

Communication from Public

Name: Julie Coyne

Date Submitted: 06/19/2023 09:57 PM

Council File No: 14-0518

Comments for Public Posting: Please remove the Wildlife Ordinance from the agenda until a proper and transparent study can be done. Please refer this backs to the Planning Committee.

June 19th, 2023

Via Email and Messenger

Los Angeles City Council, PLUM Committee, and Los Angeles City Planning
RE: THE PROPOSED DRAFT WILDLIFE ORDINANCE (CF 14-0518)

Dear Honorable Members and Los Angeles City Planning Staff,

I live within the proposed Wildlife Supplemental Use District ("WLD"), a fully developed and well-established neighborhood, whose homes are primarily smaller 1950's ranch homes on large steep lots with small building pads.

While I recognize the need for protection of Wildlife and Biodiversity and would welcome a well-designed Wildlife Ordinance founded on scientific research, **I do not support *this Wildlife Ordinance*** as it is neither of those.

I urge the PLUM Committee, the City Council, and the Planning Department to respect the will of the affected residents of the proposed WLD, who overwhelmingly oppose the Wildlife Ordinance in its current incarnation, as evidenced by their comments submitted to the Planning Department and the City Planning Commission.

I would strongly prefer that the PLUM Committee reject the current incarnation of the Wildlife Ordinance in its entirety, and direct City Planning to draft a Wildlife Ordinance that relies upon scientific research to better protect Wildlife and Biodiversity without unduly burdening the ordinary homeowner. However, if that will not be done, I wish to express my vehement opposition to the following regulations contained in the current proposed Wildlife Ordinance, and in Councilmembers Yaroslavsky's and Ramen's letter to the PLUM Committee.

1. **I OPPOSE** the failure of the Wildlife Ordinance to promulgate different regulations for undeveloped/pristine lots and those lots which have already been developed.

This failure results in insufficient protections for undeveloped/ pristine land of high habitat and/or biodiversity value, combined with overly burdensome regulation of homes on already developed parcels that have limited habitat or biodiversity value.

2. **I OPPOSE** the proposal put forth by Councilmembers Yaroslavsky and Ramen to reinstate the disallowance of RFA for slopes greater than 60% (aka 31 degrees) contained in Version 2 of the Wildlife Ordinance.

This proposal for a blanket reduction in allowed home size on steeper lots is a classic example of regulatory overkill.

Simply put, there is no nexus between home size, slope steepness, and wildlife habitat destruction where the home is on an already developed parcel with an existing pad, as is the case of the majority of homes in the WLD. Absent additional grading, which is already regulated under other sections of the Wildlife Ordinance, this reduction in allowable home size severely negatively impacts homeowners while providing minimal benefit to wildlife or biodiversity.

Most homes in my neighborhood have slopes greater than 60% (31 degrees), and most of these homes are relatively small in size. Reducing allowable home size for the majority of our residents will prevent needed increases in home size to accommodate growing families, aging parents, and home offices for remote work. The larger homes that exist in our community will be rendered non-conforming, with the attendant mortgage and insurance difficulties.

Moreover, this heavy-handed reduction in allowable home size would only worsen the City's housing shortage. The California Department of Housing & Community Development (HCD) has already warned the City that reducing RFA below its current level would likely violate California Government Code Section 66300, subdivision (b) (1)(A).

3. **I OPPOSE** the regulation in **Section E(1)(b)** which defines additions of greater than 500sf as a Project under the Wildlife Ordinance.

This 500sf threshold is entirely too low and is applied regardless of the size of the existing home. As a result, it unreasonably burdens the owners of smaller, older homes, such as those that constitute the majority of homes in our neighborhood. Additionally, it encourages homeowners who need more space to sell their homes rather than enlarge them, which is not only detrimental to neighborhood cohesiveness but also has the presumably unintended consequence of increasing the risk that the homes will be bought by developers who will build the largest home they can. At a minimum, additions that would result in homes of less than 3,500sf or 75% of allowed RFA should be exempted from this regulation.

4. **I OPPOSE** the regulation in **Section E(1)(c)** which defines Major Remodels as a Project under the Wildlife Ordinance.

Homeowners with smaller, older homes, similar to most in our neighborhood, will face an unjustifiable burden due to the applicability of the Major Remodel threshold. Bringing these homes up to current standards and building codes significantly increases the likelihood of exceeding the Major Remodel threshold. Consequently, it

is crucial to exempt owner-occupied homes of a certain age from this category of Project.

5. **I OPPOSE** the requirement in **Section E(1)(e)** and **Section F.1(f)**, as to non-native trees only, that 2 new trees be planted for the removal of each non-native Significant (aka large) tree.

This regulation poses a significant fire hazard. Section 4906.4.2 of the 2023 California Fire Code (presumably to be adopted by the City in the near future) requires that the dripline at maturity of any newly planted trees be at least 10 feet away from structures and the dripline of other trees. By requiring a two-for-one tree replacement for the removal of large non-indigenous trees, this regulation would require homeowners with small building pads to plant trees that will violate best fire safety practices and fire regulations, or on steeper parts of the property where they cannot be readily maintained in a fire-safe manner.

