



**Draft Minutes**

**Ad Hoc Subcommittee on Proposed Wildlife District**

**Tuesday, July 5, 2022 5:30 pm – 7:30 pm**

1. **Call to Order/Roll:** Chair Evans called the meeting to order at 5:30 pm; called the roll with Ellen Evans, Chair, Don Loze & Robert Schlesinger present initially; Shawn Bayliss arrived 30 minutes later, for a total of **4 present**. Travis Longcore, Ex Officio, was also present for the first half hour. There were **2 absent**: Jamie Hall & Nickie Miner.
2. The July 5, 2022 Agenda was **approved**, as **moved** by Schlesinger.
3. The June 29<sup>th</sup> and June 30<sup>th</sup> meeting minutes were **tabled** to the next meeting.
4. **Public Comments** on non-agendized items within the jurisdiction of this committee.  
**Pat & Jay:** Pat asked about the attachment with questions to the Planning Dept., and asked if those are recent and whether we have received a response to our previous questions. Chair Evans noted that we met with Planning on June 23<sup>rd</sup> and received answers to all of the earlier questions up to that point, and we haven't received answers to subsequent questions. The attachment has the answers that we received on the 23<sup>rd</sup>.

**Bill** noted that he was responding to a comment on the Zoom before the official start of the meeting that apparently there was some communication with the City Planners over the back fence that said that this is just a draft and they don't expect to be acting on it for another year. Bill noted that if he heard that correctly, that runs counter to what the City has explicitly said, that they attempt to hold the hearing now and ram this through now. He noted that any attempt to assuage, relax, and get us to stand down is thoroughly rejected.

**Patricia** asked regarding the list of answers 1) if these are verbatim answers or a synopsis, and, 2) where you asked for scientific studies and they said they will be provided or were looking for resources to share, does that mean they didn't have any or didn't know what they were. Chair Evans responded that she captured the best she could the answers given by Planning, probably not exact words but paraphrasing, and believes it was neither but that they have to compile them; she is not sure of the timeline but it has been requested.

5. **Chair Report:** Chair Evans noted that this is the beginning of a long process. She noted that ordinances change substantially as they move along, and what we are doing here is examining the ordinance as closely as possible and preparing a comment letter from the neighborhood council.

**Public Comment on the Chair Report:**

**Alison** noted that despite all the incredible work being done on this, it is very hard to

provide a comment letter without the substantial resources to back up their claims, and that it is going to be very difficult for the neighborhood council to write a decent letter or that we might just have to oppose it until such resources are provided.

6. **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.

Chair Evans gave a quick review of this section of the ridgeline regulations with hopes to clear up any confusion.

**Ridgeline Regulations.** The following regulations shall apply to all lots containing a mapped Ridgeline in a Wildlife District.

**Setbacks.** (i) All lots falling within 50 vertical and horizontal feet of a mapped ridgeline must incorporate an additional side yard setback equal to 50% of the required side yard setback for the zone of the property. a. The additional side setback shall be the setback which is closest to the mapped Ridgeline feature.

**Envelope Height.** A maximum Envelope Height, as the term is defined in Sec. 12.21.C.10(d)(1)(i), of 25 feet shall be established for all buildings and structures.

Chair Evans noted that this means you can build up to 25' above the ground; and as the hill goes up, can continue to be 25' above ground..

**Overall Height.** An overall height limit of 35 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.

Chair Evans noted that she thinks that there was some confusion about this last time. Your building can be 35' under this ordinance but only 25' at street level.

Evans then provided a brief history of envelope height and heights, noting that envelope height was made 33' in 2011 for most zoning, and overall height was generally 45' with a slightly different case for substandard hillside streets and prevailing height... Now we have only 33' envelope height, so 33' in the front, and no overall height, so you can keep going all the way up the hillside.

Evans noted that there are two reasons to do ridgeline protection, a wildlife reason and an aesthetics reason, and thinks the height limit more addresses the aesthetics reason, from the point of view of the original motion for the ridgeline ordinance, and it is her understanding that the setbacks are what will benefit wildlife.

**Clarification Questions from the Public and then from the Committee:**

**Patricia** wanted to clarify some of the things Evans said. (This was a time for questions.)

**Bill** asked why, what is the reason, especially if his house is sitting on a flat pad... what is the rationale, aesthetic or otherwise?

