



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Friday, July 1, 2022 5:30 pm – 7:30 pm

Chair Evans called the meeting to order at 5:30 pm, and called the roll with **4 present**: Ellen Evans, Chair; Don Loze, Nickie Miner & Robert Schlesinger, and **2 absent**: Shawn Bayliss and Jamie Hall. *[Wendy Morris is no longer on this committee.]*

1. The July 1, 2022 Agenda was approved as moved by Member Miner.
2. Approval of the June 30, 2022 Minutes was deferred until they become available.
3. **Public Comments on non-agendized items within the jurisdiction of this committee:**
Alison MacCracken asked if we have requested from the Planning Department a list of the people and biologists they consulted with, as they listed the groups but not with whom.
Patricia Templeton noted a topic raised at an earlier meeting, that you can rebuild after a disaster except for the height limits. She has concerns about market viability of a house rebuilt in the same footprint.
Chuck Maginnis asked that the committee be fair to those who might suffer because of the ordinance.
Pat noted that she was kind of distressed at the City meeting where it was said that everyone can build a 28' foot house and noted that can't with a 25' height limit in place and would never be able to rebuild her house because it is on a slope but believes she cannot.
Mitchell Guzik noted that complying with the ordinance would cut the living area of his home in half.
4. **Chair Report:** Chair Evans noted that she will start doing the agendas for next week. She hopes we will get through the rest of the ordinance today. She will make a list of all the motions we made, a list of all the questions that were not answered, and will start drafting a letter that may come Tuesday or Thursday. She asked that we make our best effort to get through this today if we can. There were no public comments on the Chair Report.
5. —Section 6, F, 1, g-I was (item #6 at the 06-30 meeting, was completed yesterday.)
6. Section 6, F, 1, j (item #7 at the 06-30 meeting, was completed yesterday.)
7. **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. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on this section.

Chair Evans explained the process for today's meeting and shared this section on Power Point.

Public's Requests for Clarification & Questions on Intent:

Alison related that... she would like the City to define what they mean by a "ridgeline," in the first paragraph Section 2, asking if they are referring to a "pristine ridgeline," which would make sense and thinks that most of us would support that, or as identified in their mapping system, "all ridgelines," despite ridgelines having been graded, leveled and developed on for decades. **Chair Evans noted that she can ask that question.**

Patricia reiterated previously-stated point that the definition of "Wildlife Resources" is so open almost anything could be one, and that wildlife resources also include "unmapped wildlife resources" so there is nothing to stop someone from the City from saying, oops, you have a wildlife resource on your property that is not mapped. She noted that "open space" is not capitalized, and as such is not a defined term, also a very open-ended item.

Pat asked how Evans interprets Alison's question of is it "all ridgelines" or just "pristine ridgelines," to which Evans noted she believes that currently they mean "all ridgelines."

Shirin Javid noted that at one point in time she heard that the Ridgeline Ordinance was put on hold or stopped, based on the opposition, and asked if that is correct since we are continuously talking about ridgeline. Chair Evans noted that she thinks it was sent back for further discussion and then folded into this ordinance; that there is no longer a stand-alone ordinance for the ridgelines. Shirin asked if what we have now is the same, and Evans noted that the rules are completely different and we can discuss that later on. Committee Members had no questions on the intent.

Committee Members Discussion on the Intent

Member Schlesinger noted that issues on ridgelines other than significant ridgelines, was a question that the Department never answered. He noted that you can have large stretches of ridgelines that are not developed and then some sections that are developed, and that we never got a clear answer on that big question: Are ridgelines, as developed in some places, "secondary ridgelines" or not? Evans related that we can delve into that when we get to the ridgelines regulations.

Chair Evans asked the committee if we generally support providing wildlife habitat connectivity opportunities, and do we support that maybe with a caveat that it should or should not come at a certain cost?

Miner noted that the intent looks like a mission statement on the Wildlife Ordinance, an overall picture we would want for wildlife preservation, and that this shows the intent.

Motion: That we support the intent which states "*To protect Wildlife Resources that provide wildlife habitat and connectivity opportunities by buffering from waterways and open spaces and limiting disturbance to soils, waterways, vegetation, and habitat areas*" moved by Miner.

Chair Evans would put feel more comfortable to have a parameter that we support the intent to the extent that it doesn't create undue burdens on residents, and asked if Miner would accept that as a friendly amendment, to which Miner noted that that is kind of broad; what one person might consider undue may not bother the next person.

