

NOTE: The Bel Air Hills Association (“BAHA”) strongly encourages the Council to make motions on each of the PLU’s recommendations separately, so the public has an opportunity to be heard on each recommendation and the Council members have an opportunity to understand each of the issues in sufficient detail to make an informed decision on behalf of their stakeholders.

We are the Bel Air Hills Association (“BAHA”) and we represent the approximately 950 homes in Bel Air Hills located along Roscomare Road and the streets that intersect Roscomare Road. Bel Air Hills is a fully developed and well-established neighborhood dating back to the early 1950’s, and it consists primarily of single-family homes.

Most of the homes in Bel Air Hills were built 1950’s. Although most of the lots in our neighborhood are relatively large, they are hillside lots with small building pads and small homes, often less than 2,000sf. Bringing these homes into the 21st century could easily trigger a “Major Remodel” under the Wildlife Ordinance.

The Bel Air Hills Association has sent several notifications about the Wildlife Ordinance in all its iterations, including the most recent version, to all residents for whom we have contact information. At a special Board meeting on Monday, November 9th, BAHA went through each regulation in the updated Wildlife Ordinance and the draft BABCNC Comment Letter available at the time. Below are BAHA’s positions, which reflect the views of our neighborhood, on the BABCNC recommendations for changes to the Wildlife Ordinance, in the order they appear in the Council’s comment letter. We will endeavor to also send a separate letter on those Wildlife Ordinance regulations that are of concern, which the PLU did not address.

A. PLU Committee Comment Letter: Requests the addition of Site Plan Triggers for undeveloped Land

BABCNC Comment Letter: The PLU suggests four potential “habitat triggers” (which would only apply to undeveloped lots). They could include the following:

- Placement of lot in a Santa Monica Mountains Conservancy (“SMMC”) mapped “habitat block”
 - Presence of National Park Service (NPS”) mapped native woodlands
 - Presence of “habitat for protected species” per Govt Code. Section 65913.4(a)(6)(J)5
 - Proposed removal of 5 or more protected or significant trees
- a. **BAHA Concern:** While BAHA supports the concept of the increased scrutiny for undeveloped land, we are concerned that these broad triggers are repeating the same mistake as the prior version of the Wildlife Ordinance – ensnaring property owners in an expensive, time consuming, and intrusive process when their Projects would clearly have minimal, if any, impact on any potential high value habitat. As an example, where a small inaccessible corner of an undeveloped lot is in a SMMC habitat block, and the proposed Project would be a distance from the habitat block, the property owner would still be required to go through Site Plan Review. Or where the native woodland is located in a steep, inaccessible part of the

property a considerable distance from the site of the proposed Project. We note that the PLU recognizes this issue with respect to the Wildlife Resource Buffer trigger, and is requesting that in its comment letter that the City implement a de minimus review procedure for Wildlife Buffer Site Plan Review trigger.

Additionally, BAHA does not believe that a non-native tree which owes its existence to human intervention should form the basis of a Site Plan Review trigger, and has concerns about regulations regarding Significant trees increasing fire danger or discouraging property owners from removing highly flammable trees, and for this reason opposes the inclusion of non-native Significant Trees in the Habitat Site Plan Review triggers.

- b. **BAHA Request:** 1) That the PLU's letter be amended to provide for de minimus review of Habitat Site Plan Review triggers, 2) that the triggers be amended to be less vague, and 3) that non-native Significant trees be removed from trigger #4.

B. PLU Committee Comment Letter: Requests Impermeable Fencing for Certain Lots

In its first draft of the comment letter the PLU requested "For lots greater than 1/2 an acre, perimeter fencing must be appropriately set back and permeable to allow wildlife to pass through. Interior fencing may be impermeable." It is our understanding that this has now been amended to apply only to New Construction.

