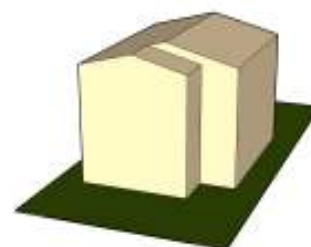
- The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area, an example of which is shown in Figure 3 ; or

Figure 3



- The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width, shall be stepped-back a distance

Figure 4



of at least 20 percent 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. 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. When through-lots have two front yards, the step-back shall be provided along both front lot lines, an example of which is shown in Figure 4; or

- The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element may also be a major horizontal mass, setback, or forward from the face of other masses, examples of which are shown in Figure 5.

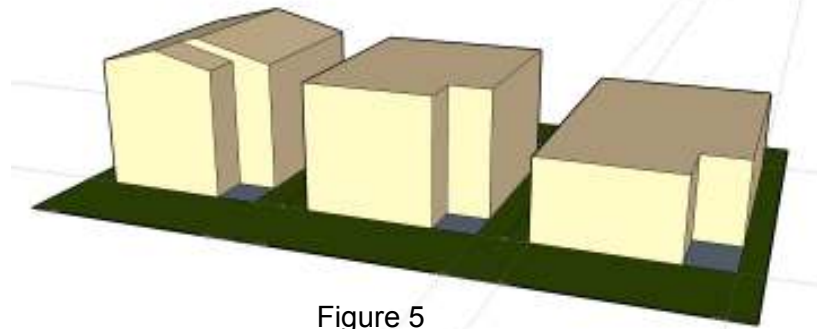


Figure 5

- To incorporate more green building, new hardscape areas, not including foundations, will be required to use permeable paving systems including, but not limited to pavers, porous asphalt, porous concrete, grasscrete and/or similar materials as approved by LADBS through the proposed [Q] qualified conditions.
- Requiring landscaping plans to be submitted for all new development that consist of landscaping palettes comprised of drought tolerant and/or native plant material that are fire retardant and/or control erosion through the proposed [Q] qualified conditions promotes compatibility between new and existing development by softening new hardscapes with planned greening of individual parcels.
- As mentioned previously, the [D] limitations proposed will also exclude the first 400 square feet of required covered parking from the total Residential Floor Area calculation.
- By requiring a grading limit on each lot to be reduced to a maximum of 500 cubic yards plus 5% of the total lot size, up to a maximum of 1,000 cubic yards total, the proposed [Q] conditions with the Residential Area Floor [D] limitation jointly will reduce the bulk and mass of structures to encourage neighborhood character and scale.

- In order that ridgeline development be more in keeping with neighborhood character and scale, the proposed [Q] conditions will reduce the building height to 15 feet for structures within 50 feet of identified ridgelines, as shown on the Northeast LA Ridgeline Map (See Exhibit C-7).
- Additionally, the [Q] conditions will reduce the maximum total height of freestanding retaining walls to 12 feet and individual walls to a maximum of 6 feet each, limit the length of retaining walls to 75 feet, and not count freestanding garden walls 36" in height or less as freestanding retaining walls to reduce the overall size of new development on individual lots to further promote neighborhood character, scale and identity.
- [D] Development limitations proposed will require the additional height measurement method that includes a lower height for structures, or portions of structures based on roof slopes:

25% Roof Slope or Greater: 30 feet (See Figure 6)

Less Than 25% Roof Slope: 26 feet (See Figure 7)

Figure 6

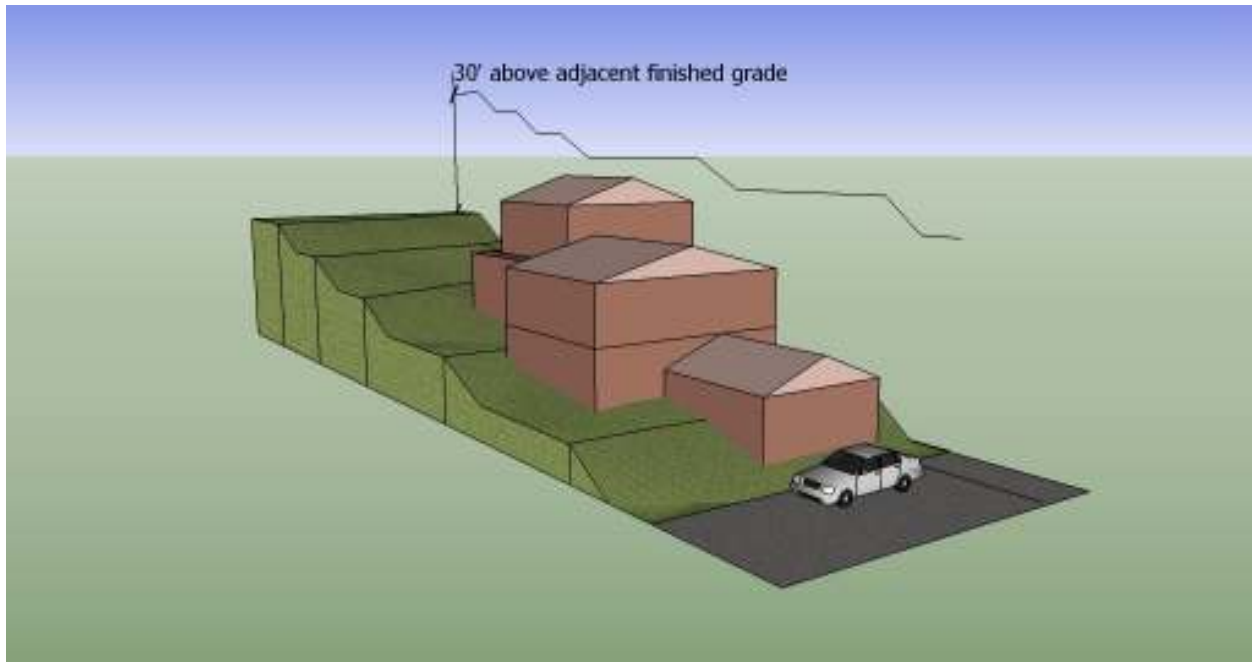
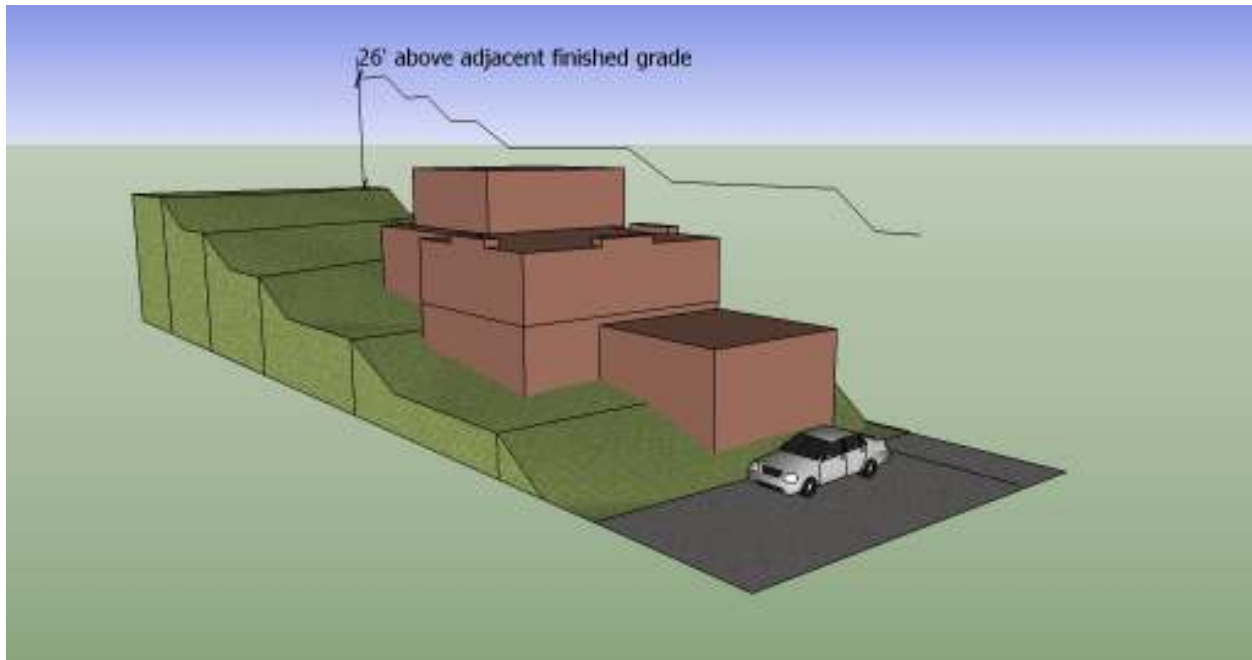


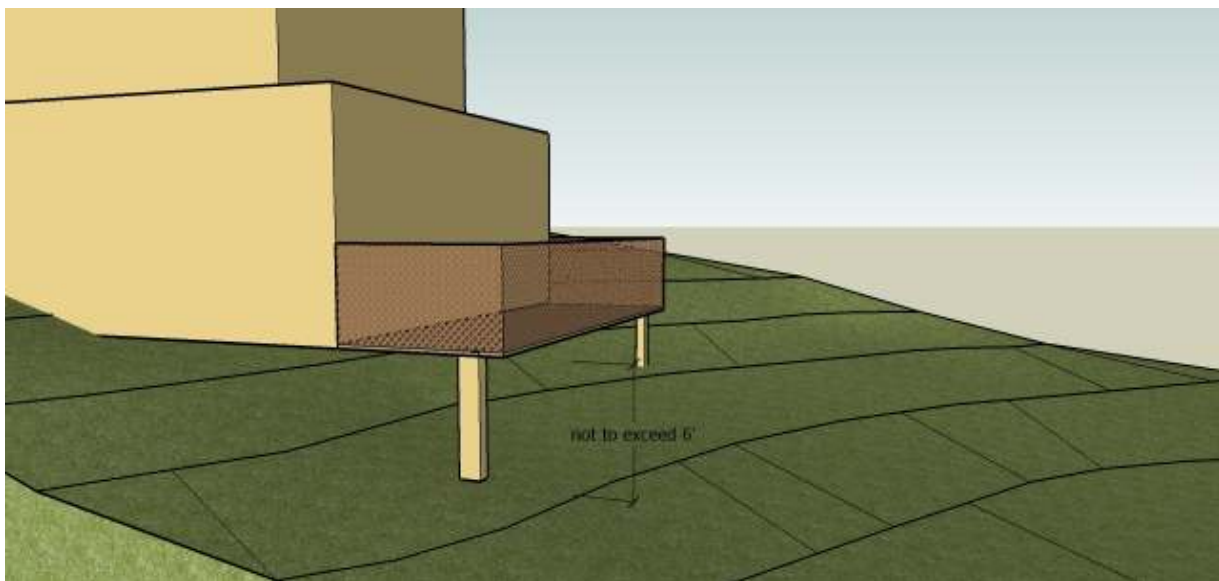
Figure 7



This measure will further ensure compatibility of neighborhood character and scale by requiring that new development have lower roof lines which are prevalent in the existing neighborhood.

- To address concerns of lack of articulation and urban design further, the proposed [D] limitations will require that the finished floor elevation directly above an exposed underfloor area shall be limited to 6 feet above finished grade (See Figure 8).

