DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

City Planning Commission

Date: 12-08-22 Continued from 11-17-22
Time: After 8:30 a.m.*
Place: COVID-19 and continued concerns that meeting in person would present imminent risks to the health and safety of the attendees, the CPC meeting will be conducted entirely telephonically by Zoom [https://zoom.us/]. The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.org/about/commissionsboards-hearings and/or by contacting cpc@lacity.org

Public Hearing: July 13, 2022
Appeal Status: N/A
Expiration Date: N/A

Case No.: CPC-2022-3413-CA, CPC-2022-3712-ZC
CEQA No.: ENV-2022-3414-CE
Incidental Case: N/A
Related Cases: N/A
Council No.: Citywide (Code Amendment) 4 and 5 (Zone Change)
Plan Area: Citywide and Bel Air - Beverly Crest, Hollywood, Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass
Certified NC: Sherman Oaks, Studio City, Hollywood Hills West, Bel Air - Beverly Crest
GPLU: Primarily Single Family Residential, Various
Zone: Various (see below)

Applicant: Department of City Planning

Zones:
[Q]RD6-1-H-HCR, [T][Q]RD3-1-H, [Q]OS-1XL-HCR, [Q]PF-1XL, [Q]PF-1XL-H, [Q]PF-1XL-HCR, [Q]R3-1VL-HCR[Q]R3-1VL-HCR, [Q]R3-1XL, [Q]R3-1XL-HCR, [Q]R4-1-H-HCR, [Q]RD1.5-1, [Q]RD1.5-1VL, [Q]RD1.5-1VL-HCR, [Q]RD2-1VL-HCR, [T][Q]C1-1XL-HCR, [T][Q]R4-1-H-HCR, [T]RD2-1VL-H-HCR, A1-1-H, A1-1-H-HCR, A1-1-H-RPD-HCR, A1-1-HCR, A1-1XL-HCR, C1-1, C2-1-HCR, C2-1VL, C2-1VL-RIO, C4-1D-HCR, CR-1D-HCR, OS-1-H-HCR, OS-1XL, OS-1XL-H-HCR, OS-1XL-HCR, PB-1-HCR, PF-1XL, PF-1XL-HCR, R1-1, R1-1-HCR, R1-1-RIO, R2-1XL, R3-1, R4-1D-HCR, RA-1, RD1.5-1, RD1.5-1XL-HCR, RD2-1VL-HCR, RD6-1-HCR, RE11-1, RE11-1-HCR, RE15-1, RE15-1-H, RE15-1-H-HCR, RE15-1-H-RPD-HCR, RE15-1-H#, RE15-1-HCR, RE15-1VLD-RPD-HCR, RE20-1, RE20-1-H, RE20-1-H-HCR, RE20-1-HCR, RE40-1, RE40-1-H, RE40-1-H-HC[R, RE40-1-H-RPD, RE40-1-H-RPD-HCR, RE40-1-HCR, RE9-1, RE9-1-H-RPD-HCR, RE9-1-HCR

PROJECT LOCATION: Santa Monica Mountains within Council Districts 4 and 5 (see Ordinance Map)

PROPOSED PROJECT:
A code amendment to Sections 12.03, 12.04, 12.32, 13.21, 13.22, and 16.05 of the Los Angeles Municipal Code (LAMC) to create a new "Wildlife District," or "WLD" Supplemental Use District and a zone change to apply the Wildlife District and its regulations to properties within the District. The proposed Wildlife District Ordinance (Ordinance) aims to reduce cumulative development impacts on plants, animals and natural resources while providing co-benefits related to climate resilience and public health. The Ordinance proposes development standards for lot coverage, floor area, grading and height limitations and as well as native landscaping/trees, fence, trash enclosure, window and lighting requirements. The Ordinance includes regulations that apply to private properties within the District, including additional discretionary review where lots contain/adjacent to natural resources, such as waterways and open space. The Ordinance details regulations and procedures for project review and includes a map identifying lots subject to natural resource provisions. A Zone Change Ordinance accompanies the Wildlife District Ordinance to establish the boundaries and identifies the corresponding properties subject to the Ordinance.

RECOMMENDED ACTIONS:

1. **Recommend** that the City Council determine, based on the whole of the administrative record, that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3), 15307 (Class 7) and 15308 (Class 8), and no exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies (Exhibit E).

2. **Approve** and **Recommend** that the City Council adopt the **Proposed Wildlife District Ordinance**, CPC-2022-3413-CA (Exhibit A) amending Sections 12.03, 12.04, 12.32, 13.21, 13.22, and 16.05 of the LAMC, to establish a Wildlife Supplemental Use District.

3. **Approve** and **Recommend** that the City Council adopt the Proposed **Zone Change** Ordinance, applying the Supplemental Use District Zone WLD to the zones of those parcels lying within the project boundaries identified in the proposed Ordinance Map CPC-2022-3712-ZC (Exhibit B).

4. **Adopt** the Staff Recommendation Report as the Commission Report on the subject; and

5. **Adopt** the Findings as recommended by Staff.

VINCENT P. BERTONI, AICP
Director of Planning

Nicholas P. Maricich, Principal City Planner

Conni Pallini-Tipton, AICP, Senior City Planner

Kat Superfisky, Urban Ecologist

Patrick Whalen, City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 273, City Hall, 200 North Spring Street, Los Angeles, CA 90012. While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978- 1300.

TABLE OF CONTENTS

PROJECT ANALYSIS

Project Summary

The project includes a code amendment to Sections 12.03, 12.04, 12.32, 13.21, 13.22, and 16.05 of the Los Angeles Municipal Code (LAMC) to create a new Supplemental Use District and a Zone Change Ordinance, collectively referred to as the “Wildlife District” or “District,” to apply the District and its regulations to properties within the Santa Monica Mountains bound by Ventura Blvd. to the north, Sunset Blvd. to the south, the 101 Freeway to the east, and the 405 Freeway to the west (see Exhibit F1 - Map of Draft Wildlife Ordinance District Boundary). The proposed Wildlife District Ordinance (Ordinance) refers to the development standards contained within the new Wildlife District. These standards include provisions for lot coverage, floor area, grading and height limitations and as well as native landscaping/trees, fence, trash enclosure, window and lighting requirements. The proposed Ordinance and associated proposed Preferred and Prohibited Plant Lists can be referenced in Exhibit A1 and A2 respectively. The proposed Ordinance includes regulations that apply to private properties within the District, as well as additional development review that applies to lots where natural resources, such as water features and/or undeveloped open spaces, are present or within close proximity. A map of Wildlife Resources is provided for reference (see Exhibit A3) and can also be accessed as an interactive online map. The Zone Change Ordinance Map is available as Exhibit B.

The proposed Wildlife District Ordinance has a critical goal of protecting habitat and wildlife connectivity in the hillsides and is supportive of related goals for open space management, disaster safety, fire protection, and maintaining overall quality of life for both people and wildlife. The Ordinance aims to reduce cumulative development impacts on plants, animals and natural resources for supporting wildlife connectivity while providing co-benefits related to climate resilience and public health. While the proposed District contains a large portion of the City's protected public lands, most of the land is privately owned, making private property important to involve in the management of urban ecosystems and wildlife connectivity.

Regulations proposed in the Ordinance would primarily apply to single family development within the District and would largely address aspects of residential development that threaten or impede wildlife movement and habitats in highly vegetated and steeply sloped areas. Some examples of developments that impede wildlife movement in the hillsides relate to structures or fencing built up to and continuously along property lines that make wildlife movement between properties and across the landscape increasingly difficult or impossible. Other examples of development impacts on wildlife include high volume grading and soil removal that destabilizes hillside landform (soils and topography) and disturbs and denudes vegetation that provides habitat. Unregulated removal or alteration of native or mature trees and degradation of watercourses and riparian areas also continue to threaten wildlife and diminish the benefits of the built and natural environment.

The regulations proposed in the Ordinance are intended to work together holistically to provide the strongest protection in areas most sensitive in the City of Los Angeles’s (City) hillsides, and most important for the health of habitats and associated wildlife. By minimizing the removal and disturbance of biological resources within and adjacent to streams, creeks, riparian areas,

reservoirs, or open spaces, the City can better protect important resource areas on and adjacent to undeveloped land that has the potential to support wildlife movement and regional connectivity.

Protecting geomorphic features addresses multiple issues including fire fuel loads and fire spread, impermeability and infiltration issues in the watershed, and excessive grading and slope stability issues. By adding limitations to the overall size and scale of future development in a manner that requires more existing vegetation to remain intact, the Ordinance directs development to achieve habitat connectivity for wildlife. Connecting larger, contiguous “patches” of habitat provides greater ecological value than preserving isolated patches or singular pathways. This broad ecosystem approach not only promotes wildlife habitat and connectivity, but also supports and enhances biodiversity in Los Angeles and the world, given that the City is located in a Global Biodiversity Hotspot.

Background

The Ordinance is proposed in response to Council direction to establish protections for wildlife and connectivity and represents implementation of multiple City and State policy objectives. By ensuring that development takes place in a more sustainable manner, the City can help to address and support other essential goals such as biodiversity, climate resilience, fire safety and watershed health. The proposed regulations aim to balance wildlife habitat and connectivity with private property development. Specifically, the proposed regulations are intended to help: provide critical habitat connectivity for wildlife by minimizing land disturbance and providing space between structures for habitat retention and fire safety; preserve biodiversity by protecting animals from injury and maintaining resources such as open spaces/natural areas, riparian, and wetland resources, and limiting the removal of trees and habitat areas; promote habitat enhancement via native, non-invasive, climate-adaptive, and firewise landscaping; and, improve watershed health and water quality by promoting infiltration and reducing stormwater runoff.

Currently, the City has few development standards that directly address wildlife connectivity. The proposed regulations would enhance wildlife habitat and connectivity by considering factors that influence wildlife health and mobility, such as proximity to large open spaces, sensitive vegetated areas, and the presence of water. Features that impede wildlife movement, such as land use patterns and fencing and structures that create barriers to movement for wildlife were also taken into consideration.

Because Los Angeles is a large and geographically diverse city, and hillside regulations and development review processes are complex, the proposed regulations are meant to shape development while imposing restrictions focused on those areas found to be most sensitive for wildlife habitats and/or potential connections to habitat areas. Additionally, the proposed regulations were developed with the intention that they would work together with existing zoning provisions to achieve objectives for wildlife and connectivity in the hillsides. For instance, properties within the proposed Wildlife District will not only be subject to the Wildlife Ordinance regulations, but may also be subject to those of the Baseline Hillside Ordinance (BHO), the

Hillside Construction Regulations (HCR), the Mulholland Scenic Parkway Specific Plan (Mulholland Specific Plan), as well as regulations associated with underlying zones. The regulations are also meant to align with parallel regional efforts [such as LA County Significant Ecological Areas (SEAs) and Rim of the Valley described further in the Background - Geographic Context section of this Staff Report].

In addition to evaluating existing City regulations and best practices from other jurisdictions, staff coordinated across the divisions of the Department of City Planning (DCP), along with other City departments such as: the Bureau of Engineering (BOE), the Department of Building and Safety (DBS), the Department of Recreation and Parks (RAP), and Department of Water and Power (DWP), the LA Fire Department (LAFD), LA Police Department (LAPD), the Department of Animal Services, Los Angeles Sanitation and Environment (LASAN, including engaging with the Biodiversity Expert Council), and the Urban Forestry Division of the Public Works Department (UFD). The proposed standards take into account existing DCP efforts (including updates to the Protected Tree Ordinance (PTO), and Community Plan updates, such as the Hollywood and Southwest Valley Plans updates) and also incorporate revised approaches being proposed for the Zoning Code update.

Initiation

The Department of City Planning (DCP) began working on the issue of wildlife protection and connectivity in response to a Council Motion (C.F.# 14-0518) adopted in 2016 (see Exhibit C). The motion instructed DCP to “prepare and present an ordinance to create a Wildlife Corridor in the eastern area of the Santa Monica Mountains.” The motion directed DCP to 1) ensure that hillside development accommodate wildlife habitat connectivity, 2) require that easements and deed restrictions be applied to achieve connectivity, 3) designate a zone in the LAMC for wildlife connectivity, and 4) require a biological constraints checklist for every project in the Wildlife Corridor zone. The proposed Ordinance represents DCP’s response to this Council instruction.

The first step in developing the Ordinance entailed conducting the Wildlife Pilot Study (Study), which helped to identify ecologically sensitive areas within the City and the types of land use regulations that might be applied within those areas to create a “wildlife corridor” by protecting and connecting plants, animals and other natural resources. As part of the Study, DCP staff worked with a team of biological/ecological consultants to prepare the Protected Areas for Wildlife and Wildlife Movement Pathways Report (2021) (ESA Report), which helped to inform the basis of the Ordinance. The ESA Report provides an assessment of potential wildlife supportive areas in the entire city based on staff’s understanding of regional habitat, ecology and geography. A summary of the ESA Report Key Findings can be found in Appendix 1 and the full ESA Report can be referenced in Appendix 2. The approach also accounts for the possibility of planning for expansion of the proposed Wildlife Ordinance to other hillside areas based on future analysis and public engagement; this potential future phase of expansion supports subsequent direction from the Council to study regional connectivity (C.F.# 22-0483). It is envisioned that the process of applying the proposed regulations to other hillside and ecologically sensitive areas would commence following Council action on this proposed Ordinance.

An initial draft of the Ordinance was released for public review and comment in Spring 2021. During the first round of revisions that occurred in 2021 and the beginning of 2022, the Ordinance incorporated public feedback as well as additional ridgeline protections, which were originally conceived as a separate ordinance (the proposed Ridgeline Protections Ordinance or "RPO"), since ridgelines also present the potential to act as pathways for wildlife. Combining both sets of regulations was intended to streamline the implementation of the regulations as numerous individual ordinances currently exist to regulate different aspects of hillside development. After integrating aspects of the proposed RPO and taking into consideration public feedback that was received during the comment period, DCP released a revised draft of the Ordinance addressing both wildlife and ridgeline protections in Spring 2022. Additional public outreach was conducted and comments were received and evaluated during Summer 2022. The Ordinance being presented with this Staff Report reflects alterations made in response to this additional feedback from community members, property owners, environmental advocates and City departments that share responsibility for implementation of the regulations.

Related State Directives

The State of California (State) requirement that local municipalities adopt and maintain a General Plan was first passed in 1971, largely in response to the 1960s environmental movement which called for tighter controls on development. These early requirements centered on a concept known as "smart growth" or "transit oriented development", which essentially directed cities to identify areas where growth and development can be accommodated, in order to avoid hazardous areas or preserve areas with a high ecological value. The State and City therefore consider growth and conservation to be related objectives, a relationship that has been refined through decades of legislation and resulting plans.