- a. **BAHA Concern:** While BAHA recognizes the importance of wildlife connectivity, a Permeable Fencing solution to the problem was opposed by the majority of stakeholders commenting on fencing during the course of BABCNC subcommittee meetings and Planning Department Hearings. Recognition of those safety concerns is the reason the Planning Department removed permeable fencing from the WO's District Wide regulations. We note also that the PAWs report recommends impermeable fencing to keep wildlife away from development, for the safety of the wildlife ¹, and that a strip of land in the setback area that does

¹ "Physical barriers can also be beneficial to wildlife when used for directing wildlife movement to safe crossing locations, reducing negative wildlife-human interactions, and buffering the effects of noise and lighting. To ensure guidelines are beneficial to wildlife, it is recommended that location-specific parameters be applied on a case-by-case basis to distinguish between areas where wildlife movement should be encouraged (e.g., fencing/barriers funneling wildlife towards a wildlife crossing structure or

not lead to permanently undeveloped land is of insignificant value to wildlife.

- b. **BAHA Request:** BAHA does not believe this BABCNC PLU Committee request is sufficiently fleshed out to be included in the comment letter, but at a minimum we request that this PLU Committee request is amended to 1) be applicable only to undeveloped lots and that this requirement be waived upon the safety objections of a majority of adjacent parcels and/or that human, pet, and wildlife safety be explicitly mentioned as grounds for variances to this regulation, and 2) that the threshold be increased to 1 acre, and lots less than 100 feet wide be exempt.

C. PLU Committee Comment Letter: Requests Roof Projection to be included Height

The PLU requests that roof projections be included in the 45 foot overall height

- a. **BAHA Concern.** That this change would increase the level of complexity in applying the various ordinances applicable to hillside properties, as the other current codes do not count roof projections in determining height.

- b. **BAHA Request:** That this section be eliminated from the Comment Letter.

D. PLU Committee Comment Letter: Requests Basement to be included in Residential Floor Area for Additions

The PLU is requesting that basement should count toward RFA in additions.

- a. **BAHA Concern:** BAHA believes that basements should be exempt from RFA because: 1) basements are exempt from RFA throughout the rest of the City, 2) the ground beneath a home is of minimal habitat value, consequently there is insufficient nexus between basements and wildlife habitat to justify this exclusion 3) abuse of daylight basements resulting in overly tall homes will be curbed by the new overall height and grading restrictions, 4) because many hillside home are on small pads, and are subject to height restrictions, basements allow homeowners to have more square footage without increasing the size of the buildable pad. Because

open natural area) versus locations where wildlife movement should be discouraged (e.g., away from road hazards, developed areas).” P. 173

BAHA does not believe basement square footage should count toward RFA at all, it therefore does not believe it should count with respect to additions.

- b. **BAHA Request:** That this section be eliminated from the Comment Letter

E. PLU Committee Comment Letter: Maximum Lot Coverage

The Wildlife Ordinance limits lot coverage to 50% with a maximum of 100,000sf for lots 4.6 acres and larger, and exempts R1 and R2 lots. The PLU is recommending that exemptions from the lot coverage percent be adjusted according to lot size, and maximum lot coverage be reduced to 25,000sf.

- a. **BAHA Concern:** 1) BAHA appreciates the PLU's recognition that the 50% lot coverage limit for smaller properties is overly burdensome, but believes the request for relief needs to be more strongly worded. There are several RE-15 properties in Bel Air Hills that are that are the same size as many, or perhaps most, R1 lots, (e.g. 6,000 to 8,000sf) and the same is true for many other communities in the BABCNC area. 2) BAHA is one of the few areas in the WLD that have multi-family properties and these properties have significantly more lot coverage than 50%. We are concerned that these properties, and the residents that call them home, could be adversely impacted by the Wildlife Ordinance. 3) BAHA believes that 25,000sf lot coverage is too low for larger properties, which may have long driveways leading to their homes.

- b. **BAHA Request:** 1) That the request for relief from 50% lot coverage restrictions for smaller lots be more strongly worded, 2) that the PLU request that lots less than 10,000sf be exempt, or the limit for those lots be raised to 75%, and 3) that the maximum lot coverage for larger properties be 50,000sf and/or that driveways be exempted for all properties.

F. PLU Committee Comment Letter: Trees

The PLU is requesting that the Tree regulations be applied to all Project types.