**Pat & Jay:** Pat noted that she has space between her floors, and asked how a house would work with steeper slopes.

**Alison** would like the Planning Department to tell her what specific wildlife will benefit from an additional 50% of setback on a ridgeline home and what studies have been done to show what animals are going to use these corridors.

Chair Evans asked if Dr. Longcore would like to respond, to which he that he is not City Planning but shared what he thinks they are going after: The idea is that if you have a developed ridgeline and slopes on either side of it, the ridgeline itself becomes a barrier for animals trying to get from one side to the other side, and that this, over time, as the ordinance is triggered, would allow for more cross-cutting routes to go over the ridgeline. This is his understanding of the intent and thinks that it could apply to other things. His editorial comment would be that applying it to every single parcel becomes a bit of a blunt instrument to achieve something that one can map today and figure out where the places are that one needs to maintain that connectivity.

**Chuck** asked for clarification on height which Evans provided and if chimney is included in the height limit. Member Loze noted need for clarification on how chimneys relate to envelope height; we don't know how it applies and will get back to him.

**George** noted that behind his house is a City lot, a resource buffer, and a green area that goes over his and his neighbor's property and goes to an area where there is a retaining wall between the two properties. From time to time, the retaining wall and other parts when stormy cause problems which we need to be careful about. Would this ordinance mean we can't fix the retaining wall? Chair Evans noted the ordinance is only triggered when you have a project, and a project that doesn't change the footprint of the house isn't a project. She noted that if you fix your retaining wall it wouldn't trigger the ordinance. Evans noted that we'll be talking about the review procedures later, and he'll find out what he'd do.

**Kristen** would like to know why every single lot is being treated as a corridor, noting that when we go to do something as basic as putting up a deer sign on Laurel Canyon Boulevard, the Department of Fish and Wildlife have to come, and asked why a single house, why is this happening across the board?

**Elaine** noted that as long as you repair the retaining wall and don't widen or lengthen it you are fine, and asked what happens if you have to lengthen or widen it a foot? Aren't you in the project area, and trigger the ordinance? Evans will ask.

There was no committee need for clarification on the meaning intent application of the ordinance.

**Public Comment on this section of the ordinance:**

**Lacy** asked about maximum height for houses on the ridgeline; someone asked if chimneys would be included in maximum height, and noted that homes also have decorative elements that rise above the roofline. Evans will ask with the chimney question.

**Alison** pointed out that when they talk about height, the 25' envelope and 35' total structure, they have deceiving pictures... and worse case we are stuck with this 35' overall height and think we'll build 25' on our flat pad and grade down our hill 10', which nobody wants to do, but say that was the only option, think about grading requirements, we have a slope in excess of 100% ...they don't put up a flag. Alison noted that we need to address the misleading content and display in this ordinance.

**Bill** noted the need to ask the City to delay. We need to delay this so we can get our ducks in a row so we can fight fairly. He wants to know why the City still has not consulted with LAFD and LAPD, and as to when the ordinance requirements get triggered, and he fears we misspoke. According to his reading "if you do anything that requires a permit..." Evans noted that we will talk more about triggering later; we have some specific answers on that.

**Patricia** noted that 1) aesthetic considerations do not fit under the intent or purposes of the ordinances and therefore shouldn't be in here. She noted that it has nothing to do with wildlife and the City has admitted that that's the consideration; it doesn't belong in the ordinance. 2) Along the lines of what the City isn't telling you, with this 25' height restriction, a lot of homes will become nonconforming and what they don't tell you is that also will affect how much you can add on to your home, not just height but square footage. 12-23 says that if you are nonconforming as to height, you can't add more than 50% of the square footage... and there is a minimum of 1-1/2' and preferably 2' between each floor, so you'd have to add 3-4 feet to figure out how tall your house could be.

**Kristen** related that one of her largest concerns is when you are posing these questions and asking for clarification, you are getting interpretations, and if the questions when answered are not absolutely spit out as clear as can be in the ordinance, who is to say that those will stick when it comes to a homeowner having to battle this ordinance. This all needs to be spelled out and she doesn't think there is enough time to make sure that all the concerns expressed make sure they are all spelled out correctly so there is no confusion moving forward. She asked if there is something to put in the letter to ask for more time, as just getting an answer isn't cutting it; it needs to be clarified in the language.