Environmental Directives

This 1970s focus on environment and conservation has been revived in recent years, as California continues efforts to combat climate change while dealing with the disaster impacts that are now unavoidable. Within the past five years there have been several State bills that amend General Plan Law to place a more defined emphasis on ecology and disaster resilience. Among the most impactful was Senate Bill (SB) 379 (2015), which required Safety Elements to include policy language and programs that outline climate adaptation and resilience strategies to plan for hazards identified through a climate vulnerability assessment. This law, in connection with SB 1035, also requires that the Safety Element be reviewed and updated as necessary alongside a local jurisdiction's Housing Element every eight years. In direct response to this legislation, the City updated the Safety Element alongside the 2021-2029 Housing Element, integrating the Local Hazard Mitigation Plan into the City's General Plan. The update also provided an opportunity to integrate policy language from two related Mayoral plans–LA's Green New Deal (Sustainability pLAn) and Resilient Los Angeles.

In addition to SB 379 there have been several more focused bills that elevate challenges of resilience planning and ecological preservation. SB 1241 (2012) required an expanded

consideration of fire hazards in the Safety Element. Assembly Bill (AB) 2911 (2018) expanded the State Board of Forestry's ability to review and shape local Safety Elements. AB 747 and SB 99 (2019) enacted more stringent requirements around the identification and mapping of evaluation routes within hillside areas and Very High Fire Hazard Severity Zones (VHFHSZ).

In the most recent state legislative session, SB 1425 was passed and signed into law. This bill requires that the Open Space Element be updated by January 1, 2026, with expanded requirements including a consideration of climate resilience in coordination with the Safety Element. The bill also includes an explicit focus on "rewilding opportunities," or the creation and preservation of open space networks to support biological and recreational uses. If passed, the proposed Ordinance can serve as a cornerstone program for an updated Open Space Element. City Council voted to support this bill in August 2022, with concurrence from the Mayor (C.F.# 22-0002-S99).

As of 2020, California has announced ambitious goals of conserving 30 percent of the State's public lands and coastal waters by 2030 (referred to as "30x30"). The effort is part of Governor Newsom's initiative to protect biodiversity, advance equitable access to nature and combat climate change, and part of an international movement to conserve natural areas across the planet. The Governor's nature-based solutions Executive Order seeks to protect and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change. The effort drives and aligns with broader State commitments to advance justice, equity, diversity, and inclusion, strengthen tribal partnerships, and sustain economic prosperity, clean energy resources, and food supply.

California Natural Resources Secretary Wade Crowfoot stated, "Conserving nature is a key part of combating climate change and protecting life across the world (...) California is leading the way through 30x30 by protecting more natural areas in ways that expand outdoor access and strengthen tribal partnerships. At a critical moment in the life of our planet, we're showing how people and nature can thrive together".

The State's movement to advance public land protection with the 30x30 initiative is supported by the proposed Ordinance regulations that focus on recognizing the benefits and importance of those natural resources within the proposed Wildlife District. The proposed regulations direct new development of private land to acknowledge and avoid impacts to those open space lands in accordance with 30x30 goals.

Housing Directives

In addition to ambitious environmental legislation, the State has also passed several transformative bills to address the housing shortage. The City has worked to become a leader in meeting and exceeding these new regulations. The 2021-2029 Housing Element outlines a road map to dramatically increase housing production while enhancing health, livability, sustainability and resilience. The Housing Element includes a listing of strategies to meet the City's allocation of housing units, including a rezoning program. Sites in the Very High Fire Hazard Severity Zone, which includes the entire proposed Ordinance area, are not prioritized for consideration

for additional residential intensity through the Housing Element rezoning program. The Ordinance is further included in an implementation program of the Housing Element, Program 79: Ecology and Housing.

Related City Goals, Plans and Initiatives

The Ordinance also aligns with and supports numerous City goals, plans and policies. The City has a multitude of plans and initiatives that highlight the importance of addressing ecological health and resilience in the Los Angeles region, such as: LA's Green New Deal/Sustainability pLAn (pLAn); Resilient Los Angeles Plan (Resilient LA); Biodiversity and Healthy Soils initiatives; One Water LA 2040 Plan; Protected Tree Ordinance (PTO); First Step Towards an Urban Forest Management Plan; among others. Together, these various efforts aim to conserve existing natural resources, enhance biodiversity and address climate resilience within the City.

Numerous policies and regulations addressing development in the hillsides exist presently. While many adopted policies call for the preservation of natural resources and the sensitive development of hillsides where development is allowed, no single City ordinance attempts to regulate development for wildlife and habitat conservation comprehensively. The General Plan, Conservation, Open Space, Land Use Elements and implementing ordinances, all address various aspects of hillside development with a goal of preserving some aspect of those finite assets. This regulatory framework is discussed in Appendix 3.

The City has advanced several ordinances, some dating back to the 1980s and others more recently adopted to implement the policies summarized above and more fully documented in the Findings section of this Staff Report. The most relevant existing regulations [e.g., Baseline Hillside Ordinance (BHO), Hillside Construction Regulations (HCR), Mulholland Scenic Parkway Specific Plan (Mulholland Specific Plan) and others] are described in more detail in Appendix 3 and Exhibit F2 - Map of Existing Planning and Policy Areas. Additionally, Appendix 4 provides a summary of existing City policies that relate to wildlife habitat and connectivity. These regulations and policies were analyzed to understand where protections exist today and to identify how they can be strengthened or augmented to meet wildlife protections more comprehensively.

Geographic Context

The City and District are a part of the California Floristic Province, one of 36 Global Biodiversity Hotspots, which makes the ecosystems in Los Angeles extremely important to protect and preserve. To qualify as a Biodiversity Hotspot, a region must meet two criteria: 1) it must have at least 1,500 endemic vascular plants (which are species that are native and occur in a particular location and nowhere else), and 2) it must have lost at least 70% of its original natural vegetation. Most of the loss of endemic species stems from human development. The California Floristic Province has over 5,500 native plant taxa, 40% of which are endemic and LA County alone has over 4,000 species of plants and animals, over 50 of which are considered to be endangered. Biodiversity clearly exists here, but continues to be diminished by development and climate change, thereby new protections merit consideration–not only for preservation for

local biodiversity but for global biodiversity.

LA's Mediterranean-like climate, topographic complexity and dynamic climatic and geological history have contributed to the high diversity of plant and animal species that exist within the city and region. The city is uniquely surrounded by extensive undeveloped open space and natural lands that are a part of the Transverse Ranges, which include the Santa Monica Mountains (transecting the San Fernando Valley from the remainder of the city), San Gabriel Mountains and San Bernardino Mountains, including the associated Angeles National Forest (see Exhibit F3 - Map of Regional Context). Existing within these large mountain ranges are a substantial diversity of plants and animals that make the greater LA region their home. Each species plays a particular role in the greater LA ecosystem, helping to maintain ecological function and contribute to the well-being of the environment for nature and for humans.

The important plants, animals and ecosystems in LA are not only found in open spaces or public parks that are already protected and being managed. In urban settings, more than a third of green space is found in backyards and on private property in the hillsides and other areas of LA. In LA, most of the land is privately owned, making private property an important land ownership to involve in the management of urban ecosystems (see Exhibit F4 - Map of Public Land). As public lands are largely protected, zoned for open space and/or managed by various State or non-profit agencies, it is critical to look to private property protections to ensure a cohesive approach to creating a wildlife corridor. This is important as wildlife also inhabits and depends on these fragmented, less "pristine" habitats, in urbanized areas.

Maintaining connections within and between the mountain ranges, between "intact" or "pristine" patches of habitat, and among public and private properties is extremely important for the health of the plants, animals, and overall ecosystems in LA. Connecting larger, contiguous patches of habitat provides greater ecological value than preserving isolated patches or singular pathways, since it allows for the continual mixing of populations and genes, and also provides better climate change resilience when temperature and precipitation conditions will continue to cause shifts in plant and animal's ranges. Up to two-thirds of California's endemic plants are predicted to experience substantial range contraction by the century's end, so it is important to ensure that they have connected areas to move to and survive. Habitat connectivity also allows for greater wildlife movement, which is essential to wildlife survival for seeking food, shelter, or mates; dispersal of offspring to find new homes; or seasonal migration to find favorable conditions and/or breeding grounds. Movement is also essential for gene flow, for recolonizing unoccupied habitat after a local population goes extinct, and for species to adapt their geographic range in response to a significant natural disaster or global climate change.

Regional Biological and Ecological Value of the District

The Wildlife Ordinance is proposed to be applied first to a portion of the Santa Monica Mountains, between the 405 and 101 Freeways (see Exhibit F1 - Map of Draft Wildlife Ordinance District Boundary). This proposed District is part of the Santa Monica Mountains Zone (see Exhibit F3 - Map of Regional Context), and was initially identified as one of several Protection Area for Wildlife (PAW) by a team of consultants that the City worked with during the

Wildlife Pilot Study, which is described in more detail in the Ordinance Development Process section below and in Appendix 1 and 2. The District's unique landform and hydrology contribute significantly to the biological and ecological value of the city by supporting critical habitat; sensitive natural plant communities; Special-Status species; linkages that facilitate wildlife movement; and areas important for preserving biodiversity.

Landform

Landform, which is a combination of topography and soils, is the foundation upon which plants and animals exist, making it a key component in an ecosystem. The dominant landform where the District is located is primarily steeply sloping mountains and hills. Approximately 13,000 parcels in the District contain slopes greater than 100% on more than 40% of the lot area and approximately 5,900 parcels are associated with ridges. Most of the soils and topography within the District are considerably altered due to development. Such alterations to landform have contributed to slope instability and therefore increased risk of erosion and landslides. Nearly 18,150 parcels or 65% of the District is subject to landslides and subsidence, based on the City's Navigate LA data.

Hydrology

The steep slopes and undulating topography located within the District direct rainwater and stormwater downslope and into the canyons (or low points) of the District, forming many ephemeral rivers, streams and other waterways. Retention or pooling of water creates natural wetlands and lakes, and human-built reservoirs are also present within the District. These waterways and water bodies support native vegetation and provide water resources for wildlife. Most of the District drains into the Pacific Ocean. The area located roughly south of Mulholland Drive drains to the Ballona Creek watershed and outlets into the Santa Monica Bay, whereas the portion of the District roughly north of Mulholland Drive funnels water to the Los Angeles River watershed and outlets in the Port of Long Beach. Together, these watersheds comprise a significant area within the City, making their health important to protect and maintain.

Vegetation

The District is a mixture of native, non-native and invasive plants. Plant communities within the District include chaparral, oak woodland, sycamore woodland, walnut woodland, non-native woodland, ruderal, and non-native grassland, among others. The District includes California Walnut Woodlands, which are a specific Sensitive Natural Plant Community designated by the California Department of Fish and Wildlife (CDFW) due to their rarity and/or decline in the region. Special-status plant species documented to occur within the District include Greata's aster (*Symphyotrichum greatae*). This vegetation is interspersed with development and represents a range of conditions from pristine to disturbed.

Wildlife

The unique topography, hydrology and vegetation within the District provides critical habitat for a wide diversity of animal species. The District supports medium and large mammals (mountain lion, coyote, bobcat, and mule deer have been documented within the District), as well as a variety of other wildlife species (e.g., insects, amphibians, reptiles, birds, and small

mammals). Special-Status wildlife species located within the District include the mountain lion, which is currently listed as a “candidate species” under consideration for inclusion as “Threatened” under the California Endangered Species Act (CESA) by CDFW, as well as the coast horned lizard, which is a Species of Special Concern.

Connectivity

Although the District is fragmented as noted in the ESA Report, wildlife species have the potential to move through the various pathways and habitat patches of this area, as well as to the larger expanses of undeveloped areas of the Santa Monica Mountains to the west, fragmented undeveloped areas to the south (e.g., Baldwin Hills; Ballona Wetlands and Creek; Pacific Palisades, Santa Ana Mountains), and Griffith Park and Hollywood Hills to the east. Large portions of this area are identified as being within the Rim of the Valley Corridor, which is part of a federally recognized network of parks and trails connecting the Santa Monica Mountains to all the mountains surrounding the San Fernando, Simi, Conejo, and La Crescenta Valleys. Its boundaries consist of parts of the Santa Monica, Santa Susana, San Gabriel, and Verdugo Mountains, as well as the San Rafael Hills, and the upper Santa Clara River Watershed. See Exhibit F3 - Map of Regional Context. Ensuring that wildlife can adequately move between these spaces is essential for their health and the health of the ecosystems and biodiversity. Given the varied land ownership in these areas, it is important to engage both public and private properties in efforts to maintain and create habitat and connections for wildlife. For private development that occurs between public parks, open spaces and other undeveloped properties (which are used as “patch habitats” by wildlife) it is particularly valuable to maintain connections between these spaces.

An example of how connectivity affects wildlife is exhibited with large species, such as the mountain lion (*Puma concolor*), which needs wide ranges/areas to roam to find the appropriate food, shelter and mates need for their continued survival; mountain lions are particularly challenged by the habitat fragmentation that has been caused by development. Mountain lions need to be able to disperse from where they were born, and seek their own habitat spaces, sometimes miles away. There are many efforts underway within the region to repair the fragmented landscape to allow for wildlife to more safely traverse the hillsides and mountain ranges. The Wallis Annenberg Liberty Canyon Wildlife Crossing is an ambitious effort to bridge a gap that the 101 Freeway created among habitats. Currently, the 101 Freeway provides an impediment for wildlife movement, bisecting and separating animal communities from being able to connect. One of the most notable results of this fragmentation is genetic inbreeding, which then results in mutations that cause species to decline. The National Park Service (NPS) is already noting such negative effects in mountain lion populations, which are showing kinked tails and altered testicles. The crossing, which is located approximately 20 miles west of the District, will be the largest wildlife crossing in the world once built–helping to reconnect the Simi Hills and the Santa Monica Mountains, allowing wildlife to move more safely between these mountain ranges and ecosystems. Projects, such as this wildlife crossing, will aid in more wildlife being able to move in and out of the Santa Monica Mountains, so additional efforts, such as this proposed Ordinance, can support wildlife movement safely through the Santa Monica

Mountains and to other surrounding hillsides and ecological sensitive areas as envisioned by regional connectivity proponents.

Hazard Areas

The District is located in an area that is prone to numerous hazards (see Exhibit F5 - Map of Hazard Areas). A significant number of parcels in the District (65%) are identified by the State as having the potential for earthquake-induced rock falls, slope failure, and debris flow. Additionally, portions of the District are within two flood zones: A and D, as identified by the Federal Emergency Management Agency (FEMA) and detailed in the LA Floodplain Management Plan. “Zone A” represents a high-hazard area and “Zone D” represents a potentially moderate to high risk of flooding. The entire District is also located within the Wildland Urban Interface (WUI) and within a Very High Fire Hazard Severity Zone (VHFHSZ) as classified by the California Department of Forestry and Fire Protection (CalFire). The VHFHSZ is considered “any area within the city that poses a significant threat of fire from adjoining natural brush hillside areas and which is determined by the following factors: topography, infrastructure, fire protection, population density, types of construction, weather, existing fire codes and ordinances, and fire history.” The dominant plant community in the Santa Monica Mountains and District is chaparral, which is particularly susceptible to fire because of its thick growth and high concentration of volatile oils. Fire is a natural process within these local environments, and helps to maintain healthy ecosystems. However, when development occurs in these fire prone areas, it can create risk to human safety. State, County and municipalities (including the City) have developed brush management protocols for maintaining vegetation in ways that reduce the risk of fire. Not only does suppressing fire affect natural processes, but these management techniques also significantly alter vegetation, and therefore available wildlife habitat, for months out of the year in these ecologically important areas.

