



Bel Air-Beverly Crest Neighborhood Council
Planning & Land Use Committee Meeting (Virtual)
Tuesday November 8, 2022 5:00 P.M.

Name	P	A	Name	P	A
Robert Schlesinger, Chair	X		Stephanie Savage		X
Robin Greenberg	X		Nickie Miner	X	
Don Loze	X		Jamie Hall	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 (arr. by 6:15)</i>	X	

MINUTES

Chair Schlesinger turned the gavel over to Member Evans who read the preliminary information on the agenda and called the meeting to order at 5:03 P.M. Secretary Miner called the roll with quorum met. Chair Schlesinger led the Flag Salute. Dr. Travis Longcore arrived by 6:15 P.M. for a total of **13 present**.

1. The November 8, 2022 **agenda** was unanimously **approved**, as **moved** by Wayne.
2. **Approval of Minutes:**
 - i. Approval of the August 9, 2022 Minutes (Attachment A) was **deferred** to next the meeting.
 - ii. September 13, 2022 Minutes (Attachment B) were **approved**, as **moved** by Greenberg, by **11 yeses**, **0 noes** and **1 abstention** from Member Stojka.

3. General Public Comment:

Steven Borden related that he feels we need a broader more extensive form of communication from the City for all the residents who do not know that the hearing is happening on November 17th and he believes from past experience, which he described in some detail, that the amount of time allocated for public comments will not be adequate and was asking that the BABCNC ask for additional time for public comments and communication from the City to the community for such an important matter.

Mindy Rothstein Mann related that not everyone here was at the ad hoc committee meetings, and that she thinks the committee did a fabulous job throughout, including on taking public comment, and that though their decision may have differed from those who gave public comment, it did not mean that they were not heard.

4. **Chair Report** – Robert Schlesinger had no report noting that he has handed the gavel over to **Ellen Evans, Chair of the Ad Hoc Subcommittee on the Proposed Wildlife District**

Item Scheduled for Discussion & Possible Action:

5. Wildlife District Ordinance – Ellen Evans & Jamie Hall

Discussion and Motion to recommend BABCNC approve the draft letter to be sent to the City Planning Commission by the 11/14/2022 public comment deadline, to be heard at the 11/17/2022 CPC meeting.

The Ad Hoc Subcommittee on the Proposed Wildlife District has completed three additional meetings on the revised ordinance and is presenting their draft letter to the PLU committee for approval. **See Draft Letter Attached.**

Ad Hoc Committee Chairwoman Ellen Evans provided a Power Point presentation on what has changed in the draft ordinance and how the committee responded in the letter. She noted that the goal of this meeting is to send a motion to the board that meets in two days.

The floor was then opened for **public comment** on the letter, prior to committee discussion.

Patricia Templeton noted that the BAHA met yesterday and went through the ordinance, regulation by regulation, and the subcommittee's recommendation, item by item, and the representatives have been instructed to vote no on the letter if there is anything that further restricts homeowners. She mentioned what they would and wouldn't be open to. Evans noted that a good course of action would be to submit that in writing.

Mindy Rothstein Mann noted that though she talked about a trigger with the maps, she'd like to see a request to put woodlands as mentioned as a resource, and 2) she still questions removal of trees as a triggers, asking why five when three as the City does.

Public comment was closed for committee deliberation.

Some comments discussed included habitat triggers that the committee recommended, including specific findings that have to be made for site plan review (SPR). Member Hall noted that the ordinance hasn't matched the projects that are most likely to result in habitat loss and subject them for SPR, as there are only three triggers. Their suggestion is that there be a fourth trigger, a habitat trigger, and are providing the Planning Department four options without a preference. He noted that the critical thing is we are reserving this to undeveloped lots. He strongly supports the habitat triggers in the letter.

Member Spradlin raised the issue of fencing for security. Hall noted that the fencing is for undeveloped lots, and Evans noted that it only applies to projects. Hall noted that three or more protected or significant tree removals would trigger a hearing, and he would like three to be the trigger. Discussion was held on increasing the number to six and the committee discussed bringing the number to five. Ad Hoc Committee Chair Evans noted that she has looked at the ordinance and that the fencing requirement does *not* apply to additions, and, for remodels, it only applies to major remodels.

