



*Building a Better Community*



## **DRAFT MINUTES**

### **Ad Hoc Subcommittee on Proposed Wildlife District**

**Thursday, June 30, 2022 5:30 pm – 7:30 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>.

**Feedback forms will not accept responses for 24 hours prior to any meeting in order to give committee members time to review responses.**

1. Chair Evans called the meeting to order at 5:31 PM. Within minutes of roll call, there were **6 members present**: Ellen Evans, Chair; Don Loze, Nickie Miner, Robert Schlesinger, Shawn Bayliss & Jamie Hall. Travis Longcore, Ph.D., ex officio member, was also present.
2. The June 30, 2022 Agenda was approved, as moved by Member Schlesinger.
3. Approval of the June 29, 2022 Minutes was deferred as they were not currently available.
4. There were no public comments on items not on the agenda.
5. **Chair Report:** Chair Evans had no report other than to say that before taking public comment on the substance of the ordinance, she will read the motions by the Environmental Committee, to start the meeting, and that those giving Public Comment will be able to speak to both.
6. Discussion on Section 6, F, 1, e (Wildlife Lot Coverage) was already completed.
7. Discussion on Section 6, F, 1, f (Vegetation and Landscaping) was already completed.
8. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 1, g-i (Lighting, Windows, Trash Enclosures) 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.

Chair Evans provided a presentation on this section of the ordinance.

**Public Comment: Pat & Jay:** Pat asked if trash enclosure cannot be in the setback area, we are further reducing the sizes of houses. **[Evans will get clarification from Planning.]**

**Discussion & Possible Motions on the Recommendations from the Environmental Committee:**

**Environmental Committee’s motion regarding lighting included the following recommendations:**

1. All lights should be fully shielded to eliminate upward emissions.
2. The maximum restrictions on brightness should be based on total area/size of the lot and not based on brightness per fixture
3. Security lighting should be motion activated & should not be illuminated all the time
4. There should be a curfew for both recreational and landscape lighting
5. Planning should provide a definition for what is considered “recreational lighting”.

**Environmental Committee’s motion to recommend the following for regulations concerning windows/glazing:**

1. No individual window should exceed 24 square feet. (*\*Please Note: Chair Evans later noted that she will clarify that when we say that the window can’t be 24 square feet, we just mean a “pane” and we are referring to panes on windows and doors.*)
2. Windows shall conform to the standards set forth in Title 24
3. Glass and or window treatments should not have a threat factor exceeding 30 in the American Bird Conservancy database. (This replaces the need for items listed in h2i a-e)

Chair Evans noted that the Environmental Committee also offered recommendations to minimize triggers for the windows provisions, which she noted are now moot, since we have learned more about this, and in summary, the committee said you should only have to be compliant with the windows you are adding, and not for the whole structure.

**Public Comment on these sections:**

**Pat and Jay:** Pat objected to 24’ as maximum window size, which she noted seems small. Noting that she has picture windows, and opined that this is punitive. She noted that though someone mentioned earlier that she heard that we do not have a bird issue here, whereas it is in the east, she thinks we are changing the character of the neighborhood.

**Mindy Rothstein Mann** clarified that this does *not* affect any existing windows. This only gets triggered in very specific instances in terms of the committee’s recommendations.

**Elaine Kohn** noted that she objects to tying peoples’ hands in their ability to put on an addition which integrates with the existing home.

**Stephanie Savage** noted that 24 square feet would like a window of 6’ x 4’, or a door all glass that is 7’ x 3-1/2” and this could encourage people to have more divisions in their elevations, and the comments in the environmental committee refers to glazing which covers doors and windows, a term that they would be referring to as well.

Nickie Miner opined that these two sections are very reasonable and make a lot of sense for wildlife protection. We have been talking about glass and windows for many years now, and the destruction for not having these *protections* in the hillsides; this is the least we can do to respect the wildlife. She sees no objection to any of it.

