



Daniel Luna <daniel.luna@lacity.org>

Public Comments Not Uploaded WILDLIFE ORDINANCE

1 message

'Don Hardison' via Clerk-PLUM-Committee <clerk.plumcommittee@lacity.org>

Fri, Jun 16, 2023 at 10:28 AM

Reply-To: clerk.plumcommittee@lacity.org

To: "kevin.keller@lacity.org" <kevin.keller@lacity.org>, "jarrett.thompson@lacity.org" <jarrett.thompson@lacity.org>, "jenelle.henderson@lacity.org" <jenelle.henderson@lacity.org>, "Councilmember.Yaroslavsky@lacity.org" <Councilmember.Yaroslavsky@lacity.org>, "contactCD4@lacity.org" <contactCD4@lacity.org>, "mayor.helpdesk@lacity.org" <mayor.helpdesk@lacity.org>, "cityatty.help@lacity.org" <cityatty.help@lacity.org>, "councilmember.harris-dawson@lacity.org" <councilmember.harris-dawson@lacity.org>, "councilmember.rodriquez@lacity.org" <councilmember.rodriquez@lacity.org>, "cd10@lacity.org" <cd10@lacity.org>, "councilmember.Lee@lacity.org" <councilmember.Lee@lacity.org>, "clerk.plumcommittee@lacity.org" <clerk.plumcommittee@lacity.org>

Cc: Jennifer Hardison <abrot29@yahoo.com>

- Please remove the Wildlife Ordinance from the June 20th meeting agenda until proper outreach has been conducted with constituents, not activist groups that endorsed campaigns.
-
- Not one proponent of this legislation has been identified as actually living in the proposed affected area, which is probably why no care seems to be given to affected homeowners and taxpayers like we are (for clarity, we have lived in the proposed affected area since 2011. Not one advocate of such affected groups has been presented by the city.
-
- Property owners are not opposed to good policy for promoting wildlife and open space protection. However, these new regulations do not work to preserve large open spaces. They don't create corridors between these open spaces that are as free from potential human contact as possible. In fact they do very few things that are actually good for wildlife. This ordinance will gravely affect small property owners, not the mega mansion developers they are claiming to be going after.
-
- This set of regulations sets the City in a direct path towards confrontation within the state. This is down-zone plain and simple and thus will run afoul with State law—including CEQA, HAA and other rules regarding zoning. It will end up tying the city up in lawsuit knots- for no reason. It will make our housing shortage worse. It will cause more population outflows. And without truly helping wildlife in the region.
-
- Due process—this ordinance has been pushed by bureaucratic insiders. It has yet to be fully vetted or even discussed in an open and honest way. Most people in the hills still don't realize what is happening. There have been no major studies on the environmental, economic and housing impacts of this ordinance. There has been no effort made to track down who will be negatively impacted—and how badly. Instead this ordinance continues to be shuttled around the back hallways of City Hall without being truly and openly debated.
-

- We ask the PLUM Committee send this ordinance back to the planning department to be fully vetted, to have the parts of the rules removed that don't directly help wildlife and to expand those elements that truly help our wildlife—by formally designating our open areas, to plot out how to connect these habitats and corridors in a way that keeps wildlife out of harm's way (i.e. away from people), and efforts that true wildlife experts have suggested will help LA maintain its unique and wonderful access to nature.
-
- Lastly, as an attorney, nobody had explained how this is not an unlawful government taking of private property without just compensation, in violation of the U.S. Constitution. Please prepare for masses of lawsuits or perhaps a class action.
-
-
- Donnie & Jennifer Hardison- Linda Flora Drive- Bel Air



Daniel Luna <daniel.luna@lacity.org>

Public Comments Not Uploaded Wildlife Ordinance Opposition

1 message

Tala Toufanian <ttoufanian@gmail.com>

Fri, Jun 16, 2023 at 10:51 AM

Reply-To: clerk.plumcommittee@lacity.org

To: kevin.keller@lacity.org, jarrett.thompson@lacity.org, jenelle.henderson@lacity.org, Councilmember.Yaroslavsky@lacity.org, TeamCD4 <contactCD4@lacity.org>, Los Angeles Mayor's Office <mayor.helpdesk@lacity.org>, cityatty.help@lacity.org, councilmember.harris-dawson@lacity.org, councilmember.rodriquez@lacity.org, cd10@lacity.org, councilmember.Lee@lacity.org, clerk.plumcommittee@lacity.org

To whom it may concern:

I understand that there is a plan to meet on Tuesday to discuss the Wildlife Ordinance. I only just learned about this today, and my home falls into the boundaries that will be affected by this ill thought out and politically motivated ordinance. I am traveling on Tuesday and am thus not able to attend. The Wildlife Ordinance should be taken off of the agenda, and proper notice and opportunity to comment must be given to those of us who will be directly affected by this ordinance.