**Leslie Gallin** would like to know where the committee stands on these issues right now. She noted that the effect and what she has been made aware in her communications with the City, is that there have been younger people, college educated, well-meaning that do not own property, no less in the area being identified and the real estate values that will affect this community is draconian. She noted that the City needs to be aware of this. She urged the committee for more time, and doesn't know why we can't just build bridges for the animals to get them to the water, because what they are going to do now is send the animals to the roadway, and that's the craziest thing.

**Call-In User #1** noted 1) she lives on about an acre that is completely fenced, with fences

above 6' and currently has a family of coyotes who come and go through her property, who do just fine. She loves the studies but thinks that they are not reflective of reality and that we need to delay this ordinance until someone comes out to the area that is going to be governed by this, to see what is actually going on. She can't take the fences down because the coyotes own it. If she takes the fences down she'll never be able to go out there. The studies that they are citing have nothing to do with what is going on. She quoted from the 14<sup>th</sup> Amendment of the Constitution that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States..."

**Zoom User** noted, connected to the comment just made, that she has a property fenced in by pretty high fences all around, they have wonderful wildlife constantly in the garden, and she is concerned about permeable fences that disallow protection of children and pets in the garden. [Chair Evans noted that we are talking about ridgelines only at this time.]

**Pat & Jay:** Pat agreed with everything Patricia said. She noted, as to envelope height, look at the drawing, most of us are on top of the ridge; did you notice the height of the house? It will be an underground house in order for the slope to work at the entryway; guesses we are asking her to do side entries. She noted that the 25' is untenable for a lot of the houses and recommends changing that; if not, make a difference between pristine and non-pristine; allow at least somebody to build two floors of a house at minimum or limit the number of floors... because somebody on a slope is not going to be able to rebuild this, and will have a basement at the front of the house. She asked if that is the intent of this.

#### **Committee Discussion on the Ridgeline Regulations:**

Chair Evans noted that if the height limit is what is remaining from the original ridgeline motion; she thinks the original ridgeline motion was meant to protect undeveloped ridgelines and this is not doing that, so that is concerning, and it is a comment a lot of people have made about the ridgeline ordinance. She also doesn't think it is doing a great service to the preservation of ridgelines because it is not doing enough to preserve the undeveloped ridgelines. Chair Evans noted that, as much as she wants overall height to come back, she finds the height limit in this to be challenging to justify. Evans added that she was looking at the County's ordinance on ridgelines, and they define significant ridgelines; they don't go after every little piece of ridgeline.

Bayliss noted that she echoed what he has been thinking for a while. One of the issues with the last ridgeline ordinance, what used to be ridgelines that are no longer there, you have a single row of homes on each side of the street, he is asking what are you trying to save here in those instances, while you have pristine ridgelines in other areas. With the height limit, he asked, what are we attempting to accomplish with the reduction of height.

Bayliss noted that he thinks a 25' height limit seems awfully restrictive but we have been having discussions about the overall height, where the code at one point says 45' or is it actually 45', or is it asking for a ZA Variance for 45'? He thinks if there is a desire for an overall height limit that might be better fitted. He noted that we see the stair steps, we have some great examples of two or three floor stair-step homes that snake their way down the hill. So he thinks in this instance an overall height limit might be better than just a simple height limit of 25 feet. He is not sure what the 25' gets you and would lean more towards

an overall height limit. He is not sure if 35' is enough and if the current code is not codified at 45 foot should that be the overall height limit?

Evans noted that she had some similar thoughts, and was wondering for the purpose of this ordinance whether lot-coverage restrictions would also take care of height, ultimately, and agreed that 35 is not a lot.

Member Loze related that his understanding of what this attempts to do, in response to an earlier request that there could be two stories, and while 24 might not be the right number, he thinks that aspect of the height limit is to accommodate two stories. He explained that the overall height is an attempt to cap the waterfall issue that was not foreseen when the slope banding concepts were introduced, and this would indeed put an overall cap.