Dr. Longcore gave a brief summary of the research at the Ad Hoc Environmental Committee meeting, noting that the short answer is no: birds run into glass in the west the same as in the east, and on average, the best assessment is a modest-sized regular house is killing three birds a year, and as you get larger, more glass means more killing, might be killing 30. He has found birds dead in the hills and in the flats in LA and there is a paper in San Francisco documenting this as well. He said that the science doesn't give anything on cost/benefit analysis but tells us that if you have glass the birds will be killed on it.

Hall noted that the Environmental Committee spent a lot of time working up this motion and deliberating the motion, and he supports the committee's recommendation.

**Motion:** To support the Environmental Committee's recommendation and to change mentions of windows to mentions of glazing where necessary moved by Evans.

Shawn Bayliss noted with regard to the windows, the 24 square foot maximum is *not* a window maximum, it just says you can't have a shiny surface without it being broken up; so it has to be broken up into 24-square foot segments, so you could do "window-paning" throughout the window if it is larger than 24 square feet.

\*Chair Evans noted that we will clarify that when we say that the window can't be 24 square feet, we just mean a "pane" and are referring to panes on windows and doors.

Dr. Longcore noted that this is by no means adequate to deal with bird collisions, because they collide into things smaller than 24-square feet. This is like getting the worst of the worst. There are a whole lot of windows smaller than that that still have collisions. He thinks they were trying to balance that against the cost and inconvenience of changing to a different design. This is the bare minimum from the bird perspective.

Motion was seconded by Miner.

**Public Comment on the Motion:**

**Elaine Kohn** had a question with respect to the Planning Commission's response to the numerous questions of this committee and the Environmental Committee.

**Pat & Jay:** Pat noted that she is thinking about rebuilding in case of wildfire – so regarding the person who said you don't have to do it now, her concern is on any future rebuilding.

There was no further discussion on the motion, which passed with 5 yeses from Schlesinger, Miner, Loze, Hall & Bayliss, and 1 abstention from Evans.

Brief discussion was held regarding **Trash Enclosures**. Chair Evans noted that it seems to her that the only time you'd have to fulfill the requirements would be if doing a major remodel or building an entirely new house. Member Hall would like clarity on whether the trash enclosure requirements would be triggered by doing a 500 square feet addition; he would be okay with it if doing a major remodel but isn't sure whether it is their intent that building an addition would require compliance with these regulations.

**Stephanie Savage** noted that one could put a room in the garage for trash cans, and that there is no requirement for a trash enclosure. There was brief discussion on this.

Chair Evans thinks we are probably guessing and will probably make an overall comment about clarity with regard to triggering *on trash enclosures*, noting that we don't have to comment on every single thing.

Bayliss would like to know if it can fit in the side yard or does it have to adhere to the setback. He would normally say no but it refers to it as a structure and typically you cannot put structures within side yards. **Evans will get clarification from Planning on this.**

9. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 1, j (Site Plan Review) of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on this section.

Chair Evans continued the presentation on this section of the ordinance.

Schlesinger asked, and Evans agreed that the footprint is the same if adding a second level.

Bayliss noted that he and another member discussed the meaning of 7,500 square foot, noting if he has a 6,000 SF existing home, can I add 5,000 square foot to it, so it is a total of 11,000 but does that trigger site plan review? Or if I demo a 5,000 square foot house and build a 7,500 is it a net gain of 2,500 or is it a new 7,500? Evans believes you wouldn't need site plan review (SPR) in either of those cases.

Hall noted need to be careful here, as the City has interpreted the specific site plan review provision for when it comes to apartment complexes.

Member Loze noted that there is a chicken and egg he is not clear about. #1) Site plan review and plan check are involved. First of all we start with a project; then there is going to be a review so someone can decide if they want to go forward. This is discussing something when there is remedial grading, and it seems to him that we have felt strongly that there shouldn't be any grading until plan check is complete because we don't want a bunch of graded property that never gets built on because nobody has a point of view about what's supposed to be built. He doesn't see how it comes together with this; thinks it seems to create an exception for the remedial grading without designating when it is supposed to arise. He doesn't think it should arise until you are clear about the project. #2)