Member Loze related he appreciates this seriatim approach to this but believes – this is a general statement that – what the Planning Department has offered here is a broad picture... and that then we have to deal with the application. Member Loze noted that within the procedures there are things that are about to be discussed but he doesn't think the idea of introducing individual projects to the intent advances anything because this is organized to address individual applications... He thinks that what Miner is saying is something we could live with. Member Loze agreed with Evans's question that what he was saying was that the devil is in the details, and what she was saying should be taken care of in the details.

Loze called for the question, and seconded the motion.

Public Comment on our Support of the Intent

Mitchell Guzik noted that he objects to this as a practical matter; would like to first identify all ridgelines where there are not houses in development, feels it would be more reasonable and recognizable and you'll still be dealing with homeowners who own that land who will suddenly have encumbrances on their properties... He thinks that this is going to open the City to tremendous litigation and it will not get done. He referred to a ridgeline area lopped off in 1989... and asked if we could focus on ridgelines of undeveloped areas first.

Alison MacCracken noted that she objects to supporting this intent in the motion because unfortunately the committee is working with a document that is too broad, e.g., wildlife resources, connectivity opportunities, and asked what type of connectivity. Connectivity for mountain lions or squirrels or lizards. She noted that there is no definition to say what type of connectivity opportunity we are talking about; if we are creating these corridors and doing all this stuff for skunks and coyotes or for the mountain lions that can jump over 6' walls already? Alison noted that she can't support any of this until we have properly-defined objectives that we are trying to reach, and to come to a great solution to execute what they want to do but right now it is impossible to support this.

Mason Sommers seconded Alison's comments as a resident in Laurel Canyon since 1984, noting that there has been a lot of development, and this is so broad and it is not clear what the impact on those of us who live here and enjoy living with wildlife and support purchases of lands to maintain wildlife, how that is impacted by people who don't live in the area, who have a say as much as we do who actually live here, groom the hillsides for fire protection, etc. He concurs that the intent in the document is too broad and thanked Alison for putting it so eloquently.

Patricia noted that every property that has a resource buffer on it is subject to site plan review (SPR) which requires "substantial conformance" with the intent of the regulation.

This regulation and how it is written is very, very important, and, as pointed out by Alison and others, is very, very broad, and as Ellen pointed out, there is no consideration to the burden of the homeowner. She thinks it would be far more palatable if it were more defined and had a consideration for the burden on the homeowner.

Chair Evans noted that yesterday we went over the SPR section of the ordinance and we are asking for a way for people with buffers to get out of the process if their construction is not affecting the buffer.

Pat & Jay: Pat noted that she agrees with everybody so far, and that she is getting nervous about all the changes on her property because of the whim of some people. She would like to separate pristine ridgelines or already built ridgelines and at least make it less punitive on height requirements and some of the other requirements. She noted that she doesn't have the energy for all the legal things a developer will have and thinks we are changing the whole character of who is going to be living in the hillsides, and that as we are focused on the big bad developers, we are losing all the professionals, not the super wealthy in this process, and that will make it untenable for those who live here.

Committee Discussion on the Motion:

Member Miner noted that she is under the impression that the details about those things will be discussed in other places, and this intent is just like a broad mission statement about what the intent is for the wildlife. She is in favor of having the ridgelines that are not built upon being preserved. She doesn't think that we should encroach upon people with homes that are already on the ridgelines but doesn't think that this deals with that. This is intent.

Chair Evans noted that Don had called the question earlier and she called the question. Loze asked her to re-read the motion and he noted the need for the motion to be more specific, and that we add to "we support the intent" "as stated in Paragraph #2 (1)." Evans noted that the item is on that. Loze still wanted to do that, and Evans said okay.

The motion **passed** by 3 yeases from Members Loze, Miner & Schlesinger, and 1 abstention by Chair Evans.

8. **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. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on this section.

Chair Evans shared her screen and read from this section of the ordinance, including contents of the tables.

The floor was then opened to the public for questions that serve to clarify but *not* comment on what is going on in this ordinance.

Public Requests for Clarification & Questions on this Section of the Ordinance:

Kristin Stavola noted that she is from We Are Laurel Canyon and commented that there is

a large growing group who live in the canyon who are very concerned and were not aware of or able to attend these meetings to give comment or be in town on time for the hearing.