Loze noted that there may be some clarifying language, saving language or something that relates to what Shawn is saying, because there is provision elsewhere in the code that provides for 36' or maximum of 45' which is subject to the ZA. Whether that is covered by the concept in this ordinance which says this ordinance prevails because it is the more restrictive, is an issue he thinks should be clarified but he thinks, personally, that the 24' that may be intended as a decrease from what has been in the past, should be higher than that, and whether it should be 33 with a cap of 36, is something we might want to suggest. Loze noted that they are there to serve a purpose which was described in the original Hillside Ordinance which was to downsize the height because it was attempt to limit mansionization, and it was downsized to 36. That is what he thinks they are trying to do with the 35 as a cap. He thinks we can have some discussion with the Planning Dept., as to that cap and, maybe we'll call it an unintended consequence of this relative to what is in the code and BMO.

Loze clarified what he said by saying that idea of the downzoning was to affect the view sites of the Santa Monica Mountains, if that's what you want to call "aesthetics," but that has been a long term policy that the City has been consistent in three or four attempts to define all of this; maybe this is something that should be clarified and refined as a last step in the attempt to clarify the view sites. Loze noted that he doesn't think there is any intent by the Planning Department to deprive anyone of anything but it is to define what the limits are and maybe they can help clarify the comments people have been making.

Chair Evans noted that she has an issue with the number of ridgelines mapped, because they are not all view sites; a lot of them have had buildings on them for a long time and they aren't perceived from any angle as a significant ridge, and also if overall height is going to come back into the code, she doesn't know why it would only be applied to ridgeline properties and it seems to be doing a disservice to ridgelines and to the overall anti-mansionization, to be putting this here as it is, with the mapping where it is, for the ridgelines.

Loze noted that there is some background with regard to the mapping which was done years ago, and refined in the last two or three years. The math of how they defined those was created by a woman in the department, who unfortunately died, and she was moved during the time when the 2007 depletion of the department came about.

He noted that the maps are consistent with what were originally presented and refined to the extent that they were there and what was described as a Ridgeline Ordinance which no longer exists, and the attempt to have distinguishing characteristics there, under P1s and P2s..., was rejected because that got complicated because of what people felt they could build or not build, but it now eliminated as between a significant and insignificant ridgelines. Loze noted that this is not a ridgeline ordinance. There are ridgeline ordinances currently in the city and the counties as well as throughout the state, most of them relate to what can be built within 50' vertical and 50' horizontal of the ridgelines that become defined but this doesn't do that anymore, so there is maybe something that needs to be clarified in the discussion with the Planning Department about how the overall height and the attempt to have parallel to the slope of the hill coordinated so it is more amenable than what this particular one says. He thinks it would be helpful if we heard what the Planning Department really thinks it is doing with this because it may be clearer than what we think if they give us the clarity that they think they have done.

**Evans noted that at this time we will divide this into setbacks and height restrictions.**

Evans asked if we have a motion on height restrictions, should a motion be first a request for clarification as to purpose, second, a statement that these limits are possibly too small, and third, that overall height should be returned to the Code. Evans noted that we currently don't have an overall height limit in the hills. Loze and Schlesinger disagreed.

Loze noted that there is an overall height in the code. He noted that the complication they are trying to deal with now is the complication that arises from the slope banding concept which did not have a cap, and he believes, we can ask them, that this is an attempt to define the cap on what otherwise would have been slope banding. He doesn't know how you avoid the slope banding, which is in a separate code section now, except by saying that this one prevails; that's a technical issue that he assumes they had some discussion about and are trying to do this but this is intended to be an absolute cap... and it provides plenty of room for two stories and eliminates the ambiguity on the slope bands that had no cap. There was no cap for the cumulative slope bands and this is what he thinks this is trying to address.

Bayliss noted that his understanding is that there is an odd provision in the current code that allows you to exceed a 45' overall height limit but the oddity lies in that there is no clear limit on the 45 foot, so, there is a weird provision that gives authority to the ZA to issue an adjustment or variance to go above it, but there is no provision that says you can't go above it ... so there has been a debate of whether I can go over the 45' overall, and his understanding is that B&S for the last several years will allow you to cascade as far as you want down the hill as long as you don't breach the envelope height and there are plenty of projects that have gone way over 45 foot overall height but never exceed their 30 or 33 foot envelope height as it cascades down the hill...