1. Property owners are not opposed to good policy for promoting wildlife and open space protection. However, these new regulations do not work to preserve large open spaces. They don't create corridors between these open spaces that are as free from potential human contact as possible. In fact they do very few things that are actually good for wildlife. This ordinance will gravely affect small property owners, not the mega mansion developers they are claiming to be going after.
2. This set of regulations sets the City in a direct path towards confrontation within the state. This is down-zone plain and simple and thus will run afoul with State law—including CEQA, HAA and other rules regarding zoning. It will end up tying the city up in lawsuit knots- for no reason. It will make our housing shortage worse. It will cause more population outflows. And without truly helping wildlife in the region.
3. Due process—this ordinance has been pushed by bureaucratic insiders. It has yet to be fully vetted or even discussed in an open and honest way. Most people in the hills still don't realize what is happening. There have been no major studies on the environmental, economic and housing impacts of this ordinance. There has been no effort made to track down who will be negatively impacted—and how badly. Instead this ordinance continues to be shuttled around the back hallways of City Hall without being truly and openly debated.
4. We ask the PLUM Committee send this ordinance back to the planning department to be fully vetted, to have the parts of the rules removed that don't directly help wildlife and to expand those elements that truly help our wildlife—by formally designating our open areas, to plot out how to connect these habitats and corridors in a way that keeps wildlife out of harm's way (i.e. away from people), and efforts that true wildlife experts have suggested will help LA maintain its unique and wonderful access to nature.

I demand that you stop trying to secretly downzone our properties and take our property rights.

Please focus your attention on actions such as purchasing Senderos canyon to actually try to preserve land that is not fully developed, rather than attempting to limit the property rights of homeowners in fully developed neighborhoods.

Sincerely,

Tala Jayadevan

A homeowner, registered voter, and constituent who feels betrayed, and lives on Linda Flora Drive.



Daniel Luna <daniel.luna@lacity.org>

Public Comments Not Uploaded RE: THE PROPOSED WILDLIFE ORDINANCE (CF-14-0518)

1 message

Gary Davidson <jd.gary@gmail.com>
Reply-To: clerk.plumcommittee@lacity.org
To: clerk.plumcommittee@lacity.org

Fri, Jun 16, 2023 at 2:35 PM

Dear PLUM Councilmembers:

I am a long-time Los Angeles hillside property owner who has spent countless hours reviewing and commenting on versions of the Wildlife Ordinance over the years, attended every public meeting (as well as testifying), and sent countless emails to city officials, all in the effort to ensure that the proposed ordinance be vetted and openly debated among stakeholders like myself.

As a result, I was dismayed to learn that **new restrictive changes** are being proposed on the eve of the ordinance going to the PLUM committee with little opportunity for input or open debate.

The new proposals as outlined in the letter dated June 13, 2023, 'RE: THE PROPOSED DRAFT WILDLIFE ORDINANCE (CF 14-0518)' by Councilmembers Nithya Raman and Katy Yaroslavsky radically change the overall impact of the ordinance by grossly limiting the allowed Residential Floor Area (RFA) on new construction.

I would respectfully suggest that the Wildlife Ordinance and new proposed changes be sent back to the Planning Department so that it may be fully vetted by all stakeholders.

In the past the Planning Department has been generally sensitive and responsive to stakeholder input with respect to the Wildlife Ordinance. It is my hope that this spirit of fairness and openness continues.

Best,
Gary Davidson
Hillside Property Owner



Daniel Luna <daniel.luna@lacity.org>

Public Comments Not Uploaded Wildlife ordinance

1 message

Ben Talei <muybenno@gmail.com>
Reply-To: clerk.plumcommittee@lacity.org
To: clerk.plumcommittee@lacity.org

Fri, Jun 16, 2023 at 11:14 AM

I live at [1367 laurel way](#) and just bought my mother a house next door [1373 laurel way Beverly Hills ca 90210](#).