Evans asked about findings to determine and what the process would be if you have a wildlife resource buffer. Hall responded that there are specific findings in the Municipal Code for many years – similar to generic findings in a lot of entitlements. Asked when in the process does it occur relative to other things, Hall noted that the City has a list of types of projects that require site plan review, one is any structure or project that creates 50 or more dwelling units trigger site plan review; large apartment complexes typically trigger SPR, and there is not a public hearing at first; it is Director of Planning approval. It is appealable to the area Planning Commission. He noted that the reason why the City has SPR for these types of projects is because they might have some unique environmental impact and the City needs to customize conditions of approval and craft mitigations for a particular project, and unless there is a discretionary entitlement, there is no way to do that.

Evans asked if you would have to have SPR before drawings, which Hall denied. Bayliss gave an example that in the hillsides, a home that is over 17,500 square feet, you would have to do a SPR. You would normally submit for SPR when submitting B&S Plan Check.

Savage noted that you submit SPR Supplemental Application CP2150 when submitting the Master Land Use regular application.

<https://planning.lacity.org/odocument/d2fc9183-bb49-4fa1-92a1-5f1c65a4b06f/Site%20Plan%20Review%20Supplemental%20Application.pdf>

Hall asked where it says *“No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following Projects unless a site plan approval has first been obtained pursuant to Section 16.05 of this Code. In addition to the Site Plan Review findings contained in Sec. 16.05.F, the findings established in Section 13.21.F(2)(b) must also be met for all Projects in Wildlife Districts”* if tree removal permit is a land use permit, guessing the City would say no & would add tree removal permit to the list.

Stephanie Savage noted that this month or last, the Planning has put a bunch of new forms up. One is a tree disclosure statement that they sent out in early June that makes the owner responsible for any trees that are being cut down; separate from Urban Forestry; it is a check that they are considering.

Evans asked what the significance of site plan approval is, in regard to the statement that *“No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following Projects unless a site plan approval has first been obtained...* to which Savage responded that SPR is supplemental to your Master Land Use Application. Hall noted that like projects that get a ZAD, such as 20-foot continuous paved roadway requirement, there is an almost identical requirement in Hillside Ordinance that says No building or grading permit shall be issued for a project that does not comply with the continuous paved roadway requirement or has not obtained the relief from the ZA to deviate from that, so this is very similar.

Evans noted that she has a bit of an issue with sending projects through SPR when there is a really small wildlife resource buffer going through the lot. Hall noted that he doesn't know where you would draw the line, noting that there could be some extreme situations... Evans noted that it seems a little punitive if it is not really a significant feature of the lot to add 6-9+ months permitting process for an addition.

Loze noted that the findings are those by the Planning Director or designee to see if this will be substantially compatible with what's there or what will be planned in the future; that is the test but a pretty loose test and that review is subject to appeal, but what triggers it seems we think in the vast number of our discussions it doesn't get triggered until you show what's going onto the property; a plan, you have to have something specific so you don't go around doing piecemeal activity, noting that it is not clear here at all.

Hall noted that they do have some numbers. During the presentation they said of certain things, that approximately 13% of the parcels in the pilot study area are adjacent to open space and approximately 7% are adjacent to a water buffer, out of a total of 28,000 parcels, so that gives you some idea of the number of parcels that might be subject to a SPR.

Loze brought up instances where remedial grading was done to make the lot saleable but without a specific building project being proposed, including instances that where it occurred on large swaths of open space. The grading changed the environments dramatically and there was never a plan approved for what was going to be built.

Hall advised that Loze recommend in our letter a prohibition of grading that is not coupled with development. Loze noted that it is more than development, noting that in our prior letter on the Hillside Construction Ordinance (HCR) that grading shouldn't be approved until plan check is complete. Hall agreed that that should be in the motion.

Evans asked if what they were saying that SPR is required for #1 any project that proposes at least a dozen CY of remedial grading but won't be completed until there are building permits for the whole project, which Member Loze confirmed, however, Member Hall noted that he totally understands why they have this, which he described as a disincentive for people who characterize grading as remedial..., because this is an acknowledgement from Planning that the remedial grading rules were being taken advantage of... Loze asked if we don't have a little curiosity about the thousand CYs that says until you are ready to have a haul route...