Further, the native flora in the WLD is primarily chaparral - large native trees are generally only found in riparian areas. While there are many parts of Los Angeles that are in need of additional trees, the WLD is not one of them. A far better approach would be to require homeowners who remove large non-native trees to contribute to a fund dedicated to providing trees to areas where such trees are actually needed, and where they would not be public safety hazard, or jeopardize a homeowners ability to obtain fire insurance.

Additionally, both the increased fire danger (and the increased bird strikes, as noted in the City's own PAWS report) resulting from this regulation would disallow a CEQA exemption for this Ordinance.

6. **I OPPOSE** the requirement in **Section F.1(f)**, as to non-native trees only, that prohibits grading or construction within the dripline of a Significant (aka large) tree.

Where the dripline of a large non-native tree extends over a home, this regulation would unreasonably interfere with homeowners' ability to remodel their homes. Furthermore, as previously stated, the WLD does not require protection for non-native trees, making this requirement both unnecessary and burdensome..

7. **I OPPOSE** the requirement in **Section F.1(j)** that requires trash cans to be stored in a building or special enclosure.

According to the Los Angeles Municipal Code (LAMC) and the Planning Department, these trash can enclosures would be considered structures and thus prohibited in side and front setback areas. Consequently, they would need to be situated in the central portion of homeowners' backyards. Most homes in our neighborhood are on

small pads with small or non-existent back yards, and some back yards are only reachable by stairs. Having odorous and unsightly trash cans enclosures in the middle of our small back yards is untenable, as is dragging them up and down stairs - especially for the elderly or disabled. Storing odorous, insect-attracting trash cans in the garage is equally unacceptable.

Additionally, given that Wildlife intrusion into trash cans stored behind fences on homeowners' properties is extremely rare, and that Wildlife resistant latches are readily available for under \$20, this regulation is wholly unreasonable.

8. **I OPPOSE** the requirement in **Section F.1(j)** for Site Plan Review for homes resulting in greater than 6,000sf.

The 6,000sf threshold is too low. The Planning Department has stated that the *average* new/rebuilt home in the WLD is over 6,000sf, consequently this regulation would require that the *majority* of new/rebuilt homes undergo Site Plan Review.

9. **I OPPOSE** the failure of **Section H.3** to provide for a simplified review process in cases where a Resource is erroneously mapped and does not actually exist in the mapped location and/or where it is clear that the Project would have a negligible impact on the Resource.

The Planning Department has not verified that the Resources are accurately mapped, and the Wildlife Ordinance unreasonably shifts this burden to the homeowner at the significant expense and difficult of a Site Plan Review and Biological Assessment. See Exhibit 1 for examples.

10. **I OPPOSE** the failure of **Section E.1** to exclude homes destroyed by casualties other than natural disasters (e.g. cooking or electrical fires) from the Wildlife Ordinance regulations.

This failure is entirely unreasonable and will result in homeowners having difficulty obtaining mortgages or refinancing.

11. **I OPPOSE** the failure of **F.1(e)(2)** to utilize R1 and R2 Zoning rather than lot size in determining which parcels are subject to the Wildlife Ordinance's Lot Coverage regulations, and to give an overly generous Lot Coverage allowance to large parcels.

Many RE zoned homes in the WLD are on lots that are smaller than R1/R2 lots. Our neighborhood, although zoned primarily RE-15, has several such lots (e.g. lots of 6,000sf - 7000sf) and these homeowners would be greatly burdened by the application of a 50% Lot Coverage limit to their properties.

This burden on homeowners of smaller parcels is especially galling in the face of the absolute gift to developers of mega-mansions of up to 100,000sf of Lot Coverage for

larger parcels. It is these mega-mansion Projects that have a negative impact on Wildlife and Biodiversity, not the small parcel home.

12. **I OPPOSE** the regulation in **Section F.1(c)(2)(i)(a)** to the extent that it would prohibit stairs and decks on slopes greater than 100% (aka 45 degrees).

Prohibiting stairs on these slopes creates a public safety hazard. Prohibiting stairs would render it difficult/dangerous for property owners to reach areas of their property for brush clearance and other property maintenance. Further, this regulation restricts homeowners' access to their own property, and as such constitutes a taking.

Many homes on steeper slopes have very small flat pads and are in neighborhoods with no sidewalks and limited access to recreational areas. Decks provide the opportunity for outdoor living space while leaving the land below the deck available for use by wildlife.

13. **I OPPOSE** Councilmembers Yaroslavsky's and Ramen's proposal to revert to Version 2's inclusion of non-Open Space designated City-owned vacant land in the definition of Open Space.

Per the Planning Department, this change would place Resource Buffers on approximately 1000 adjacent parcels, requiring the owners of those adjacent parcels to undergo expensive and time-consuming Site Plan Review for Projects. The mere fact that the City owns the unimproved parcel does not justify this result, especially where the City itself has declined to designate the parcel as Open Space.

14. **I OPPOSE** the proposal put forth by Councilmembers Yaroslavsky and Ramen to reinstate the disallowance of a basement exemption, contrary to CPC recommendations. I propose basement exemptions that equal the footprint of the ground/main level of the home. This will not affect wildlife or biodiversity and should remain an option to property owners, especially since they are not allowed to utilize SB9 or 10, due to other area conditions.

I sincerely hope that the above explanation of the impacts of just some of the proposed regulations makes clear that the current version of the Wildlife Ordinance is deeply flawed.

Sincerely,

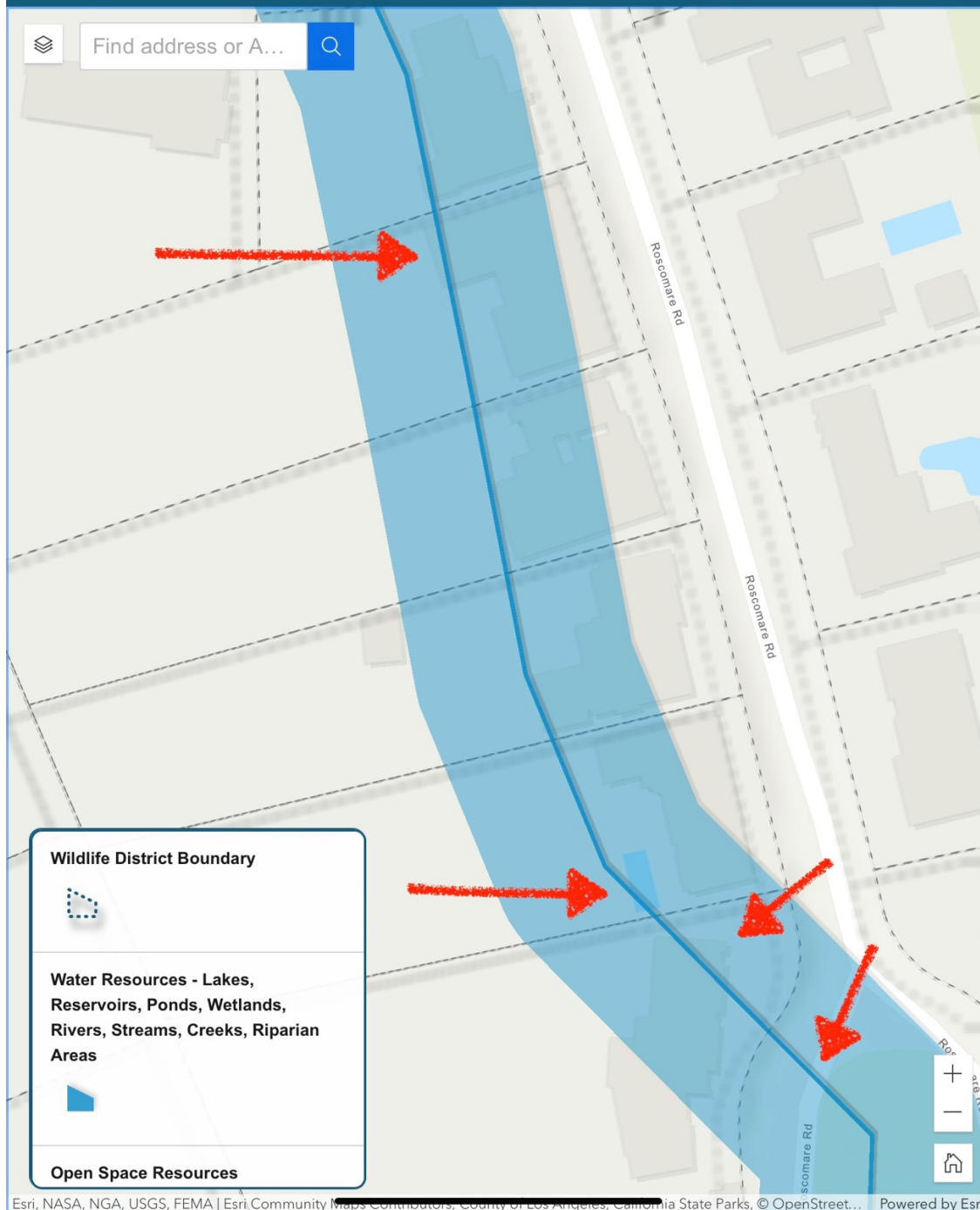
Julie Coyne
Homeowner

Exhibit 1

Example of Erroneous Wildlife Resource in Bel Air Hills,
depicting stream traversing homes, pools, and Roscomare Road.

The Wildlife Resource so depicted does not exist.

Source: Current Planning Department Wildlife Resource Map, captured on November 14th, 2022



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Example of Erroneous Wildlife Resource in Bel Air Hills,
depicting an Open Channel running through the side of a home.
The Wildlife Resource so depicted does not exist.

Source: Current Planning Department Wildlife Resource Map, captured on June 19th, 2023

