



**DRAFT MINUTES**  
**Ad Hoc Subcommittee on Proposed Wildlife District**  
**Thursday, June 2, 2022 5:30 pm – 7:00 pm**

For this committee written comment is invited through both feedback forms and correspondence to the committee. Open forms and their responses can be found on our committee page at <https://www.babcnc.org/proposed-wildlife-district.php>. For this meeting, there is one new active form. This form can be found at [tiny.cc/BABCNCWildlifeForm3](https://tiny.cc/BABCNCWildlifeForm3) and responses can be found at [tiny.cc/BABCNCWildlifeForm3Resp](https://tiny.cc/BABCNCWildlifeForm3Resp).

1. **Call to Order/Roll:** Chair Evans called the meeting to order at 5:30 pm, and called the roll with 7 committee members present: Ellen Evans, Chair; Shawn Bayliss, Jamie Hall, Don Loze, Nickie Miner, Wendy Morris, and Robert Schlesinger.
2. The June 2, 2022 Agenda was approved, as moved by Schlesinger, with one abstention from Member Miner.
3. The May 26, 2022 Minutes were approved unanimously, as moved by Schlesinger.
4. **Public Comments** on non-agendized items within the jurisdiction of these committees. Initially there were no hands. A little later, **Allison MacCracken** expressed appreciation for the great work we are doing and outreach, and was curious to hear from each committee member on their outreach.

Chair Evans related that the Board sent out a story on this in BABCNC newsletter, her association, Doheny-Sunset Plaza Neighborhood Association (DSPNA), has sent out notices. Member Bayliss noted that Bel Air Association (BAA) publicized it, and that he spoke to Planning but had not heard back and will reach out again tomorrow to schedule hours within the next couple of weeks to communicate thoughts and opinions of BAA folks. Member Morris noted that Bel Air Hills Association (BAHA) publicized it through a newsletter and alert. It was also noted that Bel Air Ridge (BAR) Rep, Mr. Stojka, sent our newsletter with this information to his community.

5. **Chair Report** Chair Evans reported that she hasn't received answers to our questions from Planning, and if we do not receive answers, we will have to decide what to do. She noted, as to the meeting procedure, she thinks she made a small procedural error last time, and corrected this by noting the order when talking about the ordinance is that we begin with the presentation, then questions, then public comment, then discuss, and after the motion, have an additional period of public comment on the motion made. Chair Evans noted that she will be away for a couple of weeks and we will take up meeting again on June 20<sup>th</sup>, 23<sup>rd</sup>, 28<sup>th</sup> & 30<sup>th</sup>. She hopes we won't need more than four more meetings, though may have

to add or extend meetings. She noted that the new web page needs to be less confusing but show what everybody needs; let her know. Asked about the upcoming Staff hearing, she noted that she was told it will be in July.

i. Revised meeting schedule (attachment A)

6. **Discussion:** Chair Evans gave a brief check-in on feedback forms, noting that we received one answer on the new feedback form. She has understood that the way she set up the form was challenging, and recirculated it as a pdf to the committee so they had a chance to read it. There were no comments, questions or committee business on feedback forms.
7. **Discussion:** Chair Evans did a check in on the sample lots (attachment B) noting she added Pat & Jay's house at 1541 Bel Air Rd and a lot requested by Morris. [Morris repeated a question from the prior meeting regarding ridge or water buffer, asked of Planning and not yet answered, to which Evans noted it would not be discussed at this time.]
8. **Discussion:** Presentation and discussion on rules on rebuilding following a catastrophic loss. Member Hall provided a Power Point presentation, **Reconstructing Nonconforming Buildings in the Event of a Disaster** looking at the Code. He noted that the nonconforming building and use regulations are found in the Municipal Code originally adopted in 1946, and have since been tweaked somewhat.

#### **SEC. 12.23. NONCONFORMING BUILDING AND USES.**

A building or structure with a nonconforming use and a nonconforming building or structure may be maintained, repaired or structurally altered and a nonconforming use may be maintained provided the building or use conformed to the requirements of the zone and any other land use regulations at the time it was built or established, except as otherwise provided in this section. (Added by Ord. No. 178,599, Eff. 5/26/07.)

Of note, you won't be able to build without the original permits and these regulations don't apply to things that were illegal from the outset.