Nickie noted that we have discussed this previously: people want to randomly grade and these regulations must be tightened up; it is only reasonable that nobody should be able to grade because they want to sell it; maybe the owner doesn't want it graded that way... for speculation. She believes that grading and SPR are one package and that there has been too much through the years of this random grading and it must be tightened up.

Evans asked if you go through SPR for a project that requires 1,000 CY of remedial grading, that is not the approval for the grading? Hall responded in negative, noting that it is just a prerequisite, like a ZAD... She asked if it is just an extra requirement, Hall agreed but noted that Loze would like a prohibition for grading for the sake of grading.

Evans summarized that grading itself should not be a project. Hall noted that some people grade in order to put in a feature, like a patio or pool, which may be the project but that we are talking about people literally changing the landform for no particular reason.

Hall & Miner would agree that grading shall not be allowed unless it is associated with a building permit.

Savage noted that a grading permit is a grading permit and a building permit is a building permit. Bayliss asked if it is about building a pool, to which Savage noted it is a non-building permit.

Bayliss noted that he went to the Planning website fee estimator which showed two types of SPR, with the lowest levels of admin review costing \$3,978.00 and the highest costing \$10,867.00, which he seemed to him a bit punitive. He thought it would be important for us to know what the current cost is for SPR.

Evans noted that she is still not comfortable with requiring SPR on any lot where there is a resource buffer.

Hall noted that the issue is that certain types of projects warrant heightened site-specific analysis, and this is their best attempt to carve out those projects that might require this analysis: it's an imperfect tool. Evans thinks it could be made more perfect, and thinks we have to look at maps in a future meeting.

**Motion:** Adding to Section (j) Site Plan Review. (1) Any Project in a Wildlife District (WLD) that proposes at least 1,000 cubic yards of Remedial Grading as the term is defined in Section 12.03... that grading shall not be allowed unless it is associated with a building permit. Moved by Evans.

Loze doesn't think the word "associated" means anything; thinks it should be in "be in connection with completion of Plan Check" which Hall felt was too specific (and said he'd let them work out that language, and proceeded to ask for another addition to the motion:

Hall would add tree removal permit to the list that says "*No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following Projects unless a site plan approval has first been obtained...*)

He asked that Evans read the section to him, which states:

**(j) Site Plan Review.** No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following Projects unless a site plan approval has first been obtained pursuant to Section 16.05 of this Code. In addition to the Site Plan Review findings contained in Sec. 16.05.F, the findings established in Section 13.21.F(2)(b) must also be met for all Projects in Wildlife Districts requiring Site Plan Review:

**(1)** Any Project in a Wildlife District (WLD) that proposes at least 1,000 cubic yards of Remedial Grading as the term is defined in Section 12.03. of this Chapter.

**(2)** Any Project in a Wildlife District (WLD) that creates or results in at least 7,500 square feet of additional Residential Floor Area.

**(3)** Any construction or grading activity requiring a permit on a lot where a Wildlife Resource Buffer is present. Interior remodeling and construction activity that does not alter or expand a building or structure's footprint shall not be considered Projects.

Bayliss noted that he would rather see resources go into actual enforcement. He can't get UF do any type of enforcement. He noted if there is also a requirement for SPR, he asked

how many additional obligations are we producing for the Planning Department?

Hall noted that this says that UFD can't issue a tree removal permit for a project that would otherwise require SPR.

Evans noted that the triggers are as listed above (#1, 2 and 3).

Hall would just like to add tree removal permit to the list of things that shall not be issued until projects that are subject to SPR have completed that process.

Loze noted that the issue is you have to go through Plan Check to get a building permit.

Evans noted that we are adding tree removal permit to the list and asked for language for grading. Hall noted that what Don is suggesting is something that is not necessarily connected to this part of the ordinance. Evans noted that we will hold that, as it doesn't apply to this part of the ordinance but will leave room for this in a future agenda.

Loze reiterated his concern about being able to grading without being obliged to build a structure.

