

Ordinance 184827 - Bel Air HCR-Overlay – Additions as of 06.03.21

1. **Banding: Limits of 45' cumulative of view scape. Envelope of all bands not to exceed the 45' cap. Any basement with a visible portion counts towards the cap. Overall envelope height includes elevators shafts. (A waterfall effect, currently without a cap is creating an unintended consequence with SFD's building structures up to 90 feet down hillsides.)** *(this should be added to BAA's item .1)*
2. **Grading & Haul Route: cannot occur until building permits have been issued. Remedial grading limited to that which does not result in the taking. Remedial grading shall be determined and authorized by a City soils engineer subject to City Council oversight. Restore grading and hauling back to the 2011 original matrix.**
3. **The total cumulative quantity of Grading, or the total combined value of both Cut & Fill for the import or export of earth, or incremental Cut & Fill for Import and Export of earth, for any one lot shall be limited to the by-right maximum.**
(agree with BAA's item 3)
4. **Earth removal for caissons to be included in the calculations of grading and haul route quantities.** *Total number of caissons per project not to exceed ????*
5. **No Building Permit shall be issued without consent of the Planning Department (Plan Check), LAFD and LAPD. [BBSC requires DOT, BSS & Environmental clearances] NC to be included in the DOT recommendation for Haul Route to the BBSC. Fifteen days prior to a haul route hearing all properties in the HCR area along the haul route will receive written notice of the hearing.**
6. **Building & Safety: may not complete Plan Check without** *1) obtaining Urban Forestry clearance that include a stamped and signed survey, Google maps and tree inventory;* **2) prior issuance of a protected tree removal permit .**
 - a. **Incorporate the proposed Protected Tree Ordinance to all mature trees.**
7. **Enforcement & Penalties: Written Notice of an application or discretionary project shall be given to all properties within 1,000' of proposed project. Posting of permits to be maintained until project completion.**
[Violations: (agree with BAA's No's 7 & 8)]
8. **No street use permits shall be issued or construction vehicle parked such that a passable lane of less than 15' in width results. No street use permits shall be issued on opposite sides of the street at the same time. Due to public safety and emergency vehicle access concerns, no construction parking shall be allowed within 200' of the entrance of a cul-de-sac or dead end street or within the cull-de- sac or dead-end street itself.** *Parking for construction crews shall be prohibited on substandard hillside streets other than on and along frontage of the project site. Construction crews to be shuttled*

from and to a parking lot outside HCR boundaries. Construction traffic management plans to be included with the permit application submittal and be signed off by LADOT and LABSS.

9. **Financial Responsibility and Liability: A Completion Bond, in favor of the City, shall be required against a Schedule of Performance by Owner and Contractor with the ability of the City to draw down for various violations of a permit. This will protect the City. against failure to timely complete a project or default. Drawdowns to be replenished.**[Fee Base: agree with BAA.s No. 3.]. 7,500 sf
 10. **Roof Top Protection: No observation decks, or other entertainment or gathering structure creating an additional story equivalence. (Concerned about height, environmental impact and neighbors' privacy.) (see S3)**
 11. **Lighting & View Scape**
 - a. **Exterior Illumination: Standards set for new construction, down lighting only, warm yellow color, with lumens to be determined. (40w = 450 lumens, 60w = 950 lumens) (Spacing of exterior lights to be determined, see MDRB for standards)**
 - b. **Interior Illumination: Standards set for new construction applicable to large windows or openings that would affect the surrounding areas, including neighbor's privacy and wild life habitat. (Interior lights to be determined, see MDRB for standards)**
 12. **View Scape: Screening standards consistent with natural environmental surroundings to be used to cover caissons and retaining walls, and must be completed prior to receipt of COO. (see MDRB standards.) Landscaping for this purpose shall include automatic irrigation system.**
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13. **Remodeling and Additions: This regulation will apply to new construction, additions and major alterations. The following types of work defined as major alterations or additions:**
 - a. **Adding any new story, including a basement or other below-grade structure. Raising a structure to meet the required headroom in a basement is considered the same as creating a basement.**
 - b. **Increasing or replacing 50% or more of the exterior wall area on any floor. If the subflooring under an exterior wall is removed, it will be treated as if the wall was removed. Applicant must accurately represent scope of work since many major remodels technically qualify as new construction due to the lack of adherence to the removal 50% of roof and walls stipulation.**
 14. **Retaining Wall Ordinance: Define a retaining wall vs. a foundation for a SFD. A foundation is identified as construction limited to the area under the footprint of a Single Family Dwelling and continues to the exterior walls whether it is a slab or raised foundation and outside of the covered roof exterior wall of habitable living space. Continuing beyond the exterior of the footprint of a house, shall not be**