#### **5. Restoration of Damaged Non-conforming Buildings.**

(a) A nonconforming building or structure, which is damaged or partially destroyed by any fire, flood, wind, earthquake or other calamity or the public enemy, may be restored and the occupancy or use of the building, structure or part of the building or structure, which existed at the time of the damage or destruction, may be continued or resumed, provided that the total cost of restoration does not exceed 75 percent of the replacement value of the building or structure at the time of the damage or destruction. A permit for restoration shall be obtained within a period of two years from the date of the damage or destruction. Except as set forth in Paragraph (b) below, if the damage or destruction exceeds 75 percent of the replacement value of the nonconforming building or structure at the time of the damage or destruction, no repairs or restoration shall be made unless every portion of the building or structure is made to conform to all regulations for new buildings in the zone in which it is located, and other applicable current land use regulations.

In summary, if your house is destroyed, but not completely destroyed, you can pull a restoration permit within two years so long as the total cost of the restoration does not exceed 75% of replacement value. See exceptions (b) below.

(b) If the damage or destruction of a nonconforming single-family or two-family dwelling, multiple dwelling or apartment house in the OS, A, R, P, PB, C, M or PF Zones exceeds 75 percent of its replacement value at the time of the damage or destruction, the building or structure may be reconstructed provided:

(i) that each side yard is no less than one-half the required side yard for new buildings in the zone in which it is located, or in other applicable current land use regulations, but in no event less than three feet; and

(ii) that the front and rear yards are at least one-half the required front and rear yards for new buildings in the zone in which it is located, or in other applicable current land use regulations; and

(iii) that neither the footing, nor the building or structure projects into any area planned for widening or extension of existing or future streets as determined by the Advisory Agency upon the recommendation of the City Engineer; and

(iv) that the height shall not exceed the allowable height for new buildings or structures in the zone in which it is located, or in other applicable current land use regulations; and

(v) that a building permit for the reconstruction be obtained within two years of the damage or destruction from fire, flood, wind, earthquake, or other calamity or the public enemy.

In summary, if one of these things happens and the total cost of replacement exceeds 75% you can still get a restoration permit so long as your side yard is no less than half of the required yard would be; you're getting a little bit of a break, and that your front and rear yards are at least one half required front and rear yards, so you get a little bit of break there, and you are not trying to put the house on an area that has been planned for road widening or it doesn't exceed whatever the new height limit is, and, you have to do it within two years. If you wait two years and one day you have to conform to the existing laws.

#### **SEC. 12.23. NONCONFORMING BUILDING AND USES.**

A building or structure with a nonconforming use and a nonconforming building or structure may be maintained, repaired or structurally altered and a nonconforming use may be maintained provided the building or use conformed to the requirements of the zone and any other land use regulations at the time it was built or established, except as otherwise provided in this section. (Added by Ord. No. 178,599, Eff. 5/26/07.)

Member Bayliss discussed how they place a value on the building permit itself, noting that he believes that the 75% replacement value of the home is built off of a B&S equation, so when you pull a permit you pay a building permit fee based on square footage, the type of work you are doing... and several likely scenarios regarding the setbacks in his neighborhood. He believes that the setbacks are not the giant issue; and that the height issue is probably the most limiting factor from a redevelopment standpoint. Hall noted that it would be a subset of people whose replacement value exceeds 75%; the one thing they'd have to adhere to is that they'd have to comply with the current height regulations. Bayliss agreed. If you have a total teardown, your largest limiting factor will be the height. Evans asked and Hall related that the permit has to be "obtained" within two years.

**Richard M** asked for a definition of "replacement value" noting that his concern depends on the meaning of "replacement value."

Member Hall noted that LADBS has a building code manual #5 that addresses this issue but it still looks like Greek to him.

Member Savage was asked and related that it is not what replacement cost is and that the 75% issue has never been consistently applied to remodels or additions.

Hall noted that you see this a lot, so-called “total teardowns” ... there is a lot of abuse in the City of LA. Ellen noted that we will get an answer. **Action Item for the next meeting.**

**Michael Give** noted that about the replacement value, the City has a table. With today’s costs of construction, they are much lower, e.g., if something costs \$400 the table says \$200, which means if someone is pushing that point, they’ll get in trouble, meaning any replacement value of construction will easily go over 75%.

Mr. Give noted that with this wildlife and the ridgeline, with the 50-foot distance from ridgeline, 50’ drop, they’ll be coming and hunting that person and penalizing them. If that replacement value applies, based on the wildlife that he read, these people with the houses, if someone pushes this point and Plan Checker, they will be in trouble; as soon as they exceed the 75% replacement value, their property has to abide by today’s code. He thinks that if this passes..., this will handicap them big. He noted that it is a very dangerous thing for your properties. The way the wildlife has been written, those people will be handicapped.

