

**LOS ANGELES CITY PLANNING DEPARTMENT
RECOMMENDATION REPORT**

CITY PLANNING COMMISSION

DATE: March 11, 2004
TIME: after 9:30 a.m.*
PLACE: Room 1010 City Hall
200 North Spring St.
Los Angeles, CA 90012

CASE NO: CPC-2004-159-CA
CEQA: ENV-2004-161-CE
RELATED CASES: CF 03-0238
LOCATION: Citywide
COUNCIL DISTRICTS: All
PLAN AREAS: All

PUBLIC HEARING REQUIRED

REQUEST: Amendment to Sections 12.22 and 12.24 of the Los Angeles Municipal Code.

SUMMARY: A proposed ordinance (Appendix A) amending the Los Angeles Municipal Code to provide height limitations for retaining walls in Hillside Areas.

RECOMMENDATION:

1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the attached findings.
3. **Approve** the proposed ordinance (Appendix A) and recommend its adoption by City Council.

STAFF: Thomas Rothmann, Project Coordinator 213/978-1359

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ADVICE TO PUBLIC: *the exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 532, Los Angeles CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than 3 working days (72 hrs.) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

SUMMARY

On February 7, 2003, the City Council adopted a motion authored by Council members Jack Weiss and Ed Reyes. The motion instructed the Department of City Planning, the City Attorney, the Department of Building and Safety, and the Office of the Chief Legislative Analyst (CLA), along with those City Council offices that represent hillside areas to form a working group. This working group was to develop recommendations for legislation to limit the height, size, and visual impact of retaining walls in Hillside Areas.

The growing number of retaining walls in Hillside Areas is due, in part, to engineering advances that allow for the expansion of buildable areas of steeply sloping lots. Generally, the steeper the slope the higher the retaining wall needs to be to create larger flat developable pads. Some of these walls are measuring over 40 feet from finished grade and are visually unattractive, can loom directly over adjacent homes, radically alter the nature of the hillside, and be seen from great distances as large slabs of cement. These monolithic walls can and often do produce unsightly expanses of concrete and other materials that are objectionable to adjoining down slope property owners, detract from the overall quality and character of a hillside neighborhood and present unsightly views of the City's sloping areas as viewed from afar.

In order to cure these problems the proposed ordinance (Appendix A) limits the height of a single wall to twelve feet or, if more than one wall, a maximum of three eight foot walls on a lot and requires at least a relatively flat, landscaped eight-foot separation between each wall. The ordinance also limits the height of these walls to not exceed the height of an adjacent dwelling. If these requirements cannot be met, the ordinance provides a review by the Zoning Administrator under Section 12.24 X 26 of the Municipal Code to ensure the objectives of the regulation are met in what is approved.

FINDINGS

The City Planning Department recommends that the City Planning Commission, in accordance with Charter Section 558, find:

1. In accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. By limiting the height and number of retaining walls and requiring their eventual masking by requiring landscaped screening of the walls the ordinance meets Objective 5.6 of the adopted Framework Element of the General Plan by conserving and reinforcement "of the community character of neighborhoods..." It also meets the goals of the various parts of the Land Use Element of the General Plan (the "Community Plans") that encompass hillside areas that uniformly seek to preserve the quality and character of existing hillside neighborhoods, and
2. In accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning because the proposed ordinance is consistent with the General Plan and carries out the General Plan goals, policies and objectives discussed above. There will be no substantive changes made to the existing Los Angeles Municipal Code; therefore there will be no effects on any above-referenced plan, and
3. In accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will be in conformity with the public necessity, convenience, general welfare and good zoning practice. The proposed ordinance will provide regulations that improve and maintain the quality and character of existing city hillside neighborhoods, prohibit the construction of objectionable and unsightly walls from back yards of adjoining property owners, and maintain the quality of views of the City's developed but generally handsome hillside areas. By providing a review by the Zoning Administrator, the ordinance provides a remedy to unintended consequences of these regulations should they prove impractical and if some other reasonable means of accomplishing the goals of the ordinance can be met. As such the ordinance conforms to well established zoning practices as well as meeting the public necessity, convenience and general welfare of the City, and

4. The proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof pursuant to Article III, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines, as it will not have a negative impact on the environment, as this is enabling legislation only and each project will have its own environmental review.

CON HOWE
Director of Planning

APPROVED BY:

PREPARED BY:

ROBERT JANOVICI
Chief Zoning Administrator

THOMAS ROTHMANN
Project Coordinator

STAFF REPORT

Request

On February 7, 2003, the City Council adopted a motion authored by Council members Jack Weiss and Ed Reyes. The motion instructed the Department of City Planning, the City Attorney, the Department of Building and Safety, and the Office of the Chief Legislative Analyst (CLA), along with those City Council offices that represent hillside areas to form a working group. This working group was to develop recommendations for legislation to limit the height, size, and visual impact of retaining walls in Hillside Areas.