Figure 8



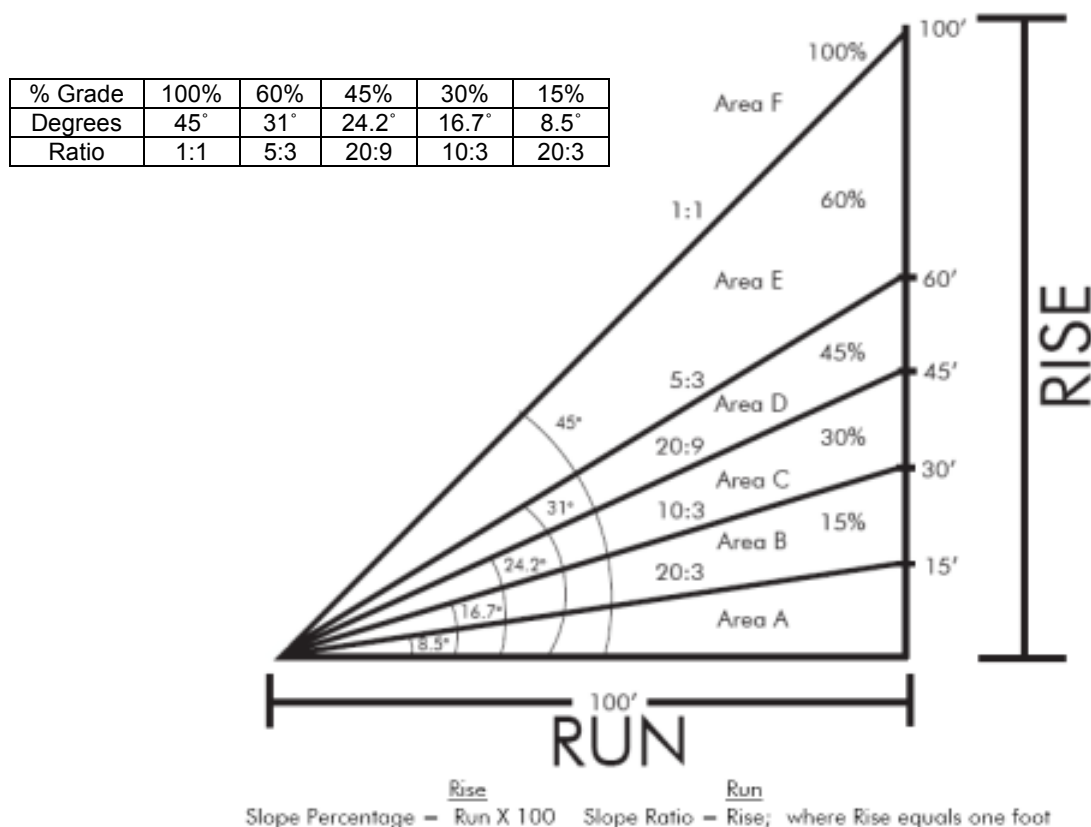
- Moreover, the [D] limitations proposed will also require that attached decks be limited such that no portion of the walking surface of a deck with visible underpinnings shall exceed a height of 6' above grade and decks be integrated into the architecture of the house, and not appear as an add-on to the primary building mass.

Finally, to address the concern that the size of building envelopes and allowed buildable areas are out of character and scale to the existing neighborhood identity, the proposed [D] limitations will reduce the existing Residential Floor Area for each zone from 3:1 by Buildable Area and change it to a Residential Floor Area for each zone by Lot Size and Slope. Residential Floor Area for all lots shall be calculated as defined in Section 12.03 of the Los Angeles Municipal Code. Consistent with the definition contained therein, the first 400 square feet of covered parking area shall not be counted towards the maximum Residential Floor Area. In order to calculate the maximum Residential Floor Area permitted, a site survey showing 1-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:

- Area A – Slope less than 15 percent;
- Area B – Slope at least 15 percent, but less than 30 percent;
- Area C – Slope at least 30 percent, but less than 45 percent;
- Area D – Slope at least 45 percent, but less than 60 percent;
- Area E – Slope at least 60 percent, but less than 100 percent;
- Area F – Slope greater than 100 percent.

Figure 9

SLOPE: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.



For lots in the RD1.5 and RD2 Zones, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

100% of Area A + 90% of Area B + 80% of Area C + 70% of Area D + 60% of Area E + 50% of Area F.

The maximum Residential Floor Area in the RD1.5 and RD2 Zones, however, shall not be limited below 3,000 square feet.

For lots in the R2, RD3, RD4, RD5, and RD6 Zones, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

75% of Area A + 65% of Area B + 55% of Area C + 45% of Area D + 35% of Area E + 25% of Area F.

The maximum Residential Floor Area in the R2, RD3, RD4, RD5, and RD6 Zones, however, shall not be limited below 2,200 square feet.

For lots in the R1 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

50% of Area A + 45% of Area B + 40% of Area C + 35% of Area D + 30% of Area E + 0% of Area F.

The maximum Residential Floor Area in the R1 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RS Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

45% of Area A + 40% of Area B + 35% of Area C + 30% of Area D + 25% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RS Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE9 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

40% of Area A + 35% of Area B + 30% of Area C + 25% of Area D + 20% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE9 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE20 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

35% of Area A + 30% of Area B + 25% of Area C + 20% of Area D + 15% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE20 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE40 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

35% of Area A + 30% of Area B + 25% of Area C + 20% of Area D + 15% of Area E + 0% of Area F.

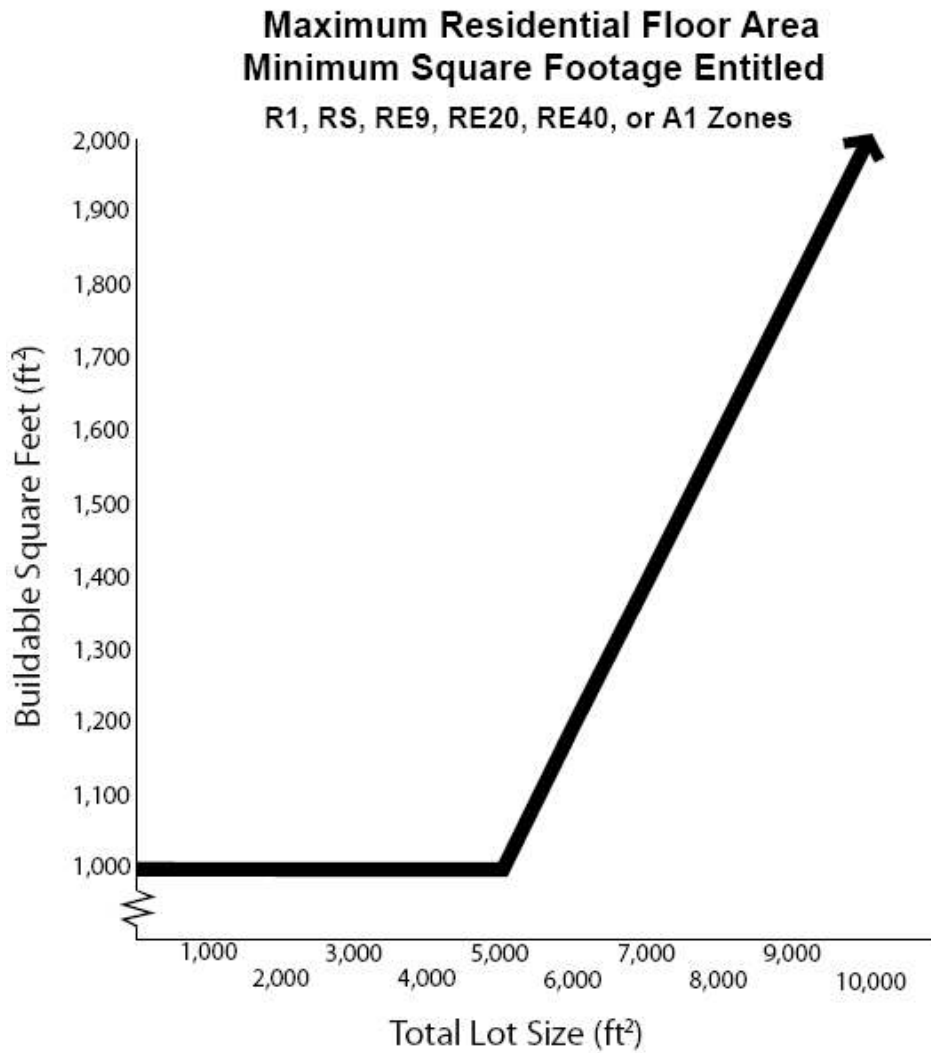
The maximum Residential Floor Area in the RE40 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the A1 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

25% of Area A + 20% of Area B + 15% of Area C + 10% of Area D + 5% of Area E + 0% of Area F.

The maximum Residential Floor Area in the A1 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

The graph below depicts a visual representation of these minimum square footages proposed:



**RULE:** For lots zoned R1, RS, RE9, RE20, RE40, or A1, the maximum residential floor area shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

**Note:** floor area displayed on graph does not include 400 ft<sup>2</sup> allowed for garage  
**Note:** floor area displayed on graph may be subject to further restrictions as detailed in this ordinance

The chart below gives a pictorial explanation of the aforementioned maximum Residential Floor Area proposed:

Slope Interval (%)	Multiplying Factors by Zone and Slope Interval							
	RD1.5, RD2	R2, RD3, RD4, RD5, RD6	R1	RS	RE9	RE20	RE40	A1
0-15	1.00	0.75	0.50	0.45	0.40	0.35	0.35	0.25
15-30	0.90	0.65	0.45	0.40	0.35	0.30	0.30	0.20
30-45	0.80	0.55	0.40	0.35	0.30	0.25	0.25	0.15
45-60	0.70	0.45	0.35	0.30	0.25	0.20	0.20	0.10
60-100	0.60	0.35	0.30	0.25	0.20	0.15	0.15	0.05
100+	0.50	0.25	0.00	0.00	0.00	0.00	0.00	0.00

For lots in the R1, RS, RE9, RE20, or RE40 Zone, if no portion of a lot exceeds a slope of 15 percent, an additional 20% of the maximum Residential Floor Area for that lot shall be allowed, consistent with Ordinance 179,883, effective June 29, 2008. Only one 20% bonus per property is allowed.

For lots in any Zone with a portion of the lot exceeding a slope of 15 percent, which are ineligible to receive the above 20% bonus in Residential Floor Area, an additional 20% of the maximum Residential Floor Area for that lot shall be allowed for the following:

New single family dwelling construction only, if the new construction is 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 "Certified" 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 Planning. In order to obtain this authorization, the applicant shall provide:

- (1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;
- (2) 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 "Certified" or higher level;
- (3) 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 "Certified" or higher level; and

(4) 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. 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 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.

Collectively, the proposed [Q] conditions and [D] limitations are expected to preserve and promote the existing neighborhood character, scale and identity in the Northeast Los Angeles hillside areas. Adding [Q] conditions and [D] limitations to the existing zones for this area helps to streamline projects that fall below these defined thresholds by making these projects “by right.” This will help separate the projects that have been determined by these community and elected officials established thresholds as desirable to be processed administratively and reserve the variance process for projects that have circumstances that need additional review and consideration. It is also recommended that the permitting process be explored further for interdepartmental streamlining as part of the second phase proposed.