identified as foundation, but identified as an exterior slab or retaining wall. A trellis covering a retaining wall is still a retaining wall. (see [Retaining Wall Ordinance](#))

15. Faulty Road designations on Substandard Streets & Paper Streets: Continuous Paved Roadway (CPR) to be validated by BOE, with a basic investigation or a stamped survey from a licensed surveyor before a permit is issued. (see [new Ordinance](#))

16. CEQA: Due to the nature of Cumulative Impact per CEQA, more comprehensive environmental review is required in considering an EIR, MND and ND before CE. Cumulative Impact must be considered according to CEQA:

“When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. “Cumulatively Considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, or the effects of other current projects, and the effects of probable future projects.” or the effects of other current projects, and the effects of probable future projects.”

The 17,500 sq. ft. limit to include exempt habitable area (conditioned space) or basements, but exclude garage area. **All new construction and additions that requested a variance to increase total RFA or total height or any other parameter by more than 15% above the maximum allowed by codes shall be subject to CEQA review and cannot apply for categorical exemption. Environmental analysis shall expire two years after its issue date in order to reflect current conditions.**

17. Discretionary Projects, must appear before the Neighborhood Council.
18. *(18-20) Apply 24-cap limit for a number of haul rout trips to each area with a single point of entry. (No individual streets noted)*
19. *By-right hauling shall be subject to 24-cap limits and require a deputy grading inspector to record number of hauling trips.*
20. **Section 13.20.D.6(i) shall read: Flag person(s) shall be required for all project sites construction operations when vehicles larger than 8 ft wide and 15 ft long such as haul trucks, cement trucks, flat bed delivery trucks, etc. are used. Flag persons with radio control and warning signs shall be certified in compliance with the latest edition of the “Work Area Traffic Control Handbook” “CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES” and CAL/OSHA Title 8 Division 1 Subchapter 4 Article 11 Section 1599. Flag persons provided at the job site shall assist trucks vehicles in and out of the project-area**

21. ***Section 13.20.D.4 (c) shall read: "All hauling vehicles and other large construction vehicle, such as, demolition trucks, concrete mixers, flatbed delivery vehicles must be identified by a placard with the project address which shall be prominently displayed on each hauling vehicle.***
22. ***Deputy grading inspectors shall be assigned by LADBS (use of contracted third parties is acceptable) and report to it to avoid conflict of interest.***
23. ***Haul route ownership: Haul route shall be assigned to the owner of the property and shall not be transferable with the property.***
24. ***Haul bond funds have to be appropriated and assigned to specific streets funds in lieu of the general City fund and used to repair respective streets. This may require changes to BSS funding.***
25. More HCR's 25. 45' ft ht vs Slope Banding.
26. **LADBS advised us to attach a specific punitive measure to each HCR requirement, old and new, in order to give the enforcing agencies real power.**
27. **Grading Quantities RE 40, 20, 15. 2018 HCR's doubled from 3,000 cy to 6,000 plus a 10% bonus?**
28. **Ridgeline Ord Special Grading Limit.**

END

ORDINANCE NO. 184827

An ordinance amending Sections 12.04, 12.32, 13.20, and 16.05 of the Los Angeles Municipal Code in order to establish a "HCR" Hillside Construction Regulation supplemental use district that may be applied to regulate the construction of single-family homes in hillside areas.

