

Bel Air-Beverly Crest Neighborhood Council
Wildlife District Ordinance
Draft Comment Letter
July 13, 2022

The Bel Air-Beverly Crest Neighborhood Council has undergone a painstaking and thorough process of reviewing the proposed Wildlife District ordinance, meeting on the topic for well over twenty hours in 15 meetings devoted to the ordinance and hearing many hours of public comments. Further, many previous meetings were held by committees on the previous draft of the wildlife ordinance as well as on the previous draft of the ridgeline ordinance.

We know that our neighborhood presents a unique ecological resource. While we are a residential neighborhood, we also have within the neighborhood a National Park (Franklin Canyon). Our area is entirely within the Santa Monica Mountains, contains many of the Santa Monica Mountains mapped habitat blocks, and is also in the Rim of the Valley study area. Indeed, the Santa Monica Mountains Conservancy Act, adopted in 1979, states as follows:

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*.

Pub. Res. Code Section 33001 (emphasis added). We therefore recognize the importance of fostering biodiversity, preserving open space and critical habitat, ensuring connectivity for wildlife, and attending to watershed health, wildfire safety and climate resilience, and therefore support the intent and purpose of the ordinance.

Since the Bel Air-Beverly Crest Neighborhood Council area comprises a quite substantial portion of the area to be covered by the proposed Wildlife District, we initiated the process with the expectation that we would have the ability to engage in dialogue with the Planning Department regarding the meaning, application and scientific bases of the proposed ordinance but that has largely not been the case. Again, given

the significance of BABCNC territory within the proposed WLD district, we hope that our feedback is received and weighted appropriately.

Comments below capture our best efforts to reconcile the goals of the ordinance with the needs of residents.

Overall

Our aim in reviewing the ordinance has been to ensure that the focus of the ordinance is on protecting the most valuable resources, and on balancing that protection with legitimate desires to safeguard property interests. Our review finds that there is sometimes a mismatch between the value of a resource that may be present on a property and the attention given to it in the ordinance.

This may be solved by choosing a biologically-based approach rather than a resource-driven land-use-based approach. This is the approach that has been undertaken by the County of Los Angeles. Using such an approach, the Santa Monica Mountains Conservancy's habitat and wildlife connectivity maps could be used as the starting point for land-use conversations with property owners and developers. If habitat is not identified as being present on the lot, site plan review would be unnecessary and a project could proceed through the administrative clearance process. However, if a project fell within a SMMC designated habitat block or other mapped habitat, then the developer would be required to undertake a more granular mapping of the area prepared by a qualified environmental professional to determine if valuable habitat existed on the site. If a parcel was determined to have high habitat value, then site plan review would be required. This approach would ensure that focused analysis and site plan review is conducted only for projects with superior habitat value as determined by a qualified professional and confirmed by City Staff. We find that there is greater community support for this approach.

In this draft of the ordinance, what types of projects will trigger different district-wide regulations is not clear. The Neighborhood Council initially thought that compliance with all district-wide regulations was required if any "project" existed. We were subsequently told that was not the case. While we have been told that a regulation is only triggered for the individual project, this is not clear in the written ordinance. Drafting of the ordinance must be clearer to avoid potentially unintended interpretations. Further, even the explanation received orally at staff presentations regarding triggering is not clear enough. For example, in the information session held on June 28, Planning staff stated that a fencing project would require compliance with fencing requirements but it doesn't appear that fencing would constitute a project at all. It's also unclear when

trash enclosure requirements would be triggered. Clarity on these points would resolve concerns about mis-interpretation. In sum, this section of the Ordinance should be rewritten to clearly state what aspects of the district-wide regulations are triggered and when.

The Neighborhood Council recognizes that the ordinance is supported by some residents and environmental organizations. Indeed, the ordinance has its roots in our neighborhood council - as it was proposed by constituents of the Bel Air-Beverly Crest Neighborhood Council who were concerned about inadequate environmental protection and habitat loss resulting from development activities, particularly projects that involve large high-end luxury residences. These concerns have been exacerbated by the fact that the City of Los Angeles exempts the overwhelming majority of development projects from environmental review under the California Environmental Quality Act. Many years later, the ordinance is now taking shape and coming to fruition.

The Neighborhood Council also recognizes that other residents in our area are opposed to the ordinance. Common refrains in comments we have heard include concern about rebuilding after a disaster, concern about restrictions having a substantial negative effect on property values, concern about public safety effects and a substantial skepticism about the efficacy of the regulations, especially when coupled with the perceived burden. For many residents, their home is their most valuable asset. Sensitivity towards devaluation of this asset should be expected, and the City must minimize the potential for significant devaluation when revising the ordinance.

In order to address concerns about rebuilding in the event of a disaster, a provision should be added to the ordinance to allow building to the 2017 BHO maximum height even in cases where rebuilding cost exceeds the 75% threshold for exemption from current height requirements if the need for rebuilding results from a natural disaster. This topic - the desire to rebuild to 100 percent of the replacement value - has been a *major concern* expressed by constituents and the Neighborhood Council strongly recommends that a limited carve out be authorized.

In order to address concerns about public safety, Planning should consult with LAPD and LAFD regarding the fencing requirements, the preferred plant list, and any other parts of the ordinance about which they may have feedback.

Comments received are attached to this letter and concerns should be addressed by staff.

Need for Further Information And Additional Staff Hearing

Numerous questions have been posed about the scientific underpinnings of the ordinance restrictions. There is no doubt that the ordinance would restrict development in the WLD district. That's its very purpose. Because of this, the community is owed a degree of certainty that there will be some significant benefit accrued. While staff indicated that they had conducted interviews with experts and undertaken literature review over the many years this ordinance has been in the works, requests for detailed explanations about benefits of specific regulations have not been met with adequate answers, and this has hampered community acceptance of this ordinance. The Neighborhood Council believes that staff would prepare a fairly detailed report to be presented to the City Planning Commission and the public that outlines the process that has been undertaken and the scientific bases that underpin the proposed regulations.

The Neighborhood Council appreciates that the City has released the draft Ordinance far in advance of the public hearing and has solicited comments. Naturally, many questions have been raised about the ordinance. Unfortunately, we and the public have not received answers to many of our questions and have been required to comment without having answers on the vast majority of our questions and therefore without having a full understanding of the ordinance. Bel Air-Beverly Crest Neighborhood Council therefore requests a document be prepared with the answers to all applicable questions that have been raised since this draft was released in April, and for there to be a 30-day comment period following the release of this document with another staff hearing to be held at the end of this period. This ordinance should not have a CPC hearing until comment is possible on a complete understanding of the application of and the basis for the ordinance.

Questions this committee has compiled but which remain unanswered are attached to the end of this letter.

Wildlife Resources

As noted above, the Neighborhood Council prefers an approach that relies on habitat mapping at the lot level rather than resource mapping which has been incomplete. Changing this would solve many problems noted below.

"Wildlife resource" is broadly-defined in Section 1 of the ordinance but only limited types of Wildlife Resources are mapped. For example, native woodlands, such as oak and walnut woodlands, which have tremendous environmental value for wildlife, are not on the City's Draft Map even though they were officially mapped by the National

Park Service in 2006. These native woodlands often occur on large, privately-held, vacant land, and yet they are not mapped and have been missed as a resource though they present what is arguably the most valuable resource in our area.

Not mapping all resources has the further effect of injecting uncertainty into all land-use decisions made in the proposed WLD since resources may be identified in review processes which have not previously been mapped. While this flexibility allows for preservation of unmapped resources, there is public concern that this will result in an unreliable process in which identification of resources may be untimely and identification of insignificant unmapped resources may make completion of any project expensive and lengthy or, in the worst cases, impossible.

Moreover, there is no statement in the ordinance about what will result when an unmapped resource on a property is identified. If this approach is to remain part of the ordinance, this must be clarified.

Questions came up about the significance of some mapped resources. Because the existence of a mapped resource automatically triggers site plan review, and because some development won't affect the resource buffer area, BABCNC suggests that there be a *de minimus* review process available for the City to assess whether the specific project warrants site plan review as well as whether the resource is, in actuality, significant.

Following are specific comments on elements of the ordinance.

Administrative Review

BABCNC recommends that projects in the WLD district needing administrative review be subject to Neighborhood Council review as well.

13.21 "WLD" WILDLIFE DISTRICT

Purpose

As stated above, the Bel Air-Beverly Crest Neighborhood Council supports the purpose and intent of the ordinance.

Relationship to Other Zoning Regulations

This WLD Ordinance should not preempt or override Protected Tree Ordinance permit requirements. Tree Removal Permits for removal of protected trees should still be required with public hearings before the Board of Public Works when three or more protected trees are proposed to be removed.

District Identification

City-initiated development should not be exempted from WLD regulations.

Definitions

BABCNC recommends the following modifications to definitions:

Native Plant: Mitigation trees should not be excluded from the definition.

Open Space: Should include “open space” held by non-profit organizations that has not yet been rezoned.

Wildlife Lot Coverage: Replace the word “grade” with “natural ground.”

Applicability

As stated above, the applicability section should make clearer what portions of the ordinance are to be applied.

Tree removal should only be a “project” when there is a removal of a protected tree or significant tree that is not dead or diseased, as determined by a certified tree expert, pest expert, or that compromises the structure of a building. Further, removal of a significant tree on the “prohibited plants” list should require replacement at the rate of two to one with a tree from the preferred list without an administrative review process.

BABCNC acknowledges what we believe is the purpose of considering any construction or grading activity on a lot with a Resource Buffer a “project” for the purpose of the ordinance however we have reservations about the broadness of this application relative to the potential impacts.

District-Wide Regulations

Setbacks: BABCNC recommends removal of the Minimum Front Yard Setback. Applying this may have the effect of reducing more valuable land behind the project

and/or of increasing grading when a project on an upslope lot is pushed further into the hillside.

Wildlife Fences, Walls, Hedges: Only new construction, major remodels and additions exceeding 500 square feet should trigger these regulations, and the City should ensure that the ordinance balances the movement of animals with the safety of residents.

Grading: The committee recognizes the important role of grading limitations in furthering the purpose of the ordinance and therefore supports the intent and the application so long as the prohibition on grading on slopes of 100% or greater does not apply to grading that is necessary to allow for guaranteed minimum RFA to be utilized.

BABCNC recommends the addition of three provisions in the district-wide grading sections:

- Grading permits shall *not* be issued prior to building permit issuance for a structure, and
- Proposed structures must be sited on the lot such that grading is minimized.
- A bond should be collected to insure that in the event of failure to build a project, the site, a graded lot may be stabilized, restored and replanted to the maximum extent possible.

BABCNC also requests the inclusion of a provision to inhibit grading on undeveloped ridgelines existing at the time of passage of the ordinance.

Residential Floor Area

BABCNC supports the intent of this section (RFA) of the ordinance and the regulations identified at 2.i.

We recommend the following modifications for regulations identified at 2.ii:

- Explicitly state that applicants shall be entitled to the Guaranteed Minimum Residential Floor Area per Table 12.21 C.10-3 of the Baseline Hillside Ordinance
- Allow a project owner to utilize the residential floor area attributed to slope bands greater than 60% so long as they are building on the area of a lot that was previously disturbed.
- Discourage placement of structures on environmentally sensitive areas of a lot.

BABCNC also requests that measures be put in place to ensure that small R1-zoned lots are not unfairly penalized by failure to allocate RFA for slope bands greater than 60 percent.

Wildlife Lot Coverage

BABCNC recommends that lot coverage percent be adjusted according to lot size. Fifty percent may be too much to allow large lots and too little to allow small lots. The City should be mindful that some regulations seem punitive when it comes to smaller lots, and owners of small lots should not be excessively burdened compared to owners of larger lots.

100,000 square feet is too much to allow for residential use, so a different, smaller limit should be developed.

Vegetation and Landscaping

BABCNC supports the intent of the landscaping regulations in the ordinance. Given the current operations in the City departments, we have concerns about implementation and want to make sure appropriate funds are available for personnel to handle all parts of this section, including UFD for tree removal.

UFD should be the department that assesses trees for removal. BABCNC also recommends the following related to tree removal:

- Modify to allow the preservation of onsite Native trees to be used to satisfy this requirement if determined that there is no additional space on the parcel to accommodate the new native trees.
- Penalties for unpermitted tree removals should be included in this ordinance.
- The City should assess whether applicants should be required to show that removal of the significant tree is necessary.
- Staff should have discretion to waive the tree requirement if a fire hazard will be created.
- An expedited tree removal process for removal required by the owner's insurance company should be included in the ordinance.
- The size of the required tree to be replanted should be looked at to make sure certain trees are not being excluded from use. To be specific, there is a concern that 15-gallon walnuts may not reach 7 feet in height.
- A fund should be established so that owners of small lots that do not have enough space to handle the required number of trees can pay fees to allow planting of required trees elsewhere.

BABCNC recommends a provision requiring newly-planted trees required by the ordinance to be maintained, including watering and other care, for a minimum of three years.

BABCNC also recommends adding a saving clause to this provision to allow the lists of preferred and protected species to be amended.

Lighting

BABCNC recommends that the maximum restrictions on brightness should be based on total area/size of the lot and not based on brightness per fixture and that the following be included in the regulations:

- That all lights be fully shielded to eliminate upward emissions.
- That security lighting be motion activated and not be constantly illuminated.
- That a curfew be set for both recreational and landscape lighting
- That the definition for “recreational lighting” be provided in the definition section.

Windows

BABCNC recommends the following regarding windows and glazing:

- Windows shall conform to the standards set forth in California Code of Regulations, Title 24.
- Eliminate list of window/glazing treatments and instead specify that treatments should not have a threat factor exceeding 30 in the American Bird Conservancy Products and Solutions database for Glass Collisions.

Site Plan Review

BABCNC recommends the following revisions to requirements for Site Plan Review.

- 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.
- That the word “additional” be stricken from item 2 so that any project resulting in 7500 square feet in total be required to obtain site plan approval.
- That a *de minimis* waiver process be established for projects to avoid site plan review when staff concludes that there is clear convincing evidence that a project will not have a negative impact on a wildlife resource buffer.

- That projects proposed on undeveloped land that is contiguous to lands that cumulatively are greater than half an acre of undeveloped land require site plan review.

Wildlife Resource Regulations

BABCNC supports the intent of the Wildlife Resource regulations as stated.

Please see above for request for procedure for *de minimus* review in order to allow for determinations that either a resource is effectively insignificant or that the project will not affect the buffer area. 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.

Ridgeline Regulations

In order to protect undeveloped ridgelines, structures on undeveloped ridgelines should not exceed 18 feet above an undeveloped ridgeline. As noted above, BABCNC also requests measures inhibiting grading on undeveloped ridgelines.

BABCNC requests more information about what the ridgeline height restrictions are meant to achieve.

The limits are too low, and the envelope height in particular is too restrictive.

An overall height limit should be applied to all hillside properties whether near a ridgeline or not. This height limit should read as follows:

On any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, the overall height limit of 36 feet shall be established for all buildings and structures. And on any lot which has a slope of greater than 66 percent as measured from the lowest point of elevation of the lot to the highest point, the overall height limit of 45 feet shall be established for all buildings and structures. The overall height shall be measured from the lowest elevation point within 5 horizontal feet of the exterior walls of a building or structure to the highest elevation point of the roof structure or parapet wall.

BABCNC would like further clarification on the ridgeline setback requirement, particularly answers to the following questions:

- Can non-wildlife-friendly fencing be used to fence the additional setback? If so, what is the benefit of this provision to wildlife?
- Why was this approach taken rather than the approach of mapping actual used corridors? Is there any benefit to having multiple corridors? If so, what is that?

Conclusion

Neighborhood Councils were created in order to provide greater voices for the community in the decision making process. Indeed, City Charter 900, states that the purpose of neighborhood council is to “promote more citizen participation in government and make government more responsive to local needs.” The Bel Air-Beverly Crest Neighborhood Council has conducted over 15 public hearings and accepted public comment (both in writing and orally) from many residents and interested parties throughout this deliberative process. Each public hearing conducted focused on a specific section of the ordinance and careful consideration was given to balancing the needs of environmental protection and resident burden. The recommended revisions to the ordinance were designed to facilitate compromise and maximize positive impacts of the proposed Ordinance. We urge the Planning Department, the City Planning Commission and our elected decision makers to carefully consider our recommendations. We look forward to working with you as this legislative process continues.

Bel Air-Beverly Crest Neighborhood Council
Ad Hoc Subcommittee On Proposed Wildlife District
Questions Posed That Remain Unanswered
July 10, 2022

The following questions were posed to Planning staff. Some were answered several weeks ago but written questions submitted since initial answers were received have not been answered. This document will be updated as questions are posed and answers received.

WLD Area

If the regulations had been in effect in the previous year, how many additional projects would have needed to go through site plan review?

Definitions

The definition of Lot Coverage, Wildlife specifies that any structure extending more than 6 feet above grade is considered coverage. Please confirm that “above grade” is what is intended and not “above ground.”

Please provide a definition for the following: wildlife resource, built environment, structure, public easement, storm drain and open channel.

Please define ridgelines. Is there any distinction between developed ridgelines, pristine ridgelines and significant ridgelines as far as the ordinance is concerned?

Scientific Underpinnings

What use do relatively small sections of open space have for wildlife that would justify needing resource buffers?

What species are meant to be protected or fostered by fencing requirements and the specific openings required?

Are there any studies on the efficacy of this type of fencing on these or other species?

Please provide a list of science consultants who advised on the ordinance. In addition, please note any special reference works, data analysis or regulations from other municipalities that provide the basis for specific regulations in the ordinance.

Please define specifically the habitats the ordinance seeks to protect.

Please clarify, either individually or by category (fire resistance, habitat benefit, etc.) why plants on the preferred list are on that list or, alternatively, please provide a pointer to source material for the list.

Resource Identification

Will there be a mandate to produce any kind of biological resource survey when you submit your Site Plan Review?

Procedures

Regarding site plan review - how is the 7500 additional square feet to be measured? For example, if a 5000 square foot house is demolished and a 7500 square foot one is built, would that be understood as 2500 additional square feet or 7500? Would this project trigger Site Plan Review? Also, if you had a 6000 square foot house and added 5000 new square feet, we understand that this would not trigger site plan review. Please let us know if we are mistaken.

Are the required findings for Site Plan Review in instances where there is no resource buffer present the same as those where there is a resource buffer present?

Interaction with Existing Rules and Procedures

Why does the FAQ say that current setbacks must be adhered-to if rebuilding after a disaster if the 75% replacement cost threshold is exceeded when the municipal code does not seem to dictate that?

Additional Clarifications

It was noted in the information session that replacing your fence would require compliance with the fencing portion of the ordinance. Replacing your fence, however, is not a "project" under the ordinance, and therefore would not necessitate compliance. Please explain what was meant.

Are the buffers designed to give animals access to private property?

Can trash enclosures be placed in a setback?

Which types of projects would trigger the need for trash enclosures? Would an addition over 500 square feet trigger this?

Regarding site plan review - how is the 7500 additional square feet to be measured? For example, if a 5000 square foot house is demolished and a 7500 square foot one is built, would

that be understood as 2500 additional square feet or 7500? Would this project trigger Site Plan Review? Also, if you had a 6000 square foot house and added 5000 new square feet, we understand that this would not trigger site plan review. Please let us know if we are mistaken.

Are the required findings for Site Plan Review in instances where there is no resource buffer present the same as those where there is a resource buffer present?

Will there be a mandate to produce any kind of biological resource survey when you submit your Site Plan Review?

What is the purpose of the height restrictions given in the ridgeline regulations? A more specific answer will be more helpful.

Would the additional side yard setback required in the ridgeline regulations be permitted to have non-wildlife friendly fencing on its border? Generally what would the fencing requirements be for the additional side yard setback? If the side yard setback could be entirely fenced, what would be the benefit for wildlife?

Why are used corridors not mapped?

BABCNC
Wildlife Ordinance Comments
Received via Forms

Ad Hoc Subcommittee on Proposed Wildlife District - Areas of Concern

This form is meant to identify particular areas of concern in order to help project how much time will need to be spent on particular topics.

Comments on this form will be read by committee members and the general public and are part of the public record. Identifying information is optional.

You may copy and paste this link into your browser to view the ordinance: https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf

Your name

Alison MacCracken

Email address

Alison@MacCracken.com

What questions do you have about the Ordinance?

Has an environmental review been done in the area. Have any homes been put through a test case? Have we considered only applying the ordinance to lots over an acre or homes that will be greater than 10,000sf? Seems silly to punish the majority of homeowners that have small homes built decades ago.

Which portions of the Ordinance are of greatest interest/concern?

- ☒ Applicable project types
- ☐ District-wide regulations - Setbacks/Fencing/Grading/RFA/Lot Coverage
- ☐ District-wide regulations - Landscaping/Lighting/Windows/Trash Enclosures
- ☒ District-wide regulations - Site Plan Review
- ☒ Wildlife Resource Regulations
- ☒ Ridgeline Resource Regulations
- ☒ Review Procedures
- ☐ Maps
- ☐ Other: _____

Any comments or questions?

The ordinance proposes the current height limit be reduced from 36ft to 25ft, however the total structure height can be 35ft. This will incentivize builders to grade and build down the hillside vs. build a traditional 36ft two story home on a flat pad. I believe this height reduction to be more destructive to wildlife than helpful. It also will require people who have existing 36ft high structures to only be able to rebuild to 25ft in the case where they home is lost in a fire or earthquake. I recommend we leave the current height limits in place. Thank you!

This form was created inside of Bel Air/Beverly Crest Neighborhood Council.

Google Forms

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Your name

William Grundfest

Email address

bgrundfest@gmail.com

What questions do you have about the Ordinance?

1. PROPERTY RIGHTS LOST: Does the ordinance take away any homeowners current property rights to build and rebuild their homes? This is an existential issue to affected homeowners, it would destroy our property values, our ability to sell our homes, fund our retirements and college funds, refinance, insure. If it takes any of our current rights it cannot stand and will be the subject of organized legal action. It would be an illegal taking, and it would disproportionately impact a protected class, discriminating against homeowners over a certain age. We have invested in good faith into our community for decades.
 2. PLAIN ENGLISH HEADINGS: The ordinance is written to prevent an average person from understanding it. Can the ordinance state in plain English that it does not take away such property rights and any portion of this ordinance that does is not to be in effect?
 3. PUBLIC SAFETY DANGERS OF THIS ORDINANCE #1: LAPD was NOT consulted on the danger to human life and property such as home invasions and burglaries which will be enabled by "wildlife corridors" between each home, giving criminals easy - and UNSEEN - access to the back of our homes. Can we remove these "corridors" from the ordinance?
 4. PUBLIC SAFETY DANGERS OF THIS ORDINANCE #2: These corridors will invite homeless people to camp and make campfires - which could VERY easily burn down the entire neighborhood. These corridors must be removed from the ordinance.
 5. BIRD WINDOWS: 2.5 times as many birds are killed by housecats allowed to roam outside as by birds flying into windows. Why not replace these bird window regulations with a regulation banning housecats from roaming outside?
-

Which portions of the Ordinance are of greatest interest/concern?

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Any comments or questions?

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Your name

Patricia Templeton

Email address

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What questions do you have about the Ordinance?

Broadly: Where is the science that supports these regulations? Where is the cost-benefit analysis?

What kind of notice will homeowners get from the City? Will it be like the notice of the Ridgeline Ordinance that concealed the true nature and impact of that ordinance? Would the City notify homeowners by mail that the Wildlife Ordinance WILL impact their property rights, in many cases severely?

More narrowly: Applicability is confusing and poorly drafted - it is unclear which regulations would be triggered, and when, and the scope. Resource definitions are so open ended that almost anything could be a Resource and result in the attendant consequences. What would be the process for adding additional Resources to the map, and/or the ordinance. In a given project who decides whether an unmapped Resource that meets the broad definition exists on the property, and what recourse is there for the homeowner? Once the SUD is created, what would be the process for amending the ordinance (e.g. adding additional regulations, or widening the type of projects that trigger various regulations).

Which portions of the Ordinance are of greatest interest/concern?

- ☒ Applicable project types
- ☐ District-wide regulations - Setbacks/Fencing/Grading/RFA/Lot Coverage
- ☒ District-wide regulations - Landscaping/Lighting/Windows/Trash Enclosures
- ☒ District-wide regulations - Site Plan Review
- ☒ Wildlife Resource Regulations
- ☒ Ridgeline Resource Regulations
- ☒ Review Procedures
- ☒ Maps
- ☒ Other: FENCING is missing from the list above

Any comments or questions?

The Wildlife Ordinance is a poster child for "bad law". These regulations, for the most part, lack scientific support and will do little to actually benefit wildlife or natural resources (e.g. the WO lacks meaningful protections for real existing wildlife corridors or pristine land). Instead it is a collection of largely non-sensical restrictions that will have drastic impacts on homeowners, especially those with smaller and/or older homes.

In analyzing this ordinance and making recommendations, the Ad Hoc Committee needs to ask, (as Planning should have done, but clearly did not):

- 1) What specific wildlife concern is each regulations intended to address?
- 2) What scientific evidence is there that that wildlife concern exists in the pilot area, and is of sufficient seriousness to warrant action?
[If the regulation is addressing other than a wildlife concern, or there is not good evidence that the wildlife concern exists in the pilot area, stop here. Regulations that do not pertain to legitimate wildlife concerns in the pilot area have no place in a WILDLIFE ordinance for the pilot area]
- 3) What is the evidence that the suggested regulation is the best solution, or even a reasonable solution, to address that specific wildlife concern?
- 4) What are the costs, both financially and in terms of quality of life and enjoyment of property and home, to homeowners from that regulation?
- 5) What is the cost/complexity associated with that particular regulation for the City?
- 6) What might be the unintended consequences of that particular regulation?
- 7) What other options are there that would accomplish the legitimate wildlife concern at a lower cost (both financially and otherwise) to homeowners and the city?

In short, you must engage in a cost benefit analysis and find that a scientifically established benefit to wildlife measurably outweighs the burden on homeowners and residents, and would be the least burdensome alternative, to consider supporting that regulation.

This form was created inside of Bel Air/Beverly Crest Neighborhood Council.

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Ad Hoc Subcommittee on Proposed Wildlife District - Areas of Concern

This form is meant to identify particular areas of concern in order to help project how much time will need to be spent on particular topics.

Comments on this form will be read by committee members and the general public and are part of the public record. Identifying information is optional.

You may copy and paste this link into your browser to view the ordinance: https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf

Your name

Pat Zingheim and Jay Schuster

Email address

1541 Bel Air Road, Los Angeles 90077

What questions do you have about the Ordinance?

Please use our house at 1541 Bel Air Road as a RFA example (not counting land at slope greater than 60 degrees in determining the square footage of a new house).

I have some of the property's slope mapped in detail by a surveyor; the rest is greater than 60-degree slope. Our 1957 house is 4,518 sf.

Which portions of the Ordinance are of greatest interest/concern?

- ☐ Applicable project types
- ☐ District-wide regulations - Setbacks/Fencing/Grading/RFA/Lot Coverage
- ☐ District-wide regulations - Landscaping/Lighting/Windows/Trash Enclosures
- ☐ District-wide regulations - Site Plan Review
- ☐ Wildlife Resource Regulations
- ☐ Ridgeline Resource Regulations
- ☐ Review Procedures
- ☐ Maps
- ☐ Other: _____

Any comments or questions?

Please ask Bel Air Association to put any message about the Ordinance with a link to the Ordinance in the weekly newsletter--the Association has yet to do so. The 6/1/22 board meeting flyer mentions several topics but nothing about the Wildlife Ordinance.

