



Building a Better Community



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Thursday, July 7, 2022 5:30 pm – 7:30 pm

1. Chair Evans called the meeting to order at 5:30 pm, and called the roll with **5 members** present: Ellen Evans, Chair; Jamie Hall, Don Loze, Robert Schlesinger including Shawn Bayliss who arrived a few minutes later. There was **1 absence**: Nickie Miner.
2. The July 7, 2022 Agenda was **approved**, as **moved** by Loze. (*Member Bayliss arrived.*)
3. The 06/29/2022 minutes were **approved**, as **moved** by Schlesinger; and the 06/30/2022 Minutes were approved, as **moved** by Loze.
4. **Public Comments on non-agendized items within the jurisdiction of this committee.** **Bill Grundfest** asked that the committee ask Planning for a delay to get answers to questions that have been raised. He noted that Don Loze had a written letter about the city having a Blue-Ribbon Committee to deal with with water restrictions, and no similar urgency has been attached to this ordinance.

Alison noted that a colleague and she discussed an escrow the colleague is in on a property on the Mulholland Corridor, with a cloud on the title, waiting time of 6 months to meet with the board and 6 months to wait to clear title. Alison noted that she is gravely concerned about a similar situation occurring as a result of this ordinance and stressed the importance of thinking about those types of impacts, delay of approvals, impacts to sales and clouds on title.

Patricia seconded comments by Bob (sic) [Bill] and Alison; would request that the committee take the position to not support any part of the ordinance where Planning hasn't responded to questions. She asked about the process for sending this as the board doesn't meet prior to the deadline. Evans invited Longcore to respond, and he noted that we will be calling a special meeting for the board a week earlier than usual; after PLU meeting, probably Wednesday 20th.

5. **Chair Report:** Chair Evans noted that she finished putting the motions into a draft comment letter today, item #8 on the agenda; people may want to go to the website and click on the supporting documents for this meeting and review that. She noted that we will go over it closely at this meeting and probably tomorrow; she wanted to give a heads up that it is there.

*Member Loze noted, as a point of clarification, that the letter Mr. Grundfest referenced has not been sent yet.

6. **Discussion and possible motion:** Review portions of the ordinance where the committee required clarification in order to take a position and any new information received. The committee will adopt positions where possible and identify ongoing information requirements. Questions posed to Planning and answers will be provided in **Attachment A**.

Chair Evans noted that the attachment includes questions posed to Planning and asked if anyone had a question to please speak up.

Public Comment to Remind us if there is something we need to consider based on new information or anything else you want to say

Patricia asked for Evans to repeat this, and Evans noted that we had planned to go through the ordinance, find places needing clarification; taking positions where we could; trying to get clarification to take a position on things we needed the clarification on. We have gotten some clarification but she doesn't know they warrant new positions. If anyone has in mind some information we received that changes a position we took early in the process or that allows the committee to take a new position, please let her know.

Jamie Hall recalled that in the very beginning, he thought that removal of a significant tree triggered compliance with districtwide regulations, but Staff said that's not accurate; we may have said somewhere that we didn't think that should be what occurs... Evans suggested we look at the beginning of the ordinance where there were many questions.

Section of the Ordinance to add definitions for ridgelines and wildlife resource.

Chair Evans noted that we had questions about unmapped resources and were told that unmapped resources might be identified by a project to project reviewer. Evans asked if we want to take a position on that... Hall noted that we need them to state in writing what happens if an unmapped resource is identified. Evans thinks it is specifically if it acts like a buffer, putting the Wildlife Resource Restrictions into effect...

Hall stated that there is a lot of uncertainty here, for example private undeveloped open space.

Schlesinger asked what happens if a resource buffer is discovered after a house is built on it.