**Motion:** We need clarification as to purpose of this section on height restrictions, especially given the lack of clarity about what this is for, the limits seem too restrictive, and that no hillside project should be able to go over 45 feet overall was moved by Evans; seconded by Bayliss.

### **Public Comment on the Motion (on height):**

**Call-in User 1** wished to quote the 14<sup>th</sup> amendment, and express her problems overall with the constitutionality of parts of this ordinance.

**Pat** noted that she gave her house as an example, which we used as an example before. She noted that she has worked with Shawn and Shawn said probably her house in all likelihood would not meet the 25' height due to the slope. She wishes you'd increase the slope height so she could build two stories. This is limiting somebody on a steep slope. She thinks we need to be more specific about the height envelope or they think it is just one part and not the whole thing.

**Bill** related that he thinks you guys are all very experienced and there is still debate and discussion even in the committee, which proves we need a delay... He agrees that this is too restrictive; you should mention specifically that the 25' does not provide plenty of room for two stories, and thinks that... no answers that the City gives to these questions for clarification matter at all unless it is in writing in the draft. Also, he noted that there was a letter sent out on June 6<sup>th</sup> by the council saying "remedial grading shall be limited to that which does not result in a taking" so even this committee even thinks that this could be a "taking" and he wonders why this has been dismissed by the council.

**Patricia** noted that she thinks nearly everyone would agree that the stair step or wedding cake homes and building on pristine ridgelines need better regulations but the 25' height limit has no rational relationship to wildlife or already developed properties and will require a flat roof structure which will change the character of many neighborhoods and will substitute the City's definition of what is aesthetically pleasing for the homeowners. She thinks you should specifically say the envelope shouldn't be changed at all.

**Chuck** noted as to the terms, e.g., envelopes and slopes, average homeowners needs to be educated as to what all this means, how this affects and comes together. He asked if overall height pertains to other developments, e.g., a garage, a single unit, or a swimming pool, and thinks this is a ridgeline ordinance and doesn't have anything to do with wildlife.

**Kristen** noted that she agreed the height restriction now is where it should be as it has no relevance whatsoever to wildlife. The burden is on them to prove that it does, and until they can, it stays at 36 feet.

Member Loze would amend this motion to say that the overall height be limited to 36 feet, subject to review by the Zoning Administrator, to make a judgment for proper findings not to exceed 45 feet. Evans noted that the motion specified 45'. Loze noted that it is not an absolute 45 feet, it is 36 feet subject to the findings of a ZA not to exceed 45 feet. They have to make the findings to increase over that, consistent with other parts of the code.

**Amendment:** The amendment is that the overall height is to be limited to 36 feet, subject to review by the ZA, who can make findings to increase it, not to exceed 45 feet moved by Loze; seconded by Schlesinger with a friendly amendment by Schlesinger to *not* include height of chimneys. Bayliss & Evans would include "with current exemptions remaining."



### **Public Comment on the Amendment:**

**Elaine** reiterated that this is not a ridgeline ordinance and this section does not belong in this ordinance.

**Pat** would like to say something about envelope height limit, and raising it a bit, keeping the height limit at the current level. It won't work for her.

**Patricia** asked that the amendment specifically request to leave the envelope height, which is basically the roof to ground height, where it currently is, because that part has nothing to do with wildlife, and it would make a huge number of homes nonconforming with considerable consequences to those homes, and it serves no rational purpose.

**Bill** agrees with Patricia's comments, and requests the committee go beyond requests for clarifications with the City, because those answers have no impact and mean nothing, and go into actively objecting on their behalf. Also, the City is asking for CEQA categorical exemption and he wonders why that is and whether we can get an actual study.

**Call-in User 1** commented about height as it relates to actual wildlife, noting that most of the birds are building their nests higher up, on the second story, because the birds feel safer from predators up there. As to how height affects wildlife, she would say the higher the better. They build their nests, have their eggs, and have their babies up there, and are less likely to have predator problems up there. So if you bring the rooflines down, you are making it less safe for the birds.

### **Further Deliberation on the Amendment:**

**Amendment to Amendment** Member Loze would add a **further amendment** to the amendment that the ZA may not approve the additional height if it causes the overall height to exceed the top of the ridgeline, moved by Loze.