**Patricia** drew attention to the words used in this code: It says “reconstruct” the only thing you are allowed to do by right is to reconstruct the home the way it was. The only thing you can do is replicate it the way it was before not bring it to today’s standards. People will find that it is not worth it to do that and if you want to change your house, additions, remodel, you won’t be able to do it by right by the way she reads this.

**Alison** asked for clarification from the City. In the Revised Draft Wildlife Ordinance FAQ sheet, in Section 5 it states that the structures may be rebuilt provided the following additional conditions are met... the building does not exceed the current allowable height. The current limit of 25’ will be detrimental to those who built to 35 or 36 feet. It also states that current yard standards are met, which she noted was not included in what Hall read. She doesn’t agree with the reduction of height limit to 25 feet... insurance will be a big issue... and allowing people to build down the hill is not environmentally friendly... She would love clarification if we would have to adhere to current yard standards versus what’s in the Municipal Code.

**Bill Grundfest** reiterated Alison’s comments about height restrictions; opined that this ordinance was written so people who went to college cannot understand it. He noted that he spoke to LAPD watch commander who validated his concern that the wildlife corridors will invite home invasions and burglaries. He opined that there is only one person who cares about the homeowners, and it seems to be an “us against you” situation.

Evans asked what replacement cost is, why it says the current yard standards need to be adhered to and whether or not the current building has to be rebuilt.

Savage responded to comments made earlier beginning with 1) Permit valuation does not relate to replacement value... 2) Height: There is always an option to get a entitlements (variance) to increase height for all or a portion of your house, if your house was tall to begin with; 3) Separate from the wildlife ordinance, replacement of houses under the current code, whether this wildlife ordinance proceeds, exists for everyone right now. We can’t change what the codes are now.

**Alison** noted that clarification is needed on what current yard standards vs. Municipal Code, vs. in the Wildlife FAQ sheet says: Is it just setbacks, is it related to a) & b)? Bayliss responded that the term “yard” means setbacks. He believes it has to do with the setbacks from the wildlife buffers but yard standards only apply to setbacks.

Hall noted that there is a discrepancy between what is in the paragraph 5 in FAQ sheet and the Municipal Code.

Hall asked if we will set forth what we think, to which Evans noted that she would like to have clarity on the rules, to use it as a lens to look at the rest of the ordinance. We ultimately have to agree on what the rules are. We will have to get answers if we need them before taking a position on something.

**Richard M** noted that it is safe to say you can always rebuild to your original height. He heard the word “entitlement” and asked, are you not limited to the current code as to height; he also heard the statement that we can’t change the law, which he disagreed with.

**Michael Give** thanked Evans and noted that entitlement is a long process that applies to all restrictions on the codes, placing stringent limitation on projects, and telling people, you can ask, this is a much longer and more expensive process. 2) With this wildlife stuff imposed, these will be much more restricted. He noted that he has read it; it will be a major impact on people who are not going to be able to rebuild... Everything comes down to whether these people will be able to rebuild. No. They are not going to unless they go through an entitlement process; so it is not by right; it is by their mercy. As far as setbacks, the size of the project, because if this wildlife hits, if you hit 75% and exceed it, you have to abide by today’s code, not such a big house, your deck, your pool, everything is going to eat away from that square footage. **Ellen will reach out to DBS & Planning for answers to these questions.**

Member Morris asked and Hall clarified that if your house burned completely down and the replacement value is more than 75% of the value from what LADBS’s chart comes up with, you would be subject to the height restriction; otherwise, replacement value is the lynchpin on how the regulations work. He noted that we don’t have anyone who fully understands that, and **Evans related that we will work on complete understanding.**

9. **Discussion and possible motion:** Review clarifications received on Sections 1-5 and adopt a position on these sections as necessary. We cannot review the clarifications received as none were received.

10. **Discussion and possible motion:** Presentation and discussion on Section 6, A-E of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.  
[https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022\\_City\\_of\\_LA\\_Revised\\_Draft\\_Wildlife\\_Ordinance\\_Public\\_Release.pdf](https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf)  
Chair Evans read from Section 6 A, B & C, D (definitions) and E regarding applicability, including project types (a) through (f). For that information, see the link above.

**Questions from the Public to be followed by Questions from Committee Members:**

**Patricia** noted that she was correcting a statement by Evans: If you are not in the wildlife resource buffer you would have to comply with F1 and if you are in the ridgeline or

resource buffer you'd have to comply with F2. She clarified that if you are in a resource buffer or ridgeline, you have to comply with both F1 and F2. The ordinance applies to every single property in the wildlife district. ... the ordinance applies to every single property in the wildlife district...