Hall responded "nothing" and Bayliss noted that the rub comes in if the Wildlife Resource is discovered during the application process or if there is controversy in the neighborhood and folks go to stop somebody. If it is not mapped, how do you go into a project knowing how to deal with these things? You end up spending a lot of time and money, and somebody in the Planning Department unilaterally... Hall thinks the definition of Wildlife Resource includes resources that do not necessarily trigger buffers. Evans noted that we need that information but she is also concerned about the public's sentiment that it feels random – to have a resource identified that may not be an obvious resource, when you are in the midst of something. Hall noted that they didn't do a survey of the entire pilot area; they used data that they have. He thinks it is an acknowledgement that there could be resources that fell through the cracks and to the extent they exist they need to be disclosed. Loze noted one of the answers that later discover would be added. Chair Evans noted that the question is, then what? Loze noted it applies when there is a process; that it is discovered is the issue. When it is discovered it would be added. He noted that you are asking a different question, if it is discovered in the process, then what? Evans and Hall noted that we need clarification.

Administrative Clearance:

Evans noted that we made some comments on definitions, but don't need positions on definitions. She noted that "Open Space" is defined, and we did make a comment on that.

Evans thinks we haven't gotten any good information on fencing or any of the other further items. The information we have received does not allow us to take any further positions.

Public Comment:

Bill noted that this is a legal document, and we need much more than clarification because we need it in writing in the document. He requests that the Committee request that the City delay the process.

Shirin noted that the last time we talked about resources that appear on maps but in reality are not there. She asked if someone could verify the disposition on that.

Evans noted that this was answered at the previous meeting and Shirin will see it answered in the comment letter.

Patricia seconded what Bob (sic) [Bill] said, that definitions of wildlife resources and open space are so open ended that anything could be a resource and have a buffer placed on the property. She noted that Shawn raised an excellent point that somebody could spend tens of thousands of dollars to have a plan and then go to the City and have them say oh there is an unmapped resource on your property, which would be devastating... She asked how you can take a position if you haven't gotten an answer from the City on an important question...

Chair Evans noted that we have not made a motion on Item #6

7. **Discussion and possible motion:** The committee has recommended a number of processes designed to expedite building permits in certain cases. This discussion seeks to capture these processes in a single list and add to the list if necessary.

Chair Evans noted that the two processes that we had were the ability to challenge if a resource was significant, and the ability to show that what you are doing is not going impact a resource buffer in any way.

Evans noted that a stakeholder in her area brought up the idea that it seemed unreasonable to require review through this ordinance for a tree removal of a tree that would be prohibited under the ordinance and wondered if we want to add that. Evans also wanted to make sure that these are captured correctly.

Public Comment on this item:

Patricia related that you need to clarify what is a significant resource (sic) [significant tree] because otherwise you are leaving it up to some random person in the Planning Department...

Patricia asked who determines whether a resource is significant and do they have training.

Mindy asked for clarification if she said that her neighbor wanted to know if there was a tree that was significant but was on a list of trees that are not permissible now, to which Evans

responded in the affirmative, that that should not trigger the ordinance in any way, which Evans noted particularly eucalyptus and palm were mentioned.

Hall asked if this would be without tree replacements, to which Evans noted, yes, but without an administrative clearance.

Hall noted the request for a de minimis process that we voted on, we voted to recommend that and there are details to be worked out about what exactly was included, and who makes the decision, and what are the thresholds, but in our limited purpose as a neighborhood council, he thinks that is all we can do right now... He continues to support the de minimis waiver suggestion that we voted on.

Evans noted that while he was away we voted that there should be an appeal as to whether something is in fact a significant resource due to what seemed to be a number of water resources that may or may not be active. Hall noted that he does not understand that, because we already voted on a de minimis waiver process, and asked for the difference.

Evans noted that the de minimis waiver process, per her understanding, was more for the situation where the project wasn't going to impact the buffer... The other thing is the resource runs right through the property but it is a mapped resource that nobody has witnessed.

She agreed that with Hall's statement that it met the strict definition but doesn't have value, and added or like an open space that is not habitat open space, it is just like a brush-cleared lot.

Hall noted that he doesn't have a problem with that in theory but wants everyone to acknowledge and recognize that you are opening the door to a loophole; that process that can be abused, especially if Staff wants to go along with it, and there are examples of corruption in our City where developers pay off the City to get things done.

Hall and Evans acknowledged that it is a risk. She asked how people feel about this tree thing.