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Your name

Leslie Gallin

Email address

missfashion@cs.com

What questions do you have about the Ordinance?

I would like for us all not to be draconian on this issue. Meaning, there are many people who's major investment (their homes) thru this ordinance as it is currently written will make it hard for folks to sell their homes and if a catastrophic event occurs rebuilding will be fought with huge challenges which truthfully are unnecessary.

Let's separate the wildlife issue from the issue of construction ridge line concerns.

Perhaps the answers can be : Ridgeline - current vacant land not currently under construction (NEW) will need to adhere to height restrictions et al. Those homes currently built in these ridge line areas should be able to rebuild at the current height limit I believe 35 feet. Basically grandfathering in the current homes.

With regards to the Wildlife: We who live up here are here because we love the wildlife and our trees. Regarding glass windows - really how many birds fly into these windows? It's nominal. I do think we need to look at ensuring clean water and variegation for the animals to stay on the hillsides and not look to migrate down the hills towards the streets.

Thank you

Which portions of the Ordinance are of greatest interest/concern?

- ☐ Applicable project types
- ☒ District-wide regulations - Setbacks/Fencing/Grading/RFA/Lot Coverage
- ☒ District-wide regulations - Landscaping/Lighting/Windows/Trash Enclosures
- ☒ District-wide regulations - Site Plan Review
- ☒ Wildlife Resource Regulations
- ☒ Ridgeline Resource Regulations
- ☒ Review Procedures
- ☐ Maps
- ☐ Other: _____

Any comments or questions?

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Your name

leslie gallin

Email address

missfashion@cs.com

What questions do you have about the Ordinance?

Concern over rebuilding should it be necessary

Which portions of the Ordinance are of greatest interest/concern?

- ☐ Applicable project types
- ☒ District-wide regulations - Setbacks/Fencing/Grading/RFA/Lot Coverage
- ☒ District-wide regulations - Landscaping/Lighting/Windows/Trash Enclosures
- ☒ District-wide regulations - Site Plan Review
- ☐ Wildlife Resource Regulations
- ☒ Ridgeline Resource Regulations
- ☒ Review Procedures
- ☐ Maps
- ☐ Other: _____

Any comments or questions?

Concern over property values and ability to resell homes in this area. Therefore a compromise must be found with those who have instigated this ordinance and those who will be effected. The ordinance as it is currently written is draconian and socialist.

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Ad Hoc Subcommittee on Proposed Wildlife District - Comments on Section 6, A-E

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Please refer to this when answering these questions.

Any previous comment you have made will be read and considered.

Commenting here does not preclude commenting in the meeting.

Your name

Leslie Gallin

Email address

lgallin2@gmail.com

The next two questions are about Section 6, A-C. You can find the text below.

A. Purpose. This section sets forth procedures and standards for the Wildlife Ordinance. The general purpose of the Wildlife Ordinance is to maintain and enhance wildlife habitat and connectivity by providing standards and regulations applicable to development in ecologically important areas. The overall intent of the ordinance is to achieve protection of natural resources, plants, animals, and open space and thereby advance sustainability, wildlife connectivity, biodiversity, watershed health, wildfire safety, and climate resilience goals for the City.

B. Relationship to Other Zoning Regulations. Wherever the provisions of the Wildlife District conflict with any provisions of other Supplemental Use Districts, the underlying zone, or any other regulation, the more restrictive provision shall prevail.

C. District Identification. The provisions of this Section apply to any lot designated as WLD as a part of its zone designation. Development on properties within the Wildlife District are subject to the development regulations, as applicable, in Subsection F of this Section. Development initiated by the City is exempt from all regulations contained in this Section.

Please provide questions on this section here.

I would like to know exactly which areas are effected by this ordinance

Please provide comments on this section here.

The next two questions are about Section 6, D. This section provides definitions related to the ordinance. These are below.

Channel, Open. A stream or river bed; generally refers to the physical form where water commonly flows.

Hedge. A row of bushes or small trees planted close together to form a fence or boundary; and or all shrubs planted closer than 1/2 of their height at maturity from another shrub or Tree. All trees planted closer than 1/2 of their canopy diameter at maturity from another tree.

Lot Coverage, Wildlife. The area of a parcel covered by:

- Any structures extending more than six feet above grade;
- Pools;
- Planters;
- Tennis courts;
- Pavement (sidewalks, multi-use paths)
- Patios, low decks, and stairs and ramps that are 2.5 feet in height or less

Native Tree. Any single trunk Native Plant, including those identified as Protected Trees, which measures four inches or more in diameter, 4 feet 6 inches above the ground level at the base of the plant; or any multiple trunk Native Plant that measures twelve inches or more in diameter immediately below the lowest branch; or any Native Plant planted pursuant to a permit to relocate or remove trees.

Native Plant. Any plant species listed on Calflora (or its successor standard reference as adopted by the Director) and identified as naturally-occurring and adapted to the environmental conditions of the Los Angeles region and whose presence is not due to human intervention (e.g., planned landscaping). This definition excludes invasive plants like dandelions and other weeds.

Open Space. Any parcel or area of land or water that is zoned or designated for Open Space, essentially unimproved and devoted to an open-space use, including: (1) preservation of natural resources, e.g., preservation of flora and fauna, animal habitats, bird flyways, ecologic and other scientific study areas, watershed; (2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply; (3) outdoor recreation, e.g., beaches, waterways, utility easements, trails, scenic highway corridors; and/or (4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement. Open Space shall also include City-owned vacant land that, while not zoned as Open Space, meets the criteria above.

Planting Area. The area on a lot designated and designed for plants, including zones A and B.

Project. Any of the Project Types listed in Section 13.21.E.1 of this Code shall be counted as a Project.

Preferred Plant. Any plant identified on the Preferred Plant List, as adopted and maintained by the Director of Planning.

Prohibited Plant. Any plant identified on the Prohibited Plant List, as adopted and maintained by the Director of Planning.

Protected Tree or Shrub. See definition in Section 17.02.

Ridgeline. See definition in Section 12.03.

Riparian Area. Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas are usually transitional between wetland and upland. Riparian areas have one or both of the following characteristics: distinctly different vegetative species than adjacent areas; species similar to adjacent areas, but exhibiting more vigorous or robust growth forms. U.S. Fish and Wildlife Service.

Riparian Vegetation. Plants contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian Areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and/or 2) species similar to adjacent areas, but exhibiting more vigorous or robust growth forms. Riparian Areas are usually transitional between wetland and upland.

Significant Tree. Any tree that measures 12 inches or more in diameter at four and one-half feet above the average natural grade at the base of the tree and/or is more than 35 feet in height.

Stream. Any perennial or intermittent watercourse having a surface or subsurface flow that supports or has supported riparian vegetation.

Unobstructed. Clear of artificial structures, materials, or articles that may impede the movement or negatively impact the natural behavior of wildlife.

Water Resources. Sources of permanent or intermittent surface water, including, but not limited to, lakes, reservoirs, ponds, rivers, streams, marshes, seeps springs, vernal pools, and playas.

Wetland. Any natural lake, intermittent lake, pond, intermittent pond, marsh, swamp, seep or spring.

Wildlife-Friendly Fencing. Fencing that supports habitat connectivity and wildlife movement through appropriate location, extent, and design. See Section F.1.(b) of this Ordinance for dimensional standards. Prohibited materials include, glass, spikes, chain-link, barbed wire, plastic mesh, razor wire, concertina wire, woven wire. All hollow fence posts or fences with top holes, such as metal pipes, shall be capped to prevent trapping or injuring wildlife.

Wildlife Resource. See Section 12.03.

Wildlife Resource Buffer. An area measuring up to 50 feet from an identified Wildlife Resource.

Please provide questions on this section here.

Please provide comments on this section here.

Section 6 E describes the applicability of the ordinance. The text is below.

Applicability. A Project that satisfies at least one criterion under the "Project Type" list in Subdivision 1 below shall comply with the provisions contained in Subdivision 1 of Subsection F of this Section (13.21.F.1).

Additionally, Projects located on lots where Wildlife Resources or Ridgelines have been identified must also comply with the provisions established in Subdivision 2 of Subsection F of this Section (13.21.F.2).

Interior remodeling and construction activity that does not alter or expand a building or structure's footprint shall not count as a Project.

1. Project Type

(a) New Construction. The construction of a new, standalone building.

(b) Additions. Additions exceeding 500 square feet to any building or structure.

(c) Major Remodel- Hillside. Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.

(d) Grading. Cumulative grading on a lot in excess of 500 cubic yards. (e) Tree Removal. Removal of any Protected Tree, Significant Tree, or tree within the public right of way.

(f) Any construction or grading activity requiring a permit on a lot where a Wildlife Resource Buffer is present.

Please provide questions on this section here.

Please provide comments on this section here.

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Ad Hoc Subcommittee on Proposed Wildlife District - Comments on Section 6, A-E

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Please refer to this when answering these questions.

Any previous comment you have made will be read and considered.

Commenting here does not preclude commenting in the meeting.

Your name

Patricia Templeton

Email address

pftpjm-123@yahoo.com

The next two questions are about Section 6, A-C. You can find the text below.

A. Purpose. This section sets forth procedures and standards for the Wildlife Ordinance. The general purpose of the Wildlife Ordinance is to maintain and enhance wildlife habitat and connectivity by providing standards and regulations applicable to development in ecologically important areas. The overall intent of the ordinance is to achieve protection of natural resources, plants, animals, and open space and thereby advance sustainability, wildlife connectivity, biodiversity, watershed health, wildfire safety, and climate resilience goals for the City.

B. Relationship to Other Zoning Regulations. Wherever the provisions of the Wildlife District conflict with any provisions of other Supplemental Use Districts, the underlying zone, or any other regulation, the more restrictive provision shall prevail.

C. District Identification. The provisions of this Section apply to any lot designated as WLD as a part of its zone designation. Development on properties within the Wildlife District are subject to the development regulations, as applicable, in Subsection F of this Section. Development initiated by the City is exempt from all regulations contained in this Section.

Please provide questions on this section here.

Why shouldn't development initiated by the City be included.

Please provide comments on this section here.

My guess is the city is exempting itself from these regulations because it is aware of how burdensome they be. Why else would they exclude themselves?

The next two questions are about Section 6, D. This section provides definitions related to the ordinance. These are below.

Channel, Open. A stream or river bed; generally refers to the physical form where water commonly flows.

Hedge. A row of bushes or small trees planted close together to form a fence or boundary; and or all shrubs planted closer than 1/2 of their height at maturity from another shrub or Tree. All trees planted closer than 1/2 of their canopy diameter at maturity from another tree.

Lot Coverage, Wildlife. The area of a parcel covered by:

- Any structures extending more than six feet above grade;
- Pools;
- Planters;
- Tennis courts;
- Pavement (sidewalks, multi-use paths)
- Patios, low decks, and stairs and ramps that are 2.5 feet in height or less

Native Tree. Any single trunk Native Plant, including those identified as Protected Trees, which measures four inches or more in diameter, 4 feet 6 inches above the ground level at the base of the plant; or any multiple trunk Native Plant that measures twelve inches or more in diameter immediately below the lowest branch; or any Native Plant planted pursuant to a permit to relocate or remove trees.

Native Plant. Any plant species listed on Calflora (or its successor standard reference as adopted by the Director) and identified as naturally-occurring and adapted to the environmental conditions of the Los Angeles region and whose presence is not due to human intervention (e.g., planned landscaping). This definition excludes invasive plants like dandelions and other weeds.

Open Space. Any parcel or area of land or water that is zoned or designated for Open Space, essentially unimproved and devoted to an open-space use, including: (1) preservation of natural resources, e.g., preservation of flora and fauna, animal habitats, bird flyways, ecologic and other scientific study areas, watershed; (2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply; (3) outdoor recreation, e.g., beaches, waterways, utility easements, trails, scenic highway corridors; and/or (4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement. Open Space shall also include City-owned vacant land that, while not zoned as Open Space, meets the criteria above.

Planting Area. The area on a lot designated and designed for plants, including zones A and B.

Project. Any of the Project Types listed in Section 13.21.E.1 of this Code shall be counted as a Project.

Preferred Plant. Any plant identified on the Preferred Plant List, as adopted and maintained by the Director of Planning.

Prohibited Plant. Any plant identified on the Prohibited Plant List, as adopted and maintained by the Director of Planning.

Protected Tree or Shrub. See definition in Section 17.02.

Ridgeline. See definition in Section 12.03.

Riparian Area. Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas are usually transitional between wetland and upland. Riparian areas have one or both of the following characteristics: distinctly different vegetative species than adjacent areas; species similar to adjacent areas, but exhibiting more vigorous or robust growth forms. U.S. Fish and Wildlife Service.

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Stream. Any perennial or intermittent watercourse having a surface or subsurface flow that supports or has supported riparian vegetation.

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Wildlife-Friendly Fencing. Fencing that supports habitat connectivity and wildlife movement through appropriate location, extent, and design. See Section F.1.(b) of this Ordinance for dimensional standards. Prohibited materials include, glass, spikes, chain-link, barbed wire, plastic mesh, razor wire, concertina wire, woven wire. All hollow fence posts or fences with top holes, such as metal pipes, shall be capped to prevent trapping or injuring wildlife.

Wildlife Resource. See Section 12.03.

Wildlife Resource Buffer. An area measuring up to 50 feet from an identified Wildlife Resource.

Please provide questions on this section here.

Please provide comments on this section here.

- 1) The definition of Open Space, as written is overly broad. As an example it would include ALL City owned land in the hills because all City owned land in the hills is in a fire hazard area. As such, a Wildlife Buffer would be created around any City owned land under this definition
- 2) Permeable pavement, patios etc should be excluded from the calculation

Section 6 E describes the applicability of the ordinance. The text is below.

Applicability. A Project that satisfies at least one criterion under the "Project Type" list in Subdivision 1 below shall comply with the provisions contained in Subdivision 1 of Subsection F of this Section (13.21.F.1).

Additionally, Projects located on lots where Wildlife Resources or Ridgelines have been identified must also comply with the provisions established in Subdivision 2 of Subsection F of this Section (13.21.F.2).

Interior remodeling and construction activity that does not alter or expand a building or structure's footprint shall not count as a Project.

1. Project Type

- (a) New Construction. The construction of a new, standalone building.
- (b) Additions. Additions exceeding 500 square feet to any building or structure.
- (c) Major Remodel- Hillside. Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.
- (d) Grading. Cumulative grading on a lot in excess of 500 cubic yards. (e) Tree Removal. Removal of any Protected Tree, Significant Tree, or tree within the public right of way.
- (f) Any construction or grading activity requiring a permit on a lot where a Wildlife Resource Buffer is present.

Please provide questions on this section here.

It is unclear what exactly is triggered with each of these. Do all F.1 provisions have to be complied with if any of these Project are undertaken? Do all F.2 provisions have to be complied with if any of the Projects undertaken are on lots with a Resource Buffer? That is what the language, though unclear, seems to imply. What type of permit does a tree removal require. What if the tree removal necessitates a construction permit (e.g. where the tree has damaged a house or other structure)?

Please provide comments on this section here.

- 1) Be aware of unintended consequences. If you make additions or remodels too burdensome homeowners will not undertake them for their own needs but will sell to developers who will build the biggest projects they are allowed. Similarly, if tree removals trigger anything other than tree replacement, expect a rash of significant tree removals before the ordinance, if passed, takes effect, and expect many trees being removed before they become significant and/or people only planting trees that will not grow large enough to become significant.
- 2) The 500sf addition threshold and major remodel (and in fact most of the Project types) will disproportionately affect owners of smaller and/or older homes, while leaving owners of larger and/or newer construction unaffected (as they will be less likely to undertake any of these projects than those will small or old homes). Any threshold should be based on total square feet, not on amount added or 50% of cost of replacement.
- 3) The inclusion of ANY construction or grading on a lot with a resource buffer on the lot, regardless of how far away the construction or grading is from the buffer, is overreach and punitive to those homeowners who find themselves living on a lot that has suddenly had this proscription declared.
- 4) If tree removal triggers any other provision other than tree replacement, this could be devastating for homeowners who find themselves having to remove a tree to protect their home (eg where the tree is damaging the home, or where they need to remove the tree to obtain property insurance)
- 5) Because remedial grading is included in the grading threshold, this might trigger applicability even where there is no or limited construction. Remedial grading, especially on lots with older homes, is sometimes required for additions of less than 500sf, or even for internal remodeling that includes structural changes. Similarly, if it ever rains again, remedial grading may be required even when no construction takes place, due to slope failure.
- 6) Please keep in mind that not all homeowners will have the funds to easily comply with all the provisions, so take that into account when considering what you think should trigger the application of those provisions.

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Ad Hoc Subcommittee on Proposed Wildlife District - Comments on Section 6, A-E

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Your name

Leslie Gallin

Email address

missfashion@cs.com

The next two questions are about Section 6, A-C. You can find the text below.

A. Purpose. This section sets forth procedures and standards for the Wildlife Ordinance. The general purpose of the Wildlife Ordinance is to maintain and enhance wildlife habitat and connectivity by providing standards and regulations applicable to development in ecologically important areas. The overall intent of the ordinance is to achieve protection of natural resources, plants, animals, and open space and thereby advance sustainability, wildlife connectivity, biodiversity, watershed health, wildfire safety, and climate resilience goals for the City.

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Please provide questions on this section here.

Clarity is needed on fencing. Considering we live in the hills where we have deer, rabbits, coyote and mountain lions , how can having a 50% opening on our fences make sense? Do we really want to put these animals in jeopardy by encouraging greater movement to the streets? Exactly how high can the fences be when your property is surrounded by open hillside and the exact measurement for the space between each post in the fence.

Please provide comments on this section here.

The next two questions are about Section 6, D. This section provides definitions related to the ordinance. These are below.

Channel, Open. A stream or river bed; generally refers to the physical form where water commonly flows.

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Lot Coverage, Wildlife. The area of a parcel covered by:

- Any structures extending more than six feet above grade;
- Pools;
- Planters;
- Tennis courts;
- Pavement (sidewalks, multi-use paths)
- Patios, low decks, and stairs and ramps that are 2.5 feet in height or less

Native Tree. Any single trunk Native Plant, including those identified as Protected Trees, which measures four inches or more in diameter, 4 feet 6 inches above the ground level at the base of the plant; or any multiple trunk Native Plant that measures twelve inches or more in diameter immediately below the lowest branch; or any Native Plant planted pursuant to a permit to relocate or remove trees.

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Open Space. Any parcel or area of land or water that is zoned or designated for Open Space, essentially unimproved and devoted to an open-space use, including: (1) preservation of natural resources, e.g., preservation of flora and fauna, animal habitats, bird flyways, ecologic and other scientific study areas, watershed; (2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply; (3) outdoor recreation, e.g., beaches, waterways, utility easements, trails, scenic highway corridors; and/or (4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement. Open Space shall also include City-owned vacant land that, while not zoned as Open Space, meets the criteria above.

Planting Area. The area on a lot designated and designed for plants, including zones A and B.

Project. Any of the Project Types listed in Section 13.21.E.1 of this Code shall be counted as a Project.

Preferred Plant. Any plant identified on the Preferred Plant List, as adopted and maintained by the Director of Planning.

Prohibited Plant. Any plant identified on the Prohibited Plant List, as adopted and maintained by the Director of Planning.

Protected Tree or Shrub. See definition in Section 17.02.

Ridgeline. See definition in Section 12.03.

Riparian Area. Riparian areas are plant communities contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent lotic and lentic water bodies (rivers, streams, lakes, or drainage ways). Riparian areas are usually transitional between wetland and upland. Riparian areas have one or both of the following characteristics: distinctly different vegetative species than adjacent areas; species similar to adjacent areas, but exhibiting more vigorous or robust growth forms. U.S. Fish and Wildlife Service.

Riparian Vegetation. Plants contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian Areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and/or 2) species similar to adjacent areas, but exhibiting more vigorous or robust growth forms. Riparian Areas are usually transitional between wetland and upland.

Significant Tree. Any tree that measures 12 inches or more in diameter at four and one-half feet above the average natural grade at the base of the tree and/or is more than 35 feet in height.

Stream. Any perennial or intermittent watercourse having a surface or subsurface flow that supports or has supported riparian vegetation.

Unobstructed. Clear of artificial structures, materials, or articles that may impede the movement or negatively impact the natural behavior of wildlife.

Water Resources. Sources of permanent or intermittent surface water, including, but not limited to, lakes, reservoirs, ponds, rivers, streams, marshes, seeps springs, vernal pools, and playas.

Wetland. Any natural lake, intermittent lake, pond, intermittent pond, marsh, swamp, seep or spring.

Wildlife-Friendly Fencing. Fencing that supports habitat connectivity and wildlife movement through appropriate location, extent, and design. See Section F.1.(b) of this Ordinance for dimensional standards. Prohibited materials include, glass, spikes, chain-link, barbed wire, plastic mesh, razor wire, concertina wire, woven wire. All hollow fence posts or fences with top holes, such as metal pipes, shall be capped to prevent trapping or injuring wildlife.

Wildlife Resource. See Section 12.03.

Wildlife Resource Buffer. An area measuring up to 50 feet from an identified Wildlife Resource.

Please provide questions on this section here.

What increased preventative measures will the city and the state offer regarding fire danger in our area. Given this Ordinance , I feel the mention of fire prevention MUST be included.

Please provide comments on this section here.

Section 6 E describes the applicability of the ordinance. The text is below.

Applicability. A Project that satisfies at least one criterion under the "Project Type" list in Subdivision 1 below shall comply with the provisions contained in Subdivision 1 of Subsection F of this Section (13.21.F.1).

Additionally, Projects located on lots where Wildlife Resources or Ridgelines have been identified must also comply with the provisions established in Subdivision 2 of Subsection F of this Section (13.21.F.2).

Interior remodeling and construction activity that does not alter or expand a building or structure's footprint shall not count as a Project.

1. Project Type

- (a) New Construction. The construction of a new, standalone building.
- (b) Additions. Additions exceeding 500 square feet to any building or structure.
- (c) Major Remodel- Hillside. Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.
- (d) Grading. Cumulative grading on a lot in excess of 500 cubic yards. (e) Tree Removal. Removal of any Protected Tree, Significant Tree, or tree within the public right of way.
- (f) Any construction or grading activity requiring a permit on a lot where a Wildlife Resource Buffer is present.

Please provide questions on this section here.

Please provide comments on this section here.

This is extremely draconian for those who already live in a ridgeline area. Guidance must be written in for rebuilding homes which were already in these areas. Basically allowing those homes to rebuild with at least the same height they were originally. ie: Those homes which are 35ft high should be allowed to rebuild exactly as they were.

This form was created inside of Bel Air/Beverly Crest Neighborhood Council.

Google Forms

Ad Hoc Subcommittee on Proposed Wildlife District - Comments on Sections 1-5 and Section 6, A-E and Section 6, F-1 (District-Wide Regulations)

This form is meant to collect comment on areas of committee focus for initial meetings.

Comments on this form will be read by committee members and the general public and are part of the public record. Identifying information is optional.

You may copy and paste this link into your browser to view the ordinance: https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf

Your name

William Grundfest

Email address

bgrundfest@gmail.com

What questions do you have about these sections?

1. PROPERTY RIGHTS LOST: Does the ordinance take away any homeowners current property rights to build and rebuild their homes? This is an existential issue to affected homeowners, it would destroy our property values, our ability to sell our homes, fund our retirements and college funds, refinance, insure. If it takes any of our current rights it cannot stand and will be the subject of organized legal action. It would be an illegal taking, and it would disproportionately impact a protected class, discriminating against homeowners over a certain age. We have invested in good faith into our community for decades.
 2. PLAIN ENGLISH HEADINGS: The ordinance is written to prevent an average person from understanding it. Can the ordinance state in plain English that it does not take away such property rights and any portion of this ordinance that does is not to be in effect?
 3. PUBLIC SAFETY DANGERS OF THIS ORDINANCE #1: LAPD was NOT consulted on the danger to human life and property such as home invasions and burglaries which will be enabled by "wildlife corridors" between each home, giving criminals easy - and UNSEEN - access to the back of our homes. Can we remove these "corridors" from the ordinance?
 4. PUBLIC SAFETY DANGERS OF THIS ORDINANCE #2: These corridors will invite homeless people tom camp and make campfires - which could VERY easily burn down the entire neighborhood. These corridors must be removed from the ordinance.
 5. BIRD WINDOWS: 2.5 times as many birds are killed by housecats allowed to roam outside as by birds flying into windows. Why not replace these bird window regulations with a regulation banning housecats from roaming outside?
-

Are any portions of district-wide regulations of particular interest or concern to you?

- ☒ Setbacks
- ☒ Fencing, Walls & Hedges
- ☒ Grading
- ☒ Residential Floor Area
- ☒ Lot Coverage
- ☒ Landscaping
- ☐ Lighting
- ☒ Windows
- ☐ Trash Enclosures
- ☐ Site Plan Review

Please provide any written comment on Sections A-E and on District-Wide Regulations.

Commenting here has no effect on your ability to provide public comment in the meeting.

1. PROPERTY RIGHTS LOST: Does the ordinance take away any homeowners current property rights to build and rebuild their homes? This is an existential issue to affected homeowners, it would destroy our property values, our ability to sell our homes, fund our retirements and college funds, refinance, insure. If it takes any of our current rights it cannot stand and will be the subject of organized legal action. It would be an illegal taking, and it would disproportionately impact a protected class, discriminating against homeowners over a certain age. We have invested in good faith into our community for decades.
2. PLAIN ENGLISH HEADINGS: The ordinance is written to prevent an average person from understanding it. Can the ordinance state in plain English that it does not take away such property rights and any portion of this ordinance that does is not to be in effect?
3. PUBLIC SAFETY DANGERS OF THIS ORDINANCE #1: LAPD was NOT consulted on the danger to human life and property such as home invasions and burglaries which will be enabled by "wildlife corridors" between each home, giving criminals easy - and UNSEEN - access to the back of our homes. Can we remove these "corridors" from the ordinance?
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This form was created inside of Bel Air/Beverly Crest Neighborhood Council.

Google Forms

Ad Hoc Subcommittee on Proposed Wildlife District - Comments on Sections 1-5 and Section 6, A-E and Section 6, F-1 (District-Wide Regulations)

This form is meant to collect comment on areas of committee focus for initial meetings.

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You may copy and paste this link into your browser to view the ordinance: https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf

Your name

Pat Zingheim and Jay Schuster

Email address

sz@schuster-zingheim.com

What questions do you have about these sections?

Several items from last week's 6/9/22 meeting

Are any portions of district-wide regulations of particular interest or concern to you?

- ☐ Setbacks
- ☐ Fencing, Walls & Hedges
- ☐ Grading
- ☒ Residential Floor Area
- ☐ Lot Coverage
- ☐ Landscaping
- ☐ Lighting
- ☐ Windows
- ☐ Trash Enclosures
- ☐ Site Plan Review

Please provide any written comment on Sections A-E and on District-Wide Regulations.
Commenting here has no effect on your ability to provide public comment in the meeting.

Please provide a definitive position about your recommendations about the ability to build on small properties—it appeared that it was passed over without a recommendation. We also hope other major issues like RFA won't be passed over because these are difficult issues to address but are critical to rebuilding and retaining any property value. Also, the trash enclosure was not included in consideration of all the concrete square footage count—all parts of the new Ordinance need to be considered for their impact on other parts of the Ordinance. When will the property examples be addressed for homeowners' ability to rebuild?

This form was created inside of Bel Air/Beverly Crest Neighborhood Council.