- a. **BAHA Concern:** Non-native Significant simply trees with a trunk diameter greater than 12”, which owe their existence to human intervention, and are not part of the natural landscape of this area. The majority of homes in Bel Air Hills are small pads on steep hillsides, in a VERY high fire severity zone (more so than most other areas of the BABCNC). 1) We are concerned that forcing homeowners to increase the number of non-native trees Significant Trees, or discouraging homeowners from removing highly flammable trees, presents an increased fire risk. 2) We are also concerned that prohibiting construction under the dripline of non-native Significant Trees, will prohibit homeowners from remodeling where such a tree overhangs the home. 3) We are also concerned that this regulation will discourage homeowners from planting trees (in appropriate locations) that could grow to be significant trees, because of the potential for difficulties later should they desire to remove the tree, 3) we also question the expertise of the fire department to determine the health of a tree.
- b. **BAHA Request:** That the Council amend the letter
- i. to state that this regulation shall not apply to pines, eucalyptus, etc.
 - ii. That remodeling shall be allowed underneath the dripline of Significant trees
 - iii. That, in accordance with fire safety recommendations (attached), non-native Significant tree replacement trees shall not be required outside the building pad where adjacent slopes are greater than 30%, or where their dripline when fully grown would be within
 1. 30 feet of a residence
 2. 20 feet of another tree
 3. 20 feet of a hillside with a slope greater than 20%
 4. 20 feet of another tree
 5. 10 feet of a property line
 6. 15 feet of a power line
 - iv. Consider changing the City entity responsible for determining the health of a tree, and provide a reasonable maximum time for that entity to make a determination, and allow the homeowner to remove the tree if a determination is not made within that time
 - v. Exempt from the regulation where homeowner’s insurance companies are requiring the removal of the tree as a condition of coverage, or where the trees continued existence would increase home insurance costs by more than 10%.

G. PLU Committee Comment Letter:Lighting

The PLU is requesting a curfew on landscape lighting,

- a. **BAHA Concern:** We are concerned that, given the lumens the lumens associated with landscape lighting will be restricted in the Ordinance, a

curfew on landscape lighting is overly intrusive and a potential safety issue, as homes shrouded in darkness are an invitation to criminals.

- b. **BAHA request:** That the letter be amended to remove reference to a curfew on landscape lighting

H. PLU Committee Comment Letter: Trash Enclosures

The PLU is requesting that trash cans be allowed in the side yard setbacks provided they do not interfere with fire department access

- a. **BAHA Concern:** BAHA appreciated the PLU's attention to this issue, but believes that further changes to the request are in order given that: 1) trash can enclosures are unnecessary in the proposed WLD, especially since the Planning department is no longer recommending that wild animals have easy access to our back yards, and we invite the Council to take a poll regarding how many of its members have had a problem with wildlife intrusion into the current LADWP issued trash cans in their yards 2) many homes in the BABCNC area are located on small building pads, and a Trash Can Enclosure would be highly intrusive in the small back yard. 3) Additionally, many homes do not have an accessible back yard, or access to the back yard is impeded by stairs. 4) Wildlife resistant trash can straps are readily available for a nominal sum, and are a far less burdensome solution to any possible wildlife intrusion into trash cans 5) For those areas where bears are a concern, other local municipalities have provided homeowners with a bear resistant trash can for free or a relatively modest cost (\$150) see attached. We appreciate the letter's request to allow Trash Can Enclosures to be located in the front or side setback, but do not believe it goes far enough.
- b. **BAHA Request:** That the letter be amended to state that the Council strongly opposes any requirement that would prohibit residents from having trash can enclosures in their front or side setbacks (including setbacks adjacent to the home), and/or that either 1) the Trash Can Enclosure regulation be removed from the WO, or 2) that wildlife resistant straps (readily available for a nominal amount, see attached) be permitted instead of trash can enclosures.

I. PLU Committee Comment Letter: Site Plan Review

The PLU is requesting a reduction in the amount of remedial grading that triggers Site Plan Review from 1000 cubic yards to 500 cubic yards

- a. **BAHA Concern:** Many, if not most, of the homes in Bel Air Hills were built on cut and fill in the 1950's. That fill compaction is no longer acceptable to LADBS, and several places in our neighborhood have experienced landslides of that original fill. We are concerned that the reduction of allowed remedial grading would be unduly burdensome for many homeowners in our neighborhood, and similar neighborhoods with homes on what is now considered uncertified fill. We remind the Board that landslides are not good for habitat, and remediation of fill that was once approved but is no longer acceptable is beneficial to wildlife.