Hall would support Evans' suggestion because if there is a significant tree on the prohibited list, he doesn't want people to go through an administrative clearance process to take a responsible action. We all know that eucalyptus trees are dangerous. His only comment on that is that they still have value. He thinks there should be replacements and not to have to go through the administrative clearance process. Normally for significant trees it is 2:1, protected 4:1; non-protected significant are 2:1.

Motion: That there be no administrative clearance process for removing a significant tree on the prohibited species list but that they be replaced at a 2:1 ration; moved by Evans and seconded by Hall.

Public Comment:

Mindy noted that she has very mixed feelings, noting that not all eucalyptus trees are fire hazards, and if watered, they don't have the fire hazard that people say they have.

Patricia noted even a 2:1 replacement will discourage people from taking down dangerous trees.

There was no committee discussion on this and the motion **passed** by 4 yeses by Bayliss, Hall,

Loze and Schlesinger, 0 noes, and 1 abstention by Chair Evans.

8. **Discussion and possible motion:** Review draft comment letter (Attachment B). Evans read the opening and “Overall” section of the Draft Comment Letter which is available on the committee pages of our website, under supporting documents for this meeting.

Public Comments on the overarching comments

Bill likes the direction this is going and thinks hopefully later in the letter there will be a request for delay given the absence of answers to the questions. He suggests that the intent include balancing these purposes and intents with the property rights and the physical public safety and security issues raised by it. The balancing of wildlife and human life could go into the intent.

Patricia agrees with everything Bill said; the Planning Department said you wouldn't have to rebuild your fencing now but if you rebuilt you would have to do it later. She thinks this shows that they don't understand it, we don't understand, and the committee doesn't understand it, she would urge the committee to ask for more time and say we can't support the regulations where the science behind it has been requested but not received.

Leslie Weisberg thanked Evans for what she is doing and agreed both with Patricia and Bill but wants to make sure we articulate in the letter the real world applications. The ordinance as drafted is theoretically sound and yet there are human consequences here and would like us to include in the preamble the human consequences.

Chuck agreed with everything Bill said, He noted that people largely don't know about the ordinance, and if they do don't know what's at stake. He thinks a simple list of the good and bad of the ordinance on how it affects homeowners would be great.

Chair Evans asked committee members that we address some of the items mentioned to include and to make sure we have agreement on this.

Hall noted that one overarching thing is that we wanted to ensure, and he has repeatedly said, that the focus and attention is on the areas of the pilot study area that have the largest environmental value and orient the regulations toward avoiding the spoiling of those environmentally sensitive areas and that we feel that there has been a mismatch between the sometimes regulations and those areas of the pilot study area with tremendous environmental value. That's one thing. He has said this repeatedly.

He spoke of the native woodlands, for example, which are not identified as a resource and are probably one of the most important resources that exist within the Wildlife Resource area. He note in the 2nd paragraph a little bit about how we recognize the importance of what they are trying to achieve, but he would like to describe the importance of the uniqueness of our NC area; that we are in the Santa Monica zone that has been declared by the legislature to be an environmental resource of critical concern, how we have Franklin Canyon Park in the NC. He wants to add some language in the beginning as to the importance of this area. Evans agreed about wanting to make sure that the focus is on the parts of real value dovetails nicely into talking about balancing peoples' needs also in this. Hall also thinks that maybe we should not come right out of the bat with a kind of slight to the Planning Department; he knows we are angry about it, maybe put it further down the letter; say it but not in the first few minutes.

Evans opened the floor to discuss asking for more time, which we haven't discussed. She thinks

it is more beneficial to us if the hearing happens quicker because it will force answers and force the department to listen to constituents, and the longer we put it off there is no benefit to it. What do others think about asking for the delay?

Hall noted that he thought we deserved a Staff Report explaining the rationale, the thought process, and the proof that they have done their work. We didn't get that. He thinks there might be an additional meeting, because we don't have all the answers and that it is not possible for this meeting to last only two hours.