**Michael** asked to see the lot coverage again. Evans read from Page 6.

**Bill** asked for a definition of "wildlife resource buffer" which Evans read from Page 1, section 12.03, noting that we have asked for clarification from Planning but have not received an answer.

**Richard** noted that the term "wildlife resource" which include unmapped resources identified by a project reviewer... puts unlimited discretion in the project reviewer, whatever planning official is inspecting your site or reviewing your plans and application. Isn't this saying, "whatever the reviewer says?"

Chair Evans noted that following last weeks' meeting, we submitted a list of questions to Planning. Evans noted that we asked about why certain tree resources were not listed and addressed the vagueness of unmapped resources. Richard hopes we can get some of these other things such as "riparian areas" definition which he thinks is vague.

**SB** asked, as currently drafted, would "lot coverage" regulations be disproportionately onerous for those who own smaller homes & lots? Evans noted that this is a perfect comment when we talk about what the regulation is on lot coverage is; now, we are talking about the definitions. He asked to look at building and renovation page. Evans reviewed the section on Applicability that certain lots will be subject to F1 and others to F2.

**Pat & Jay:** Pat asked on Open Space, is all of our property open spaces as defined by #4 fire hazard zone? Member Morris replied in the affirmative.

**Patricia** noted under "Purpose," it refers to the quality of features of the "built environment," and asked what that refers to. She noted that as to "wildlife resources," and the buffer part, it talks about 50' from an "identified wildlife resource" and asked what is an "identified wildlife resource?"

**Alison** asked, regarding SEC. 13.21. "WLD" WILDLIFE DISTRICT, Item C, under District Identification, the last sentence, "...Development initiated by the City is exempt from all regulations contained in this Section" if we can ask them to adhere to the same restrictions that they are proposing on all of us?

Member Hall noted that the committee will not be able to do the work it needs to do at the pace we were moving at, to which Chair Evans noted that this is a very meaty section and we will move much faster after this part.

Evans asked that those who do not have questions put their hands down, that this is the time for public comment on this section and each person in the public will have three minutes to comment on the section; then the committee will discuss, then we will make a motion, then there will be further opportunity for public comment, and then we will vote.

**Public Comment on this part of the ordinance on what wasn't included before:**

**Patricia** reiterated some of her written comments, asking what “applicability” applies to. See the following link for details of Patricia’s comments and questions:

<https://docs.google.com/spreadsheets/d/1NWd6D1NwoDddDvAnnaWyuEOwoOoT1MiZWGMVLvgozI/edit#gid=1640297612>

**Alison** related that she has a big concern with lot coverage the way it is newly defined... noting that this increases what your lot coverage is, which will diminish what your house could be for those on smaller lots or with smaller homes. She noted that in-ground pools used to not count, now they will count, and that this provision needs to be looked at from different perspectives depending on the size of the lot. She opined that it could be incredibly restrictive and detrimental to those with smaller homes and lots. She would like us to take a look at that, and come up with something that is reasonable for all size lots and projects so that there is not a financial burden for the little people to carry.

**Richard** noted that once you identify wildlife resource – asking, isn’t it that it can be mapped and unmapped and can be identified by the project reviewer – reiterating his former point, that whatever the reviewer says... without any due process... strikes him as completely subjective. He concluded that there is no requirement that the person identifying the resource have any expertise and that it is open ended.

**Michael** noted about the lot coverage – there are a couple of those items that are ridiculous – if you have pavement, that is lot coverage; if you have flat land and you put pavers there, they will count it as lot coverage and taking away from your square footage, or if you have certain planters... There are a lot of things that he wants you all to notice... About grading, as soon as you put a retaining wall 3’ or bigger, that requires a retaining wall permit, usually plan checkers would also ask for back fill permit, then suddenly opens the door to a big requirement and restrictions because plan check will say that now that you have a grading permit, this opens up to a lot of problems. He opined that whomever wrote this are not hands-on engineers; not into detailed design as they do not know what they are doing.

**Matthew Bruck** related that he agrees with the vagueness of “wildlife resource” – anything deemed by the City as wildlife benefits, noting that there is no check and balance system on it; the entire ordinance seems like an oncoming unmitigated disaster..., with no redemption value whatsoever.

**SB** noted that it seems like intentionally or unintentionally a lot of things in this ordinance, specifically lot coverage and what can and can’t be built, are punitive and onerous to those with smaller homes on smaller lots..., it seems like people with 8,000 foot houses and large lots get a free pass, and it is punishing smaller home owners for development that was already allowed by the city..., small homeowners bear the brunt in not being able to develop their home in a reasonable way... and take a disproportionate hit in an inevitable decrease in land value. He opined that this is not as well thought out an ordinance as to what it is truly trying to accomplish, relative to how it is drafted and puts the onus on those who had not built our house or added 1000 square feet. Mr. SB noted that if he wanted to turn his house from 2400 to 3,000 square feet, he would be running into these things... He cannot do anything with his if this goes through.