Google Forms

BABCNC
Wildlife Ordinance Comments
Received via Email



Ellen Evans <eevans@babcnc.org>

Fwd: Burglary/home invasion prevention

william grundfest <bgrundfest@gmail.com>

Fri, May 27, 2022 at 12:47 PM

To: Travis Longcore <tlongcore@babcnc.org>, Jamie Hall <jhall@babcnc.org>, Robin Greenberg <rgreenberg@babcnc.org>, Nicole Miner <nlbminer@aol.com>, Wendy Morris <wmorris@babcnc.org>, Ellen Evans <eevans@babcnc.org>

Hello,

Thanks for the zoom meeting yesterday.

Below please find an email from LAPD Captain Johnathan Tom, the watch commander at the West LA precinct.

Please note that:

1. He justifies our concerns about wildlife corridors between homes posing a threat to public health and safety, by inviting burglary and home invasion. So "public health" is actually damaged, not helped, by this ordinance.
2. He/LAPD - the experts on public safety - was NOT consulted about this issue or ordinance. If anybody cared about the humans impacted by this disastrous ordinance, LAPD would have been consulted. He is willing to do a zoom on this point.

The writers of this ordinance - and apparently BABCNC - want to hear only from "experts" who will agree with the ordinance. This was in full evidence at the UCLA zoom a while back in which "experts" opined on these issues but not one expert in opposition was invited.

3. Why is the BABCNC working against - not advocating for - its constituent homeowners? (not a rhetorical question).

This ordinance will destroy many families' property values, ability to pay for college, for retirement, re-fi, ability to pay for equivalent housing etc, yet nobody on the ad hoc committee has expressed any concern about that. It's callous.

It also disproportionately impacts a protected class - folks over 50 who don;t have the time to re-make the money we've invested into our homes and the community, and discriminatorily age-ist.

William Grundfest
Linda Flora

----- Forwarded message -----

From: **Jonathan Tom** <32993@lapd.online>
Date: Thu, Dec 9, 2021 at 7:33 AM
Subject: Re: Burglary/home invasion prevention
To: william grundfest <bgrundfest@gmail.com>
Cc: James Allen <39318@lapd.online>

Bill,

I was not aware of the impending ordinance and am not qualified to comment on the necessity for wildlife to have a "corridor" behind the homes in your neighborhood.

I'm happy to discuss this issue with you but you have already identified reasonable concerns. Burglars and other

criminals do sometimes use backyards and side yards to gain entry onto other properties. If the ordinance passes, you and your neighbors might benefit from installing motion activated lighting and cameras in your backyards. Generally, there is a public review and comment period prior to a vote by City Council. I encourage you and your neighbors to utilize your voice to express your concerns.

Sincerely,

Captain Jonathan Tom
Commanding Officer
West Los Angeles Area

On Dec 8, 2021, at 11:43, william grundfest <bgrundfest@gmail.com> wrote:

ATTENTION: This email originated outside of LAPD. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Capt. Tom,

We live in Bel Air and need your help and guidance to protect public safety.

We are very concerned about a new ordinance that would compel all homeowners in Bel Air to build fencing that creates "corridors" in between every home, for wildlife to pass through.

We fear criminals would easily and unseenly use these same corridors to enter/burglarize/invade homes,

which would lead to not "just" property loss but tragic events such as occurred to Ms. Avant last week - and endanger our families safety.

These fences would also have to have 1-2 feet of space at ground level - which would allow criminals to either hop over the fence or easily squeeze under.

If our concerns are valid it's of the utmost importance that we hear from your office or community relations so that we can stop this endangering of public safety.

Thanks very much,
Bill Grundfest
Bel Air



Ellen Evans <eevans@babcnc.org>

Home height

william grundfest <billg@hollywoodcorporate.com>

Mon, Jun 6, 2022 at 4:42 PM

To: Travis Longcore <tlongcore@babcnc.org>, Donald Loze <dloze@babcnc.org>, Ellen Evans <eevans@babcnc.org>, Jamie Hall <jhall@babcnc.org>, Robin Greenberg <rgreenberg@babcnc.org>, Robert Schlesinger <rschlesinger@babcnc.org>, Wendy Morris <wmorris@babcnc.org>

Hello,

What relevance does height of a home have on wildlife?

Especially if flanked by already existing taller homes?

This is a non-scientific, purely aesthetic regulation that needlessly destroys families' ability to sell, retire, fund college.

William Grundfest

Linda Flora



Ellen Evans <eevans@babnc.org>

Home height

william grundfest <billg@hollywoodcorporate.com>

Mon, Jun 6, 2022 at 5:20 PM

To: Travis Longcore <tlongcore@babnc.org>, Ellen Evans <eevans@babnc.org>, Jamie Hall <jhall@babnc.org>, Nicole Miner <nlbminer@aol.com>, Robin Greenberg <rgreenberg@babnc.org>, Wendy Morris <wmorris@babnc.org>, Robert Schlesinger <rschlesinger@babnc.org>, Donald Loze <dloze@babnc.org>

Hello,

These questions regard the BABNC's position, understandings and history in supporting the Wildlife ordinance, as opposed to a complaint or question designed for city planning's positions.

1. To the best of BABNC's knowledge was there an Environmental Impact study done on all the various components of the Wildlife ordinance? (CEQA or other)? Has BABNC ever asked for such?
2. Has BABNC requested an economic impact report as the ordinance impacts homeowners?
3. Is the BABNC position that home height, especially when a home is next door to a taller home, has an impact on wildlife?
4. Did the BABNC ever consult with LAPD as to whether "wildlife corridors" between homes pose a danger to public safety and invite home invasions and burglary?
5. Did the BABNC ever consult with LA Fire Department about wildlife corridors between homes inviting camping and therefore campfires, which are a major source of wildfires, which pose an existential danger to the entire area.

William Grundfest
Linda Flora

[Quoted text hidden]



Ellen Evans <eevans@babcnc.org>

LAPD says Wildlife Ordinance poses public safety and crime threat

william grundfest <billg@hollywoodcorporate.com>

Wed, Jun 15, 2022 at 12:40 PM

To: Travis Longcore <tlongcore@babcnc.org>, Ellen Evans <eevans@babcnc.org>, Jamie Hall <jhall@babcnc.org>, Robin Greenberg <rgreenberg@babcnc.org>, Wendy Morris <wmorris@babcnc.org>, Nicole Miner <nlbminer@aol.com>, Donald Loze <dloze@babcnc.org>, Robert Schlesinger <rschlesinger@babcnc.org>, vince.bertoni@lacity.org, Joan.pelico@lacity.org, Councilmember Nithya Raman <contactCD4@lacity.org>

Hello,

The Wildlife Ordinance violates the LAPD's

"Environmental Design Circular" which explicitly states that to prevent burglary and crime, we must "Provide landscape and fencing that do not create hiding places for criminals."

The proposed "wildlife corridors" and fencing regulations create hiding spaces for criminals and unimpeded and unsee-able avenues of access to the rear of all of our homes.

Why did the writers of this ordinance not consult with public safety officials to see the damage to public safety this ordinance demands?

William Grundfest
Bel Air



Ellen Evans <eevans@babcnc.org>

LAPD Nor LAFD has been consulted on the Wildlife Ordinance's threat to public safety

william grundfest <bgrundfest@gmail.com>

Wed, Jun 15, 2022 at 2:29 PM

To: Dakota.smith@latimes.com, Travis Longcore <tlongcore@babcnc.org>, Joan.pelico@lacity.org, baha news <baha.la.news@gmail.com>, Bel Air/Beverly Crest Neighborhood Council <info@babcnc.org>, Jarrett Thompson <jarrett.thompson@lacity.org>, Chuck Maginnis <cmaginnis@babcnc.org>, Susan Wong <susan.s.wong@lacity.org>, vince.bertoni@lacity.org, Ellen Evans <eevans@babcnc.org>, Jamie Hall <jhall@babcnc.org>, Robin Greenberg <rgreenberg@babcnc.org>, Wendy Morris <wmorris@babcnc.org>, Nicole Miner <nlbminer@aol.com>, Donald Loze <dloze@babcnc.org>, Robert Schlesinger <rschlesinger@babcnc.org>, Councilmember Nithya Raman <contactCD4@lacity.org>

Hello all,

I've spoken with LAPD commanders and LAFD chiefs - none of whom were consulted about the dangers to public safety posed by the Wildlife Ordinance.

The fact is that the unblocked "wildlife corridors" we'd be forced to put between each home are an open invitation to home invasion, burglaries and homeless folks camping and starting campfires (an existential threat to all hillside homes and families)

This is further demonstration that the Wildlife ordinance was written without any scientific or factual basis - on any of its proposed mandates, not just the Crime and Fire issues - and must be stopped from further consideration.

Anybody involved must explain why the crime and fire and public safety experts continue to not be consulted on this damaging ordinance.

William Grundfest
Bel Air



Ellen Evans <eevans@babnc.org>

Fwd: Questions re: Section f of Proposed Wildlife Ordinance

Travis Longcore <tlongcore@babnc.org>
To: Ellen Evans <eevans@babnc.org>

Sun, Jun 19, 2022 at 5:06 PM

Begin forwarded message:

From: <dreinberg@roadrunner.com>
Subject: Questions re: Section f of Proposed Wildlife Ordinance
Date: June 19, 2022 at 4:55:40 PM PDT
To: "Bel Air/Beverly Crest Neighborhood Council" <info@babnc.org>

Hello:

Since you will be discussing this section at the meeting Monday, I have a couple of questions about my understanding of what this section says.

1. As to section f.b. Option 2, the way I read this, there can be a fully solid (e.g. block) fence of up to 3-1/2" high in the front within the 10' setback area, as long as one of the Option 2 side/back choices are met. Is that correct? I ask because on my side of Hamner/Nalin, at least 3/4s of the home have block retaining walls of 2 to 3-1/2' high in order to make the properties reasonably buildable (based on what is already there).
2. Assuming I am interpreting the above correctly, for calculating the "Open Area", and as an example, assuming a 3' retaining wall on top of which is a 3' iron spaced fence, does the "Object Area" in this example include the 3' of block wall, or is it calculated based solely on the area above the block wall?

I would appreciate someone either writing me back with an answer or answering these at the meeting Monday.

Thank you,
Debbie Reinberg

From: Bel Air/Beverly Crest Neighborhood Council <info@babnc.org>
Sent: Sunday, June 19, 2022 11:39 AM
To: Debbie Reinberg <dreinberg@roadrunner.com>
Subject: Wildlife Ordinance - New Opportunities to Learn and Comment

[View this email in your browser](#)



Dear BABCNC Stakeholders and friends,

The Department of City Planning has scheduled two new important online meetings on the **Wildlife Ordinance**. The first meeting presents an opportunity to ask questions and get information about the intent and application of the ordinance. This meeting is scheduled for **Tuesday, June 28th from**



Ellen Evans <eevans@babnc.org>

Fwd: query about BABCNC meetings

Travis Longcore <tlongcore@babnc.org>

Mon, Jun 20, 2022 at 3:25 PM

To: Ellen Evans <eevans@babnc.org>

FYI

Begin forwarded message:

From: <jeff@pmiproperties.com>

Subject: query about BABCNC meetings

Date: June 20, 2022 at 2:38:25 PM PDT

To: <info@babnc.org>

I object to the Wild Life Ordinance in its entirety.



Ellen Evans <eevans@babcnc.org>

Clarification

Patricia Templeton <trishllc@yahoo.com>

Mon, Jun 20, 2022 at 7:46 PM

To: Travis Longcore <tlongcore@babcnc.org>, BABCNC Ellen Evans <eevans@babcnc.org>

I just wanted to be sure that you understand that the fences in the graphics would not be permitted in real life. The setbacks shown are much smaller than are required by code.



Ellen Evans <eevans@babcnc.org>

Re: SAVE THE DATE: Wildlife Public Hearing is July 13

Bobby Kwan <tobobbyinla@gmail.com>

Fri, Jul 8, 2022 at 5:39 AM

To: Bobby Kwan <tobobbyinla@gmail.com>, Ellen Evans <eevans@babcnc.org>, Travis Longcore <tlongcore@babcnc.org>, Jamie Hall <jhall@babcnc.org>, Robin Greenberg <rgreenberg@babcnc.org>, Stella Grey <sgrey@babcnc.org>, Stephanie Savage <ssavage@babcnc.org>, Ro Salie <rosalieadh411@gmail.com>

Jamie

I think myself and many homeowners are having difficulties supporting the proposed Wildlife ordinance due to the 75% of replacement value issue in case of catastrophic event like an areawide fire or earthquake. Given how dry the Hollywood hills canyon is, a massive areawide fire is unfortunately not highly unlikely.

You mentioned it is unlikely we will meet or exceed 75% of replacement value if we had to rebuild, but for some older homes, who's to say it won't take more than 75% of replacement value to rebuild it "as is". Many older homes in our area are legally non-conforming as pertained to height and set back and are grand fathered, and in order for them to rebuild "as is" will be impossible under the new regulation's height and set back requirements of the proposed wild life ordinance.

I believe unless the BABCNC board and the planning dept can do a better job assuring us homeowners that we can "absolutely" rebuild "as is" without question and codify it in the proposed ordinance, many homeowners including myself cannot support the Wildlife ordinance in its current form with the "75%" requirements. As someone said in yesterday's adhoc wildlife committee meeting, we need to balance "human needs" as well as "wildlife needs" here. Just keeping it real.

Best regards
Bobby

On Wed, Jul 6, 2022, 9:49 AM Jamie Hall <jhall@laurelcanyon.org> wrote:

No - it is not true. You can rebuilt in the event of a fire without complying with the new height requirements so long as the replacement value does not exceed 75 percent. See below. And that "75 percent replacement value" is unlikely to be exceeded.



Ellen Evans <eevans@babcnc.org>

Window and sliding door treatment in the DRAFT WO NC comments letter

Wendy Morris <wmorris@babcnc.org>

Sat, Jul 9, 2022 at 3:44 PM

To: Ellen Evans <eevans@babcnc.org>

Cc: Travis Longcore <tlongcore@babcnc.org>

Hi Ellen,

Am I correct in understanding the current version of the NC comment letter to say that modifications to standard window glass materials should not be required BUT that NO window pane shall be larger than 24sf? A typical sliding glass patio door is 7' x 4' which is 28sf.

Is the Adhoc committee saying in their letter that this size window/door should not be allowed? That would obviously mean that a set of large windows/doors, such as in a living room looking over a nice view or opening onto a patio or lawn, would be prohibited. Is this what the Adhoc committee has voted to say? So all the people who currently have retractable/stackable glass walls are ok as long as nothing happens that would require replacing them, but out of luck if they have to rebuild? And new homes can't have sliding glass doors? And my very old sliding doors which are 8' x 5' and no longer move and which we planned to replace when we renew the LR are not replaceable? So if I want to get out of this mess just what am I supposed to do? Redesign my whole LR wall structure to erase the mid-century modern look that it was built with and the rest of the house has? I'm hoping I am misunderstanding something here. Would you please clarify it for me?

Thank you very much,
Wendy



Ellen Evans <eevans@babnc.org>

Lack of Urgency in BABNC letter re Wildlife ordinance

william grundfest <bgrundfest@gmail.com>

Sun, Jul 10, 2022 at 5:24 AM

To: Bel Air/Beverly Crest Neighborhood Council <info@babnc.org>, Alison MacCracken <alison@maccracken.com>, Patricia Templeton <trishllc@yahoo.com>, Chuck Maginnis <MaginnisTel@aol.com>, Ellen Evans <eevans@babnc.org>

Hello all,

The letter BABNC is preparing to send to the city re the Wildlife Ordinance lacks the force and urgency seen in Dr. Longcore's letter of June 6, 2022 entitled "URGENT NEED"... <https://www.babnc.org/assets/photos/16/page62c341b5eee5e.pdf> regarding a different ordinance.

In light of the massive opposition to this ordinance by affected homeowners - an opposition which is growing as more homeowners become aware of this ordinance, I request that the BABNC letter uses the same force and title "URGENT" in stating the Neighborhood's CLEAR opposition to the Wildlife Ordinance as written.

The folks you represent - the neighborhood - are massively opposed to this WO.

Last week I posted on Next door, regarding the Wildlife Ordinance and the approximate count of reactions/replies /posts for and against it was 30 against the Wildlife ordinance and 7 for.

That's the ratio the city would have seen in their misleading "workshop" had they added one more honest poll question, namely: "**Of residents**, are you for or against the WO"? It would not have been 42% for vs 42% against (the 42% for was undeniably folks who are not affected residents)... rather it would have been 30% against, 7% for.

That's who you represent - US - not your own political nor environmental beliefs.

US. The neighborhood.

The city has consistently ignored the BABNC request for clarifications. And is moving now with lightning speed to ram this thru before more homeowners find out about this ordinance and the opposition grows.

The city has ignored - ignored - all the key objections we have raised.

The BABNC, as seen in Dr. Longcore's letter of June 6, has proven it is quite willing to write letters to the city planners emphatically, URGENTLY insisting on rewrites of ordinances.

If it chooses to. For some reason it is choosing not to in re this "Wildlife ordinance."

To omit such clarity and urgency sends a clear message to the city that there is no such level of concern and the neighborhood doesn't really care that much, so go ahead and do what you like.

The letter BABNC must go beyond a request for clarification and into urgent objection - on behalf of those you represent: us.

William Grundfest



Ellen Evans <eevans@babcnc.org>

Contact Form

Patricia <noreply@babcnc.org>

Sun, Jul 10, 2022 at 9:18 PM

Reply-To: Patricia <sz@schuster-zingheim.com>

To: eevans@babcnc.org

**Subject:** Please reconsider recommending removal of 25' envelope height**First Name:** Patricia**Last Name:** Zingheim**Phone:** 310-770-7105**Email:** sz@schuster-zingheim.com**Zip Code:** 90077**Referrer:** Attended Wildlife Ordinance Ad Hoc meetings

Message: Dear Ellen, At the end of your last 7/8 meeting, I thought that the decision to change your total height restriction for ridgeline homes would enable the homeowner to best determine their own "envelope" height that would enable the homeowner to build two stories within the total height restriction, given a steeper slope. I thought you were removing the envelope height and had only the total height restriction. The recommendation letter does not remove the 25' envelope height. The recommendation will not allow a homeowner to use the total 35' or 45' height if the current house pad or adjacent space is on a steep slope because the 25' envelope height. At the meeting, Don and Ellen acknowledged that a steep slope would make it very difficult, if not impossible, to build a two-story house on a steep slope. My read of Jamie was that he wanted just the overall height restriction. Your recommendation still enables the City to keep the 25-foot envelope height. Please reconsider your recommendation to have only a total height restriction, not adding a further restriction that will not allow me or other homeowners to build a two-story house like I currently have. The best recommendations allow for people to work within a framework (total height restriction), without having additional details (i.e., envelope height) that cannot allow for all the variety of specific and unique situations. I look forward to your response. Respectfully, Pat and Jay Patricia K. Zingheim and Jay R. Schuster [1541 Bel Air Road sz@schuster-zingheim.com](mailto:sz@schuster-zingheim.com) 310-770-7105



Ellen Evans <eevans@babcnc.org>

WildLife Ordinance - Insurance Thought

Leslie Weisberg <lesliewb@me.com>

Mon, Jul 11, 2022 at 11:41 AM

To: Ellen Evans <eevans@babcnc.org>

Cc: Travis Longcore <tlongcore@babcnc.org>, Jamie Meyer <jamiemeyer1313@gmail.com>, Robert Schlesinger <rschlesinger@babcnc.org>, Robin Greenberg <rgreenberg@babcnc.org>

Ellen et al,

Thank you again for your tremendous work on the ordinance. A thought: if homes can only be rebuilt to 75% of scale, what insurance carrier will offer homeowners 100% disaster coverage (earthquake/flood/homeowners + fire where available)? Has planning spoken to the insurance commissioner?

Best,

Leslie
Leslie Weisberg
lesliewb@me.com
(310) 283-6360



Ellen Evans <eevans@babcnc.org>

Draft Comment Letter

Patricia Templeton <ptempleton@babcnc.org>

Mon, Jul 11, 2022 at 8:34 PM

To: Ellen Evans <eevans@babcnc.org>

Hi Ellen,

I recognize and appreciate the hard work you put in to the draft comment letter. I do have a few questions though.

- 1) The letter states that the ordinance is supported by “many” residents, and that “a cohort” of residents oppose the ordinance. That implies that significantly more residents support the ordinance than oppose it, which was not my experience in attending nearly all the Ad Hoc Committee meetings. Could you please tell me the basis for the Committee's “many”/“cohort” characterization?
- 2) The letter states that comments that were received are attached to the letter, but I don't see that attachment. Shouldn't they be provided to the Planning Committee, and later to the full Board, and other interested stakeholders who read the draft letter?
- 3) Will all comments be attached, or only the written ones? I believe attendees were under the impression that their verbal comments carried the same weight as written ones, and therefore it's my belief (and I'm sure theirs as well) that it is important to include those verbal comments as well.

Sincerely,
Patricia



Ellen Evans <eevans@babcnc.org>

Fwd: Opposition and concerns re Wildlife Ordinance CPC-2022-3413-CA / CPC-2022-3712-ZC

Catherine Palmer <council@babcnc.org>

Tue, Jul 12, 2022 at 9:20 AM

To: Travis Longcore <tlongcore@babcnc.org>, Ellen Evans <eevans@babcnc.org>

Cathy Palmer
Board Administrator
Bel Air-Beverly Crest Neighborhood Council
Municipal Building
[1645 Corinth Avenue, Room 103-4](#)
Los Angeles, CA 90025
Office: (310) 479-6247
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----- Forwarded message -----

From: **TeamCD4** <contactCD4@lacity.org>

Date: Tue, Jul 12, 2022 at 9:13 AM

Subject: Re: Opposition and concerns re Wildlife Ordinance CPC-2022-3413-CA / CPC-2022-3712-ZC

To: Al Reitz <alreitz@gmail.com>Cc: <OurLA2040@lacity.org>, <CPC@lacity.org>, <paul.koretz@lacity.org>, <Lena.Mik@lacity.org>, <Vince.Bertoni@lacity.org>, <Nithya.Raman@lacity.org>, <council@babcnc.org>

Hi,

Thank you very much for your comments. We have made sure to send them to the team at the Department of City Planning that is working on the [Wildlife Ordinance](#). We are recording these comments as well.

Prior to this outreach, we worked with the Department of Planning to ensure that there was a comprehensive [FAQ](#) available for residents on this ordinance and its potential impacts. For reference, please find the [draft ordinance](#) text as well.

Currently, our office is advocating for more opportunities for the public to engage with the planning department on this important ordinance. We will keep you informed as we hear back from them on these requests.

Please note that there is a [public hearing](#) tomorrow, 7/13/2022 from 5-7pm. I hope that you will be able to share your concerns and suggestions in these forums as well, and please convey your questions [directly](#) with the Department of Planning.

As with all pieces of legislation that impact our constituents, our office takes our role in conveying your concerns to the city very seriously, and we look forward to continuing to advocate for you as we move forward in this endeavor.

Thank you so much!

Warmly,

--

Lesly Valenzuela
District Liaison
District line: 213-473-7004

HERE is our new CD4 District Map!



**NITHYA
RAMAN**

Los Angeles
City Councilmember
4th District

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On Tue, Jul 12, 2022 at 8:00 AM Al Reitz <alreitz@gmail.com> wrote:

Councilmembers Raman and Koretz, City Planning leaders,

I am a homeowner and longtime resident of the Laurel Canyon neighborhood which falls within the proposed WLD area subject to the draft Wildlife Ordinance #CPC-2022-3413-CA, CPC-2022-3712-ZC (WO). I am writing to voice my strong objection to the ordinance and I ask that the City reject or delay the adoption of these changes which are not only legally ambiguous in many key provisions but are not supported by wildlife and habitat studies conducted within the area to which the WO would apply. More generally, many of the restrictions set by the ordinance lack any scientific support and/or a true wildlife conservation purpose.

The WO lacks consideration of, and is excessively punitive toward, homeowners like ourselves. Flaws include but are not limited to:

- I'm not aware of any study that has been conducted related to the life safety impacts of this ordinance (fire, crime, etc).
- There is not enough consideration when it comes to how owners might rebuild existing structures predating this code after a natural disaster. Which other code sections apply or supersede these regulations? Would rebuilding be possible at all on some parcels?
- The language of the ordinance is so broad that owners of existing improved properties dare not move a grain of dirt, fix a sewer line, mend a fence or replace a deck without fear of triggering immense cost to remedy issues outside the project area because after decades of standing on the lot, they now violate the rules.
- As worded it would seem that if a parcel so much as brushes a "buffer zone," projects on the entire lot become subject to the ordinance. Thus a non-interior project of any sort, no where near the buffer zone could trigger a site plan review and/or prevent it from happening at all.

Homeowners must have some form of relief from such severe impacts. At the very least the City must include provisions for a de minimis review process to determine whether the described project actually warrants a site review, and more importantly... whether the resource actually exists or is significant.

Having lived in this neighborhood for over 20 years, I can tell you this ordinance will, contrary to its intent, cause an increase in unpermitted and unsafe projects and creative workarounds of all sizes in the hills as residents and builders seek to avoid the cost, time and confusion of complying with the excessive and confusing provisions within.

The City must accept that these urban hillside neighborhoods are quite different from the more sparsely populated areas of LA County. The vast majority of our residential streets are completely built and already have their own protective measures in place. These include Hillside Regulations (BHO & HCR), Very High Fire Severity Zone, Mulholland Specific Plan, Hollywood Community Specific Plan: Slope Density, and existing Zoning. The need to overlay this new ordinance at all is questionable.

Another major flaw of the proposed ordinance is its incorporation of the "Ridgeline" regulations. This confuses and calls into question the true intent of the ordinance. Ridgelines are a scenic concept, they do not have anything to do with wildlife habitat. I absolutely support the idea that new development and grading of ridgeline parcels warrants

special consideration and oversight by the City, but not in a wildlife conservation context. It is wrong to wrap such regulation into this ordinance.

I further object to the ordinance as written based on, but not limited to, the following additional grounds, many of which have also been articulated by Hillside Neighborhoods United and other community groups:

- The City has not taken appropriate steps to notify and inform all affected residents, nor has the input of the community been adequately solicited. Thus, the proposed regulations deny us our due process and equal protection rights.
- The proposed regulations as applied to the residents are ad hoc takings, and constitute unreasonable limitations on the use and value of the land.
- The regulations constitute confiscatory government conduct in violation of our due process rights.
- The regulations contain unduly burdensome permitting procedures and costly new fees that result in no public benefit.
- These regulations reduce the usability of our property without compensation or public benefit.

We can all agree that wildlife conservation is an important goal and the stated intent of the ordinance is worthwhile. However much of what is contained within has very little to do with wildlife. To me, it feels like "wildlife" is just a theme being used to grease the skids on this measure's quick passage.

Organizations in our area that speak for us such as the Bel Air - Beverly Crest Neighborhood Council, Hillside Neighborhoods United, We Are Laurel Canyon and others have all submitted wide-ranging objections and concerns that deserve the City's full consideration and merit. I urge the Planning Department and the City Council to pause and listen to our neighborhood representatives and to prioritize voices coming from our neighbors throughout the impacted communities when re-evaluating or simply rejecting this proposed ordinance.