Don Loze noted that it is his understanding that this material has been presented as a draft for comment and it was issued in April. He noted that all of those legal formalities related to noticing have been satisfied and we have been involved in trying to study this since. We are not the answer. We are commentators on a draft. The public has a right to comment on the draft independently and they should. His understanding was that with our comments in that Staff would have a public meeting addressing clarifications or omissions to be put into a subsequent draft. The issue is what happens after that next draft, whether there will be further comment period and then the Staff Report. Loze didn't think that it was the idea that the Staff Report would be presented now. He thinks we are helping to make a Staff Report. When the Staff Report comes about we can present our comments. So when the Staff presents their report to the CPC, then we have an opportunity to submit those items which need to be included or clarified.

Loze noted that he agrees with Evans that the sooner we get this first one out of the way. Our purpose here is to comment specifically on the draft and it is an unnecessary assumption that we have more expertise than anybody else, but we are trying to do that to represent the constituents in the NC. He doesn't think the letter should be drafted as preparation for a lawsuit but for a preparation for an improvement in the draft. He noted that the consequences from the comments and the improvement, are the things that we will have a chance to discuss further, and that is how he sees it and believes that is how it was presented to us.

Evans asked, when they do the next draft and have the opportunity to comment, is he comfortable with them going directly to the CPC then. Loze noted that he can't comment until he sees what it is. Maybe there will be an opportunity to address, maybe a concern for revision or not. Maybe the good effort will be sufficient for the department.

He thinks we'll have further opportunity to get it clarified but thinks we should get to the meeting as soon as we can so they can see that we are doing our job and we want them to do theirs. That is his answer to her question on how he feels about the timing.

Hall noted that he thinks we should put the total number of meetings that we have held, and that our comments were an attempt to try the best we could with the information we had to reconcile the desire for environmental protection with... he wants them to know that our recommendations have been the byproduct of a lot of community outreach and public meetings with the hope that maybe they'll take it more seriously.

Evans noted that she is still stuck on the question of whether we want there to be something else before the CPC. Hall noted that we can say that if the ordinance is revised significantly or substantially in light of the comments received by the NC and other community members on July 13th, we ask for another public comment period be provided for a minimum of 30 days, and further public hearing before a hearing officer. We are requesting that in light of the fact that there is limited opportunity before the CPC and it is not an appropriate forum to have detailed conversation.

Bayliss noted that he thinks it is a bit unfair for us or anyone in the community to be expected to have any kind of well-grounded opinion when we still have a lot of questions... on various aspects of this code. He would say that since the Planning Department didn't take much interest in helping us through this ordinance, we are forced to use the staff hearing for that effort to get these clarifications and questions handled. He almost thinks there should be a second staff hearing.

Loze would like Hall to make a motion consistent with his last suggestion. Evans would like the motion to capture everything... though this may be the only new substantive thing. Hall asked for the consensus as to a second hearing. Evans and Schlesinger thinks they should have a second meeting or more than one meeting. Hall noted that the bigger issue is that we want to get answers so we can better understand the ordinance and provide the input... he'd be okay with either or another thing is maybe they should do some sort of white paper, to get into the granular details; we could ask for them to prepare for that. Loze noted that what Hall include in his suggestion that there be substantial material or some adjective, asking that the questions and clarifications that we have asked are included in the next draft so we can review it for a second meeting.

Motion that we request that the City Planning Department prepare a response to the questions received from the NC and other interested stakeholders and that an additional public hearing be provided within 30 days of that response, to allow for further comment prior to the CPC hearing **moved** by Hall, and **seconded** by Schlesinger.

Public Comment

Mindy is totally in favor of this, and noted that they promised us that they'd provide a white paper, and the additional information was not forthcoming.

Stephanie noted that she had raised her hand a while back, and asked to also include in her letter, that there were multiple committees that discussed this topic about the wildlife ordinance and years ago, there were multiple committees who discussed the ridgeline. It is a long process and we shouldn't forget that; sort of pad the resume with effort and care.

Chuck Maginnis noted that he would be willing to bet that of the 200,000+ people in our midst area [sic], less than 1% or 2% of the people even know what's going on with this. The motion should be delayed or more publicized to all the people who are going to be affected by this. It needs more than a postcard from the city.