Evans asked and Loze noted that he would not distinguish between a visible ridgeline and one that nobody sees for the moment. Asked if there is a second for this amendment, Schlesinger asked for clarification on what he said.

Loze clarified that the overall height is limited to 36' subject to the adjustments and findings of the ZA; however, it may not exceed 36' if it breaches the top of the ridgeline.

Member Bayliss noted that in a lot of these cases, the top of the ridgeline is the street. Loze noted that this is where it gets complicated as to whether it has been built or not.

Loze noted that his purpose for the moment is to try to get clarification from the Planning Department consistent with the purpose of the ridgeline so the animals can come over and not be inhibited and that the protection of the Santa Monica Mountains as originally conceived throughout the history of all these ordinances is at least consistent. He noted that we do not have what is customarily in a ridgeline ordinance, a prohibition against building within 50' vertical & horizontal of the top of the ridge; that's what we're dealing with now.

Evans noted that the height limit has nothing to do with wildlife, having been told earlier that the height limit is more about the view. Loze noted that this has to be consistent with other parts of the code and he thinks that this would make it consistent.

There was no second to the amendment to the amendment, and attention was turned back to further deliberation on the original amendment.

Member Bayliss noted that that one of the primary concerns that folks give is the “what if” – what if there is an earthquake or a fire, and he noted that we have talked about the provision that allows you to rebuild, and if you exceed that 75% threshold or however it is defined, he has said from a setback standpoint, you are likely going to be pretty safe, for the most part, but the one provision that is very clear is that whatever the required height limit is at the time of rebuild, you have to adhere to it, there is no leeway on that, as opposed to the setbacks. So, as we deal with that primary concern from people that ask, can I rebuild what I’ve got that has been in a total disaster, as it relates to height, if the height restriction is more restrictive, then no you can’t, there is no give on that one.

Bayliss noted that from the code section, from a height standpoint, the oddity is, depending on your zone, say if your height limit is 30’, B&S interprets it that you can cascade down the hill, as far as you want to go currently. The oddity is if you want to go above that 30’ envelope height, you can ask the Zoning Administrator for that but if you do, your overall height can’t exceed 45’ – meaning as long as you don’t ever go over the initial envelope height limit, you can go the 200’ height down the hill, it doesn’t matter. That’s the oddity that we have dealt with a few times in this NC, that’s why he thinks Ellen is right that reinstalling the overall height limit is better than having further restrictions on the envelope height.

Mr. Loze asked to hear what Shawn’s suggestion is to eliminate what he describes. Mr. Loze noted that he believes the overall height limit that they put in here is an attempt to eliminate the waterfall.

Bayliss agreed but noted that they added a second limitation of a 25’ envelope height, so he is nervous about an envelope height of 25’ which seems awfully restrictive as opposed to an overall height limit of 45’ which most people don’t breach; it’s only the larger more absurd projects that that deal with that issue.

For purposes of discussion, Member Loze asked Bayliss if he would feel more comfortable if 24 feet were increased to 31, to which Bayliss responded that it would be better keep the current code. Schlesinger is concerned about projects going down the hill, 50, 70 feet on Summitridge, to which Loze noted it is covered by the overall height. Loze noted that the second illustration that we are dealing with in this section...

Loze noted that the first illustration that says 24 or 25 is there supposedly to be able to build a two-story house, and that we’ve heard today that there are floors in between, etc., and that the 24’ or 25’ is too restrictive; therefore, he believes Shawn’s discussion is if we increase the 24 or 25 to 31 you’ll eliminate that but the overall height puts a cap on it, up or down.

Chair Evans **restated the original motion** which is to ask Planning for clarification as to

the purpose of these height restrictions, and a statement that the limits are too low especially given the lack of clarity on the purpose and that no project in the hills should be over 45' overall.

Chair Evans **restated the amendment** that the overall height is to be limited to 36 feet, subject to review by the ZA, who can make findings to increase it, not to exceed 45 feet with current exemptions remaining.