The need to create more pedestrian linkages, particularly to parks, is recommended to be addressed in the next community plan update.

Lastly, the comments and expressed need to preserve the mixed-income aspect of the community is one that is recommended to be a non-land use solution for City Council policy, action and/or direction.

### **Protection of Natural Vegetation and Wildlife**

Several of the comments expressed the need for landscaping to be regulated and/or required and that it consist of fire resistant, drought tolerant, slope stabilizing and wildlife supportive vegetation. Members of the public expressed the desire to have ridgeline protection. There was concern that the current Protected Tree Ordinance was not being sufficiently implemented and enforced. There was an underscored need that development in the hillside area be balanced with open space and that existing linkages to open spaces be maintained and new ones created. Lastly, the need for an in-depth biological and cultural survey to identify ecosystems in the hillside areas was articulated.

Landscaping plans that consist of landscaping palettes with drought tolerant, fire retardant and/or erosion control vegetation as mentioned previously are part of the proposed [Q] qualified conditions. These landscaping plans will need to have a signed “Certified Arborist’s or Licensed Architect’s Certificate of Compliance” submitted to the Department of Building and Safety prior

to the issuance of a Certificate of Compliance. To increase enforcement of the Protected Tree Ordinance, an approval letter issued by the Bureau of Street Service – Urban Forestry Division will need to accompany submitted plans prior to obtaining building permits. This gives the Bureau of Street Service – Urban Forestry Division opportunity to track and subsequently enforce compliance with the Protected Tree Ordinance. Moreover, having a required landscaping plan for all new development furthers the goal of balancing development with open space by softening the new development's hardscape with vegetation to yield a perceivable visual impact of preserved open space in the identified hillside areas.

Under the proposed [Q] qualified conditions, ridgelines will be protected by reducing the height to 15 feet for structures within 50 feet of identified ridgelines, as shown on the Northeast LA Ridgeline Map (See Exhibit C-7). Restricting development on the ridgelines entirely would result in potential development hardships for a large number of parcels and many parcels abut the crest of the ridgelines in this area. By restricting development to a lower height limit on the identified ridgelines a balance is struck between pristine ridgelines and overdeveloped ridgelines.

As discussed previously, the concerns regarding the cumulative impacts of development on the environmental, wildlife and vegetation and needing an in-depth biological and cultural survey to identify these existing ecosystems is one that can be addressed under an environmental review and assessment which is recommended to be part of the second proposed phase.

### **Mount Washington/Glassell Park Specific Plan**

Several members of the public expressed concern about ambiguous language in the Mount Washington/Glassell Park Specific Plan in reference to the square footage of garages and carports counting towards the Floor Area Ratio. Additionally, expanded environmental assessments were not being conducted for new development projects proposed. Grading impacts were expressed to not have been fully addressed under the Specific Plan as written either. Downsloping lots and linkages to parks were also not addressed in the Specific Plan according to comments given. And, lastly, enforcement is not sufficiently conducted to the degree desired by residents.

The administrative procedures for the Mount Washington/Glassell Park Specific Plan have evolved through the course of its implementation. Planning staff have been adapting the process to continually address the concerns of the Mount Washington/Glassell Park Specific Plan area. As such, environmental assessments for the Specific Plan have commonly resulted in Mitigated Negative Declarations. Through precedent set at the East Los Angeles Area Planning Commission, it has been established clearly that both garages and carports count toward the Residential Floor Area calculation for new development. Grading impacts and downsloping lots are incorporated into the expanded environmental assessment for each proposed project. And as expressed and discussed for the concern of linkages to parks and open space previously, it is recommended that linkages be further studied and assessed as part of the Northeast Los Angeles Community Plan update. Therefore, no changes are being proposed for the Mount Washington/Glassell Park Specific Plan at this time since Planning staff has determined that the issues and concerns voiced during this work program have been addressed or will be addressed as part of the upcoming Community Plan update.

### **Future Implementation/City Council Initiatives and Policy Actions**

Due to the complexity of the issues identified in during the Northeast Los Angeles Hillside Work Program, it is recommended that a second phase be adopted in order to fully address these issues and concerns in a more comprehensive manner with an in-depth environmental review. This would potentially be through the creation of a new overlay tool for hillside development to address primarily the issues that intersect the public right-of-way. The second phase study could investigate solutions that include assessment districts or development impact fees for infrastructure improvements. The second phase could also research the establishment of a permanent Hillside Enforcement Unit to increase implementation of the hillside regulations. A permanent interdepartmental hillside taskforce could also be formulated as part of the future City Council initiatives and/or policy actions.

The concerns regarding increasing linkages to Open Space and perhaps even future Open Space acquisition is an issue that can be further researched and addressed in the next community plan update.

### **Conclusion**

The proposed Zone Change is consistent with the goals of the Northeast Los Angeles Community Plan which encourages minimal density of development in the hillside areas (Objective 1-5), limited development according to the adequacy of the existing and assured street circulation system within the Plan area (Policy 1-5.1), and considers the steepness of the topography and geologic stability in any proposal for development within the Plan area (Policy 1.5.3). These Zone Changes will reduce intensity and density of development in the hillside areas through the proposed sliding scale Floor Area Ratio calculation based on Zone, Lot Size and Slope as well as the additional lowered height measurement methodology. Furthermore, the Zone Changes require building design and site planning standards that contribute toward new development ensuring compatibility with existing neighborhood character, scale and identity.

The [Q] conditions provide a framework for urban design, such as building terracing, setback provisions, as well as increasing landscape requirements, managing ridgeline development, setting grading limits and reducing freestanding retaining wall height limits that will mitigate potential impacts caused by future development. The [D] limitations provide a smaller building envelope that coincides with citywide efforts to promote neighborhood character, scale and identity as well as reinforce the objective of more environmentally sensitive hillside development. The proposed regulations intend to establish a threshold by which desirable projects can be processed "by right" and reserve projects with extenuating circumstances on the lot or projects above that threshold to be processed through a process with additional review, such as a Variance, and thereby promote efficiency for both applicants and the departments involved in the hillside permitting process. Adoption of the proposed zone changes will address many of the concerns raised by the existing Northeast Los Angeles Hillside ICO. While this does not completely address the issues and concerns raised with regard to hillside development to the fullest extent, it is a multi-faceted first step towards resolving a larger, very complicated, inter-jurisdictional challenge.

## **[Q] QUALIFIED CLASSIFICATION CONDITIONS**

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

**A. All properties located within the Zone Change Ordinance Map shall be subject to the following [Q] Conditions:**

**1. Infrastructure**

- a. Construction materials and equipment shall not be permitted to be stored in the public right-of-way in any manner that reduces roadway clearance to less than 20-feet in width. Storage of construction materials and equipment on public property requires a street use permit from the Bureau of Street Services.
- b. Construction vehicles shall be subject to the restrictions established by the Los Angeles Fire Department Red Flag - No Parking Program. Restricted parking signs shall be procured and installed along the project site at the owner/developer's expense when required by the LAFD and/or LADOT.

**2. Building Design**

- a. Second story setbacks or terraced structures and other design articulations are to be used to ensure that new development is compatible with existing neighborhood identity, character and scale.
- b. Building materials match architectural style of new development.
- c. Architectural design elements of the front and rear building elevations including articulation of facades, modulations of walls, shape, type details and the location of windows, doors, columns, balconies and garage doors vary from the adjacent/abutting buildings.
- d. Design of new structures shall meet one of the following standards:
  - i. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area, where "Base Floor" shall be defined as set forth in Section 12.03 of the Los Angeles Municipal Code for the purposes of this regulation; or
  - ii. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent 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. 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. When through-lots have two front yards, the step-back shall be provided along both front lot lines; or
  - iii. The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element

may also be a major horizontal mass, setback or forward from the face of other masses.

- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked 'Northeast LA Ridgelines', are limited to 15 feet in height. The 50 linear feet must be labeled on all plans accordingly.

### **3. Retaining Walls**

- a. The maximum total height of all retaining walls shall not exceed 12 feet, with no individual wall measuring higher than 6 feet on private property. Each freestanding retaining wall shall not exceed 75 feet in linear length, nor extend beyond one lot. Walls shall be separated by a minimum horizontal distance equal to the height of the highest wall. Freestanding garden walls 36" in height or less shall not be considered retaining walls for the purposes of this regulation.
- b. Require that all retaining walls provide a standard surface backdrain system and all drainage shall be conducted to the street in a non-erosive device, as required by approved Soils Report.

### **4. Landscaping**

- a. Landscaping palette for required landscape plans shall be comprised of drought tolerant and/or native plant material that is fire retardant and controls erosion.
- b. Retaining walls and building understory areas shall be fully screened with plantings in a reasonable amount of time, as shown on approved landscape plan.
- c. Landscape plans must be submitted to Bureau of Street Services Urban Forestry Division prior to DCP clearance. Upon satisfaction of the requirements set forth under LAMC Ordinance No. 177,404 (Protected Trees) deemed necessary by the Urban Forestry Division, an approval letter will be issued by the Urban Forestry Division and submitted with new development filings as part of submission packages.
- d. Landscaping plans must be submitted to Bureau of Street Services, Urban Forestry Division, and Department of City Planning for review and approval consistent with LAMC Ordinance No. 177,404 (Protected Trees).
- e. A signed "Certified Arborist's or Licensed Landscape Architect's Certificate of Compliance" must be filed with the Department of Building & Safety prior to issuance of a "Certificate of Compliance" to ensure that landscaping plans are fully implemented.

### **5. Environmental**

- a. A Geotechnical Investigation Report that evaluates the proposed project's soil and grading shall be submitted to the LADBS Grading Division for review. An approved Soils & Grading report letter from LADBS – Grading Division shall be required prior to approval of a grading, foundation or building permit.

- b. Grading shall be done in accordance with the Planning Guidelines Landform Grading Manual adopted by the City Council.
- c. 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 as part of an approved Soils Report.
- d. Grading shall be limited to a maximum of 500 cubic yards + numeric value equal to 5 percent of the total lot size, up to a maximum of 1,000 cubic yards total. Any deviations beyond these limits shall require a Zoning Administrator's approval under LAMC §12.27.
- e. New hardscape areas, not including foundations, shall utilize permeable paving systems including, but not limited to pavers, porous asphalt, porous concrete, grasscrete and/or similar materials as approved by LADBS.

**B. In addition to those [Q] Conditions listed under Section A, the [Q] Conditions pursuant to Ordinances 166,216, 166,267, 179,344 shall be retained.**

## “D” Development Limitations

Pursuant to Section 12.32 G of the Los Angeles Municipal Code, and any amendment thereto, the following limitations are hereby imposed upon the use of the subject property, subject to the Permanent “D” Development Limitations.

### 1. Height

- a. In addition to the height limitations contained in LAMC Section 12.21 A17(c), no building or structure shall exceed 30 feet in height from adjacent finished grade, measured as the vertical distance from the adjacent finished grade of the site to an imaginary plane located above and parallel to the finished grade; 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 26 feet above adjacent finished grade.
- b. The finished floor elevation directly above an exposed underfloor area shall be limited to 6 feet above finished grade.
- c. Attached decks shall be limited such that no portion of the walking surface of a deck with visible underpinnings shall exceed a height of 6' above grade and decks shall be integrated into the architecture of the house, and not appear as an add-on to the primary building mass.