Patricia noted 1) that where it says answering questions from the "NC and other interested stakeholders" she believes that instead of "interested" it should be "all" and that they need to answer everybody's questions who asked, and, 2) to follow up on what Chuck said, the hearing notice was sent to everybody was highly deceptive... but if they are going to be notifying people they need to be honest and not deceptive in their notification so that people understand that it will affect them. There were also misstatements, deceptive and false statements in the FAQ.

Kristin agreed with everything Chuck and Patricia stated, and added that in addition to different peoples' questions and NC she believes that there are FOIA requests out as well, that are outstanding, that have not been responded to requests that have been ignored for almost two months. She would like it to be included in this motion.

Chair asked the Committee if there are any amendments.

Motion to Amend this to say “all questions” moved by Member Hall.

Hall noted that he heard what Patricia said and that it wasn't his intent – but he is happy to say “all” not just “interested” stakeholders.

Loze would say “**all applicable questions.**”

The question of City outreach was discussed. Members Bayliss and Hall agree that the City should do more outreach but believe the City will not likely do so.

Loze related that there is an issue here which is “notice” and the City does the notice that they always do... which is why Shawn and Jamie would say let's not complicate our interest by trying to re-deal with that again. He noted that everybody here had an opportunity to look at this and appear at these committees. He noted that we may or may not fully adequately express what every single person is thinking about but we are all doing our best to try to get it to a piece of legislation that works and that doesn't seem to be a practical approach to get anything done.

Evans asked for a second to Hall's **amendment** to change it to “answer all applicable questions.”

Loze asked to hear the motion, which was read aloud by the note taker, following which he asked to say that the request should be “from all applicable questions *arising from the draft distributed in April*, raised by the NC and the general public, which Hall **accepted** as a friendly amendment; **seconded** by Bob.

Public Comment on the Amendment:

Bill was concerned about the placement of this, noting that he agrees with Hall about not wanting to anger people within the first 30 seconds of reading something but disagrees with Mr. Loze and feels that that this letter needs to be extremely strong because they are not going to pay any attention to us; in fact, Mr. Hall has brought up the question of corruption in the City, the fact that they are ignoring this committee's repeated requests for clarification; they are not going to take it seriously unless it does look like preparation for a lawsuit, which he stated it is preparation for a lawsuit. He noted that “we are not going to go away on this; there is just too much at stake.” He continued that this is about the tone and placement of this language, which he is fine with.

Evans clarified the NC is not preparing a letter as a precursor to litigation. That is fine for interested stakeholders to do but what we are trying to do is provide guidance.

Vote on the Amendment*answer all applicable questions arising from the draft distributed in April, raised by the neighborhood council and the general public...* **passed** by **4 yeses** from Bayliss, Hall, Loze and Schlesinger, and **1 abstention** from Chair Evans.

Vote on the Motion as Amended: that we request that the City Planning Department to answer all applicable questions arising from the draft distributed in April and to allow additional public hearing be provided for 30 days after release of that response with an additional staff hearing at the end of the 30 days, to allow for further comment prior to the CPC hearing **moved** by Hall, and **seconded** by Schlesinger **passed** by **4 yeses** from Bayliss, Hall, Loze and Schlesinger, and **1 abstention** from Chair Evans.

Discussion was held briefly on the process of getting the letter done. Hall commented on the letter on Google Drive, and Evans noted that it is highly likely that this will be distributed by noon tomorrow, and we will finish this whole thing tomorrow, and will send the letter to our PLU Committee tomorrow. They review the letter and can do what will be done. Hall would have Evans give a report at the PLU meeting. She noted that we can continue on the letter now.

Chair Evans noted that it is highly likely that this will be distributed until the afternoon tomorrow and invited members of the public and the committee to look for the letter on the website or request it by email.

Wildlife Resources & Administrative Review

Chair Evans read from the draft letter on page 2.

Public Comment on these two sections

Patricia is opposed to the NC being able to review that in every circumstance. She noted that also it is not clear – and asked he to make it a little clearer – that people are concerned that a resource buffer may be identified after spending significant time and money on their plans, and there was a lot of concern about the definition being so broad, that anything could be a resource and become a resource buffer that the homeowner didn't know about and the decision is left to a random person. If there is some way of putting that concern in there it would be a good thing.