Chair Evans explained that this is for clarification and questions on this section of the ordinance, and that we would have public comment shortly.

Alison noted that what jumps out at her the most is that public easements are not defined, such as storm drain easements that are buried and telephone poles, and that 15 feet could definitely be an issue. She noted that she doesn't know what current code is and thinks that definitions need to be expanded upon, as well as "riparian," which is pretty open ended.

Patricia added that "open channels" are not defined and it is unclear what those are.

Pat & Jay: Pat asked if her property be changed to an open space, because she has a huge amount of land on the hillside – not huge – but most of her land is undeveloped hillside. She asked if that can change and all of a sudden become open space, to which Chair Evans responded no, definitely not, unless you ask for it.

Kristin asked if the woman above owns her land and had offered some suggestions.

Stephanie Savage noted that she wanted to make a general statement that people who live in the hillsides are generally aware of things going on in the City, ordinances, etc.; that the City has many available options to learn about things, including but not limited to council files, and that our neighborhood council has information that we can send to everyone.

Kristin declared that the neighbors in Laurel Canyon were not informed about these meetings and have big concerns, and that we need to take them into consideration. She noted that the people who live on the buffers need to be notified that this is all happening, and that public hearing is happening, and that more effort is needed to reach out to them, especially as LCA and MRCA are land owners and the custodians of the land that these folks have donated to, and they were not aware would be part of this ordinance. She noted that this is the feedback she is getting from the neighborhood.

Alison noted that she heard Stephanie and doesn't appreciate allowing Stephanie to go on about what is not related to this. She feels that more effort needs to be made to reach out. She objects to the wildlife resource buffers which she believes are a property grab. She noted that it is private property ownership and to say all construction and grading activity is prohibited within the wildlife resource buffers when these resource buffers can expand exponentially over the next 20 years is way too aggressive. She is completely against it and wanted to make her comment noted.

Mr. Javid asked if we want the wild animals to live among us or be able to go through. If you don't want them to live among us, make a route for them to go; if you want them to live with us that may be more difficult.

Patricia noted that she can understand wanting to protect certain water resources and open space that has a particular biological importance but the ordinance as it is just punitive. If someone buys a tiny bit of land, everybody within 50 feet is now in a resource buffer... and

where resource buffers run across their homes, they are limited to not altering the footprint of their home, can only do interior remodels. If they have a tiny house, they won't be able to make it bigger. And if it is an unimportant piece of land placing a resource buffer on that property that is punitive. Additionally, this section conflicts with other sections because it doesn't mention the interior remodeling. It goes too far and there needs to be consideration of actual human beings, who are placed in resource buffers and the resource buffers should not be placed there unnecessarily.

Pat & Jay: Pat asked if she donated her property to a nonprofit would it doom her neighbors, noting that if so, she wouldn't make the donation because she doesn't want to harm them.

Chair Evans responded to Pat that she doesn't have an answer and it could be a consideration for her if the ordinance passes as it is.

Shirin Javid noted that the question is are these buffers on our properties intended to find a space for the wildlife to freely move around within the buffer or are they intended also that they can move around and come to our property. Evans noted that there are fencing regulations too, and that it is to help them move around and have access to the resources, and Evans noted yes, if the buffer is on your property, they might be on your property depending on the fencing. Shirin noted that that part is what they object to.

Committee Discussion:

Member Miner noted that it looks like the City is being cautious and there is no land grab involved. She understands that we want to protect the humans, as we all want that... but it seems practical and doesn't seem so objectionable. People can object to it. We need places for these animals to go... She feels that buffers are practical.

Chair Evans reviewed the proposed sample lots, with buffers, showing which would have to go through site plan review. She noted that there are a lot of properties that have a water buffer running right through the middle.

Evans noted that she has another question about open space – why would the City be making what's beyond the open space yet more open space (by needing buffers)? Evans noted that she has a lot of trouble with these buffers.