Lands susceptible to hazards are often identified and designated for open space and/or low density uses such as single family residential with the intent of minimizing exposure of dense populations to potential hazards. This is demonstrated by the zoning pattern in many jurisdictions, including within the city, that reveals larger lots in hillsides (prone to landslides and fires) zoned for less dense housing development as well as many locations along the Los Angeles River and waterways (prone to flooding) zoned for low density housing or sometimes industrial zones, where fewer residents would be subject to potential hazards. The zoning applicable to the proposed District is further described in the following section.

Zoning and Land Use Context

The District, which is approximately 23,000 acres in total, contains a mix of primarily low density residential lots with large undeveloped public open spaces. The area is primarily zoned for varying types of single family residential uses, ranging from smaller suburban residential lots to larger residential estates and rural agricultural lots. There are approximately 28,000 parcels zoned primarily for single family uses ranging from R1 lots typically 5,000 sq ft in size to RE40 lots of 40,000 sq ft and larger, as well as lots zoned for clustered residential development, commercial uses and public facilities (see Table 1 below). Most of the District is built out with

single family residential uses, interspersed with public open space and parks, a reservoir, and served by major roads along ridges and canyons. Approximately 98% of parcels in the District are zoned for low-density residential uses, comprising over 21,000 acres of residential land. See Exhibit F6 - Map of Zoning.

Table 1. Parcel Distribution by Zone.

Zone	Total	Vacant	Acres
R1	**8,360**	**1,417**	**1,450**
RE9	**348**	**32**	**113**
RE11	**1,299**	**188**	**446**
RE15	**12,023**	**921**	**10,385**
RE20	**2,109**	**134**	**1,584**
RE40	**3,269**	**1,168**	**4,652**
RA	**17**	**0**	**10**
A1	**172**	**47**	**2,156**
OS	**233**	**42**	**1,811**
PF	**30**	**2**	**126**
Other: RD2; RD6; PF; PB; C2, CR	**269**	**5**	**315**
Total	**28,129**	**3,956**	**23,048**

Vacant parcels make up approximately 14% of all parcels in the District, and of those vacant parcels 99% (3,907 parcels) are zoned for residential uses. R1, RE15 and RE40 are the most common zones for residential parcels. R1-zoned lots are found mostly in the eastern and northern part of the District. While large parcels, such as those in the RE40, A1 and OS zones, make up only 13% of parcels (3,674), they comprise 37% of the District land area, which is approximately 8,600 acres. These parcels offer the most obvious opportunities for habitat protection and connectivity intervention due to their large size and often undeveloped condition.

As described in Appendix 3, portions of the District are also subject to additional zoning regulations in the form of the HCR, BHO and the Mulholland Specific Plan regulations.

Ordinance Development Process, Partnerships and Collaboration

The regulations proposed in the Ordinance were developed from several years of research, review of best practices, consultations with environmental leaders and experts, academics as well as advocates. DCP contracted with a biological consultant to study and identify areas to apply wildlife protections and hired the City and department's first-ever Urban Ecologist in 2019 to assist in developing and vetting of the recommendations. The development of the recommendations also took into account feasibility to implement and enforce. Importantly, the development of the Ordinance was also shaped by the property owners in the hillsides, with

several rounds of vetting concepts and regulations with homeowner and neighborhood council groups. Many revisions were proposed by stakeholders both supporting and opposing the new regulations. Those modifications have resulted in the Ordinance described within this Staff Report and are also shown in Exhibit D.

Wildlife Pilot Study

The Wildlife Pilot Study (Study) represents the work of DCP staff assisted by a team of biologists whom the City engaged to conduct independent research that would contribute scientific information and recommendations relevant for the creation of the Ordinance. Environmental Science Associates, Inc. (ESA) authored the Protected Areas for Wildlife and Wildlife Movement Pathways Final Report (2021) (ESA Report), which informed the recommendations in the proposed Ordinance. The Study aimed to develop recommendations to maintain and enhance wildlife connectivity and ecology within Los Angeles. To meet this goal, the ESA Report had three objectives: 1) to evaluate existing biotic conditions within the City's boundaries and delineate important areas for habitat conservation and enhancement necessary for sustaining wildlife within the city [through the identification of Protection Areas for Wildlife (PAWs)]; 2) to identify important areas for enhancing connectivity for wildlife movement within the city (through the identification of Wildlife Movement Pathways [WMPs]); and 3) to provide a rational basis to inform the creation of guidelines and regulations for conserving and managing biological resources within these areas. See Appendix 1 for a summary of the ESA Report, Appendix 2 for the full ESA report and Exhibit F7 - Map of Proposed Protection Areas for Wildlife.

Scientific Basis and Consultations

Aside from working closely with this consultant firm of biological experts, the City also conducted additional research, such as literature reviews and interviews with local and national experts on subject matter related to the Ordinance regulations. Not only were peer-reviewed literature and other written sources consulted by DCP staff, but staff also conducted meetings with key researchers in the topic areas being considered, such as wildlife connectivity, as well as avian safe windows and lighting best practices. A specific example of such an effort entailed the development of the Plant Lists. See Exhibit A2 for the proposed Preferred and Prohibited Plant Lists. Both the Preferred and Prohibited Plant Lists are synthesized from existing vetted plant lists within the region–including lists of plants from the California Native Plant Society (CNPS), the City of Malibu, the City of Santa Monica, and the California Invasive Plant Council (Cal-IPC), as well as plant lists currently being used by the City, such as the Mulholland Specific Plan, which is in the same geographic area as the District (the Santa Monica Mountains). Following the synthesis of these aforementioned lists, both lists were then reviewed by City landscape architects from various departments and LASAN's biodiversity team, as well as external experts including botanists, horticulturalists, and landscape architects. Together, the research and consultations with experts provided the evidence-based approach for the recommendations in the proposed Ordinance.

Case Studies and Best Practices from Other Jurisdictions and Organizations

DCP staff also looked to best practices and precedents from other jurisdictions to help develop the regulations being proposed in the Ordinance–looking to best practices in wildlife and natural resource protection, climate and hazard planning as well as reviewing the City's own best practices in geographic specific plans and those from other planning departments in the region. Some of those include Los Angeles, San Diego and Ventura Counties, Malibu, Calabasas, Burbank, Glendale, Beverly Hills, and Pasadena, as well as other jurisdictions in the country, such as Seattle, Portland, and Pittsburg.

The purpose of the research was to identify differences in applicability, thresholds, exemptions, and review processes among these jurisdictions and to inform the development of standards that protect wildlife habitats, particularly in the hillsides, to the greatest possible extent. Common to all these jurisdictions are steep, rugged, hillside terrain, yet their various respective standards and procedures vary as well as project outcomes. For this reason, DCP staff collected and summarized various standards from multiple jurisdictions, in order to inform the development of the proposed regulations. Regulations for hillside development, slope restrictions, grading, vegetation preservation, fencing, lighting and development review processes were analyzed. The City's current rules for hillside development were the most permissive with respect to size and scale of development, and with respect to procedures for review. Of the jurisdictions reviewed, all had lower thresholds for discretionary review in the hillsides.

Many of the recommendations in the Ordinance are related to safety and best planning practices. Several technical reports from the American Planning Association (APA) were reviewed and recommendations were adapted from publications for Fire and Hazard planning including *Planning the Wildland-Urban Interface*, *Planning for Climate Mitigation and Adaptation*, and *Planning the Wildland-Urban Interface: LA County*.

Ventura County undertook a similar process of developing land use regulations to address wildlife habitat and movement, adopting their own ordinance in 2019. DCP staff reviewed the Ventura County Wildlife Ordinance for transferable regulations. Concepts for lighting and fencing regulations were initially adapted from the Ventura County approach (proposed fence standards have since been modified as discussed in the Proposed Ordinance section). Fencing, landscaping and buffer concepts were adapted from LA County's Significant Ecological Area (SEA) Ordinance, which was adopted in 1982 and updated in 2019. DCP staff consulted with both Ventura and LA County's planning staff to discuss best practices and approaches that could be applied.

City Planning Technical Advisory Committee (TAC) Consultations

A DCP Technical Advisory Committee (TAC) was also created to help review and provide feedback on the development of the Ordinance. Staff on the TAC represented project review planners assigned to various hillside neighborhoods within DCP, providing a comprehensive assessment of what regulations would work best with existing rules and procedures and how to create new rules that are feasible to implement and enforce.

City of LA Departmental Consultations

DCP staff also met with other City departments such as the Bureau of Engineering (BOE), the the Department of Building and Safety (DBS), the Department of Recreation and Parks (RAP), LA Department of Water and Power (DWP), the LA Fire Department (LAFD), LA Police Department (LAPD), LASAN (including engaging with the Biodiversity Expert Council), Department of Animal Services, and the Urban Forestry Division of Public Works Department (UFD). Regulations were discussed along with details of implementing and enforcing the regulations, as other departments have a role in review and implementation of certain portions of the Ordinance and/or have experience implementing similar best practices for wildlife on City-maintained properties.

Public Outreach and Engagement

Community members, environmental advocates, neighborhood councils, tribal government representatives and nonprofit organizations were consulted to gain additional insight into desired goals, outcomes, and feasibility of implementation. Beginning in 2018 public workshops, presentations, Informational Sessions, and a public hearing were held. Additionally a project website was developed to share information about the Ordinance, process and timeline. Regular electronic communications and Eblasts were sent throughout the Ordinance development process. Public hearing notices were mailed to 62,500 property owners and occupants in the proposed District. See the Public Hearing and Communications section for additional information.

Altogether, the work described above represents multiple years of research and collaboration with community and environmental advocates, as well as City departments and other experts. See Appendix 5 for a compiled list of resources that were consulted throughout the process of developing the Ordinance.

Proposed Ordinance

The regulations proposed in the Ordinance are intended to work holistically, to provide the strongest protection in areas that are the most ecologically significant and sensitive in the city such as the mountains and hillsides. By protecting biological resources particularly within proximity to water bodies and waterways, riparian areas, and open spaces, the City can better preserve habitat that has the potential to support wildlife movement and regional wildlife connectivity.

Ordinance Regulations and Implementation

The proposed Ordinance represents the iterative public process, which has taken into consideration the vast amount of comments and suggestions received. Below is a summary of the regulations being proposed in the Ordinance and information about how the recommendations were revised with consideration of feedback received. See Exhibit A1 for the proposed Ordinance, Exhibit A2 for the Preferred and Prohibited Plant Lists, Exhibit A3 for the proposed Wildlife Resources Map, and Exhibit B for the Zone Change Ordinance. Exhibit D provides tracked changes that have been made to the April 2022 draft Ordinance.

District Boundary

The District boundary was determined based on both recommendations from the ESA Report as well as consideration of geography and the regulatory framework. See Exhibit F1 - Map of Draft Wildlife District Boundary. The District is located in the Santa Monica Mountains and was identified by ESA as a Santa Monica Mountains East PAW, a key stepping stone in the larger Santa Monica Mountain range. Due to this context, it serves as an essential corridor for wildlife movement through the city and on a regional scale. Portions of the Santa Monica Mountains are also identified for their regional natural resource value by the LA County's Significant Ecological Areas (SEAs) and the National Park Service's Rim of the Valley Corridor. The District lies between two SEAs underpinning its importance to improving and sustaining wildlife connectivity. See Exhibit F3 Map of Regional Context.

Based on feedback, DCP staff made adjustments to the boundary to remove overlap with the Ventura-Cahuenga Boulevard Corridor Specific Plan along the northern boundary and align it more closely with the HCR boundary along the southern edge.

By implementing this Ordinance first in the proposed District in the Santa Monica Mountains, the City can determine if these sets of regulations are adequate to achieve the intended outcomes. Following upon the successful adoption and implementation of the Ordinance in the proposed District, the regulations are intended to be extended to other areas within the City, such as the potential PAWs identified in the ESA Report. See Exhibit F7 - Map of Proposed Protection Areas for Wildlife.

Ordinance Applicability

The varying topographical features of the hillsides, irregularity of lots and the constraints of steeply sloped terrain dictate that one size does not fit all. For this reason, the regulations proposed have been developed to integrate with existing regulations to provide the greatest protections for habitat preservation and connectivity potential. Clarifications to the Applicability section of the proposed Ordinance have been made to differentiate which regulations will apply to which development activities. Staff recommend that regulations apply to the following types of Projects or development activities: 1) New Construction, 2) Additions, 3) Major Remodel-Hillside, 4) Grading and 5) Tree Removal. Any Project proposed within an identified Wildlife Resource or a specified buffer distance will require a Biological Assessment and Site Plan Review. More details about applicability can be found in the Process and Implementation section below.

Proposed District-Wide Regulations

The following section summarizes the proposed District-wide regulations by grouping the regulations by general intent:

- minimizing development footprint and land disturbance, allowing for vegetation and habitat to remain intact (e.g., standards on lot coverage, Residential Floor Area (RFA), grading);
- promoting native biodiversity (e.g., trees, vegetation and landscaping); and

- facilitating wildlife movement and minimizing injury to wildlife (e.g., fences and walls, windows, lighting, trash enclosures, and height).

A summary of changes made to the proposed Ordinance since the April 2022 draft is provided below in Table 2.

Minimizing Land Disturbance

One of the primary approaches to protecting wildlife habitat and connectivity is to minimize the disturbance of land, including the alteration of landform (e.g., slopes, soils), hydrology and vegetation. Current regulations result in many new developments optimizing what can be built on a larger extent of the property than what would be allowed outside of hillside areas, due to several hillside exemptions. The Ordinance aims to reduce land disturbance associated with residential development projects through the regulation of grading – especially on steep slopes – and by addressing Residential Floor Area (RFA) exemptions and including impermeable surfaces in the definition of lot coverage. The goal of these recommendations is to refine and strengthen the regulations found in BHO and HCR to align the benefits of those regulations with wildlife habitat and connectivity objectives.