Mindy while questioning the definition of wildlife resources, and talking about the woodlands, she would like to see a more definitive comment on the woodlands to say yes we want woodlands to be included.

Bill would like to see some specific mention of the things we are objecting to in addition to the things that need clarification, e.g., the 25' height limit and the public safety issues; there is a two-year time clock on the building/rebuilding issue and all of these hoops that everyone would have to run through could easily outrun these two year.

Dr. Longcore noted that this may be a place to include something about wanting to map wildlife habitats as opposed to parcels, because that is what the wildlife resources actually are; it gets to Jamie's point of woodlands, which are important wildlife habitats but they are not exhaustive in terms of things that are valuable to wildlife, and he knows the City doesn't want to go there but that this would be the place to build the confidence that we are protecting wildlife and say you need to have definition that is biologically based and not land use definition based.

Hall noted, on native woodlands he is making edits. He noted that we had an extensive discussion where we said we believe the native woodlands should be considered...

He agrees with what Mindy said and someone needs to look at the minutes but he feels strongly that we voted to have native woodlands identified as a resource; so that needs to be stated.

Hall has two things: 1) The things that have the most value aren't met and yet the City has a catch all for unmapped resources that we think is problematic and the constituents believe is problematic. He wants to strongly recommend that we state in the letter our belief that native woodlands as mapped by the National Park Service of 2006 should be identified as a natural resource. Chair Evans noted that there was a question sent to Planning about including them.

She believes it is possible that we also took a vote.

Evans noted that the things that were identified such as noting possible timing of resource buffer identification, she could do without a motion but thinks we should make a substantive motion about mapping woodlands but also incorporating Travis's comment that the habitats should be mapped as opposed to resources, and a biologically-based definition of resources would be overall better than a land-use-based definition.

Loze asked what the maps represent now, to which Hall noted that he did not want to use the Conservancy's maps... Loze asked how we include the biological reference, and Hall suggested we ask Travis how that occurs|. Is it a site-specific analysis?

Dr. Longcore was given permission by the Chair to respond.

He noted that we have one map which is the vegetation map of the SMMC that constitutes a first pass. Then when one goes to develop, you present a proposal for refining those maps that identify what's actually on your parcel on the ground as opposed to the Coarse Scale Vegetation Mapping that has been done. The City reviews that you act accordingly to design your project, to minimize the impacts to the resources that are identified.

This is how it works in the Santa Monica Mountains Zone of LA County and the reason the City doesn't want to do that is because it requires actual work and exerting some judgment on the part of Planning Staff to work with an applicant to figure out what the best way to develop a project is that achieves the goals of the project and minimizes the impacts to wildlife. It starts with a coarse map... and a revision of that map, based on circumstances and an application of definitions of what constitutes different quality of habitat and then applications of rules to protect or minimize in the event that a property can't protect the resources. It's not that it can't be done it is just that they want to make it easier than that.

Hall asked and Longcore agreed with Hall's characterization that if there is some sort of base map, and if a project fell in the area of that base map, then a site specific analysis or mapping will be done run by a biologist or something to determine if any of those wildlife resources actually existed because obviously it is 2022, and things have changed since that map was made in 2006... they'd do this and present that to the City. The City would vet it and decide whether or not there are resources that warranted if it falls into the administrative clearance bucket or site plan review bucket.

Loze noted that it seems to him the rationale to objecting to the Conservancy's maps is that... this whole ordinance is based on a project by project basis, so what Hall described is how the project basis works and would incorporate the kind of information that would come from the Conservancy's material, and maybe we could give some direction. Normally when there is a draft, when there's an ordinance, preference is given to the Staff, and how it defines and applies it, but maybe we can suggest what might be included in the administrative process to incorporate those things we have been talking about right now; the administrative process definition. He asked Hall if that was where we could make a recommendation.