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

Section 1. Subsection D of Section 12.04 of the Los Angeles Municipal Code is hereby amended to read as follows:

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

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District "CA" Commercial and Artcraft District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District
"CUGU"	Clean Up Green Up Overlay District
"RG"	Rear Detached Garage District
"HCR"	Hillside Construction Regulation District

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

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

Residential Floor Area District, "NSO" Neighborhood Stabilization Overlay District, "CPIO" Community Plan Implementation Overlay District, or "RIO" River Improvement Overlay District, "CUGU" Clean Up Green Up Overlay District, "RG" Rear Detached Garage District or "HCR" Hillside Construction Regulation District is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

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

Sec. 2. Paragraph 2 of Subsection S of Section 12.32 of the Los Angeles Municipal Code shall be amended to add a new "HCR" Hillside Construction Regulation Supplemental Use District.

2. **Districts.** In order to carry out the provisions of this article the following districts are established:

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District "CA" Commercial and Artcraft District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
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"RIO"	River Improvement Overlay District
"CUGU"	Clean Up Green Up Overlay District
"RG"	Rear Detached Garage District
"HCR"	Hillside Construction Regulation District

Sec. 3. The table of contents preceding Section 13.00 of the Los Angeles Municipal Code is amended to read as follows:

Section	
13.01	"O" Oil Drilling Districts.
13.02	"S" Animal Slaughtering Districts.

- 13.03 "G" Surface Mining Operations Districts.
- 13.04 "RPD" Residential Planned Development Districts.
- 13.05 "K" Equinekeeping Districts.
- 13.06 Commercial and Artcraft Districts.
- 13.07 Pedestrian Oriented District.
- 13.08 "CDO" Community Design Overlay District.
- 13.09 Mixed Use District.
- 13.10 Fence Heights District.
- 13.11 "SN" Sign District.
- 13.12 "NSO" Neighborhood Stabilization Overlay District.
- 13.13 "RFA" Residential Floor Area District.
- 13.14 "CPIO" Community Plan Implementation Overlay District.
- 13.15 "MPR" Modified Parking Requirement District.
- 13.16 "HS" Hillside Standards Overlay District.
- 13.17 "RIO" River Improvement Overlay District.
- 13.18 "CUGU" Clean Up Green Up Overlay District.
- 13.19 "RG" Rear Detached Garage District.
- 13.20 "HCR" Hillside Construction Regulation District.
- 13.21 Violation.

Sec.4. Section 13.20 of the Los Angeles Municipal Code shall be renumbered as Section 13.21 and a new Section 13.20 shall be inserted to read as follows:

SEC.13.20. "HCR" HILLSIDE CONSTRUCTION REGULATION DISTRICT.

A. **Purpose.** This section sets forth procedures and guidelines for the establishment of the Hillside Construction Regulation (HCR) District in residential areas of the City. The purpose of the HCR District is to impose more restrictive grading limits and hauling operation standards than what is generally permitted by this Code in areas where the proposed district is adopted, thus reducing construction impacts.

B. **Establishment of the District.** The procedures set forth in Section 12.32 S of this Code shall be followed, however, each HCR District shall include only properties in residential zones. Boundaries shall be along street frontages and shall not split parcels. A HCR District may encompass an area which is designated, in whole or in part, as a Historic Preservation Overlay Zone (HPOZ) and/or Specific Plan. The HCR District shall include contiguous parcels, which may only be separated by Streets, ways or alleys or other physical features, or as set forth in applicable rules approved by the Director of Planning. Precise boundaries are required at the time of application to expand or create a HCR District.

C. **Relationship to other Zoning Regulations.** Unless the provisions of this section state otherwise, the underlying base zone regulations applicable to

a given project in a HCR District shall prevail pursuant to Sections 12.03, 12.04, 12.05, 12.07.01, 12.07.1, 12.08, 12.21, 12.23 and 12.32. Where the provisions of the HCR District conflict with those of a Specific Plan or HPOZ, then the provisions of the Specific Plan or HPOZ shall prevail. If provisions of the HCR District conflict with any other City-wide regulations in this Code or with provisions of other supplemental use districts other than the Specific Plan or HPOZ, then the requirements of the HCR shall prevail.