Grading

The intent of addressing grading standards is to preserve natural landform, topography, and vegetation; retain watershed function; and reduce surface erosion, soil instability, landslides, and/or site disturbance by limiting grading on steep slopes. Current hillside grading standards in Los Angeles vary according to zones and overlays, and are primarily implemented by the Department of Building and Safety (DBS). While BHO and HCR establish by-right grading maximums, BHO includes exemptions that do not count towards those maximums. One type of grading activity that is exempted from the calculation of overall grading allowed on a site is Remedial Grading. The City defines Remedial Grading as grading that is “necessary to mitigate a geologic or geotechnical hazard on a site,” including but not limited to seismically unstable soils, slope instability, grading to bring existing non-conforming steep slopes into conformance, and grading for access driveways. The decision to recommend Remedial Grading is made by a licensed geologist or engineer on behalf of the project applicant. Because Remedial Grading quantities are exempt from maximum by-right quantities, the outcome may result in high amounts of grading on sites that are the least suitable for development without protections or mitigations afforded through discretionary review.

The Ordinance proposes to require Site Plan Review for any project exceeding 1,000 cubic yards of Remedial Grading (discussed further in the Process and Implementation section of this report). Added to this, the Ordinance proposes to count Remedial Grading on slopes of 60% or more toward the by-right maximum grading quantity established in the BHO. Together, these two proposed regulations would help to address the issue that Remedial Grading is not otherwise limited in volume/quantity, nor is it subject to discretionary review. These regulations are meant to address the issues of soil erosion, which not only contributes to vegetation/habitat loss but affects the natural landform. Soil erosion and removal also relate to the health of soil. LASAN’s Healthy Soils Initiative and the National Resources Conservation Service (NRCS)

define soil health as “the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.” The alteration of soils and removal of vegetation that results from grading impacts soil health and the plant and animal communities that rely on it.

Development on slopes typically involves grading, which often is treated as Remedial Grading due to the presence of landslides in the hillsides. On the steepest slopes, the proposed regulations would not allow new structures to be sited on any portion of a lot where slopes are equal to or exceed 100% slope. To respond to concerns that this regulation could cause unnecessary hardship to property owners, this was modified to include a guaranteed minimum residential floor area based on the BHO provisions. This regulation works to ensure that any earthmoving activities and vegetation removal that are conducted in association with development would only be done to the extent necessary to accommodate proposed structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation or vegetation loss.

Finally, to preserve existing landforms and minimize land disturbance, the Ordinance proposes removing two activities that are currently exempted from the maximum by-right limits introduced by the BHO: cut and/or fill for driveways and under building footprints, and fill resulting from cut underneath the footprint of the main building. Language in the proposed Ordinance was added to mirror the language in the BHO text to be more explicit as to the exemption being referenced. The result is these activities would be counted toward the overall maximum allowable grading for a site, and proposed grading amounts above the maximums would be subject to discretionary review.

Residential Floor Area

The Ordinance proposes regulations to address Residential Floor Area (RFA) to minimize the disturbance to and alteration of Wildlife Resources, slopes, vegetation, and undeveloped areas that provide wildlife habitat and connectivity by retaining existing vegetation and natural landforms. Residentially zoned properties have current limits on the total allowable RFA permitted on a lot. Current BHO regulations exempt both basements and required covered parking in the calculations of RFA. These activities both contribute to land disturbance, and their exclusion from the calculation of RFA results in larger homes than would otherwise be permitted. The construction of basements, which requires significant amounts of grading, soil removal, and landform alteration, has a considerable effect on the natural environment, and exempting basements from the calculation of RFA has led to larger housing construction, which is not evaluated in its totality due to those exemptions. In some cases, such as when a house terraces or ‘cascades’ down a slope, basements that are part of the development occupy significant space and span multiple levels, requiring considerable landform alteration and earth removal to construct.

In response to these environmental concerns, the Ordinance proposes to include basements in the calculation of RFA- as it was previously calculated, prior to the BHO revisions which added those exemptions. While previous versions of the Ordinance also proposed to remove the covered parking exemption, concerns were shared that this proposed change to RFA calculation would be overly restrictive and result in possible configurations that would

cause further detrimental slope alteration. In response, the Ordinance no longer proposes to remove the covered parking exemption. Also due to similar concerns raised, the proposal to no longer allocate RFA for portions of a lot where slopes exceed 60% was removed.

Lot Coverage

Currently, calculation of Lot Coverage in the BHO accounts only for the building footprint of a primary structure and does not account for accessory structures, decks, pools, sports courts, driveways, or other hardscape features. This current method of calculating Lot Coverage contributes to the overall increase of impervious surface area. The proposed Ordinance would expand the Lot Coverage definition to include the area of a parcel covered by: any structures extending more than six feet above grade, pools, planters, sports courts, pavement, patios, decks. The coverage of such features, combined with the coverage of buildings, would be limited to a maximum of 50% of lot area. In response to concerns this requirement would result in overly onerous restrictions for smaller lots, R1 and R2 zoned properties were excluded from this proposed requirement. The inclusion of stairs and ramps was also removed from the proposed Ordinance. The Ordinance proposes to regulate Lot Coverage in order to minimize the alteration of existing landforms and vegetation; improve stormwater management and watershed health; limit soil erosion and slope instability, and maintain hillside ecosystems by limiting the amount of impermeable surfaces in the District. Also to this end, the Ordinance proposes a cap of 100,000 square feet of Lot Coverage for properties within the District. This proposed revision to Lot Coverage will help to limit future paving and hardscape, which will benefit stormwater management, limit erosion, and preserve natural landscapes and vegetation in the District.

Promoting Habitat and Biodiversity

The Ordinance proposes District-Wide standards related to trees, as well as Vegetation and Landscaping, with the intent of maintaining habitat and biodiversity, managing stormwater and sequestering carbon by retaining Native and Significant Trees, and by incorporating native vegetation that supports wildlife by providing food and shelter. Native plants provide other ecosystem services, such as stabilizing soils on hillsides/slopes, providing tree canopy, sequestering carbon, filtering pollutants from and slowing stormwater runoff, increasing permeability, and reducing temperatures, among many other ecological and societal benefits. Although many types of vegetation can provide such ecosystem services, native plants in particular have evolved with local native wildlife species and provide habitat and resources to animals existing in the city and region. Additionally, native plants and natural communities require less water and maintenance than non-native landscaping plants.

Trees

As described in the existing regulations section, Protected Trees Ordinance (PTO) currently applies to the District. The Ordinance proposes supplementary regulations in addition to the PTO requirements to preserve native and rare species that are difficult to replace, such as Black Walnut. Below is an overview of the proposed tree regulations:

Native Tree Requirement - One tree (of a minimum size of 15 gallons) would be required to be planted on site for every 1,000 square feet of new floor area introduced to the lot, with a minimum of one (1) Native Tree required.

Significant Tree Removal, Relocation, and Replacement - The Ordinance proposes to expand the PTO protections in the District to also include Significant Trees, which are categorized as any tree measuring 12 inches or more in diameter or more than 35 feet in height. Any Significant Tree that is removed or relocated would be required to be replaced by two (2) new trees (of a minimum size of 15 gallons) selected from the Preferred Plant List. The definition and inclusion of Significant Trees in the Ordinance acknowledges that large, mature trees of all types provide habitat benefits including shelter for wildlife, as well as important ecosystem services for people.

Significant Tree and Protected Tree or Shrub Dripline limitations - No Project related grading or construction activity would be allowed within the Dripline of a Significant Tree or Protected Tree or Shrub, in an effort to minimize the negative impact that construction activities have on trees and the root systems that sustain and anchor them.

Treatment of Dead or Fallen Trees - Any dead or fallen tree which is identified by a Tree Expert in a Tree Report of a Protected Tree or Shrub species would be required to be replaced per the Significant Tree replacement ratios (2:1). Dead trees provide habitat value to many wildlife, making it important to retain rather than remove, from properties.

Emergency Removal - Emergency removal would continue to be allowed if a visual inspection by the Fire Department determines removal is necessary due to a hazardous or dangerous condition (e.g., disease, potential for spreading pest and pathogen infestation to other trees, blocking public roadways, etc.). Consultations and review of the Ordinance with the Los Angeles Fire Department (LAFD) led to the inclusion of a statement within this section specifying that LAFD be consulted for emergency tree removal, and that LAFD protocols take precedence when questions arise, to ensure public safety.

Vegetation and Landscaping

New Construction, Major Remodel-Hillside and Grading Projects would be subject to the Vegetation and Landscaping standards in the Ordinance. The proposed Vegetation and Landscaping standards were created to be consistent with State of California, LA County and LAFD brush management protocols, which aim to regulate the size and location of vegetation in particular “Zones” around structures. The Ordinance does not address or alter brush management protocol, but rather, aims to regulate the type of vegetation being incorporated into properties–promoting the reduction of invasive plant species and the incorporation of native plant species to provide wildlife habitat and benefit. Below is an overview of the proposed Vegetation and Landscaping regulations:

Planting Zones - Vegetation and Landscaping standards proposed in the Ordinance are developed to be specifically aligned with existing Brush Clearance Zones. After consulting with LAFD, the Planting Zones defined in the Ordinance were relabeled to have identical nomenclature as the Brush Clearance Zones (renaming 'Zone A' and 'Zone B' to 'Zone 1' and 'Zone 2'). The Planting Zones were identified to align with the same measurements as the brush management zones. In Zone 1 (which extends 30' from a structure), a minimum of 50% of the total area of any new landscaping would be required to be planted with native species chosen from among the species listed in the Preferred Plant List (which is described below). A minimum of 75% of the total area of any new landscaping in Zone 2 (which extends from the edge of Zone 1 to the property line) would be required to be planted with native species chosen from among the species listed in the Preferred Plant List. These native plant coverage percentages ensure that newly landscaped areas incorporate the most beneficial plant species that are adapted to LA's climate and support the wildlife in the City and region.

Prohibited Plants - To reduce the spread of invasive plant species and risk of brush fires in the hillsides, the Ordinance proposes a list of plants that are prohibited for use within the District on newly landscaped properties. A list of Prohibited Plants was developed for the Ordinance, and is composed of species identified by the California Invasive Species Plant Council (Cal-IPC) as having moderate to highly invasive characteristics.

Plant Lists - After receiving public feedback and further coordinating with LAFD, the following alterations were made to the initial Plant Lists proposed in the April 2022 Ordinance: the removal of *Artemisia ludovicia*, the deletion of duplicate species, and the removal of four Preferred Plant List species in Zone 1 (*Adenostoma fasciculatum, Adenostoma sparsifolium, Artemesia californica, Eriogonum fasciculatum).*

Improving Wildlife Health and Movement

Standards for fencing, lighting, windows and trash enclosures aim to limit disturbance and hazards to wildlife, as well as human-wildlife conflicts, thus limiting injury to wildlife and improving wildlife movement and connectivity.

Fences and Walls

The intent of regulating fences and walls is to minimize potential for wildlife injury and entrapment by prohibiting materials and design features that present threats to wildlife and as well as to limit the introduction of new barriers to wildlife movement in the District due to the design, configuration, and/or location of fences and walls. After receiving extensive feedback and concerns from property owners on permeable fencing design standards and location requirements that were under consideration, the fence regulations are now proposed to only prohibit specific materials and design features that are harmful to wildlife, such as barbed wire, plastic mesh, woven wire, concertina wire, and razor wire.

Locational standards intended to limit barriers to wildlife movement were also removed in response to resident feedback that the fencing regulations were difficult to understand and

would result in unintended consequences including areas that would be difficult to maintain or secure. Instead, fence location and use of permeable materials are proposed to be one of several options available to be evaluated on a site-specific basis for projects requiring discretionary or Site Plan Review, allowing a property owner to design fencing and security measures in a flexible manner as appropriate for each site. While it has been stated that every property in the hillsides has the potential to contribute or hinder wildlife movement, the revision allows the focus of this regulation to be directed towards larger, potentially more impactful development that may be located near a Wildlife Resource area. As large undeveloped properties closest to Wildlife Resource areas are likely to hold the most potential for connectivity as well as have more capability to provide unfenced or larger setback areas, this revision also addresses concerns that smaller properties would be adversely impacted by regulations more suited to larger properties.

Lighting

Lighting, and light pollution, can have significant negative impacts on wildlife, such as disorienting nocturnal species, and disruption of mating, feeding, migrating, and predator-prey balance. To minimize the impacts to wildlife created by outdoor lighting, the Ordinance proposes additional lighting regulations including regulating the height and design of outdoor lighting, as well as establishing new lighting maximums for security lighting and outdoor recreational lighting. These lighting standards would result in better nocturnal habitats for wildlife, which would lead to healthier ecosystems and a better, healthier environment within the District.

Windows

Windows, doors, and large expanses of uninterrupted glass can be harmful, or even lethal, for birds. To improve avian safety and reduce avian injuries and death, the Ordinance proposes to restrict large expanses of reflective and transparent windows. For new development, expanses of glass exceeding 40 square feet would be required to incorporate at least one of five features to promote avian safety. This recommendation was revised to apply to windows/glass exceeding 40 square feet, from 24 square feet originally proposed.

Trash Enclosures

Improperly secured or poorly designed trash enclosures can present hazards for wildlife, and can lead to unwanted occurrences of human-wildlife interaction. The Ordinance proposes design standards to restrict access to unsecured trash, by identifying acceptable and prohibited materials, and establishing design standards for trash enclosures that will help minimize attractive nuisances for wildlife. The minimum height standard for clearance on the top of the enclosure to ensure that trash openings would be facilitated was removed from the current proposed Ordinance.

Height

There are two primary issues that height regulations seek to address in the Wildlife Ordinance: 1) reducing the height of structures to reduce the prevalence of inadvertent bird strikes, and 2) limiting the overall height of structures so as to reduce the amount of grading and landform alteration required to construct cascading, or terraced structures. The previous

iteration of the Ordinance contained restrictions on both the allowable envelope height and overall height of structures for properties within 50 feet of identified ridgelines within a Wildlife District. While ridgeline-specific regulations have been removed from the ordinance (see *Regulations No Longer Proposed* section for more information), a restriction on the allowable overall height of structures has been retained, and it is proposed to be applied as a District-wide standard.

Following release of the Ordinance, DCP received feedback from the community that the proposed height restrictions were too limiting, and would be unreasonably burdensome, especially for sloped lots. In response, the 25 foot envelope height restriction has been eliminated in this current draft of the Ordinance, though existing envelope height restrictions contained in BHO, Mulholland Specific Plan and the LAMC would still apply. Additionally, the overall height limit from the earlier draft of the Ordinance was retained, but the proposed height limit has been increased from 35 feet to 45 feet, which matches an existing overall height restriction for properties that are granted permission to exceed their allowable envelope height through a Zoning Administrator Determination. Treating overall height as a District-Wide standard allows for the issue of 'cascading houses', or structures that terrace down the slope of a hill while maintaining compliance with envelope height requirements, to be more broadly addressed. This development pattern exists in many hillside areas and is not limited to properties on or near ridgelines, so the application of this standard to the whole District rather than just ridgeline properties helps to more comprehensively address the issue. Please see the diagrams below for an illustration of how overall height would be measured in up- and down-sloping lots. The illustrations in Figure 1 and Figure 2 below are intended to illustrate how overall height would be measured, which is in accordance with current standards. The proposed overall height regulation does not address, and does not impact, roof pitch or architectural style.

