

July 20, 2010

To: Members of the City Planning and Land Use Management Committee
(PLUM)
Patrice Lattimore, Legislative Assistant
Erick Lopez, Department of City Planning
Dana Prevost, Department of Building & Safety Grading Division
Kenneth Fong, Los Angeles City Attorney's Office

From: Fifth Council District

Re: **July 20, 2010 PLUM Meeting**
Proposed Baseline Hillside Ordinance *Revised Language*
Council File No. 10-1001; City Plan Case No. 2010-581-CA

Per the suggestions of Building & Safety, below you will find the revised language for the Remedial Grading Exemption for the Baseline Hillside Ordinance.

“Approved Remedial Grading. Properties with active Remedial Grading permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety, Grading Division, before the effective date of the Ordinance adopting this Article are exempt from all subdivisions of this Article for all residential development purposes. Such properties are nevertheless beholden to all other zoning and building regulations applicable at the time Building Permits are issued. This exception shall expire sixty (60) months after the effective date of the Ordinance enacting this Article.”

Should you have any questions or concerns, please feel free to contact Shawn Bayliss in our office at any point.

Council Office, 5th District, City of Los Angeles

Baseline Hillside Ordinance (BHO) Recommendations

The BMO has gone through many machinations over the several years the Planning Department has been working on it. The version released earlier this year was met with concern from the development community. The primary focus of this concern surrounded the Grading Regulations proposed in the BHO, and the feeling the grading restrictions were too restrictive. After the City Planning Commission began hearing the proposed ordinance, an Ad HOC committee was formed to evaluate the ordinance, and its many sections and proposals. Those evaluations lead to the current ordinance that was approved by the CPC, and is before PLUM this today. The Grading sections were substantially lessened in its current form.

The Bel-Air Beverly Crest N/C, the Sherman Oaks Homeowners Associations, and the Laurel Canyon Association have raised concerns over the reformulated Grading sections over the proposed ordinance. With those concerns, our office and representatives from those concerned community groups have met and discussed the appropriate portions that could be redrafted to provide the protections that are needed/desired by the hillside communities. Below are those clarified points.

1. The CPC Draft of the BHO has created an exempted grading portion that includes most activities typically done when constructing a hillside home. This has allowed for the suggested grading limits to remain, while not counting most grading activities towards this limit. For example, a parcel may have a limit of 2,000 cubic yards of grading, but with the foundations of the structures and driveways being exempt, it is possible for large amounts of grading to occur while not counting towards a single cubic yard of dirt.

Recommendation: Exempted grading activities should count for a certain percentage of the allowable grading limits. We suggest 75% of exempted grading be counted towards the total allowed grading.

2. Currently the Zoning Administrator (ZA) will be given the authority to allow for deviations in two forms. First, the ZA can allow for increased grading at a rate of 500 cubic yards plus 5%. Many feel this would allow for excessive grading. Secondly, the ZA can allow for the unlimited amount of import/export or dirt. This authority along with the first could allow for the virtual voiding of the grading and import/export of sections of the ordinance.

Recommendation: The ZA's authority should be limited to allowing for a 10% increase in both the Grading and Import/Export of the ordinance.

3. The provisions in the proposed ordinance prohibiting the grading of extreme slopes have been deleted. The community would like to see them reinstated. Building and Safety has voiced concern with this provision, and was the agency that pushed for the provision to be removed. After meeting with B&S, and then community members, a possible compromise may have surfaced.

Recommendation: The most stringent soils and geology analysis should be required for the extreme slopes, along with a "Slope Stability Analysis". Additionally, a Deputy

Grading Inspector should be assigned to the construction site during the grading portion of the project, at applicant's expense. This is already an established practice with B&S, but is rarely utilized.

These are the main points that we would like to bring forward. However, there are other issues that may warrant discussion. Such as:

1. Introducing Neighborhood Notification for hillside projects. Whether it be projects that reach a certain level of grading (below 1000 cubic yards), size of home, or just any project in the hillside area.
2. Reinstatement of the Landform Grading Provisions (Planning may speak to why/why-not, anyway)
3. The prevention of the Cumulative impacts of Slight Modifications that are issued by Building & Safety. The types that increase height, grading, and FAR.

Thank you for your consideration of these items. Should you have any questions or concerns, please feel free to contact Shawn Bayliss at Councilmember Paul Koretz.