D. **Development Regulations.** Single-family home developments within a HCR District shall comply with each of the following Grading, Hauling and Hauling Operation Standards, as applicable:

1. **Maximum Grading.** For any single lot, the total cumulative quantity of Grading, or the total combined value of both Cut and Fill for the import and export of earth, or incremental Cut and Fill for Import and Export of earth shall be limited to the “by-right” maximum pursuant to Section 12.21 C.10 and shall not exceed 6,000 cubic yards.

2. **Maximum Import and/or Export for Hillside Areas Fronting Substandard Streets.** For a lot which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the total cumulative quantity of Import and Export of earth combined, shall be no more than 75 percent of the “by-right” maximum pursuant to Section 12.21 C.10 and shall not exceed 6,000 cubic yards.

3. **Hauling Truck Trips.** A maximum of four trucks are permitted to haul per hour per project site. A grouping or convoy of hauling vehicles shall not be allowed; only one hauling vehicle is permitted per project site at any one time.

4. **Hauling Truck Operations.** As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following hauling operation standards shall be met:

(a) Projects required to obtain a Haul Route approval from the Board of Building and Safety Commissioners for the import and/or export of 1,000 cubic yards or more of earth material shall prominently post the final action letter with the approved Haul Route staff report on the job site at all times.

(b) No grading shall be performed within any areas designated “hillside” unless a copy of the grading permit is prominently posted on the job site at all times.

(c) All hauling vehicles must be identified by a placard identifying the project address which shall be prominently displayed on each hauling vehicle.

5. **Equipment.** As conditions of project approval for the issuance of a grading or building permit for projects in a HCR District, each of the following equipment standards shall be met:

(a) 10-wheeler dump trucks (with a 10 cubic yard capacity) or smaller are the only type of trucks permitted for hauling of earth. Notwithstanding the foregoing, the Board of Building and Safety Commissioners may authorize the use of other types of hauling vehicles for a project through the Haul Route approval process.

(b) Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.

6. **Operating Hours and Construction Activity.** Compliance with each of the following standards shall be required for all projects in a HCR District requiring the issuance of a grading or building permit. However, if a Haul Route approval by the Board of Building and Safety Commissioners is required for import and/or export of 1,000 cubic yards or more, then the conditions set by the Board of Building and Safety Commissioners during the Haul Route approval process shall prevail and the following standards shall not apply.

(a) Hauling operations shall be conducted only on Monday through Friday, between the hours of 9:00 a.m. and 3:00 p.m. Hauling operations on Saturdays, Sundays, or state or federal designated holidays is strictly prohibited.

(b) Haul trucks shall be staged off-site and outside of the HCR District. As deemed necessary, the Board of Building and Safety Commissioners may permit staging on-site or in any alternate staging area by special condition during the Haul Route Approval process.

(c) Construction activity shall be limited to Monday through Friday, between the hours of 8:00 a.m. to 6:00 p.m. Exterior construction work at any other time is strictly prohibited. However, interior construction work may be conducted on Saturdays between the hours of 8:00 a.m. to 6:00 p.m. Excess exterior illumination of the site through the use of flood lights and/or similar lighting devices is strictly prohibited after 6:00 p.m. on any day of the week.

(d) A log noting the dates of hauling activity and the number of hauling truck trips per day shall be available on the job site at all times.

(e) The owner or contractor shall control dust caused by grading and hauling and provide reasonable control of dust caused or exacerbated by wind at all times. Grading and hauling activities shall be discontinued during periods of high winds and Red Flag days as determined by the Los Angeles Fire Department.

(f) Loads shall be secured by trimming and shall be covered to prevent spillage and dust. Haul trucks are to be contained at the export site to prevent blowing of dirt and are to be cleaned of loose earth at the export site to prevent spilling.