Hall noted that he didn't completely understand what Loze was saying, and Loze restated his point that it seems to him that this whole ordinance is based on a project by project application and that the material that is being discussed and introduced by Travis is material that could be important when a project is brought forth, and therefore, the first place it is brought forth is administrative review bucket, and maybe we can say that the administrative review would

include a, b, & c which would include the biological terms and what somebody would be expected to present at that point. At the moment, he noted that we asked for what the application will be and they may say we'll show you the application later. Loze asked if maybe we should give them some direction as to what the application should include.

Hall noted that the problem now is that we know that there are environmentally sensitive areas, e.g., unmapped wildlife resources, though that is a bad way of saying it because they are mapped; wildlife resources that are not acknowledged by the city where some people will get administrative clearance when they don't deserve one, when they deserve site plan review, and other people will have to go through site plan review just because they technically abut something that is 10 acres away and doesn't warrant that heightened level of review, and that Travis is suggesting a way to potentially resolve that but it will require more work.

Loze asked if the work had to be in the pilot or could it be work at the time of an application. Evans thinks it has to be pilot-wise, because she doesn't think it is fair to not give people any idea of where the resources that the City cares about are.

Hall noted that one could say SPR should be required after a site-specific habitat analysis is conducted by a qualified professional.

Hall noted that Travis said there is a base map for where one would begin that site-specific analysis – if you are in that area you have to do the site specific analysis but it is not guaranteed that you'll have to go through site plan review. You do have to do the analysis and then that's when the judgment comes in; Staff has to exercise a little bit of judgment to determine if SPR is warranted. The question we have to ask ourselves is do we want to propose something that is the better or right way to do it even if we know the City is going to be extremely resistant to it because they are the City and don't want to take on additional work? Evans thinks we should propose that and have an "if not that" statement.

Hall noted that then you need to put in more resources that exist and have more value, which Evans agreed with. (There was a brief discussion here whereupon Evans suggested that base map should be included.)

We were talking about adding something to this section that is more into depth on woodlands being included and Travis suggested that we say something that habitats be made and habitats are used, maybe even alternatively to the resources that they have listed...

Hall noted that Travis was saying that the NPS 2006 map is a start but doesn't address everything, which Hall agrees with.

Evans and Hall noted that we need to express serious concern about woodlands not being mapped since they are important – critical – to habitat to wildlife; one of the most important resources. Hall noted that we could say if a project is located within a habitat block mapped by the SMMC they should do a site-specific analysis and staff should determine whether or not site plan is appropriate if there are environmental resources in that habitat block. That has been the City's criticism of the habitat maps... so this only says you have to do that level of detail if your project falls within the habitat block that has been mapped. So we are using a State agency's maps and letting staff decide whether to put this in the administrative clearance bucket or the site plan review bucket based on a site-specific analysis to determine habitat value as determined by a qualified biologist or environmental professional.

Loze asked why it should not be in the administrative bucket. Hall noted it could be that there is an important environmental resource that is located within that habitat block that warrants site-plan review. Loze and Hall discussed this further. Hall noted that this is an entirely different way of thinking. Right now they have these maps, these resources, and depending on the circumstances, you either go to site plan review or admin clearance. He is now proposing a third path, in the gray area, you do a site specific analysis and depending on the results of that you either go to admin clearance or site plan review. Hall noted that he would support that.

Loze suggested that the City be burdened with making the reference in considering the administrative review. The City has the burden of looking at the habitat as a condition of the administrative review.

Hall asked what if they find there is habitat value, to which Loze noted that becomes an element, then it is either significant or not significant, in terms of the admin review, then it gets triggered.

Hall asked if there is a finding of habitat value at the administrative level, Staff has the discretion to require site plan review? Evans doesn't think the City is going to take that expense and that it will take too long if the City does it. Loze noted that what we are saying is that the definition of resources does not include habitat so it seems to him that you have to get some consideration of habitat upfront somewhere.

Hall noted that Travis is saying there is habitat value which will not be noted by the City. Loze noted that it seems to him to put the burden on the City to do that as an element of the administrative review.