SB noted that “we are going to fight this very aggressively because it is patently unfair” and it doesn’t put forward and accomplish what Councilmember Koretz supports and creates restrictions that the Councilmember he doesn’t support...

**Bill** reiterated previous comments, noting that this is an unmitigated disaster... He opined that he would be toast if this goes through. He doesn't know why there is only one person who cares about them. He says that "you are supposed to represent us, the homeowners and affected residents, but you don't. The only thing nice about this is the title. "This thing has to go away; it destroys me."

**Pat & Jay** Pat noted that people have been saying that it is onerous for those with a small lot but it is also onerous for those on a steep slope or on a ridgeline; we have lost the whole purpose of this because it should be based on science. She listened to Travis in November or December, we've lost sight of the science and she would like this to be based more on the science. Thirdly, she noted that people have fantasies of rebuilding their house in a wildfire, noting that every single house in the Oakland fire..., to their foundations were gone and they crumbled... and as to rebuilding, unless you have very little damage with the 75% thing is pretty much a fantasy.

**Person # ending in 688:** She forgot her comment and will withhold until later.

### **Committee member comments on this session**

Member Bayliss noted his big question for the City – The current definition of lot coverage is standing 6' "above natural ground," not "grade"... and the lot cover bonus in the hillside uses the definition "above grade." He would like the City to clarify if they are proposing the definition "above natural ground" as it is by the lot coverage definition currently existing in the hillside or is it "grade"?

Under B 2, after option 2, it says at least one side yard maintained free of fences, so, 1) how does that work if you have a pool; you required to have a fence for the pool; how does that jive... He was ahead of us, on page 10; whereas we were on page 8.

He wholeheartedly agrees about the ambiguity on the wildlife resource area and hopes to hear something from the City. His primary question is the definition of "wildlife lot coverage" and is it supposed to be "grade" or "natural ground?"

Bayliss noted that the definition of the height or wall, you measure from the top of the fence down to natural ground, the dirt, or is it above grade? So, you can remove dirt, B&S will claim your original grade is here (pointing), but he scooped out all this dirt here and built a structure to the top, where the original natural grade was, but they would then claim it is not 6' above grade. This grade starts here (pointing), even though you've scooped everything out and built something there. He gave an extreme example, at 944 Arrole.

Jamie Hall noted as to Section 6.b, Relationship to Other Zoning Regulations (which states: *"Wherever the provisions of the Wildlife District conflict with any provisions of other Supplemental Use Districts, the underlying zone, or any other regulation, the more restrictive provision shall prevail."* He explained that if there are regulations on the book that are more restrictive, they should prevail. He generally agrees with this, and noted that this is something that was added. He needs clarification as to the Protected Tree Ordinance that requires a protective tree removal permit with a hearing before the Board of Public Works and doesn't want that eliminated or converted into something less, e.g. administrative clearances for removal of a giant oak tree... where now they have to get a tree removal permit and the Board of Public Works has to make an affirmative finding that removal is necessary in order to allow for reasonable development, and you get a public hearing...

Hall noted that Alison mentioned on c, it says “Development initiated by the City is exempt from all regulations contained in this Section.” He would absolutely disagree with this and noted that no way has the City built projects throughout the City... they should have to adhere to this ordinance and since they have the money and can fully comply. So, no way.

He supports what Shawn said about the natural ground, the example he gave is egregious but shows what can happen and he fully supports that.

As to definition in Native Plant, they have an exception for “native plants whose presence is not due to human intervention, e.g., planned landscaping. He doesn’t love this and thinks there needs to be an exception, because if you get a tree removal permit you have to replace those trees at a 4:1 ratio; that means that 50 years later, someone can come in and they could remove those trees that you planted as replacement trees and say that they are not subject to the ordinance their presence is due to human intervention, i.e., because you planted them. That needs to be tweaked because it can be used and abused.

Next, as to the definition of Open Space, any parcel or area of land or water that is zoned or designated for Open Space, essentially unimproved and devoted to an open-space use, including four specifics, as well as “shall also include City-owned vacant land that, while not zoned as Open Space, meets the criteria above.”