Further Public Comment:

Dr. Longcore noted that he shares some of our concerns, and won't argue that this is all perfect. He thinks, as mentioned at yesterday's meeting, that sometimes properties that are open space are these examples that we have talked about, like individual parcels that have been purchased and contributed that don't necessarily, especially those adjacent to existing development, don't necessarily have a lot of sensitive resources on them; they are locking up development owned as open space by MRCA but are already completely fuel modified and full of exotic grasses, and yes, wildlife uses them; no question, and then being within 50 feet of that then triggers a site plan review, even if on a portion of property that is not going to be developed? He is not so sure about that, and noted that while on the other hand,

you have huge properties currently undeveloped that have land that is very high quality wildlife habitat that are only triggered for site review by sometimes the virtue of being near a tiny parcel owned by the MRCA. He noted that this goes back to his theme that we are not necessarily identifying and mapping what actual high quality wildlife habitat is and we are triggering reviews for places...

Dr. Longcore noted that if you look at the Beverly Glen parcel, and at the aerial, he is not sure that water resource, which has been mapped by some standardized source, he doesn't think there is anything apparent on the ground that reflects that being an actual water resource. He noted that this parcel, the example sample parcel on Beverly Glen, is developed on at least three sides; there are houses on either side and half on the back, and the road on the other side. That then leads to the question of what is your recourse if you believe that the wildlife resource has been inadequately mapped, as in that example. It is a mapped dry streambed on something somewhere but doesn't actually function that way. He asked who decides, noting that these are themes we have discussed before, for which he continues to worry about the connection between the intent and the outcome.

Chair Evans asked as to the water resources if the issue is the quality of the mapping, and if otherwise the buffer is a sensible solution, to which Longcore responded in the affirmative. He noted that the idea is that you are identifying an actual natural feature that has some additional value as a water resource and critically should have vegetation associated with it being a water resource. He noted that he is not familiar with the episodic stream mapping protocol which is new to him... thinks they developed this for assessing impacts in the desert relative to solar development, and that it could be able to identify these places that are wet sometimes and dry other times, but have vegetation associated with that drainage course. Dr. Longcore noted that his position is that they should have but have been unwilling to have a definition of the habitats that they are trying to protect as opposed to a land use classification and act accordingly. He noted that that is what the County does in the Santa Monica Mountains, above Malibu, where it is trying to do a similar thing in terms of protecting natural resources. He noted that it does cause work for consultants who have to map these things out but it is more palatable in that it focuses on the actual resources as they exist and has a process to challenge them in the event that somebody gets it wrong.

Chair Evans asked Dr. Longcore, from a scientific perspective, if it makes sense to buffer open spaces, such as in Franklin Canyon. Does it make sense for people who live adjacent to that put their house 50' from their property line to allow more open space on top of the open space? Dr. Longcore noted that there are two things here, one is Franklin Canyon is like a park, it is a big habitat block, and strictly from a conservationist's perspective, he'd say making sure that development adjacent to it is positioned in a way that minimizes impacts for a big habitat block like that makes sense but if it is a single parcel or not linked to actual vegetation type, he is not sure you get there. He thinks one could do and it would cut both ways because it would help people who only have the bottom of the slope 300 feet away from their house with a riparian feature, so they are in that buffer, and if the development isn't going to impact the buffer area, maybe you don't need to do review on the whole parcel; in other words, if the footprint avoids the buffer. He recognizes that it doesn't solve all of these questions, but that it is one step to take toward that.

Dr. Longcore noted that where it hurts from a biological perspective is these big private

parcels that don't have streams in them but are adjacent to MRCA open space. He noted that those should – those are the very ones that should – be undergoing site review, and if you take away the buffer on the MRCA open space... they would get out of site plan review, noting that there is a plus and a minus there but he sees the point and doesn't see the benefit of doing a full SPR for somebody who has a pad and then 400 feet of property and a little buffer intersection on the bottom, like the second sample lot Evans' gave.

Chair Evans noted we handled site plan review yesterday but just in terms of there being a buffer, she thinks the quality of mapped resource is an issue. Longcore agreed, noting that having a test to say within 50' (if we are going to stick with 50' here) of even just the mapped natural vegetation, chaparral, oak woodland, walnut woodland, something that ties it to an actual resource as opposed to a land use classification.

Public Comment on buffering:

Kristin Stavola noted that she is on the same page with a lot of what Longcore said as to the random MRCA lots that have been purchased to stop development, noting that we have many of those. She is assuming that with the motion of Koretz and Rahman passed in late May – giving first right to the MRCA to buy the City's lots – and noted that we need to see the numbers on how many homes would be affected – if there is a way to ensure those people that they are not triggered into this, you probably are going to find support, if the expanding buffers do not apply to random MRCA lots that they purchased through this motion. She asked if Travis agreed with that, to which Dr. Longcore asked for permission to speak.