The growing number of retaining walls in Hillside Areas is due, in part, to engineering advances that allow for the expansion of buildable areas of steeply sloping lots. Generally, the steeper the slope the higher the retaining wall needs to be to create larger flat developable pads. Some of these walls are measuring over 40 feet from finished grade and are visually unattractive, can loom directly over adjacent homes, radically alter the nature of the hillside, and be seen from great distances as large slabs of cement. The proposed ordinance (Appendix A) would mitigate these negative effects.

The working group established by the City Council recommended in a letter to the City Council of October 23, 2003 that the following be incorporated into a proposed ordinance which then can be considered by the City:

1. The ordinance should generally apply to single-family R zoned lots (specifically, should not apply to schools and other public buildings).
2. If a lot requires only a single wall, there shall be a maximum by-right height not to exceed 12 feet from the natural or finished grade whichever is lower.
3. If a lot requires multiple walls, there shall be a maximum by-right height not to exceed three stepped 8-foot wall as measured from the natural or finished grade, whichever is lower, and separated by 8 horizontal feet between each wall with appropriate landscaping.
4. Retaining walls above the building pads and located behind the house (*dwelling*) should be limited to the height of the adjacent building (*dwelling*).
5. Retaining walls higher than 12 feet or the combined three 8 foot walls as measured from the natural or finished grade, whichever is lower, or retaining walls exceeding the height of the adjacent dwelling will be subject to a Further Authority of the Zoning Administrator's approval process (similar to over-height fences with specific mitigation for landscaping).
6. There will be exemptions for existing homes with safety issues that can be verified with a soils report.
7. There will be an exception for public works projects.

Discussion

Currently, the Municipal Code does not specifically restrict the height of retaining walls and some are measuring over 40 feet from finished grade. Such massive walls can loom directly over adjacent homes, radically alter the nature of the hillside, and be seen from great distances as large slabs of cement. The proposed regulations recommended by the working group will mitigate these negative effects. No changes are being made to the existing Hillside ordinance of Section 12.21 A 17 of the Los Angeles Municipal Code.

With the high demand for homes in the hills of Los Angeles, advancements in structural engineering, and the trend to construct larger homes, developers are exploring various methods to increase the sizes of buildable, level portions of lots in the City's Hillside Areas. A common method of expanding the flat building pads of hillside lots is to construct retaining walls. When the retaining wall is located downslope of the building site it produces a chasm that can be backfilled to create a flat pad. When the retaining wall is located up slope of the building site it can hold the hillsides back to create a flat pad.

In response to complaints concerning high retaining walls from members of hillside communities in his District, the Council Member from Council District 5 caused the aforementioned motion to be drafted that was subsequently adopted by the City Council. As a result a working group consisting of representatives from the Department of City Planning, the City Attorney, the Department of Building and Safety and the Chief Legislative Analyst was organized. Council Districts Nos. 1, 2, 3, 4 and 11 were also invited to participate in the discussion of issues related to high, unsightly retaining walls in hillside areas. An additional meeting was held with the Plan Check Chiefs at the Department of Building and Safety to solicit their input. The recommendations contained in this report and the attached draft ordinance (Appendix A) reflect the outcome of the discussions of the work group and the discussion with the Building and Safety Department officials.

Most of the City's more rugged areas have long been the subject of development. Early development in older hillsides often saw homes built on small pads that were built without radically changing the shape of a hill and conforming to the contours of the hillside leaving the steeper slopes generally untouched. City street standards also allowed narrower streets and grading of hillsides was minimized, allowing the existing character of the land to be only minimally changed. Over time City street standards changed to require wider streets to enable emergency access and safer roadways. Further, building codes were changed to mitigate effects of earthquakes and unstable lands necessitating more extensive grading of the land than previously required and the building of large retaining walls. Construction techniques and equipment also changed and improved, allowing the removal of more earth and the stabilizing of land which engendered retaining walls to hold back land from sliding and inhibiting erosion. In undeveloped areas these changes allowed developers to place more units on the ground but often left unsightly hillsides with high retaining walls scaring the now manufactured slopes of the land. In older already developed parts of the hillside, applying the new techniques and standards often causes new construction totally out of character with the surrounding neighborhood where these high retaining walls are particularly egregious in appearance.

These new methods also proved to be expensive which often precluded the development of these properties particularly in older hillside areas of the City that were considered “un-developable” (“developable” and “un-developable” proving to be economic terms rather than characterizing the actual technical ability to build a structure on a piece of land). Now with the more “developable” land having been used and the price of housing, particularly in desirable hillside areas become so high, it is now economically feasible to build on these steep slopes both in relatively undeveloped areas as well as in-fill in older areas. The result of this new construction often being that large unsightly retaining walls, some measuring up to forty feet in height, are being constructed in order to stabilize steeply sloping hillsides so that new houses can be safely built.

This ordinance (Appendix A) would require that the aesthetic impacts of these retaining walls be mitigated so that the general quality of neighborhoods not be adversely impacted. By limiting the height of walls such that their maximum heights are not overpowering and that the land adjacent to these walls be landscaped so that trees and vines adjacent to the walls eventually mask the wall itself, staff believes that the problems associated with the massive walls will have been effectively mitigated. In instances where it is not feasible to meet these standards, the Zoning Administrator is given in the proposed ordinance (Appendix A) the authority to impose those conditions necessary to meet the objectives of the ordinance.