Figure 1 Overall Height - Upsloping Lot

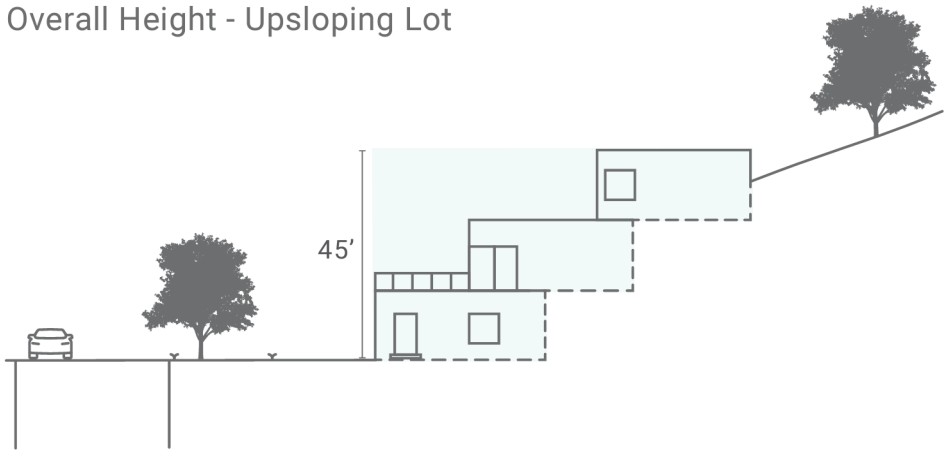
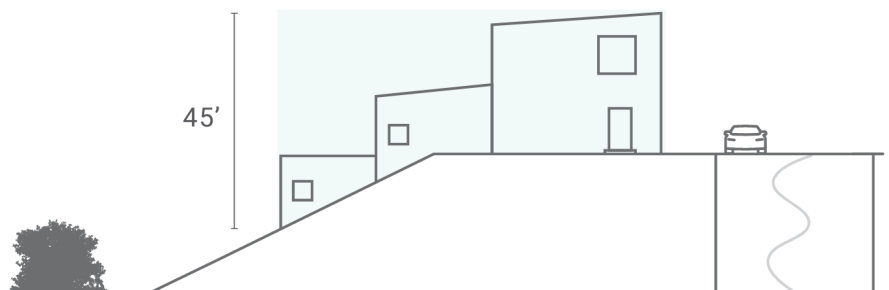


Figure 2 Overall Height - Downsloping Lot



Wildlife Resource Regulations

One of the goals of the Ordinance is to protect natural resources for wildlife habitat and movement. In addition to the District-wide standards described above, the Ordinance also contains a set of regulations focused on protecting the natural resources that are known for being critical components of local wildlife habitats. The proposed regulations intend to protect Wildlife Resources that provide wildlife habitat and connectivity opportunities by buffering from waterways and open spaces and limiting disturbance to soils, waterways, vegetation, and habitat areas.

Wildlife Resources and Buffers Requirements

The Ordinance defines Wildlife Resources as: features which provide wildlife benefits, ecosystem services, and contribute to the overall quality of the natural and built environment. These features include: 1) water features, such as lakes, reservoirs, ponds, wetlands, rivers, streams, creeks, and riparian areas; 2) open space, including properties zoned Open Space, conservation easements, and protected areas; and 3) open channels. For the purposes of this Ordinance, Open Space is defined as “any parcel or area of land or water that is zoned or designated for Open Space, essentially unimproved and devoted to an open-space use, including: 1) protected areas for preservation of natural resources, e.g., preservation of flora and fauna, animal habitats, bird flyways, ecologic and other scientific study areas, watershed; 2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply; 3) outdoor recreation, e.g., beaches, waterways, utility easements, trails, scenic highway corridors; and/or 4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement.”

The Ordinance proposes buffers around certain Wildlife Resources present in the District. Resource Buffers help avoid the disturbance of spaces wildlife need for habitat and mobility, and also help to address data constraints (more detail below in the Key Issues section of this report). Resource Buffers serve to:

- limit disturbance to soils, waterways, vegetation and habitat areas and reduce the impacts of projects on waterways;
- improve wildlife connectivity opportunities along waterways and between and through open, undeveloped spaces; and
- retain open space land for recreational and educational opportunities.

The regulations associated with Resources and the Wildlife Resource Map were modified in the proposed Ordinance to no longer prohibit development within Resource Areas/Buffers but rather, to flag a parcel in proximity to Resources and to require discretionary review (through a Biological Assessment and, subsequently, Site Plan Review). This approach allows for a Qualified Biologist to go to a Project site, perform a detailed mapping and analysis of the resources present on the site to provide a more accurate description and assessment of the Resources that are present on that site, and the potential impact that Project will have on those Resources, and ultimately address wildlife habitat and connectivity. This proposed compromise aims to help address the existing data constraints and the public feedback received.

Since development activity near waterways can still lead to their degradation and since many waterways in the District are ephemeral, a 50 foot buffer would apply to water Resource datasets (such as rivers, streams, lakes, and wetlands) in order to protect important waterways and water bodies, and maintain overall watershed health. A buffer of 15 feet would apply around open channels, which still provide water resources for wildlife but do not fluctuate and/or move locations (like naturalized ephemeral water resources) so do not require as large of a buffer. A 25 foot buffer, modified from 50 feet in a prior version of the draft Ordinance, would apply to open spaces identified in the Wildlife Resource Map to recognize that development proximate or abutting a resource can have an adverse impact. This buffer distance would also ensure that properties that are in close proximity to these habitat patches and have the potential to impact wildlife life connections to open space areas are designed in a manner that preserves setbacks, vegetation, or otherwise maintains an unobstructed pathway for wildlife movement.

Wildlife Resource Map

The Wildlife Resource Map (Resource Map) helps to spatially identify locations within the District where resource areas exist (see Exhibit A3 - Wildlife Resources Map). The Resource Map can also be viewed via an interactive online map on DCP's Wildlife Pilot Study website. Resources are features that provide benefits to wildlife and ecosystem services, and contribute to the overall quality of the natural and built environment. The methodology used to develop the Resource Map considered the best publicly accessible datasets, and also included best practices for rules of measurement of resource features, used by other agencies including CDFW, LA County, and the United States Fish and Wildlife Service (USFWS).

Water resources were identified using the following datasets:

- CDFW Streams and Lakes Dataset (2022)
- SMMC Streams Survey (2019)
- United States Geological Survey (USGS) National Hydrology Dataset (2022) - contains "streams/rivers", "intermittent", "perennial", "ephemeral" classifications
- USFWS Wetlands Mapper, National Wetlands Inventory (2021) - contains "riparian vegetation", "wetlands" classifications
- LA County Public Works (2021) - contains "open channels" classification

Open space resources were identified using the following datasets:

- California Conservation Easements Database (CCED, 2021) - contains data related to easements and deed-based restrictions on private land from the National Conservation Easement Database (NCED), a national inventory of lands conserved as easements that maintains data on land containing restrictions that limit land uses to those compatible with maintaining it as open space
- California Protected Areas Database (CPAD, 2021) - contains data about lands that are owned in fee and protected for open space purposes by over 1,000 public agencies or non-profit organizations [including datasets from national/state/regional parks, forests, preserves, and wildlife areas, such as large and small urban parks that are mainly open space (as opposed to recreational facility structures), land trust preserves and special district open space lands (watershed, recreation, etc.) and other types of open space].
- City of LA Zoning Map (latest version) - contains “open space” classification
- Mountains, Recreation and Conservation Authority (MRCA) Conservation Easements (2022)

Many public comments were received related to the Resource Map and associated datasets being used to identify Resources within the District. Some comments encouraged the expansion of Resource areas and Resource Buffers to include additional datasets [such as native woodlands identified within the Santa Monica Mountains by the National Park Service (NPS)]. Other comments encouraged the revision and/or full retraction of Resources, such as ridgelines, indicating that the proposed Resource Map included too many resources and flagged too many properties that would be subject to the proposed regulations.

In response to feedback, the proposed Ridgelines Map was removed. More discussion related to ridgelines is discussed in the Regulations No Longer Proposed section below. Open Space zoning was added to the open space resource layer, in addition to the existing conservation easement and protected lands data (e.g., CCED, CPAD, MRCA). Most properties that are zoned as Open Space are already included within the CPAD dataset, which is why zoning was not originally incorporated as a standalone dataset in previous versions of the Resource Map. However, Open Space zoning was added to the current proposed Resource Map to ensure that regular updates to data layers will account for re-zoned properties to Open Space through Community Plan efforts (such as private parcels purchased by land conservancies in the hillsides).

The Santa Monica Mountains Conservancy (SMMC) was also consulted to discuss whether areas being identified as ecologically sensitive by the City and its consultants were aligned with SMMC’s understanding of resources in the Santa Monica Mountains Zone (such as SMMC Habitat Blocks and Linkages). Although both the City and SMMC share similar goals related to maintaining and enhancing wildlife habitat and connectivity throughout the Santa Monica Mountains, an important distinction between the responsibilities of each entity is that the City is empowered to zone for and regulate private land use and development, whereas SMMC is directed to protect land held in public trust and to guide open space protection. While SMMC has prepared maps identifying Habitat Blocks and Linkages, those maps cover both public and private land creating a complex regulatory relationship which was not able to be resolved for this

initial pilot of the Ordinance. However, DCP staff will continue to work with SMMC to evaluate how this data layer can best be integrated into the resource mapping to aid in screening properties for habitat or wildlife connectivity potential.

Regulations No Longer Proposed

Regulations pertaining to setbacks and ridgelines were originally proposed in former drafts of the Ordinance; however, these regulations have been removed in this version of the proposed Ordinance, and these changes are described in more detail below.

Setbacks

Initial drafts of the Ordinance contained regulations for setbacks to help provide additional space for wildlife mobility. The draft Ordinance released in April 2022 proposed to eliminate the ability for applicants to utilize 'prevailing' setbacks to satisfy front yard setback requirements, and instead would have defaulted to the requirement for front yard setbacks of a minimum of 10 feet. DCP received numerous comments from community stakeholders stating that eliminating prevailing setbacks as an option, and requiring all new development to feature a 10 foot minimum setback would be too onerous, and could have unintended consequences, especially for downsloping lots. In downloping lots, the most developable portion of the lot is often closest to the street– the area which would be impacted by the front setback regulation. In these types of lots, requiring development to locate further from the front property line could increase the amount of grading and other disruptive and damaging development impacts, and also contribute to the 'cascading house' issue, where homes terrace down hillsides, often for multiple levels. Furthermore, because lots in hillside areas exhibit such a diversity of characteristics, it became apparent that a single approach for increasing setback requirements would be difficult to implement and likely lead to numerous requests for relief from such regulations due to varying site characteristics across the District.

The Ordinance also previously featured design standards for fencing within setbacks. The elimination of prevailing setbacks, coupled with the proposed fencing standards for front yard setbacks, led to confusion and concern from many community members. Concern was also expressed that the proposed setback regulation change would have an outsized impact on smaller lots, where there is often less developable land available to accommodate larger setbacks. As a result of these concerns, DCP staff removed the setback regulations from the latest draft of the ordinance, and instead propose relying on other proposed regulations and review procedures, such as restrictions on lot coverage and the allowable overall height of structures, as well as the Site Plan Review process, to help meet the objectives of the setback regulations.

Ridgelines

Ridgelines, or the natural crests of the mountains, are important locally both for their aesthetic value and ecological significance, as they often serve as pathways for animal movement. Earlier drafts of the Ordinance included two regulations that would have only applied to properties within 50 feet of identified ridgelines: 1) an additional side setback on one side of a property equal to an additional 50% over the existing setback requirement, and; 2) height

restrictions, both on envelope height and overall height. These regulations were proposed to help facilitate wildlife movement and ensure that development kept a low profile, so as to minimize ground disturbance and avian window strikes, as well as to minimize the visual impacts of new development on ridgelines. However, many issues were raised with these proposed ridgeline regulations, including concern over the number of properties affected by ridgeline regulations, disproportionate impacts on owners of small lots who have limited room to accommodate additional setbacks, potential impacts related to limiting development potential, and recognition that height regulations should be applied more broadly in the hillsides, and not be limited to properties that are proximate to ridgelines.

In response to these concerns, ridgeline specific regulations have been removed from the proposed Ordinance and the Ridgelines Map that was previously released is no longer included. While ridgeline specific regulations have been removed, the restriction on the allowable overall height of structures has been retained as a proposed District-wide regulation, allowing a primary concern regarding slope disturbance to continue to be addressed, not just at the top of ridgelines, but throughout the entire District. This shift to apply the height standard District-wide, in conjunction with the lot coverage and RFA standards, as well as Site Plan Review for projects exceeding a certain scale or scope, help to ensure that ridgelines will still benefit from enhanced protection, and enable them to continue to serve as important corridors for wildlife movement.

Process and Implementation

Applicability

The regulations contained in the proposed Ordinance would only apply to development activities that meet the definition of a ‘Project’. The ‘Applicability’ section of the ordinance identifies the five types of Projects:

- **New Construction.** The construction of a new, standalone building exceeding 500 square feet.
- **Additions.** Additions exceeding 500 square feet to any building or structure.
- **Major Remodel - Hillside.** Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.
- **Grading**. Cumulative grading on a lot in excess of 500 cubic yards.
- **Tree Removal.** Removal of any Protected Tree, Significant Tree, or tree within the public right of way.

While the above Project types indicate the scope of work that requires compliance with Ordinance regulations, a qualifying Project will be subject to the standards associated with the scope of work they are proposing and not responsible to apply new standards to structures or portions of structure not undergoing construction. To make this clear, the Ordinance states that “In reviewing a Project for an Administrative Clearance, the Director shall only review the Project for compliance with those regulations that are applicable to the proposed scope of construction

or use." This means, for example, that an applicant proposing a Project that only involves grading in excess of 500 c.y. to build a new swimming pool would have to comply with applicable grading regulations, but would not be subject to the proposed window, trash or lighting standards as those are not address by the Project scope of work.

To further clarify when regulations apply to certain types of Projects, the Ordinance identities the project types that trigger each set of regulations. For example, the Height regulations only apply to New Construction, Major Remodels-Hillside, and Additions, and would not apply to a project solely consisting of grading or tree removal.

When an applicable development Project is proposed in the District, it will be reviewed for compliance with the Ordinance development standards. If a Project is proposed within an identified Resource Area/Buffer, or if it meets additional criteria, as provided in the Ordinance regulations, it will be subject to additional development standards and review procedures, which are outlined in greater detail below. The proposed District-wide development standards are intended to ensure development is sensitive to the environment and ecosystems, and that natural resources and native wildlife are better protected and preserved.