Dr. Longcore noted that he has expressed this concern to people. He doesn't think maybe folks at MRCA understand that the SPR is not just a push/pull, click/click, and you're done: It is money and time, and this is exactly the problem he is concerned about.

Kristin Stavola asked if we are on the same page with that being one of the biggest problems people in Laurel Canyon are finding themselves in. She noted that true open space is one thing, but random regular land between houses that have no reason to be triggered.

Dr. Longcore noted that the motion on right of first refusal that Kristin referred to has been passed and was just codified into City law that was State law and that the Conservancy has that by State law.

Mason Sommers noted his comment was earlier he appreciates what Nickie was saying but he doesn't have the same confidence as that things will be resolved in such an easy manner. He described being in compliance where he lives with the Mulholland Corridor which is brutal and this extra piece about how to get clearance for any kind of land use potentially is burdensome to all of the homeowners. He also wanted to say that years ago, before the internet was so wide, when he lived in the canyon, if there was going to be a meeting like this, it would be posted at the store, and on both sides of Laurel Canyon; he only found out about this meeting because he has very concerned neighbors such as Kristin and noted that if the committee is going to be taking the residents seriously, there needs to be a voice, and not then simply taking a vote but really hearing what peoples' anxieties and concerns are. He noted that all of us are privileged to live in this area but that we are a very

diverse community, and all the parcels in our area are so random and different: Within 50' we go from places with sidewalks and curbs, and large streets to houses tooth by jowl, deep in the canyon, and they are different communities and it affects all of us differently.

Chair Evans noted respectfully, all of these agendas have been posted at the store; additionally this is probably our seventh meeting that we have been going through this and we have been trying hard here.

Patricia noted that she is hearing about the burdens of site plan review which she totally agrees with and wanted to read what the ordinance says (read by Chair Evans at the start of this item). Patricia read from 6, F, 2, (b) Wildlife Resource Regulations (1) Wildlife Resource Buffer: "All construction and grading activity is prohibited within the required Wildlife Resource Buffers..."

Patricia noted that it's not just that you have to go through site plan review, but there is a tiny little lot next to your house, that puts a 50' buffer onto your property, and it goes onto your house, which is in that buffer, then there is a conflict, as mentioned before. All construction and grading activity is prohibited where your house currently stands; you can do internal but can't add on, can't change the footprint of your house, maybe you have an enclosed porch, and can't make the porch unenclosed. You'd have to get a variance and go through a very complicated process with public hearings and everything with literally no chance of success. She feels that Nickie's idea that it will all get worked out if there is a problem is patently untrue and noted that if was something vitally important she would understand that; if it is just maybe there was a stream there but it is not actually there, or if it is a little lot that was purchased to stop development, to place that kind of a burden on the property owner is just nuts, and if you are going to place that kind of a burden on the property owner, you need to have a really good reason.

Alison noted that she is piggybacking on what Patricia said, that we need a really good reason, and also what Travis said in his public comment. She noted that this goes back to that we need to demand that the Planning Department or the City conduct an environmental review because we don't know what's really important and what's not; we don't even know if the identified rivers, streams, creeks are actually still there; some have been diverted. So, we have all this general stuff here outlined, and it is one big outline with no context, and we need to have an environmental review done, and ... not the Wildlife Corridors of certain sizes and stuff; we need something specific to our area considering that it is affecting so many parcels and that we are a very specific region; not west of the 405, where a majority open space and preserved. She noted that we are developed, and have to be able to figure this out responsibly and not just in this open-ended world that is presented to us today.

There was no committee deliberation on this section of the ordinance at this point.

Motion that we cannot support this section of the ordinance on resource buffers until we have a better understanding of the value of what is mapped, and the positive impact the buffers would have. Chair Evans moved and Member Schlesinger seconded the motion.

Public Comment on the Motion:

Pat noted that she recalls Shawn saying that there are a lot of homes on Stone Canyon that have that dry riverbed on them and that they would all be impacted by this.

Mitchell Guzik thanked the committee for the work they are doing and noted that this has been going on for months, and everyone has emails, we all belong to associations; lack of awareness is not a reasonable excuse at this point, in his opinion.

