



Bel Air-Beverly Crest Neighborhood Council
Planning & Land Use Committee Meeting (Virtual)
Tuesday July 12, 2022 4:30 P.M.
Minutes

Name	P	A	Name	P	A
Robert Schlesinger, PLU Chair	X		Stephanie Savage, PLU Vice Chair	X	
Robin Greenberg	X		Nickie Miner	X	
Don Loze	X		Jamie Hall (<i>Arr. approx. 5:pm</i>)	X	
Shawn Bayliss	X		Jason Spradlin		X
André Stojka	X		Ellen Evans	X	
Steven Weinberg	X		Cathy Wayne	X	
Maureen Levinson		X	Leslie Weisberg	X	
Stella Grey	X		Travis Longcore <i>ex officio</i>	X	

Chair Schlesinger called the meeting to order at 4:35 pm. Vice Chair Savage read the information at the top of the agenda, including AB361 updates. The pledge to the flag was recited and roll called with quorum met. Member Hall arrived at approximately 5 pm for a total of **14 members** present. As Chair Schlesinger was having sound difficulties, he asked Dr. Longcore to chair the meeting this evening.

1. The July 12, 2022 agenda was approved, as moved by Stojka.
2. The June 14, 2022 minutes (Attachment) were approved as circulated and as moved by Weisberg.
3. **General Public Comment:** Ina Colman introduced herself as a neighbor who has lived in the area about 50 years, on St. Ives Drive, two doors away from Asher on our council. She came to alert us to an illegal side yard at her home that she described as a critical safety issue, and ask for assistance. She noted that the next-door neighbor at 8732 St. Ives Drive has built concrete boxes across the entire side yard between their homes. When she bugged Building and Safety about this for months, in December 2020, B&S cited the neighbor with an order to comply; however, a year and a half later the side yard is still completely blocked. She would like the order to comply to be enforced by B&S, noting that this is about safety (describing fire hazard risks, the blocked side yard would negatively affect any LAFD emergency response) and she would like this council to write a letter to the Chief of Code Enforcement to enforce the order to comply. Stella Grey noted that DSPNA can look into it. Questions were asked and answered.
4. **Chair Reports** – Robert Schlesinger, Chair, & Stephanie Savage, Vice Chair: Chair Schlesinger invited **Dylan Sittig from CD5** dylan.sittig@lacity.org to introduce himself. Dylan noted that he is the relatively new Senior Planning Deputy for Councilmember Paul Koretz. Some background included that he graduated from UCLA, went to work at Planning, covering mostly Westwood, WLA, Palms and those areas, has had various roles in Policy Planning with Specific Plans, Project Planning, and reviewing development. He has been liaising with the NC alliances throughout the City. Councilmember Paul Koretz brought him on to help close

out his term, when he'll be out of office in December. Chair Schlesinger invited him to attend our PLU meetings and Board meetings. The Committee welcomed him this evening and in the months to come.

Items Scheduled for Discussion & Possible Action:

5. ENV-2022-1536-EAF 1423 Oriole Drive 90069

Project Description:

Haul route for export of 2100 CY to connect Accessory structure to SFD (per LAMC)

Applicant: Yosef Simsoly [1423 Oriole LLC]

Representatives: Alexander VanGalen [Crest Real Estate] vangaalen@crestrealestate.com
<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjU1NjIx0>

Mr. VanGalen presented this item on 1423 Oriole, proposing the addition and connection between the existing single family residence onsite and the existing detached garage onsite, at the basement level, which will require export of 2,400 CY of earth, and for that they seek a haul route. He noted that they met with DSPNA, and believes they are on board, though he hasn't received an email confirmation. Part of the scope is the conversion of an ALQ into an ADU. The ALQ is existing and is not being expanded. They are generally fixing up the site that was left abandoned by a prior owner almost 10 years ago that has been unoccupied since. Mr. VanGalen shared his screen to provide details of the project and questions were asked and answered. Asked where the haul route goes, Stella Grey noted that DSPNA has asked that it go via Doheny Drive to Sunset, and not through Beverly Glen.

Public Comment: An individual who didn't identify herself asked about staging to which Stella Grey provided input, noting staging will occur either at the job site or outside the area.

Committee Discussion: Ellen Evans noted that his project is in her area, it was presented to her association and they are working with the applicant to mitigate some of the impacts of the hauling but it is a house that is not finished, and they think it would be good to have it finished and not vacant. While they are not excited about a big huge deck, they think this should move forward, noting that they are not asking for anything extraordinary.

Motion: That the PLUC recommends approval of the haul route, moved by Evans, and seconded by Grey. Vice Chair Savage wanted to make a friendly amendment, that although it appears as though a 4,000 square foot basement, just the volume alone could calculate to a dirt volume of 2,100, not including foundation, it appears as though it will be a challenge to stage this dirt, and with a haul route, that's just out, and it sounds like it may have to be phased, and it should be considered that that haul route may expand, based on the limited area on the site to store on anything flat, because where they have flat, that's where they are working, so everything else is hillside or structure; so there's no place to really store any of that dirt. There could be an expansion of the haul route impact.

Amending Motion: That the letter include an acknowledgement that consideration of phasing for this project may involve an increase in haul route, based on available storage for dirt export moved by Vice Chair Savage, who noted that there is no place to store that dirt, and there may be an expansion of the haul route impact; if 1,000 more, then that is to be considered.

The amending motion restated: That the letter include an acknowledgement that the haul route may need to be expanded because of the lack of ability to stage on the property moved by Savage, second by Wayne.

Acting Chair Longcore noted that we have a motion to amend the main motion so there would be an acknowledgement that the haul route may need to be expanded due to the lack of stockpiling on the property. Questions were asked and answered, including but not limited to question of time needed, to which Vice Chair Savage noted it was obvious to her that there is very little available space... and they may have to expand the export and the time. Mr. VanGalen noted that the total RFA is 14,349. Member Hall recused himself.

Acting Chair Longcore noted that as there were **no objections on the amendments** we now had the **main motion as amended** to support recommending approval of that haul route with the addition of acknowledgement that it may need to be expanded. **There was no objection to unanimous consent** and the committee's recommendation to the Board will be for approval with acknowledgment that the haul route may need to be expanded, based on stockpiling limitations.

[Member Hall was re-promoted to the meeting.]

6. ZA-2022-898-F 1635 Ferrari Drive 90210

Project Description: A Zoning Administrators Adjustment to allow for a 5' high aluminum fencing in front of the home with 5' high driveway gate (relief Per LAMC 12.22 C 20(f)).

Applicant: Paul Wylie [Wystein Opportunity Fund LLC] champton@wystein.com

Representatives: Cindy Hampton [Wystein Opportunity Fund LLC] champton@wystein.com
<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjU0OTYx0>

Vice Chair Savage related that both items #6 and #7 have gone to a hearing, and they have left the case files open, so the NC can comment on these projects.

Applicant's representative, Cindy Hampton, related that this is a newly constructed home currently listed for sale, and they are requesting a 5' driveway gate and 5' fence, horizontal iron, in front of the home. She noted that the home is sitting on the corner, about in the middle of Ferrari Drive, and it would either be black iron that is see through or powder gray. Currently on the street, the adjoining neighbors have a 6'— and one home actually going onto Ferrari Drive has a 10' wall; two others have 5' block wall or 5' iron fencing. She noted that as mentioned, they have already gone to the City who is planning to make their decision by July 15th. Acting Chair Longcore noted that if there is no time for them to come to the Board first, the PLU Committee can write a letter, based on the meeting of the committee.