Evans noted that the main motion is what Hall is asking.

**Motion**: That we include the words "tree removal permit" to the list of permits that shall not be issued until the SPR approval has first been obtained moved by Hall.

Hall noted that we will ask the question that Shawn and he had about adding 7,500 square feet, and once we get the answer, deliberate on what the right answer or just tell them what we think the answer should be. Evans noted that it is clear that they are saying add 7,500 square feet, however, per Hall, it is not clear.

Savage noted that they get 7,499 and no one will validate that. Evans thinks we have to assume it means 7,500 additional feet. Hall thinks any project that results in 7,500 square feet, though it says "additional" needs to be clarified. Hall thinks that any structure that results in 7,500 square feet at the end, more than 7,500 square feet, should require a SPR. Bayliss is generally wary of the SPR thresholds, noting that it is a not insignificant review or cost, which may be burdensome. He also thinks that we are currently dealing with Planning that takes 8-14 months to make any decision and we'll hit them with even more applications. Loze pointed out that this says "7,500 additional" on top of what you already have.

Evans noted that Hall would like to bring this down to a total of 7,500 not additional.

Bayliss asked, if I have a 5,000 square foot home and build a 10,000 square foot home, is a 5,000 increase or 10,000, thereby triggering 7,500? Evans thinks it is a question of whether you are doing a remodel or new construction; if it is a new SFD, anything over 7,500 is additional because it's new, whereas if a remodel, it is the difference...

Hall noted that you are displacing so much habitat by doing this, which is exactly what we are trying to prevent, which Loze agreed with, and that we have had a lot of criticism by community members about how this ordinance is punitive to small lots and that we are not really thinking about the big stuff, and this is our opportunity to think about the big stuff.

Bayliss asked if, on #3, does that include ridgeline or just wildlife, to which Evans noted, no, it is just wildlife.

Hall asked if we should ratchet it down to 7,500, get rid of the word "additional"? Schlesinger thinks it should be a total of 7,500 square feet.

**Stephanie Savage** noted that if this is in the resource buffer area, it should be more scrutinized, and thinks 7,500 sounds like a good number because if someone has a 60,000 square foot house, and wanted to add 7,500 that may cause some problems. Evans would support 7,500 or at least suggesting it shouldn't be additional.

Bayliss noted that he couldn't support 7,500 in total as he sees the gamut and feels this section is squirmy. Evans feels squirmy about #3. Her suggestion would have to do with location of the buffer on the lot and where the building is relative to the buffer.

Hall noted that she could put in a de minimis waiver process, which gives Staff discretion to waive the SPR process, where there is clear and convincing evidence the project has no impact on adjacent resources, e.g., a 50-acre parcel, where you are building on one side of the lot, and the resource buffer is on the other side, 10 acres away. He noted that the only problem is that that could be subject to abuse from expeditors.

**Motion:** That we offer the following amendments to this section: 1) add tree removal permit to the list of permits that shall not be issued prior to site plan review for projects that require such review; that the word "additional" be stricken and a de minimis waiver process be established to allow Staff to waive the SPR process when there is clear and convincing evidence that the project will not have a negative impact on an adjacent resource moved by Hall; seconded by Evans.

Bayliss noted, as to #3, he noted that there is a ditch down Stone Canyon, sometimes counts as a water resource buffer, but there is never any water in it, so everyone down Stone Canyon is going to be hit being inside a water buffer, and will automatically have \$10,000 or \$11,000 in 12 months tacked onto their project if they exceed 7,500 square feet.

He is already nervous about the 7,500 additional square feet, and can't support 7,500 square foot limit in general. He feels we are capturing a ton of homes in a process that relies on the Planning Department. He thinks that they'll glaze over it and approve everything; number 3 makes it automatic and the City can't give themselves that kind of discretion. Evans agreed somewhat with Bayliss about blanket extra scrutiny.