Patricia related that she thinks Travis would probably come up with the right word and would need more information on the value, whether it is ecological value, and would like to see people with small homes be allowed to increase them to some extent if it doesn't impact the resource. She noted that this is just another example where delineating between pristine lots and already developed lots would be valuable, because you could place greater restrictions on pristine lots and would have a lot of public support but placing restrictions punitive restrictions on lots where people are already living and the lots are already developed, becomes unreasonable.

Dr. Longcore thinks that the no grading or development within 50' may get you into a taking situation; meaning you would have to revert to allow people to grade and develop the minimum project size. He shared his browser to show everybody a parcel in a riparian stream buffer, 1322 Beverly Glen BG, and explained. He noted that the stream goes down the hill... and allegedly goes to the back of this house and puts the property (pointing) on a stream buffer... He pointed out why he keeps coming back to the need to have logical clear descriptions of what resources actually are, knowing the resources we are trying to protect, and the ability to challenge the idea that one would not want development on the parcel there (pointing) that has probably been developed since the 20s.

Elaine Kohn commented that 1) she would also like to thank the committee, having seen them over several meetings she has attended, making a real effort to analyze and discuss and understand this ordinance. She commented on Mitch's comment that this has been going on for a long time and that we have received notice. Elaine noted that some of us don't have the time or means to participate. She noted that when asked how people shared this with their membership, LC was silent.

Stephanie Savage noted that everyone can sign up for the BAB CNC and all their committee information, and can get this all the time. She noted that it is great and highly recommends it. She thinks some people may not be aware of this and should just sign up.

There was no deliberation on the motion. Evans called the question, and a vote was taken with 2 yeses from Schlesinger & Evans, (*an abstention from Miner initially*) a request for the Chair to re-read the motion, and following Loze's explanation for his no vote, there were 2 noes from Loze & Miner, who changed her abstention to a no.

Member Loze gave a detailed explanation for his opposition to this motion, with some comments including that this draft was sent out in April and there has been outreach since and we all have an obligation to look at and review this. He noted that the drafting process is complicated and requires discussion, and opined that giving information on "values" does not address what we need to do. He believes that if we have specific suggestions to modify the language of the ordinance that has been proposed to us, we have an opportunity

to do that, and as he reads wildlife resource and the definition... believes for the purposes that we are reviewing right now, that there is adequate attempt to review this, and that Chair Evans' motion only complicated the what the obligations we have as a committee and citizens are to address the general purpose as stated in 2013, as an attempt to protect the Santa Monica Mountains, and voted no on the motion for that reason.

Chair Evans noted that the motion **failed**.

Chair Evans asked if there was an alternate motion on this or remain silent on this part of the ordinance, because she has a real issue and as Travis had laid out, a lot of these things that are making buffers aren't valuable.

Member Loze noted that he thinks she could adjust her perspective by requesting clarification about the application of a buffer with specific questions but the definitions of the buffer are laid out here; the application is what she is trying to bring clarity to and thinks it is fair to ask questions for the purpose of clarity.

Member Miner recalled that Travis had commented the other day about portions of land that are already habitats and portions on which the animals feed, and that the portions that are attractive and beneficial to the wildlife are valuable should be identified rather than divided it up on the map; that there should be a land identification.

Evans noted that the crux of the motion was, and based on what Travis said, it doesn't seem like the valuable resources are not necessarily the mapped resources and so you are creating a huge burden on people when they have to deal with a non-valuable resource as a valuable resource. Miner suggested specifically stating what a valuable resources is.

Member Loze disagreed, noting that he doesn't think you can. He noted that he does not think there is a quantifiable yardstick as to what is a valuable or invaluable resource. The attempt is to define a resource and then to apply what building restrictions need to apply so you don't interfere with those. He noted that getting into value judgments by yardsticks is a deeper hole that any of us can ever get into and he thinks we have to be very careful about doing that. He thinks we can ask for clarification. He noted that yesterday we talked about one of the motions on site review, when there was a minimal amount of resource touching the land, we provided for an escape clause for that, and thinks that answers some of the question that Travis has raised.

Member Loze noted, on a practical basis, he has spent a lot of time on Franklin Canyon photographing it and being up there, and until we had one day of rain last December, there was no indication of any of the streams that came out afterwards. He noted that he doesn't know how to protect about 1000-year floods or 100-year streams, etc., but they are things there than need some kind of attention and there are professionals, to some extent, who can give us insights when we try and apply. He noted that we don't have to apply for everybody through this ordinance. We are trying to figure out some methodology for people who want to make application to get fair judgment and fit within an overall issue of saving the Santa Monica Mountains.