### 2. Maximum Residential Floor Area

Residential Floor Area for all lots shall be calculated as defined in Section 12.03 of the Los Angeles Municipal Code. Consistent with the definition contained therein, the first 400 square feet of covered parking area shall not be counted towards the maximum Residential Floor Area. In order to calculate the maximum Residential Floor Area permitted, a site survey showing 1-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:

- Area A – Slope less than 15 percent;
- Area B – Slope at least 15 percent, but less than 30 percent;
- Area C – Slope at least 30 percent, but less than 45 percent;
- Area D – Slope at least 45 percent, but less than 60 percent;
- Area E – Slope at least 60 percent, but less than 100 percent;
- Area F – Slope greater than 100 percent.

For lots in the RD1.5 and RD2 Zones, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

100% of Area A + 90% of Area B + 80% of Area C + 70% of Area D + 60% of Area E + 50% of Area F.

The maximum Residential Floor Area in the RD1.5 and RD2 Zones, however, shall not be limited below 3,000 square feet.

For lots in the R2, RD3, RD4, RD5, and RD6 Zones, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

75% of Area A + 65% of Area B + 55% of Area C + 45% of Area D + 35% of Area E + 25% of Area F.

The maximum Residential Floor Area in the R2, RD3, RD4, RD5, and RD6 Zones, however, shall not be limited below 2,200 square feet.

For lots in the R1 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

50% of Area A + 45% of Area B + 40% of Area C + 35% of Area D + 30% of Area E + 0% of Area F.

The maximum Residential Floor Area in the R1 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RS Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

45% of Area A + 40% of Area B + 35% of Area C + 30% of Area D + 25% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RS Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE9 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

40% of Area A + 35% of Area B + 30% of Area C + 25% of Area D + 20% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE9 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE20 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

35% of Area A + 30% of Area B + 25% of Area C + 20% of Area D + 15% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE20 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE40 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

35% of Area A + 30% of Area B + 25% of Area C + 20% of Area D + 15% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE40 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the A1 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

25% of Area A + 20% of Area B + 15% of Area C + 10% of Area D + 5% of Area E + 0% of Area F.

The maximum Residential Floor Area in the A1 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the R1, RS, RE9, RE20, or RE40 Zone, if no portion of a lot exceeds a slope of 15 percent, an additional 20% of the maximum Residential Floor Area for that lot shall be allowed, consistent with Ordinance 179,883, effective June 29, 2008. Only one 20% bonus per property is allowed.

### **3. Residential Floor Area Bonus for Buildings Eligible for LEED® Certification**

For lots in any Zone with a portion of the lot exceeding a slope of 15 percent, which are ineligible to receive the above 20% bonus in Residential Floor Area, an additional 20% of the maximum Residential Floor Area for that lot shall be allowed for the following:

New single family dwelling construction only, if the new construction is 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 "Certified" 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 Planning. In order to obtain this authorization, the applicant shall provide:

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

(2) 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 "Certified" or higher level;

(3) 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 "Certified" or higher level; and

(4) 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. 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 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.

#### **4. Verification of Existing Residential Floor Area**

For additions with cumulative residential floor area of less than 500 square feet constructed after the adoption of this ordinance, or remodels of buildings built prior to the adoption of this ordinance, 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 500 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.

## FINDINGS

### 1. General Plan Findings

The subject properties are located within the area covered by the Northeast Los Angeles Community Plan, adopted by the City Council on June 15, 1999 (Case No. CPC 22490 CPR). The Plan map designates the subject properties for Open Space, Public Facilities, Minimum Residential, Very Low Residential, Low Residential, Low Medium I & II Residential, and Neighborhood Commercial uses. According to the Northeast Los Angeles Community Plan, the corresponding zones for each land use listed above are: OS, A1 for Open Space; PF for Public Facilities; OS, A1,A2, RE40 for Minimal Residential; RE20, RA, RE15, RE11 for Very Low Residential; RE9, RS, R1, RU, RD6, RD5 for Low Residential; R2, RD3, RD4, RZ3, RZ4, RU for Low Medium I Residential; RD1.5, RD2, RW2, RZ2.5 for Low Medium II Residential; and CR, C2 C4, P, PB, RAS3 Neighborhood Commercial. The proposal adds [Q] Qualified Conditions and [D] Development Limitations. The zone change is in conformance with the General Plan.

#### A. Northeast Los Angeles Community Plan

The zone change will promote the following objectives, policies and goals of the Northeast Los Angeles Community Plan which calls for safe, secure, attractive, compatible and responsible development in hillside areas.

***Objective 1-3*** *To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.*

The proposed zone change promote development that will further limit the intensity of development in hillside areas through reduced Residential Floor Areas, massing and required articulation, additional lower height requirements, and reduced grading limits while providing the allowable density. For example, building a 3:1 Floor Area Ratio residential box-like structure will no longer be permitted due to the zone change's reduced Residential Floor Area and second story setback requirements which will not only provide a smaller building envelope that is articulated but promote compatibility with existing hillside neighborhood character, identity and scale.

***Policy 1-3.1*** *Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.*

The proposed zone change conditions and limitations promote development that will further limit intensity and density of development in hillside areas through reduced Residential Floor Areas, massing and required articulation, additional lower height requirements, and reduced grading limits while providing the allowable density. For example, building a 3:1 Floor Area Ratio residential box-like structure will no longer be acceptable due to the zone change's reduced Residential Floor Areas and second story setback requirements which will not only provide a compatible scale that is articulated but also be in keeping with existing building designs characteristic to the hillside neighborhoods.

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

The zone change guidelines promote development that will further limit intensity and density of development in hillside areas through reduced Residential Floor Areas, additional lower height requirements, and reduced grading limits while providing the allowable density. For example, building a 3:1 Floor Area Ratio residential box-like structure 45 feet in height will no longer be permitted due to the zone change's reduced Residential Floor Area, height and grading requirements which will not only provide a smaller building envelope that is lower in height but reduce the overall amount of development on each hillside lot.

**Policy 1-5.4** *Require that any proposed development be designed to enhance and be compatible with adjacent development.*

The zone change guidelines promote development that will further limit intensity and density of development in hillside areas through reduced Residential Floor Areas, massing and required articulation, additional lower height requirements, and reduced grading limits while providing the allowable density. For example, building a 3:1 Floor Area Ratio residential box-like structure will no longer be acceptable due to the zone change's reduced Residential Floor Area and second story setback requirements which will not only provide a smaller building envelope that is articulated but reduce the amount of overall development on each hillside lot. Additionally, having conditions that require variation of architectural elements and building materials that match architectural style will further ensure neighborhood cohesion by having new development reflect the existing neighborhood character and identity.

**Policy 4-1** *To preserve existing views in hillside areas.*

The zone change guidelines preserve existing views in hillside areas through a lowered height requirement along the identified ridgelines and additional lowered height measurement methodology. For example, building a 36 foot high structure along an identified ridgeline will no longer be permitted due to the zone change's reduced height requirements of 15 feet within a 50 foot linear buffer of an identified ridgeline which will preserve the existing views in hillside areas while still allowing development to occur.

**Policy 4-1.1** *Encourage the retention of passive and visual open space which provides a balance to the urban development of the Plan Area.*

The zone change encourages the retention of passive and visual open space to provide a balance to new development through new Residential Floor Area calculations that consider slope and lot size, reduced grading limits, smaller retaining walls, permeable paving systems and increased landscaping requirements while providing the allowable density. For example, building a 3:1 Floor Area Ratio residential box-like structure with two 10-foot retaining walls will no longer be permitted. The proposed ordinance's new Residential Floor Area calculations will reduce the Residential Floor Area coefficient as slopes increase, lower retaining wall

heights to total an overall height of 12 feet collectively, and require landscaping plans which will not only reduce the overall size of projects on individual hillside lots but also require the softening of hardscape surfaces with greening and permeable paving systems yielding a cumulative impact of perceived visual open space.

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

The zone change promotes land use policies that will further enhance accessibility for fire fighting equipment that are compatible with effective levels of service through exempting 400 square feet from the Residential Floor Area to reduce the demand for on-street parking in the hillside areas. This promotes more street clearance to allow for emergency vehicle access in the predominately substandard hillside streets. Conditions have also been included to enforce the LAFD Red Flag – No Parking Program to keep parked vehicles off the street during time of high fire damage and to keep construction material off of substandard streets at all times.

## B. General Plan Framework

The General Plan Framework, adopted in December 1996, provides long term guidance on land use issues for the entire City. The zone change area is located within an area that includes designations ranging from Open Space to Neighborhood Commercial. The Framework Element establishes guidelines to preserve the City's stable single-family residential neighborhoods as well as to achieve higher quality multi-family dwellings, such as design character and open space. The proposed zone change is consistent with, and helps to further accomplish the following goals, objectives, and policies of the General Plan Framework Element:

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

In order to preserve and maintain the scale of existing single-family neighborhoods and ensure that future development is more compatible, the hillside 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 for 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 the 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.

***Policy 3.1.8*** *Consider the formulation of plans that facilitate the local community's identification of precise uses, densities, and design characteristic for development and the public streetscape for neighborhood areas smaller than the community plans, provided that the Framework Element's differentiation and relationship among land use*

*districts are generally maintained, there is no significant change in the population and employment capacity of the neighborhood, and there is no significant reduction in overall housing capacity.*

The proposed zone change ordinance addresses issues raised by stakeholders in the community while balancing the need to retain housing capacity. Site plan and building design regulations mitigate impacts of bulk and massing on the scale, aesthetics, and hillside neighborhood identity.

***Policy 3.7.4*** *Improve the quality of new multi-family dwelling units based on the standards in Chapter 5 Urban Form and Neighborhood Design Chapter of this Element.*

Issues that include height, bulk, massing, architectural articulation, and landscape buffers were addressed and discussed in working group meetings. The zone change proposed addresses these and other issues related to site planning, building design, architectural details, and landscaping which will contribute to the development of high quality both single- and multi-family dwellings and the creation of a cohesive neighborhood. This desired outcome is in line with the Livable Neighborhoods Section of the Element which states that the City's current form and character resides largely in its neighborhoods.

***Objective 5.1*** *Translate the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasizes quality of development and provide or advocate "proactive" implementation programs.*

The development of the zone change Q Conditions and D Limitations was a collaborative effort by community property owners, developers, Planning Staff, the Council Office, and other stakeholders. Over 35 working group meetings were held in addition to two Public Workshops, an Open House and the Public Hearing to enable community and neighborhood level participation. Each of the conditions of the zone change has been developed with public participation, and tailored to the specific urban hillside environment of the neighborhood.

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

Q conditions and D limitations addressing massing and height were created with the neighborhood in mind. Landscaping requirements, ridgeline protections, upper floor stepbacks and building articulations have been developed to encourage compatibility with respect to vegetation, aesthetics and neighborhood identity.

### C. General Plan Housing Element

The zone change adheres to Goal 2 of the Livable Communities Issue of the Housing Element by taking steps to preserve, stabilize, and enhance livability/sustainability in single and multifamily housing by utilizing approved

design standards. The zone change will meet this goal while maintaining the current density capacity.