Ms. Hampton showing an image of the home on the corner on a slope, noting that the driveway was open and they're proposing a 5' fencing gate, with a pedestrian gate to access, noting need for a little more security for the home. There would be a pedestrian gate going up the stairs to the entrance to the home and other fencing for security that ties into the side yard, that already has 5' fencing. Questions were asked and answered.

Member Wayne noted that the addition of a 5' fence is not very much of a security thing and she could climb it, and doesn't think it is a security issue, and the comment about there being a property with a 10-foot wall, that was a retaining wall, which she believes was required by the City, a different option here. However, Member Wayne doesn't see the 5' fence a problem to be approved, though doesn't think it is a security fence, it is more of an aesthetic fence.

Member Grey asked if the project was presented to the local neighborhood association, neighbors, and how many discretionary approvals other than this did the project request in the past. Ms. Hampton doesn't know of other discretionary approvals and reports following the code and the normal process with the City. Ms. Hampton noted that notices went out to the neighbors by the City; the local association is Benedict Canyon Association, to which Chair Schlesinger noted that BCA is still putting together a land use committee, and that he doesn't have a problem with what they are doing. There was no public comment.

Motion: To accept the project as designed with the 5' high fence and gate, moved by Savage, seconded. There were no objections and the motion was approved by all **14 present** and voting. The recommendation of the PLU Committee will be reflected in the file to recommend approval of the request, and the letter will go to the file before the July 15th meeting, to recommend approval of the request.

7. **ZA-2022-760-ZAA, 1150 La Collina Drive 90069**

Project Description: A Zoning Administrators Adjustment to allow the addition of two concrete pilasters and wrought iron gate and fence above 8' in height (relief Per LAMC 12.21 C.1(g)).

Applicant: Ronald Haft [Company:] rhalt@combined.biz

Representatives: Cason Hall [Kimberlina Whettam and Associates] cason@kwhettam.com
<https://planning.lacity.org/pdiscaseinfo/search/encoded/MjU0ODE20>

Ms. Cason Hall representing the property owner introduced herself and provided a Power Point presentation on the project, requesting a new Zoning Administrator Adjustment for over-height fence and gate in required front yard setback. She noted that the proposed gate is over the allowable by right height of 3'6" and they are requesting approval of the proposed height.

Some comments include that that the area is currently improved with hillside single family homes to the north, east and west, and a commercial corridor to the south along Sunset Blvd. The property is located on a private street with one other home beyond. She noted that the subject lot on the site plan is currently developed with a parking area and landscaping, however, the applicant's overall property is composed of several lots, which are improved with two single family residences, various accessory structures, and landscaping.

Ms. Hall noted that the lot is bisected by La Collina Drive, which is deemed to be an approved private street, and per section 18.00 of LAMC, a private street shall be treated as a public street with regards to ... setbacks. She noted that a gate and fence of 3-1/2 feet or lower is allowable in the setback; however, due to the gate's intended use, the proposed project is taller, which is the subject of this request.

Regarding LAFD and emergency vehicle access requirements, for a gate crossing a private street, she noted that it meets the majority of the requirements allowing 40' backing distance between the gate and the nearest intersection that will be fully equipped with all security gate override devices... The proposed fence and gate varies in height from 5' to 12' and it will use a light tan and dark grey features in a conditional design that will be uniform with other traditional and Spanish fences along La Collina creating a cohesive neighborhood feel in the height and style.

Ms. Hall discussed an existing gate south of the project site at Doheny and La Collina, in West Hollywood, built in the 1920s, controlled by the two houses adjoining it respectively. She noted this gate is occasionally left open for utility repairs, construction and trash or waste disposal vehicles, and the applicant would like to install the proposed gate and fence on their property to ensure that that the gate will exist in perpetuity. She discussed an existing gate to the north, which crosses the private street, and only serves one owner, which has been in existence and operation for many years, a permanent year-round gate that has been temporarily placed with construction fencing while the neighbor does construction work. She noted that there is no evidence of any easement preventing residents to the south to access the northern portions of the street and the gate already limits the owners to the south of La Collina from accessing the entirety of the street. She noted that this is the only homeowner that would be directly affected by the proposed gate configuration with regard to access to their home, and the applicant has obtained a letter of support from the owner for the proposed gate, which has been added to the case file. She noted that there are many similar fences and gates in the southern portion of La Collina... all on private property and not over the private street or public right of way that demonstrate compatibility of style... and height with the proposed gate and fence.

Ms. Hall noted that due to proximity to high traffic to Sunset Boulevard, the applicant has experienced many instances of trespassing on their property, thefts, more serious burglary and even murder on properties abutting the subject lot. She noted that the applicant's property is within the City of Los Angeles, served by LAPD while houses on the south on La Collina are served by West Hollywood or Beverly Hills Police that have closed their stations and because of this, the applicant has requested to construct the gate taller than what is allowed by right for security as a result of safety concerns.

Acting Chair Longcore noted that there will be public comment and there are public comments via emails that have been posted to the website under the committee meeting.

Committee questions were asked and answered beginning with Stephanie Savage, who asked, noting that the project is filed with 1150 but is in common ownership with 1200 La Collina, if they will be tying these two lots together. Ms. Hall responded no, the owner has kept all lots separate. Asked if the neighbors have been informed nearby, Ms. Hall noted that they already had the ZA hearing, reached out to the neighbors via texts before that hearing but didn't hear back; a number of them joined the ZA hearing, and following that hearing, reached out to their council...She noted that they haven't emailed.

Savage asked about the houses north of the 1200 address, if they have a prescriptive easement, would they have access through this gate, and nothing would change for them, they'd just have to go through a gate to get to their house. Ms. Hall noted that there is only one other resident to the north, Mr. Badger, and she noted that he is in support of the project and there is a letter of support from him. The applicant is ready to provide him with any gate code access. Savage asked about the fire hydrant, noting that it used to be 350 feet from this gate location to the south, and asked if there are fire hydrants beyond the gate location. Ms. Hall did not know, wasn't aware.

Member Loze asked for clarification if this is a modification of a current gate or a new gate. Ms. Hall noted that it will be a new gate; there are existing step up concrete pedestals that the proposal will build a fence and gate in that location; a brand new addition to the existing two gates. There is a Doheny Gate at the south, and what they are calling the Badger Gate to the north and this will be in the middle.

Member Weisberg asked what if Mr. Badger sells his house and Mr. Haft doesn't like the new owner, asked if there is a covenant that will be established to protect the property itself. Ms. Hall noted that they haven't decided on anything and that it is a good point. Member Evans clarified that the Doheny that they are talking about is not Doheny Drive but Doheny Road.

Member Jamie Hall reiterated that handshake promises are so problematic and so whomever lives on the other side of this gate needs to have a legal right to open the gate forever and all time, regardless of the existing or next owners are, there needs to be a legally binding document that provides right of access.

Public Comment:

Richard Rand introduced himself, has lived on La Collina Road behind the gate that is existing for over 70 years, noting that this is an important historical property, predating the Greystone Mansion. He noted that the most important issue would be the fire safety, ambulance issues, and people coming and going from the street. He noted that the eight neighbors are very strongly objecting to this happening, and have submitted a letter that explains that there is a health and safety issue, cars cannot turn around if that proposed gate is built; any ambulance or fire truck coming to service their properties would have to back down and create liability for anyone suffering from health and safety issues; it would be a travesty. There are many reasons in the letter. Mr. Rand noted that he also had other people in the room, in their 80s and 90s, who are not on their computers, who came to speak. He introduced **Judy Colburn**, who noted that she is also opposed to this gate. She is 80 years of age, and been on the street since 1971, across the street from Richard Rand. She feels the gate is not an asset to their street, and she signed the letter of opposition which lists other reasons.