Hall noted that you could have a graduated thing. If you already have more than 20,000 square feet, why should you be able to add 7,500? Bayliss noted that we are here for the wildlife, to speak for the trees, and it is more about the impact on the environment than the size of a home. Hall noted that you are displacing habitat. Evans noted that whether allowed to do 7,500 square feet... that's not related to the fact that they are going to go through site plan review; so if someone wants to build something small, if they already have a 7,500 square foot building, it shouldn't necessarily go through SPR in every case.

Bayliss noted that there is already SPR required for homes in the hillside, when you reach 17,000 square foot... He noted that 1) he doesn't know the nuances on that, that would be similar in that he has a 10,000 or 12,000 square foot house and adds 6,000 square foot, is he breaching that permit-existing regulation of 17.5. He asked how they apply that SPR to our existing code. 2) There is a SPR process for breaching that square footage but he doesn't know what they look at and considers; unless it is something egregious.

Hall noted that you have to look at the findings... including supplemental findings, and talk about factors. It is an entirely discretionary process designed to put pressure on people who are building homes that have disproportionate impacts on wildlife habitat.

Hall noted that the reason why this exists is that these really large homes are having a disproportionate impact on wildlife habitat.

Evans thinks we need to separate this out.

Miner noted that there are many examples of what has run amok in Coldwater Canyon, Franklin Canyon, Bowmont, some in Benedict, and we need to tighten this up now; to save the habitat and do what we need to do to preserve what the hillsides really are. Miner noted that maybe we will have enforcement, but we should have the ordinance in place, we should have a clear understanding of what can be built, how it can be built, and what should be built and how big it can be built, where it affects what are now open spaces, etc., and agrees with what Hall has been talking about as being absolutely necessary.

Hall noted that on pages 21 and 22 are the Wildlife Findings for SPR; that's what Staff is doing; the point of the SPR.

Loze noted that the biggest finding the Director has to make is a conclusion with what is

compatible with current or future development; compatible with what existed, is the word. He noted that there is a pattern there that is at least concrete.

Hall quoted finding #3 on page 21 which stated that “the proposed Project is designed to be highly compatible with the biotic resources present...”

Chair Evans directed Hall’s attention to #2 on page 21 **Site Plan Review**. Any construction or grading activity requiring a permit on a lot where a Wildlife Resource Buffer is present.

Hall then went back **(j) Site Plan Review**. No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following Projects unless a site plan approval has first been obtained pursuant to Section 16.05 of this Code. In addition to the Site Plan Review findings contained in Sec. 16.05.F, the findings established in Section 13.21.F(2)(b) must also be met for all Projects in Wildlife Districts requiring Site Plan Review:

He would like to confirm that his reading of it is correct, but he doesn’t think that’s the way it works. He thinks it is pretty clear. He explained the point that these findings – houses that are so huge; #3 bottom of page 21.

Hall noted that when people want to supersize their home, they need to go through this process to ensure that they are not having a disproportionate impact on wildlife habitat. This is the only way to do so. Hall asked how you reconcile the sentence 2.i.

Bayliss asked if there is a mandate to produce any kind of biological resource survey when you submit your SPR? He asked that question at the informational meeting but was not lucky enough to get an answer.

Bayliss noted, from a practical standpoint, it will be an assistant planner who has been in the department from 18 months and four years, who is reviewing the SPR applications; there are no definite standards to measure these things against. So, this will be appealed with the area CPC. But nobody has any definite standard... so if you say utilities have to be in substantial conformance with the surrounding biological ground life, or whatever, define that. These regulations make us feel good in the moment, and then it slams the Planning Dept.

Hall noted that maybe the recommendation that there should be objective standards to help ascertain whether or not the findings can be made. Bayliss is going to have problem because of fees for the consultant to produce the report to say what I want it to say, and if I submit it to the City... the staffer is going to sign it and check it okay anyway... Hall noted one of the things he heard in the presentation a few days ago was that 7% of the parcels are adjacent to water resources and 13% are adjacent to open space. Bayliss thinks the Department will be overwhelmed.

**Hall withdrew the motion** and restated the motion in parts:

**Motion** that tree removal permit be added to the list to permits that shall not be issued prior to site plan review for projects that require such review moved by Hall, seconded by Evans. There was no public comment or further discussion on the motion which passed by 4 yeses from Hall, Miner, Schlesinger and Loze, 1 no from Bayliss and 1 abstention from Evans.

