



LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: OCT 14 2008

CORRECTED DETERMINATION (1. Zone Information)

CASE NO. CPC-2008-1182-ZC

Location: Various within Northeast Los Angeles
Community Plan area

Council District: No. 1, 14

Plan Area: Northeast Los Angeles

Request: Zone Change

Applicant: City of Los Angeles

At its meeting on August 14, 2008, the following action was taken by the City Planning Commission:

- 1.) **Amended, Approved and Recommended that the City Council Adopt** the requested **Zone Changes** from OS-1XL-HPOZ to [Q]OS-1XLD-HPOZ, OS-1XL to [Q]OS-1XLD, A1-1 to [Q]A1-1D, A1-1XL 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-HPOZ to [Q]R1-1D -HPOZ, R1-1 to [Q]R1-1D, R2-1-HPOZ to [Q]R2-1D-HPOZ, R2-1 to [Q]R2-1D, RD6-1 to [Q]RD6-1D, [T][Q]RD6-1 to [T][Q]RD6-1D, RD5-1 to [Q]RD5-1D, [Q] RD5-1 to [Q]RD5-1D, RD4-1-HPOZ to [Q]RD 4-1D-HPOZ, RD3-1-HPOZ to [Q]RD3-1D-HPOZ, RD3-1 to [Q]RD3-1D , RD2-1 to [Q]RD2-1D, RD1.5-1 to [Q]RD1.5-1D, (T)(Q)RD1.5-1 to (T)[Q]RD1.5-1D, C1-1 to [Q]C1-1 and PF-1 to [Q]PF-1D.
- 2.) **Adopted** the attached Findings.
- 3.) **Approved and Recommended that the City Council Adopt** ENV-2008-1183-MND.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Kezios
Seconded: Roschen
Ayes: Cardoso, Freer, Hughes, Lara, Usher
Absent: Montanez, Woo

Vote: 7-0



Lourdes Sanchez, Commission Executive Assistant I
City Planning Commission

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Ordinance, Findings

cc:Notification List

Senior City Planner: Charles J. Rausch, Jr.

City Planning Associate: Gabriela Juarez

City Planning Associate: Nicholas Maricich

Planning Assistant: Jason Chan

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

SECTION 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications on properties shown upon portions of the zoning maps titled "Zone Change Ordinance Map Northeast Los Angeles Hillside Zone Change" and the table for Section 1 below and incorporated herein by this reference, and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code.

TABLE FOR SECTION 1

Existing Zone	New Zone
OS-1XL-HPOZ	[Q]OS-1XLD-HPOZ
OS-1XL	[Q]OS-1XLD
A1-1	[Q]A1-1D
A1-1XL	[Q]A1-1XLD
RE40-1	[Q]RE40-1D
RE20-1	[Q]RE20-1D
RE9-1	[Q]RE9-1D
RS-1	[Q]RS-1D
R1-1-HPOZ	[Q]R1-1D-HPOZ
R1-1	[Q]R1-1D
R2-1-HPOZ	[Q]R2-1D-HPOZ
R2-1	[Q]R2-1D
RD6-1	[Q]RD6-1D
[T][Q]RD6-1	[T][Q]RD6-1D
RD5-1	[Q]RD5-1D
[Q]RD5-1	[Q]RD5-1D
RD4-1-HPOZ	[Q]RD4-1D-HPOZ
RD3-1-HPOZ	[Q]RD3-1D-HPOZ
RD3-1	[Q]RD3-1D
RD2-1	[Q]RD2-1D
RD1.5-1	[Q]RD1.5-1D
(T)(Q)RD1.5-1	(T)[Q]RD1.5-1D
C1-1	[Q]C1-1
PF-1	[Q]PF-1D

SECTION 2. 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 that property described in Section 1 hereof which are subject to the Permanent "Q" Qualified Classification. **Clarifications of these Permanent "Q" Qualified Classifications should be processed through Zoning Administrator Adjustments, pursuant to Section 12.28 of the Los Angeles Municipal Code, whereby up to twenty percent increases in height and up to ten percent increases in residential floor area may be requested.** Where the zone symbols of the new zoning designation as shown in the

table for Section 1, are preceded by the symbol "Q" in brackets, the conditions and limitations imposed by the new "Q" Qualified Classification are set forth as follows:

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:
 - (1) 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" and "Floor Area, Residential" shall be defined as set forth in Section 12.03 of the Los Angeles Municipal Code for the purposes of this regulation; or
 - (2) 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

- (3) 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 one story or 15 feet in height. The 50 linear feet must be labeled on all plans accordingly.
- 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.

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 utilized 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 2A, the [Q] Conditions pursuant to Ordinances 166,216, 166,267, 179,344 shall be retained.

SECTION 3. 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 that property described in Section 1 hereof which are subject to the Permanent "D" Development Limitations. Where the zone symbols of the new zoning designation as shown in the table for Section 1, are followed by the symbol "D" in the suffix, the conditions and limitations imposed by the new "D" Development Limitation are set forth as follows:

A. All properties located within the Zone Change Ordinance Map shall be subject to the following [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.

3. 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. **The maximum Residential Floor Area in the R1 Zone, for lots 5,000 square feet in size with the slope entirely within Area F, however, shall not be limited below 20% of the total lot size, or 1,100 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.

4. 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.

Sec. _____. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

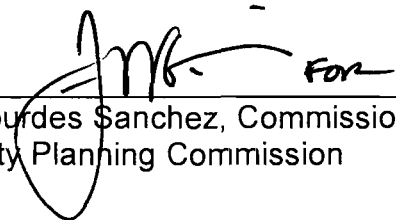
KAREN E. KALFAYAN, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Pursuant to Section 558 of the City Charter,
the City Planning Commission on August 14, 2008,
recommended this ordinance be adopted by the City Council.

 For

Lourdes Sanchez, Commission Executive Assistant I
City Planning Commission

File No. _____

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. The maximum Residential Floor Area in the R1 Zone, for lots 5,000 square feet in size with the slope entirely within Area F, however, shall not be limited below 20% of the total lot size, or 1,100 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).