Implementation - Ministerial Projects

Upon adoption, the Ordinance would only apply to Projects that are filed after the effectuation date of the Ordinance. The Ordinance would not apply retroactively, so Projects that were either completed, in progress, or filed and approved by the effectuation date would not need to comply with the proposed regulations.

Ministerial or by-right Projects that are subject to the ordinance will be reviewed either by DBS, Urban Forestry (UFD), or DCP depending on the scope of work. Currently, projects are evaluated for compliance with existing zoning regulations by these entities, and the Wildlife Ordinance does not propose to change these processes for review. For example, DBS currently approves all grading activities that require a grading permit, and they would be the responsible party for ensuring compliance with the Ordinance grading provisions. UFD reviews proposals for the removal of Protected Trees, and they would continue to do so for tree provisions within the District. DCP would review Ministerial Projects for District-wide standards and provide an Administrative Clearance for projects that satisfy the applicable Ordinance requirements.

Implementation - Discretionary Projects

While the District-wide regulations contained in the Ordinance are proposed to be reviewed ministerially, projects exceeding a certain size or scope, as well as those proposed within identified resources or resource buffers, would be subject to Site Plan Review, which is a discretionary review process. The proposed Ordinance indicates the following types of Projects would require a Site Plan Review:

- Any Project that involves 1,000 cubic yards or more of Remedial Grading
- Any Project that creates or results in 7,500 square feet or more of new Residential Floor Area (RFA)

- Any Project proposed within an identified Wildlife Resource or its buffer (requires Biological Assessment first)

Site Plan Review is used to "control or mitigate the development of projects which are likely to have a significant adverse effect on the environment" (LAMC Sec. 16.05). Findings must be prepared to indicate that the Project will not have unavoidable adverse impacts on the environment, including identified Wildlife Resources. In addition to the findings that must be made for all Projects evaluated through Site Plan Review, the Ordinance proposes additional, supplemental findings related to the specific concerns of the Ordinance that also must be made in order for a Project to be approved. The Site Plan Review process allows Projects to meet the intent of a regulation through consistency with findings, and affords the City an opportunity to take a closer look at Projects that have a higher probability of having impacts on Wildlife Resources and wildlife connectivity. Additionally the request received from Neighborhood Councils to include more discretionary review of projects in the District is addressed by the proposed Site Plan Review thresholds without subjecting all hillside development to discretionary review.

Enforcement/Enforceability

As with any land use regulation, the Ordinance must be able to be enforced to achieve the Ordinance objectives. The regulations and procedures for review proposed in the Ordinance were developed with implementation and enforcement as key considerations. District-wide regulations are ministerial in nature, and Project applicants would be able to demonstrate compliance with the regulations through a checklist that would identify where information is contained on plan sets that are reviewed through the plan check process.

Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements (such as plot plans, biological assessments, landscape plans or tree reports). The DCP Zone Information and Map Access System (ZIMAS) will be updated to reflect the Wildlife Resource Map. Together the ZIMAS update and guidance materials would also assist the departments responsible for implementation of zoning regulations, and aid with enforcement of the Ordinance.

Administrative Changes

Non-Conformance and Ability to Rebuild

Following the release of the updated draft of the Wildlife Ordinance in April 2022, many community members expressed concern about the new proposed regulations rendering their properties non-conforming. When new land use regulations are enacted, or existing regulations are modified, previously existing development that does not comply with the new or changed regulation is deemed non-conforming. Section 12.23 of the LAMC contains the processes and rules for non-conforming buildings and uses. This section states: "A building or structure with a nonconforming use and a nonconforming building or structure may be maintained, repaired or structurally altered and a nonconforming use may be maintained provided the building or use conformed to the requirements of the zone and any other land use regulations at the time it was

built or established, except as otherwise provided in this section" (LAMC 12.23). While the Wildlife Ordinance does not propose any change to this section of the Code, community members still expressed concern that the new regulations being proposed in the Wildlife Ordinance would have adverse impacts for their properties.

One issue of particular concern was the potential impact that the Ordinance could have on property owner's ability to restore or rebuild their non-conforming homes in the event that they are damaged or destroyed in a natural disaster. Existing LAMC Section 12.23.A.5, titled "Restoration of Damaged Non-Conforming Buildings", contains the regulations and procedures that must be followed when someone is seeking to restore or rebuild their damaged property. This Section creates two pathways for the restoration and rebuilding of non-conforming buildings which is tied to the valuation of repairs or replacement. If a building is damaged in a natural disaster, and the value of repairs or restoration are under 75% of the total valuation of the home, owners may rebuild the structure to its original specifications as long as permits for restoration are obtained within 2 years of the date of when the damage occurred. If the valuation of repair or restoration exceeds 75% of the total valuation of the home, owners may still repair and rebuild their structures as long as the following conditions are met:

(i) that each side yard is no less than one-half the required side yard for new buildings in the zone in which it is located, or in other applicable current land use regulations, but in no event less than three feet; and

(ii) that the front and rear yards are at least one-half the required front and rear yards for new buildings in the zone in which it is located, or in other applicable current land use regulations; and

(iii) that neither the footing, nor the building or structure projects into any area planned for widening or extension of existing or future streets as determined by the Advisory Agency upon the recommendation of the City Engineer; and

(iv) that the height shall not exceed the allowable height for new buildings or structures in the zone in which it is located, or in other applicable current land use regulations; and

(v) that a building permit for the reconstruction be obtained within two years of the damage or destruction from fire, flood, wind, earthquake, or other calamity or the public enemy.

While these regulations and procedures exist for non-conforming properties citywide, and the Ordinance was not proposing any alterations to these regulations or procedures, homeowners/associations still expressed a great deal of concern that they would not be able to repair or rebuild their current homes should they be destroyed in a natural disaster. As it was not intended to prevent owners from rebuilding their homes in the event of destruction from a natural disaster, staff evaluated the five criteria for rebuilding non-conforming properties whose damage exceeds 75% to see which regulations could present issues for rebuilding. Because the

proposed Ordinance no longer proposes any changes to front, rear, or side yard standards, the first two provisions (i and ii) do not present any issues for yards. The Ordinance also does not propose any modifications to street standards, so the third provision (iii) also does not present any issues.

The Ordinance does propose new standards for allowable height of structures within the District, so the fourth provision (iv) could present a potential issue for some homeowners whose structures exceed the proposed 45 foot overall height limit. To respond to this concern, DCP has proposed a series of modifications within the Ordinance, without modifying Section 12.23.A.5, so as to not impact these citywide standards and procedures for handling the restoration of damaged non-conforming buildings. These changes include:

1. Limiting the Height standards to apply to the following Project types: New Construction, Major Remodel-Hillside, and Additions; and,
2. Including language in the definitions of New Construction and Major Remodel-Hillside stating that “reconstruction of a building or structure damaged or destroyed in a natural disaster shall not be considered New Construction/Major Remodel-Hillside”; and,
3. Adding a provision to the Height regulations in the ordinance stating that “the overall height requirement shall not apply to the restoration or rebuilding of non-conforming buildings that are damaged or destroyed by natural disasters as outlined in Section 12.23.A.5 of the LAMC.

These three additions to the Ordinance make it clear that the restoration or reconstruction of a damaged non-conforming building will not be prevented or impeded by the Ordinance. Because height standards were the main topic that presented a cause for concern, the additional language inserted into the Ordinance is limited to the three provisions described above, and no alterations were made to the citywide standards and procedures for non-conforming buildings.

A summary of revisions or changes that were made to the Ordinance since the April 2022 draft is provided in Table 2 below and is summarized in comparison to existing rules in Appendix 6.

Table 2. Summary of Ordinance Revisions/Changes

Component / Standard	Change(s) Made
Boundary	No Change.
Ordinance Structure	No Change.
Applicability/ Project Definition	Specified when a Project is required to comply with rules. Added language clarifying homes may be rebuilt to existing specifications in the event that a building or structure is damaged or destroyed in a natural disaster.
Grading	No change.
Residential Floor Area	Removed limitation on calculation of RFA for 60% slopes. Removed elimination of covered parking exemption.
Lot Coverage	Exempt R1 and R2 lots.
Vegetation and Landscaping	Removed one plant species from the Preferred Plant list. Removed four plants from the Preferred Plant List in Zone 1.
Fencing	Removed location and opacity standards.
Setbacks	Removed section and standards.
Lighting	No Change.
Windows	Increased window size threshold for Bird Safe treatment from 24 to 40 sq. ft.
Trash Enclosures	Removed 18” height clearance standard.
Resources / Buffers	Removed development prohibition. Require Site Plan Review and Biological Assessment when a Project is located within a Wildlife Resource or Buffer. Reduced open space Resource Buffer from 50’ to 25’.
Ridgelines / Heights	Removed envelope height restriction of 25’. Revised overall height restriction from 35’ to 45’ and applied District-wide. Removed additional setback requirement for Ridgeline properties. Removed Ridgelines Map.
Site Plan Review	Changed from “any parcel where a resource buffer is present” to “any Project” within a Wildlife Resource or Buffer is subject to Site Plan Review. Added a requirement for Biological Assessment. Clarified threshold to apply to cumulative size of development creating or resulting in 7,500 square feet or greater.

Zoning Code Amendment and Zone Change Ordinance Map

The Ordinance establishes a new Supplemental Use District (SUD) as Section 13.21 of the LAMC. Regulations contained in SUDs are additive to the base zoning regulations, meaning that properties within SUD boundaries must comply with both the regulations contained in the zone of the property, as well as those introduced by the SUD. In addition to the proposed Ordinance, there are also additional specific plans and SUDs present in the proposed Wildlife District application area, including the Mulholland Scenic Parkway Specific Plan and the Hillside Construction Regulations (HCR) SUD. The Ordinance will not be replacing any existing specific plans or SUDs, and properties within multiple overlays will need to continue to comply with all applicable regulations. Where there is overlap or direct conflict between regulations, the Ordinance stipulates that the most restrictive regulation will apply.

A Zoning Code amendment is needed to establish the new SUD in the LAMC, and to modify existing sections of the Code in order to accommodate the new Wildlife District SUD. The Ordinance lists all Code sections which are proposed to be modified as part of the adoption of the Wildlife District SUD. However, adoption of the Code amendment by itself does not apply the regulations to any properties. That process occurs through the concurrent proposed zone change ordinance, which identifies properties subject to the new SUD district in a zone change map, and adds the Wildlife Ordinance suffix (WLD) to the zone of all properties within the proposed district.

While the Ordinance is proposed to initially be applied to the project area roughly bound by the Ventura Blvd. to the north, Sunset Blvd. to the south, the 101 Freeway to the east, and the 405 Freeway to the west, it is envisioned that it could be applied to identified PAWs throughout the city. A separate zone change ordinance would need to be prepared and approved by the City Council in order for the District to be applied to additional geographies. Future application of the Ordinance could also happen through the Community Plan update process. Any future application of the Ordinance would necessitate additional public engagement, including formal noticing requirements associated with zone changes. See Exhibit B for the Zone Change Ordinance Map.

Key Issues

Climate Change, Biodiversity Loss and Ecosystem Services

Recently, there has been increasing interest in preparing the City to respond to the effects of climate change. The City is prioritizing climate-related goals in various plans, and also recently created an entire office to address the climate crisis–the Climate Emergency Mobilization Office. One of the goals of the Ordinance is to promote climate adaptation. Climate change effects have resulted in changing wildlife migration and nesting patterns, as well as alterations in natural processes such as wildfire. Fire season has expanded and no longer occurs during a single season, and fire events have become more intense–quicker to spread and consequently, larger in size. The need to address climate change for both people and the environment is extremely important and timely, and is exactly what the Ordinance aims to do.

Humans have drastically altered the natural landscape with development, which has resulted in habitat loss and fragmentation that continues to threaten the biodiversity remaining within the

City and California Floristic Province. In California alone, over 33% of oak woodlands, almost 90% of wetlands, 80 to 90% of riparian habitat, and more than 90% of native grassland and vernal pool habitat has been lost, making it important to retain the remaining habitat left in the State. With nearly four million residents in under 500 square miles, the City is currently one of the most densely populated urban areas in the United States, and contains the majority of the population living within this Global Biodiversity Hotspot. Future development in ecologically significant areas will continue to put pressure on these limited remaining natural resource areas and wildlife will be forced to survive on fewer habitat areas and resources, which will continue to threaten the biodiversity remaining within the City.

Urban areas may be population sinks (i.e., areas where populations cannot survive due to being isolated from other populations) for some species, where mortality exceeds reproduction. Within remaining natural areas, native plants compete for limited resources, such as suitable habitat and soils, space to grow, water, and sunlight, as well as compete with non-native and invasive plant species introduced by landscaping or other anthropogenic means (e.g., introduced through spreading seeds, including inadvertently on clothing or via livestock grazing). Further removal of habitat and plant species could also potentially eliminate populations of sensitive habitats and rare plants. Within shrinking habitat areas, native wildlife are also competing for resources, such as water, food, cover, territories, and mates. The introduction of non-native wildlife and domesticated animals pose an increased risk of predation for native wildlife. Also, with limited resources, native wildlife have reduced fecundity (i.e., reproductive success), and inbreeding depression (i.e., reduced biological fitness and decreased survivorship due to inbreeding). This will disproportionately affect wildlife that require larger areas of pristine native habitat and are not able to adapt to urbanization, or associated edge effects, which comes from the abrupt transition between developed areas and natural lands at the urban-wildlands interface.

Maintaining connections within and between these mountain ranges, between “intact” or “pristine” patches of habitat, and among public and private properties is extremely important for the health of the plants, animals, and overall ecosystems in LA. To achieve this large-scale connectivity for wildlife across the mountain ranges and landscape, applying environmental protections must be done on both public and private properties. While many public open space lands are protected by conservation easements or held in public trusts by entities such as the Mountains and Recreation Authority (MRCA) and Santa Monica Mountains Conservancy (SMMC), private lands play a pivotal role in ensuring connections as well.

Addressing climate change and the preservation of biodiversity within the City is important, not only for the intrinsic value of conserving the remaining natural resources and species that inhabited the area long before people altered the landscape, but also because maintaining the ecological health of these areas can provide ecosystem services that benefit people. Open space areas near urban land uses function as a visual amenity, as a passive recreational asset, a groundwater recharge site, and a “storehouse” and “source” for natural species populations. The value of the ecosystem to daily life is found in the contributions toward soil erosion control, tree canopy retention and air pollution/heat reduction, crop and fruit production through pollination (via insects and birds), water quality purification, and other environmental stress

reducers. Regionally, greater biodiversity also conveys improved agricultural production, potential for medicinal wealth, increased economic and commercial possibilities (i.e., tourism), and recreation opportunities.