Rickie Rand noted that he has lived on this street since he was born...and thinks that this gate is absolutely insane. To add a third gate to this narrow street would be redundant, ridiculous; it is a very narrow street and it would not make sense for a multitude of reasons; health and safety aside, no one would be able to turn around their cars at this gate. It would be yards away from Don Taicher's home. It is a small driveway... he parks his cars in the driveway, you cannot turn around there; it would be a traffic nightmare for a small community...

Mr. Richard Rand noted that several others who object to this gate have left but signed the letter.

Alice Anderson noted that a third gate for the one neighbor's security for the entire neighborhood, the gate does not meet the LAFD security access gate requirements, requiring 20' along private streets, and seeking zoning approval for the same project in 2010 and to ensure our neighborhood support, the applicant promised the neighborhood that they would improve public safety and fire department access. As to providing access for emergency vehicles, their condition of approval required vehicle turnarounds be installed at 1200 La Collina, which is 500 feet to the north of the proposed gate, which was in accordance with the requirement of the Fire Department. She noted that this was in lieu of paying for street widening to the 20' that the Fire Department for 900 feet of access... property lines. She concluded that La Collina falls within the VHFHSZ and beyond fire safety other people have noted today there is no suggested placement of a turnaround.

Bob Anderson noted that he is the owner of home on La Collina at 9329 Doheny, and has lived on this street for about 10 years. He noted that this is a small private communal street. Everyone has had access to the entire street for in some cases 70+ and often decades. Every car that comes on this street turns around at the top of the hill. It is a small narrow street. He tried to turn around in front of the gate without going into the bushes, which is impossible and illogical, putting aside health and fire safety aspect of it, a fire truck certainly couldn't and a regular car can't turn around, all the delivery trucks can't turn around so there is no reason to have this gate. He noted that the applicant made a statement about the gate at the bottom of the street being open frequently, that is not true at all; it's always closed, and he has video footage. The gate at the top of the hill that they reference, Mr. Badger's gate, is completely irrelevant to all of this; that is for his personal driveway. He noted that there is no precedent for this or any by right usage that they also reference of a three-foot gate, which he does not believe is the case either. He noted that they tried this a decade ago, and were stopped from doing it, which is why they have the pillars in the bushes. He wanted to make it clear that this isn't something that should be approved and is against it.

Mr. Donald Taicher, noted that he is 85, who has lived on the road almost nine years. He sees no reason to have another gate, noting that they have a gate at the entrance down at La Collina Road, then they go past his house. He is bordering Mr. Haft who has a gate at his house, a very large gate that would take a tank to go through, and a lot of security. He noted that it is not a good feeling to have a gate and another gate between two gates. He noted that for years they walk up and down the street freely and asked why we need another gate. He noted that one gate is enough and Mr. Haft has his own gate.

Sari Taicher noted that the person who spoke on behalf of Haft puts up signs, and just because she says something, it is not true. As to short-term rentals, she noted that there are two now, one of them is Haft's. She noted that it is not a by right project. There is nothing about this that is by right. The Hillside Ordinance requires 20' road; it is an 18' road... She noted that they are not asking for 6' fence they are asking for a 12' fence. She noted that this house is the most impacted; it is adjacent where they want to put the fence. If they put a fence there, not one vehicle can turn around... It is impossible. In addition, there is no neighborhood support. It should be clear that every single owner below the gate is opposed to this gate and it is taking everyone's right to use the street.

Eric H, noted that he owns two houses on La Collina, which he bought because of this wonderful small little cozy street with amazing people living on it. He, his wife and three little kids walk up and down the street every day for exercise, and if that were taken away, it would be horrible; it will ruin everything he came to this street for. He noted that on a tiny little street like this, if there is a fire up the street, and you have to go run out of that hill, through two or three gates to get out, more than likely you will die... It is a fire hazard area, and his insurance charges crazy amounts of money based on the fire zone. He doesn't know why this neighbor is putting everybody through this hellhole to do this. It is simply horrible.

Public Hearing was closed on this item and attention was turned back to the committee.

Vice Chair Savage noted during discussion there is no fire hydrant north of where the proposed gate will be, which is a concern. She doesn't know if LAFD has access to that information. She noted that the street according to NavigateLA varies between 16 and 18 feet in width. She thinks that there is a lot more here that needs to be looked at, and maybe a proposal such as a possible fire truck turnaround on the property that is a vacant lot, filed under 1150 La Collina just because it is such a narrow street, and it is long, it has only one fire hydrant, but LAFD should be chiming in, and maybe should make comment on that hearing. She doesn't know if we can continue this because the hearing has already occurred. She noted that we could reach out to the ZA to see if they could keep this file open longer, or have them meet with the local neighborhood association to discuss this; looking for other options to resolve issues.

Member Evans noted that she agreed with Stephanie and that though this is in DSPNA territory, it hasn't been presented to DSPNA. Evans also noted that the crime frequency is quite overstated.

Member Bayliss asked what the relationship is to the road to all the property owners going up the street. He noted that this is an old funky part of the hills, and no tract associated with this, that was never properly cut.

Ms. Hall noted that La Collina is a private street, and extends into Beverly Hills and West Hollywood but deemed to be approved private street and approved at an 18' width for this portion of La Collina, with one owner above the applicant's property and number below, but it is all on a private street.

Bayliss noted that there has to be some type of reciprocal easement for all of the properties whose homes to even be legally built. Ms. Hall noted there is an easement she believes for the property to the north to access through the portion of the private street to get to their property but she doesn't believe for the property to the south. She noted that there has been discussion of... easement but she hasn't seen anything recorded.

Bayliss noted that he would like to see when those homes above or below were built, and unless they were built in 1920, he can't imagine that there isn't some kind of codified understanding that there is a right of entry and use for that street. He noted that from time to time you see in the lot cut that each of the property owners technically own part of the street. He thinks it is strange to refer to it simply as private property; it is a street, otherwise the city wouldn't let you build the homes.

Jamie Hall was looking for the required findings for this ZAA, and doesn't personally think they can be made. He read #2 finding aloud and commented that the applicant's findings try to look at this very narrowly, as if it was only a gate and not necessarily about what the gate does or what impact it has on the community. He noted that they have had a hearing and feels we should reflect the views of the community; it appears that this gate is going to cause harm to the community and neighborhood and doesn't think finding #2 can be made.

Motion to object to the application on the grounds it fails to meet the findings and that it is a burden to public health and safety to the community was moved by Loze and seconded. The question was called and the motion **passed unanimously** by unanimous consent by **14 members present and voting**.

Acting Chair Longcore noted that we will see if there is time to bring this to the board, if not we will submit a letter reflecting the view of the committee on it to the ZA.

Acting Chair Longcore called for a five-minute break and the meeting was reopened at 6:14 pm.

8. Wildlife District Ordinance – Ellen Evans & Jamie Hall

Discussion and Motion to approve draft letter to Planning. The Ad Hoc Subcommittee on the Proposed Wildlife District has completed 11 meetings on the ordinance and will be presenting their draft letter to the full committee for approval. **See Draft Letter attached & links below.**

<https://www.babnc.org/assets/documents/16/committee62c9aece437c7.pdf>

Committee Page: <https://www.babnc.org/committees/viewCommittee/ad-hoc-subcommittee-on-proposed-wildlife-district>

https://planning.lacity.org/odocument/657f9e1a-2651-462a-9729-32d1c67b29fe/2022_Revised_Draft_Wildlife_Ordinance_Fact_Sheet.pdf

https://planning.lacity.org/odocument/706b2aa2-4b3b-43c4-8aeb-b5cc378e36cd/2022_City_of_LA_Revised_Draft_Wildlife_Ordinance_Public_Release.pdf

https://clkrep.lacity.org/online/docs/2022/22-0483_mot_4-18-22.pdf

Dr. Longcore noted that if you, as a board member are affected financially, if the impact on you is disproportionate from the general public, then you have to recuse yourself. If you have a special situation, he would encourage you to reach out to Deputy City Attorney Ruth Kwon if you think you are particularly financially impacted. At this point, he turned over this portion of the meeting to Ellen Evans to Chair.

Ellen Evans, Chair of the PLU Committee's Ad Hoc Subcommittee on the Proposed Wildlife District opened up this item with an overview, before discussing the letter. She related for those who were not in the committee or did not participate, she wanted them to understand what we did, noting that we owe a big thank you to the committee members because the subcommittee met 11 times for two hours most times and the Ad Hoc Environmental Committee met three additional times, so there were 30 hours of meetings on this ordinance, which perhaps exceeds the duration of an entire year of NC board meetings, and we did this so we could come here and then to the Board with a letter that was crafted with due consideration and as much public participation as possible.

Chair Evans explained how each topic area or two in the ordinance was given its own agenda item, and we went through the ordinance sentence by sentence and for each segment we reviewed, we provided a question period, during which period we could try to answer questions and identify questions that needed to be posed to Planning. She noted that we expected Planning to be responsive to our requests for clarification and information because we do represent a huge portion of the Proposed WLD and we are part of the City family. Evans noted that Travis and she met with Planning early on and got some clarifications on questions brought up in the first two meetings.

Evans noted that after we finished this question period and after time for committee members to pose their own questions, we took public comment on the portion of the ordinance reviewed, started by allowing three minutes per comment, and at later meetings it was only one minute. After the initial period of public comment, the committee would discuss the section and in most cases would make a motion related to taking a position on the section. So motions also noted a need for further information.

When a motion was made and seconded there was another period of public comment on that motion and sometimes there were amendments from that public comment period followed by further public comment on the amendments. So you can see there was a lot of public comment, and these motions along with some recurring themes of discussion were then compiled into the letter.

The letter was reviewed partially at one meeting and fully at the final meeting and each time there was public comment on sections of the letter. Motions were made to revise or add to the letter, and public comment on those motions as well as any amendments on those motions was taken.

Evans noted that there were a lot of members of the public, and one board member who attended most or all meetings commented regularly and there was a lot of commitment and participation in the process.

Evans noted to the public that today, while permitted to say whatever you want, as long as it is on the topic at hand, helpful public comment now would focus on the letter rather than on the ordinance generally.

Evans noted that she wanted to highlight a few things in the letter, first, as stated before, that we expected answers from the Planning Department (Planning) to be much more forthcoming than they actually were. One area where we really got no answers was on the science underlying the ordinance. Our questions ranged from extremely mundane and seemingly easy to answer like species are meant to benefit from the fencing requirements to broader questions and requests, such as please provide source resource material, showing benefits; list scientists who were consulted, please provide resources used in the process. We were left to cobble information we could to develop positions and we were lucky to have had Travis as a resource to help with that.

Evans spoke on what are called “wildlife resources” in the ordinance, noting that ordinance provides for buffers around mapped open space, and mapped water resources. There is no mapping of woodlands or other wildlife habitat in the ordinance. There is in the ordinance an ability to identify unmapped resources but it silent on what happens when a resource is identified, so we propose that this be corrected and that the resource portion of the ordinance be reframed to focus on habitat which we believe would end up with a greater positive impact and reduction in delay and expense for projects and lots that don’t have much habitat value for wildlife. So, clearly we wanted an ordinance that preserves habitat for wildlife and fosters biodiversity and the other goals of the ordinance without creating needless process and expense for projects on lots that really don’t have value.

Next, she noted that the ordinance is not clearly drafted and the way it is written makes it look like a tree removal would require you to fully comply with the ordinance, change all your windows, adhere to setback and fencing requirements, etc., and that this more than almost anything else has created a lot of negative feedback on the ordinance.

Evans noted that Planning has assured us that the ordinance would only be applied to the particular work that comprised the project, e.g., a tree removal would only trigger the aspect of the ordinance that would govern replacing a tree but this explanation is not quite adequate in the ordinance, and it needs to be drafted as clearly as possible to express when each requirement comes into play. There was also a great deal of expressed concern about being able to rebuild in a natural disaster, and we tried to address that both by explaining current code and asking for an exemption to wildlife ordinance restrictions for people rebuilding after a natural disaster.

Overall, Evans noted that she thinks there is not a great understanding of prevalence of noncompliant structures and how rebuilding is affected already. There was also concern about property values generally being depressed due to additional restrictions, which she thinks mostly come into play with the ridgeline restrictions which are pretty aggressive as far as height is concerned. She noted that the standard question you see in the draft about what these restrictions are meant to achieve, particularly since most of the ridgelines are already built out. There is a statement in the letter that she thinks wasn’t quite as strong as the motion, that went with it – that came out of our very last meeting – about envelope height in the ridgeline section, being too restrictive, so she thinks we need to make that a little stronger, based on what we have already deliberated. She also wanted to highlight an overall concern by the public, which she thinks is valid, about smaller lots being disproportionately burdened or impacted. Certainly restrictions on setbacks and lot coverage end up being more meaningful on a smaller lot, and we tried to address this in the lot-coverage section. Evans noted that this was the overview of the letter, discussed the process for this evening, to which Dr. Longcore agreed.

Motion to approve the letter moved by Robin and Nickie seconded.

Public Comment on the Letter:

Steve Borden related that he thinks parts of this document demonstrate inherent bias baked into every aspect of the NC’s processes and proceedings as it relates to the Wildlife Ordinance (WO), specifically on Page 3, there is a mischaracterization of the scope of opposition. When the document says the ordinance is strongly supported by residents and then when it goes to opposition says acknowledges a cohort in the area is opposed, when in fact the scope and volume of opposition is in the many of thousands and he noted that they have email lists that support that. He thinks the letter should say the council acknowledges that a very significant number of residents in our area are strongly opposed to the ordinance. He noted that there is an unintentional or intentional...

Patricia followed up on Steven's comment about the "cohort: characterization, noting that she attended nearly every meeting in their entirety and it was overwhelmingly opposed to the WO or various regulations in the WO, and she is also wondering where the committee got that characterization. She also wanted if the comments will be attached, and wants to make sure that the verbal comments to be attached in some fashion because the vast majority of comments were verbal. She doesn't believe it reflects what the stakeholders said in general and in the meetings; the stakeholders were much more opposed to the regulations than the letter is.

Pat agreed with the other speakers, and thinks before making a comment like that, you should make an educated poll. She is concerned about the misstatements, like everybody can build a two-story house on a 25' maximum envelope height. Most people don't understand it but she is on a steep slope and she says she can't and she would like you to change that. She thinks you can just use the maximum height to avoid, from top to bottom, to restrict the wedding cake houses. She appreciates that you have it stated in there that even though the wildlife ordinance takes precedence over all the other ordinances you are still advocating for the BHO to allow slopes greater than 60 percent to have some RFA, otherwise, she won't be able to rebuild, and she thinks the difference should be between more pristine or habitats that are important – she supports that – versus than just houses that were built like hers in 1957. She noted that it is going to be a huge cost on us and she is not one of the uber wealthy.

Wendy Morris related, first to the committee, thank you for all the work you've done on this; it's been amazing, and secondly, given that there are not very many people here tonight, asking to speak, she hopes we would give people longer. Third, the letter could be stronger and many people will be very impacted, so she urges us to let the people have their say because there is not much more time before tomorrow.

Chair Evans closed the public hearing portion and went to committee discussion beginning with Member Wayne who noted that the letter is extremely well written and she thinks it addresses most of the issues of the residents who are opposed to the ordinance. She has a couple of questions: On page 7, there is a word that says discourage placement of structures, and Wayne doesn't think the word "discourage" would be useful to the Planning Department. On page 9, with the trees, she would like to add require watering of newly planted replacement trees for a period of one year so it gives the tree some root. It's a great letter and a lot of time has been put into it, and thank you to the committee. Chair Evans answered Patricia that the oral comments will be added when we compile the comments.

Member Hall thanked Evans for summarizing the work that we put in, noting that he has been on this NC for seven or eight years and cannot recall anything we put more work into during his tenure on this NC. It took us a long time to get through this ordinance... trying to understand what the ordinance meant, and to compare it to the BHO. You had to understand the existing regulations to compare it with what this does and then think about how it might impact people in the future. He noted if there was ever a case to respect committee work, this was the case. Hall noted as we were going through this process, proposing changes to the ordinance, often we would craft a motion based on the testimony that we received, and then we would open up public testimony on that motion and hear from the public that they didn't like this or that or this at all, and then we would make amendments, and open up public testimony again, and this was a process that evolved and was directly reflective of the comments received. The goal here was to try to balance the purpose and intent of the ordinance with the real world implications for the people who live in the NC area. Hall thinks this is a great product and thanked Ellen for her leadership. He wondered about the word "cohort" and thinks we should strike it and say acknowledge that a significant number of people in our area are opposed to the ordinance. He noted that none of us are pollsters here but we are smart enough to know that there is a great number of people who are opposed and a great number of people who are for this. He'd accept that revision.

Hall noted, as to the trees, protected trees, if you were going to plant a replacement protected tree, you have to submit a bond and ensure the tree is maintained for three years. He asked if maybe we want to make it broader, require the tree be maintained including but not limited to watering for a maintenance period not less than three years: that is already the existing precedent and regulations are. As to "discourage" on page 7, Hall noted that we didn't want to say "prohibit" because there may be some lot that is in an environmentally sensitive area, and he noted that we have to use a word that is lighter than prohibit, but hears Member Wayne's concern that that word doesn't have enough force. Wayne asked, how do they regulate that? How is that put into an approval or a disapproval? Hall noted that we are recommending that they actually amend the ordinance to require that structures be sited on the least environmentally sensitive area of the lot... If anyone comes up with a different word than "discourage" he'd be happy to think a different word. If anyone else has any suggested revisions, he'd be happy to hear them out and make modifications.

Don Loze noted that he has been puzzling over our recent discussion about recommendations on grading, and has reviewed all the available discussions of ridgeline protection in the codes with regards to the City and County. He noted that we did present at one time, historically, quite a bit of research on ridgeline protections all over the City and State, and our proposal here is that proposed structures must be sited on a lot where grading is minimized but we don't know what the minimization of grading is. He'd remind us that all the other attempts to protect ridgelines have inhibited the grading on the elevation of prominent ridgelines. There are specifics in the Mulholland Scenic Corridor, specifics in the Hollywood Plan, and specifics in two other of the CDs that currently exist. He thinks it would be important for us to provide some specifics here with regard to what minimization is. He noted that all of those began with some premise that grading should not be permitted to change the elevation of a prominent ridgeline, and there has been extensive effort to map the mountains so that the Planning Department has plenty of access to look at which the ridgelines are.

Motion: Member Loze moved that we have a motion that says specifically that no grading should change the elevation of a prominent ridgeline, and that if there are appropriate findings for grading, that the provisions of the Hollywood Plan – which were rather interesting – that require some process of reactivating the habitat with vegetation and putting it back into an area so that the slope of the elevation is consistent with what it was originally. He asked if someone would like to second that, noting that he thinks we would improve our original recommendation by such an amplification. Loze noted that that is number one.

Evans noted that she hopes we could compile a longer amendments and not deal with an individual item, to which Loze responded that if is consistent with that premise, he'd like to be able to do that. She noted that she'd put a marker on that and asked that he make a note if it is not adequately dealt with later in the meeting.

Member Loze wanted to address a comment about the fact that we have had all these hearings that have all been noticed and all these hours have been open to hear objections from the public, and the comments we've heard tonight from the public were essentially from individuals who raised issues before, to the extent that they have acquired objections, but we haven't heard them and he doesn't know how to recognize those, but he thinks that the people who did appear and had comments, as Jamie has said, in great part have had all of their objections addressed or listened to and included in this letter. He thinks the letter is very complete in describing those things but he does think it's important that we recognize the importance of the elevations of prominent ridges and see that they are not graded and that the habitat, to the extent that they are a necessity, be reconstructed for the purposes of this ordinance.

Dr. Longcore agreed with Chair Evans that we get all of our amendments into one and not treat them serially. He provided comments on a few and added one:

1) He agrees and thinks we should remove a reference or characterization of the level of support or opposition entirely; he doesn't think it is important to our comment, and it is not something we have established so he is fine with removing that characterization altogether; he doesn't think it hurts or helps us one way or another.

2) He thinks that Don's suggestion is emblematic of the challenge that we face in that the Ridgeline Ordinance was folded into the Wildlife Ordinance. If it was just a Ridgeline Ordinance, there was an aesthetic purpose to it, not just a wildlife purpose, but it became the Wildlife Ordinance, everything then has to go on the purpose of the Wildlife Ordinance to protect wildlife, and, even though one can make a wildlife argument for not developing undeveloped ridgelines, the aesthetic argument that grading on prominent ridgelines can't change its elevation, wildlife doesn't care as long as you're developing it, you're developing it, whether you keep it the same height or not. So, we have a challenge there in order to accommodate that – the thing that he thinks a lot of people supported and worked on for many years is that aesthetic version of protecting the undeveloped ridgelines, and he is always hesitant to try to shoehorn one issue into another. So, if we are going to make the suggestion that no grading on prominent ridgelines shall change its elevation, it needs to say that the purpose of the ordinance needs to be amended to reflect the Ridgeline Ordinance that was folded into it, but there is also an aesthetic purpose of the ordinance. That gives you the nexus to be able to make that argument; otherwise, you have to tie it specifically to wildlife, and as a conservationist, somebody who works in this field, you get very wary about trying to put too much on the backs of the wildlife when it isn't really a wildlife issue, for fear that people won't listen when it really is a wildlife issue. So, he thinks we have got to amend – make a suggestion about the purpose – if it really is the purpose to also aesthetically protect our prominent ridgelines – that we say that in the ordinance, that this is a resulting recommendation. He supports it but thinks we need to lay the groundwork for it.

3) Dr. Longcore related that he knows it came out of the Ad Hoc Environmental Committee, and it passed through the subcommittee, but the recommendation that there be no glazing greater than 24 feet he doesn't believe is something we should have in the letter. First of all, the restrictions on glass type only kick in at 24 square feet, so basically it would be saying nobody should have any window greater than 24 square feet, therefore there will be no bird friendly glass, and because that's the only place it gets required. He thinks it is unreasonable, as much as he would love it personally, from a conservation perspective, that would be great, but he thinks it is a complete nonstarter and it doesn't do us any good to make that request. So, when we get to the point of amending, he'd propose removing that line entirely about there shall be no glazing greater than 24 square feet, remove it entirely from the letter. Those are his items, which we'll come back to when we have an amending motion.

PLU Chair Schlesinger wanted to reinforce what Don said noting that we did a lot of research on it. He cited several different hillside ordinances that all address pristine hillsides and grading (*sound was poor*).

Dr. Longcore noted that as we do public comment on the amendments, as there are very few members of the public here at this point, and he'd support granting additional time to speak, up to three minutes.

Vice Chair Savage agreed with Travis that 24 square feet of glazing seems arbitrary or she'd like to see the exact science that supports that. She noted that the only thing she can tell you is that in the last 28 years of her life, designing and building houses with her hands, she can tell you that lot coverage has a lot more to do with wildlife passing through your property rather than not being able to build on slopes that are 60 or 99%. She can tell you that for sure, as her per own study for many years.

Member Stojka asked if we made a log of the different people who commented on it so we have a sense of what the community feels, noting that if we take a position on something we have to reflect the community. He'd feel more comfortable if we could give some statistics on opposition, that kind of thing. Member Loze noted that there is record in the recordings and that the minutes refer to the speakers. Chair Evans noted that she doesn't think we have an accurate way to characterize the actual percent of the community that supports this ordinance and the percent of the community that doesn't. She noted that there is definitely a group of people who need to see substantial revisions in the ordinance, in order to support it, or who are just opposed to it completely, but she doesn't think there is an accurate way to characterize what the level is on either side, or whether either side has a better understanding or anything like that. She thinks we just have to do what we think is the right thing to do. Member Stojka noted that Planning asked for our opinion, and asked why they would be asking for our opinion without reflecting the sense of our community.

Member Weisberg that there isn't a capacity to evaluate the actual numbers without going out directly to stakeholders and each one of their homeowner associations and polling them. It would be very difficult to get this kind of data, and therefore, she agreed with Dr. Longcore that any mention of preference needs to be removed from this document so that the document will resonate; otherwise, we diminish the effectiveness by trying to prove a point that is not proofed.

Member Weisberg noted that she would like to support Travis's suggestion, which she thinks has also been alluded to by other members of our committee. She thinks it is important that we remove the extremes in the wording having to do with preferences by different parts of the community that we represent.

Member Miner wanted to emphasize what Travis said about aesthetics that was pushed aside, and is an important element to make sure there is an emphasis there, because it does really encompass and explain a lot of the rest of it. Leslie reiterated her support for Travis's point to find a way to remove the preferences of the community. Evans noted to Miner that nothing is pushed aside; she is keeping notes on which everything is being recorded. Miner also noted that she agreed what everything that Evans said before.

Member Hall noted that he supports removing, under the "overall" section, paragraphs 4 & 5: Paragraph 4 talks about the people who strongly support; paragraph 5 talks about the people who strongly oppose. He'd support Travis's suggestion that paragraph 4 & 5 be stricken.

Hall would also support a motion to expressly lay out as a purpose of the ordinance preserving aesthetics of the ridgelines, and would support the suggested revision with regard to glass that Travis made, as he is the expert on that topic. And, Hall noted that native woodlands is a wildlife resource, a natural resource, that has been mapped by the NPS of 2006, oak woodlands, walnut woodlands, sycamore woodlands, and these are critically important to wildlife, maybe

one of the most important resources, and yet they are not in the list of wildlife resources. He strongly supports the inclusion of adding native woodlands as a wildlife resource. Hall noted that we already made that suggestion.

Member Hall also wanted to highlight some things that we heard from people a lot: One was, why should I have to go through an administrative clearance process if I have to remove a tree that is dangerous or that is on the list of prohibited trees, e.g., a eucalyptus tree. Hall noted that in this letter you'll see a suggestion you should be able to remove that by right so long as they replace those trees.

Hall noted that other things that we heard from people, repeatedly throughout the process, is the concern that that if their houses burn down, that they would not be able to rebuild to 100% of the replacement value because the provision in the municipal codes that has been there for decades only allows you to rebuild and not trigger new laws if you rebuild up to 75% of replacement value. So, one of the last things we did was to make a motion to change that, to carve out an exception, so that people can rebuild up to 100% of replacement value. Hall noted that it is highly unlikely that that will occur, but we were recognizing people's concerns that it may occur.

Hall noted that Stephanie noted the concern about not getting any RFA if portions of your project were in the 60% slope band or greater. Hall noted that he specifically heard from people who were concerned about that, and they actually showed us slope band maps that they had done on their property and we were able to see precisely how much the RFA was reduced. Hall noted that they would still be able to build but it would be reduced so we made a motion so that people weren't penalized for that, and he largely thinks that this concern has been addressed in our letter.

Savage related in regard to what Hall was just discussing, the letter talks about RFA but she thinks it also needs to also talk about things like lot coverage, it is proportional to lot size; so the smaller lots get penalized by this. She noted that currently you are allowed some percentage of RFA, 60-99%, and then there is nothing allowed that in 100% and beyond which people can build on but they get no RFA for it. She is not building on slopes that steep but is saying on small lots in R1 zones, it is really punitive, and there are a few left, not many, but does this will only be addressing a limited number of properties, but RE9, 15, 20, and 40 lots have a lot more room to decide where to put a house, and she thinks that this portion of the ordinance is extremely punitive to these small lots.

Hall asked if it her contention that what the first bullet point specifically states that applicants are entitled the guaranteed minimum RFA is not enough, which Savage confirmed, noting that it is not. Savage noted that she has only built on R1 lots, and she has looked at each one and determined that some of them had a very small flat and mostly just over 60%, so some of them were allowed very little and it would never be close what would be the guaranteed minimum if you were to go for a slope band analysis, according to this ordinance. Savage noted that every site is so different, like making a watch; it is so precise; you can't just make blanket statement for all lots. How to determine the slope analysis. Hall noted that we have dealt with this issue so many times. The City wants a one-size fits all approach. Savage noted that it doesn't work for a smaller lot. Evans noted that we can get this characterized in a way we can say in our letter and leave it up to Planning how to respond.

As there were no other comments on the letter, Evans catalogued what she heard and invited a motion to be made.

1) The purpose of the ordinance needs to reflect the aesthetic purpose of the ridgeline ordinance. Member Loze disagreed with this statement, noting that the ridgelines are intricately significant to the habitat of the life in the hills. A change in the ridgelines changes the flow of air, it changes the lift for rain; it changes the water flow for flooding and all of those things are tied together in the habitat. The statement in the legislature that called the Santa Monica Mountains a special zone, is very clear and said it is all a single ecosystem in which any changes in one of the parts inherently changes aspects of the other ones; they are all interlinked, and the ridges themselves are interlinked to the habitat of everything that grows on it, lives in it and deals with it. To refer to it solely as a visual trinket when it has been declared as one of the major assets of the City of Los Angeles, he thinks does not give proper attitude to the importance of the grading that is referred to in this ordinance.

Evans asked Dr. Longcore to address his comment, to which he noted that if you want to make this about wildlife you could argue and say that there shall be no grading on ridgelines period – undeveloped ridgelines period – so that they stay undeveloped – but to have language like on “prominent ridgelines” – once you get into the word “prominent” that gets you into the realm of visual aesthetics from a human perspective.