Hall noted that the City has, on draft B, the interactive map, where you can see the lands that they believe meet the criteria for open space. Of 62 City-owned lots in Laurel Canyon, five of them are on that map. He has no idea how the City came to the conclusion that those lots that they own don’t meet the criteria for being open space. He would vigorously disagree. He thinks many of the lots that the City owns meet the criteria, noting that the Laurel Canyon Land Trust has acquired 30 acres for open space in Laurel Canyon... not zoned for open space as they are residential and it takes a time to rezone from residential to open space. He noted that the map needs to be updated. How are they going to update this map? Annually? It’s important for this open space map to be updated on an annual basis.

On applicability, Section E, again, Hall noted that removal of any protected tree significant tree or tree within the public right of way triggers the requirement for compliance with subsection F, the Districtwide regulation. He noted that they do (*in Laurel Canyon*) have street trees even though we don’t have sidewalks, the first 5 feet to the property line are considered street trees. They have inventoried street trees in hillsides that you would never know. So if you needed to take down a pine tree that was dying in the first five feet of the property line, you would be required to adhere to the districtwide regulations which he thinks goes too far. If a tree you never planted in the first five feet dies, you should not have to upgrade your entire house because of that.

Hall is also concerned about trees that legitimately die... this ordinance would require his neighbor to upgrade his house to meet all of these districtwide regulations and Hall doesn’t think it is fair. However, if you were removing those trees because you want to build more than 500 square feet, then you should have to upgrade, in his opinion. He is concerned about the trigger for districtwide regulations based on tree removals.

Mr. Loze noted that there is an issue of drafting here, which points out the difficulty of general versus specific, e.g., when we have a definition of an open channel where water commonly flows, and we are in a drought, we have no idea where some of the water is going to commonly flow. In December there were streams in Franklin Canyon which we

had never seen before because there wasn't water commonly flowing but were part the system up there. That's a definitional problem. The same kind of thing, with regard to the concepts of tennis courts: There are lots of courts, handball courts, paddle tennis courts, all kinds of courts that are non-permeable that use this kind of covering, and it is an unintentional mission which will allow a lot of (*inaudible*) kind of thing. He pointed out these two in terms of addressing the definitional aspects of specific to general and maybe they can be revised.

Member Morris would like to make sure we got on the list: Some confusion under lot coverage, wildlife planters, what does that mean? Please get that defined better. Similar to the tennis court idea, pavement. A lot of pavement is permeable, and if that doesn't count it shouldn't be written in. What about a ramp 2.5 feet in height or less? Why is the height of that ramp important? Under open space, utility easements, for anybody who has a telephone or power pole in their yard, there is an implied utility easement to that even if it is not written on your property title, that's everybody. Same thing: We all live in a fire hazard zone. Don't these things mean that every portion of every lot is equal to a resource buffer? Under applicability, project type, and tree removal, she agrees with Hall that this is insane. She probably still has a hundred trees that would be considered a resource; over the course of time trees die... If she had to change out all her windows and rip out all her fences because a tree died, that's silly.

Ellen recapped that there is a continuing need for clarification on how the Wildlife Ordinance is going to affect the tree removal process. Nobody likes exempting the City from regulations.

Lot coverage: The amount we'll deal with when we deal with that section.

Chair Evans noted that as to defining lot coverage, it would probably much clearer to say "non-permeable surface" as Don said.

She heard Hall on native plants, wanting to include native plants as landscaped by people.

The definition of open space is probably okay but we have some questions about open space.

She noted that the meat of this is the applicability, and everybody is fighting tree removal... She wants to ask is if it's not just (a) to (e), if you have a resource buffer present. So, do we have an issue with somebody who has a tiny bit of water resource running through their lot, having this triggered no matter what they are doing, e.g., installing solar panels.

She noted that there is a disconnect between the 3<sup>rd</sup> paragraph of the (e) Interior remodeling and construction activity that does not alter or expand a building or structure's footprint shall not be considered Projects. Then it says: Any construction or grading activity requiring a permit on a lot where a Wildlife Resource Buffer is present. She doesn't think it should apply when putting on solar panels.

Hall would not support tree removal as a trigger but would support a more relaxed standard. He would propose that it only triggers when you are removing a protected tree or significant rare tree that is not dead or diseased.

Evans asked if we could add or compromising a built structure which Hall agreed to. He noted that the devil is in the details... and to flag it as a concern. Evans noted that she has

been thinking about this, as to what a sincere homeowner/developer would do, and some of the people out there would do, and if somebody was going to remove trees in order to build something then the ordinance would be triggered.

Hall noted that if they were going to be using that as subterfuge, they'd probably be caught up anyway through the major remodel or 500 square foot thing. He would support trigger only when there is a removal of a protected tree or significant tree that was not dead, diseased or compromising a structure.