Limitations of Existing Regulations

The City has more than 115 adopted policies that address environmental related goals and the conservation and protection of natural resources, but no single ordinance focused solely on comprehensively addressing and implementing specific biodiversity protections. Rather than focusing on wildlife habitat and connectivity alone, other plans and regulations have broader objectives such as aesthetic considerations, neighborhood character, view preservation, etc. The existing policies, such as those contained in the General Plan's Conservation Element, help to provide the framework for priorities and protections, with the natural progression then being the development of specific ordinances and regulations (such as the proposed Ordinance) that help to implement and enforce the goals laid out in the other plans and policies.

Given the unique challenges associated with hillside development, there are multiple land use controls that shape development in hillside areas, including regulations contained in the base zoning, such as setbacks, lot size, lot coverage standards, as well as other supplemental use districts and specific plans such as the BHO, HCR, and the Mulholland Specific Plan. For example, while HCR and the Mulholland Specific Plan contain rules that also may benefit wildlife, they are primarily meant to be applied to larger lots or focused on aesthetic impacts of development.

While BHO is meant to regulate the size and scale of single family housing in hillside areas, without a more targeted set of rules to address connectivity for wildlife, housing developments in the District have resulted in constrained or obstructed wildlife pathways, ultimately leading to increased habitat fragmentation and native habitat loss. Many of the lots that are vacant today are steeply sloped, located within landslide areas, and/or contain vegetation and wildlife habitat. These newest developments tend to be larger than those in the past, involve large quantities of grading, tree and vegetation removal, and tend to leave little or no open space between properties as hillsides property owners seek to maximize development in constrained areas.

The proposed Ordinance regulations are intended to be supplemental to other existing land use regulations and offer regulation for topics that have not been sufficiently covered through other zoning mechanisms.

Limitations of CEQA

The California Environmental Quality Act (CEQA) is part of the regulatory context. Under CEQA, a project's effect on the environment, including biological resources, must be evaluated and disclosed. A limitation of CEQA protection for wildlife generally is that CEQA analysis is required of discretionary projects and does not apply to ministerial projects. In many hillside development projects, discretionary review is not currently triggered, for instance projects making use of the current BHO exemption for remedial grading. So while a project exceeding the by-right

maximum for grading would be subject to discretionary review, the exemption for remedial grading allows substantially larger grading amounts to be approved without discretionary review today. Additionally, in the context of planning for biodiversity protection, although CEQA can assist in planning efforts as it requires the City to study significant impacts for non-exempt City projects, CEQA is not an affirmative planning tool but a reactive requirement for the City to study City projects or projects proposed by private parties seeking discretionary entitlements.

In case study reviews of past development in the hillsides, there have been instances where development activities in waterways or adjacency to open space did not require discretionary review as part of the permitting process. This is related to what project types require discretionary review and what resources are mapped (see below for discussion of data constraints). The proposed Wildlife Ordinance would require larger projects and projects within proximity to Wildlife Resources to be subject to Site Plan Review, a discretionary process.

Limitations of Protected Trees and Shrubs Ordinance

The Protected Trees and Shrubs Ordinance (PTO) was first adopted in 1980 to protect Oak trees from removal, and amended in 2006 to expand the protected trees to include three additional species Sycamore, Black Walnut and Bay for a total of four tree species. Most recently, it was amended in 2021 to include two shrubs (Toyon and Mexican Elderberry) on the list of protected species. Today, the PTO establishes when and how Protected Trees and Shrubs may be removed and how they must be replaced when they are removed. The latest amendment increased the replacement requirement ratio for both trees and shrubs from 2:1 to 4:1. The PTO is implemented by the Urban Forestry Division of the Bureau of Street Services (UFD). Protected Trees and Shrubs are most commonly found in LA's hillside communities, although they are located citywide.

To remove a Protected Tree or Shrub, a permit is required from the Board of Public Works, who may grant approval or denial of the removal. As part of this process the Board of Public Works may also require replacement trees be planted on the property. If a protected tree or shrub is removed without a permit, UFD may request that DBS withhold future permits and may revoke existing permits. Oftentimes the removal of protected trees or shrubs is accompanied by new construction. For example, the construction of single family homes, additions, remodels, new swimming pools, decks, and other site work may necessitate the removal of native and protected trees. In those projects, building permits are sought and UFD may have an opportunity to review and approve the removal of native and protected trees and shrubs through the building permit clearance process. However, this review is currently only triggered by project applicants disclosing that their project is removing these resources. There is no requirement that building plans or grading permit applications submitted to DBS disclose this information. Without this disclosure, projects are not referred to UFD and therefore, UFD does not have the opportunity to review these projects. An additional challenge identified is that currently UFD has no authority to assess fines for the illegal removal of Protected Trees and Shrubs.

The proposed Ordinance seeks to remedy some of the issues noted by elevating removal of a Protected or Significant Tree as a Project subject to review. Treating Protected or Significant

Tree removal as a Project will help ensure that more Protected Tree and Shrub removals are reviewed and/or avoided through the building permit and plan check process.

State Law Restrictions on Zoning Actions under Housing Crisis Act SB 330

On October 9, 2019, Governor Newsom signed into law SB 330, the Housing Crisis Act of 2019. The act amends existing state laws and creates new regulations around the production, preservation, and planning of housing. The bill has been in effect since January 1, 2020 and sunsets on January 1, 2030. The goal of SB 330 is to create certainty in the development of housing development projects, speeding up the review of these projects, as well as to prevent zoning actions that reduce housing unit capacity and intensity. Per the bill, non-objective design review standards established after January 1, 2020, cannot be imposed or enforced. While a few commenters raised the question whether the proposed Ordinance would conflict with this new housing law, the Ordinance includes objective design standards and limitations aimed at minimizing hillside land disturbance in landslide and Very High Fire Hazard Severity Zones, retaining and preserving native habitat and minimizing injury to wildlife to maintain wildlife connectivity; these regulations have been developed and revised to ensure that they contain objective standards that comply with SB 330 limitations.

Plans that result in a net downzoning or otherwise reduce housing and population (except for specified reasons involving health and safety, affordable housing, and voter initiatives) are prohibited. This does not apply to zoning efforts that reduce intensity for certain parcels as long as density is increased on other parcels and therefore results in no net loss in zoned housing capacity or intensity. The proposed Ordinance has many objectives, which also include addressing safety of development in the hillsides with respect to wildfire, slope failure, and flood hazards. Furthermore, while the proposed Wildlife Ordinance does not include upzones to parcels elsewhere in the city, the City is in the process of increasing zoning allowances in various locations throughout the city, particularly in proximity to transit infrastructure, through its update to Community Plans, as well as the Regional Housing Needs Assessment/Housing Element implementation program, thereby assuring no net loss of zoned housing capacity or intensity across the city.

Data Constraints

Data has informed the development of the Ordinance regulations, especially related to the identification of Resources. DCP staff and ESA consultants identified, analyzed, and utilized the best available publicly-accessible data sources from credible sources (for a complete list of data sources used in the Resource Map, please reference the Proposed Ordinance–Wildlife Resources Regulations section of this Staff Report). That stated, it is important to acknowledge that no dataset is comprehensive or perfect and that all come with imperfections and limitations, contributing to another key issue, data constraints.

Data is collected over various time frames, at different times of year and at various scales (regional vs parcel specific) is subject to varying collection practices resulting in datasets that may appear to have omissions. Some data sets may be updated on a regular basis while others are updated on different timelines based on the agency that manages the dataset. As such

datasets will vary in levels of precision. Most natural resource datasets are not created at the parcel-specific level but rather, are broad-brushed strokes of information that illustrate generalizations on miles or acres of mapped area, making it challenging when analyzing land at the parcel-specific level.

Data was used to inform the creation of the Resource Map, which entailed identifying resources such as the presence of water and vegetation/"habitat patches" that are used by wildlife. When identifying where water resources occur within the District, for example, it became evident that no one source provides a comprehensive and completely accurate dataset that identifies all water sources within the City and the District (not even the National Hydrography Dataset or California Fish and Wildlife Service). Some of this inconsistency and incompleteness is a result of the differing methodologies used to identify water by the different agencies and the differing scales at which data was collected and mapped by different agencies, but also stems from the ephemeral nature of streams and watercourses in southern California. These seasonal waterways dry up during parts of the year, making it difficult for surveyors and/or property owners to locate or identify them as such. Additionally, identifying resources in the City, such as water, is a challenge since many different departments and agencies reference different maps of waterways. For instance, the Mulholland Specific Plan maintains its own map of streams, whereas BOE maintains stream maps through Navigate LA. Having no single agreed upon data source currently in use by the City to identify water resources makes it difficult to identify water resources precisely. Therefore, DCP staff compiled accessible datasets related to water to create a composite water resources layer in the Resource Map, which is still likely to be an incomplete picture of all of the real water resources that exist within the District.

Another example of how data constraints/inconsistencies provide challenges is with the identification of wildlife habitat areas. CalVEG data is a credible source that provides information about vegetation present within the State, and therefore helps to identify areas that provide wildlife habitat based on the composition of native plants present. This dataset was created by trained scientists working for the State, but was last updated in 2018 and due to limited State resources is on hold for future updates. Given that this particular dataset maps natural communities that occur within the entire State, the data is also at a scale and granularity that is not as precise as the parcel-level, but rather, provides a general spatial understanding of where natural vegetation communities occur. Due to the challenges associated with CalVEG data, other data sources were used to inform the identification of land that provides habitat and movement pathways for wildlife. Conservation easements and publicly-protected land that will remain as "open"/"undeveloped" space were incorporated, as were parcels zoned for Open Space. Additionally, a detailed assessment of potential habitat datasets was also conducted, including review of the SMMC's Habitat Blocks as depicted on the agency's Eastern Santa Monica Mountains Natural Resource Protection Plan. The data was referenced to ensure that areas being identified as containing Resources within the District are as well aligned with Habitat Blocks as possible, but were not used as data inputs due to the data not being survey specific or being mapped to parcel lines. An additional suggestion made was to include paper streets, or streets that have been planned but are not developed today; this data is similarly not available in a mapped database or at a level of specificity to be added to the Wildlife Resources

at this time. This topic along with protected trees data are recommended to be further analyzed and considered in any future expansion and update of this proposed Ordinance.

Physical Conditions and Constraints

Topography

The undulating topography found in the City and District create unique microclimates that allow for a diverse array of plants and animals to exist in the mountains/hillside areas, but also creates challenges related to runoff, erosion, landslides, and wildfire, among other safety concerns for humans and wildlife. Development increases the amount of impermeable surfaces, which in turn increases water runoff and adds to slope instability and flood hazard. Developing on steep slopes requires extensive alteration to natural topography through grading, which denudes hillsides of vegetation, removes native soils, and further increases slope instability and the chances for landslides, flooding, and downslope impacts. Accelerated erosion can cause damage to properties, public infrastructure such as roads, and wildlife habitat. Sediment deposits that accumulate in waterways due to runoff affect water bodies and waterways, altering the hydrologic processes and vegetative composition, both of which are important for the support and survival of wildlife. Limiting development in floodplains and hillside areas helps to control the amount of impervious surface in a watershed, which can reduce flood hazard, protect watershed health, and provide benefits to wildlife and the public.

The City currently prohibits structures built on cuts or fills with slopes greater than 50% (26.5°), except where geotechnical reports recommend favorably toward construction or when minor parts of the structure, including unroofed decks, are on such slopes (see LAMC Chapter 9 Article 1 Building Code Division 70 Grading, Excavations, and Fills Sec. 91.7010.2 and Sec. 91.7014.1). Slopes cut steeper than the geologic bedding plane or other adversely oriented geological structures may be permitted upon review of specific geotechnical thresholds. A safety factor of 1.5 for stability of cut, fill, and natural slopes is specified as a minimum condition toward which grading and Remedial Grading may contribute and be permitted. Safety factor is defined as “the quotient of the sum of forces tending to resist failure divided by the sum of forces tending to cause failure.” These uniform evaluation requirements are articulated in LADBS Information Bulletin P/BC 2017-049. The LAMC does not specify a maximum as-graded cut slope permitted upon review of geotechnical reports, but does specify that fills and buttress fills may be permitted only up to 67% (33.7°) slope. While these regulations are intended to address safety and limit development on steep slopes, the exceptions to the limitations are often invoked in a way that results in more land disturbance, vegetation removal and landform alteration than is consistent with wildlife objectives.

The current hillside regulations recognize steep slopes as one of many variables necessary to limit RFA (Residential Floor Area) and determine the size of development that can occur on a property. For example, per BHO the portions of a lot that are sloped 100% or more are not allotted RFA. However, BHO does not regulate where a development can or cannot be sited, despite certain lots being almost entirely steeply sloped and more susceptible to landslides, subsidence and erosion.

Barriers to Wildlife Movement

Physical barriers such as fences, berms, walls, and steeply cut slopes can interfere with wildlife movement. Additionally, certain fence materials and designs present risks of entanglement and impalement of wildlife. Medium- to large-size mammals, such as deer, as well as flying creatures can become impaled on sharp fencing top posts or tangled in fences topped with barbed or razor wire, while woven wire fencing can trap wildlife trying to fit through the wire openings. Fencing that extends to the ground can impede the movement of ground-dwelling animals, such as deer fawns and other mammals where they are unable to jump, dig, or climb. Steeply cut slopes, berms and walls can also reduce the ability for wildlife to easily traverse through areas. Perimeter fencing, particularly when combined with site clearing and grading, can also impede wildlife movement, and has become a prevalent pattern for newer development. Site clearing of vegetation and perimeter fencing together impede passage and access for wildlife by removing vegetation that offers cover and introducing barriers across formerly open undeveloped areas. While initial recommendations included fence opacity and location standards to address these issues, those standards were revised to focus on minimizing harmful materials and utilizing discretionary review when development is proposed in or adjacent to wildlife resource areas.

Barriers to wildlife movement include not only physical barriers such as fences, berms and walls, but also infrastructural features such as lights that can interfere with wildlife. Light pollution can alter wildlife behavior, disorient wildlife, cause temporary night blindness, and reduce the function of habitat and corridors. In a study of juvenile mountain lion dispersal in fragmented habitats within California, darkness was a key component of the habitat corridors used by the dispersing juveniles. Research has noted instances in which mountain lions would wait until dawn to cross lit highways, likely because of their inability to see the areas that lie beyond the artificially lit areas. Additionally, the National Audubon Society reports that 80% of North American migratory bird species fly at night, which end up being disoriented by nighttime lighting in urban areas. Humans are also vulnerable to light pollution, since artificial light blocks the production of melatonin, a hormone that regulates sleep cycles, and disrupted sleep cycles have been linked to an array of health problems. Light pollution can be reduced by placing restrictions on the intensity, type, and directional focus of lighting.

Additionally, human-built structures have been recognized as a hazard to birds and other wildlife for more than a century. However, the accelerated rate of urban development globally and nationwide in recent years has seen the proliferation of radio and television towers, office buildings, power lines, cooling towers, emission stacks, and residential housing, all of which represent an increasing threat to flying birds and wildlife. Specifically, a high incidence of mortality was recorded in long-distance bird migrants. Major factors contributing to the hazardous nature of human-built structures are: 1) the presence of artificial lights at night (as discussed above); and 2) the presence of reflective glass windows, which are potentially hazardous both day and night.

