

Attachment "F"

July 18, 2022

The Honorable Eric Garcetti
Mayor of Los Angeles
200 N. Spring St.
Los Angeles, CA 90012

Re: Interpretation of the Retaining Walls Ordinance No. 176445

Dear Mayor Garcetti,

We request a revision to the current interpretation of Ordinance No. 176445 that placed limitations on the height and the number of the retaining walls on residential lots within the Hillside areas. More specifically, we request revisions to how the above-mentioned ordinance is applied to retaining walls built prior to its adoption date.

The Ordinance became effective on March 9, 2005. It amended Section 12.21 and 12.24 of the Los Angeles Municipal Code. According to Section 1 of the Ordinance, there are three exceptions to the new rules:

(d) **Exception for public agency projects.** This subdivision does not apply to projects undertaken by a public agency.

(e) **Exception for prior approved retaining walls.** This subdivision does not apply to a retaining wall that received a final

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discretionary approval, as determined by the Director of Planning, from the City under another provision of the Code prior to the effective date of the ordinance adding this new Subdivision 8 to Subsection C of Section 12.21 of the Los Angeles Municipal Code.

(f) **Exception for retaining walls required by Building and Safety.** The provisions of this subdivision do not apply to any retaining wall built to comply with an order issued by the Department of Building and Safety to repair an unsafe or substandard condition.

According to Paragraph (e), retaining walls that were built by-right (without requiring discretionary approvals) prior to the effective date of the ordinance are not exempt from compliance with the ordinance.

However, the intra-departmental memo jointly authored by Daniel Green of the Department of City Planning and Ken Gill of the Department of Building and Safety, that was issued on December 14, 2005 and became part of the Zoning Manual, directs that all retaining walls that were built before the ordinance became effective shall be exempt:

Retaining walls which were issued building permits prior to the effective date of this Ordinance are exempt from this Ordinance.

It is notable that nowhere in the documents found in the Council File (the combined document is attached) it is stated that the existing retaining walls should be exempted from the Ordinance.

On Page 4 of the Staff Report (page 69 of the combined document) two exceptions are proposed under paragraphs 6 and 7:

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.

On Page 6 of the Staff Report (page 71 of the combined document) again two similar exceptions are proposed:

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.

The intent of the ordinance appears to be consistent across the case file and therefore the clarification in the memo (and in the Zoning Manual) is not supported by substantial evidence.

We request that the interpretation of the exceptions to the Ordinance be aligned with the original intent by eliminating the exception for all retaining walls built prior to its adoption date. Accordingly, notice to that effect must be given to all affected Departments and available to the public.

Very truly yours,

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