Hall discussed the change the City made as to setback requirements for fences, noting fencing has been a major cause of impediment to wildlife movement. As to the fencing restrictions the committee had recommended, he has seen coyotes and other animals jump over and get stuck. He noted that we wanted to explore retaining some fencing permeability requirement for the largest lots, undeveloped lots.

Discussion was held on the definition of "major remodel" and the costs today for rebuilding or remodeling and possible impacts on the neighbors. Hall noted that he would be completely open to restricting this to new construction on undeveloped lands.

Member Loze noted that this doesn't prohibit people from construction; it only sets up the analysis to find out if this is inhibiting those elements necessary for animal passageways to occur. That's what part of the site review is about.

Member Hall clarified that we were only talking about adding back in a districtwide regulation that would require permeable fences for lots over a certain size, and whether we should say it should be limited to new construction on undeveloped lands or whether it should also apply to remodels. Hall noted that we are talking about districtwide regulations not SPR. SPRs already have a finding. He noted that we are talking about types of projects that are outside of SPR that are outside the districtwide regulations. Evans noted that it is pretty clear that most projects in Member Spradlin's neighborhood will end up in SPR. Evans is open to adding back to have this restricted to undeveloped land.

Spradlin asked if we wanted to ask something about dirt removal... with Member Evans noting that grading is a project type; cumulative grading on a lot in excess of 500 cubic yards.

Member Loze asked if there are undeveloped lots in Spradlin's area, to which Spradlin noted that there are not but there are homes being bought and torn down... Hall provided detailed response, and Evans noted that there is going to be SPR. Hall asked if Evans would be okay to reserving this to undeveloped lots, in response to hearing from members of the Bel Air Hills Association & Bel-Air Association, acknowledging that people don't want that for their homes. Evans noted that she thinks it is a good course of action and asked for comments on the letter on any part.

Member Wayne wanted to revisit the tree issue to which Hall noted that we are suggesting that one of the habitat triggers to trigger SPR would be if there were removal of five or more significant or protected trees; having nothing to do with replacement, only what triggers SPR. He noted that "significant tree" means the species does not matter but a certain size does. Member Wayne was concerned that it is relative to the size of the lot, because if we are talking about a tiny lot or a large lot, if they are removing four trees on a little lot that only has five trees on it... Hall noted that the habitat triggers would only be for undeveloped lots with high habitat value and he would support three or more... Wayne asked if we can we change it to three because it has been the City's policy for a decade. Wayne thanked the Ad Hoc Committee for all its hard work, noting that it has been grueling and that they have done a great job.

PLU Committee Chair Schlesinger noted that he has a problem with five. Hall would support reducing it to three but is open to other people's perspectives. Of note, tree removal is still a project and what we are concerned about is what triggers SPR... Significant trees will have to be replaced. Member Wayne noted that we are also including in that, the replanting of trees that they are required to care for after they are planted. Hall noted that the Protected Tree Ordinance will trump this and that has a bonding and maintenance requirement for three years, so he thinks we're okay with that.

Evans responded to the issue raised by Mindy Mann asking them to include woodland mapping as a mapped resource, as we had asked for that before, and thinks the habitat triggers take care of that.

The issue of trash enclosures in the ordinance was discussed, with Member Loze recommending we strike "not wood" from the ordinance. Hall noted that he doesn't have strong opinions on the trash enclosure regulations in general, acknowledging that some people have noted that the enclosure cannot be in the side yard or front yard setback, so it would have to be inside maybe a garage or build something next to your garage where your trashcans are going to be. He noted that people were saying at the ad hoc committee, he believes, that it is only from major remodels or new development; they were afraid it would take away from the square footage in light of the value of the trash enclosures in general. Evans noted that Loze was saying he'd like trash enclosures to be made out of fireproof wood. Hall agreed to add that to the letter if Loze feels strongly about it.

Loze noted, in other comments about the letter, an issue was raised that this is a building ordinance and not a wildlife ordinance. He thinks it is all addressing protection of habitat, how everything works in the habitat, in the undeveloped habitat area; it is very clear to him that it is a habitat but he is concerned there is a misconception that it is not a habitat approach. Evans noted that the habitat-based approach would have made everybody look at the habitat map, see what's on the lot, if there is something of value, go through the process. It is about what the rubric is to go through the process. The goal is to protect habitat. Loze noted that the whole thing is to protect the habitat for animals.

