

To:

Bel Air Beverly Crest Neighborhood Council Board
and The Public

Please find below

1. Questions I submitted to the Planning Department on May 19th and May 25th, and through the Planning Department's "Workshop" on June 28th, **all of which went unanswered**; and
2. A CA Public Records Act ("PRA") Request which I submitted on July 1st, 2022 pursuant to CA Government Code Sections 6250 et seq.; and
3. The Planning Department's response to my PRA; and
4. The answers and records the Planning Department produced in response to my questions and requests – spoiler alert: there aren't any because the Planning Department failed to respond to a single question or produce a single record.

When reading the questions submitted to the Planning Department, the PRA request for documents, and the Planning Department's response, please ask yourself

1. whether the Planning Department should have obtained, and considered, the requested information prior to proposing the Wildlife Ordinance?
2. if the Planning Department does have some, or all, of this information, why is it resisting disclosing it to the public?

Also, you should know that the CA Public Records Act requires the Planning Department to respond in 10 days, and to "promptly" produce the requested documents. The PRA does allow a 14-day extension for "unusual circumstances", which are enumerated in Section 6253(c)(1) through (c)(4) of the California Government Code¹. Although the Planning Department purported to avail itself of this "unusual circumstances" exception, they followed neither the letter nor the spirit of the law in doing so. The Public Records Act does not include among the "unusual circumstances" allowing a 14-day delay the "possible need to search for and collect the records from field facilities or other establishments" [emphasis added]" etc., which were claimed as justification by the Planning Department to delay their response and document production until after the close of the July 22nd comment period then in effect.

Members of the public are not mushrooms, they do not thrive by being kept in the dark and fed manure. The BABCNC should not reward the Planning Department obfuscation, especially where that department is seeking to significantly reduce the property rights of stakeholders while utterly failing to answer relevant questions or produce any scientific support. The BABCNC must withhold support for the Wildlife Ordinance until it, and the public, is shown the courtesy of having their questions and concerns meaningfully addressed, the Planning Department produces strong scientific justification for each proposed regulation, and the Planning Department has engaged in a meaningful cost-benefit analysis.

Sincerely,
Patricia Templeton

¹ (see https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=6253.)

Questions I, Patricia Templeton, have submitted to the Planning Department regarding the Wildlife Ordinance. **As of 7/18/22, the Planning Department has failed to answer any of these questions** (with the sole exception of an approximation of the number of privately held parcels that have Resource or Ridgeline Buffers on the property, which was communicated during the “Workshop”)

1. Questions I submitted to the Planning Dept prior to the June 28th Planning Dept “Workshop”

What are the total number of homes that would be included in the Wildlife District?
How many of those are single family homes and how many are multi-family units. If the number of homes that would be included in the Wildlife District is not available, what are the total number of lots that would be included in the Wildlife District?

What is the number of existing homes that are on properties that would have any of the following on their properties:

- 1) Wildlife Buffers or
- 2) Ridgeline Buffers or
- 3) Slopes greater than 60%

Or if that number is not available, what are the number of lots that have any of those three elements on the lot.

What is the number that would have more than one of the above elements on their property?

Definitions

Section 1 - Wildlife Resource. Who determines what “features” “provide wildlife benefits, ecosystem services, and contribute to the overall quality of the built environment.” Couldn’t almost anything fit this definition?

Section D – Open Space – similarly to the definition of Wildlife Resource, couldn’t almost any unimproved area of land fit the definition of Open Space? Who makes that determination? Will properties owned or purchased by SMMC or other conservation groups be designated Open Space? If so, will all adjacent properties have Resource Buffers placed on their properties?

What are the qualifications of the project reviewer to identify an unmapped resource on the site? Can the homeowner appeal the project reviewers determination, and if so what is the process and cost to the homeowner to do so?

Applicability

Are there specific objective rules regarding when successive construction is part of a single Project? As an example, if a homeowner constructs a 500sf+ addition and 6 months later constructs or replaces a fence, are they part of the same Project? What about one year later? What about if they construct/replace part of a fence, and later do the rest of the fence?

If someone who has a Wildlife Buffer that runs through their home wants to add 5 square feet to their home, please explain the exact process that would be required, including all appeals. That is, please list all documents that would have to be filed, all hearings, whether the hearings are subject to public comment, etc., the Fees that would need to be paid to the City of LA, the professional services that a typical homeowner (eg, one not versed in land use or who is not an architect) would be required to obtain in order to comply with the process and the requirements of Section F.2,(b)(1) and (2)

Please explain the nexus between Slope percentage, RFA, and Wildlife. That is, what is there about slopes that are greater than 60% that calls for a reduction in home size (regardless of where on the lot the home is located and even if the home is not on the slope) for lots that have those slopes, and why this is not applicable to less steep slopes. That is, what is it about greater than 60% slopes that reduced home size would benefit Wildlife, and why the same result would not occur for less steep slopes. Please provide any scientific research that supports your position.

Please explain the significance of Ridgelines, as opposed to non-Ridgelines such as canyon bottom/valley, with respect to sustainability, wildlife connectivity, biodiversity, watershed health, wildfire safety, and/or climate resilience, as compared to canyon bottom/valley properties and/or other hillside locations, such that Ridgeline homes on previously developed lots need additional restrictions of height limitations and increased side yard setbacks. Please provide all scientific research that supports your position.

The Planning Departments' materials reference aesthetics as a rationale for the 25 foot height limit. Please explain, and provide scientific research in support of Planning's position for the following:

What do aesthetics have to do with Wildlife and the Wildlife Ordinance's stated Purpose in Section A?

Who is the arbiter of these aesthetic decisions on the part of the Planning Department?

Why are flat or low roofed structures more aesthetically pleasing or better for wildlife than structures with traditional pitched roofs? (the standard ceiling height is now 9ft and many people desire taller ceilings than that – a two story structure with 9 foot ceilings would be a minimum of 21 feet high before accounting for a roof structure or foundation, thereby making a traditional pitched roof impossible with a 25 foot height limit)

Fencing:

Please identify the wildlife that fit through a 6"x6" opening that cannot already go over or under the typical wood privacy fence. Please provide all scientific research that supports your position.

Please provide all scientific research that supports your specific Wall and Fence Design in Section F.1(b)(2)(ii)b and Section F.1(b)(3) (i.e. 50% Open Area and minimum distance between solid features of 6")

Site Plan Review

Section 16.05 states that "Application for the site plan review shall be filed in any public office of the Department of City Planning, upon such forms and accompanied by applicable fees, a site plan drawn to scale, and other information prescribed by the Director for that purpose." Please identify the forms, fees, and "other information" that will be required.

2. Questions I submitted to the Planning Dept During the June 28th Planning Dept "Workshop" Q&A

Patricia Templeton (You) 5:06 PM

Will you disclose all scientific research that LA Planning relied on in crafting this ordinance? Will you disclose all outside individuals and groups that LA City Planning consulted with?

Patricia Templeton (You) 5:08 PM

If you don't answer our questions during this workshop, will you answer them after the workshop, and if so when and how?

Patricia Templeton (You) 5:09 PM

Can people send in questions after the workshop, and will you answer them and if so when and how?

Patricia Templeton (You) 5:17 PM

What are the total number of homes that would be included in the Wildlife District? How many of those are single family homes and how many are multi-family units. If the number of homes that would be included in the Wildlife District is not available, what are the total number of lots that would be included in the Wildlife District?

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Patricia Templeton (You) 5:18 PM

Definitions

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Patricia Templeton (You) 5:21 PM

If a conservancy group or the city of LA comes into ownership of a parcel of land for the purpose of conservation, will the adjacent homeowners have a Resource Buffer placed on their land? Will they then have to do a Site Plan Review for any applicable Project. Will they be prohibited from doing any construction that changes the footprint of their home, if the new Resource Buffer is on their home, without a very expensive and time consuming process that has no guarantee of success?

Patricia Templeton (You) 5:26 PM

re rebuilding after disaster, how different from the original home can the rebuilt home be without triggering the ordinance?

Patricia Templeton (You) 5:27 PM

How many homes are like those in your graphic, where the home occupies such a small part of the width of the lot?

Patricia Templeton (You) 5:29 PM

Can you provide a map that has both the resource buffers and the ridgelines on one map - many people are confused and don't realize there are two maps and they must consult both. Do you know the maps are buggy and sometimes return the wrong property, or are in between properties? Or that one has to zoom out to see the black border?

Patricia Templeton (You) 5:30 PM

Are all the preferred plants fire resistant or only some of them?

Patricia Templeton (You) 5:32 PM

Doesn't good fire safety practices say that there should not be trees within 30 feet of a home? Why do you discourage replacing flammable trees?

Patricia Templeton (You) 5:35 PM

Why doesn't the WO have different standards for pristine and non-pristine properties?

Patricia Templeton (You) 5:35 PM

Why does your graphic on ridgelines show construction on a canyon bottom?

Patricia Templeton (You) 5:37 PM

Do you realize that at 25 feet, one can't have a two story home with today's minimum ceiling height and also have a pitched roof? Do you realize you are effectively requiring that ridgeline be modern flat roofed architecture?

Patricia Templeton (You) 5:37 PM

Have any studies on bird strikes been done in the proposed Wildlife Ordinance District?

Patricia Templeton (You) 5:46 PM

Who decides if a variation is major or minor?

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Patricia Templeton (You) 6:00 PM

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Patricia Templeton (You) 6:00 PM

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Patricia Templeton (You) 6:04 PM

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Wildlife, and why the same result would not occur for less steep slopes. Please provide any scientific research that supports your position.

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Director for that purpose.” Please identify the forms, fees, and “other information” that will be required.

Patricia Templeton (You) 6:08 PM

What is the definition of “Rebuilding” a home after disaster. Can the rebuilt home be different than the damaged or destroyed home, and if so, how?

Patricia Templeton (You) 6:13 PM

The ordinance does NOT have a guaranteed RFA for homes on greater than 60% slopes, do you plan to change the ordinance to comply with what you just told people?

Patricia Templeton (You) 6:15 PM

Will you provide the actual scientific studies that Planning relied on? As opposed to just telling us that you used scientific research to come up with the WO?

Why did you choose the area that you did for the pilot area?

Patricia Templeton (You) 6:25 PM

If the concern re steeper slopes is grading, why regulate RFA on steeper slopes rather than grading? Also your answer talks about developing lots for construction and does not address already developed lots, why?

Site Plan Review regulation requires substantial conformance with the intent of the ordinance. Can you please explain this

Patricia Templeton (You) 6:30 PM

Again, please explain what animal can go thru a 6inch by 6inch fence opening that can't already go under or over a standard wood privacy fence? Even if there were such an animal, wouldn't a 6x6 opening every 50 feet or so serve the same purpose?

How many existing homes are similar to the graphics you used to demonstrate the fencing setbacks? Are you aware that for most properties, the fence shown as being outside the setback area would actually be in the setback area in real life, and therefore not allowed?

Don't LAFD standards call for fire resistant plantings near homes? Are all the plants on your preferred plant list fire resistant?

Wouldn't prohibiting free range cats protect more birds than the WO's window regulations?

Are there any window treatments that diminish bird strikes that are also invisible to the human eye?

Patricia Templeton (You) 6:43 PM

Different areas of the pilot area are very different from each other - why did Planning choose to use a one size fits all (or one size fits none) approach?

Patricia Templeton (You) 6:45 PM

Have you done any financial studies to determine how these regulations would impact property values, especially for those homes that have their RFA reduced, or drastically reduced?

Patricia Templeton (You) 6:46 PM

How long would you anticipate that a Site Plan Review would take through to completion?

Patricia Templeton (You) 6:49 PM

Does building fences in a wildlife buffer have to have a Site Plan Review?

The ordinance says all construction in a Resource Buffer is prohibited, but also says fences in a RB must be "wildlife Friendly", which is it? (they had cut off question asking when I asked this at 6:52, so it didn't get on the Q&A)

Under the California Public Records Act, I am requesting records containing the following information.

- 1) The number of lots in the proposed Wildlife District
- 2) The number of “paper lots” in the proposed Wildlife District
- 3) The number of lots with existing homes in the proposed Wildlife District
- 4) The number of lots in the proposed Wildlife District which have an existing home on the lot, where a Wildlife Resource Buffer has been identified on that lot (or if that number has not been calculated, the number of lots that have been identified as having a Wildlife Resource Buffer on the lot).
- 5) The number of lots in the proposed Wildlife District which have an existing home on the lot, where a Ridgeline Buffer has been identified on that lot (or if that number has not been calculated, the number of lots that have been so identified as having a Ridgeline Buffer on the lot).

The above information was requested, via email to Lena Mik, of the City of LA Planning Department, on May 19th, and I received no response. I reiterated my request on May 25th. To the best of my knowledge, both those requests would be considered valid Public Records Act requests that were entitled to a response. Ms Mik’s only response was that the numbers had been calculated but that she was “waiting for authorization to release them. The GIS staff who is assigned to this project is out until June”. I followed up on my request again on June 3rd, when I also notified Ms. Mik that my earlier emails qualified as a Public Records Act request, but I received no response. The Planning Department is in possession of these records, and it referenced them in its June 28th “Workshop”. Given that these records were first requested nearly 45 days ago, and are not subject to any of the confidentiality exceptions in the Public Records Act, please produce the requested records now.

- 6) The number lots in the proposed Wildlife District which have an existing home on the lot, that have been identified as having both a Resource Buffer and a Ridgeline Buffer on the lot (or if that number is not available, then the number of lots that have both a Resource Buffer and a Wildlife Buffer on the lot).

The Planning Department is also in possession of the records containing this request, as it referenced the information in its June 28th “Workshop”.

- 7) The number of lots in the proposed Wildlife District which have an existing home on the lot, that have slopes greater than 60% (or if that number is not available, the number of lots in the proposed Wildlife District that have slopes greater than 60% on the lot).

The above information was requested, via email to Lena Mik, of the City of LA Planning Department, on May 25th. Ms Mik responded that the numbers had been calculated but that she was “waiting for authorization to release them. The GIS staff who is assigned to this project is out until June”. I followed up on my request on June 3rd, when I also notified Ms. Mik that my earlier emails qualified as a Public Records Act request, but I received no response. To the best of my knowledge, both those requests would be considered valid Public Records Act requests that were entitled to a response. Given that these records were first requested more than a month ago, and are not subject to any of the confidentiality exceptions in the Public Records Act, please produce the requested records now.

- 8) The number lots in the proposed Wildlife District that would have their RFA reduced with passage of the 2022 Revised Wildlife Ordinance, as currently written.
- 9) The number of homes in the proposed Wildlife District that would be rendered non-conforming as to RFA with passage of the 2022 Revised Wildlife Ordinance, as currently written.
- 10) The addresses every home in the proposed Wildlife District that would be rendered non-conforming as to RFA with passage of the 2022 Revised Wildlife Ordinance, as currently written.
- 11) The addresses of
 - a) every home in the proposed Wildlife District
 - b) every home in the proposed Wildlife District on which a Resource Buffer has been identified
 - c) every home in the proposed Wildlife District on which a Ridgeline Buffer has been identified
 - d) every home in the proposed Wildlife District on which both a Resource Buffer or Ridgeline Buffer has been identified
 - e) every home in the proposed Wildlife District which has slopes greater than 60 percent on its lotas described above

- 12) All questions posted to Q&A and/or Chat during the 6/28/22 Planning Department's Revised Wildlife Ordinance Online "Workshop".
- 13) All questions received by the Planning Department via email regarding the 2022 proposed Wildlife Ordinance.
- 14) The exact, full, and complete recording of the entire 6/28/22 Planning Department's Revised Wildlife Ordinance Online Workshop including, but not limited to, the Question and Answer portion, and the additional statements by members of the Planning Department following the previously released presentation.

The Planning Department's website states that "A recording of the webinar presentation is currently available as an informational video on the Draft Ordinance page." That recording is not a full and complete recording of the entire 6/28/22 Workshop.

As the Planning Department's Hearing on the Revised Wildlife Ordinance is scheduled for July 13th, and as the deadline for comments to the Planning Department on the Revised Wildlife Ordinance is July 22nd, **time is of the essence. Please respond to this request as soon as possible, but in no event later than ten days**, either by a) providing the requested records or b) by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document. If you seek to extend the 10 day time limit prescribed in California Government Code Section 6253(c) for any of the requested records, please describe the "unusual circumstances", as defined in California Government Code Section 6253(c)(1) thru (4) for each requested record, and state when the documents will be made available.

Where possible, please provide the records in electronic form, in a format that does not require specialized software that the general public is unlikely to have. Should you be unable to produce the requested records in such form and format, I will reimburse the Planning Department for direct copying costs up to \$100. If you expect that this amount will be insufficient, or that the time to copy the records will delay their release, please contact me so that I can inspect the records in person, or modify my requests. Please produce the requested records as they are located, and do not wait until all records have been located to produce the requested records.

Should you have any questions, or require any clarification, or if there is anything I can do to reduce the amount of time required for you to produce the requested records, please do not hesitate to contact me.

Sincerely,
Patricia Templeton



**DEPARTMENT OF
CITY PLANNING**

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CITY PLANNING COMMISSION

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July 11, 2022

SENT VIA EMAIL TO TRISHLLC@YAHOO.COM, NOT FOLLOWED BY U.S. MAIL

Hello, Ms. Templeton:

RE: Public Records Act Request For Records Regarding the Wildlife District and 2022 Revised Wildlife Ordinance

This letter is in response to your July 1, 2022, request seeking records from the Department of City Planning pursuant to the California Public Records Act (CPRA) regarding the above.

Be advised that this Department finds that “unusual circumstances” exist with respect to the request, as that term is defined in California government code section 6253(c). Unusual circumstances exist because of (1) the possible need to search for and collect the records from field facilities or other establishments that are separate from this office, and (2) the possible need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records in order to respond to the request, and (3) the possible need for consultation with another agency having a substantial interest in the determination of the request. (See Government Code section 6253 (c)(1), (c)(2), and (c)(3).

We expect to make a determination concerning your request on or before July 25, 2022. If you have any questions, you may reach me at Beatrice.pacheco@lacity.org. We greatly appreciate your courtesy and cooperation in this matter.

Sincerely,

Beatrice Pacheco
Custodian of Records

BP:bp