Thank you for your time and consideration,
Al Reitz
[2216 Ridgemont Drive](#)
[Los Angeles, CA 90046](#)



Ellen Evans <eevans@babnc.org>

The BABCNC letter to the city re Wildlife Ordinance

william grundfest <bgrundfest@gmail.com>

Tue, Jul 12, 2022 at 7:16 PM

To: Bel Air/Beverly Crest Neighborhood Council <info@babnc.org>, Ellen Evans <eevans@babnc.org>, Chuck Maginnis <MaginnisTel@aol.com>, Robert Schlesinger <rschlesinger@babnc.org>, Alison MacCracken <alison@maccracken.com>, Patricia Templeton <trishllc@yahoo.com>, Jamie Hall <jhall@babnc.org>, Nicole Miner <nlbminer@aol.com>, Travis Longcore <tlongcore@babnc.org>, Shawn Bayliss <shawn@belairassociation.org>

Hello,

While I acknowledge that you are all volunteers and have made time for going through the Wildlife ordinance, the draft letter being sent contains false or unfounded information:

1. The letter falsely states:

A) "The Neighborhood Council recognizes that the ordinance is strongly supported by many residents". How many? Was there ever a poll?

and

B) "the Neighborhood Council also acknowledges that a cohort of residents in our area is opposed to the ordinance."

The opposition is not a "cohort" - it's the **vast majority of affected residents.**

In the absence of any attempt by the BABCNC or the city to take an honest poll, we have the following data:

A) Data: Even In the City's own "workshop" re the Wildlife ordinance, where half of the 250 zoom attendees were affected residents and half were not affected residents, 42% were for the ordinance and 42% were against the ordinance.

That's not a "cohort" that's half - which is a purposely and misleadingly reduced number because the city refused to ask the simple question: "**Of residents** how many are for and how many are against?"

It's one additional question. 10 seconds.

They didn't ask because they knew a very fair assumption is that the overwhelming majority of the 42% against the ordinance were affected residents.

B) Data: There were over 100 **in-person** residents at last night's organizational meeting in opposition to the ordinance. You all know what 100 people who physically show up anyplace represents. It's massive.

C) Data: I posted my opposition on Next door, and the resulting significant engagement showed approximately 30 repliers were against this ordinance and 7 were for it. (and Next Door repliers are not at all shy about opposing things)

So no, it's not a "cohort" in opposition - it's ***the VAST majority of affected residents.***

2. The letter needs to open with the following true and simple statement:

"The residents of the BABCNC overwhelmingly oppose the Wildlife ordinance as written."

3. The function of an Neighborhood Council is to represent and advocate for the NEIGHBORHOOD, not for their own personal preferences and aspirations.

The BABCNC is failing us in that duty, as the **data shows.**

The BABCNC has, in the past been unafraid to write muscular even urgent letters to the city insisting on various things. No such advocacy has been offered re this ordinance.

4. "The Neighborhood Council appreciates that the City has released the draft Ordinance far in advance of the public hearing and has solicited comments."

No. The city has done the most minimal amount of effort to inform affected residents, with having sent out a single postcard, as opposed to perhaps emailing affected residents.

Further, have the various associations of the BABCNC polled their residents to ask their level of information and their views on this ordinance?

The Beverly Crest website even proudly states its support for this ordinance.

5. "As stated above, the Bel Air-Beverly Crest Neighborhood Council supports the purpose and intent of the ordinance."

False. Maybe the council members support the intent of this as written, but the overwhelming majority of residents - *the people the BABCNC is duty bound to represent* - **do not** - we support an intent that **includes protections for the property rights, privacy rights, crime impact and wildfire impact of the ordinance.**

5. "the City should ensure that the ordinance balances the movement of animals with the safety of residents."

What does even mean? "The safety of residents" is one tiny clause in a 10 page letter, lacking in the specific insistence that the city consult with the LAPD and LAFD, as I personally have, who validated our concern that this ordinance INCREASES CRIME and WILDFIRE risks by demanding porous fencing and "wildlife corridors" between each home, which will invite home invasions, burglaries and camping/campfires and the resultant WILDFires.

The Getty fire started with such a campfire. It only takes one to literally burn DOWN the ENTIRE neighborhood - an issue neither this committee nor the city has shown an IOTA of concern about -

even though wildfire is a MUCH bigger and science-based threat to wildlife than anything covered in this ordinance.

6. Applicability - the current language triggers compliance with the entire ordinance if one

- a) adds any free standing building - including an ADU or even a Tool shed.
- b) does anything that requires a permit - lots of small things require a permit
- c) what about removing a tree that is threatening a home structurally?

The above triggers must be removed.

William Grundfest
Affected Homeowner.



Ellen Evans <eevans@babnc.org>

The BABCNC letter to the city re Wildlife Ordinance

Alison MacCracken <alison@maccracken.com>

Tue, Jul 12, 2022 at 9:41 PM

To: william grundfest <bgrundfest@gmail.com>

Cc: Bel Air/Beverly Crest Neighborhood Council <info@babnc.org>, Ellen Evans <eevans@babnc.org>, Chuck Maginnis <MaginnisTel@aol.com>, Robert Schlesinger <rschlesinger@babnc.org>, Patricia Templeton <trishllc@yahoo.com>, Jamie Hall <jhall@babnc.org>, Nicole Miner <nlbminer@aol.com>, Travis Longcore <tlongcore@babnc.org>, Shawn Bayliss <shawn@belairassociation.org>

For the record, I agree with Bill, and Hillside Neighborhoods United objection letter to the city planning department, CPC, and councilmembers will also state we do not agree with the BABCNC. The hundreds, of letters that will be sent from our group of residents should hopefully shine a light on the fact that the BABCNC is simply putting forth their personal recommendations, and do not reflect the residents they are supposed to represent.

Despite what appeared to be a good effort on the ad hoc committees part, the current letter fails to truly represent the overall concerns of the residents.

Hopefully there is still time for the BABCNC to course correct.

Alison

[Quoted text hidden]

BABCNC
Wildlife Ordinance Comments
Received in Public Meetings



Minutes

Ad Hoc Subcommittee on Proposed Wildlife District Thursday, May 19, 2022 5:30 pm – 6:30 pm

1. Chair Evans called the meeting to order at 5:32 pm and called the roll with **6 Present:** *Ellen Evans, Chair; Don Loze, Nickie Miner, Wendy Morris, Stephanie Savage, Robert Schlesinger, and 1 Absent:* *Shawn Bayliss.*
2. The May 19, 2022 Agenda was **approved** as **moved** by Schlesinger.
3. **Public Comments** on non-agendized items within the jurisdiction of committee – None; however, later in the meeting, BABCNC VP of Legislative Affairs, and member of the Planning and Land Use Committee, Jamie Hall, expressed an interest in being on this committee. He noted that he was not at the PLU Committee meeting when this ad-hoc committee was formed and expressed a wish to be on this committee. Stephanie Savage volunteered to resign from her seat on the committee, and continue to come to meetings as an attendee. Board President Longcore, who was in attendance, suggested that the PLUC Chair have this ratified at the next PLU meeting and that since this is a subcommittee of PLU Committee, he as PLU Chair could make the nomination at this time. Chair Schlesinger **nominated** Jamie Hall to officially replace a resignation from the committee, by Stephanie Savage.
4. **Chair Report:** Chair Evans related that she is hoping for a very fair process, where we give our views and listen to other's views and consider what everybody is saying and what the impacts are of this ordinance on all sides. Evans related to the Attendees that this is not their only feedback opportunity; there will be hearings and you can inquire of your Councilmember as well.
5. **Discussion and motion: Adopt a meeting and feedback plan (attachment A).** Chair Evans noted that she received feedback about having an elevated level of stakeholder communication about this process. The objective of the committee is to draft a position statement to the NC and reports from impact received from the community. We will use a lot of feedback forms for written comment. Members of the committee need to read all the comments unless they become too voluminous, and we'll make a system to make sure everything is considered. We'll start by limiting public comment to five minutes; if too short, we can adjust it on an ongoing basis. We'll break the ordinance down into sections; some committee members can present different sections of the ordinance, and after presentations we'll take questions from the public and after those are finished, we'll take public comment on whatever we are considering. When the public is making a comment, we will not have dialogue. We will discuss afterwards. Will make lists.

Chair Evans noted that she had feedback from a member of the public to allow the public to make factual clarifications during the discussion. She noted that we will pick sample lots at the next

meeting, meet at 5:30 PM on Thursdays, meetings will be relatively short, not hours and hours long. There are no meetings in the first half of June.

The provisional meeting plan is: this meeting (and this is open to adjustment), then three meetings to consider Section E and districtwide regulations, a meeting for wildlife resource regulations and a meeting for ridgeline regulations; a meeting to review procedures and talk about the maps, and then a meeting for reconsiderations, review and adopting comments. We can have a meeting with a Staff Biologist or Independent Biologist to discuss the science, and from the Planning Staff to clarify applications or we could just communicate in written form if that turns out to be too difficult.

The above motion was moved by Schlesinger and there was no second.

New Motion: To adopt the meeting and feedback plan with three-minute public comment limit (rather than five) **moved** by Schlesinger; **seconded**. Discussion was held including on engaging people. Member Morris noted that many of her neighbors didn't know about this evening's ad-hoc committee meeting. The **motion was unanimously approved**.

Public Comment was taken after the above motion had already passed.

Pat & Jay commented that BAA has yet to communicate about the Wildlife Ordinance. She has asked them to put it in their newsletter and it hasn't happened. She asked that we communicate this to the other NCs, e.g., Brentwood, because it is a pilot; she doesn't think residents know about it.

BABCNC President Travis Longcore related, as a member of the public, that that we participate in WRAC and brought the issue of the ordinance and made all the Westside neighborhood councils and community councils aware of it through the WRAC PLU Committee, and that outreach is ongoing.

Patricia Templeton pointed out with respect to outreach and notifying people, that with most neighborhood organizations on the BABCNC, they all charge a fee to belong and the vast majority of residents don't belong. Just sending things out to the members misses the vast majority of stakeholders. She asked that we communicate also with the broader neighborhood.

6. **Discussion and motion: Adopt feedback form #1 (attachment B)** Chair Evans shared her screen to show the attachment of the feedback form. **Motion to adopt this passed unanimously as moved** by Schlesinger. There was no public comment on this item.

7. **Discussion and motion: Adopt feedback form #2 (attachment C)** Chair Evans shared her screen to show the attachment of the feedback form. Schlesinger **moved**; Morris **seconded**.

Public Comment: **Pat & Jay** asked where these will be posted. Evans related that she will add links of the ordinance to the agendas and to the Committee page on the BABCNC Website. She will amend the form to link the ordinance to the top of every form. There was no discussion on the form and the **motion passed unanimously**.

8. **Good of the Order:** Jamie Hall noted that SB 1404: Mitigation for Loss of Oak Woodland - Amendment to California Oak Woodlands Conservation Act died in committee today.

Pat & Jay asked about the timeline to which Chair Evans noted that the staff hearing is anticipated in July, a City Council vote not for many months; our goal would be to finish before the staff hearing, but there will still be time to comment after that. This committee should complete its work by the end of June but members of the public should be able to continue to contribute public comment by December, before Paul Koretz is replaced.

9. The meeting adjourned at 6:11 pm to Thursday May 26, 5:30 pm.

www.babcnc.org
info@babcnc.org



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Thursday, May 26, 2022 5:30 pm – 6:30 pm

<https://us02web.zoom.us/j/87428093682>

Or Dial (669) 900-6833 or (888) 475 4499 / Webinar ID 874 2809 3682

1. Chair Evans called the meeting to order at 5:32 pm and called the roll with 6 present: Ellen Evans, Chair; Jamie Hall, Don Loze, Nickie Miner, Wendy Morris, Robert Schlesinger, and moments later, Shawn Bayliss, for a total of **7 present**.
2. Motion to approve the May 26, 2022 Agenda passed.
3. Motion to approve May 19, 2022 Minutes passed unanimously, as moved by Miner.
4. There was no public comment on non-agendized items within the committee's jurisdiction.
5. **Chair Report** Chair Evans welcomed everyone and began by reviewing the intent for the meeting, noting that she hopes that you know that when you give your comments, they will be heard. You can always communicate with us by emailing wildlife@babenc.org. She discussed the rules of engagement when discussing the ordinance. Public comment will have three minutes, following which we will deliberate on that, take a position or recognize need for clarification. When we have need for clarifications we will try to get answers to our questions between meetings. There was no public comment on this.
6. **Discussion and possible motion:** Review feedback forms for content and efficacy.
Public Comment:
Patricia Templeton thanked her for the change she made and asked for a further change regarding fencing, which change Chair Evans will make.
Chair Evans noted that some of forms were filled out close to the time of the meeting and didn't know if the committee had time to see them; she recommended that we have at least a 24-hour deadline to give the committee time to read them.
7. **Discussion and possible motion: Choose sample lots for applications. (attachment A)**
Chair Evans shared her screen to show sample lots, explained why they were chosen and welcomed comment on that.

The 1st sample lot had to do with front yard setbacks...; one major change would be if the depth of the lot is less than 50 feet. She noted that it is entirely covered by a water resource buffer, worth discussing.

The 2nd lot is on a substandard hillside street, where the front yard setback would not be required to be 5 feet and where there is a steep hill in the back.

Lot #3 was much larger lot on a substandard street.

Lot #4 on Linda Flora has interesting features with a tiny bit of ridgeline on the front and a tiny bit of water resource on the back.

Morris asked about the buffer... if 50 feet from the edge of the colored portion. Evans believes this is it but would write as something to clarify. She think the colors represent the buffer itself as that is how it is labeled. She noted that this amount of water resource would definitely cause this lot to have water resource restrictions.

Lot #5 she chose because it is big and would be less affected by restrictions than others.

Lot #6 is strongly on the ridgeline.

Public Comment on Sample Lots:

Pat & Jay: Pat have volunteered their house/lot at 1541 Bel Air Road as an RFA example; as she noted on the form a few minutes before this meeting that she would want to have something with greater than 60 degree slopes included in these lots. She explained per a surveyor, part of her lot is greater than 60-degree slope. She believes that she would have a postage-stamp-sized house after this ordinance if a wildfire burned the house down.

Chair Evans clarified that after a disaster, you rebuild; you don't rebuild under the current Code; it is not specifically in the Wildlife Ordinance but in the Municipal Code.

Motion: There was no objection by the committee to include Pat & Jay's lot to look at how the ordinance affects building on different lots. Evans was asked and noted that we could also decide on using other lots which would be a great example.

Member Morris asked about rebuilding after a disaster; (thought if you couldn't rebuild according to the current rules, you'd have to apply for a variance.) Evans noted that it is not on the agenda to discuss at this meeting and she will agendize this question for the next meeting.

Bill expressed feeling that every element of this is designed to be obtuse; he doesn't understand what we are looking at in the sample lots... that you have to be an expert to understand the repercussions, and that it is designed to confuse.

Patricia suggested that there are a couple streets on Benedict Canyon, e.g., Yoakum and Easton, she believes the south side of Easton is highly affected with wildlife buffers while the north side isn't and believes Yoakum is the opposite. She noted that there are a lot of smaller older homes, which she thinks is a good illustration of the randomness of what will happen with these ordinances.

Michael commented as to rebuilding with the old code, when these buildings are rebuilt, they have to be rebuilt to the same size maybe just a little more; not larger. Evans reiterated that we will talk about rebuilding at the next meeting.

Andrew asked as to GIS layers for ridgeline buffers and water resources. Evans noted that

we will have a specific meeting where mapping is agendized and will try to get clarification before that.

Evans will bring back sample lots for next time.

8. **Discussion and possible motion:** Presentation and discussion on Sections 1-5 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 Power Point presentation on Sections 1-5, including but not limited to definitions of the name of the ordinance. She explained that Sections 2, 3 and 5 were boilerplate and read aloud from Section 4. At that point she had requests for clarification or questions prior to moving on to public comment and deliberation.

Member Hall had questions beginning in Section 1, what is the meaning of “unmapped resource” and of “shall be identified,” what “identified” means and for what purpose.

Bill commented that it goes to the language involving the intent of the ordinance including public health... He related that when speaking to the watch commander of the LAPD didn’t know about this ordinance and said he was justified in his concern that part of the wildlife ordinance would affect public health. He asked how does this help public health?

Patricia commented that the definition of “wildlife resource” is so open that almost anything can be a wildlife resource. She would like to know the standards for the project reviewer to identify things that fit into that definition that aren’t mapped and what if you disagree on whether or not this it is a resource.

Patricia also asked would it be possible for someone to spell out what all of these things are: “Administrative Clearance,” and other things, and asked if we could see the form that has to be filled out. She noted that people have no idea if they have to get surveys even for small things; it is vague at this point and hard to know how big a burden it will be.

Member Hall explained that an “Administrative Clearance” is relatively new at the City, basically it is a staff-level review of an application to determine compliance; no public hearing and not appealable; the lowest level kind of review, but there is a definition in the Code and that Connie Pallini Tipton, Senior City Planner, could give a better explanation.

Hall had the same question noting that on Section 4, 4.b., talks about that form that has to be provided and the instructions; noting that the devil is often in the details. He’d love to see that form and, as an environmentalist, would like to make sure it is adequate; he would like to see what is required, e.g., hope that a biological report would be a requirement.

Hall’s other question related to Administrative Clearance is when there is a project that needs a ZA, maybe because maybe it is a substandard road or all the different reasons, exceeding by right grading quantity allowed in the BHO, does the ZA have to review the Administrative Clearance with regard to the regulations in the Wildlife Ordinance or is it a separate thing?

Public Comment on Section 1-5 that we discussed:

Bill is begging people to write this in plain English, because ... we don't know what the maps or the verbiage means, and there is no way to intelligently opine and understand the implications of what is an existential threat to his family, his retirement and financial wellbeing. Have them put the intent in plain English; say that this intent rules and if any of these things go against the intent, it is the intent that carries the day.

Patricia: With respect to making a Supplemental Use District (SUD), what are other consequences of that and, assuming the SUD is created, and a wildlife ordinance is passed, how easy or difficult will it be to go in and change various regulations? What would be the process for doing that, and what are the other consequences of having a SUD?

Patricia reiterated that the definition of "wildlife resource" is so broad... almost anything could be deemed to be a wildlife resource with massive consequences for homeowners.

Member Hall responded that they are legislative in nature, a zoning change; so only the City Council, the City of LA, has the authority to add or eliminate or modify an SUD; only the City Council has the authority to change the law.

Paul noted that someone commented that at the end of the day that it is based on what the intent is. He thinks everybody needs to be careful with that when these things get passed because "the intent" and "the law" are very different as to how the Planning Department interprets it. (He gave an example of a 12-foot wall height before and after the ordinance.) He noted that if you think the intent is written right that's fine but for the final ordinance they read everything black and white. He has had nothing but bad luck with what the intent may be in many different issues. So, if you think the intent is good, you have to be sure it is written black and white for what it is because the Planning Department is not using any logical discretion as he has seen.

Michael asked if we knew a CD5 candidate's position is on the Wildlife Ordinance, to which Chair Evans noted we cannot discuss candidates.

[6:09 PM]: Evans closed public comment on sections 1-5.

Member Morris recommended coming up with a list of things that seem unclear.

Hall noted, Under Section 1, as to the definition of "wildlife resource," his major problem is that he cares deeply about native woodlands and they have excluded that as a wildlife resource. That's one thing we should ask to be included. That are mapped by the National Park Service in their 2006 Survey.

Hall gave some background noting in 2006, National Park Service mapped the Eastern SM Mountains and mapped native woodlands. SMMC has a map, and he can share a link. He noted that the native woodlands are not encompassed in the wildlife resource, but may be the most important wildlife resource. He noted that we have the definition and asked, when is it triggered? He noted that we have to go to page 20 to understand when the definition of "wildlife resource" is triggered because you are encroaching into a wildlife

resource, that's when site plan review is required. Evans asked, and Hall confirmed that the buffer requirements do not currently apply to woodlands, which he feels is a mistake.

Morris asked if the average homeowner would be aware that their property is in an area that was previously mapped as in an area in the woodlands, to which Hall noted that they would not unless they are reading certain articles. However, if they have oak or walnut trees, he could bet that it is a woodland. He noted that the National Park Service only included woodlands that were a minimum of 10,000 square feet. He will share the map.

Hall noted that in the SMMC letter, the thing they wanted the most was to have the native woodlands that have been mapped be designated as a wildlife resource; he supports that. Hall wants to add "native woodlands" by the National Park Service of 2006 as a wildlife resource.

Evans noted that she hears lots of questions on Section 4, and need to get answers before we say anything on Section 4.

Hall suggested the City do an FAQ on exactly what an "Administrative Clearance" is, and that it should come from the City and not from us. We should say that in our letter.

Evans would say that there is an option to say clarification is necessary before the ordinance is put into effect, and between meetings, go to Planning, ask for clarification bring the clarification back and then take a position on that section.

Hall doesn't want to delay our work because this is going to the Planning Commission very soon; whatever we do needs to be something that can be put into a letter to the City in the next couple of weeks. Evans noted that we will be doing this for about a month. He reiterated that the public needs to better understand the Administrative Clearance process.

Member Morris asked when we will hear from the experts..., Evans noted that they have declined to appear... She has been corresponding with some scientists and Travis volunteered to provide some clarifications on some of the *efficacy* questions we might have. Hall reiterated that we would put into the letter that the public needs to understand the Administrative Clearance process and what that entails. Longcore was present to take specific questions.

Hall further would ask the City what "unmapped resources" are intended to include: What are unmapped resources and what is a purpose is of identifying them?

Hall thinks he understands the intent is on that, that's sort of an acknowledgement on their part, that there are other important resource considerations but they chose to not to identify them all, and even that's true, what is the point of identifying them if the staff doesn't have the authority to force an applicant not to encroach upon or disturb that resource?

Hall reiterated the importance of the intersection between projects that require ZA approval and the wildlife ordinance. The way he reads is, you can get our Administrative Clearance separate from whatever you are doing at the ZA... He noted that all of the

hundreds cases we have reviewed at PLUM where we've offered our opinion..., got the applicant to make changes to the project... he is not sure the ZA will do what they did any more, they may say that is a separate process; once you take care of this issue or that, you will go get your administrative clearance from staff. He doesn't like this at all. He thinks you get a better work product with a public process and transparency.

Hall would suggest that our position should be that when there is a discretionary permit required for the project, the decision maker for that discretionary permit is the individual responsible for ascertaining compliance with the ordinance.

What that would mean is - say someone came and were getting a ZAD for substandard road, e.g., to ZA Jack Chang, he would, in the course of doing public hearings would also look at the project to see if it met all these criteria. Jamie noted that we don't want to be looking at these things through separate lenses because they are intimately related, especially when you are dealing with size or height of structure, or deviations into the setbacks... they are intimately related. He strongly recommends that if there is an additional discretionary issued, that decision maker is responsible for ascertaining of compliance with the Wildlife Ordinance.

Morris feels that puts a lot on the opinion of one person. Hall noted that it will be one person anyway. That administrative clearance will be a nameless/faceless person behind the counter... he thinks that compliance with the ordinance should rest with the decision maker if on the discretionary permit if there is one. Some of these projects may be by right projects that don't require a ZAD, and if so, that faceless nameless person behind the counter will issue an administrative clearance.

Member Loze asked what procedure Hall would suggest on appeal and review of the administrative decision, to which Hall noted that there is no procedure to appeal administrative clearance. Loze asked if we may suggest one here. Evans thinks it is worthwhile to ask what the intent is for an appeal process. Hall thinks there should be an appeal procedure and hears that is what Don is saying, that he supports an appeals process on administrative clearances. Evans noted that we have a responsibility to get some answers to the questions about the administrative clearance before taking a position.

Hall reiterated his issue about the fact that if there is a discretionary permit, that the compliance with the wildlife ordinance should be something that that decision maker looks at in the course of the discretionary process.

Miner commented regarding discretion by one person, perhaps there should be a wildlife commission before further building is constructed from scratch in the hillsides. She noted that 60-70 years ago, houses were built nestled in the hillside, that didn't obscure wildlife, and has gotten bigger and bigger to where there are hotel sized not nestled... and the hills have been decimated to accommodate this kind of construction. She noted that maybe it has come to a point for all of us, not just in the hillsides, in the flats and everywhere else in Los Angeles, who are conscious of climate change and ecology, if we do away with wildlife and construct cement and pretend that hillside lots are lots in the flats, but they are not, we are in great danger;... like we are worried about fossil fuel and everything else, we need to worry about the wildlife that are part of our ecological makeup; ... possibly have a wildlife commission to go over every single plan headed to the hillsides.

Hall responded to Miner's comments, ... he doesn't think it is realistic from a political standpoint now; rather maybe require that the NC review administrative clearances like we do other land use projects; maybe that would be a happy medium; to just add a little sunlight and transparency into the process. He would recommend that applications for administrative clearance under the Wildlife Ordinance be reviewed by the NC's PLUC. He doesn't know if it will be manageable as to volume.

He acknowledged Miner's idea... but thinks that having a commission would not be likely in the political environment now, and maybe have the NC play a role. *It may not be feasible based on the volume as none of us know what the volume of administrative clearances will be.

Morris thinks estimates are that over 50% of our properties will be impacted by one or more of the (*inaudible*). Evans noted that everything is impacted by the districtwide regulations but in terms of specific resources, she thinks it is less than half. Hall noted it is not in 1-5 but it is in section 6: Applicability, is the most important thing.

Evans hears what we are forgetting to say is that overall we seem to support the intent of the ordinance to preserve wildlife. Morris is not sure that intent and what is being suggested to make that happen are well aligned. ... Hall noted that it is not just about wildlife and he supports the intent.

Initial Motion: We support the intent, the NC reviewing Administrative Clearances, getting clarifications and answers to questions about resources and the appeals process, what the administrative clearance process looks like, what would happen if there was a ZA, if the ZA decides everything, what is the intent of the appeals process, what does the form look like? Find out the answers before forming an official opinion **moved** by Evans; **seconded** by Schlesinger.

Bayliss asked if Hall confirmed that we will create a list to reach out and present to the City for them to get back to us with clarifications. Morris foresees problems with taking this on at the PLUC.

Loze gave some historical perspective, that some time ago, the head of Planning was looking forward and found that the staff was thin enough so they could not get to these things and her approach was to set a mandate for a place for the NC, which was just coming into being, and the NCs were to advise the councilpersons of their insight on discretionary matters that were not deemed by right under the code. Now there is a discrepancy about what's by right and what's discretionary, but the idea was that the people with issues would have the opportunity to review a discretionary matter. There was an assumption with that, that there was a building code by which there would be a standard to determine what was discretionary and what was by right... There is a process accepted by the Planning Department and subsequently accepted by Council which is that the NCs can have an opportunity for discretionary review. What we are talking about now... is when it would be appropriate to do that, to make sure that the process that we are trying to divine here... is appropriately reflected on. He is reviewing for himself how we are in the position to do it and if it is appropriate for us to do it.

Rephrased Motion: To support the intent of the ordinance, to support neighborhood councils reviewing Administrative Clearances, and to seek further information about the rest of the questions we have compiled during this conversation **moved** by Evans; **seconded** by Schlesinger. Discussion was held. Bayliss noted that there will be quite a lot of those Administrative Clearances.

Hall noted that one of the things that concerns him is that now protected tree removals are discretionary. Tree removal permits are discretionary permits that trigger CEQA and go to Board of Public Works. This ordinance would potentially allow them with administrative clearances. A key feature of the Protected Tree Ordinance is that a finding of necessity is required to allow for the removal. You have to prove that it is necessary to remove that protected tree to allow for reasonable development. He is concerned that this ordinance will relax the standards and make it easier to remove protected trees because it will convert that into an AC process. That is one of the reasons why he is concerned about this AC procedure not having any transparency.

Loze asked if there may be a question of what would trigger a review, like an appeal process from the administrative review, not necessarily a review automatically of each administrative process.