***Policy 2.1.4.*** *Enhance livability of neighborhoods by upgrading the quality of development and improving the quality of the public realm, including streets, streetscape, and landscaping to provide shade and scale.*

The landscape requirements in the zone change seek to minimize hardscape and assure the planting of appropriate trees, plants and shrubs to provide abundant foliage. The combination of drought-tolerant, fire-retardant, native and erosion controlling vegetation will create a sense of cohesiveness.

***Policy 2.8.1.*** *Establish individual community visions that retain and enhance community character through the Community Plan Update Program and the Framework Element.*

The guidelines within the zone change Q Conditions and D Limitations were developed to specifically address the needs of the neighborhood within the zone change boundaries. The unique land use characteristics of the neighborhood; stakeholders concerns; and recent hillside development patterns guided the development of the proposed urban design regulations.

## **2. Zone Change Findings**

The proposed zone change ordinance, permanent [Q] conditions and [D] limitations are in conformance with public necessity, convenience, general welfare and good zoning practice.

The subject ordinance conforms to the public necessity, convenience, general welfare and good zoning practice in that these measures would prevent new development from continuing to be incompatible with the goals of the Northeast Los Angeles Community Plan by adding development regulations that consider adequate infrastructure, promote emergency access, limit environmental impacts associated with hillside development, preserve neighborhood character, identity and scale as well as protect natural resources, vegetation and wildlife. The zone change will maintain the current Community Plan land use designations established for this area and will maintain the existing density – an important component of Northeast Los Angeles' neighborhood character.

The proposed zone change ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan in that it would protect and improve the general environment of the community by placing design controls on site planning, building design, architectural details and landscaping to ensure that they are of a scale that is consistent with the Northeast Los Angeles Community Plan. Public safety is also prioritized by reducing the size and height of structures and retaining walls which will reduce the amount of grading needed for building pads in this hillside area. The zone change proposed will also enhance emergency access by reducing the demand for street parking in substandard hillside streets. Increased landscaping requirements will serve the purpose of promoting the native vegetation characteristic to this area but also serve to be environmentally mitigative through root

systems that strengthen slope stability and augment erosion control. With these restrictions in place new development can be guided with respect to appropriate, environmentally sensitive and responsible construction in the identified hillside areas.

### 3. [Q] Qualified Condition Findings

The establishment of these proposed [Q] conditions ensures that the proposed design guidelines and standards are fully implemented. These guidelines and standards are based on many objectives and policies of the General Plan relating to development in hillside areas that are appropriate in scale; minimally disruptive of the natural terrain, vegetation and water course; ensure that future developments improve the identity and appearance of the neighborhoods and communities through scale, height, bulk, setbacks, design, and landscaping parameters; give consideration for the steepness of the topography and geological stability; ensure the availability of adequate infrastructure and access to emergency services; and, promote the protection of natural resources.

#### A. **All properties located within the Zone Change Ordinance Map shall be subject to the following [Q] Conditions:**

##### 1. **Infrastructure**

- a. Construction materials and equipment shall not be permitted to be stored in the public right-of-way in any manner that reduces roadway clearance to less than 20-feet in width. Storage of construction materials and equipment on public property requires a street use permit from the Bureau of Street Services.

**Finding for Condition A.1 a.:** The Q Condition restricting construction materials and equipment to be stored in the public right-of-way was placed in the conditions because of the limited access available in many of the substandard hillside streets in this area. Many of the streets in this area are still paper streets which have not yet been built, particularly those streets abutting undeveloped lots. Much of the new street construction in this area is developed through conditions on private entitlement requests where the street improvement must be done on portion of the street abutting the subject parcel(s) and the street improvement width is 20'. This results in a street pattern that is substandard based on the adopted BOE Street Standards and is sporadically available throughout the hillside area. With limited street access, staging and storing construction materials and equipment in the public right-of-way presents potential obstructions to emergency vehicle access in addition to daily traffic. Restricting the storage of construction materials and equipment in the public right-of-way ensures sufficient roadway clearance not only for emergency vehicles but daily traffic as well. The Q Condition also supports Policy 9-1.1 of the Northeast Los Angeles Community Plan which states that land use policies that enhance accessibility for fire fighting equipment and are compatible with effective levels of services should be promoted. The condition also accommodates necessary LAFD emergency vehicle clearance requirements. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Public Services on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- b. Construction vehicles shall be subject to the restrictions established by the Los Angeles Fire Department Red Flag - No Parking Program. Restricted parking signs shall be procured and installed along the project site at the owner/developer's expense when required by the LAFD and/or LADOT.

**Finding for Condition A.1 b.:** The Q Condition requiring construction vehicles to be subject to the restrictions established by the LAFD Red Flag – No Parking Program and that restricted parking signs be procured and installed along project sites when required by LAFD and/or LADOT was placed in the conditions because of the limited access available in many of the substandard hillside streets in this area previously described. Additionally, the purpose and intent of the LAFD Red Flag – No Parking Program was to ensure emergency vehicle access by restricting street parking on Red Flag Days as identified by the LAFD. LADOT cannot enforce parking restrictions that are not legally posted resulting in emergency vehicle services being compromised. Requiring the installation of restricted parking signs as required by LAFD and/or LADOT for the Red Flag – No Parking Program will ensure emergency vehicle access regardless of the storage of construction vehicles and equipment in the public right-of-way. Similarly to the previous finding, this condition also promotes Policy 9-1.1 of the Northeast Los Angeles Community Plan which calls for land use policies that enhance accessibility of fire fighting equipment and are compatible with effective levels of service. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Public Services on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

## 2. Building Design

- a. Second story setbacks or terraced structures and other design articulations are to be used to ensure that new development is compatible with existing neighborhood identity, character and scale.

**Finding for Condition A.2 a.:** The Q Condition for second story setbacks or terraced structures and other design articulations was placed in the conditions in order to promote that new development creates a cohesive neighborhood that reflects the existing character and identity of the area. This condition furthers Objective 1-3 of the Northeast Los Angeles Community Plan that is to preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods. Moreover, it reinforces Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new proposed development be required to be designed to enhance and be compatible with adjacent development. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- b. Building materials match architectural style of new development.

**Finding for Condition A.2 b.:** The Q Condition requiring building materials match the architectural style of new development ensures that structures are well designed, offer texture depth, and a variety of materials and result in presenting

an attractive appearance to the surrounding properties. This condition maintains Policy 1-3.1 of the Northeast Los Angeles Community Plan that directs protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design which includes building materials. Staff found that the majority of homes existing in the community were built with materials known to be consistent with a chosen architectural style, for example wood-framed windows are common to Craftsman-style residences, while steel framing is common to Modern-style residences. This condition also sustains Policy 3.7.4 and Objective 5.5 the General Plan Framework Element where improvement of the quality of new multi-family dwelling units based on the standards in Chapter 5 Urban Form and Neighborhood Design Chapter of this Element and the enhancement of the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm are desired. Finally, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- c. Architectural design elements of the front and rear building elevations including articulation of facades, modulations of walls, shape, type details and the location of windows, doors, columns, balconies and garage doors vary from the adjacent/abutting buildings.

**Finding for Condition A.2 c.:** The Q Condition that requires architectural design elements of the front and rear building elevations vary from the adjacent/abutting buildings was placed in the conditions to ensure that new development coincides with the mixed architectural styles in the existing neighborhood identity and reflects the neighborhood character. This condition coincides with Objective 1-3, Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan where the protection, preservation and enhancement of the residential character and scale of existing single- and multi-family neighborhoods be implemented through attention to the appearance of new construction including site planning and compatible building design so as to enhance and be compatible with existing neighborhood identity and character. This proposed regulation stipulates that identical exterior architectural designs would not be permitted on adjacent lots. This condition will prevent the cookie-cutter look of multiple lot developments that are incompatible with the local neighborhood character and identity. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- d. Design of new structures shall meet one of the following standards:
  - i. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or
  - ii. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent 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. 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. When through-lots have two front yards, the step-back shall be provided along both front lot lines; or
- iii. The buildings of the project shall consist of 3 or more building elements, each with its own associated roof form. A building element may also be a major horizontal mass, setback, or forward from the face of other masses.

**Finding for Condition A.2 d.:** The Q Condition for design standards that require one of three options which include building articulation, modulation and second story setbacks was placed in the conditions in order to have building bulk and massing be compatible with the aesthetics of surrounding older structures and residences. Furthermore, this specific Q Condition reinforces Objective 1-3, Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan where the protection, preservation and enhancement of the residential character and scale of existing single- and multi-family neighborhoods be implemented through attention to the appearance of new construction including site planning and compatible building design so as to enhance and be compatible with existing neighborhood identity and character. What is more, this condition underscores the “N” of the City Planning Commission’s principles of “Do Real Planning” to neutralize mansionization in this hillside area. Finally, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- e. Structures within 50 linear feet of identified ridgelines, as shown on attached map marked ‘Northeast LA Ridgelines’, are limited to 15 feet in height. The 50 linear feet must be labeled on all plans accordingly.

**Finding for Condition A.2 e.:** The Q Condition for a 15 foot height limit within a 50 foot radius of an identified ridgeline was placed in the conditions because residents expressed the need for ridgeline protection in this minimally developed area. By limiting the height of new development to 15 feet within the first 50 linear feet of the identified ridgelines ensures that the ridgelines in the area are not overshadowed by large, tall structures and the basic lines of the ridges are preserved while still maintaining the current density capacity. Additionally, this condition supports Policy 4-1 of the Northeast Los Angeles Community Plan to preserve existing views in hillside areas. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- f. New hardscape areas, not including foundations, shall utilize permeable paving systems including, but not limited to, pavers, porous asphalt, porous concrete, grasscrete, and/or similar materials as approved by LADBS.

**Finding for Condition A.2 f.:** The Q Condition for permeable paving systems was placed in the conditions because stakeholders in the community expressed that green building methodologies should be required throughout the City, particularly in the hillside areas. This condition furthers Objective 5.1 of the General Plan Framework which warrants the translation of the Framework Element’s intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build

on each neighborhood's attributes, emphasizes quality of development and provide or advocate "proactive" implementation programs. Moreover, this condition underscores the "P" of the City Planning Commission's principles of "Do Real Planning" to produce green buildings. Last of all, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics, Land Use/Planning and Hydrology/Water Quality on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

### 3. Retaining Walls

- a. The maximum total height of all retaining walls shall not exceed 12 feet, with no individual wall measuring higher than 6 feet on private property. Each freestanding retaining wall shall not exceed 75 feet in linear length, nor extend beyond one lot. Walls shall be separated by a minimum horizontal distance equal to the height of the highest wall. Freestanding garden walls 36" in height or less shall not be considered retaining walls for the purposes of this regulation.

**Finding for Condition A.3 a.:** The Q Condition that reduces the maximum total height of all freestanding retaining walls excluding garden walls 36" in height or less was added because it was expressed by working focus group participants that the current Retaining Wall Ordinance was resulting in an unintended consequence of large, out of scale freestanding retaining walls that were perceived to be destabilizing the hillsides and changing the neighborhood character and identity of the neighborhood. Lower, green walls were preferred over the maximum freestanding walls that are currently allowed. This condition follows Objective 5.5 of the General Plan Framework Element where the enhancement of the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm is desired. Finally, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetic, Geology/Soils, and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- b. Require that all retaining walls provide a standard surface backdrain system and all drainage shall be conducted to the street in a non-erosive device, as required by approved Soils Report.

**Finding for Condition A.3 b.:** The Q Condition for standard surface backdrain systems that drain towards the street was added to prevent flooding and possibly extensive water infiltration onsite that contributes to slope instability which was expressed as a concern of working focus group participants and community stakeholders. The condition also accommodates necessary LADBS freestanding retaining wall requirements. As a final point, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Geology/Soils and Hydrology/Water Quality on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

### 4. Landscaping

- a. Landscaping palette for required landscape plans shall be comprised of drought tolerant and/or native plant material that is fire retardant and controls erosion.

**Finding for Condition A.4 a.:** The Q Condition for required landscaping plans that consist of a drought tolerant, fire retardant, erosion controlling and/or native landscape palette was be a multifaceted solution not only to preserve the existing neighborhood character and identity of this particular hillside area by softening the new development with plantings but also reinforce slope stabilization and mitigate potential fire hazards with planned landscaping. This condition underscores Policy 4-1.1 of the Northeast Los Angeles Community Plan which encourages the retention of passive and visual open space which provides a balance to the urban development. Finally, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics, Biological Resources, Hydrology/Water Quality and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- b. Retaining walls and building understory areas shall be fully screened with plantings in a reasonable amount of time, as shown on approved landscape plan.

**Finding for Condition A.4 b.:** The Q Condition for the full screening of retaining walls and building understory areas in a reasonable amount of time is to improve the aesthetic quality of the neighborhood. This condition maintains Policy 1-3.1 of the Northeast Los Angeles Community Plan that directs protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design. This condition also sustains Objective 5.5 the General Plan Framework Element where the enhancement of the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm are desired. As a final point, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- c. Landscape plans must be submitted to Bureau of Street Services Urban Forestry Division prior to DCP clearance. Upon satisfaction of the requirements set forth under LAMC Ordinance No. 177,404 (Protected Trees) deemed necessary by the Urban Forestry Division, an approval letter will be issued by the Urban Forestry Division and submitted with new development filings as part of submission packages.

**Finding for Condition A.4 c.:** The Q Condition for the submission of landscape plans to the BoSS – Urban Forestry Division for review and the issuance of an approval letter upon the satisfaction of the requirements set forth under the Protected Tree Ordinance was incorporated to further the goals of the Protected Tree Ordinance and its enforcement. Additionally, this condition promotes Policy 4-1.1 of the Northeast Los Angeles Community Plan which encourages the retention of passive and visual open space which provides a balance to the urban development. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics, Biological Resources and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to

LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- d. Landscaping plans must be submitted to Bureau of Street Services, Urban Forestry Division, and Department of City Planning for review and approval consistent with LAMC Ordinance No. 177,404 (Protected Trees).

**Finding for Condition A.4 d.:** The Q Condition for the submission of landscape plans to the BoSS – Urban Forestry Division for review and the issuance of an approval letter from BoSS – Urban Forestry Division upon the satisfaction of the requirements set forth under the Protected Tree Ordinance was incorporated to further the goals of the Protected Tree Ordinance and the review of DCP was to promote cohesive neighborhood aesthetics. This condition also promotes Policy 4-1.1 of the Northeast Los Angeles Community Plan which encourages the retention of passive and visual open space which provides a balance to the urban development. Moreover, it reinforces Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new proposed development be required to be designed to enhance and be compatible with adjacent development. To finish, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics, Biological Resources and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- e. A signed “Certified Arborist’s or Licensed Landscape Architect’s Certificate of Compliance” must be filed with the Department of Building & Safety prior to issuance of a “Certificate of Compliance” to ensure that landscaping plans are fully implemented.

**Finding for Condition A.4 e.:** The Q Condition for a signed “Certified Arborist’s or Licensed Landscape Architect’s Certificate of Compliance” filed with LADBS for landscaping plans that consist of a drought tolerant, fire retardant, erosion controlling and/or native landscape palette was be a multifaceted solution not only to preserve the existing neighborhood character and identity of this particular hillside area by softening the new development with plantings but also reinforce slope stabilization and mitigate potential fire hazards with planned landscaping. This condition underscores Policy 4-1.1 of the Northeast Los Angeles Community Plan which encourages the retention of passive and visual open space which provides a balance to the urban development. Finally, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics, Biological Resources and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

## 5. Environmental

- a. A Geotechnical Investigation Report that evaluates the proposed project’s soil and grading shall be submitted to the LADBS – Grading Division for review. An approved Soils & Grading report letter from LADBS – Grading Division shall be required prior to approval of a grading, foundation or building permit.

**Finding for Condition A.5 a.:** The Q Condition requiring the submission of a Geotechnical Investigation Report to LADBS – Grading Division and an approved

Soils & Grading report letter from the LADBS – Grading Division is not only to address the concerns expressed by stakeholders that geotechnical analysis was not being adequately done but also to add to LADBS' record of the geology of the area. This condition also accommodates necessary LADBS – Grading Permit requirements. Lastly, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Geology/Soils on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- b. Grading shall be done in accordance with the Planning Guidelines Landform Grading Manual adopted by the City Council.

**Finding for Condition A.5 b.:** The Q Condition for grading to be in accordance with the Planning Guidelines Landform Grading Manual is to reinforce sound grading practices as many stakeholders expressed that current development was not grading the hillside areas in an environmentally sensitive manner. Additionally, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Geology/Soils on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- c. 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 as part of an approved Soils Report.

**Finding for Condition A.5 d.:** The Q Condition for new graded slopes to be no steeper than 2:1, unless otherwise stated in an approved Soils Report from LADBS, due to the concern expressed that current grading practices were causing slope instability. The Q Condition was also imposed in order to mitigate the potential adverse environmental impacts on Geology/Soils on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- d. Grading shall be limited to a maximum of 500 cubic yards + numeric value equal to 5 percent of the total lot size, up to a maximum of 1,000 cubic yards total. Any deviations beyond these limits shall require a Zoning Administrator's approval under LAMC §12.27.

**Finding for Condition A.5 e.:** The Q Condition for limiting grading to 500 cubic yards plus 5% of the total lot size up to a maximum of 1,000 cubic yards was to address the concern raised by community stakeholders that current grading practices were contributing to slope instability and deteriorating the hillsides in this area. Moreover, the Q Condition was imposed in order to mitigate the potential adverse environmental impacts on Aesthetics, Biological Resources, Geology/Soils, and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

- e. New hardscape areas, not including foundations, shall utilize permeable paving systems including, but not limited to pavers, porous asphalt, porous concrete, grasscrete and/or similar materials as approved by LADBS.

**Finding for Condition A.5 f.:** The Q Condition for new hardscape areas to utilize permeable paving systems was to encourage green building practices, enhance

onsite filtration to lessen the demand on the existing inadequate infrastructure and to soften the hardscaping to a larger degree to further neighborhood cohesion. The Q Condition was imposed as well to mitigate the potential adverse environmental impacts on Aesthetics, Biological Resources, Geology/Soils, and Land Use/Planning on RA, RE, RS and R1 zoned properties pursuant to LAMC § 12.32 G.2.(j) as identified in the Mitigated Negative Declaration (Exhibit B).

**B. In addition to those [Q] Conditions listed under Section A, the [Q] Conditions pursuant to Ordinances 166,216, 166,267, 179,344 shall be retained.**

**Finding for Condition B.:** The Q Condition to retain the existing [Q] Conditions was to reinforce the previously adopted Q Conditions pursuant to Ordinances 166,216, 166,267, and 179,344.

**4. [D] Development Limitation Findings**

Pursuant to Section 12.32 G of the Los Angeles Municipal Code, and any amendment thereto, the following limitations are hereby imposed upon the use of the subject property, subject to the Permanent “D” Development Limitations.

**1. Height**

- a. In addition to the height limitations contained in LAMC Section 12.21 A17(c), no building or structure shall exceed 30 feet in height from adjacent finished grade, measured as the vertical distance from the adjacent finished grade of the site to an imaginary plane located above and parallel to the finished grade; 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 26 feet above adjacent finished grade.

**Finding for Limitation A.1. a.:** The D Limitation for the additional height measurement with lowered height of 26 feet for a flat roof and 30 feet for a pitched roof was included to respond to the expressed concern that the current height limits were too high and did not result in compatible new development. Based on the input received in the working focus groups, the preference voiced was to have structures limited to two stories in height. A field survey of the area exhibited most homes consist of one- and two-story structures. Newer construction consisted of three- and four-story structures. The flat roof height of 26 feet and the pitched roof height of 30 feet will ensure that new construction will be reflective of the neighborhood character and scale by limiting structures to two stories in height in addition to allowing for sufficient latitude to have articulated and modulated architecture. This condition furthers Objective 1-3 of the Northeast Los Angeles Community Plan that is to preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods. Moreover, it reinforces Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new propose development be required to be designed to enhance and be compatible with adjacent development.

- b. The finished floor elevation directly above an exposed underfloor area shall be limited to 6 feet above finished grade.
- c. Attached decks shall be limited such that no portion of the walking surface of a deck with visible underpinnings shall exceed a height of 6' above grade and decks shall be integrated into the architecture of the house, and not appear as an add-on to the primary building mass.

**Finding for Limitations A.1. b-c:** The D Limitation to limit the height of a finished floor elevation directly above an exposed underfloor to 6 feet above the finished grade was added due to the concern that several working focus groups participants expressed that current regulations allowed for tall unscreened underpinnings and underfloor areas, particularly on downsloping lots adding to visual blight in the neighborhood (See Figure 8). This condition supports Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new propose development be required to be designed to enhance and be compatible with adjacent development.

## 2. Maximum Residential Floor Area

Residential Floor Area for all lots shall be calculated as defined in Section 12.03 of the Los Angeles Municipal Code. Consistent with the definition contained therein, the first 400 square feet of covered parking area shall not be counted towards the maximum Residential Floor Area. In order to calculate the maximum Residential Floor Area permitted, a site survey showing 1-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:

- Area A – Slope less than 15 percent;
- Area B – Slope at least 15 percent, but less than 30 percent;
- Area C – Slope at least 30 percent, but less than 45 percent;
- Area D – Slope at least 45 percent, but less than 60 percent;
- Area E – Slope at least 60 percent, but less than 100 percent;
- Area F – Slope greater than 100 percent.

For lots in the RD1.5 and RD2 Zones, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

100% of Area A + 90% of Area B + 80% of Area C + 70% of Area D + 60% of Area E + 50% of Area F.

The maximum Residential Floor Area in the RD1.5 and RD2 Zones, however, shall not be limited below 3,000 square feet.

For lots in the R2, RD3, RD4, RD5, and RD6 Zones, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

75% of Area A + 65% of Area B + 55% of Area C + 45% of Area D + 35% of Area E + 25% of Area F.

The maximum Residential Floor Area in the R2, RD3, RD4, RD5, and RD6 Zones, however, shall not be limited below 2,200 square feet.

For lots in the R1 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

50% of Area A + 45% of Area B + 40% of Area C + 35% of Area D + 30% of Area E + 0% of Area F.

The maximum Residential Floor Area in the R1 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RS Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

45% of Area A + 40% of Area B + 35% of Area C + 30% of Area D + 25% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RS Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE9 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

40% of Area A + 35% of Area B + 30% of Area C + 25% of Area D + 20% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE9 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE20 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

35% of Area A + 30% of Area B + 25% of Area C + 20% of Area D + 15% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE20 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the RE40 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

35% of Area A + 30% of Area B + 25% of Area C + 20% of Area D + 15% of Area E + 0% of Area F.

The maximum Residential Floor Area in the RE40 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the A1 Zone, the maximum Residential Floor Area contained in all buildings and accessory structures shall be determined by the following formula:

25% of Area A + 20% of Area B + 15% of Area C + 10% of Area D + 5% of Area E + 0% of Area F.

The maximum Residential Floor Area in the A1 Zone, however, shall not be limited below 20% of the total lot size, or 1,000 square feet, whichever is greater.

For lots in the R1, RS, RE9, RE20, or RE40 Zone, if no portion of a lot exceeds a slope of 15 percent, an additional 20% of the maximum Residential Floor Area for that lot shall be allowed, consistent with Ordinance 179,883, effective June 29, 2008. Only one 20% bonus per property is allowed.

**Finding for Limitation A.2.:** The D Limitation for reduced building envelopes was added in order to address the concerns expressed that current hillside regulations are not appropriate for a hillside area with limited emergency services access, substandard hillside streets, zoning that calls for minimal density and result in projects that are out of character of the existing neighborhoods. The proposed Residential Floor Area calculation considers zone, lot size and slope in order to ensure proportionality of new development while keeping in mind the limited infrastructure to yield a cohesive neighborhood. Having this D Limitation included underscores Objective 1-5 of the Northeast Los Angeles Community Plan which is to limit the intensity and density of development in hillside areas. This D Limitation also reinforces Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new propose development be required to be designed to enhance and be compatible with adjacent development. In conclusion, this limitation furthers Objective 5.1 of the General Plan Framework which warrants the translation of the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasizes quality of development and provide or advocate "proactive" implementation programs.

### **3. Residential Floor Area Bonus for Buildings Eligible for LEED® Certification**

For lots in any Zone with a portion of the lot exceeding a slope of 15 percent, which are ineligible to receive the above 20% bonus in Residential Floor Area, an additional 20% of the maximum Residential Floor Area for that lot shall be allowed for the following:

New single family dwelling construction only, if the new construction is 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 "Certified" 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 Planning. In order to obtain this authorization, the applicant shall provide:

- (1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;
- (2) 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 "Certified" or higher level;
- (3) 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 "Certified" or higher level; and
- (4) 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. 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 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.

**Finding for Limitation A.3.:** The D Limitation for reduced building envelopes was added in order to address the concerns expressed that current hillside regulations are not appropriate for a hillside area with limited emergency services access, substandard hillside streets, zoning that calls for minimal density and result in projects that are out of character of the existing neighborhoods. The proposed Residential Floor Area calculation considers zone, lot size and slope in order to ensure proportionality of new development while keeping in mind the limited infrastructure to yield a cohesive neighborhood. Having this D Limitation included underscores Objective 1-5 of the Northeast Los Angeles Community Plan which is to limit the intensity and density of development in hillside areas. This D Limitation also reinforces Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new propose development be required to be designed to enhance and be compatible with adjacent development. In conclusion, this limitation furthers Objective 5.1 of

the General Plan Framework which warrants the translation of the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasizes quality of development and provide or advocate "proactive" implementation programs.

#### **4. Verification of Existing Residential Floor Area**

For additions with cumulative residential floor area of less than 500 square feet constructed after the adoption of this ordinance, or remodels of buildings built prior to the adoption of this ordinance, 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 500 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.

**Finding for Limitation A.4.:** The D Limitation for reduced building envelopes was added in order to address the concerns expressed that current hillside regulations are not appropriate for a hillside area with limited emergency services access, substandard hillside streets, zoning that calls for minimal density and result in projects that are out of character of the existing neighborhoods. The proposed Residential Floor Area calculation considers zone, lot size and slope in order to ensure proportionality of new development while keeping in mind the limited infrastructure to yield a cohesive neighborhood. Having this D Limitation included underscores Objective 1-5 of the Northeast Los Angeles Community Plan which is to limit the intensity and density of development in hillside areas. This D Limitation also reinforces Policy 1-3.1 and Policy 1-5.4 of the Northeast Los Angeles Community Plan that warrant the protection of the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design and that new propose development be required to be designed to enhance and be compatible with adjacent development. In conclusion, this limitation furthers Objective 5.1 of the General Plan Framework which warrants the translation of the Framework Element's intent with respect to citywide urban form and neighborhood design to the community and neighborhood levels through locally prepared plans that build

on each neighborhood's attributes, emphasizes quality of development and provide or advocate "proactive" implementation programs.

### **5. California Environmental Quality Act (CEQA) Findings**

In compliance with requirements of the California Environmental Quality Act (CEQA), the project was issued a Mitigated Negative Declaration (ENV 2008-1183-MND, Exhibit B) in accordance with the City of Los Angeles CEQA guidelines.

The proposed Ordinance does not permit a use or intensity of development greater than already allowed under the current Zoning. In fact, the proposed Ordinance will result in a reduced development potential for affected properties, concurrently reducing the potential for various environmental impacts. The proposed Ordinance does not exempt or permit development that would otherwise be subject to environmental review.

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration (Exhibit B) was published in the Los Angeles Times on Thursday, May 29, 2008, and reflects the lead agency's independent judgment and analysis.

The subject site, which is located in Los Angeles County, will not have an impact on fish and wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2. In light of the above, the project qualified for the De Minimis Exemption from Fish and Game Fees (AB-3158).

## PUBLIC HEARING AND COMMUNICATIONS

The Department of City Planning has conducted extensive outreach to the community. Below is a summary of the Department's communication and efforts (See Exhibits G, E-2):

### **Focus Group Meetings**

The intent of the focus groups was to get feedback on our preliminary concepts from design and development professionals, as well as from community members directly affected by ICO. The Focus Groups were made up of residents, certified neighborhood council members, community organizations, local developers, as well as architects and designers (see the Focus Group invitation mailers found in the case file).

### **First Round of Outreach**

Focus groups were held on the following dates:

- |                      |   |
|----------------------|---|
| <u>June 16, 2007</u> | Staff invited the following:<br>Arroyo Seco NC<br>Greater Cypress Park NC<br>Eagle Rock NC<br>Historic Highland Park NC<br>LA- 32 NC<br>Lincoln Heights NC<br>Greater Eco Park Elysian NC<br>Highland Park HPOZ Board<br>Lincoln Heights HPOZ Board |
| <u>June 20, 2007</u> | Staff invited the following:<br>Antigua Coffee<br>Debs Park Advisory Board<br>Hermon Area Chamber of Commerce<br>Montecito Heights Improvement Association<br>People For Parks<br>Southwest Museum  |
| <u>June 23, 2007</u> | Staff invited the following:<br>Arroyo Seco Foundation<br>Eagle Rock Chamber of Commerce<br>Hermon Area Chamber of Commerce<br>Monterey Hills Federation<br>PROH-LA (Protecting the Rights of Owners in Hillside- Los Angeles)<br>The City Project  |
| <u>June 27, 2007</u> | Staff invited the following:<br>Audubon Center<br>Echo Park Historical Society ( EPHS)<br>Highland Park Chamber of Commerce<br>Mount Washington Association<br>Residents United to Save Elephant Hills<br>The Eagle Rock Association (TERA)         |

- June 30, 2007 Staff invited the following:  
 Barrio Action Youth and Family Center  
 El Sereno Community Garden/ Eastside Café  
 Highland Park Heritage Trust  
 Mount Washington Homeowners Alliance (MWhA)  
 Rivers and Mountains Conservancy  
 The River Project
- July 07, 2007 Staff invited the following:  
 Clinica Msr. Oscar A. Romero  
 El Sereno Coordinating Council  
 Hillside Environment and Safety Coalition (HESC)  
 Mountains Recreation and Conservation Authority (MRCA)  
 Rose Hills Community Homeowners Association  
 Trust for Public Land/Parks For People (TPL)  
 Approximately 60 randomly selected residents
- July 11, 2007 Staff invited the following:  
 Coalition LA  
 El Sereno Residents for Responsible Land Use and Growth  
 Hillside Village Property Owners Association  
 Mujeres de la Tierra – El Sereno  
 Santa Monica Mountain Conservancy  
 University Hills Association  
 Approximately 60 randomly selected residents
- July 14, 2007 Staff invited the following:  
 Community Residents Association for Parks  
 Glassell Park Chamber of Commerce  
 Lincoln Heights Chamber of Commerce  
 North East Los Angeles Open Space Coalition  
 Yorkdale Neighborhood Leadership Group  
 Approximately 60 randomly selected residents
- July 18, 2007 Staff invited the following:  
 Council of Arroyo Seco Agencies  
 Glassell Park Improvement Association (GPIA)  
 Los Angeles & San Gabriel River Watershed Council  
 Northeast Activist Group  
 Sierra Club- Los Angeles Chapter- NELA Area  
 Approximately 60 randomly selected residents
- July 21, 2007 Staff invited the following:  
 Council of Arroyo Seco Organizations (CASO)  
 Grater El Sereno Chamber of Commerce  
 Los Angeles Neighborhood Initiative  
 North East Tress  
 Approximately 60 randomly selected residents

Many participants felt that new requirements restricting the mass and scale of hillside residential structures should be considered to have new development reflect the existing character and scale of the neighborhood. The most commonly cited attributes contributing to out-of-character structures mentioned included box-like structures, building size and height, and architectural style. A significant number of participants wanted design and landscaping standards to be part

of the solution. A frequent question heard was about how the boundaries were drawn and that they should include the greater hillside area, not only the parcels inside the ICO. One thing was clear, almost all of the participants felt that the reconsideration of hillside development standards has been long overdue.

### **Second Round of Outreach**

Staff invited the participants from round one as well as additional stakeholders who expressed interest in participating between the first and second round of outreach to attend any one of the following small group meetings held on the following dates (see the Focus Group invitation mailers found in the case file) (See Exhibits G, E-2):

April 09, 2008 – Certified Neighborhood Councils only  
April 12, 2008  
April 15, 2008  
April 17, 2008  
April 19, 2008  
April 22, 2008  
April 24, 2008  
May 03, 2008

Staff prepared a summary of issues and concerns that were expressed in the first round of outreach along with alternative solutions to address the issues and concerns. Staff also provided a summary of other cities with hillside development regulations for participants to consider and think about when expressing preferences for which solutions were preferred. Almost all of the participants felt that the boundaries needed to be expanded to include the greater hillside area. The approach of having two phases for a solution was also expressed as a general consensus where the first phase would address immediate concerns and the second phase would address the more complicated issues that cross jurisdictions, departments and agencies.

### **Additional Outreach Efforts**

October 18, 2007 Staff took part of a Dia De Los Muertos Alter Building at Antigua Coffee House. This two hour event drew about 30 – 40 people ranging in ages from young children to late 50's. This opportunity yielded more feedback regarding hillside development in the area. Specific comments included a balance between open space preservation and well-designed, green and environmentally sensitive buildings. Constituents requested translated materials be provided as the program continued forward.