Member Loze noted that it was already used in legislation elsewhere. He would be happy to modify a motion to say that there be no grading on any ridgelines; on any undeveloped ridgelines, the elevations should not be changed. Longcore continued that his point was that once you start talking about what a prominent ridgeline is, you are into an aesthetics analysis, so if you don't want to get into aesthetics analysis, then arguing that the ordinance needs to be stronger to prohibit grading on undeveloped ridgelines, to the extent that it can, that is cool -- that's great for wildlife -- but the minute you say you can grade but you cannot change the elevation of a prominent ridgeline, that's an aesthetic measure... Loze noted that those are the words used in the Scenic Corridor, which Longcore has the word "scenic" in it because it has an aesthetic underpinning.

Chair Evans related to Member Loze that it would be doing a service to the Ridgeline Ordinance to fold in that as part of the purpose of the Wildlife Ordinance, however, asked if he is going to continue to object to folding in the aesthetic purpose into this, we can do it a different way as she thinks there is probably significant enough discussion on this one to separate this one from the others, and asked Mr. Loze how he would like to proceed.

Mr. Loze noted that the purposes of protecting the elevations of the undeveloped ridgelines are consistent with the purposes of this ordinance, and we can avoid aesthetics. All we have to say is that we do not want the elevations of the undeveloped ridgelines to be graded.

Amendment: to add to the letter that there be no grading allowed on undeveloped ridgelines, consistent with the purposes of the wildlife ordinance was moved by Member Loze and seconded by Schlesinger.

Public Comment on this amendment alone:

Wendy noted that she is not sure that this is the most important topic; yes, it is important to allow the current protected or original ridgelines to stay lovely, but zero grading? Really? She is not sure that that is right.

Pat noted that her only fear about this, though she doesn't care about undeveloped land for her own personal interest, so the burden she is going to bear of maintaining her house, and the possibility of rebuilding is that the City will apply this to all lands, because they will interpret your statement as it applies to all lands, because they are not into separating developed from undeveloped. She noted already as a whole, it is incredibly burdensome... and that this is just adding more things. She noted that personally it doesn't impact her, but taken as a whole, worries if they start applying it to the whole ridgeline.

Patricia noted that she has the same concern as Pat does. She'd like to see undeveloped ridgelines protected, and she agreed with Stephanie that no grading may be excessive, and also, how are they going to decide if it is an undeveloped lot or an undeveloped ridgeline or some portion of the ridgeline that has been undeveloped. She asked, if you have a single lot on a street that's a mile long that hasn't been developed, is that going to be the only one that can't have any grading done on it because she can't see how that would make any difference at all to wildlife or habitat. Overall, she approves the idea but noted that the devil is in the details, and as Pat or someone mentioned, the City's antipathy for dividing up between developed and undeveloped land in general, which she thinks they should because they could apply a lot of regulations that would be beneficial to wildlife; likely if they did that and not burdening existing homeowners as much, and that because they don't want to go through the trouble doesn't mean we should not say that they should.

Member Weisberg noted that those undeveloped lots are actually owned by people who paid money for them and when we start thinking about how we want to burden property owners with rules, regardless of how important those rules are, and she agrees that we maintain the pristine nature of the ridgelines, we have to recognize that this impacts people personally.

Member Loze noted that all of this is a balance between personal rights and public welfare, and virtually every piece of every ordinance affects personal rights. He would consider amending or withdrawing his motion to say make a request of the Planning Department to include in the Wildlife Ordinance limitation on grading the elevations of the ridgelines; they have standards they can use elsewhere in numerous places, without us making the sausage. He asked if there is anyone who would like to speak in terms of making the request in this document instead of a motion specific, he would be willing to withdraw the motion.

Member Miner related that we started noticing 20 years ago that the ridgelines were disappearing, and the ridgelines in the Santa Monica Mountains were there for all of Los Angeles, and whomever visited Los Angeles to enjoy. She noted

that it is also a situation combined with the Wildlife habitat, and so on, as Don has mentioned. In particular, Don has been studying this all this time, and for many years, Bob has been studying it with him, along with people from the Planning Department, and the bottom line is that the ridgelines are still a very important part of the SM Mountains, and a mountain top is a mountain top and if you grade it is no longer a mountain top, it is clear cut, and the Wildlife Ordinance is designed to protect the remaining wildlife and the balance of nature, in all of the SM Mountains. Therefore, we have to combine the various elements that will do this and we can't be so narrow and say well, we come to the mountains because we found land there but really don't really like the nature or we don't really care about the balance of nature, and we see it has a nice place to have a view so we'd like to cut down a ridgeline. So, we are doing all this altruistically for the preservation of the hillsides, the mountains, and for the wildlife that lives within, because she doesn't think anyone of us wants to do away with the animals that are still there, that haven't been burnt by fires like all the rest of California, and we're left with proliferation of rats and coyotes, and nothing more. She noted that also bleeds into the City, into the flats, if something happens to our wildlife balance and nature. So, this is really preservation not only of our hillsides but of our city and our flats, and our wellbeing, our open spaces, and our ability to walk around in the hills and the flats and it is very clear cut. We can knit-pick little details, but overall we are here to preserve what is left and that's what we need to do.

Loze **withdrew his amendment** and made a **new motion** to add to the letter, to request the Planning Department include the Wildlife District Ordinance provision to inhibit the grading on the undeveloped ridgelines existing at the time of the passage of the ordinance. The motion was **seconded** by Schlesinger. There was no committee deliberation. **The new motion passed by 9 yeases** from Miner, Robin, Schlesinger, Wiesberg, Wayne, Hall, Savage, Grey and Loze, **0 noes**, and **4 abstentions** from Longcore, Stojka, Bayliss, Evans.

Amendment:

- 1) Encourage planning to add requirements for the care of new trees for three years to ensure that they thrive,
- 2) Remove the characterization of the volume of opposition and support to the ordinance,
- 3) To strengthen the language on the envelope height on ridgelines being too small,
- 4) To ensure that the prohibition on RFA of slopes of 60-90% not be punitive to smaller R1 lots, and
- 5) To remove the prohibition of 24' square feet or more of glazing.

Moved by Wayne and **seconded**.

Public Comment:

Patricia gave public comment on recusal thing, noting that 40% of privately owned properties have ridgeline or wildlife buffer zones, so nobody is in the minority there. With respect to the 60% or 31-degree slope, she guesses that the vast majority of properties have those slopes, and that information has been requested from the Planning and they have thus far declined to produce it. She agrees with André that the letter reflect the will of the people. She noted that while you may not be able to poll everybody in the NC district on what they think, it is very clear to hear what the attendees at the ad-hoc committee meetings thought, overwhelmingly opposed to the majority of things that we were discussing. As regards the amendment to get rid of who was opposed and who was in favor of the ordinance, she noted that the vast majority of people who attended the meetings were opposed, and the letter should reflect that. She still has 10 pages of additional comments including trees and RFA to submit.

Steven thanked Ellen and Travis for trying to run a fair process even if things were often overridden by the entrenched majority who show ongoing bias and relationships with special interests. He agreed with André that the letter should reflect stakeholders input, and an inclusive definition of stakeholders, and it doesn't currently. It currently reflects the NC's Land Use Committee's thinking, which is fine, but is not inclusive and is not broad; it is fairly narrow and inbred, because it is with the same group of people in the organization for a long time. He doesn't know if anyone on the committee is opposed to this specific Wildlife Ordinance. He asked, where are the voices of thousands of people who are represented by the NC?