I was quite shocked to hear that w Wildlife Ordinance was snuck into the June 20th meeting agenda without any notification to us the constituents. I've spoken with dozens of friends in the community and all are quite upset.

We live in a democratic community and any decisions made should be done so fairly and with equal representation.

Please remove this from the upcoming discussions until the community has been given proper notification and time for thoughts and responses.

Thank you

Ben Talei, MD, FACS
Facial Cosmetic & Reconstructive Surgery
Pediatric Facial Plastic Surgery & Vascular Anomalies
Board Certified - Facial Plastic & Reconstructive Surgery
Board Certified - Head & Neck Surgery
[Beverly Hills Center for Plastic & Laser Surgery](#)
Beverly Hills Center for Hemangiomas & Vascular Birthmarks

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June 16, 2023

Councilmember Marqueece Harris-Dawson, Chair
and Members of the Planning and Land Use
Management Committee of the
Los Angeles City Council
200 N. Spring St.
Los Angeles, CA 90012
Via LACouncilComment.com

Re: Proposed Wildlife Ordinance
Hearing date: June 20, 2023 (Agenda Item No. 19)
Council File 14-0518

Honorable Chair Harris-Dawson and Members of the Committee:

This letter is submitted on behalf of our client, Gilcrest Properties, LLC (“Gilcrest”). Gilcrest owns property that would be affected by the proposed Wildlife District ordinance (“Wildlife Ordinance”) and is strongly opposed to the Wildlife Ordinance in its present form. We request that Planning and Land Use Management Committee recommend that no action be taken on the Wildlife Ordinance until the matters discussed in this letter are addressed.

1. The Wildlife Ordinance Would Impose Overly Restrictive and Unnecessary Development Regulations that Would Not Advance the Ostensible Purposes of the Wildlife Ordinance.

The stated purpose of the Wildlife Ordinance is to “maintain and enhance wildlife habitat and connectivity,” and to “achieve protection of natural resources, plants, animals, and open space and thereby advance sustainability, wildlife connectivity, biodiversity, watershed health, wildfire safety, and climate resilience goals for the City.”¹ However, most of the proposed development standards in the Wildlife Ordinance bear little if any relationship to these objectives. Instead, the Wildlife Ordinance is replete with onerous development restrictions that will severely restrict what owners can do with their properties with virtually no benefit to wildlife or the public welfare.

¹ Proposed Los Angeles Municipal Code (“LAMC”) § 13.21.A.

Most of the development restrictions contained in the Wildlife Ordinance are also unnecessary. The area that would be affected by the Wildlife Ordinance is currently subject to the City's Single-Family Zone Hillside Area Development Standards, which already include rigorous restrictions on building height, grading, setbacks, maximum residential floor area, and lot coverage within the City's hillside areas.² There is no basis to conclude that these existing regulations are in any way inadequate, or that development in accordance with the existing hillside development standards would somehow harm wildlife. Many projects within the proposed Wildlife District overlay would also be subject to the provisions of the Mulholland Scenic Parkway Specific Plan, which includes additional development standards and a robust design review process.

2. The Wildlife Ordinance Would Subject Property Owners to a Costly, Time-Consuming, and Overly Burdensome Review Process.

Under the Wildlife Ordinance, projects that propose at least 1,000 cubic yards of remedial grading or result in at least 6,000 square feet of additional Residential Floor Area, and any construction or grading activity on a lot where a Wildlife Resource is present, would require Site Plan Review ("SPR") approval by the Director of Planning or his/her designee.³ SPR is a cumbersome and time-consuming process that requires the filing of extensive application materials, payment of a filing fee,⁴ adoption of findings, and, at the discretion of the Director, a public hearing.⁵ Furthermore, SPR is a discretionary approval that is subject to the requirements of the California Environmental Quality Act ("CEQA").⁶ Consequently, the City, as lead agency for the project under CEQA, must determine whether the project qualifies for an exemption from CEQA and, if not, must evaluate the potential environmental impacts of the project in an initial study leading to the preparation of either a Mitigated Negative Declaration ("MND") or an environmental impact report ("EIR").

The Director's decision on the SPR application can be appealed by any interested party to the applicable Area Planning Commission ("APC"), and the APC's CEQA determination concerning the project can be further appealed to the Los Angeles City Council.⁷ Depending on the City's CEQA determination and whether or not appeals are filed, the SPR process can take

² See LAMC § 12.21.C.10.

³ See proposed LAMC § 13.21.F.1(j).

⁴ The current filing fee for SPR, with applicable surcharges, is over \$13,000. See LAMC § 19.01.O.

⁵ See LAMC § 16.05.

⁶ California Public Resources Code §§ 21000 *et seq.*

⁷ See LAMC §§ 16.05.H and 11.5.13.

anywhere from about 4 months to well over 18 months – even for a project that complies fully with all applicable development standards.

For a project on a lot where a Wildlife Resource is not present, the SPR requirement is completely unnecessary and serves no valid purpose. Most of the proposed Wildlife District Overlay area is already subject to the HCR District overlay, which requires SPR approval for any new single-family residential development with a cumulative Residential Floor Area of 17,500 square feet or larger.⁸ Homes of this size are relatively rare and, in some cases, pose unique issues that arguably justify a discretionary review process. However, in its current form, the Wildlife Ordinance would reduce the threshold for SPR from 17,500 to 6,000 square feet of new floor area and would apply the SPR requirement to all such projects within the Wildlife Overlay District, whether or not a Wildlife Resource is present. This change would dramatically increase the number of projects that would be required to go through the cumbersome and time-consuming SPR process.

Furthermore, there is no indication that the increase in case filings for SPR approvals for projects throughout the proposed Wildlife Overlay District can be accommodated under current City Planning Department staffing levels. Absent a substantial increase in hiring and a corresponding increase in the Department's budget, we anticipate a backlog of cases and even further processing delays.

We submit that the SPR requirement is completely unnecessary in cases where a Wildlife Resource is not present and would simply provide new avenues for project opponents to appeal project approvals and/or challenge projects in court – even projects that comply fully with all applicable development standards. We see no valid reason to subject a proposed new single-family home (or addition to a home) that complies with the applicable development standards to the political and legal vagaries of the discretionary SPR process. We therefore urge the Committee to recommend either (1) that the SPR requirement be imposed only where the project site includes a Wildlife Resource or is within a Wildlife Resource buffer, or (2) that the threshold for SPR be increased to 17,500 square feet consistent with the HCR District overlay.

⁸ See LAMC § 16.05.C.1(f). Outside of the HCR District, SPR only applies to housing development projects that create, or result in an increase of, 50 or more dwelling units or guest rooms. See LAMC § 16.05.C.1(b).

3. The Wildlife Ordinance May Have Potential Impacts on the Environment that Must be Evaluated under the California Environmental Quality Act.

The City Planning Commission found that adoption of the proposed Wildlife Ordinance would be categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15307 (Class 7), and 15308 (Class 8). For the reasons discussed below, we submit that the Wildlife Ordinance is not exempt from CEQA, and that the City must prepare an initial study of the Wildlife Ordinance to determine whether an EIR is required.

CEQA Guidelines Sections 15307 (Class 7) and 15308 (Class 8) apply only to “actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement” of a natural resource or the environment where “the regulatory process involves procedures for protection of the environment.” The example given in the CEQA Guidelines is the wildlife protection activities of the California Department of Fish and Wildlife (“CDFW”). However, unlike the CDFW, the City is not a regulatory agency that has been “authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement” of a natural resource or the environment. Furthermore, even if the City had been so authorized by state law or local ordinance, the Wildlife Ordinance goes well beyond this authority. Specifically, as discussed above, the Wildlife Ordinance contains numerous additional development regulations that have little or nothing to do with assuring the maintenance, restoration, or enhancement of natural resources or the environment. Therefore, the categorical exemptions contained in CEQA Guidelines Sections 15307 and 15308 simply do not apply.

Furthermore, the so-called “common sense” exemption set forth in CEQA Guidelines § 15061(b)(3) applies only where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment ...”⁹ In this case, there is a possibility the Wildlife Ordinance may have a significant effect on the environment. For example, the Wildlife Ordinance would be applied to a highly populated urban area that includes heavily-trafficked streets and thoroughfares. The Wildlife Ordinance has the potential to increase interactions between wildlife and humans (and their pets), which could potentially lead to adverse effects on both. For example, by bringing more animal life into the area, the Wildlife Ordinance could potentially result in more animals being killed by motorists on area streets and more people and their pets being attacked by wildlife. Such increased interactions could also spread diseases from animals to humans, including leptospirosis, rat bite fever, tularemia, roundworm, plague, and rabies.

⁹ CEQA Guidelines § 15061(b)(3).

The Wildlife Ordinance could also have potential adverse effects on public safety. Specifically, the proposed fencing regulations and setback requirements, coupled with the proposed lighting restrictions, could potentially lead to an increase in crime by providing greater access to a homeowner's property.

Even if the Wildlife Ordinance fell within one or more categorical exemptions from CEQA, there are exceptions to the use of categorical exemptions that would apply in this case. For example, a categorical exemption "shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."¹⁰ The Wildlife Ordinance seeks to promote wildlife activity within an existing urbanized area (as opposed to conserving and enhancing existing natural areas), which is itself an unusual circumstance. Moreover, as discussed above, there is a reasonable possibility that the Wildlife Ordinance will have a significant effect on the environment.

4. Conclusion

For the reasons discussed in this letter, we urge the Committee to recommend that no action be taken on the proposed Wildlife Ordinance until the potential environmental impacts of the proposal have been adequately evaluated under CEQA. We further request that the provisions of the ordinance concerning SPR be revised as discussed above.

Thank you for your consideration.

Very truly yours,



JOHN M. BOWMAN
Elkins Kalt Weintraub Reuben Gartside LLP

Cc: Candy Rosales, Legislative Assistant (clerk.plumcommittee@lacity.org)

JMB:JMB

¹⁰ CEQA Guidelines § 15300.2(c).



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

King Gillette Ranch
26800 Mulholland Highway
Calabasas, California 91302
Phone (818) 878-0866 Fax (818) 878-0508

June 16, 2023

Planning and Land Use Management Committee
Los Angeles City Council
c/o Office of City Clerk
City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, California 90012

Council File No. 14-0518
Full Support for Wildlife Supplemental Use District Ordinance,
CPC-2022-3413-CA, ENV-2022-3414-CE, CPC-2022-3712-ZC

Honorable Chairperson Dawson and Councilmembers:

The Mountains Recreation and Conservation Authority (MRCA) urges the City to adopt the proposed Ordinance for a Wildlife Supplemental Use District with no further weakening of its protections for wildlife and wildlife habitat. Only with the adoption of this Ordinance, with no further weakening, do the medium- and large-sized mammal populations east of the 405 Freeway, including Griffith Park, stand a chance of persisting beyond the next decade.

The MRCA also fully supports the recommended modifications to the Ordinance in the June 13, 2023 letter from Councilmembers Raman and Yaroslavsky.

City Planning staff have done an exemplary job of reconciling the needs of private property owners with the measures necessary for preservation of the City's biodiversity within the proposed District. The Ordinance reflects reasonable and necessary compromises between private property concerns and wildlife needs. The relief mechanisms included in Section 13.21.H.3 of the Ordinance would ensure that property owners are not unfairly denied City approvals to improve and maintain existing homes and that they are not denied the ability to rebuild following a natural disaster.

The MRCA urges the Council to approve adoption of the proposed Ordinance. Thank you for your consideration.

Sincerely,

Chad Christensen
Deputy Chief of Natural Resources and
Planning

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER AND GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
PHONE (323) 221-8900
FAX (323) 221-9001
WWW.SMMC.CA.GOV



June 16, 2023

Planning and Land Use Management Committee
Los Angeles City Council
City of Los Angeles
200 North Spring Street,
Los Angeles, California 90012

Full Conservancy Support for Wildlife Supplemental Use District Ordinance
Council File No. 14-0518
CPC-2022-3413-CA, ENV-2022-3414-CE, CPC-2022-3712-ZC

Honorable Chair Harris-Dawson and Councilmembers:

The Santa Monica Mountains Conservancy urges your Committee's full support of the proposed Ordinance for a Wildlife Supplemental Use District with the all amendments recommended in the June 13, 2023 joint letter from Councilmembers Ramen and Yaroslavsky. The tools made available to the Planning Department in the Ordinance are critical now to avert the rapid collapse of the eastern Santa Monica Mountain ecosystem from both the loss of connectivity and the degradation of habitat. The Ordinance does not prohibit any development as some erroneously contend, it just allows Planning the opportunity to shape project elements on parcels determined as probably contributory to the ecosystem. What could be a wiser move for a City that desires to maintain its unique populations of many larger mammal species in the only City in the world bisected by a major mountain range?

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman".

PAUL EDELMAN
Deputy Director
Natural Resources and Planning