Loze read from a statement from 2013 that Bayliss sent him from a meeting there,

(California Code, Public Resources Code - PRC § 33001) which he read to let us know how broad it is, to keep it in focus.

The Legislature hereby finds and declares that the Santa Monica Mountains Zone, as defined in [Section 33105](#), is a unique and valuable economic, environmental, agricultural, scientific, educational, and recreational resource that should be held in trust for present and future generations; that, as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties, it provides essential relief from the urban environment; that it exists as a single ecosystem in which changes that affect one part may also affect all other parts; and that the preservation and protection of this resource is in the public interest.

He noted that this is a very broad statement under which we are operating. He noted that this was related to discussions in 2006 when the PLUM asked the Planning Department to come back with a ridgeline ordinance. He noted that these things have been going on for a long time, and we can keep digging and say how big a footprint an insect has to make to go under a fence, but it doesn't give us the broad protection that we need for the Santa Monica Mountains and each other. He thinks there is a saving clause sufficient for us to support the provisions presented to us, for which we can ask for some clarification.

Miner noted that there are different ways to look at the same thing but we have to do something. It seems like the time has come to do something about it and if we don't things will keep getting worse and worse for the humans who live in the hills than it would be if we were we to put in guidelines or try to, wouldn't be so terrible as what would be if we don't do anything.

Motion that we request Planning, in their next public hearing, to clarify as much as possible the definition of "resource" and "buffers" presented in the document that they issued moved by Loze and seconded by Schlesinger.

Public Comment on the New Motion:

Richard MacCracken related that from what he has heard, he thinks that the issue of what is a wildlife resource is impossibly flawed. To say that that it is any feature contributes to the overall quality of the natural and built environment can mean anything to anybody, and to say that the Department could change it at any time and beyond that a project reviewer can decide whether one exists, is an invitation to mischief, and will set things up so that people with a lot of money to spend can get what they want and everybody else can't. He thinks that these flaws need to be addressed. He noted that as far as all the talk about all the outreach that has been done, he assured us that nobody has understood any of this, and the idea that we are all too dumb to understand that beyond orange is a spherical object is kind of insulting; it could be very easy to explain the gist of what's going on here to the average homeowner in a few words, and he doesn't think an attempt has been made to do that.

Dr. Longcore found a stream that is currently a road on the resource map. It goes down the middle of the road in Laurel Canyon and is mapped as a stream, and yes they need to clarify and provide a process by which their mapping can be challenged; one way or the other, it cuts both ways. He is not convinced, given the squishiness of how the resources

are being mapped that it is either going to be legal ultimately or even advisable in terms of priority, to ban all construction, one would presume rebuilding within two years, within 50' of every buffer, given that it is not tied to natural resources on there can be verified. He would support the motion because it is asking them to add more, but still thinks there is more work that needs to be done.

Patricia noted that she believes that 1) the County is better at identifying biologically significant resources to be protected, and it seems to her that the City is too lazy to do that... 2) As to what Don said, when he read the motion, the operative word was "undeveloped" the original intent was to protect "undeveloped" land, not developed land. 3) What Don referenced that the SPR takes care of it, she disagrees. The SPR has nothing to do with the section that says all construction and grading activity is prohibited within the Wildlife Resource buffer.

Mason Summers noted that the gentleman who provided the narrative about the Santa Monica Mountains, that document is far more concrete than what we have here.

Elaine Kohn seconded the comment that Richard made in that the definition is impossibly and an open invitation for many developers to slide their projects through; it's a huge loophole.

There was no committee deliberation and the motion **passed** by **3 yeases** from Schlesinger, Loze, Miner, and **1 abstention** from Chair Evans.

New Motion that this needs to include a simple way to challenge the mapping, the value of the mapped resource, with the burden on the City to prove value **moved** by Chair Evans. **Asked to repeat the motion:** there needs to be a way for the property owner to challenge the value of the mapped resource, with the burden on the City to prove the value. Loze asked if she would strike the word "value" and say "consistent with the intent of this ordinance."