The proposed ordinance (Appendix A) will provide regulations that improve and maintain the quality and character of existing city hillside neighborhoods, prohibit the construction of objectionable and unsightly walls from back yards of adjoining property owners, and maintain the quality of views of the City’s developed but generally handsome hillside areas. By providing a review by the Zoning Administrator, the ordinance provides a remedy to unintended consequences of these regulations should they prove impractical and if some other reasonable means of accomplishing the goals of the ordinance can be met. As such the ordinance conforms to well established zoning practices as well as meeting the public necessity, convenience and general welfare of the City.

This proposed ordinance (Appendix A) applies only to residentially zoned lots (the A Zones, including the RA Zone and the R Zones). If a lot requires only a single wall, there shall be a maximum by-right height not to exceed 12 feet as measured from the natural OR finished grade, whichever is lower. If a lot requires multiple walls, there shall be a maximum by-right height not to exceed three stepped 8-foot walls as measured from the natural OR finished grade, whichever is lower, and separated by 8 horizontal feet between each wall, with appropriate landscaping. Retaining walls above the building pads and located in the rear and side yard of the dwellings will be limited to the height of the adjacent dwelling.

Retaining walls exceeding the height of the adjacent dwelling will also be subject to a process under the further authority of the Zoning Administrator’s (similar to over-height fences) with specific mitigations for landscaping. Two exceptions are incorporated into the proposed ordinance (Appendix A). One is for retaining walls on lots with existing dwellings where the Department of Building and Safety determines a retaining wall must be constructed for safety reasons. The second is for public works projects. Public works projects on public property are normally exempt from enforcement of zoning regulations. This later exemption covers very rare instances where retaining walls on private property are constructed by a public agency for public purposes.

Conclusion

Realizing that large retaining walls are often used to enable construction of housing in hillsides often creating unsightly and oppressive impacts on neighbors and neighborhoods, there ought to be measures in place to stem their negative impacts. This proposed ordinance (Appendix A) establishes regulations that adequately address this problem and is, therefore, recommended by staff.

Environmental Impact

The attached proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's guidelines for the implementation thereof pursuant to Article III, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines, as it will not have a negative impact on the environment, as this is enabling legislation only and each project will have its own environmental review.

PROPOSED ORDINANCE FOR DISCUSSION

An ordinance amending Sections 12.22 and 12.24 of the Los Angeles Municipal Code to provide height limitations for retaining walls in Hillside Areas.

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

Section 1. A new Paragraph (g) is hereby added to Subdivision 20 of Subsection C of Section 12.22 of the Los Angeles Municipal Code, to read as follows:

(g) **Retaining Walls in Hillside Areas.** Retaining walls built on sloping lots in the A or R Zones, including the RA Zone, on any land designated as a Hillside Area on the Bureau of Engineering Basic Grid Map No. A-13372, or those cutting into the slopes of hills in order to hold the hillsides back, expand the buildable areas, and create larger flat developable pads are to be limited in height as follows:

(1) If a lot requires only a single wall, the maximum height shall not exceed 12 feet as measured from the natural or finished grade, whichever is lower.

(2) If a lot requires multiple walls, there shall be a maximum of three stepped 8-foot walls as measured from the natural or finished grade, whichever is lower. These walls shall be separated by an 8-foot horizontal distance between each wall, and the horizontal separation areas shall be landscaped.

(3) Retaining walls above the building pads and located in the rear or side yards shall be limited to the height of the adjacent dwelling.

(4) Landscape coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation. Plant material shall be selected according to compatible climate, soil and ecologic characteristics of the region. A City-approved irrigation system shall be utilized for plant establishment, but plant materials that require excessive water after becoming established shall be avoided. Native plant material or compatible, non-native plant material shall be selected.

(5) Retaining walls shall have a decorative texture. The Department of Building and Safety shall determine the material and type of wall construction and shall approve the wall construction.

(6) Retaining walls higher than 12 feet or the combined three 8-foot walls, as measured from the natural or finished grade, whichever is lower, or retaining walls exceeding the height of the adjacent building, will be subject to a Further Authority of the Zoning Administrator approval process under Section 12.24 X 26 of this Code.

(7) The provisions of this paragraph shall not apply to projects being undertaken by the Department of Public Works.

(8) Construction of retaining walls on an existing lot developed with a single family dwelling shall not be subject to these regulations when determined to be a safety hazard by the Department of Building and Safety.

Sec. 2. A new Subdivision 26 is hereby added to Subsection X of Section 12.24 to read as follows:

26. Retaining Walls in Hillside Areas.

(a) A Zoning Administrator may, upon application, permit retaining walls in the A and R Zones, including the RA Zone, on any land designated as a Hillside Area on the Bureau of Engineering Basic Grid Map No. A-13372 to exceed the maximum heights permitted by the provisions of Section 12.22 C 20 (g).

(b) Procedures. An application pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C 1-5 of this Code.

Sec. 3. The City Clerk shall certify....