Chair Evans asked if he could address the amendments, to which he noted that he is addressing Andre's comments. He noted that the people on the council are held to standards that other officials are, and the process needs to have the integrity and inclusiveness that the City calls for and not be rife with perception and actual conflict of interest. He thinks it is imperative that the letter not represent the narrow views of the committee members but represent our constituency, and to underestimate that just because six or seven people come on these meetings and voice themselves, that is the magnitude, and is actually a credibility peril of the very concept of what the NCs were set up to do. He noted that at this point, the five who speak are speaking for thousands of people. He thinks that the committee is missing it, listening and

not hearing, will do what it will do, and that it is going to put a spotlight on functioning or malfunctioning of the NC, which is not what the purpose was. He feels that they are trying to come together as a community and are being excluded systematically.

Irene was called but did not answer yet.

Pat asked that we please base the ridgeline on environmental science. She noted that the animals can traverse the ridgelines, especially for existing houses that have been here for a long time. It bothers her that all of a sudden it is becoming an aesthetics issue and we are not sticking to the intent of the Wildlife Ordinance. She would like it to be based on science not on other perceptions.

There was no further committee deliberation on the amendment which passed by 10 yeses from Grey, Greenberg, Schlesinger, Weisberg, Wayne, Hall, Savage, Miner, Loze & Bayliss, 3 abstentions from Longcore, Stojka and Evans.

Stella Grey wished to make comments in response to previous comments; however, Evans called on Irene first.

Irene Sandler commented about the public comment that really disturbed her because recognizing how these councils are made up of different communities, those communities have elected or appointed representatives, and this committee that we are looking at is more than representative of the entire BABCNC. So, while there are some organized communities that have a point of view, she doesn't know that they have everyone's point of view, but they certainly have vociferous people; it doesn't mean that they are the only group. Recognize that all of the people who are on the committee, while they are on the committee are also representing individual homeowner groups. She wanted to make that very clear.

Stella Grey related that she had exactly the same comment as that of Irene Sandler.

The motion as amended passed by 10 yeses from Grey, Greenberg, Schlesinger, Weisberg, Wayne, Hall, Savage, Miner, Loze and Bayliss; 0 noes and 3 Abstentions from Longcore, Stojka and Evans.

Dr. Longcore noted that the thing that matters is getting a written letter submitted, and the public testimony is there but the much more impactful thing is to have something, whatever form it might be, presented and approved by the Board. He would opt for us to not present at the public hearing, and take time doing that, let that be done by stakeholders and whomever wants to take the time in their individual capacity, and that our input come only after the whole Board has considered this, made whatever changes that it deems appropriate, and get it in in writing. He noted that this perspective comes from decades of doing environmental work... What matters is what you submit in writing, and especially in this instance since we haven't gone to the Board yet, and we have the opportunity, he has announced to people to save the date for a special meeting next Wednesday so the Board can consider this, so we can get the approval by the entire council for whatever might be approved by that entire council.

Member Wayne related that she understands Travis's thought but what we are hearing is that the people that oppose it seem to think they are the majority because they are active in responding verbally, and people are hearing that, so they assume that they are in the majority. Wayne noted that she doesn't know if they are or not, but there are a lot of people who agree with the ordinance, and if we are not out there stating that, then she is not sure we are showing that side of the issue – the positive side of the issue.

Member Weisberg noted that she disagrees with Travis, based on recent experience, in which Metro claimed that her association did not speak up at a public meeting that it meant that BAA was either not present or not interested. She would like to make sure that we don't find ourselves putting all that work into a letter that won't have any import because they will wonder why we did not make our presence known at the public hearing.

Member Hall followed up on the importance, noting that we never know who is going to listen, the meeting may be recorded and the decision makers may be there, and may not read every letter but will listen to a hearing (and gave an example)... He feels that we have to show up, and speak, we can let the hearing officer know that the letter has not been ratified by the full board, but can tell them the work that we put into it. This gives us an opportunity to set the stage for the legitimacy and hard work, 11 meetings, 30 hours of testimony and deliberation. He feels we need to tell that, as we put the work into this and we don't have the opportunity to go through every single proposed amendment during the one

or two minutes we will be given but we need to emphasize that we are deeply impacted and that we have put more focus and emphasis on this legislation than we have ever done maybe ever on anything; so we will be submitting a letter that will be comprehensive and we want Staff to meaningfully look at every single posed amendment.

Dr. Longcore responded that when he and Ellen met with City Planning and mentioned that we'd prepare a letter and get it into them before the 22nd deadline, and was that good for our input, so we could go through our process and the answer was yes, that would be great. He noted it is going to be received. He has grave concerns, given that we can't – and we will schedule a meeting so the entire board can review this – submit this or talk about its content before it is approved. He understands that there are instances when the PLU Committee does this, when there is a hearing before the board can meet, but he thinks it undermines and prejudices what that does, and what the ultimate decision is to go ahead and say what it is going to be. He noted that if you as a member happen to support this and want to go testify, please go do that, you are all capable of doing that in your individual capacities. You can even say you are a member of the NC, but he would object to presenting anything as a position of the NC until we have actually completed this process. If you want to be heard as part of your HOA or as an individual, or if you want to be heard even to say that we have been working on this, and will have a special meeting and will submit a special letter, all that is great but we have come so far here in trying to follow the rules and have a process that is representative, whether it expresses everyone's view or not is one of the challenges of a system that has representatives and not direct elections; but we have gotten this far, and should have the forbearance to be able to say it is not ready, it will be ready, we are going to submit it.

The other thing he noted is that it is not our place as a NC to be worried about advertising a position for advertising purposes. We have a place in the system of giving advice, it will be heard, in writing, assuming we continue doing this properly, and consideration of the optics shouldn't be within our purview. That's advocacy. If you want to be an advocate individually, be an advocate. He thinks that we as a NC need to be very clear that this isn't done until it is done and that's where we are. He feels very strongly about this. Dr. Longcore asked the committee to not pre-commit to what the board needs to weigh in on, it is also a Brown Act issue. He noted that the entire board differs in composition and has enough votes to override anything we've done here, as we well know from experience. So, yes you can talk about process; no, should not talk about what's in the letter.

Public Comment:

Steve Borden noted that he appreciates people saying that they are not representing their own opinion but thinks this is fallacious... that this is a skewed sample and by definition a minority; so, if anything, the math says the representation on the NC represents a very small cohort and does not the entire community, and the mandate by the City for the NCs is to have inclusive stakeholders being able to participate, and when it is being driven by a self-selected group who are on HOAs and wind up are on the NC, it is a sliver of all of the communities... By definition it doesn't represent all the communities. **Patricia** noted that she is appreciative and gave kudos to the committee for the time and effort in going through the ordinance. She noted that she polls her neighbors, residents and the community she represents and is trying to represent their voice, and she has not meant to be disrespectful to this committee or diminish the effort put in.

The meeting adjourned at 7:50 pm, as moved by Stojka.

Next PLU Meeting August 9, 2022

ACRONYMS:

A – APPEAL

APC – AREA PLANNING COMMISSION

CE – CATEGORICAL EXEMPTION

DPS – DEEMED TO BE APPROVED PRIVATE STREET

DRB – DESIGN REVIEW BOARD

EAF – ENVIRONMENTAL ASSESSEMENT FORM

ENV – ENVIRONMENTAL CLEARANCE

MND – MITIGATED NEGATIVE DECLARATION

PM – PARCEL MAP

PMEX – PARCEL MAP EXEMPTION

TTM – TENTATIVE TRACT MAP

ZA – ZONING ADMINISTRATOR

ZAA – ZONING ADMINISTRATOR'S ADJUSTMENT

ZAD – ZONING ADMINISTRATOR'S DETERMINATION

ZV – ZONING VARIANCE

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