Evans raised the issues of vegetation, to which Hall noted there is a nexus but we are suggesting a more perfect way to do this would be to look at habitat maps that exist, ascertain at the outset if the project is likely to result in habitat loss... Loze noted that everything he sees in this ordinance is to protect the habitat, and an analysis approach is a different articulation of whether or not this is a habitat ordinance.

Evans noted that in the ordinance there is no mapped plant matter, there is only water and open space, which she noted is totally inadequate, and that we had dropped our habitat based approach.

Hall noted that we are not saying that there isn't a relationship between habitat and large homes. There is a relationship between excessive grading and habitat loss. Member Spradlin asked as to the size for the largest properties regarding fencing. Hall noted that we are recommending half an acre or more, it is only in regards to opacity and requirements for fencing. Hall noted that in Laurel Canyon they have hundreds of substandard lots...

[Dr. Longcore had arrived by 6:15 P.M.]

Member Greenberg related that BAHA has a list of some 20 concerns, to which Evans noted that there does not seem to be much room for negotiation there, and had no changes to recommend based on that.

Dr. Longcore noted that he is available for this conversation and vote.

Motion that we recommend that the letter drafted by the ad hoc committee be supported and forward to the full board for consideration with the following 1) the fencing opacity and setback requirements recommended in the letter should be limited to half an acre or more, 2) the habitat trigger should be reduced from 5 to 3 or more protected trees, 3) trash enclosures should be able to be built with fire treated wood, **moved** by Hall and **seconded** by Wayne.

The floor was opened to **Public Comment** on the motion: **Patricia Templeton** commented on some of the things that Member Greenberg had said, speaking for BAHA as to public safety, in reference to nonnative significant trees here by human intervention, and what she described as overly broad requirements for triggers, including those that say having a habitat block in any portion of the property goes to SPR. Member Evans noted that though it is not required to have public comment in writing, it would be the best way for her to get her comment across. **Mindy Roth** noted that when we change it to undeveloped lots for the half acre, she liked Spradlin's idea for a new build, and wonders if we couldn't mention that, because there are so many people that will be knocking down a house and starting over again. **Public comment was then closed** for committee deliberation.

Member Bayliss asked for the changes: 1) The habitat trigger be changed from 5 or more significant or protected trees to 3. 2) Trash enclosures should be able to be built with fire-treated wood aka non-flammable material, which covers more than just wood. 3) The fencing opacity and setback requirement be limited to undeveloped lots of half an acre or more.

Member Bayliss asked if new builds constitute a tear down. Hall noted that when he hears new builds, he doesn't know – noting that we were only suggesting – talking about what Mindy was suggesting, that the fencing and opacity fencing requirement should be limited to major remodels and new construction. Evans noted that Mindy was saying it should apply to new SFDs.

Restatement of the Amendments included in the above motion:

- 1) Enclosures should be built from nonflammable materials.
 - 2) Fencing opacity and setback requirement should be limited to new single family dwellings on half an acre or more.
 - 3) The habitat trigger should be reduced to three or more significant or protected trees.
- The amendments were moved by Hall and seconded by Wayne.

Public Comment on Amendments: Patricia Templeton noted that the trashcan is not about RFA, it's about having the trashcan in her back yard. She noted that if the reason is to prevent bears getting into their trashcans, if there is such a problem, an alternative would be to have wildlife latches, which is also a solution if they present an impediment for fire.

Amendment passed by 9 yeses, 0 noes, & 4 abstentions by Greenberg, Stojka, Evans, and Longcore. **Motion as amended passed** by 9 yeses, 0 noes, & 4 abstentions from Greenberg, Stojka, Evans, and Longcore.

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

The following materials have been provided by the Department of City Planning:

- [A revised version of the proposed Wildlife Ordinance](#)
- [The Staff Recommendation Report to CPC](#)
- [A Summary of the Ordinance and Revisions](#)

Good of the Order Greenberg & others on the committee expressed gratitude for the opportunity to vote on this Election Day. Member Hall noted this is a microcosm of democracy and thanked us for spending hours, happy to have us as fellow committee or council members.

The meeting adjourned as moved and seconded at 6:45 P.M. to December 13, 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 ADMINSTRATOR
ZAA – ZONING ADMINISTRATOR'S ADJUSTMENT
ZAD – ZONING ADMINISTRATOR'S DETERMINATION
ZV – ZONING VARIANCE

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