**Motion:** Include in the letter to the City in response to the Wildlife Ordinance the following issues:

- 1) Wildlife Ordinance does not preempt or override Protected Tree Ordinance permit requirements,
- 2) the City is not exempt from the ordinance,
- 3) with regard to lot coverage, the word "grade" be replace by "natural ground,"
- 4) mitigation trees not be excluded from the definition of native plants;
- 5) seek clarification as to lots shown on draft map as open space,
- 6) refine applicability trigger for tree removal such that it is only triggered when there is a removal of a protected tree or significant tree that is not dead or diseased, as determined by a certified by a certified tree expert, and pest expert, or compromises the structure of a building moved by Hall; seconded.

Evans noted that we won't address 6 (f) and in terms of lot coverage, the amount will be discussed when we discuss to that part of the ordinance. So what we are talking about is the definition of lot coverage under the ordinance.

#### **Public Comment on the motion at hand:**

**Patricia** noted that the committee ignored comments from the public with regard to the definition of "open space," which could be practically anything. She gave an example of a tiny little lot decreed an open space that wipes out the entire home next to it; puts it in a resource buffer and has no ecological significance... She opined that the committee is ignoring lots of comments on how devastating this would be for people with smaller homes or older homes with this 500 square foot addition, and it should be based, instead, on the total size of the house... and not penalize people with little tiny homes that need upgrading, and it is good for the environment... She opined that if you make it onerous for people to do it, they are just going to sell their homes to a developer who will build the biggest home they can possibly build... same with remodels. She is deeply concerned that the committee seems to be ignoring everything the public is concerned about.

Evans reiterated that we are talking about definitions now, and not the rules that are later in the ordinance.

**Richard** noted his concerns are what Patricia described; that this motion doesn't seem to reflect half of what we were talking about; the vagueness of the definition of a "resource" and "identified resource," which can be identified by a reviewer... People who can spend a lot of money... will have a huge advantage because it is just going to be a subjective process. He agrees with everything Patricia said.

**Evans:** As to the question of what is a "wildlife resource" is an open question that we have not taken a position on.

**Michael Give** noted that he sees only a few people talking, and asked if the committee represents them or already made minds. Mr. Give noted that he does not think we are registering the public comments, and that it is not about definitions. He believes that the gentleman was swaying things. It is much more than about definitions. He is really concerned that this committee is sitting as public representatives while it seems the committee has already made up its mind and it doesn't matter what the public says. He opined that the committee has an agenda, except one person; that others are sitting and not talking, and two or three people without being elected are having a negative impact on the public's financial matters.

**Alison** noted, as to #3 in the motion, in the lot coverage, it was mentioned we are replacing the word "grade" to "natural ground" and she doesn't think that was the intent based on the discussion with Shawn's comments. She doesn't know how we can reword #3 in the motion to properly reflect the intent. She doesn't think we should just be going back to the City with a comment to change a word when we don't necessarily know what impact that will have, and saying "applicability" it seemed that we just focused on the tree removal in the motion. She doesn't want it to seem that we are going back to the City in agreement with things like additions exceeding 500 square feet. Those two pieces of the motion were too specific at this point in time.

**SB** agrees with Mr. Loze, and would like to ensure all definition matters are extremely specific as broad stroke general terms are going to allow subjective discretionary decision making by those in the City reviewing permits, and ultimately empower those with lots of money. He noted that, as Richard said, the situation will put those without those funds, those with smaller homes, who have been in the community for a long time at a gross disadvantage, and it is patently unfair. He thinks it is really important that we take the time because that's what this forum is for, to ensure we get the specificity of definition necessary that Don supports. He continued that if it takes a long time, so be it; if we need more meetings meet with more frequency; the only road to mutual satisfaction is to go through this thing which will become regulation with a fine toothed comb. He concluded that there are a lot of things that people don't understand that will be open for interpretation and there'll be a lot of unhappy people.

**Pat & Jay:** Pat noted that her concern is similar to everyone else's, she doesn't have definitions, feels like she'll be trapped... about what will trigger her complying. She noted that she is a retiree, in a 4500 square foot house; who can't afford or have the energy to spend the rest of her life dealing with the City. She opined that we will end up with is a community of the super wealthy and doesn't want to spend her whole retirement hassling with the City. She is an environmentalist and noted that no birds have crashed into the windows at her house... we are not even thinking about the science. Her life will have changed with this ordinance which will make her life very unlivable. She wants us to think about the homeowners.