Chair Evans noted that what Hall said makes sense, like how we get tree removals; so, at least have the piece of paper cross the NC desks in a timely fashion, if there was an interest in weighing in and making a comment letter, that that should be available.

Hall agreed with Bayliss, that the volume may not being manageable, even if the City agreed to this, and that we would only review a select number of those that we thought are important, like with tree removal permits, we only opine on the ones that are worthy of our input. Evans noted that like anything, if there was more than each individual person could review simultaneously there would be a way of dividing them up and go through them and flag what was warranted for the review.

Bayliss gave an example, when working for the Council District office, receiving a great many notices that a home would be demolished... if the idea was that the ordinance says that a copy of the application or request for just administrative approval is sent to the NC, it is just a form requirement. You already have to do that if you are submitting an application for a ZA action, you have to turn in a copy to the NC which the city sends to us. If the idea was to make sure we get a copy of the request, we should say that in the ordinance – a copy of the administrative approval request is sent to the NC. Then it would be up to the NC if they want to take an interest in it, but currently there is no appeals process, and we also want an appeal process for the administrative review.

Chair Evans noted that this is only supporting the intent and supporting neighborhood councils having the ability to review administrative clearances in a timely fashion. Evans called the question, and called for a vote: **4 yes:** Loze, Schlesinger, Hall and Miner; **2 no:** Bayliss and Morris; **1 abstention:** Evans; **motion passed.**

Morris thinks this establishes an additional burden to the homeowners. They would have to

come to the NC; a tremendous number of homes, we will be overwhelmed and it adds another layer for people who just want to do something normal for their house. Evans noted that this is for the ability to have it cross our desks before a decision is reached. Hall noted that if there is no process, mistakes will happen and no one will know.

Evans noted that for Section 6, A-E, she will make a new feedback form, produce an agenda, hopefully everyone will look at the feedback form; she will submit some questions tomorrow, and maybe we will have a little head start before the next meeting. The sooner members of the public and committee get questions in, the sooner we can get answers. She will close the feedback period 24 hours before the meeting. The new feedback form will be on the agenda, which she will make soon, which will be on our committee page at the babenc.org website.

Patricia asked that the Chair ask that the Planning Department provide figures of the total number of homes or lots in the Wildlife District and the number of homes or lots with a resource buffer or ridgeline buffer. Pat & Jay asked that Evans send in her email the National Park Service Native Woodlands links.

Items #9 through 13 were deferred due to time constraints:

9. **Discussion and possible motion:** Presentation and discussion on Section 6, A-E of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
10. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, a-b of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
11. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, c of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections
12. **Discussion:** Planning for presentations at the next meeting.
13. **Good of the Order**
14. **Adjournment:** Chair Evans adjourned the meeting at 6:58 pm, to return June 2, 5:30 pm.



**Bel Air-Beverly Crest Neighborhood Council
Ad Hoc Committee on Environmental Issues Meeting (Virtual)
Wednesday, June 1, 2022, 12:00-1:30 PM**

MINUTES

Chair Mann called the meeting to order and welcomed the group at 12:05 PM and called the roll with 6 Present: Mindy Rothstein Mann, Chair; Robin Greenberg, Jamie Hall, Wendy Morris, Stephanie Savage & Travis Longcore and 3 Absent: Asher Barondes, Maureen Levinson & Robert Schlesinger.

The agenda and the minutes from March 5th 2021, and Dec 1st 2021, were unanimously approved.

General Public Comment: Wendy commented that she was disappointed that the bio experts had declined the invitation by the ad-hoc PLUC committee. Jamie reported on the status of 2 pieces of environmental state legislation – SB1404 and SB1425. SB1404 died, but SB1425 about open space, passed and Jamie asked if we could send letters of support through our HOA's - he offered to provide a template letter.

Old Business

Loopholes for Retaining Walls – Jamie said that the new Wildlife Ordinance does not address this issue. There was discussion about addressing this through the HCR. Travis has written a letter addressing the changes that need to be made to the current HCR – Jamie and Don will discuss outside of our meeting.

Fees for Parks and Recreation – Stephanie – nothing new to report but Stephanie is continuing to monitor.

DWP – New poles and damage to tree canopy – Mindy is going to speak with Don about setting up a meeting with appropriate DWP and LAFD personnel.

LAFD – policies regarding brush clearance and information regarding nesting birds – again Mindy and Don will speak about setting up a meeting.

New Business

New Draft of Wildlife Ordinance – Don had asked about the purpose of our committee. Travis explained that it was important to have as much input as possible and that this committee would be submitting its recommendations to the ad-hoc PLUC committee.

Mindy commented that we were starting out of order with setbacks and fencing since she thought these seemed to be the most important issues to constituents who were opposing the Ordinance. Jamie disagreed and felt these were the least important issues, or at least not the most important issues – not from an environmental point of view.

The main questions, concerns, and discussion regarding the requirement of a 10' setback in the front yard mainly centered on the following:

Would an additional 5' setback really make that much of a difference in terms of the movement of wildlife?

Would the requirement of an additional 5' setback in the front yard end up with a detrimental effect of pushing houses 5' further into the back yard/back hillside to compensate for the loss of square footage? (It was agreed by that in most cases the backyard is a more sensitive and critical wildlife area than the front yard)

Don also raised the concern that he believes the front setback provides additional safety in terms of passage for emergency vehicles.

Stephanie commented that she constantly encounters egregious situations where homeowner/builders illegally build in the right-of-way, and believes the intention of setting a 10' setback is to try and avoid the problems caused by people who build illegally and too close to the street.

After much discussion the **motion passed** in favor of *not* approving the 10' setback passed – 4 in favor and 1 opposed.

The discussion ended with a decision to review the % of the lot that can be developed under the new ordinance and take a closer look at the placement as well.

Adjournment at 1:45 and Next Meeting was set for June 9th at 3:30 PM – Mindy promised the meeting would run on a timelier basis.

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MINUTES

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

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

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

5. **Chair Report** Chair Evans reported that she hasn't received answers to our questions from Planning, and if we do not receive answers, we will have to decide what to do. She noted, as to the meeting procedure, she thinks she made a small procedural error last time, and corrected this by noting the order when talking about the ordinance is that we begin with the presentation, then questions, then public comment, then discuss, and after the motion, have an additional period of public comment on the motion made. Chair Evans noted that she will be away for a couple of weeks and we will take up meeting again on June 20th, 23rd, 28th & 30th. She hopes we won't need more than four more meetings, though may have to add or extend meetings. She noted that the new web page needs to be less confusing but show what everybody needs; let her know. Asked about the upcoming Staff hearing, she noted that she was told it will be in July.

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

SEC. 12.23. NONCONFORMING BUILDING AND USES.

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

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

5. Restoration of Damaged Non-conforming Buildings.

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

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

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

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

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

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

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

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

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

SEC. 12.23. NONCONFORMING BUILDING AND USES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. **Discussion and possible motion:** Review clarifications received on Sections 1-5 and adopt a position on these sections as necessary. We cannot review the clarifications received as none were received.
10. **Discussion and possible motion:** Presentation and discussion on Section 6, A-E of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf
Chair Evans read from Section 6 A, B & C, D (definitions) and E regarding applicability, including project types (a) through (f). For that information, see the link above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Committee member comments on this session

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment on the motion at hand:

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

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

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

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

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

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

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

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

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

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

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

Committee deliberation on the Motion:

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

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

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

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

Public Comment on the amendment:

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

There was no committee discussion on the amendment.

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

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

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

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

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

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

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

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

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**Bel Air-Beverly Crest Neighborhood Council
Ad Hoc Committee on Environmental Issues Meeting (Virtual)**

Thursday, June 9, 2022 3:30 PM

DRAFT MINUTES

Chair Mann called the meeting to order and welcomed the group at 3:33 PM

Roll call: Mindy Rothstein Mann, Chair; Robin Greenberg, Jamie Hall, Asher Barondes, Wendy Morris, Robert Schlesinger, Travis Longcore

The agenda and the minutes from June 1 were unanimously approved.

General Public Comment: Jamie wanted to give special congratulations to CLAW - Assemblymember Bloom announced that CLAW is his pick for the 50th Assembly District's Nonprofit of the Year.

Guests – There were 2 stakeholders present – Patricia Templeton and Pat & Jay

New Business –

DWP water cuts – Member Loze wrote a draft letter to the mayor proposing a blue-ribbon committee to review these DWP policies. Motion was made to send the letter to the BABCNC Board for consideration and passed unanimously. Chair Mann will email the draft letter to all Board Members before the next meeting so they can be prepared to comment.

New Draft of Wildlife Ordinance – Member Hall gave an overview of the intent of restricting the % of lot coverage that can be developed. He also explained that while the change in the new draft increased the overall lot development allowable from 45% to 50%, it now would balance that increase by giving a more expansive definition of what's included in the calculation of lot coverage (other structures other than the main building).

This issue of the Wildlife Resources was raised in connection to lot coverage; guest P. Templeton believes that this ordinance doesn't deal effectively and clearly with the definition of a Wildlife Resource or where they are located. President Longcore discussed how Wildlife Resources are handled through the County of Los Angeles. The County has a map of Wildlife Resources according to zones (H1, H2, H3) and an environmental review board which is available to review each property individually on its own merits – either to assess whether it actually has a Wildlife Resource or whether one should be designated.

After hearing about the County's approach, there was much discourse about how the City should have a similar process. A motion was made by Member Loze that a provision be included in the Wildlife Ordinance that will allow applicants and interested members of the community to request a reevaluation of resource designation of parcels. The motion passed - 5 were in favor and 1 abstained.

After a very long discussion among the committee members and input from the present stakeholders, Member Hall made the recommendation that there were too many unsolvable issues in the section regarding lot coverage. He made the motion, therefore, that we share some of the major issues/questions with the Land Use committee and recommend that they pass these along to Planning.

They are as following:

1. Provision for placement of proposed project on least environmentally sensitive portion of the lot
2. Provision for guaranteed equitable minimum square foot coverage allowance for sub-standard and smaller lots
3. Clarification about which permeable landscape/hardscape surfaces are considered constructed and included in the lot coverage calculation
4. Question the 100,000 square foot maximum lot coverage – absurdly high amount – how was this number reached?

Member Loze asked that discussion regarding a provision for a review process for an administrative clearance be placed on the agenda for a future meeting.

Adjournment at 5:00 PM and Next Meeting was set for June 16th at 3:30 PM – Chair Mann agreed to send a copy of Don's DWP draft letter to all Board members for review before our next Board meeting.

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**Bel Air-Beverly Crest Neighborhood Council
Ad Hoc Committee on Environmental Issues Meeting (Virtual)**

Thursday, June 16, 2022 3:30 PM

MINUTES

Chairperson Mann called the meeting to order and welcomed the group at 3:38 PM

Roll call: Mindy Rothstein Mann, Chair; Jamie Hall, Travis Longcore, Robert Schlesinger, Asher Barondes

Guests present: Robin, Patricia Templeton, Pat & Jay, Andrew Paden, and Steven Borden

The agenda for June 16th, 2022, was unanimously approved.
The minutes from June 9th, 2022, were unanimously approved.

New Business

Member Schlesinger provided a presentation/summary of the existing grading regulations per the Baseline Hillside Ordinance (BHO), as well as the grading regulations that are being proposed in the latest draft of the Wildlife Ordinance.

Here are the major differences, issues, and questions that arose in our discussions

1. The Wildlife Ordinance is more restrictive than the BHO when it comes to properties that have slopes equal to or greater than 60%. Under the new regulations, a property would no longer be eligible for the 15% additional square footage added to the cumulative RFA.

There was much discussion about this change. Stakeholders have expressed a desire to be able to remodel and/or add on to their homes under the existing BHO regulations. They believe that many properties in Bel-Air Crest have slopes equal to or greater than 60%. They believe that the removal of the 15% for properties with 60% slopes will unfairly limit their ability to expand. They also argue that in many cases they could expand on the existing flat lot and never touch the 60% slope area that is in question (as in the case of a second story).

While our committee had some concerns, and pointed out that allowing larger homes even on existing pads still has an environmental impact (for example, it potentially pushes the envelope of hillside clearance further into the slopes) our committee expressed the belief that the main objective in thinking about these grading and development is the preservation of undeveloped lots. In addition, the committee agreed that grading on existing developed lots is not as great of a concern as long as homeowners don't encroach onto sections of their lots that are currently undeveloped.

In consideration of the above paragraph, **Jamie made a motion** to recommend an exception to the RFA in Section D2i referring to the allocation for slopes in excess of 60%. This exception would allow the allocation to be included in the cumulative floor area as it would be allowed under the BHO, but only if the RFA is located in the area of the lot that has been previously "disturbed" (this does not include an area that has been disturbed by brush clearance). **The motion passed with 1 abstention.**

2. There was some confusion in this section as far as how the RFA will be calculated.

It states in section c2ia that "No grading or structure shall be developed on natural slopes in excess of 100% and greater as identified on the Slope Analysis Map per 12.21.C.10(b)(1), except that a Project may utilize a Guaranteed Minimum per Table 12.21 C.10-3 of the Baseline Hillside Ordinance (BHO)"

(In looking at table 12.21 C.10-3 we found that the guaranteed minimum that could be developed ranged from 18%-25% so the minimum is either 1,000 square feet or the greater of the two).

In section D2ii, however, under Allocation of RFA in Slopes in excess of 60%, it says "Notwithstanding Section 12.21.C.10(b) Table 12.21 C.10-2a, Residential Floor Area (RFA) contained in all Buildings and Accessory Buildings shall not be allocated for slope bands greater than 60%"

The committee recommends that Planning take a closer look at how these two provisions will work together and clarify what is meant by "notwithstanding". Jamie recommended giving them an example of an acre lot with slopes in excess of 60% and asking what the total RFA would be.

Meeting adjourned at 5:00 pm. Next Meeting: Tuesday, June 21st, at 3:30 PM



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Monday, June 20, 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>.

1. Chair Evans called the meeting to order at 5:30 PM and called the roll.
There were 6 members present: Ellen Evans, Chair; Shawn Bayliss, Jamie Hall, Nickie Miner, Robert Schlesinger; quorum was met, and Don Loze arrived shortly thereafter. *Ex Officio* Member Travis Longcore was also present. (*Wendy Morris is no longer on the committee.*)
2. The June 20, 2022 Agenda was approved as moved by Miner.
3. The June 2, 2022 Minutes were unanimously approved as written, as moved by Miner.
4. **Public Comments** on non-agendized items within the jurisdiction of this committee.

Alison recommends that the NC send a letter to City Planning requesting an extension given the short notice, acknowledging that this is not enough time to prepare before the public hearing, and it is summertime, people are on vacation, etc.

Bill Grundfest noted that he agrees with Alison's comment, and repeated his opposition to this, that troubled by this committee, and feels no one has been speaking on behalf of the homeowners here. He opined that this ordinance is not fact based; LAPD and LAFD have not been consulted, and cited public safety risks.

Steve Borden agreed with Alison's comment, and noted that it is imperative for the NC as well as the members of the community represented within the 27,000 members, to fully understand in detail the specifics of this ordinance, which are complex, as demonstrated at the Environmental Ad Hoc Committee meeting the other day. He applauded the work that the committee was starting to do and the contributions that Patricia made, having spent hundreds of hours analyzing what is there. He feels it is an unfair request that the citizens will know it well enough in the next few weeks and strongly recommends a communication that asks for multiple information sessions and two hours will be not enough time. He thinks we need two, three or four meetings and feels similarly to Bill Grundfest, some aspects of the ordinance will diminish the value of his property.

Pat and Jay: Pat agreed with Alison, and would like us to ask the City to present the environmental science behind it and that we get our committees' questions answered. She'd like Longcore to talk about the environmental science behind it and find out when we will address the sample houses, with regard to RFA and height changes, and would like to know, if you change one thing in the ordinance are you changing everything? She thinks it has to be looked at as a whole and noted that that her ability to rebuild her small 4500 square foot house in a fire is negligible.

Patricia Templeton agreed about the short time frame; doesn't feel we have enough time to get it done and is concerned about the timeframe to the hearing: There's not enough time for them to answer those questions, digest that and what the ordinance means, to effectively communicate it.

Sharon agreed with Alison with regard to shortness of time to understand the whole ordinance and believes this ordinance will drastically impact her and people like her.

Chuck noted that he gave his comments last time and complimented the people working on this. He fears that the property values could drop dramatically if the ordinance passed; and would probably negate any hopes for retirement that he and his wife could ever have. He asked about the height limitation issue, and why the name of the ridgeline ordinance was changed to wildlife ordinance. He wonders how and why animals have replaced the importance of human beings living in this area and that you consider how it is affecting each of you on the committee in terms of your investment.

[Public Comment concluded.]

5. **Chair Report:** Chair Evans noted that we have a meeting with Planning this week and she will report back at Thursday's meeting. She has notified everyone about the Planning Department's informational session and public hearing happening on Tuesday 06-28. It was sent to every property owner in the district. She reminded everyone that even after the Planning Department hearing, there will be a City Council Planning and Land Use meeting, where you can give feedback.

Evans noted that our Tuesday 28th meeting is cancelled in light of the informational session, on the 28th and next week's meetings will be on the 29th, 30th and the 1st.

Evans reviewed the procedures for the meeting.

All comments are heard and considered whether incorporated into the comment letter or not.

6. **Discussion and possible motion:**

Take position on Section 6, E,1,f 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 noted that she re-agendized Section 6, E,1,f, part of Applicability section of the ordinance.

Evans noted that f notes that any construction or grading activity requiring a permit on a lot where wildlife resource buffer triggers the ordinance. She wanted to make sure that we adequately consider this given that a lot may have a small resource buffer running through the edge of a property.

Public Comment and Clarifications Requested on this Section:

Alison noted that with f, it contradicts the last paragraph in Section E in the definition of Applicability, which says “Interior remodeling and construction activity that does not alter or expand a building or structure’s footprint shall not count as a Project. However, in subsection f, it says if you are in a wildlife resource buffer any construction or grading activity requiring a permit, does count as a project (even if it is within your existing – interior remodel or construction activity – that doesn’t alter it – is going to trigger this situation.) She thinks we need clarification on that piece, because it contradicts what is stated above.

Evans believes that interior remodeling doesn’t trigger the ordinance and agreed that further clarification is necessary.

Bill Grundfest asked for the definition of wildlife resource, which Evans provided.

Patricia wants you to understand that it will trigger a site plan review if you do any exterior construction with a wildlife resource present. She is concerned about the burden on homeowners in terms of time and expense, including the burden on those who might have a tiny bit of resource buffer far away from where they are doing construction. She also notes that site plan reviews requires substantial conformance with all the regulations in this Wildlife Ordinance.

Steve Borden noted that the way this reads, no one who owns a home within this pilot area, Sunset to Ventura, the 405 to the 101, would be able to add more than 500 square feet to their home. Evans replied that would not be the case. She noted that the ordinance is triggered if you add more than 500 square feet but doesn’t mean you can’t add more than 500 square feet.

Pat & Jay: Pat would like to know more about what will trigger, to which Evans responded that when the ordinance is triggered, the ordinance is triggered, and in answer to further questions about this, Chair Evans noted that there will be relief from regulations and answers to specific questions will depend. Pat noted that she will have to spend so much money and that it will cause so much stress for people.

Committee Member Discussion of this Portion:

Ex Officio Member Longcore acknowledged that it poses a significant difficulty to have an intersection of a buffer that isn’t particularly well defined at this point, that might hit the corner of the lot, and that will trigger a site plan review and substantial compliance with all

parts of the ordinance. He thinks that's a problem, and thinks that the footprint of development will hit that buffer... There are properties large and small that seem disproportionate to trigger the ordinance for a site plan review when the project isn't even going to touch the buffers... and that this is worth commenting on because it does cause disproportionate challenges.

Hall doesn't disagree that it might not be fair to trigger a site-plan review, e.g., if there was a 10-acre parcel and on the other side open space, and if the project wasn't touching or encroaching on the open space, it doesn't warrant site plan review, but we need to think about brush clearance – a permanent obligation on the adjacent property owner to brush clear their property and noted his openness but that we need to consider what is good for humans isn't always good for animals.

Evans thinks if it is something running through a small corner of a lot, most of the time it is the water resources... there is a proposal by Longcore that the trigger be if the proposed construction goes into the buffer, and Hall has a different idea.

Bayliss noted 1) one of the earlier comments brought up on the need for potentially more workshops with the Planning department, and we've been going through this and thinks it would be a good idea to reach out to Planning and say it would be a good idea to have multiple workshops... and that we currently have a growing list of questions ourselves.

2) Bayliss doesn't think we should downplay the cost, time or money when it comes to requiring a site plan review of entitlement applications with the city; they take 8-14 months, and could be quite expensive... Overall, a relatively low threshold for something deemed as a project will cause a lot of complications to the City. Going back to the resource buffer. He also expressed concerns about how the process of inclusion of unmapped resources might work.

Evans noted that maybe we want to say it is an "over-application" that will make the ordinance apply to projects where it shouldn't be applied. Hall asked what that means, to which Bayliss noted that when site plan review is triggered, a person seeking a permit will be stuck for 8-14 months.

Hall points out that the City doesn't have the resources to create a granular approach, and that there will be byproducts of the "one-size fits all" approach. Hall speculated on how the City might operate with respect to site plan review for these projects, possibly identifying those that warrant specific analysis.

Don Loze noted that he is puzzled by the purpose of what they are trying to solve, and it seems to him that the purpose is to avoid interference with the resource system. If the addition doesn't interfere with it, then it shouldn't be an issue. If it does, it should be judged, and he thinks that becomes a case by case analysis.

Hall noted that if you can find the findings for a site plan review on Pages 21 and 22, which will tell you exactly what the purpose of this is, and it allows the city to customize

conditions of approval. Loze agreed that the application of that is where the issue comes about as to who gets swept up in the process.

Hall feels we need to acknowledge that there are certain parcels that require individualized site plan analysis and that there are concerns that the approach to identifying those... He agreed with Evans it may be somewhat overbroad and there may be a more perfect way; that it is an imperfect approach. Evans would like it to be more narrowly defined.

Hall believes that the motion should express support for the purpose of the application.

Motion: In the comment letter we will acknowledge the purpose of this application but express reservations about the broadness of application relative to the impacts moved by Evans and seconded.

Public Comment:

Andrew Paden noted that when the resource buffers combine different resources, that's where the problem also originates; so if a part of the parcel touches a small the resource buffer you don't know what is triggering the site specific review. Is it a drainage or riparian area or cover for nesting birds? If so that's a flaw. He asked, what is triggering the site plan review, and noted that in his world, if a project has a footprint that touches a wetland, you get someone to do a JD, you start thinking about mitigating... you don't coming these resources layers. He sees that as problematic.

Patricia noted many parcels that have resource buffers at the edge of their property; not just outliers. She noted that this may create opposition to identification and/or procurement of new open space. She would suggest considering how many feet away from the construction.

Steve expressed is concern about the committee building a series of arguments upon an unknown foundation that is shaky, pointing to the methodology of the analysis.

Alison thinks it is important to note that such homes like in the MDRB become depressed because of the time and process – so adding site review plan (SR Plan) for a large number of homes, will be an area that some people will avoid, and it will affect values.

Bill brought up reservations regarding impact on homeowners.

Miner noted that the hills have always been a choice place to live, and we need to do something to preserve the diminishing amount and range of wildlife in the hills.

Jamie expressed a desire to amend based on comment.

Amendment: “We acknowledge what we believe is the purpose” moved by Hall, seconded. Loze noted that we can get clarification as a result of this amendment.

Public Comment on the Amendment: None.

Committee Discussion: Miner thinks that the amendment serves a good purpose but there is no timeframe; leaving it open ended is a worry. Hall noted that we are trying to craft a letter to the City prior to the July 13th hearing and can do a further letter after that to the CPC. We believe that the site plan review maybe over inclusive. He is respectful of the comments we received from the community.

The amendment passed with 5 yeses from Bayliss, Hall, Loze, Miner, and Schlesinger. **The underlying motion as amended passed** with 5 yeses from Bayliss, Hall, Loze, Miner and Schlesinger.

7. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, **a-b** of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections. Evans reviewed the ordinance's section regarding the intent of setbacks (including table) and fences on screen.

Questions from the Public on this Section

Bill asked why LAPD & LAFD were not consulted to include public safety dangers of this.

Steven asked if the committee explored animals are specifically meant to benefit from this part of the ordinance. **Patricia** asked what animal is there that that can get through 6" x 6" openings that can't already get over or under the fence? Chair Evans noted that this has been added to the list of questions for Planning.

Alison asked if studies have been done on deer or animals who may become harmed by having access to our streets in the neighborhood.

Andrew asked for visual representation, noting the Wildlife Ordinance talks about measurements and is it a 6" space in a vertical direction or 6" x 6" poles? Evans would try to bring it up.

Steven asked if we can find out from City Planning what specific science and studies these proposals are founded upon as well as which animals it is design to facilitate passage.

Committee Members' Needs for Clarification or Questions as to the intent or application of the ordinance:

Miner noted the dwindling animal population and her desire to protect what's left.

Comments on fences and setbacks

Sharon is concerned about fencing and pets, and how we protect our pets in these circumstances.

Bill noted public safety dangers caused by this portion of the ordinance.

Patricia stated that there is no benefit to this portion to the ordinance but there are public

safety dangers as well as privacy problems. She noted that the City paid for a PAWS study that Koretz requested that set this thing off, has nothing on fencing in it.

Alison believes that the imagery provided in the ordinance is deceiving and feels it is a great concern for those with children and pets who just want safety and privacy.

Andrew noted he doesn't think many people believe these sized holes in a residential fence contributes that much to wildlife movement. He sees small species but not deer, coyotes, mountain lions, bobcats benefiting from this.

Steven challenged the fairness of the process.

Discussion on Setbacks:

Chair Evans temporarily lost connection during which time Board President Longcore noted that the Board meeting this Wednesday includes annual committee assignments, so inasmuch as there are vacancies or people want to make changes that happens at the meeting Wednesday. He noted that committee is a subcommittee of the PLU Committee. The composition of all committees will be established next Wednesday.

Chair Evans returned online, noting that there is a motion from the Ad Hoc Environmental Committee to suggest maintaining and letting the 5' front yard setback stand. Evans opined that making a 10-foot minimum would push the development and require more grading and agreed to affirm that committee's position. Member Hall noted that the environmental committee front yard setback might be a bad thing. Evans noted that the currently-required setback on a substandard hillside street is 5' and this ordinance would make it 10' otherwise the setback requirement has literally no impact. It is only on substandard hillside streets.

Bayliss noted that it is prevailing setback and if prevailing setback could not be established it is an automatic 5' minimum. Hall noted that the objective of the ordinance is to preserve natural resources and that forcing people to encroach into the undeveloped portion of the lot is a byproduct of an increased front yard setback.

Further discussion was held on this, including in the context of substandard street. Evans noted that the requirement for most development would be at least 10 feet but only on substandard hillside streets. .

Bayliss provided insight on this issue, noting that it is not the "less-than-20' wide street" that we often associate with substandard streets, (it is in the majority of the hillsides) a substandard hillside street in the context of having to have 46' right of way and a 28' improved street. If it doesn't meet both of those qualifications, it is considered substandard for the purposes of this code section; then you then have to do prevailing or an automatic 5' minimum setback if prevailing can't be established. Bayliss elaborated on this.

Hall would accept the recommendation and suggested F1 minimum front yard be eliminated.

Motion to recommend this committee remove the F1.a setbacks was moved by Hall and seconded. There was no public comment or further discussion on eliminating F1.a. **The motion passed** by 4 yeases, 0 noes, and 1 abstention by Miner.