Restating of the New Motion that this needs to include a simple way to challenge whether the mapped resource is habitat, consistent with the intent of the ordinance, with the burden on the City to prove that it is, was **moved** by Evans and **seconded** by Schlesinger.

Public Comment on the Motion:

Patricia noted that the County uses the term "a significant ecological area" and asked if she would amend the motion to say that the City has to prove that it has a significant ecological value.

Alison noted that she cannot support the motion because the intent that we were discussing prior to this whole conversation is that we still don't have the proper definition of intent and it is hard to support a motion that refers back to the intent.

Dr. Longcore noted that he thought Patricia was going towards significant ecological areas would be similar, but he thinks the intent of the ordinance is what they would have to prove that they are consistent with.

Motion **passed** by 3 yeses from Schlesinger, Miner and Loze, and 1 abstention from Evans.

9. **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. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on this section. **This agenda item was deferred until the next meeting on Tuesday 07/05 and attention was turned to #11.**

10. Discussion and possible motion: If not already completed, presentation and discussion on Section 6, F, 2, c (Ridgeline Regulations) 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.

Evans introduced this section of the ordinance on ridgeline regulations.

She added some history of envelope height and overall height in the hillsides for reference dating back to the 2011 Baseline Hillside Ordinance (BHO), and referenced the Current Code from the 2017 BHO.

Public's Request for Clarification & Questions:

Alison noted that the problem has not simply been the lack of an overall height requirement, it is the failure to include basements square footage. It is not just about the lack of overall height though she is in favor of overall height; she has a problem with envelope for certain reasons.

Patricia asked, with respect to overall height, what that regulation has to do with the intent; if we are not talking about cascading down a mountain, just the overall height and changing it from 36 to 25, how that protects wildlife resources that provide wildlife habitat and connectivity opportunities... and even if you could think of something, isn't it equally true for canyon bottoms as ridgelines?

Evans noted that she thinks the answer to that is trying to limit the footprint on the hillside.

Chuck had a question about the particulars of his house, 1550 sf, a ranch style house, on a slab on flat land, has a patio, goes down about 8-10 feet to an easement where two houses below share it, further down, and then his property extends down about 60 yards at an odd angle, to open space... and asked what is the envelope for his property. (Evans noted it is basically the height from the ground... and discussed this further with him.)

Pat & Jay: Pat asked how they determine which side lot is closest to the mapped ridgeline feature when you are pretty much parallel to it? Do you choose or does the City decide? Her other question is, she has one side of the lower floor... she has a bunch of concrete foundation on one side, and asked if that is included? She opined if they are including that she will never be able to do 25 feet. Does it include the concrete foundation? Evans noted that she thinks so; anything above ground. (Schlesinger added comments on basements.)

Richard MacCracken noted that he has a couple of questions: 1) his street corresponds to a ridgeline; the street has been there 70 years, fully built out, fully developed, no vacant lots or anything. His street is a “ridgeline,” and he doesn’t understand why this street would have greater value as a resource promoting the claimed objectives of this ordinance than any other street; how it is more valuable to wildlife than any other street. He hopes to get an answer to why being treated differently. He had a trigger question: If he wanted to add 501 square feet to his 2000 square foot house, is he now required to bring his side yard setback in, which would be devastating if not impossible, and he doesn’t understand the benefit to wildlife by reducing the height limit to 25 feet.

Patricia noted that she had a clarification that might help some people understand the difference between overall height and envelope height; however, Evans noted that this is a time for requests for clarification and we are concluding the meeting within a few minutes.

Shirin Javid asked for confirmation, they live on Bel Air, and asked how much is the maximum height that she can go up on her house from the street level, how high can her property be, under the new ordinance. Evans responded it would be 35’.

Evans noted that if there are more requests for clarification, please shoot her an email; if you have numbers if you think that are better numbers, bring them next week or email the comment to the committee.

Miner requested, and Evans agreed to change the time on Friday to 4:00pm to 6:00pm.

The following agenda items were deferred due to time constraints:

Discussion and possible motion: If not already completed, presentation and discussion on Section 6, G (Issuance of Building Permits) of the draft ordinance.

Discussion and possible motion: If not already completed, presentation and discussion on Section 6, H (Review Procedures) of the draft ordinance.

Good of the Order

The meeting adjourned at 7:29 pm, as moved by Miner.

Next Meeting Date: July 5, 2022 at 5:30 pm

www.babcnc.org

info@babcnc.org