**Bill** noted that he agreed with everybody who has spoken, and opined that this committee is ignoring what we are saying... everybody who is on the Zoom is taking time from their lives... with one exception, literally nobody cares or likes the disaster that this ordinance is going to visit upon us. The smart move would be to sell the house before this ordinance takes effect. Nobody on this committee has made any expression about that.

**Person with the 818 #** supports the motion, lives in a 1400 sq. foot house on a small lot, and doesn't feel that this ordinance is a burden on her. The burden she is feeling is that we are in a biodiversity crisis, and if we don't do this in our yard, we will not have

sustainability anywhere. She has a hard time with people calling in and worrying about their swimming pool and their 4500 square foot house. She supports the motion and thanks the committee for all our efforts.

### **Committee deliberation on the Motion:**

Schlesinger noted that this is a letter we have to send to the city. We have four more meetings to continue to discuss this... We have to listen to the entire community.

Hall noted that he was open to an amendment on lot coverage. He heard Alison say we probably need to better understand what “natural ground” means before taking a position; he would be open to **amend the motion to seek clarification whether the City meant grade or natural ground**. On open space, he heard residents having more questions about the definition of open space, and he thought that the way he drafted the motion, we seek clarification regarding the lots identified as open space on the map. There seems to be a disconnect between the definition and what is shown on the map. The idea to leave the motion somewhat open ended so we can put this in our letter and describe our issues. On applicability, Hall understood Alison saying that we only had to suggest an amendment to tree removal. He is open to discussing amendments to other applicability triggers as we move forward through other sections and deliberate but does *not* think we should change the motion right now on that. We can always make motions to further clarify, add or change the applicability issues.

Evans noted that the **amendment is only on #3 to seek clarification on grade and natural ground** that Schlesinger seconded.

Now we need to open public comment on the open spaces to seek clarification on greater ground and at a later time take up anything else.

### **Public Comment on the amendment:**

**SB:** Mr. SB noted that those who have taken the time today to participate as part of the democratic process represent thousands of people of the 27,000 people who have a similar opinions and it is unintentionally misrepresentative to suggest that this is an isolated few. He opined that it shows an implicit bias, and that the suggestion and perception that was created was that those who are in opposition represent a very small minority and he finds it very important for the democratic discourse and dialog to put a light on that, and if that was not the intent of his communication, he is glad he clarified it... We are not a vocal mini minority that require engagement.

There was no committee discussion on the amendment.

**Vote on amendment passed** by Members Hall, Miner, Morris, Schlesinger and Loze.

**Vote on the underlying motion as amended with 6 items passed** by Members Hall, Loze, Miner, Morris and Schlesinger.

Evans thanked everyone for hanging in there, and wanted to assure everyone that we are hearing what you are saying and hopes you continue to participate in this process. Email the committee or Evans personally about procedures or anything you find troubling in the ordinance, specifically anything you want us to comment on.

Evans will call the next meeting from 5:30-7:30 to get through section F.1 or half of F.1. She asked that committee members and members of the public collect your thoughts.

Longcore noted that he is not on this committee but is just listening. He reported that he did contact the planner in charge of the ordinance with our concern that after having asked for both an expert and for answers to questions that we have received back an email saying thank you about your input, and let them know that this is an opportunity to say something about neighborhood council in general, that we understand that they may not be able to make a presentation to every advocacy group but we have a structure here that represents each neighborhood in this area in the area from 405 to Laurel Canyon, as is the structure of the board, and no, we don't necessarily represent every person individually but we do represent every area, and are part of the City. We are City officials, elected, selected, whatever the process is; there are different processes.

Longcore noted that we all are actually City officials through serving on the neighborhood council. So he made the point to the City Planner that if there was ever a group who should have the benefit of their staff, to answer questions, specifically about various segments of the ordinance, that it should be this NC, which has the most geographic area affected by this ordinance and the other NCs that are delegated by the City to collect input from across the territory and to have an opinion. He hasn't yet received an answer to that email. It may take a few days. He will be disappointed if we don't get an answer by the end of the week, and will try to escalate that request on behalf of everybody here who is asking for answers, clarifications; things that one should be able to get answered. He will escalate that to our City Council offices, and get some assistance there. This should be a process that has a little bit of give and take from the people who wrote the ordinance to understand exactly what they were thinking and intended and that this is a venue where that should happen. He'll keep us posted.

**Items #11 through 14 were deferred due to time constraints.**

11. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, a-b of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
12. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, c of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
13. **Discussion:** Planning for presentations at the next meeting.
14. **Good of the Order** -- None
15. The meeting adjourned at 7:47 pm as moved by Schlesinger, and seconded, to meet again June 20, 5:30pm.

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