**Motion** that the word “additional” be stricken from J2 moved by Hall; seconded by Schlesinger. There was no public comment or discussion and the motion passed by 4 yeses from Hall, Schlesinger, Miner and Loze, 1 no from Bayliss and 1 abstention by Evans.

**Motion** that a de minimis waiver process be established for projects to avoid SPR when staff concludes that there is clear convincing evidence that a project will not have a negative impact on a wildlife resource buffer moved by Hall.

Following the moving of this motion, Hall lost connection briefly, during which time Dr. Longcore gave **public comment**. He noted that part of his overall discomfort with the wildlife buffers and triggers and the idea that if three feet of the corner of your property is in a buffer, you have to do a SPR, even if you are not touching that three feet, is that the wildlife resources don’t actually encompass all the of the high value wildlife habitat. They only encompass properties owned by the public as open space, MRCA properties, “water features” some natural some not and water bodies, and there are huge parcels of private open space out there that are enormously valuable to wildlife; not developed, and they are not mapped as being wildlife resources. This sticks in his craw a bit that we are defining wildlife resources not based on land cover, which is the actual vegetation that’s on the land, but by land use, which is the ownership and zoning of the property. He noted that wildlife doesn’t care about zoning; it cares about the resources on the property. He noted that it makes him want to argue for people to be exempted from this review if they are basically being brought in by a rule that doesn’t adequately describe what the actual resources are that are being protected. He has expressed this to people in the SMMC and to the people working with the City. He is here observing, as public comment, and could support something that gets at this tension between protecting something that maybe doesn’t have a lot of wildlife value and leaving entire huge parcels that are clearly core habitat not identified as wildlife resources.

Hall returned after being off line briefly. He noted that the de minimis waiver is like a relief valve to allow staff to waive someone through SPR in circumstances that clearly don’t warrant it.

Evans noted what Dr. Longcore pointed out that while Hall was offline as to large parcels of extremely valuable vacant land that aren’t captured in this process.

Evans seconded the motion Member Hall had moved above, that a de minimis waiver process be created to allow staff to waive the requirement for SPR for projects that can

demonstrate with substantial evidence that there is no negative impact on a wildlife resources.

**Public Comment:**

**Mindy Rothstein Mann** gave public comment, asking for Dr. Longcore to comment further on examples of the private resources.

Dr. Longcore related that he'd be happy to respond to that, and advised that she take herself over to the map that the City provided and look at the huge open spaces like Hoag Canyon that maybe have a wildlife resource down the bottom of it but the whole thing is a wildlife resource, but it is not mapped as one; and yet a 25 x 100 foot parcel purchased at the end of the street to lock up development is completely fuel modified and has no native vegetation is considered a wildlife resource and has a buffer around it. He noted that there is a hypocrisy to this that is a bit unnerving. He continued that they are willing to map what they consider to be wetlands some of which have water at no time during the year, but are mapped on a GIS database, they are willing to map those on private properties but not willing to map for example, oak woodlands, walnut woodlands, and intact large blocks of chaparral. He noted that you want to do a Wildlife Ordinance to protect connectivity between Griffith Park and Topanga Canyon, what do you need for that? You need large blocks of intact chaparral, oak woodland, walnut woodland, etc. That is the very definition of what you need, and yet this process doesn't map those right now as resources, but if you look at the definition, they certainly fall under the definition of wildlife resources; a very broad definition there. But when they operationalize it, they don't actually do it; they do it based on land use and a GIS layer or two... He noted that it is frustrating, that they are not willing to address the elephant in the room, that the big blocks of habitat are the most important thing here. No further discussion on the motion.

The de minimis waiver process motion **passed** by 5 yeses, Schlesinger, Miner, Loze, Bayliss and Hall; 1 abstention from Evans.

Hall noted that while they previously discussed the mapping of the woodlands in the Environmental Committee. In 2006 the National Park Service mapped woodlands in the pilot study area. Evans noted that we have a motion on this. Hall noted that there is significant overlap. If they do what we say they should do, then that largely addresses the issue of the private lands with environmental resources not being mapped.