- b. **BAHA request:** That any remedial grading of fill that was once approved but is no longer considered certified by LADBS be exempt from remedial grading trigger.

J. PLU Committee Comment Letter: Grading

PLU is requesting that proposed structures must be sited on the lot such that grading is minimized.

- a. **BAHA Concern:** Given that the grading regulations apply to major remodels, additions, and new construction of any building greater than 500sf, we believe this proposed restriction is overly intrusive and burdensome.

- b. **BAHA Request:** That the letter be amended to remove this item

K. PLU Committee Comment Letter: Windows

PLU is requesting that required bird safe window treatments be made more stringent, specifically that: Treatments should not have a threat factor exceeding 30 in the American Bird Conservancy Products and Solutions database for Glass Collisions.

- a. **BAHA Concerns:** We note that many of our residents report that window/bird collisions are very rare or non-existent, and that there are no scientific studies on the rate of bird collisions in the WLD, and consequently no scientific support for this regulation, especially as there are currently no treatments that are invisible to the human eye. Therefore, we don't believe increasing the stringency of the window regulations is appropriate.
- b. **BAHA request:** that the letter be amended to remove this item

Sincerely,

The Bel Air Hills Association, on behalf of all its residents

Addendum to the Bel Air Hills Association Comments

Some important items in the Wildlife Ordinance which BAHA believes need to be amended, but which were not addressed in the PLU's proposed letter

A. New Resource Buffer Categories

As written, the Wildlife Ordinance's has identified two Wildlife Resources, Open Space and Water, which result in Resource Buffers being placed on privately owned property, However, the staff report indicates that the Planning Department intends to add additional Wildlife Resource categories over time. The Ordinance is unclear regarding the mechanism of adding other Wildlife Resources and their Buffers. In its "office hours" the Planning Department stated that it had not yet determined the procedures by which new Resource Buffers would be added.

- a. **BAHA Concern:** BAHA strongly believes that the Planning Department should not be handed a blank check to add new Wildlife Resource Categories, and that any new Resource Buffer Categories would be an amendment of the Wildlife Ordinance, and should be treated as such.
- b. **BAHA Recommendation:** That any new Wildlife Resource Categories be treated as an amendment to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance, specifically:
 - i. Written Notice to all property owners in the WLD,
 - ii. Public Hearing by Planning Department
 - iii. CPC Approval
 - iv. City Council PLUM Committee approval
 - v. City Council approval

B. Grading Regulations – prohibition against grading and structures on slopes greater than 45 degrees

- a. **BAHA Concern:** We are concerned that the prohibition against any grading (earth moving of any kind) and any structure will have negative consequences for homeowners. As an example, stairs on these slopes would be prohibited, making it impossible for homeowners to safely access parts of their properties, either for maintenance, brush clearing, or simple enjoyment of their own property. All decks, regardless of size, would be prohibited on these slopes. Many homes in the BABCNC have very small pads, and decks offer the homeowner a little more back yard to enjoy. Many homes have existing decks – would these have to be removed in a major remodel?
- b. **BAHA Recommendation:** 1) That stairs be exempted from these regulations, and 2) That decks less than a certain depth be exempted.

C. Site Plan Review – clarification

- a. **BAHA Concern:** 1) We note that the Site Plan Review guidelines are amorphous and subjective, and consequently ripe for unequal application and potential graft. We understand that other municipalities, such as Malibu and the County of LA , have specific criteria for their version of Site Plan Review, and such specific guidelines would ameliorate these concerns 2) We note that there are no parameters for the qualifications or training of the Site Plan Reviewers, and are concerned that Site Plan Reviewers will lack the necessary expertise to make good decisions in the Site Plan review process, 3) we are concerned that public safety and minimization of wildlife-human interaction are missing from the Site Plan Review guidelines.
- b. **BAHA Recommendation:** 1) That specific Site Plan Review criteria be substituted for, or added to, the subjective ones in the Wildlife Ordinance. 2) Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect. 3) Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines