

# HILLSIDE CONSTRUCTION REGULATION “HCR” SUPPLEMENTAL USE DISTRICT ORDINANCE

*Formerly known as the Environmentally Sensitive Hillside Area “ESHA” SUD*



**Code Amendment and Zone Change | Q&A | REVISED 12.8.16**  
CPC–2016–4085–CA | CPC–2016–4087–ZC | ENV–2016–4086–ND

## What happened to the Environmentally Sensitive Hillside Area “ESHA” District?

The Hillside Construction Regulation “HCR” District is the Environmentally Sensitive Hillside Area “ESHA” District. The only difference between the two Supplemental Use Districts is the name. The name was recently changed to better reflect the issues that the Supplemental Use District is addressing and avoid confusion with another similarly named ordinance. The proposed regulations are the same and will address large single-family home developments 20,000 square feet or larger, grading maximums, hauling operations, and construction activity in residential hillside areas.

## What is a Supplemental Use District (SUD)?

A Supplemental Use District (SUD) is a zoning tool that enables communities to have tailored zoning to preserve, enhance, or protect unique qualities of a specific community. Unlike the base zone, a SUD addresses very specific issues. Shown as a suffix to the base zone, a SUD creates additional regulations on top of regulations to the base zone.

## What is the Hillside Construction Regulation “HCR” District? What does it regulate?

The Hillside Construction Regulation “HCR” District is a SUD that regulates large single-family developments 20,000 square feet or larger, grading maximums, hauling operations, and/or construction activity in residential hillside areas. When applied to a specific area, the SUD looks at the cumulative construction related impacts of large-scale hillside developments. The main components of the HCR District include:

### ***Department of City Planning Discretionary Review of Large Homes***

- Single-family home developments with a cumulative Residential Floor Area of 20,000 square feet or larger are now required to go through a review process with the City Planning Department. Single-family home developments smaller than 20,000 square feet may proceed with the current process by proceeding directly to the Los Angeles Department of Building and Safety (LADBS).

### ***Maximum Grading***

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

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

- Standard conditions typically imposed by the Board of Building and Safety Commissioners during the Haul Route Approval process shall be required for all applicable hauling activity within the HCR District.
- Hauling operations shall be conducted between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday. Hauling operations conducted on weekends or State designated holidays is prohibited.
- Construction activity is permitted between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday. Interior construction work is permitted 8:00 a.m. to 6:00 p.m. on Saturdays. Exterior construction work on Saturday is strictly prohibited. Excess exterior illumination of the site is strictly prohibited after 6:00 p.m. through the use of flood lights and similar lighting devices.

### **How did the Hillside Construction Regulation “HCR” District get initiated?**

Community members have expressed their growing public safety concerns regarding development and construction activity in the hillside areas. Construction of large single-family home developments and grading activity generate dozens of haul trips. Multiple small and large single-family home developments when clustered in the same neighborhood produce additional hauling vehicles on the road. Today’s current regulations require Haul Route Approval for projects grading 1,000 cubic yards or more. The Haul Route Approval process imposes certain identification, haul trip logging, precaution signs, etc. as conditions to obtaining a grading permit and an approved haul route. Certain neighborhoods need additional protection from hauling and construction activity and the new HCR District will impose some of the hauling operation standards on smaller projects that do not meet the threshold for the Haul Route Approval process.

### **How does the Hillside Construction Regulation “HCR” District compare to the current Baseline Hillside Regulations?**

As the HCR District is a Supplemental Use District, properties located within the HCR District are still required to comply with regulations of the base zone. As described below,

the HCR District will need to comply with the 2011 Baseline Hillside Ordinance (BHO) regulations and any amendments to it, in addition to the HCR District regulations.

### ***Current and Proposed Baseline Hillside Ordinance Regulations***

The BHO is currently being amended. Under the current BHO there are exemptions for Cut and Fill underneath a structure. Thus, the exemptions unintentionally cause more grading. Current proposed amendments to the 2011 BHO will address excessive grading through elimination of exemptions. The “by-right” grading quantity maximums for the current 2011 BHO and proposed amendment to the 2011 BHO are as follows:

Zone	EXISTING 2011 BHO Maximum “By-Right” Grading Quantity (cubic yards)	PROPOSED Amendment to BHO Maximum “By-Right” Grading Quantity (cubic yards)
R1	1,000	1,000
RS	1,100	2,300
RE9	1,200	2,400
RE11	1,400	2,800
RE15	1,600	3,200
RE20	2,000	4,000
RE40	3,300	6,600
RA	1,800	3,600

The formula for maximum grading allowed is calculated as follows:

- Existing 2011 BHO: 500 cubic yards plus the numeric value equal to 5% of the lot size in cubic yards. Example: a 5,000 square foot (s.f.) lot will have a “by-right” maximum grading quantity of 750 cubic yards. The 750 was calculated as 500 cubic yards + 250 cubic yards (numeric value of 5% of 5,000 s.f. lot ).
- Proposed Amendment to the 2011 BHO: 1,000 cubic yards plus the numeric value equal to 10% of the lot size in cubic yards. Example: a 9,000 s.f. lot will have a “by-right” maximum grading quantity of 1,900 cubic yards. The 1,900 was calculated as 1,000 cubic yards + 900 cubic yards (numeric value of 10% of 9,000 s.f. lot ).

In conjunction with counting the previously exempted grading in the proposed BHO amendment, the proposed BHO amendment will modify the allowed Import/Export quantities as follows:

- Standard Hillside Limited Streets and larger – up to the maximum “by-right” grading quantities. Example: a 9,000 s.f. lot will have a “by-right” maximum grading quantity Import or Export of earth of 1,900 cubic yards. The 1,900 was calculated as 1,000 cubic yards + 900 cubic yards (numeric value of 10% of 9,000 s.f. lot ) to reach the “by-right” grading quantity maximum.

- Substandard Hillside Limited Streets – up to 75 percent of the maximum “by-right” grading quantities. Example: a 9,000 s.f. lot will have a “by-right” maximum grading quantity Import or Export of earth of 1,900 cubic yards. The 1,900 was calculated as 1,000 cubic yards + 900 cubic yards (numeric value of 10% of 9,000 s.f. lot ) to reach the “by-right” grading quantity maximum, however, since it is by a Substandard Hillside Limited Street, the actual maximum grading quantity Import or Export of earth permitted is 1,425 cubic yards.

### ***HCR District Regulations***

Properties within the HCR District are still required to comply with the current Baseline Hillside regulations and will need to comply to any future amendments to the BHO when they are adopted. The main addition to the BHO grading regulations include:

- The maximum “by-right” grading quantity is 6,000 cubic yards which is less than the Proposed BHO at 6,600 cubic yards.

### **Where could the Hillside Construction Regulation “HCR” District be applied?**

The HCR District may be applied to residential hillside areas. Residential hillside areas that are particularly sensitive to construction activity may have this SUD applied to the area. The purpose of the HCR is to impose more restrictive grading limits and hauling operation standards than normally permitted by the base zone to further protect the community from excessive grading, hauling, and construction activity.

The Bel Air – Beverly Crest neighborhood is the first community to have the HCR District proposed to their area. As a follow-up to the Interim Control Ordinance (ICO) adopted in 2015, which expires in March 2017, this HCR SUD codifies the Bel Air ICO regulation to limit the import and export of exempted graded earth to 6,000 cubic yards. In addition to the ICO request, additional regulations are included in the HCR SUD so that it may be applied to other neighborhoods.

### **What are the next steps? How can I share my input?**

The City Planning Commission will consider the Code Amendment and Zone Change at a public meeting scheduled for Thursday, December 15, 2016, at Van Nuys City Hall in the Council Chamber located at 14410 Sylvan Street Van Nuys, CA 91401 after 8:30 a.m. The City Planning Commission (CPC) will make a recommendation to the City Council and will then be considered by the City Council’s Planning and Land Use Management (PLUM) Committee, followed by the full City Council.

The Staff Recommendation Report to CPC will be available online. Please direct comments on the CPC Staff Recommendation Report to [CPC@lacity.org](mailto:CPC@lacity.org) and staff at [christine.saponara@lacity.org](mailto:christine.saponara@lacity.org) and/or [giselle.corella@lacity.org](mailto:giselle.corella@lacity.org). When emailing please include the corresponding case numbers: Code Amendment **CPC-2016-4085-CA**; Zone Change Ordinance for the HCR to be applied to the Bel Air neighborhood **CPC-2016-4087-ZC**; Environmental: **ENV-2016-4086-ND**.