Evans noted that we can also comment that if a proposed development is in a certain-sized area of undeveloped land, it needs to go to SPR, and asked if anyone has a size to recommend.

Hall noted that he did not know and discussed SMMC has habitat blocks, not knowing if

there is a minimum size of those block. He asked if Evans is suggesting that if a project is contiguous or adjacent to undeveloped land that it is at least X square feet that it should require SPR? What if we said it was 20,000 square feet but there were four parcels 10,000 square feet each? Evans noted that if it is a small part of a larger block, just have to define what the larger block is. Hall noted that we could say that if they are adjacent to a native woodland, as mapped by the National Park Service in 2006, SPR shall be required...

Evans asked further, and Hall noted that they have already rejected native woodlands, and that this is a way to capture unmapped resources; another thing you could say if you are adjacent to a woodland, you could put the burden on the applicant who would have to do a biological resource assessment, and if their biologist determined that there was a woodland on the adjacent land that they would have to go through SPR process. However, the developer's biologist would always say there wasn't a woodland next door. It is probably better to have something objective. He would say half an acre; thinks an acre is too much. Dr. Longcore clarified Evans's question and Hall agreed with the statement that if you are developing new land that is contiguous with additional undeveloped land, site plan review shall be required. Longcore clarified, so any new development on a parcel that is contiguous with other undeveloped parcels and noted that you could put a limit of half an acre. He explained how actual connectivity works in the hills: You have three or four parcels here that are undeveloped, because historically they have been a bit too steep, and they let you go from this road up to that road; how the deer get around; then they get on this little block for another little couple of things, and then the coyotes and the bobcats and mountain lion use these sorts of areas; so emphasizing and requiring this kind of review for parcels, and making it more difficult to develop undeveloped parcels that are adjacent to other undeveloped parcels, he thinks is a wise approach.

Evans summarized that SPR would be required for development on a previously undeveloped lot that is contiguous and adjacent to other undeveloped land or lands, of at least half an acre.

Dr. Longcore noted that you could direct someone to compose a regulation along these lines. Hall noted that there is an assumption that if there is a large enough contiguous undeveloped land or lands that there is going to be a large habitat value there, and that siting a project in that close proximity will have some impact and therefore there is a SPR and review with heightened scrutiny and therefore they require environmental findings that need to be made. Hall noted that these are important parts of this ordinance.

**Motion** that we add a further category of projects subject to SPR, and that projects proposed on undeveloped land that is contiguous to lands that cumulatively are greater than half an acre of undeveloped land require SPR moved by Hall; seconded by Ellen.

**Public Comment on this motion:** **Pat & Jay:** Pat related that she agrees with this from her point of view as an environmentalist. There was no further comment or discussion on the motion, which **passed** by 4 yeses from Miner, Schlesinger, Loze & Hall; 1 no by Bayliss and 1 abstention by Evans.

**The following agenda items were deferred to the next meeting due to time constraints:**

10. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 2, a (Intent of Resource and Ridgeline Regulations) of the draft ordinance.
  11. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 2, b, i (Wildlife Resource Buffers) of the draft ordinance.
  12. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 2, b, ii (Site Plan Review) of the draft ordinance.
  13. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 2, c (Ridgeline Regulations) of the draft ordinance.
  14. **Discussion and possible motion:** Presentation and discussion on Section 6, G (Issuance of Building Permits) of the draft ordinance.
  16. **Discussion and possible motion:** Presentation and discussion on Section 6, H (Review Procedures) of the draft ordinance.
- Good of the Order:**
- Member Schlesinger noted that there were a number of items in the Ridgeline Ordinance that have completely disappeared; it used to be that the Ridgeline Ordinance would supersede anything less restrictive, and now it is the reverse.
  - Mindy Rothstein Mann thanked all of us for our time and thoughtfulness.
17. The meeting adjourned at 7:32 pm, as moved by Schlesinger, until July 1st, at 5:30 pm.