**The amendment failed** with 1 yes from Schlesinger, 2 noes from Loze and Bayliss, and 1 abstention from Evans.

**The original motion passed** with 2 yeses by Bayliss and Schlesinger, 1 no by Loze, and 1 abstention by Evans.

### **Chair Evans opened the floor to Public Comment on the Setback Requirement**

Evans noted that the feedback she heard on setback requirement was that it seems a little crazy to ask for the setback every single place; there are too many pathways. She noted that it seems to her that it would be more sensible to define the pathways and to preserve those.

**Patricia** declared that there is no science that a developed ridgeline has any particular benefit to wildlife that a developed canyon doesn't... She doesn't think the increased setback has enough benefit to wildlife... and that there is nothing to back it up unless you are going to apply it to canyon homes as well. She concluded that there is nothing special about developed ridgelines.

**Alison** agreed with everything Patricia said, and agreed with Ellen that there are specific areas where animals are crossing, which she noted they have one at the end of upper Linda Flora, an easily used crossing. She thinks the setbacks don't make sense and need to be eliminated from this section completely.

**Bill** noted that he agrees with everything Patricia and Alison said. The setbacks and porous fencing regulations eliminate privacy, increase the risks of home invasions, burglaries, per LAPD, and invites, according to battalion chief at LAFD camping and camp fires and we just need one to threaten the existence of the entire neighborhood; pets running away and being preyed upon. He concluded that this has to be objected to and removal insisted upon.

**Pat** agrees with what other people said, as you add more and more things, like a setback, she is already not building a second story unless there are some weird things that somebody comes up with, with the setbacks, she still won't be able to build the first floor that she had. Taken all together, this is ending up as very little ability to build.

**George** agreed with Alison and Patricia.

**Chuck** agreed with everyone as well and as to the setbacks, he noted that the animals have been going across the street ever since he's lived on Bel Air Road 30 years and they haven't had any problems... He hasn't seen many deer lately but asked what are we trying

to preserve with wildlife? Is it just deer or mountain lions, rats, snakes, owls, he doesn't get it other than deer. He doesn't think anybody wants a lot of mountain lions here. What do people really care about with wildlife?

**Elaine** noted that there are a lot of people that care about the pumas and bobcats, but this has nothing to do with it, and she wanted to voice her agreement with Alison and Patricia. She noted that no matter how big a club you carry and what property rights you are going to take away, this just has nothing to do with saving anything up here. She has been a resident for about 50 years and knows what she is talking about.

Chair Evans related that she had a conversation with by email with Travis earlier, and asked him to define what value the ridgelines have for wildlife, and he said it is important that they have corridors to go over ridgelines. Evans noted that according to him, this is an important part of the ordinance in terms of its actual efficacy. She wondered if we should ask Planning to identify used corridors or whether there is another way to get around, with just everything being identified, having too many or more corridors than necessary.

Member Bayliss noted that the proposed ordinance delineates: a) it is a side yard, b) it is a side yard that is closest to the ridgeline buffer. He asked how it jives the previous code sections that call out setbacks and setback requirements, because setback is more for the structure, not for the fencing, animal permeable or not so that... the structure would be setback another 5-6-7 foot from the side yard but he could still have the exact same fencing that is up for that side yard? Evans noted that we may need explanation about that.

Bayliss noted that when it comes to side yard setbacks he is nervous about two things: 1) additional restrictions just because it sounds good but doesn't have practical effect, and 2) if it is requiring the fence or fencing to setback as well with it, so if your neighbor and you build fencing creating these weird little 3-foot, 5-foot gaps along properties, that's a problem like with the single family homes that back up into unimproved alleyways, you end up with a 10- or 20-foot strip of unkempt grass inhabited by some level of undesirables. If it is just for the setback of the structure with the exact same fencing, he don't know what the benefit is, and if it is for the purpose of setting everything back, including the fencing, he is concerned because you end up creating these weird alleyways between homes that are 4, 5, or 6 foot, that no one is going to maintain or take care of.

Chair Evans noted that we need more clarification, as to the benefit if someone can fence that whole side setback and need clarification on why they are not mapping used corridors before we can make a comment.

There is no motion and therefore no further public comment on this section.

- 7. Discussion and possible motion:** If not already completed, presentation and discussion on Section 6, G (Issuance of Building Permits) and H (Review Procedures) 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 the Section 6, G (Issuance of Building Permits) and H (Review

Procedures).