(g) Streets shall be cleaned of spilled materials at the termination of each workday.

(h) "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit from the project site in each direction.

(i) Flag person(s) shall be required for all project sites. Flag persons with radio control and warning signs shall be in compliance with the latest edition of the "Work Area Traffic Control Handbook." Flag persons provided at the job site shall assist trucks in and out of the project area.

7. Review Procedures for single-family home developments larger than 17,500 square feet. The construction, erection, addition to, enlargement of or reconfiguration of any one-family dwelling that has a cumulative Residential Floor Area of 17,500 square feet or larger shall submit an application for a Site Plan Review before the issuance of related permits and entitlements. Application procedures and processing of the application shall be pursuant to Section 16.05 of the Los Angeles Municipal Code.

Sec. 5. Paragraph 2 of Subsection B of Section 16.05 of the Los Angeles Municipal Code is hereby amended to read as follows:

2. Discretionary Approval. An approval initiated by application of a property owner or representative related to the use of land including, but not limited to a:

- (a) zone change;
- (b) height district change;

- (c) supplemental use district;
- (d) conditional use approval;
- (e) use, area or height variance;
- (f) parcel map;
- (g) tentative tract map;
- (h) coastal development permit;
- (i) development agreement;
- (j) adjustments;
- (k) density bonus greater than the minimums pursuant to Government Code Section 65915;
- (l) density transfer plan;
- (m) exception from a geographically specific plan;
- (n) project permit pursuant to a moratorium or interim control ordinance;
- (o) public benefit projects; or
- (p) floor area deviation of less than 50,000 square feet pursuant to 14.5.7 of Article 4.5 of the Los Angeles Municipal Code.
- (q) single-family dwelling with a cumulative Residential Floor Area of 17,500 square feet or larger within the HCR District pursuant to 13.20 of Article 3 of the Los Angeles Municipal Code.

Sec. 6. Paragraph 1 of Subsection C of Section 16.05 of the Los Angeles Municipal Code is hereby amended to read as follows:

1. **Site Plan Review.** No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following development projects unless a site plan approval has first been obtained pursuant to this section. This provision shall apply to individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project, such as

piecemeal additions to a building, or multiple buildings on a lot, as determined by the Director.

(a) Any development project which creates, or results in an increase of, 50,000 gross square feet or more of nonresidential floor area.

(b) Any development project which creates, or results in an increase of, 50 or more dwelling units or guest rooms, or combination thereof.

(c) Any change of use to a Drive-Through Fast-food Establishment or any change of use to a Fast-food Establishment, either of which results in a net increase of 500 or more average daily trips as determined by, and using the trip generation factors promulgated by the Department of Transportation.

(d) Any change of use other than to a Drive-Through Fast-food Establishment or to a Fast-food Establishment which results in a net increase of 1,000 or more average daily trips as determined by, and using the trip generation factors promulgated by the Department of Transportation.

(e) Any residential (including Apartment Hotel or mixed-use) building located within the Greater Downtown Housing Incentive Area.

(f) Any single-family residential development with a cumulative Residential Floor Area of 17,500 square feet or larger located in the HCR District.

This subdivision shall not apply to one-family dwellings located outside of a HCR District.

Sec. 7. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: The proliferation of out-of-scale developments in single-family residential neighborhoods throughout the City poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors' privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; and that allowing the Interim Control Ordinances that were adopted by the City Council on March 25, 2015, to expire without providing for the adoption of permanent, context-sensitive R1 zones would result in that threat to the public welfare. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 8. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.


Sec. 9. 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, **by a vote of not less than three-fourths** of all its members, at its meeting of MAR 22 2017.

HOLLY L. WOLCOTT, City Clerk

By 
Deputy

Approved MAR 22 2017


Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney


By 
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date March 16, 2017

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

March 16 2017

See Attached Report


Vincent P. Bertoni, AICP
Director of Planning

File No. CF 16-1472-S1