Fences:

Committee discussion was held, with Hall noting that that fencing is not the most important part of the ordinance, and it could be very burdensome to comply.

He believes the trigger for this section should be limited to major remodels and development of raw land. He thinks there should be an express prohibition for the fencing of undeveloped lots as that serves no purpose and has created havoc in certain situations when people do it.

Evans would like Blue Heights to fence that lot, which Hall noted is an example where you are trying to eliminate nuisance and yet animals are using it. He has video proof of herds of deer using that site. He doesn't have a solution.

Evans is interested in finding out the answers to the question of the intent of the fencing, what animals it is trying to facilitate the movement of, clearly not deer or mountain lions.

Bayliss noted as to fences, in theory, as long as he doesn't build in his setback, he can build his fence or structure by today's code, but if he builds within his structure, he has to follow Option 1, wildlife friendly standards, and the open area portion – and hedges – back to open area. Bayliss wonders why the City is pursuing a high level of detail in this section, essentially micro-managing design choices.

For Option 2, the same thing, follow same standards, and asked how does it work with regard to pool fencing? If you have a pool, you have to have fencing for a pool, pointing out that the people in Cassiano, Moraga, Linda Flora, Samira have more traditional lots that happen to be in the hills, so, it's going to be difficult for a lot of folks with more normal- sized homes to not be in their setbacks. He thinks those areas will be hit, will have to comply with this. He wonders about the pool fencing.

Longcore noted that the way he reads this, you can comply with the ordinance by not having an impermeable fence in the front yard or back yard setback. If you do that you can fence lot line to lot line, which covers all of these scenarios.

Bayliss noted if you are above 3-1/2 feet in your front yard setback, you already have to ask for a variance. The front yard is less of an issue.

Longcore noted that in most instances, keeping permeability in the back yard is where you'll get the most benefit. Bayliss noted regarding wildlife permeable fencing, he'd recommend not micromanaging the 6" slat portion, being concerned about dictating peoples' design and therefore drawing questions of safety and security accessibility of wildlife predators, etc.

Evans noted that if we make a motion we can still revise the motion after getting clarification from planning. She thinks that it should have a different trigger was compelling. Hall reiterated major remodel or new build.

Loze related that he understands that, but asked what happens if someone sells the house, the property is bought solely for the purpose of having some dirt, and there is no major remodel or improvement and you're down to raw land. The project requires the analysis if it qualifies by code. He is asking, are we addressing the whole or half of it now? So if your project under Hall's motion is a major remodel triggers but if it is a major remodel that doesn't use any of the open space that was there before, should it trigger?

Hall noted that he could be convinced that a major remodel should *not* be triggered. That's the trigger in the BHO. He noted that the laws have changed over time, but if you have decided to make an investment triggered by the BHO, changing a fence is a minor issue at that point. Loze, noted that all of those things come into play if you just buy the dirt.

Evans noted that demolition doesn't trigger and Hall noted that construction does trigger and that looking at it further. Hall clarified that it triggers if you exceed 500 square feet. Hall suggested construction, additions exceeding 500 square feet or a major remodel be triggers. That would exclude tree removal, grading, exclude also construction activity where a wildlife resource buffer is present. It is a fair trade off we are trying to make as we do not want to put an undue burden on people.

Evans wanted clarification to the question about the specific species that Planning wants facilitate the movement of and any science backing up that wildlife friendly fences do that. Evans noted that we can make a motion and wanted the committee to understand that we will revisit after getting the answer.

Motion: That the committee recommend that the requirements for the wildlife fences, hedges and walls only be triggered when there is new construction, an addition exceeding 500 square feet or a major remodel in the hillsides, moved by Hall; seconded.

Public Comment on the Motion:

Patricia: Patricia reiterated her opposition to the fencing requirements based on public safety and privacy concerns.

Bill Grundfest reiterated his opposition to the fencing requirements based on public safety concerns.

Alison noted, as to setbacks to front and back and being able to put fencing along sides, it would not apply to people on the ridgelines. She echoed Patricia and Bill, need to focus on the issues. She appreciates the issue of what triggers a fence but that is not the issue.

Steven Borden proposed as part of discovery process getting guidance on what science this is based on, and specific animals, and that we concurrently ask the LAPD and LAFD

what their position on this to inform the subcommittee's thinking.
[Public comment closed on this section.]

Committee Discussion:

Miner thinks there must be a way for the City to keep us safe while protecting movement of wildlife.

Evans noted that a more protective wall could be built as long as it was not in the setback.

Hall thinks animals have to have space for habitat but he respects the public safety concerns.

One way to do it; it doesn't tell the city how to do it but acknowledges the concerns and invites the City to pursue an alternative way to achieve this. Schlesinger thinks they won't be able to answer. Hall noted that we need to acknowledge what people are saying.

Loze noted if we are trying to balance safety and animal movement, therefore we will request the Planning department to make a proposal which balances those two things in a way that gives us some security. He thinks his motion would supersede the motion that is there now. Hall did not think we should abandon his motion, but they could be together.

Amendment: Loze moved to use Hall's proposal, subject to receiving from the Planning department new material which balances the movement of animals with the safety of residents and therefore move away from this. Seconded.

Public Comment on the amendment:

Patricia noted regarding the motion, if you could include privacy in there, that is a big consideration, and, as a point of information, noted that the graphics in the Wildlife Ordinance are inaccurate and highly deceptive. They use 5% setbacks instead of 10%. When you are looking at that to see what the impact would be, their images are not accurate.

Alison has an issue with the triggering in this motion, and doesn't think additions over 500 square feet should be in there.

Bill asked that the amendment request not just "safety" but specify, campfires, home evasions and predations on pets, and that LAPD and LAFD be consulted on this issue.
[Public comment closed on this.]

Amendment passed by 5 yeses from Bayliss, Hall, Loze, Miner, and Schlesinger.

Evans noted that if we want to do anything further we can agendize it for another meeting.

Motion as amended carried by 3 yeses from Schlesinger, Loze, Miner, (*Evans was frozen out and Bayliss just left*).

Agenda Items 8 through 14 were deferred due to time constraints:

8. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, **c** of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on this section.
9. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, **d-e** of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
10. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, **f** 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.
11. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, **g-i** of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.
12. **Discussion and possible motion:** Presentation and discussion on Section 6, F, 1, **j** 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.
13. **Discussion:** Planning for presentations at the next meeting.
14. Good of the Order: None.
15. The meeting adjourned at 8:18 PM as moved by Schlesinger.

Next Meeting Date: June 23, 5:30 pm

www.babcnc.org info@babenc.org

Minutes from June 21, 2022
Ad Hoc Environmental Issues
Committee
to go here



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Thursday, June 23, 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.babnc.org/committees/viewCommittee/ad-hoc-subcommittee-on-proposed-wildlife-district>. **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 5:30 PM and called the roll. There were 6 members present: Ellen Evans, Chair; Shawn Bayliss, Jamie Hall, Nickie Miner, Robert Schlesinger, Don Loze. *Ex Officio* Member Travis Longcore was also present.
2. The agenda was unanimously approved as moved by Member Bayliss and seconded, with Chair Evans noting that #6 has been completed, and therefore will be deleted.
3. A motion to postpone approval of the June 20, 2022 Minutes to the next meeting, was approved, as moved by Evans.
4. **Public Comments** on non-agendized items within the jurisdiction of this committee.
Patricia commented that there are a lot of projects that the PLU Committee never sees, and those homeowners will be captured by this. She asks that we keep the “little people” with smaller homes in mind, who would be most affected by this.
Pat and Jay: Pat asked when the committee will examine the sample lots. She believes she won’t be able to build, and wants that acknowledged. Evans acknowledged her request, and encouraged using public comment to say how it will affect her life on a lot and that we can pull it up and discuss that.
5. **Chair Report:** Chair Evans gave an oral report on meeting with Planning for clarification and answers to questions regarding the ordinance. She will provide a written report on this shortly.

Some of Chair Evans’ report included that the ordinance was not meant to apply to a residence in its entirety if triggered by an addition or a tree removal. The ordinance is only triggered as it affects the “project” as defined by the ordinance. You don’t have to change all our windows because you have a tree removal.

Other comments from Evans' report include:

Lines on ridgeline resource and wildlife resource maps provided by the city represent the buffers for the resources not just the resources.

Planning reported that there are 28,000 parcels in the WLD area, and they will provide numbers as to how many have resources buffers, ridgeline buffers or both. They will provide a sample administrative clearance forms.

Discussed that there is no appeal process and that it is the same process as for the building process. Hall but would like clarification on this...

Evans noted that there was question of whether a biological assessment or a tree report will be required for the administrative clearance. If compliant, no, but if you note a resource on your plan, it might be required; if there is a discretionary review, from this or another ordinance, or removal of trees, you might be required to do an assessment or tree report.

Longcore noted that if any of those five things happen, e.g., the new construction, over 500-square feet remodel, tree removal or wildlife resource buffer, then you would be required to produce the biological assessment or tree report. Ellen noted it also sounded like if there is a request for a discretionary permit, that might be required.

Hall noted if triggered, you are either required for administrative clearance or site plan review. The question is, are biological assessments and tree reports required for all types or certain types of administrative clearances?

Evans noted that we will have maps as an agenda item and we will build a list of questions.

Planning is going to look into the question related to requirements when exceeding the 75% cost threshold. Their FAQ asserts that the current setback rules need to be followed. Committee's reading says it doesn't.

They will check as to the question of lot coverage definition using "above grade" and whether it should really be "above ground."

Questions from the most recent meeting: Interior remodels, even if you have a wildlife resource buffer would *not* trigger site plan review.

They'll give us resources as to fencing, what species are fostered, and where that comes from. There is no research that shows animals are harmed by getting freer access to streets, and in terms of their conversation with LAPD and LAFD, they had a conversation about with LAFD as to vegetation as relates to wildlife.

Public Comment on the Report

Patricia believes that a statement made contradicts PAWS report, and that unmapped resources will be added, noting that the definition is so broad. ... open space and water-related resources or other resources that they might add and map? She questioned the number 27,000 parcels in the

wildlife district and Schlesinger mentioned 27,000 people represented in the NC.

Pat and Jay: Pat asked us to document if we agree trigger only the part of the ordinance that applies to a specific thing; to say if we agree with that, and that you heard that the City said they intended to do that, but they need to include that specifically.

Alison asked Chair Evans if she could publish the responses to the questions, noting that the responses seemed to have holes in it. Evans will create a written document.

~~6. **Discussion and possible motion:** If not already completed, discussion on Section 6, F, 1, a-b of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections. (completed.)~~

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

Chair Evans presented the section of the ordinance as it related to grading and prompted a discussion of remedial grading.

Stephanie Savage noted the need for remedial grading is where there is an anomaly in the geology: If the area is determined to have poor geology needing to be remediated, trimmed or whatever, it has to be identified by a soils engineer. Remedial grading tends to be overused.

Questions & Comments on the meaning of this part of the ordinance

Pat & Jay: Pat asked why it says “in excess of 100%” but ends up 41 degrees. If she is over 41 degrees, does that mean she can’t build at all? The question is whether someone will be precluded from building.

Stephanie Savage related for between 60% and 100% slope, do RFA is currently allowed. Anything beyond 100% or 45 degrees has always had no RFA allowed... Stephanie is more familiar with R1 lots than RE lots... there is so much variation on R1 lots it would be extremely punitive to eliminate all that RFA. Evans asked if the guaranteed minimums are allowed, to which Stephanie responded, right, but every site is really different and it is not easy to say it works for everything. If this were to go through, excluding the guaranteed minimums, you would be allowed less RFA if you followed what is written now than you would in your guaranteed minimum. You could go back to the guaranteed minimum. But this is pushing towards, what she sees as R1 lots, if viable you would have to have much larger lots to build a home of maybe even 2,000 square feet.

Alison asked regarding grading restrictions, slopes greater than 100%, where it says no grading or structure shall be developed on the natural slopes... asking what is meant by a structure?

Patricia offered a correction about remedial grading, noting that it is her understanding it is based on the steepness of a slope. It could happen that even building a small one, they want you

to do something to the slope to make it more stable.

Member Hall discussed remedial grading, noting that there is an informational bulletin from LADBS #P, from which he provided some information. See the following link for details:

https://www.ladbs.org/docs/default-source/publications/information-bulletins/building-code/guidelines-for-determining-remedial-grading-exempted-from-the-baseline-hillside-ordinance.pdf?sfvrsn=949cff53_12

He noted that the bulletin talks about examples, because of the lots that haven't been developed, a lot of them are problematic lots.

Chair Evans noted that Member Hall said the Environmental Committee had extensive discussion on grading, and she wanted to share the motion that they made regarding grading.

The following from notes on the Ad Hoc Committee on Environmental Issues were read to the committee:

Jamie made a motion to recommend an exception to the RFA in Section D2i referring to the allocation for slopes in excess of 60%. This exception would allow the allocation to be included in the cumulative floor area as it is currently allowed under the BHO, but only if the RFA is located in the area of the lot that has been previously "disturbed" (this does not include an area that has been disturbed by brush clearance).

The committee also recommended that Planning take a closer look at how the following two provisions will work together as there seems to be some contradiction: No grading or structure shall be developed on natural slopes in excess of 100% and greater as identified on the Slope Analysis Map per 12.21.C.10(b)(1), except that a Project may utilize a Guaranteed Minimum per Table 12.21 C.10-3 of the Baseline Hillside Ordinance (BHO)." But then in discussing the allocation of RFA in slopes in excess of 60% it says "Notwithstanding Section 12.21.C.10(b) Table 12.21.C.10-2a, Residential Floor Area (RFA) contained in all Buildings and Accessory Buildings shall not be allocated for slope bands greater than 60%". (Jamie recommended giving Planning an example of an acre lot with slopes in excess of 60% and asking what the total RFA would be)

Per Hall, this is applicable, as there is a provision in this section that says you can't count that portion – it is applicable and we talked a lot about this and Patricia shared her slope band analysis for her parcel.

Public Comment on the Grading Section:

Patricia commented that she doesn't see a connection between the steepness of the slope and how much house you should have and feels that it is arguably backwards.

Alison noted that we already have multiple ordinances that dictate grading and there were additional modifications and amendments in 2017, and that further regulations with regard to grading seems overkill and extremely restrictive. She objects to any additional grading restrictions in the Wildlife Ordinance.

Committee Comments:

Member Loze raised attention to other things for modification submitted to the current HCRs such as 1) the question of when you can grade, noting that this doesn't say when. He noted there should be a precondition that you cannot move a rock until you have a building permit and cannot have that permit until Plan Check and approval. Within Plan Check there are certain things that they ask to be required.

2) Mr. Loze noted that the issue of "remedial grading" has been abused; access to remedial grading is in the hands of people who are essentially the employees or responsive to the developer/applicant, and it may not be the same as the purpose of this ordinance or the Hillside Ordinance, which is not to disturb the hills. BABNC has suggested that remedial grading not be allowed if elsewhere on the site there is a place or location for development that does not require remedial grading. The idea of remedial grading has been abused by people saying we have to dig this and the other until we get to a safety factor. Grading has never been meant to be a guarantee of the developer's investment in a piece of property. The owner should have known the risk when the property was acquired.

He continued that none of this applies until there is a trigger, which is the application, and the application becomes a review, and the review gives the applicant ability to make a determination if they want to proceed or not proceed to build. That's the process we need to understand before we can say you can't do things on these properties. The issues of steepness and slope and slope banding issues are absolutely involved, in every other aspect of the other ordinances... but it seems to him there are a lot of escape clauses which don't put clamps on it. This is not to take away the possibility of people who want to deal with their land, but question of how to analyze to do with the land. Those two major points are omitted from here: When can you begin grading? Not until Plan Check. If Plan Checks should be supported by a schedule of performance and bonding, so that we don't have huge projects that are never finished as such as we have in Benedict. The Enforcement of violating these things has to be addressed. All of this is in the approval hands of people who are answerable to the Director of Building and Safety and the Grading Department without any public oversight at all.

Stephanie Savage reiterated that it is very different for every site in the R1 zone. She gathers that this ordinance is after preventing large houses on large lots so there is more room for wildlife to pass through. She thinks it is punitive to eliminate that slope band to have no RFA. The City in the 2017 BHO had a provision where you could through Council action do an R1 Zone variation in the hillside areas, where they did reduction in certain reduction in slope band. She thinks that the format that needs to be in this ordinance, is the typical chart that they provide for slope bands and that it could be considered differently the R1 zone and larger zones.

Evans noted that we are talking about grading restrictions, no grading exemption for driveways and footprint and then all remedial grading is counted towards the maximum by right grading quantity. She asked if there is a problem with the grading restrictions.

Member Hall noted that he likes the further restriction – the removal of the driveway exemption, and the cut and fill underneath footprint exemption, explaining that one reason people will see that the export is X, and ask themselves how they comply with the BHO's by right grading exemption? He noted it is because of all the exceptions... also with remedial grading; however,

noted that unfortunately one can hire a licensed person who you can pay to say all sorts of things.

Hall noted that the Environmental Committee was confused about C2ia, because it says no grading or structure shall be developed on natural slopes in excess of 100% except... utilize that a project may utilize a guaranteed minimum. That's confusing.

Are you saying you can build in order to obtain your guaranteed minimal? He would move to ask the staff that question, noting it is very ambiguous. Evans agreed and thanked him for pointing that out. Evans reported having seen a lot of evidence of damage of excessive grading. She thinks it all should count.

Member Loze noted that the issue is how is the determination made and how does it fit in the appeal process of an application. The ability to question the determination of some subset of personnel in Planning and Safety which gets down to questioning the judgment of the Grading Department is something that has been uncovered, remained hidden forever. It seems to him that there has to be some way of digging into that process, and this is an opening to do it.

Loze noted that you have to have an appeal process for the review, for each step of the determination, to which Hall noted that we already adopted a motion that there has to be appeals processes...

Hall discussed the issue of whether we want remedial grading. All remedial grading counts. Loze questioned whether there should be remedial grading on the site where there is an opportunity to place the structure on a site where remedial grading is not necessary. Loze noted that there has to be analysis of the site.

Hall asked why someone would want a structure on a site that requires extensive remediation if they didn't have to? Loze noted that you can't guarantee destruction of the hills... on the basis of remedial grading. Hall noted so that that grading is conducted in the least impactful way. Evans noted that the structure is sited on a place that minimizes grading on the lot.

Stephanie Savage related that the City of Beverly Hills requires a third party to verify grading. She thinks that's a great idea. She noted that the program they have nowadays to design houses, you can get a spreadsheet from your program, and figure out what your foundation is. It is extremely accurate. She commented that as long as we pressure the City to make these requirements and prove such grading we won't get anywhere.

Member Miner noted how we spoke about changing rules and regulations on grading, noting that before grading is done it should be permitted by the applicant including the structure being put on the property. She feels that there is too much wily nilly random grading going on, and noted that that discussion came about because we wanted to reign in that kind of backwards grading; people grade and say oops and the piece of mountain is gone. Would this apply to new construction or rebuild? She doesn't want to lose sight that we wanted to incorporate grading permits with building permits.

Loze agreed, and thinks that we need to put here: that no grading can proceed until building permits are obtained. Hall noted that the last idea is good that grading permit shall not precede

issuance of building permits. The other thing we heard is that that we want a provision that said the proposed structure shall be sited on the project site on a way that minimizes grading.

Evans noted that we need to support the intent of C21a, which is what we were getting clarification on. Hall would request clarification on the meaning of c21 to the motion.

Motion: Recommend that the City includes two provisions to the grading section of the draft ordinance:

- 1) an express statement that grading permits shall *not* be issued prior to building permit issuance for a structure, and
- 2) have a requirement that proposed structures be sited on a lot such that grading is minimized, and
- 3) further that we seek clarification from the City with regard to C21a when it states a project may utilize a guaranteed minimum per 12.21 C.10-3 *of the Baseline Hillside Ordinance (BHO)*. The specific question to be asked is, does this mean that a structure or grading can occur on natural slopes in excess of 100% if it is necessary for a project to utilize the guaranteed minimum?
- 4) and we express support of the intent of the grading provision and
- 5) further amend it to say we support this section of the ordinance including the intent except for the section requiring clarification (6.F.1.c.2.i.a) moved by Hall; seconded by Evans.

Public Comment on the Motion:

Alison would that the NC note that this is their support not that of public.

Pat and Jay: Pat has concern including structure, asking can people rebuild with the same square footage, and thinks that this ignores the small people. She asked what percentage of houses including small houses can really rebuild with their own sized home, less than 5,000 square feet, with the ridgeline and everything else. She opined that without knowing that data you are kind of changing the character of the neighborhood, noting also that she is an environmentalist. She recommends allowing new construction that has the same square footage as the old.

The motion passed by 3 yeses from Hall, Schlesinger & Bayliss, 0 noes, and 2 abstentions from Loze & Evans. Loze reported his abstention was because we have not reached adequate limitation on remedial grading.

8. **Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, F, 1, d-e of the draft ordinance. Committee will adopt a position and/or identify further information or stakeholder feedback necessary to adopt a position on these sections.

Chair Evans presented these sections of the ordinance.

Public Requests for Clarification:

Pat & Jay: Pat asked what she is guaranteed to do under this ordinance, providing some specifics and hypotheticals. Hall noted that she would need to know the slope band, referencing the City's calculation, and check Zimas.

There was an extensive discussion on the impact of this section of the ordinance on relates to Pat and Jay's lot – a lot with a small flat pad and a larger section with a steep upslope.

Whether guaranteed minimums would apply was not able to be determined.

Longcore would ask for this to be clarified.

Hall would recommend a sentence that under b2i add a sentence at the end that says an applicant shall be entitled to a Guaranteed Minimum per Table 12.21 C.10-3.

Public Comment on the RFA section:

Stephanie Savage pointed out that the BHO chart 2b is for the R1 zone variations needs clarification by Planning and that 2b has not been voted on in our NC area.

Member Loze noted that a concomitant aspect of this is the slope band provisions that have not yet been clarified as having a cap, and that we have seen examples of abuse of that.

Pat and Jay: Pat asked why we can't do some other type of restrictions instead of punishing the little person.

Patricia noted that there are huge number of lots and homeowners that will be affected by this; the 60% slopes are very common in the Wildlife District, and there is no nexus between the steepness of slopes and the size of the house if you are not building on that slope. She gave an example of her house... and stated that what size house she builds on the flat pad doesn't affect the wildlife.

Evans asked for a motion on floor area.

Hall noted that we should definitely request that confirming that the guaranteed minimum is still allowed, and also supports the motion of the Environmental Committee, reflect if she wanted to build the maximum RFA as BHO, and only intends to build on the lot, the portion of the lot that has been previously disturbed, he has no problem with that. There is nexus here; it is a habitat preservation. He noted that this is an imprecise tool to preserve habitat because the City doesn't want to do site review analysis.

Ellen knows there is a nexus here because she has seen what has happened with basements in her neighborhood, what's happened to wildlife when lots have been cleared, and also the extent of these projects that have huge basements that take 7-9 years to build is devastating to habitat. She would appreciate, in addition to those two clarification, that we support d.2.i to at least i.

Hall would love express support for the elimination of – or have basements count towards the RFA – and there is direct nexus. It is a root cause of unnecessary habitat destruction.

Bayliss noted that there is a big push by community folks on a host of revisions for the construction overlay; one of the things folks constantly bring out is the basement aspect.

Motion That we express support for the intent of this section of the ordinance and support the regulations identified at d2i, and that we request an additional sentence be added to d2i that states that applicants shall be entitled to the Guaranteed Minimum Residential Floor Area per Table 12.21 C.10-3 of the Baseline Hillside Ordinance, and further move that we request a carve out to the d2i that would allow a project owner to utilize the residential floor area attributed to slope bands greater than 60% so long as they are building on the area of a lot that was previously disturbed moved by Hall and seconded.

Public Comment:

Pat & Jay: Pat commented that we are giving her something but taking away something. She is worried about wildfire and getting approval for a rebuild of her same house. She is not sure the 75%... would help because of all the upgrades she would have to do.

Patricia related that she appreciates the “carve out” but still has concerns; 1) removal of covered parking... everybody gets 200 square feet less; and wonders the nexus. 2) Why 60% get RFA reduced? She thinks that there is no nexus between steeper slopes and lowered RFA versus flatter slopes having a lower RFA. 3) There are a lot of people whose retirement plans or their estate plans are based on the value of their home and this will reduce the value of a lot of people’s homes because a smaller home can be built on the property than what they currently have... especially on ridgelines or where there is a setback issue; and that could be financially ruinous. She concluded that there is no nexus and potentially a great deal of harm to people.

Shawn Bayliss noted that he has to leave and made a point that the theme showed up at the last ridgeline discussion, important we all understand it, and we may need clarification from the City on how this new ordinance translates into general provisions of – when your home is destroyed, what can you build back? If less than 75% however that translates in today’s terms... over the valuation of the home, what does that mean? If less than that, you get to build what you have currently. If it is over that, there is an exemption for single family and two-family structures.

He believes Code Section 12-23-A5 which he encourages you all to read, because if our home is 100% destroyed by earthquake, fire, flood, famine, God, whatever, you can build back what you want to build back except your side yard setbacks can’t be less than 50% of the currently required setbacks and your front and rear yard setbacks can’t be less than half of the existing required setbacks, your RFA and he everything else he believes can be the same, and since you can go half of the current regulations... chances are the current setbacks are 50% or more of what the required setbacks are or will likely be, the only thing that is going to stick you is the height... You will have to conform to the required height standard at the time that you want to rebuild. So if you are a single family home and 100% destroyed, you’re largely covered... other than the height limit. Bayliss thinks it is important that everyone read that, Code Section 12-23-A5. So if you are a single family home and largely destroyed... height limit is likely to be your biggest restriction.

Jamie has no amendments to the motion. Evans noted that there is a “carve out;” you are allowed to build on what has been previously disturbed and Pat noted that in complying with other part of the ordinance, she would have to disturb some of the previously undisturbed portion of her lot.

Hall noted that the reason we did this is because people kept telling us that they had no intent of encroaching on the wild land, the undeveloped portion of their lot, and that they wanted to build on their existing pad. Evans related that Pat said in order to comply, she would need to provide the side yard setbacks. Hall thinks this would be negligibly, or maybe.

Evans called the question on the motion.

The motion passed by 4 yeses from Hall, Schlesinger, Loze & Miner; 0 noes; and 1 abstention from Chair Evans. (Bayliss had left).

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

Discussion and possible motion: Presentation and discussion on Section 6, F, 1, f 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.

Discussion and possible motion: Presentation and discussion on Section 6, F, 1, g-i 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.

Discussion and possible motion: Presentation and discussion on Section 6, F, 1, j 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.

Discussion: Planning for presentations at the next meeting.

Good of the Order

The meeting adjourned at 7:23 pm. **Next Meeting Dates: June 29th, 30th, 1st 5:30 pm**



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Wednesday, June 29, 2022 5:30 pm – 7:30 pm

1. Chair Evans called the meeting to order at 5:31 pm. Roll was called with 4 present initially; Hall arrived minutes later for a total of **5 present**: Ellen Evans, Chair; Shawn Bayliss, Jamie Hall, Don Loze, Robert Schlesinger, and **1 absent**: Nickie Miner. (*Wendy Morris is no longer on the committee.*)
- ~~2. Motion: Approve June 30, 2022 Agenda~~
- ~~3. Motion: Approve June 29, 2022 Minutes (if available)~~
- ~~4. Public Comments on non-agendized items within the jurisdiction of this committee.~~
- ~~5. Chair Report~~
6. The June 29, 2022 Agenda was approved, as moved by Member Loze.
7. The June 23, 2022 minutes were approved, as moved by Member Loze, who would add some clarifications relative to his comments on grading provisions.
8. The June 20, 2022 Minutes were approved, as moved by Member Schlesinger.
9. **Public Comments** on non-agendized items within the jurisdiction of this committee.