Open Public Comment:

Patricia noted that she is looking at the habitat map and the habitat linkage map, and it seems to her that this is more of what Koretz's original motion was about, preserving habitats and linkage between the habitats, as opposed to micromanaging every developed property and she would prefer to see the regulations address that rather than how tall her house on a ridgeline can be.

Dr. Longcore shared his screen to show the Santa Monica vegetation map in his area of BG. He explained that the purple are mapped as urban, and the consequence of saying you want a habitat based approach; the fuel mod zones doesn't get counted as a wildlife resource. Then as you go out into undeveloped parcels, you get chaparral; maybe it gets some special treatment; other sections show black sage woodland. This is the coarse-level mapping to identify if you have wildlife habitat that you need to be considering. There are places where the map doesn't encompass the house but next to it is exotic vegetation, so that won't get your high wildlife value. He discussed the approach that makes you concentrate on the places that are natural habitats as opposed to places that are highly modified fuel mod, etc., because if you look back at that example, some of these areas in purple, basically urban, notwithstanding there being sensitive trees, etc. They are within 50 feet of owned properties of the Conservancy, subject to extra scrutiny because they are next to a parcel that is all fuel modded. The work of mapping has been done at the coarse level here, at least to start to plan, and the original intent he always thought of the ordinance was to take a map like this and identify how wildlife would get between the blocks of native habitat and make sure those linkages are not broken off. He noted that is the second thing that the SMMC has done, by creating the maps, adding an identification of places where you might need communication through the urban, done judiciously in the sense of this is how you connect this big block of native habitat to maybe this block in the middle, and not that you... to say every single parcel has to be permeable to go to and from. Longcore noted that it is

not the approach that the City has taken, and it gets harder at Laurel, where you have habitat blocks and have to identify where are the places where you want to keep connectivity between them so that the wildlife can move around. He noted that there are these resources here as a first cut that are mapped, are available and could be used in conjunction with the connectivity maps that the SMMC has produced to target this on what the original focus of the motion was... This is what is available.

Loze asked how he would get his recommendations into the draft. Evans has an idea for a motion we can finish in five minutes. Hall thinks this idea is a good idea and showed a SMMC habitat linkage map.

Motion that we recommend a habitat-based approach overall and calling out the importance of woodlands in particular, in this section of the letter moved by Evans, Hall seconded noting that we will come back to this tomorrow and refine it.

Hall shared his screen to show the SMMC's wildlife habitat linkage map; having mapped the undeveloped land in the eastern Santa Monica Mountains and identified habitat block numbers, and wildlife corridors that they believe exist to help animals get from one block to another. Hall noted that the idea he is floating is that if you had a project that fell within this habitat block that would require you to do a site-specific biological resource assessment by a qualified biological environmental professional, who would determine the habitat value... we could even put in a ranking system together like one to five or one to 10, so that projects with high habitat value within this block would go to site plan review those that do not would go to administrative clearance, as an attempt to ensure that projects that have value don't escape review and at the same time those that are triggered that don't have value don't have to go through this burdensome process.

Public Comment:

Patricia is in favor of that and thinks it will do a better job of protecting and the habitat that is actually important to animals that they are actually using and the wildlife corridors, and not trigger these onerous things for the vast majority of developed properties but she thinks you need to be more specific, not just "habitat based," and make specific reference to the two maps as examples. She believes the woodlands were covered... asking aren't they in the vegetation map, as a highly valued resource? She thinks it is a much better approach, and just because the City doesn't want to do it doesn't mean that we shouldn't all clamor for it... maybe they'll listen.

Bill noted that he agrees with Patricia and perhaps point out to them that there will be less work for the City if they do what is being proposed rather than fight us because he noted that "we will not stop."

Mindy supports this and noted that the SMMC was asking for this as well as others who wrote letters of support and noted that the more people that support them the stronger our case will be.

George Grant fully supports this approach; it is so much better and going in the right direction. He likes the idea of the ranking that Jamie came up with.

The motion passed by 3 yeases by Bayliss, Hall, Schlesinger and 2 abstentions by Loze and Evans.

Good of the Order: None.

The meeting adjourned at 7:31 PM, as moved by Schlesinger. Next Meeting: July 8, 4:00 pm