

## Communication from Public

**Name:** John A. Henning, Jr.  
**Date Submitted:** 11/18/2024 01:04 PM  
**Council File No:** 14-0518  
**Comments for Public Posting:** Please see the attached letter dated November 18, 2024, to Councilmember John S. Lee regarding the proposed Wildlife Ordinance (Council File 14-0518).

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November 18, 2024

**VIA ELECTRONIC MAIL**

Councilmember John S. Lee  
Chair  
Planning and Land Use Management Committee  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Re: Proposed Wildlife Ordinance (Council File 14-0518)

Dear Councilmember Lee:

At the request of your Planning and Land Use Management (PLUM) Committee on June 20, 2023, the City Attorney's office has recently prepared a final version of the proposed Wildlife Ordinance for consideration by the City Council. We understand that this draft ordinance will be scheduled for hearing by the PLUM Committee in short order.

We wish to bring to your attention that despite our previous comments to City staff and the City Attorney,<sup>1</sup> the draft ordinance in its present form still contains two arguably inconsistent provisions concerning maximum Residential Floor Area (RFA). In order to avoid future disputes over interpretation, we request that your PLUM Committee reconcile these two provisions by revising the draft ordinance before it is sent to the full City Council.

The first provision at issue is in section 13.21, subdivision (F.) ("Development Regulations"), subdivision (3.) ("Grading"). The provision prohibits all development on natural slopes in excess of 100%. However, the provision further states that regardless of this prohibition, a Project may utilize the "Guaranteed Minimum Residential Floor Area" already prescribed under the Baseline Hillside Ordinance (BHO). The relevant language is set forth below.

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<sup>1</sup> Our most recent letter to this effect, dated November 10, 2023, was addressed to City Attorney Hydee Feldstein Soto and copied to the Wildlife District Team.

**SEC. 13.21. “WLD” WILDLIFE DISTRICT.**

...

**F. Development Regulations.** All Projects within a WLD District shall be subject to the following development regulations.

...

**3. Grading**

...

**(b) Regulations.**

**(1) Grading Restrictions.**

- (i) Development on lots with slopes in excess of 100%.** No grading or structure shall be developed on the portion of lots with natural slopes of 100% and greater as identified on the Slope Analysis Map per 12.21 C.10(b)(1) of Chapter 1 of this Code, except that a Project may utilize a Guaranteed Minimum Residential Floor Area per Table 12.21 C.10-3 of Chapter 1 of this Code.

The above provision cites to Table 12.21. C.10-3 of the Baseline Hillside Ordinance (“BHO”). This table is entitled “Guaranteed Minimum Residential Floor Area.” It is part of subsection 12.21.C.10(b), which has the same title. This subsection and the table are designed to allow a minimum RFA for all lots (regardless of slope), based upon a specified percentage of lot size. This guaranteed minimum applies regardless of how maximum RFA is calculated in the preceding subsection of the BHO. For example, a lot in the RE11 zone is allowed a guaranteed minimum RFA of 20% of lot size, even if the other BHO calculation would result in a lower maximum RFA.

The combined effect of the present BHO and proposed section 13.21 F.3.(b).(1).(i) of the Wildlife Ordinance, concerning Grading, is that steeply sloped lots would continue to qualify for the Guaranteed Minimum RFA established in the BHO, even though grading and development would be prohibited on any slopes greater than 100%. Preserving this Guaranteed Minimum RFA is clearly the intent of the drafters of the proposed ordinance, or else the carve-out would not have been included.

Despite this clear intent, the next subsection F.4. of the proposed Wildlife Ordinance, (“Residential Floor Area”), appears to take away what has just been given by the preceding subsection concerning Grading. It provides, in relevant part:

**4. Residential Floor Area Residential Floor Area** (Applies to Project Types: New Construction, Major Remodel-Hillside)

...

**(b) Regulations.**

...

- (2) Allocation of Residential Floor Area for Slopes in Excess of 60%.** Notwithstanding Table 12.21 C.10-2a in Section 12.21 C.10(b) of Chapter 1 of this Code, Residential Floor Area (RFA) contained in all Buildings and Accessory Buildings shall not be allocated for slope bands greater than 60%, as shown in Tables 13.21 F.4-1 and 13.21 F.4-2.

The succeeding tables 13.21 F.4-1 and 13.21 F 4-2, in turn, specify the allocation of RFA for each of the various slope bands, and specifically reflect an allocation of “0” for slope bands greater than 60%.

The above-quoted subsection refers to Section 12.21.C.10(b) Table 12.21 C.10-2a of the BHO. This is the subsection under which maximum RFA is typically calculated for purposes of the BHO. The proposed language in section 13.21 F.4.(b).(2) of the Wildlife Ordinance essentially overrides this table, stating that despite any calculation of maximum RFA under Section 12.21.C.10(b) of the BHO, no RFA whatsoever shall be allocated for slope bands greater than 60%.

Unlike subdivision 13.21 F.3 concerning Grading, discussed above, subdivision 13.21 F.4 concerning Residential Floor Area contains no express carve-out that would allow a project to utilize the Guaranteed Minimum RFA per Table 12.21 C.10-3 of the BHO. Accordingly, an argument could be made that subdivision F.4.(b).(2) of the Wildlife Ordinance as drafted by the City Attorney effectively eviscerates the guaranteed minimums granted by the BHO and by subdivision F.3.(b).(1).(i) of the very same ordinance. Indeed, if subdivision F.4 were strictly applied without regard to the conflicting language in subdivision F.3, lots that consist mainly of steeply sloping property could potentially have their development rights dramatically reduced. On lots that consist entirely of slopes in excess of 60%, development could be precluded entirely.

The lack of a carve out in subdivision F.4 appears to be an inadvertent omission, and it should be corrected. The conflict between the subdivisions F.3 and F.4 can be resolved by simply including the same carve out in F.4 as has already been included in subdivision F.3. Specifically, we recommend that the underlined language below be added to subdivision F.3.(b).(1).(i),:

- (2) **Allocation of Residential Floor Area for Slopes in Excess of 60%.** Notwithstanding Table 12.21 C.10-2a in Section 12.21 C.10(b) of Chapter 1 of this Code, Residential Floor Area (RFA) contained in all Buildings and Accessory Buildings shall not be allocated for slope bands greater than 60%, as shown in Tables 13.21 F.4-1 and 13.21 F.4-2, except that a Project may utilize a Guaranteed Minimum per Table 12.21 C.10-3 of the Baseline Hillside Ordinance (BHO).

Thank you for the opportunity to comment on this significant concern with the proposed Wildlife Ordinance. I would be pleased to discuss this matter if you wish.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized, cursive script.

John A. Henning, Jr.

cc: Councilmember Heather Hutt (CD-10)  
Councilmember Katy Yaroslavsky (CD-5)  
Councilmember Imelda Padilla (CD-6)  
Councilmember Kevin De Leon (CD-14)  
Wildlife District Team  
Hydee Feldstein Soto, Esq., City Attorney

## Communication from Public

**Name:** Hollywoodland Homeowners Association

**Date Submitted:** 11/18/2024 08:27 PM

**Council File No:** 14-0518

**Comments for Public Posting:** On behalf of the Hollywoodland Homeowners Association, we are writing to say that we fully support the Wildlife Ordinance with NO changes. It is imperative we protect this fragile area. Thank you.