Pat & Jay: Pat related that she listened to the City's informational meeting last night, and at the very end, a male (city) employee around 6:45 said that the Wildlife takes precedence over the BHO. She hoped that we would put a recommendation in our letter that the minimum guaranteed square footage would still apply, so we could still get our 18% because it was unclear. She heard back and forth that it counted and at other times that it didn't. Then some city employee or city attorney might have interpreted it to mean that the guaranteed minimum is gone for residential square footage.

Patricia related that she heard some things at the meeting; at one point they said if you redo your fence, the fence will have to conform to the regulations. She expressed that a fence project should not trigger the ordinance in itself. Also, when someone asked if they consulted LAFD & LAPD, they said they consulted them regarding implementing the ordinance; different from consulting for drafting of the ordinance. Implementing is basically enforcing. Patricia would like to include clarification for the minutes: There was something in the minutes that she said that one of the statements conflicted with the PAW's study, and she wanted to clarify that it was the statement that animals are not harmed by freer access to the streets.

[Chair Evans responded that she had flagged the comment on fencing as well.]

Chuck Maginnis thanked everyone for putting this on and noted that he listened to Planning's informational meeting last night. He noted that their first video was very pro-wildlife as our slideshow is on the BABCNC website, where we have many pictures of animals in the area. He guessed that having listened to the informational meeting last night, the vast majority of the people didn't understand what was presented, including himself. He believes that unless you are an architect or builder you probably don't understand it.

10. **Chair Report:** Chair Evans noted we have meetings next week on the 5th, the 7th and 8th. She will be drafting a letter and hopes we can cancel some of those meetings. She has to make agendas for those dates. Member Hall won't be able to attend on the 5th. She noted that if members of the committee or the public can't attend, and if there is something you want to be sure that we don't miss, if we don't get to it this week, please let her know, e.g., to make sure you are heard on ridgeline restrictions or other things, please email her.
11. **Discussion and possible motions:** Review new ordinance information discussed at the June 28 Planning Department information session.

Chair Evans noted that last evening's Planning presentation did clarify a number of things, e.g., we finally have the answer that if you have a project that is a tree removal, the ordinance is only triggered as to the tree. The committee may wish to comment on the drafting, which did not make this clear. She also wanted to flag the remark made about fencing, noting that she sent a number of questions, as she thinks that was completely wrong. She hopes that the Planning session was helpful.

Public Comment:

Alison noted that outreach efforts are inadequate and that community members did not find out about the ordinance early enough in the process.

Patricia added to Alison's comments that she had spoken to numerous people who said they asked questions but none of their questions were asked; it was all softball questions. She heard numerous misleading statements at the workshop and wished they'd be honest.

Mindy Rothstein Mann related that she was part of webinars, the two or three meetings they had, and that BCA had it in their newsletters as did other associations. She doesn't think Planning was intentionally deceptive, but that people can do better at communicating.

Chuck Maginnis agrees that it did not receive proper attention whatsoever.

Committee Comments on the Session:

Member Hall expressed frustration that much time was spent deliberating triggers because the ordinance does not read as Planning apparently intended and Planning did not clarify.

Member Bayliss noted that he felt the presentation was lackluster, and it would have been extremely helpful having the Planning Dept. there to hear our thoughts as well as those of the neighbor's and communities. He asked about reconsideration for the next meeting.

Evans related that she sent a message to say that they need a bibliography to see what science they are working from.

Hall concurred with Bayliss and noted that he wanted a discussion that was detail oriented and would like to know when we get to have that discussion with the Planning Department. We haven't had that opportunity, yet we are supposed to have this role in the City family system. Chair Evans noted that there is a form and to email questions and requests for clarification.

Further Public Comments:

Pat & Jay: Pat would like to make sure that some of Member Hall's comments will be included, regardless of other interpretations heard, as this is a legal document.

Mindy felt equally disappointed that Kat refused to come and meet and never responded to her. She heard the comment that they were meeting with HOAs and wondered if we ever asked them to meet with us. Evans responded that they would give the same presentation. Member Bayliss noted that BAA had a webinar two weeks ago with Hall and a civil engineer. Planning was invited to join that presentation, to be involved, and they passed.

Alison echoed Evans as to requesting a list of who they reached out to and what they talked about, felt there were many misleading statements yesterday, and would love clarification.

Patricia noted that she warned us about applicability. She doesn't think there are actual standard rules, e.g., if you do a major remodel and then change the fence, is that part of the initial project? She thinks it is up to B&S. Under Site Plan Review (SPR), they talk about substantial conformance and it's not clear for site plan if you have to bring it all up to code.

Shirin Javid didn't find anything informative, and her question was not answered as to maximum height from street level. She didn't learn much from that meeting. Chair Evans noted that the way we will process the new information as we go through the ordinance will be to revisit the parts where we ask for clarification, and parts we might change based on clarification we didn't get.

- 12. [5:58 PM] Discussion and possible motion:** Discussion on Section 6, F, 1, e (Wildlife Lot Coverage) 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 introduced the section on Wildlife Lot Coverage, including Intent and Regulations: *(1) Intent. To minimize the alteration of existing landforms and vegetation; improve stormwater management and watershed health; limit soil erosion and slope instability, and maintain hillside ecosystems by limiting the amount of impermeable surfaces in the Wildlife District. (2) Regulations. (i) Wildlife Lot Coverage shall not exceed 50% of the total area of the Lot and shall not exceed 100,000 square feet, whichever is less. Evans noted that the current lot is 40 or 45%.*

Public Comment on Lot Coverage:

Patricia noted that we need to put the definition of lot coverage in any discussion on lot coverage, and, 2) in her opinion this is punitive to smaller lots, and a gift to developers.

Alison noted, as to recurrent lot coverage requirements... that this ordinance now includes in-ground pools, may not disturb the slope and so many other things... that can be daunting for some of us with smaller lots.

Chuck noted that he doesn't understand this, thinks it would be great to have cliff notes to explain what exactly lot coverage is, and all the rest.

Chair Evans noted that all definitions are at the beginning of the ordinance.

Chair Evans noted that she heard the statement that this is a punitive amount for a small lot. Member Hall noted that it has to start with an understanding of the current law and asked what the BHO currently allows? Evans noted that it allows 40% unless a substandard lot, then 45% and that current code is buildings and structures extending more than 6' above natural ground shall cover no more than 40% of the area of the lot. Then, for a substandard lot, as to width less than 50', and as to area, buildings and structures shall cover no more than 45% of the lot. She noted that looking at maps, you can see that there are some houses that don't conform to this. Hall noted that there are different rules: 40% for standard and 45% for substandard and what they include is different. He noted that this ordinance has a broader definition: it gives you more, 50%, but it includes more stuff. He doesn't know objectively... he doesn't have a pool or much hardscape in his back yard but doesn't know what other people have. Evans noted that it is easy if you have a steep slope on a large percentage of your lot.

Looking at sample lots, Evans discussed a very small lot on Beverly Glen, with more than 40% lot coverage, noting if they were to be torn down and rebuilt, even absent the Wildlife Ordinance, they'd have a different situation or need some sort of discretionary permit. Longcore noted especially if you now are considering this driveway in the lot coverage. Evans noted that if you add the driveway, the garage, and a patio, this is a very small lot, which seems to her to be an issue. Hall noted that the carrying capacity of a small lot is restricted. Schlesinger noted that the area was built before all else around it. Evans asked how much benefit wildlife is getting by adding the extra 10% and having it include more stuff, to which Hall noted that it is impossible to answer that question.

Stephanie Savage noted that when first reading this ordinance, the slope band did not make sense with regards to wildlife; however lot coverage limits make sense. Depending on lot size and configuration, a smaller lot coverage could help wildlife passage, considering no fences. She never understood the restrictions to the RFA in the slope band from 60% to 99% and how it relates to wildlife.

Stephanie noted there are variables for R1 or RE lots, and there are reductions for the larger lot. It seems that if lot coverage is the same for all lots, then you could have a 100,000 square foot lot, and get 50,000 square foot of lot coverage. Savage thinks that ratcheting percentage on lot coverage for RE lots needs to be considered, like many templates within

Planning Code that ratchet down from larger lots, and doesn't think it should be 50% lot coverage for every lot. Hall noted that they attempted to answer that last night in response to the question of why there is a restriction on grading on the steeper areas of the lot, and the person who answered said (*in summary*) that it is because it is inherently more destructive and it would remove more habitat.

Bayliss noted that it comes down to if you have a small lot with significant slopes to it, or maybe not all that significant, and you want to build a pool or a tennis court or something like that, right now, it is likely going to be 6' above slope, which counts against your lot coverage; so having it come up to 50% is a benefit to you but if you have a smaller lot that is flatter, and you intend to put in a pool or tennis court, that will be sitting on the ground, that additional 10% would likely not make up for that flatwork, which currently would not count against you, counting against you.

Bayliss thinks it depends on when it comes to smaller lots, the slope and building a pool now kind of gets you, in the wildlife anyway, but you get an extra 10% to play with versus if you have a flatter lot and you intend to put in a pool or tennis court and it is flat, and you can actually get it in the ground, then it is punitive.

Member Loze noted that he suggested at an earlier time that there is a factor that is not articulated, and he is not sure how to add it, but he thinks a standardizing factor is whether what is put into the lot size is permeable or nonpermeable. It seems to him nonpermeable is more destructive to the environmental then permeable, and there does not seem to be any mention of that in what we are talking about.

Evans thinks it may be better to say this in the affirmative, have an amount that must be permeable, a percentage outside the house that must be permeable and another percentage that should not be hardscaped at all; those percentages are open to question but at least you have an option to put in permeable pavers for the driveway and have it not counted. Member Loze suggested that someone may include this in the motion that we would like to put forth in regard to lot coverage.

Bayliss asked what Evans meant by permeable, wildlife permeable or from a water standpoint, to which Evans responded, from a water standpoint.

Hall wanted to acknowledge that he doesn't like the 100,000 square feet in the regulations. Evans and Bayliss think it is for institutional uses. Hall would like it to say that, noting that our job is to find loopholes. He thinks there is a need for a strong revision to ratchet down the maximum lot coverage for individuals and clarify that 100,000 is for institutional.

Evans is hearing that the elements of this motion might be: 1) analyze the impact on small lots, and make sure it is not punitive, 2) have a maximum lot coverage for residential use because 100,000 seems like it related to institutional use, 3) express this not in lot coverage but in an amount that must be unpaved and permeable: say this amount should be permeable and of that, this amount has to be unpaved (*and gave a hypothetical*). Hall noted that this does not require that the 50% be permeable, and asked if she was saying that of that 50%, a portion of it should be permeable.

Evans clarified that they should express this not in terms of lot coverage but the percent of the lot that must be unpaved and the percent that must be permeable. Hall wanted to know what portion should be left in its natural condition, to which Evans noted that would be up to Planning. Hall noted that this is not about groundwater, but the more important thing is about leaving a portion of the lot undeveloped; undisturbed, undeveloped and native.

Stephanie Savage noted that in a lot of these codes, there are variables for R1 or RE lots, and there is always a reduction for the larger lot. She feels that there should be a chart to ratchet down for those larger lots, to make it proportional in a way, because what we are seeing is not the egregious house with a pool on the low lots, they are generally on larger lots, and that's where the problems are in general. Savage thinks that needs to be considered, like many templates in Planning Code that ratchet down from these larger lots, and doesn't think it should be 50% lot coverage for everyone.

Evans noted that the elements might be:

- 1) that lot coverage percent should be pegged to lot size, and
- 2) be mindful of not being punitive to smaller lots, and
- 3) to have a maximum for residential lot coverage, asking if that should be per zoning type, to which Bayliss responded, he thinks per lot size.

Evans noted that she thinks what she is hearing is that if somebody has a massive lot, they shouldn't be entitled to half that massive amount in lot coverage.

Bayliss noted that he is thinking in reverse, that because most of the hills were zoned R1 and then the zones changed, and there are a lot of nonconforming RE lots, so you have smaller residential state-zoned parcels that traditionally – with the lower end of the percentages – the bill must fairly represent the lower end of the lot size.

Bayliss related that he thinks anything we do or the City does has to be relatively straight forward. His concern about lot coverage and types of plants, etc., is that we can create more and more different categories of different things, and if there is a requirement that 10% of the lot has this type of permeability versus that type, then you would have to have a list of the items that are acceptable for permeable; he took this provision from a wildlife standpoint, meaning the idea was to not have as much development on the lot – not from the water standpoint.

Stephanie Savage noted that in 2017, when the BHO went around, there was an option for R1 Zone Variation. There were four types, one was for the hillside based on lot size, and it had a column for lot coverage, so when you went to smaller lots it said 50% of lot coverage and anything over 10,000 feet went to 40%. She noted that Planning does these little charts that are helpful, tailored to these different conditions.

Motion that our comment letter says that lot coverage percent should be pegged to lot size, because 50% may be too little lot coverage for a small lot and too much for a big lot, that Planning should especially be mindful to not be punitive when it comes to the smaller lots, and that there should be a total max that specifically applies to residential lot coverage moved by Evans.

Motion restated that our comment letter says that lot coverage percent should be pegged to lot size, because 50% may be too much for large lots and too little for small lots, and specifically, Planning should be mindful to not be punitive when it comes to the smaller lots. They should also have a total max for residential lot coverage moved by Evans; seconded by Hall.

Public Comment:

Pat & Jay: Pat related that she would like the City to show us examples, and her fear about the proposal Evans is giving now is that she can see them coming back and clipping everybody. She noted that that distresses her, leaving it open ended without a specific recommendation from us scares her... because they'll do the percentage so low for her.

Patricia noted that this is an outgrowth from the former wildlife ordinance, the 2021 one, they had the permeable/impermeable designation and had a graduated scale based on square footage. Patricia noted that square footage is much more accurate than just zoning, and she recommends going back to the scale by lot size. She doesn't think it should be less than 50% except for large properties. She noted that in our motion we don't have anything about the 100,000 square feet being too much for residential. Patricia would recommend looking at Google maps in satellite view, where you can see in smaller lots there is room for a house and a patio and they are already up to 50%...noting it is very easy to get to 50%. Evans noted that she heard two comments:

- 1) that we should provide numbers in our comment about what lot coverage should be, and
- 2) we should make a comment that 100,000 is too large.

Hall thinks we should definitely revise the motion to say 100,000 square feet for residential is way too excessive. He doesn't know what the number should be but agrees it is far too excessive. He doesn't know what all the lot coverage should be for the different zones.

Amendment that 100,000 square feet for wildlife lot coverage is too much for residential use moved by Hall; seconded.

Public Comment on the Amendment:

Patricia asked if it should be graduated based on lot size, to which Evans agreed that is in the original motion. Patricia asked that it not be lowered until you are getting to an acre.

Mindy Mann noted that she came to the same conclusion at her committee about the 100,000 square feet.

Member Loze asked if we are eliminating the distinction between residential and institutional, to which Evans noted that we are not mentioning the word "institutional" but are saying that 100,000 square feet is too much for residential lot coverage and that they should make a new max for residential lot coverage. Member Schlesinger noted that Berggruen and the resort in BC in residential neighborhoods both need the square feet. Member Loze feels that maintaining the adjective "residential" is significant, to which Evans noted that we are going to say 100,000 square feet is too much for residential use.

The amendment passed by 4 yeases by Bayliss, Hall, Loze & Schlesinger and 1 abstention by Evans.

Member Loze asked for clarification as to intent, noted that where it says limit soil erosion seems to be okay, but he feels uncomfortable as to their saying limit slope instability, as he isn't sure how it relates to a prohibition or minimization of remedial grading. Hall noted that if you are digging into your hillside in order to build elaborate staircases and build hardscape, etc., you are inherently destabilizing the slope. **Evans will email and ask.**

Rewording of the Underlying Motion that our comment letter says that lot coverage percent should be pegged to lot size, because 50% may be too much for large lots and too little for a small lots, and that Planning needs to be mindful to not be punitive to the smaller lots, and that there should be a max lot coverage for residential use.

The underlying motion passed as amended by 4 yeases from Bayliss, Hall, Loze & Schlesinger; and 1 abstention from Evans.

- 13. Discussion and possible motion:** Presentation & discussion on Section 6, F, 1, f (Vegetation and Landscaping) 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 read from the section (pages 14, 15 & 16) and commented that under Planting Zones, Planting Zone A is where 50% of preferred plants are closer to the house, and Planting Zone B is where 75% are farther away. She noted that there are lists as to what plants are preferred and what are prohibited.

Public Requests for Clarification:

Patricia would like them to clarify in the preferred plant list why they are preferred? Fire resistant, noninvasive, or food for wildlife. She noted that it is important.

Public Comment on this Section:

Alison asked about significant tree replacement, noting that it is required to replace with two new trees, and asked why not one to one, and if two, why isn't there a program to donate a tree to District 9, where there are no trees? Also, she has a real issue with the image that they use to show Zone A & Zone B, because the majority of parcels affected by this in the hills do not have the 30 feet from the side of the structure to Zone B, unless they are going down the hill that it is so misleading, consistent throughout the ordinance, which is very frustrating.

Patricia noted that she loves trees but expressed concern about trees and fire safety, that bigger trees are not native to the Wildlife District, and that for fire safety, they shouldn't be too close. She is concerned about planting more trees on a small lot which could represent a fire danger; same with the native plants, which should be fire safe next to their homes. She agrees with all of Alison's comments.

Chair Evans showed the slide and noted that what Alison is saying is you are likely going to be mostly in Zone A, and not so much Zone B, but wanted to point out that Zone A is less restrictive than Zone B, from the standpoint of not wanting more restrictions...She thinks it is not so egregious.

Hall asked why the native tree has to be the replacement tree on (f)(2)(i)a., where it says... the size of each replacement tree shall be a 15-gallon or larger specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than 7 feet in height, measured from the base.” He noted that a 15-gallon walnut tree is *unlikely* to be 7’ high, and walnut trees are one of the most important native trees for wildlife. He doesn’t know if they have done their research on that, and wondered if you were to go to the Theodore Payne Foundation, and ask how tall a 15-gallon walnut tree would be... noting that it is better to plant smaller trees than bigger trees as the mortality rate for bigger trees is high, and that the 7’ in height requirement needs to be reconsidered.

He doesn’t like (f)(2)(i)a.1., “The preservation of onsite Native Tree(s) may be used to satisfy this requirement” and asked how you are adding to ecological health and wellbeing and improving the situation by just counting trees that are already on the property. He doesn’t understand the exception; thinks it makes no sense and swallows up the rule.

However, he noted that (f)(2)(i)b, as to Significant Tree Removal Replacement, is a good provision that he is definitely in support of.

He is happy to see (f)(2)(i)b.1. Protective Tree or Shrub relocation or removal must follow the procedures established in Section 46.02 of this Code, relating that he has made known his concern that the Protective Tree Ordinance would be preempted by this and is happy to see that he has been wrong, as it is very clearly stated, and he thinks that’s what Staff said yesterday as well.

Regarding (f)(2)(i)d.i. Treatment of Dead or Fallen Trees, he doesn’t like the emergency removal. “An exemption for emergency removal may be obtained if a visual inspection by the Fire Department determines removal is necessary due to a hazardous or dangerous condition...”, asking if we are going to allow one person who may have zero experience in understanding... based on one visual inspection to say that a tree can be removed, and noted that LAFD people are not trained and do not have the qualifications.

Evans gave an example in her experience that the only way to have it taken care of was to have the FD come; the inspector came and declared it needed to be removed.

Hall noted that because walnuts are deciduous, they have been declared to be dead. His point is there needs to be more than a visual inspection by the FD. We have this problem where people have small lots and don’t have enough room to plant trees; he noted that this is a legitimate issue and what we should have is what more forward-thinking cities have is when you encounter that situation, some sort of land banking. He noted that the problem with Alison’s proposal is when you donate – the City used to accept donations of trees – and Griffith Park had a tree graveyard where they didn’t plant the (*donated*) trees, but the trees started growing in the ground, and they had to throw them in the trash. What they should have is ... if you can prove that you don’t have enough room to plant that number of

trees required by (f)(2)(i)a.i., then you should have to pay a fee to the City because the City is not going to plant those trees, and that fee to the City should be used for ecologic or restoration services, or the like. He would much rather have the City put the money into a special account than get a donation and dispose of that donation.

Member Bayliss noted that we are talking about the zoning code, and the people looking at this are LADBS Plan Checkers and Inspectors. He doesn't see any LADBS inspectors being able to deal with enforcing rules presented in this item.

Member Loze would like to ensure that we have a "saving clause" for protective trees, as subsequently amended, because it is a very short list now compared to other cities, and it may be expanded. 2) He thinks that there is a Horticulture Bureau in the City and maybe our suggestion is that determination for removals be made in conjunction with experts in that department. He noted that it is possible that either of the lists be expanded, the natural list or either list might be expanded, as they may be amended.

Evans noted that she is hearing what Loze said, and that people are concerned about the removal provision, that there should be someone from the Horticulture Bureau involved in determining whether a tree needs removal. She also heard Hall say that existing trees shouldn't count.

Bayliss continued that there seems like a lot of subjectiveness to this, and we are dealing with B&S permits and Plan Checkers, so his big question is: 1) Who enforces these things, and 2) is there a way to simplify this? 50% and 75% within certain footage of your house, and having lists of natural trees and natural brush. He noted that we deal with LAFD with brush clearance and Urban Forestry for other issues, and he cannot get Urban Forestry to inspect or enforce anything.

Loze responded that maybe it is time for Planning to distinguish flats from the hills and create budget and personnel to deal with the specific issue that relate to the hills that are not the same that relate to the flats. If we don't start incorporating those in the kind of things we are dealing with here, we won't get them. If we don't start ensuring that we get protection, we won't get that protection or have someone at City Council make that distinction. The distinctions need to be drawn more clearly.

Hall noted that this is a pilot study area, and asked us to imagine how many significant trees are removed on a daily basis, for whatever reason... noting that UFD is not known for its enforcement prowess. He thinks it needs to be in the letter, he doesn't think we should weaken the ordinance but that we need to highlight the issue and encourage the City to enhance their enforcement capabilities. He acknowledged that it is a legitimate issue but doesn't think weakening the ordinance is the answer.

Evans noted elements to put in the letter, given the current operations of the City departments, we have serious questions about implementation.

Loze would propose some enforcement provisions, noting that there are people cutting down trees all the time and there is nothing that says what happens when you are doing

what you are not supposed to do. He feels that we should insist on significant penalties to inhibit bad actions. Evans noted that we don't see how the inspectors are going to go through the plant list... we have significant concerns about implementing the whole landscape plan.

Loze asked Hall what is the nexus between the tree removal permit department and these provisions, and should there be one, to which Hall noted that calling out questions about implementation is important but we should also specifically request that the appropriate funds for enforcement be provided to the UFD. He is thinking more about trees than making people plant what was on their list. He hears more all the time about people cutting down their trees and thinks we should say that the City should allocate funds specifically for enforcement by UFD because there is a specific provision that you shouldn't cut down this tree because of the ordinance, and then what if they do cut down the tree because of the ordinance? If you do that, you are subject to a special proceeding in Sec. 46.02 of the Municipal Code and if you meet certain criteria, the City can withhold issuance of building permits for up to 10 years, a rarely enforced provision of the code; most of the time you just get fined and have to put in replacement trees. The difference between the Protective Tree Ordinance – he doesn't think withholding the building permits for 10 years should be the penalty because this is a by right process – as long as we replace it, you get to cut down your significant tree. He thinks there should be some findings, noting that under the Protective Tree Ordinance you need to show that removal is necessary in order to allow for reasonable development. Under this ordinance, you get to cut down the significant tree and you don't have to show any necessity. Hall does not like this.

Hall noted that we stumbled upon something, which is should there be some kind of finding of necessity required to remove a significant tree or should you do it because you want to?

Member Loze noted that there is a gap between a significant tree and a protected tree. Hall noted that they resolved that by saying that everything in the Protective Tree Ordinance still stands: the finding of necessity, public hearings, replacement, enforcement capabilities, are all still in effect. All that this ordinance does is say that if you remove a significant tree, you have to replace it with two other trees on the preferred plant list.

Possible Motion *(not in perfect narrative order):*

- We support the intent of this part of the ordinance.
- Given the current operations in the City departments, we have serious questions about implementation.
- There needs to be a way to make sure appropriate funds are available for personnel to handle all parts of the ordinance including UFD as it relates to tree removals.
- There needs to be penalties in the ordinance for violations relating to unpermitted tree removal.
- Small lots, if they can't fit the number of trees that are required, should be able to pay into an ecological fund that the City collects for ecological purposes.
- UFD needs to be the one to look at trees for emergency removal.
- It should be assessed whether it should be required that applicants show the removal of the significant tree is necessary.
- The size of the required tree needs to be looked at to make sure that the ordinance is not

excluding certain trees from being used as replacements, specifically, walnuts.

- Have a saving clause to allow these lists to be changed.

Moved by Hall, seconded by Schlesinger.

Public Comment:

Mindy Mann related that the main thing is, what happens if someone has to prove the reason... noting that we need to save our trees and do it now.

Patricia noted that the part about fire got left out; within 30 feet needs to be fire resistant. She objects to prohibiting people from cutting down significant trees. She asked, do you need to go through a process to get permission to cut down trees, e.g., pine trees? She mentioned her experience with pine trees in the public right of way, which took four years to get the City to do something about. The homeowner would have to replace the trees and add to the home, when they weren't even trees planted by them in the first place.

Alison echoed Patricia about the fire issue, adding that people will not be able to get their fire insurance renewed in companies in part if they have trees too close to property so they are requiring them to cut down a tree within 10 feet of the property. She noted that the fire Insurance companies are not deciding whether they are protected or significant, but thinks the fire insurance component needs to be considered in these tree proposals.

Member Hall acknowledged that this is an issue (and related his own experience of having to do all sorts of things for insurance) and asked, if someone is forced into the situation of a requirement to show necessity of removal of a significant tree, what kind of burden would that place on them? He needs to think about how to make the exception.

He would be happy to craft an amendment, similar to the Emergency Removal in (f)(2)(i)**d.i.**, to include potentially for (f)(2)(i)**b**, so that there was an opportunity to get some sort of expedited approval so long as it was validated by LAFD and UFD, and was legitimate.

Evans asked, if you were required to put x number of trees in your lot but you could not do so and maintain your insurance? Evans would like an amendment to make sure they are consulting the insurance commissioner to make sure that they don't require anything... that will make people not get insurance.

Hall would add something similar to the emergency removal in b., and then maybe add a sentence that says give some discretion to Staff to waive the tree replacement requirement, if a fire hazard would be created. Hall worries about giant loopholes... and noted that everything needs to be substantiated.

Possible amendment: Discretion to Staff to waive the tree requirement if a fire hazard will be created and to have an expedited tree removal process *for trees needing to be removed* if insurance companies require such, moved by Evans. Bayliss noted that he continues to be concerned about the subjective nature of a lot of this.