November 3, 2007 Staff took part of a Dia de Los Muertos Event at the El Sereno Community Garden. This four hour event drew about 100 – 125 people ranging in ages from infants to elderly people and resulted in more feedback regarding hillside development in the area. Specific comments included a balance between open space preservation and well-designed, green and environmentally sensitive buildings with an emphasis on bringing “good projects” to this neighborhood (See Exhibit E-2).

**Public Workshops**

Two Public Workshops were held in and near the proposed zone change area. The intent of these workshops was to introduce the public to possible zone changes (as refined by the input received from the focus groups) and to get a sense of whether there was a need for what was being proposed. Invitations were mailed to the focus group participants, interested parties, local developers, community organizations and Certified Neighborhood Councils. The invitation was also emailed to various community listserves for more participation (see the Public Workshop Invitation found in the case file) (See Exhibits G, E-2).

May 8, 2008

Lincoln Heights Senior Center

Approximately 100 participants attended the first Public Workshop. Questionnaires were handed out to evaluate the proposal presented at the Public Workshop. Additionally, Staff wrote out participants' comments on large easel pads as they went around the room and looked at the proposal by category. Departments from the Taskforce were present to answer questions for members of the public as well. Participants also sent in their comments after the first Public Workshop to Staff for further input. Many participants agreed with the reduction of the FAR, however there was significant disagreement on an appropriate FAR limit for a hillside area. A large number of the participants at the workshop strongly believed that a "one size fits all" reduction in FAR would not be appropriate, and that a more sliding scale approach like the one Staff proposed is more appropriate to address the proportionality of building envelope to lot size. The landscaping requirements, the expanded boundaries, the design criteria, and the overall approach were well received by the majority of participants. While many participants felt that the additional height measurement should be included, reaching an agreement on the height limit was more challenging as some participants expressed that lower height were more characteristic of this area while others felt that too low a height limit would restrict architectural design freedom and creativity. Overall, a substantial amount of feedback was received and gave Staff more direction on what issues could be further researched and considered.

July 26, 2008

Lincoln Park Recreation Center

Approximately 150 participants attended the second Public Workshop. Comment sheets were handed out to evaluate the proposal presented at the Public Hearing held on June 24, 2008. Participants also sent in their comments after the Public Hearing to Staff for further input. Many of the same concerns expressed after the first Public Workshop were voiced again. There was also concern that wildlife corridors are not sufficiently being addressed. Many participants would like more green building to be required of new development. There was substantial concern that the current street width requirements for emergency access are too excessive and not feasible in many of these hillside streets. By and large, the issues in the public right-of-way are of significant concern for this area. Overall, a substantial amount of feedback was received and gave Staff more direction on what issues could be further researched and considered.

**Open House/Public Hearing**

One Open House was held on June 17, 2008 at the Lincoln Park Recreation Center. More than 200 participants were in attendance at the Open House (See Exhibits G, E-2).

A Public Hearing on this matter was held at 3501 Valley Blvd. in Lincoln Park Recreation Center on June 24, 2008.

1. Present: Approximately 400 people attended.

2. Speakers: 3 in SUPPORT; 24 in OPPOSITION; 11 with GENERAL COMMENTS; 10 did not indicate an opinion.
3. Representatives from Councilmember Ed Reyes and Councilmember Jose Huizar spoke in support of the project.

Generally, a majority of participants that spoke were not in support of the proposal because they expressed that a 28 foot wide street improvement was not feasible. Others voiced that the proposed ridgeline [Q] condition was too restrictive. Lastly, several speakers expressed that the proposal was too restrictive overall and would render lots in this area to be unbuildable. Those in support of the proposal supported the proposed zone change in its entirety.

### **East Los Angeles Area Planning Commission**

A presentation for review and comment on this matter was given at 4580 North Figueroa Street in room 430 in Ramona Hall on July 09, 2008 at 6:00 P.M.

1. Present: Approximately 100 people attended.
2. Speakers: 6 in SUPPORT; 18 in OPPOSITION; 5 with GENERAL COMMENTS.
3. A representative from Councilmember Ed Reyes spoke in support of the project.

Generally, comments made were very similar to those voiced at the Public Hearing held on June 24, 2008. A majority of participants that spoke were not in support of the proposal because they expressed that a 28 foot wide street improvement was not feasible. As expressed previously, others voiced that the proposed ridgeline [Q] condition was too restrictive. Several speakers reiterated that the proposal was too restrictive overall and would render lots in this area to be unbuildable. The comment to require more green building was further emphasized as well. Those in support of the proposal supported the proposed zone change in its entirety.

### **Public Communication Received**

32 letters were received in SUPPORT of the proposal. 35 letters were received in OPPOSITION of the proposal. 11 letters were received as GENERAL COMMENTS regarding the project.

The Hearing Officer left the public comment period open to any written communication received until Wednesday, August 13, 2008. A total of 78 letters were received from the general public regarding the proposed ordinance at the time this staff report was written.

### **Points in Opposition**

1. There is significant concern about requiring the street width of 28 feet per existing regulations because it creates hardships and is often infeasible in many hillside locations.
2. Infrastructure is inadequate to allow further development. Many hillside streets are unimproved and have not been paved. Sewer connections and stormwater drainage needs to be more readily accessible and available.
3. The Los Angeles Fire Department should acquire smaller trucks for hillside areas.
4. Grading should be reduced further than what is being proposed.

5. Development regulations do not allow enough water to penetrate into the ground generating more off-site runoff.
6. Green building should be required for all projects and more incentives should be incorporated into new regulations.
7. The height restrictions near ridgelines seem too restrictive to allow any development. The ridgelines mapped should also be checked for accuracy.
8. Retaining wall back drain systems can cause erosion of soil and damage to surrounding properties.
9. The proposed Floor Area Ratio formula is too complicated and the base minimum proposed is too small. The base minimum should be between 2,100 and 2,400 square feet.
10. The base minimum proposed is too high at 1,100 square feet with an additional 400 square feet for garages plus a possible 20% bonus for LEED® Certified level buildings on 2,000 square foot lots.
11. The 400 square feet for garages should not be exempt from the FAR and should count as regular square footage.
12. Lot coverage is not considered and should be used as the tool to limit development instead of FAR.
13. Many aspects of the regulations result in pushing projects into “boxy” massive architecture because the regulations are so restrictive that creativity is limited.
14. Landscaping is appropriate for flat areas in the Valley but not in hillside areas.
15. Undeveloped hillsides are unattractive and landscaping should be required on all lots.
16. Preservation of natural vegetation serves important environmental and aesthetic functions.
17. Small lots within the boundaries should be exempt if they are already developed or are isolated from existing open areas.
18. There needs to be a balance between preservation and responsible development.

### **General Comments**

1. Residents were not sufficiently made aware of the proposal.
2. Variances are a long, complicated, costly process that will deter long-time residents from building and will cause a shift in the neighborhood identity and ethnicity.
3. There is a need for better enforcement of mitigation for erosion and slope stability.
4. The proposal is so restrictive that it will make multiple home developments infeasible.
5. Environmental sections need to be revised to be labeled “Earthworks.”
6. Notices should be posted on lots where projects are being proposed to help the community become aware of potential new construction.

**Additional Comments***Concern:*

California State laws for emergency infrastructure are not included in the draft ordinance.

*Response:*

The proposed ordinance would not eliminate or modify existing state fire laws. Although the street improvement language has been removed from the draft zone change ordinance, the street improvement and fire hydrant requirements set out in Section 57.09.06 of the Los Angeles Municipal Code remain unchanged.

*Concern:*

The overall height limit of 36 feet is too restrictive in combination with the parallel height limits.

*Response:*

The overall height limit of 36 feet is a regulation that the Planning Department's Code Studies Unit is currently revising for hillside areas citywide. The proposed citywide hillside measurement will be one that is parallel, similar to the methodology proposed with this zone change.

*Concern:*

The Floor Area Ratio proposed will deter large families from living in this area.

*Response:*

There is not sufficient evidence to indicate that large families will be deterred from living in this area due to the lowered residential floor areas proposed.

*Concern:*

Recent housing developments negatively impact wildlife, native species, and the general stability of the environment. Regulations that address wildlife corridors, is important for the preservation of native species, including birds and mammals. A more aggressive plan for open space conservation is needed in order to protect the ridgelines as well as Mount Olympus and Debs Park regions. Public linkages (pedestrian, bicycle, and equestrian paths) between parks and open spaces are desired.

*Response:*

Concerns regarding wildlife corridors, open space conservation and public linkages should be addressed in the next Northeast Los Angeles Community Plan Update.

*Concern:*

Vesting Rights are not addressed and/or defined.

*Response:*

Staff received several requests for clarification on the effective date of this ordinance and which projects currently under way would be impacted and which would be exempted. A project must comply with the adopted codes and ordinances at the time that vesting rights are established. Vesting rights for projects are granted in accordance with LAMC Section 12.26 A.3. The Department of Building & Safety has the authority to grant vested rights to a project for which plans sufficient for a complete plan check and for which a fee is paid. These rights shall end if subsequent changes are made to vested development plans which increase (or decrease) the height or floor area of the proposed structure by more than five percent. For more details, please refer to the Zoning Code.

*Concern:*

The proposal will take away property rights.

*Response:*

The proposed Ordinance does not take away the right to develop property; it is simply updating the requirements for hillside development in the area defined in Exhibit C-6. The proposed ordinance still allows a property owner to develop a median-sized home, and increase its size when the LEED® Certified level FAR Bonus is implemented.

*Concern:*

The proposal does not include any economic impact analysis. The proposed regulations are so restrictive that they will deter property owners from making future improvements and will proliferate blight in this community.

*Response:*

Since the adoption of the Northeast Los Angeles Hillside ICO in December 2006, 4 cases have been completed, 5 cases are currently being processed, and 13 cases are preparing for filing within the adopted ICO boundaries. Seven additional cases are being processed in the proposed expanded area outside of the ICO boundaries as well. This data indicates that projects are still being filed in spite of the adopted more restrictive ICO regulations and does not seem to support the concern that the more restrictive proposed regulations will deter future projects.

*Concern:*

Building and Safety enforcement is limited and potential loopholes could be created with this proposal.

*Response:*

The proposed Ordinance can be implemented by-right by Building and Safety requiring no additional review beyond what is required currently, unless a variance from the FAR is requested. Staff heard several concerns about the implementation of this ordinance and the ability of the Departments of Building and Safety and City Planning to enforce the proposed amendments to the Zoning Code. Planning staff has been working with Building & Safety officials throughout the development of this Ordinance to ensure that the proposed amendments are clear, not open to interpretation, and would not require large amounts of staff time and resources to implement. Building & Safety has confirmed that plan checkers would be able to verify the various [Q] Conditions and [D] Limitations and that the proposed Ordinance would not delay the plan check process.

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**FOR STAFF REPORT EXHIBITS, PLEASE VISIT:**

[http://planning.lacity.org/code\\_studies/NELA/Toc\\_NELA.htm](http://planning.lacity.org/code_studies/NELA/Toc_NELA.htm)