### **Public's Questions and Requests for Clarification.**

**Elaine** comment that this brings up pay to play.

**Patricia** would like the Planning Department to put that in plain English. She wants to know what this says in plain English.

**Alison** would like the Planning Department to add a timeline and caps on how long each process will take for each project when triggered, e.g., a tree removal, a 500-foot addition, and would like time limits and more information.

Chair Evans asked Member Bayliss to say what this means in plain English, to which he related that these are kind of the standard requirements for project in just about any specific plan.

He noted that if you are following the code, your fine; if you want to go 10 percent or less above anything that is quantifiable, e.g., your square footage, height, grading, etc., you'd follow the adjustment process under this, and if you want to go above that, you'd follow the exception process; which is the more restrictive; you'd have to point out how it is a hardship; it has a classic hardship finding on it, that is usually pretty difficult.

The ZA version is usually more than a 20% threshold for a variance.

Evans noted that if you want an exception, if you have a buffer on your property, you go to the Area Planning Commission and ask, and still it is just the Planning staff telling the Area Planning Commission what to decide.

Bayliss explained the process further. His big concern is the cost, with regard to the site plan review, which is currently \$10,000 to \$11,000.

Evans asked if he could characterize what a cost might be just for the administrative review and a normal timeline.

Member Loze noted that he tried to find that out and apparently none of the prices have been established for the draft at this stage, and noted that Shawn says that probably the first reviews are more de minimis, where we get to review the costs...

Evans noted that we will have time today to take public comment.

**George** point of clarification, with the resource buffer impacting his and his neighbor's property, if they were to lose their house to a fire or earthquake, is Shawn saying if they built it the way it was it wouldn't trigger?

Bayliss explained that the existing City provision on allowing someone to build after some type of earthquake, fire, flood, riot, if the replacement is less than 75% of the value of the home, he expects that means the B&S formula for what you want to do compared to what it

would cost to build per their formula, yes, you could build back what you currently have. You have two years to do it, he thinks. If you exceed that 75% threshold, you could rebuild your home; your setbacks you'd get a break; you wouldn't have to follow today's code but you could take today's code and cut it in half. The big one is if you have a complete loss, and have to utilize that code section, the one thing that does stick is the current height restriction, wherever you are. So, if your home was 36' tall and the code restriction was 25' using today's terms, then you'd have to ask for either an exception or an adjustment from the Specific Plan from the current code to have your current height.

**George** noted that this seems onerous impositions to homeowners, because it happens to have a resource zone, which is a silly lot 60 x 125 feet that happens to be adjacent to their property; he finds it an imposition in terms of a catastrophic problem if they have to rebuild.

**Patricia** noted that she was told if you have to go through this process and it goes through variances and appeals, it could cost thousands of dollars and take years. 2) The way it is written... makes an extraordinary number of homes nonconforming, and they would have to request a variance to do things they otherwise would have done. She gave examples of her own home and noted that it is just nuts. All these homes that would be made nonconforming would have to go through this process to make ordinary changes that they otherwise would have done if this code hadn't made them nonconforming.

**Pat** noted that she dittos Patricia Templeton's comment and is worried that you are changing the character of the ridgeline and that it is too onerous to the average homeowner who is not super wealthy. It seems unfair.

Evans asked the committee for initial thoughts on these processes and how they are applied. Some comments by Member Bayliss included current pricing who noted that administrative review looks like \$2,749 to \$3,978, an adjustment \$4,652, an exception \$15,143 and site plan review anywhere from \$3,978 to \$10,367; time for administrative review could take from six to 12 months for submitting an application these days. He doesn't think there is a lot to say about changing or tweaking the relief codes.

Chair Evans adjourned the meeting until Thursday at 5:30 pm when we will start from this section. She related to those in attendance that we have heard their comments and will talk about what everybody is thinking.

**Items #8 and 9 were deferred due to time constraints.**

- 8. Discussion and possible motion:** Discussion on prevention of habitat loss due to grading of undeveloped lots in the absence of imminent development.
- 9. 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**.
- 10.** Good of the Order
- 11.** The meeting adjourned at approximately 7:30 pm until Thursday July 7th at 5:30 pm