Evans re-read the underlying motion:

Re-Reading of the Underlying Motion [slightly wording changed] (*not in perfect order*):

- We support the intent of this part of the ordinance.
- Given the current operations in the City departments, we have concerns about implementation.
- We want to make sure appropriate funds are available for personnel to handle all parts of this section, including UFD for tree removal, because we believe that they need to be the ones to look at trees for removal.
- There needs to be penalties for violations for unpermitted tree removals.
- If small lots don't have enough space to handle the trees, the owners should be able to pay into an ecological fund that the City is collecting.
- Planning should assess whether it should be required that the applicant show that removal of the significant tree is necessary.
- The size of the required tree to be replanted should be looked at to make sure that we are not excluding certain trees from being used specifically, walnut.
- That there is a saving clause to allow the lists to be changed.

[Evans related to Member Bayliss that we are not talking about amendments related to fire hazards and insurance coverage.]

Bayliss noted that he continue to be concerned about the speculative nature, noting if the department has to make a determination, there has to be clear findings, thresholds, justifications, e.g., subsection C, significant trees, protected trees, shrubs, drip line, where no development grading can occur within that drip line, and asked if that is a hard line? Is there no exception to that unless the tree is dying or dead or a fire hazard? He noted that LADBS is the only City department that 100% of its budget stems from permit fees. So you are holding up building permits for potential single family homes, which enjoy certain rights beyond commercial projects; projects being held up because of a tree, in theory. However, if there is a justification for a tree to be removed, who reviews that justification and what are those justifications? He thinks that additional funding and specialized staff will be needed to enforce this stuff. He assumes that the specialized staff will never happen and the funding won't have, so he thinks it leaves an awful lot open to speculation by both aggrieved neighbors and department personnel, and adds more layers on top of single family homes that are very expensive to build. He noted that he may not be a big tree guy but this section has thrown him for a loop because is supposed to be relatively straight forward... but some provisions are not necessarily definable. He doesn't know how plan checkers and B&S people will make those calls.

Brief discussion on this ensued between Bayliss and Hall, and Chair Evans pointed out that this is a soft part of the motion: assess whether it should be required that applicants show that the removal of the significant tree is necessary and clarified that she believes that if they think it is not possible to do it expeditiously, she doesn't think they'll put it in. Evans noted that we are supposed to be talking about amendments based on public comment.

Reiteration of the Amendment: For discretion to the Planning Staff to waive the tree requirement if a fire hazard will be created and to have an expedited tree removal process for trees needing to be removed if required by the insurance company.

Hall wanted to include something not included in the underlying motion, noting that if you just happened to have other native trees on your lot, that shouldn't count towards satisfying the requirement in (f)(2)(i) a.i.1., (*which states "the preservation of onsite Native Tree(s) may be used to satisfy this requirement"*) He noted that didn't make its way into the underlying motion and he proposed that that be added to this amendment.

Hall wants the language in (f)(2)(i) a.i.1. stricken as he doesn't think that any of the existing onsite native trees satisfy the requirement to add any tree. He will move this after the current amendment is addressed. Brief discussion was held on this, and Hall would do this as a separate amendment.

Restating the Amendment: to add to give discretion to the Planning Staff to waive the tree requirement if a fire hazard will be created and to have an expedited tree removal process for trees needing to be removed if required by the owner's insurance company moved by Evans; following brief questions and answers, the amendment was seconded by Hall.

Public Comment on the Amendment:

Pat & Jay: Pat doesn't get the administrative process and if she has an issue she wants it done in a decent amount of time... sees this as being an administrative nightmare and very costly. She doesn't have any significant or protected trees but thinking the City will make it less of a nightmare she doesn't see that happening despite recommendation for funding.

Mindy noted that she has a problem leaving it up to insurance agents to determine the need for tree removal. She would rather that the tree is deemed by an arborist, not by an insurance agent. 2) She said a long time ago that we need to find an individual and the funding to find an individual, e.g., a biologist, or someone who understands trees, to take care of them.

Patricia agrees with Bayliss that this will be unworkable. It should be if a fire hazard "exists," *not just* if a fire hazard is "created."

Committee Comment on the Amendment:

Bayliss noted that the amendment is good as to the proposed language. 2) With regard to insurance, people losing fire insurance in Bel Air is an epidemic. That is a real issue, where the insurance company will say do this or don't do that, or don't get insurance, if you don't do what the insurance company wants and you lose your insurance. In Bel Air, there's a big chance that's the only insurance that is going to cover you. Evans spoke of her experience with getting insurance.

Hall acknowledged Mindy's comment that this opens up a giant loophole, that insurance people don't care, they are not thinking about ecology, balance; they are thinking of minimization or elimination of risk but noted that he is trying to listen to the community throughout this process and craft compromises.

The amendment passed to give discretion to the Planning Staff to waive the tree requirement if a fire hazard will be created and to create an expedited tree removal process for trees removals that are required by insurance by 3 yeases from Bayliss, Hall & Schlesinger, 1 no by Loze, and 1 abstention by Evans.

2nd Amendment: That we amend the motion to strike the sentence found at (f)(2)(i)a.i.1, which states: “The preservation of onsite Native Tree(s) may be used to satisfy this requirement.” **Moved** by Hall, who noted that a lot of the undeveloped lots proposed to be developed at BABCNC’s PLU Committee have native trees on them. Hall opined that if you were able to count the trees that were on your lot, maintained toward this requirement, you could potentially eliminate this whole provision, because if you were building a 5,000 square foot house, you would have to add five native trees, but if there were already five native trees on your lot, you would have to do nothing. Yet there could still be ample space on your lot to add those additional five trees or more. He feels that this is not just about protecting the environment but enhancing it and restoring it when possible.

On further look, Hall noted that it says “*may be used to satisfy this requirement*” and thinks we should give some guidance to staff to determine when they can use that requirement... He no longer wants that sentence stricken but wants the sentence changed to say the preservation of onsite Native trees may be used to satisfy this requirement if determined that there is no additional space on the parcel to accommodate the new native trees **moved** by Hall; **seconded** by Evans

Public Comment on this 2nd Amendment:

Patricia related that she opposes micromanaging what people can have. She noted that what Hall is saying is another reason why this ordinance needs to distinguish between undeveloped land and developed land or previously developed land. She noted that you may not need additional native trees, that this preserves the trees that are already there which she thinks is good enough.

The amendment passed with 3 yeases by Hall, Schlesinger & Loze, 1 no by Bayliss, and 1 abstention by Evans.

The underlying motion passed as amended with 3 yeases by Hall, Schlesinger & Loze, 1 no by Bayliss & 1 abstention by Evans.

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

Discussion and possible motion: 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.

Discussion and possible motion: 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.

Discussion and possible motion: 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.

Discussion and possible motion: 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.

Discussion and possible motion: 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.

Good of the Order.

The meeting adjourned at 7:46 PM. Next Meeting Dates: June 30th & July 1st @ 5:30 pm.



MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

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

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.

Member 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 yeases 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 a 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.

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 a 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 where it occurred on large swaths of open space. The grading changed the environment 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 a 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 to 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 a 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 a 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 was 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 is 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 the 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 problems 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 yeases 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 resource.

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 as having habitat blocks, not knowing if there is a minimum size of those blocks. 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.



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 yeases 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

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Minutes from July 5, 2022
Ad Hoc Subcommittee on
Proposed Wildlife Ordinance
to go here



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 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



DRAFT MINUTES

Ad Hoc Subcommittee on Proposed Wildlife District

Friday, July 8, 2022 4:00 pm – 6:00 pm

1. Chair Evans called the 11th meeting of this subcommittee to order at 4:08 pm, and called the roll with three present: Ellen Evans, Chair, Robert Schlesinger & Donald Loze and quorum met. Jamie Hall arrived at 4:12 pm and Shawn Bayliss at 4:25 pm with **5 present & 1 absent**: Nickie Miner. Travis Longcore, Ex Officio member was also present.

2. The July 8, 2022 Agenda was approved, as moved by Schlesinger.
3. The July 1, 2022 & July 7, 2022 minutes were **approved** as moved by Schlesinger.
4. There were no public comments on non-agendized items.
5. Chair Report: None.

6. **Discussion and possible motion:** Nature and scope of committee work following submission of draft letter to BABCNC Planning and Land Use Committee.

Chair Evans noted that this committee might not be finished today, and might have to reconvene following any revision, and wanted to hear from others on this. There was no public or committee comment on how to proceed following the end of the comment period of this draft after July 22nd at this time. *[Member Hall arrived at 4:12pm.]* Following brief discussion, Chair Evans noted that we are reserving the right to schedule further meetings after July 22nd.

7. **Discussion and possible motion:** Review, update and finalize draft comment letter (**Attachment A**).

Chair Evans noted that she had circulated a new draft today that she and Member Hall worked on, and would begin the meeting by going through the whole portion that we went through yesterday in one block and then on to the part we didn't get to yesterday.

Chair Evans read the first 4-1/3 pages of the updated letter (which letter is also on the website under Supporting Documents for this meeting), the result of what happened in committee yesterday, and opened the floor to **public comment** on that portion of the letter.

Mindy noted her appreciation to Evans and Hall for getting this draft done so quickly, and noted there are a few little grammatical things that she'd like to look at; otherwise, had no comment. Chair Evans noted this is still going to our PLUC and the Board before going out.

Evans continued to read over the letter from sections on Administrative Review through Site Plan Review and opened the floor for public comment and committee discussion.

[Member Bayliss arrived at 4:25 pm.]

Public Comment on this Section of the Comment Letter:

Bill noted as to wildlife fences, walls & hedges, he would request that the letter direct Planning to consult with the LAFD and LAPD about public safety impacts of the ordinance.

Committee Discussion:

Member Hall noted that he feels proud to see all our work put together in a single document; a lot of work was put into it, took a lot of public comment from people, and he has no suggested revisions.

Mindy asked something Jamie was very specific about at her meeting, as to wildlife lot coverage, asking if she wanted to include something regarding provision for the placement of proposed projects on the least environmentally sensitive portion of the lot. Hall recalled having that conversation and forgot about some of these things.

Evans noted that we have here that the proposed structures must be sited on the lot so that grading is minimized. Hall noted it is not just that grading should be minimized but that we also want to ensure that the grading occurs on the area of the lot that has the least environmental value. Mindy related that her notes show provision for the placement of proposed projects on the least environmentally sensitive portion of the lot.

Motion: The ordinance should discourage placement of structures on the environmentally sensitive parts of the lot, moved by Evans, seconded by Hall.

There was no public comment or committee discussion on this motion, which **passed** by 4 yeases from Schlesinger, Loze, Hall, Bayliss, & 1 abstention from Evans.

Discussion was next held on Member Loze's desire to ensure that grading is only done for building. He asked the committee to reconsider adding requirement for a schedule of performance and bonding for grading. Discussion was held on this, including note by Hall that he would be happy for a completion bond if it means restoration of the space, not a Hadid mansion.

Hall asked whether you really want that structure built. Loze noted if we approve the structure and it has gone through the process, this is to ensure that it gets completed to which Hall noted that he would not support that at all. Bayliss asked if the completion bond is about grading activities or the entire project, to which Schlesinger noted we are talking just about grading activity. Hall was not sure he wanted that either.

Member Bayliss noted that you don't want a hazard left behind...; they have had discussions with B&S for years about completion bonds, which is a nonstarter for them. He asked, who decides who is going to finish it and noted that if it hadn't been for neighbors spending 9 million dollars and seven years of their life... Evans opined that the operations of the City would make this a disaster. Schlesinger noted that the reason for a completion bond is to stabilize the hill, when you take out 6000 CY you need to figure out if the hill needs stabilization, it stabilizes the hill...Hall felt that we shouldn't call it a completion bond, but a bond to ensure that the hill is stabilized and restored to the maximum...

Don noted that the issue is, do we want the camel to get his nose under the tent or do we want the whole camel? He mentioned he looks up at the Hughes property where you see an entire hill

has been lopped off 25 year ago; it has been standing there and nothing ever happened.

Loze noted that he will argue against proposal at the moment for purpose of discussion that all we are doing is creating dirt for trading. It seemed to him that you need somebody to go through the entire process, get building permits and the like, to protect the environment, then it has to be a pretty good project or we shouldn't approve it. Hall disagreed, asking how many projects get green-lighted... Loze noted if we need consensus he would accept Hall's amendment.

Schlesinger added comments as to the Hughes property... Hall noted that they finished the grading portion but never had the building permits, and Don's first amendment would address that, but this is separate reason. Someone starts to grade, loses their money, changes their mind or whatever, abandons the project, so this doesn't fit that scenario. Hall noted that his response is that Don's first amendment already addresses the situation for the Hughes property.

Amendment that BABCNC recommend that the City require a bond to ensure that an abandoned project can have the site stabilized and restored to the maximum feasible was moved by Hall.

Loze asked what the terms of the bonds required for grading are at the moment. Bayliss recalled that grading bonds, you have to get a grading bond to get your grading permits and don't get your bond money back until he believes you get the Certificate of Occupancy for the project; in theory the City takes the money and corrects the issue. If there is a safety issue, the City already has the authority... and can deal with nuisances and hazards. So, he thinks we maybe doubling up on what maybe doable or effective in the City. Schlesinger noted that his point is that the city could be the one that does it.

Loze seconded Hall's amendment. Evans pointed out that what the City doesn't do is the restoration part.

Friendly amendment that it is restored and replanted. Hall accepted the amendment. There was no public comment and no further deliberation.

The motion as amended passed by 4 yeses from Schlesinger, Loze, Hall & Bayliss; and 1 abstention from Chair Evans.

Evans next brought up the question brought up by Bill, asking for review by Police and Fire. She noted that the main reason to add this to the fencing section is that it may help with some of that and it certainly is a problem if LAPD AND LAFD are saying that this is detrimental. Evans wonders if we want to have stronger language in the fencing section or leave it as it is, because it implicitly capture that also where we say public safety should be balanced. Evans further noted that, walking in Beverly Hills, lots of the front fences would not comply with this ordinance.

Motion to add that the Planning should consult with LAFD and LAPD on fencing requirements was moved by Evans and seconded by Loze.

Public Comment:

Dr. Longcore noted that one of the things he noted reading through the list of preferred plant species that have essentially become requirements within the fuel modification zones, is the presence of a number of species that are discouraged by the Fire Department (FD) because of their high content of oils and flammability; it's not that they can't exist but they are not

encouraged within fuel modification zones. He would suggest that this consultation involve FD review of the preferred plants species list. He noted that California Sage Brush... and Laurel Sumac are there, which he noted have to be minimized near structures. He suggested that this not limit it to access issues but the consultation include the plant lists.

Mindy noted that she is not opposed to asking them... but did they really consult biologists, could say have more biologists in terms of the whole process; it opens a whole can of wax on this whole process.

Amendment Motion to amend this, to extend this, in line with Travis's comment, to say fencing, the preferred plant list and any other applicable parts of the ordinance moved by Evans and seconded by Bayliss. Evans clarified that the amendment is to extend this to include other parts of the ordinance including calling out specifically the preferred plant list. There was no discussion on this.

The amendment passed by 4 yeses from Schlesinger, Loze, Hall and Bayliss and 1 abstention from Chair Evans.

The motion as amended passed by 4 yeses from Robert, Don, Jamie, Shawn and 1 abstention from Chair Evans.

Wildlife Resource Regulations:

Chair Evans continued to read the letter as to Wildlife Resource Regulations.

Bobby Kwan had a question as to his 45' height, three stories, over 50' tall, and if he was in a major fire and have to rebuild his house, he is not sure how the 75% value is calculated. Evans noted that you would have to rebuild according to the height requirements of whatever is in effect now, and if this would be put into effect, you would be limited in height.

Pat Zingheim noted that she is still really concerned about the 25' envelope height and with steep slopes you'll never be able to rebuild 2-story house, and requested the current height for the envelope height...

Member Hall noted that we have received this comment over and over and over. He noted that this scenario is highly unlikely; less than 1% that your house is going to completely burn down, that you'll be located on a ridgeline and not able to rebuild your house, subject to the 25' height limit. He considers this improbable, though possible and would be willing to create an exception to the rule that says that the height restriction in the ridgeline provision of this ordinance would *not* apply in the event of a cataclysmic loss of a home, because it is highly unlikely. He wanted to resolve all of the concerns of the people who brought this to our attention, noting that you would be able to rebuild to whatever height is allowed by the amended BHO adopted in April 2017, which is the status quo. That status quo may mean that you would not be able build and there would be height limits... the law now. So what he does not think they want is an additional layer, which are these height restrictions; he would be fine with that because he knows that it is highly unlikely but is willing to create a carve-out.

Evans noted that she has heard the concern about building after a fire, but there is also a concern about rebuilding a lot and 25' being too small. We need to know what they are trying to get at, then we can assess.

Evans clarified, say you want to tear down your house and build a new house. That's what Pat is talking about. Jamie is talking about what Bobby is talking about, which comment he has heard repeatedly.

The comment on the envelope height will come when we understand what is being achieved, because 25' is small but we want to know what they are thinking.

Hall noted to be super clear that he would propose that the overall 25' height limit embodied in this ordinance and height limit for ridgelines would not be applicable in situations where there is a cataclysmic loss of a home due to earthquake, fire or other natural disasters. It is a tiny carve out to allow to rebuild to what the law allows under amended BHO adopted in April 2017

Evans believes that this is an effective way to address this particular concern.

Loze noted the complication that there was an attempt in the BHO to limit height by putting it together with the size and when they did that it opened the door for the slope banding, and there was never a cap on the slope banding based on the FAR. So, what that issue is right now that you are suggesting doesn't take into consideration what he thinks we have always wanted to do, to put a cap on the slope banding.

Hall noted this is a tiny tiny little carve out, only for a situation with a complete loss. He noted if you look back over the decades, at the total number of houses that totally burned down in the NC area versus the houses that exist and have been constructed, the data doesn't lie, and it is a very very rare situation and he is willing to allow people to rebuild whatever the law allows under the 2017 BHO though it doesn't have a height requirement because they want to preserve their legal nonconforming rights... because he knows it is a very likely situation.

Evans noted you don't want to incentivize burning down their house to build a much larger house. Hall thinks that is a highly improbable situation.

Loze asked if that carve out is without discussion of height limit now. Hall noted that our support of that doesn't change the fact that there will be an overall height limit in the ordinance.

Loze thinks in order to get support for that, you'd need to understand that the naked provision of 45' overall is inconsistent with the code and inconsistent with the intent of the BMO when it was passed. Hall noted that he fully understands that. Loze continued that, therefore, if you are asking for that carve out we can deal with the carve-out but thinks we need to talk about the naked 45'. Evans noted that we already deliberated on the naked 45' feet.

Loze would offer a motion for reconsideration. Evans said that in the letter we say 45' height limit in the hills. Hall asked if we support it to which Evans noted that she would support it if you specify wildfire, earthquakes, or natural disaster; not the electrical system and suddenly you are allowed to build an office tower.

Motion that we support a limited carve-out that allows people to rebuild their home to the maximum allowed under the amended BHO adopted in April 2017 in circumstances of total loss due to natural disasters **moved** by Hall, **seconded** by Evans.

Public Comment on the natural disaster amendment:

Pat Zingheim appreciates Jamie for doing this, and asked what is a "total loss," if the insurance

company says 95% loss, is she back to her one-story house and how it is determined.

Bobby appreciates Jamie's suggestion, and acknowledges it is highly unlikely, but that this carve out would help him sleep better at night.

Dr. Longcore related that there may be a way to tie this motion to the 75% value, that was the trigger in the code that everybody are worried about; so instead of referring to total loss, it would be anything greater than the 75% loss by value as applied in the particular code section that would invoke compliance with the current height and setback limits that would be a suggestion to operationalize that.

Amendment to tie it not to total loss but to the 75% cost was moved by Evans and seconded by Hall. There was no public comment on the change or committee deliberation, and the amendment **passed** with 3 yeses from Hall, Loze & Evans and 1 no from Schlesinger.

The motion as amended passed by 3 yeses from Hall, Loze & Evans and 1 no from Schlesinger.

Next, Member Loze provided a legislative history of this area that the Hillside Ordinance and BMO went through enormous review and public hearings in order to downsize the building in the hills as distinguished from the building in the flats, and there was an inadvertent error acknowledged by the editor, the creator of the slope banding, that has resulted in unintended consequences that need to be fixed.

Loze noted that he believed that the provision that the Planning Department has offered for overall height is an attempt to put a cap on the slope banding. He continued that we were going to ask them about this belief, but he believes it is clear it is what they are attempting to do and therefore he believes the provisions in the code about the height in the hills prior to the inadvertent mistake should be included, and he thinks it ties together with something else, that this draft ignores a great deal of effort that went into describing the contemplation of a ridgeline that was consistent with ridgeline ordinances elsewhere in the City, County and Coastal Commission. He noted that this ordinance does not provide for anything that relates to limiting hilltops construction because it says you can put it anywhere you want. Therefore he has sent us what he believes are appropriate provisions to modify the discussion in the letter that is a blanket overall 45' naked theme.

Loze noted that essentially it says: 1) that it depends on the slope, so the steeper the house the higher the house can go to 45 feet, but slopes that are less than 66%, we put 35' or 36' which is currently what the code is, which is why the example that has been presented to us is there.

2) Loze believes the original proposal by the Planning Department that construction on the ridgelines should not exceed 18 feet on top of the ridgeline, and he thinks this is something we should have in connection with new development and he has provided new language to that extent and offers the language, as a motion.

While Loze was attempting to send Chair Evans his language, Loze noted that there is a code provision that says 66% it goes to 45' below that is 36' he believes. He noted that the history of this goes back to the Planning Commission asked the Planning Department to do work to create a ridgeline ordinance and the ridgeline proposal that was then asked provided for certain limits as guidelines and the guideline was that you shouldn't have something exceeding the top of the ridge by more than 18'.

Chair Evans noted that the trouble she has with that is that the motion for the ridgeline ordinance

referred specifically to undeveloped ridgelines, and then the City did not distinguish in any way between developed ridgelines and undeveloped ridgelines; ridgelines where there is a literal street running on the top of the ridge line or significant ridge line. So there is no distinction; and there are so many ridgelines and she is not personally comfortable with making big restrictions on ridgelines that have ...

Loze proposed that this limitation be on undeveloped ridgelines at the moment.

Amendment to add to our comment letter that structures cannot exceed 18' above the top of an undeveloped ridge line was moved by Evans and seconded by Hall.

There was no public comment or further deliberation on the amendment which **passed** by 3 yeses from Schlesinger Loze & Hall, and 1 abstention from Chair Evans.

Next, Chair Evans read from Loze's emailed comments on overall height from old Code:

“Overall Height. On any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, the overall height limit of 36 feet shall be established for all buildings and structures. And on any lot which has a slope of greater than 66 percent as measured from the lowest point of elevation of the lot to the highest point, the overall height limit of 45 feet shall be established for all buildings and structures. The overall height shall be measured from the lowest elevation point within 5 horizontal feet of the exterior walls of a building or structure to the highest elevation point of the roof Structure or parapet wall.”

Loze noted that this still may be in the code, but this was addressed as height not as overall height and he is suggesting that we use this as the basis for overall height as a district wide regulation and not resource driven regulation. Hall noted that this ensures you don't only get 45' where it is not truly warranted; that you only get it in circumstances that are warranted.

Evans noted that she is flagging that we are not addressing envelope height until getting answers from Planning on why they wanted that reduced.

Evans reviewed the presentation to compare envelope height and overall height.

Hall noted that Evans has confirmed that we have not taken a position on this due to lack of clarity and it was discussed to include this point in the letter.

Member Loze noted that the overall height is the issue that is there to deal with the slope banding.

Motion to recommend that the code paragraph that we just read out is suggested as an overall height limit in our letter for all structures in the area moved by Evans, seconded by Schlesinger.

Public Comment:

Pat asked if there isn't a better way to deal with this, like saying no building on a ridge line or no building on no house can be over three stories, something simple in that terminology, and she hopes we address Don's concern about envelope height because she thinks we could make a recommendation.

There was no further committee discussion and the motion **passed** with 3 yeses from Hall, Loze & Schlesinger, and 1 abstention from Chair Evans.

Evans reviewed the letter where we address envelope height, noting that the letter says the BABCNC requests more information about what the height restrictions are meant to achieve and that the limits are too low and asked if we should we change it to the “envelope height limit appears too low.”

Don read the language with respect to the structure, which stated: “No structure shall be constructed so that the highest point of the roof structure or parapet wall will protrude more than 18 feet above the highest point of the segment of the designated ridgeline on the subject property.” He noted that both of these are with regard to undeveloped properties.

Motion to explicitly call out the envelope height as appearing to be too restrictive **moved** by Evans and **seconded** by Schlesinger.

Public Comment:

Pat noted that she agreed for steep slopes.

Member Hall wants to understand why we think the envelope height that is proposed is too restricted and he wasn’t present at the subcommittee meeting where this was discussed and apologized.

Evans clarified that they are changing the envelope height with respect to ridgelines. Currently it is 33 or 36’, depending on your zoning but they want to change the envelope height to 25’ which is really one story. So Evans noted that she doesn’t understand and thinks the committee didn’t understand what benefit that has for the ridgeline.

Evans related that it seems there is very little nexus between what the reduction of envelope height and what the ordinance is trying to achieve. That is why we asked the question of what is this for, and we already said that the height limits are too low because we don’t understand what they were meant to achieve and this motion is explicitly calling out envelope height as appearing to be too restrictive.

Schlesinger noted that 25’ is an envelope, another 25’ is another envelope, etc., the problem is there was never a cap on the envelope height, and ergo we have 1551 Summit Ridge 90 feet down Summit Ridge overlooking Beverly Drive; only one example.

Member Hall noted that the idea we might accept a taller envelope height so long as there was an overall height of 45’ and a requirement that the structure not exceed 18’ over the ridgeline.

Evans noted that she didn’t think we can accept envelope height of 25’ because it is really essentially one story.

Member Loze noted that the idea of the envelope height is really a view site (sic) [scape] – “view scape” which relates to ultimately how much space is being used to inhibit the animals, and it is an attempt to keep a consistency with the slope of the hill to begin with; then the maximum height is to say that you can’t keep building 25’ or 35’ in ad seriatim because there has never been a cap on it, so the overall height puts a cap on the slope bands.

Hall asked for clarification that Loze believes that the envelope is too restrictive and are okay with potentially increasing what is proposed so long as there is an overall height limit and that a

structure not exceed 18' over an undeveloped ridgeline, and that those provide adequate safeguards and that the envelope height can be increased, which Loze agreed to.

Member Schlesinger provided comments that you can increase the envelope height or just say it is the envelope plus 9' the problem is based on the envelope, 25' or 36' we're not going to reestablished the envelope because that was done some time ago... Hall supported the motion.

The motion **passed** by 3 yeases from Hall, Loze and Schlesinger, and 1 abstention from Evans.

Loze noted that we have covered this well, consistent with the minutes.

Hall noted that we have some additional motions and would like the authority for himself and Evans to finalize the letter, without having committee approval.

Motion to approve the letter as amended by the motions today, and to have a good concluding paragraph that highlights all the work we have done, and that he and Ellen have the authority to finish the letter and submit it to the PLU Committee **moved** by Hall, **seconded** by Schlesinger.

Public Comment:

Pat related that she thinks we did incredible work and that the write up was incredible. She appreciates the write up that Ellen and Jamie did because it was very clear.

Leslie also congratulated Evans and Jamie on their work on this and for representing us so well.

The motion **passed** by 3 yeases from Schlesinger, Loze and Hall, and 1 abstention from Evans.

8. Schlesinger and Hall expressed their great appreciation and gratitude for Evans for her leadership. Hall noted that we have done a really good job trying to reach compromise and he is happy to send this on.

9. Adjournment Next Meeting Date: TBD

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PLU Meeting and
July 20, 2022 Board Meeting
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