In regards to animal collisions with glass, growing evidence supports the interpretation that, except for habitat destruction, collisions with clear and reflective sheet glass cause the deaths of more birds than any other human-related avian mortality factor. As such, a 2009 study reported in the Wilson Journal of Ornithology estimated that over 34 million birds are killed by window

collisions each year in the US. Birds generally act as if sheet glass and plastic in the form of windows and noise barriers are invisible to them. Lethal casualties result from head trauma after birds leave a perch from as little as one meter away in an attempt to reach habitat that is seen through, or reflected in, clear and tinted panes. Higher strike rates were documented for glass surfaces that reflected densely vegetated areas than those glass surfaces opposite less-vegetated areas. Birds that are not killed on impact may be stunned and predated by scavengers (e.g., crows). In addition, birds can interpret their reflection as a rival and repeatedly attack a pane, attempting to defend its territory from itself. While there are no established thresholds for window size, building structure, time of day, season of year, or set of weather conditions during which birds elude the fatal hazards of glass in urban, suburban, or rural environments, the institution of new minimum requirements would support increasing avian survivorship through regulations related to windows.

Biological and Ecological Conditions and Constraints

Vegetation

Landscaping can provide habitat to wildlife; however, since the majority of landscaping is comprised of non-native “ornamental” species that have been imported from various regions around the world and planted for aesthetics, these non-native species do not necessarily support the native wildlife in the same way as natural communities do, and can alter the natural landscape of an area. Some landscaping does incorporate native species, but the majority of landscaped areas around developed areas, within residents’ backyards, within landscaped parks, and along City streets are not native. Thus, wildlife that flourish in landscaped environments tend to be those species that are more urban-tolerant species. The conversion of natural areas to ornamental landscaping can degrade habitat and can reduce their function, in addition to loss of habitat due to development, and other types of habitat degradation associated with urbanization.

Landscaping can also lead to the introduction of invasive species, which are species that generally are not native to a specific location and spread prolifically to a degree believed to cause damage to the natural environment. Invasive species can degrade habitat quality and disrupt wildlife movement by forming dense impenetrable monocultures, providing unnatural fuel loads and increasing the risk of fire, and competing with native vegetation that would otherwise provide food and cover for wildlife. For example, Russian thistle (*Salsola tragus*), a common invasive plant on disturbed lands, creates “tumbleweeds” that can accumulate in drainages and culverts and impede wildlife movement. Giant reed (*Arundo donax*) can form dense stands in riparian corridors, blocking the movement of larger mammals. Invasive plants can also change the natural composition of vegetation, which not only reduces habitat for native species to thrive, but also changes natural processes (such as hydrology, and wildfire frequency and intensity). A number of non-native grasses are highly invasive, and after decades of historic grazing of livestock throughout southern California that has removed native plants and spread invasive species, these non-native grasses provide fuel loads for the rapid spread of fire.

The removal of vegetation (including trees) leads to accelerated erosion and increases the volume and velocity of stream flow thereby increasing flood hazard. Root systems are extremely effective in holding erodible soils, so existing vegetation should remain in place as much as possible. Current tree removal allowances do not support preservation of biodiversity and ecosystem functions.

Wildfire

The District is located in the VHFHSZ, making it vulnerable to fire hazards. Wildfires can start in a variety of ways but the majority are caused by anthropogenic (i.e., human-induced) means. In California, about 95% of fires that CalFire responds to are caused by humans. Historically, indigenous people regularly burned vegetation to open up areas for agriculture and to favor plants that attract game animals. With the current increase of development and infrastructure, the number and frequency of unnatural human-caused wildfires (e.g., from arson, sparks from vehicles, and downed power lines) is becoming more prevalent annually in southern California, with the Wildland–Urban Interface being impacted most significantly.

The steeply sloped terrain found in the District largely contributes to the area having a high risk of fire hazard. South-facing slopes are at an even higher level of risk due to their aspect (i.e., position in relation to the sun). The sun's rays hit south-facing slopes more directly, causing an increase in temperatures and therefore a decrease in moisture levels of soils and plants. This solar radiant heating can influence fire behavior by affecting fuel moisture and catalyzing ignition points. Slope development limitations have been proposed in the Ordinance to minimize placement of structures on steepest slopes in the District.

Many native plants that grow on the sloped terrain of the mountains/hillsides are well-adapted to fire, and this natural process can even help maintain healthy ecosystems by encouraging native plant seeds to germinate. Fires also help convert underbrush to ash and debris, which supplies nutrients to the soil and opens up the ground to sunlight, allowing for a wider diversity of plant species (such as grasses, herbs, and regenerated shrubs) to grow and provide food and shelter for many wildlife species. Some native plant communities, such as chaparral, have the capacity to regenerate from resprouting from rootstocks and dormant seed banks.

Immediately following a fire, rain can cause soil erosion, slope instability, and mudslides among other issues, due to a lack of vegetation to stabilize the soils. The disturbed land is also more susceptible to the establishment of invasive plant species, which further changes the vegetative composition and health of ecosystems, affecting wildlife habitat.

State, County and City fire departments have enacted protocols for managing brush in areas most susceptible to wildfire, such as the VHFHSZ where the District is located, to address public safety. These agencies delineate specific "zones" around structures and require property owners to adhere to vegetation management techniques within those areas to reduce the fuel load. These "brush management/clearance" protocols aim to help to reduce the intensity of fires around development, by trimming vegetation low to the ground and removing dead underbrush. Setbacks from structures also contribute to fire safety by minimizing overlapping ignition zones.

While additional requirements for setbacks were contemplated in the proposed Ordinance to align with this established fire protocol, those recommendations were not carried forward. However, fire agencies were consulted in the development of the Ordinance. The Ordinance proposes Vegetation and Landscaping standards that are aligned with fire department zones and brush management techniques to enable both goals for public safety and biodiversity to be met.

Community Concerns

The public was engaged in providing feedback throughout the process of developing the Ordinance. Community feedback helped to shape the initial concepts for the Ordinance beginning in 2018, and helped inform two revisions of the Ordinance (based on public drafts released in May 2021 and April 2022). A variety of concerns were raised about the Ordinance and its proposed standards–by both opponents and supporters–which were taken into consideration by DCP staff during the process of revising the draft standards. The following list summarizes the most prevalent community concerns that were collected through workshops, meetings and informational sessions; the Public Hearing; and approximately 1,800 comment emails and letters.

- Urgency to address environmental challenges
- Public outreach and noticing
- Environmental justice and equity
- Privacy and public safety
- Property values and development rights
- Rebuilding after a disaster
- Impacts of large developments
- Environmental analysis
- Implementation challenges and costs

More information on each of these topics of concern that were raised by the community is provided in the Public Hearing and Communications section of this Staff Report.

Future Considerations

As noted in the Staff Report, ongoing maintenance and updating of data and mapping is essential to the proper identification of resources. It is recommended that procedures be developed to ensure future mapping of resources, so that existing datasets can be regularly updated, and that information be shared between City departments to support implementation and enforcement of regulations related to resources. This effort would need to be added to the City's future work programs for multiple departments to collaborate on data collection and maintenance. DCP plans to continue coordinating between other City departments (e.g., BOE, DBS, Department of Animal Services, Department of Public Works, RAP, LAFD, LASAN, and UFD) to communicate wildlife conservation and connectivity objectives and determine how departments can better collaborate to promote conservation as well as determine where conflicting objectives may occur and cooperate to find solutions. In some instances, such as with respect to mapping water resources, BOE could be the lead department to remap or resurvey hillsides to more precisely identify and map waterways that have not already been

added to known data sources. DCP should also collaborate with external governmental and nonprofit entities [e.g., LA County, CalTrans, NPS, University of California Davis Road Ecology Center, Natural History Museum of LA County (NHMLA)] to coordinate on incorporating wildlife and connectivity considerations into future projects and to continue to improve data collection, such as new observations of important biological resources, new evidence of connectivity not previously known, or restoration of an area that may better inform the importance of a PAW or WMP, and assisting to provide data to evaluate when a PAW/WMP should be revised or where a new PAW/WMP should be considered.

To ensure the successful implementation and enforcement of the Ordinance, additional City personnel will be needed, including but not limited to Urban Forestry staff, biological/ecological trained specialists for DCP and DBS as well as additional project review staff for those departments. Should this effort remain a priority for the City, future annual budgeting will need to be allocated to support these efforts.

Conclusion

Without the proposed intervention, future development of the city's hillsides will likely continue to threaten the city's and world's biodiversity by further reducing and fragmenting the remaining natural resource areas and undeveloped spaces, and by increasing pressure on wildlife to survive on dwindling habitat and resources. To advance biodiversity goals and ecological health, priority should be given to conserving and enhancing hillside habitat areas necessary for wildlife and to conserving and enhancing habitat connectivity for wildlife movement through the adoption of this proposed Ordinance.

Following adoption, staff plan to conduct an evaluation of the success of the Ordinance in achieving its objectives. It is also envisioned that Ordinance regulations would be expanded to other hillside areas, and implemented in the remaining PAWs and other ecologically significant areas throughout the city, such as areas within the Rim of the Valley. As part of the expansion process, evaluation of additional data sources (such as vegetation, protected tree data or SMMC Habitat Blocks) to create a comprehensive mapping of resource areas is recommended. Therefore the proposed Ordinance described in this staff report is recommended to be approved for Council consideration and adoption along with future considerations described previously.

FINDINGS

Charter and General Plan Findings

City Charter Sections 556 and 558

Pursuant to City Charter Sections 556 and 558, as described below, the proposed Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan, as well as in conformance with the public necessity, convenience, general welfare and good zoning practice in that they establish regulations that would protect biodiversity and wildlife connectivity in the hillsides of the Santa Monica Mountains and because its measures are needed to regulate residential development in order to avoid the further degrading effects of out-of-scale structures on habitat and natural resources. Specifically, the action addresses each of the following goals, objectives and policies of the General Plan as outlined below.

- General Plan Framework
- Conservation
- Open Space
- Safety
- Community Plans

Findings on the most applicable General Plan policies are included below. Additional policies that relate to biodiversity and ecological conservation are listed in Appendix 3.

Citywide General Plan Element Findings

General Plan Framework Element

The first Goal in the Framework Element lays out an overarching vision for future growth that directs development intensity to designated “centers” in the City, while preserving a linear networks of parks and conservation areas:

> Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, **conservation of natural resources**, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.
>
> Policy 3.1.3 Identify areas for the establishment of new open space opportunities to serve the needs of existing and future residents. These opportunities may include a citywide linear network of parklands and trails, neighborhood parks, and urban open spaces. (P1, P2, P19, P59)

The Ordinance is consistent with vision, as it proposes to limit the scale and intensity of development to preserve the open space character of the identified hillside communities without changing underlying density restrictions.

The Framework Element expands on the vision for this park system under Goal 6A:

> Goal 6A: An **integrated citywide/regional public and private open space system** that serves and is accessible by the City's population and is unthreatened by encroachment from other land uses.
>
> Policy 6.1 Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.
>
> Policy 6.1.2 Coordinate City operations and development policies for the protection and conservation of open space resources, by:
>
> > a. Encouraging City departments to take the lead in utilizing water re-use technology, including graywater and reclaimed water for public landscape maintenance purposes and such other purposes as may be feasible;
> > b. Preserving habitat linkages, where feasible, to provide wildlife corridors and to protect natural animal ranges; and
> > c. Preserving natural viewsheds, whenever possible, in hillside and coastal areas.
> > (P2, P9, P59, P60)
>
> Policy 6.1.3 Reassess the environmental importance of the County of Los Angeles designated Significant Ecological Areas (SEAs) that occur within the City of Los Angeles and evaluate the appropriateness of the inclusion of other areas that may exhibit equivalent environmental value. (P2, P59)
>
> Policy 6.1.5 Provide for an on-site evaluation of sites located outside of targeted growth areas, as specified in amendments to the community plans, for the identification of sensitive habitats, sensitive species, and an analysis of wildlife movement, with specific emphasis on the evaluation of areas identified on the Biological Resource Maps contained in the Framework Element's Technical Background Report and Environmental Impact Report (Figures BR1A-D). (P2)
>
> Policy 6.1.6 Consider preservation of private land open space to the maximum extent feasible. In areas where open space values determine the character of the community, development should occur with special consideration of these characteristics. (P70)

The communities proposed for the initial adoption of the Ordinance are characterized by a natural setting with a relatively high percentage of privately owned undeveloped open space

land. These policies outline a clear intent to retain that open space character, minimizing the intensity of development and land disturbance to preserve habitat.

Conservation Element

The Conservation Element is the section of the General Plan with the policies most focused on habitat conservation and biodiversity. Some of the most relevant policies are listed below for reference:

> Goal 1: **a city that preserves, protects and enhances its existing natural and related resources.**
>
> Under this Goal the Conservation Element includes the following policies:
>
> > protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats.
> >
> > continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.
> >
> > preserve, protect, restore and enhance natural plant and wildlife diversity, habitats, corridors and linkages so as to enable the healthy propagation and survival of native species, especially those species that are endangered, sensitive, threatened or species of special concern.
> >
> > continue to identify significant habitat areas, corridors and buffers and to take measures to protect, enhance and/or restore them.
> >
> > continue to protect, restore and/or enhance habitat areas, linkages and corridor segments, to the greatest extent practical, within city owned or managed sites.
> >
> > protect and reinforce natural and scenic vistas as irreplaceable resources and for the aesthetic enjoyment of present and future generations.
> >
> > continue to encourage and/or require property owners to develop their properties in a manner that will, to the greatest extent practical, retain significant existing land forms (e.g., ridge lines, bluffs, unique geologic features) and unique scenic features (historic, ocean, mountains, unique natural features) and/or make possible public view or other access to unique features or scenic views.

The Ordinance is a direct implementation of these policies. Through this project the City has identified significant habitat areas, corridors and buffers, then tied these designations to development restrictions to protect, restore and enhance these habitat areas.

Open Space Element

The Open Space Element considers designated parks as well as conservation and ecologically focused open space areas, like the area proposed for Ordinance regulations. While some of these areas are formally designated as zoned for Open Space, the Element also includes guidance for privately owned areas with open space and ecological value. The most relevant Objectives and Policies are included below:

Objectives

To develop programs and techniques to encourage private landowners **to create and/or preserve open space areas and/or linear strips of land connecting open space areas**.

To **identify, preserve and/or conserve ecologically important areas** within the City which are worthy of preservation and protection.

To **identify unique natural features**, scenic areas and historical sites which are desirable for preservation.

To emphasize the importance of, and to **preserve open space and natural features in private and public development**.

Policies

Ecologically important areas are generally considered as open space and shall be so designated. The following shall apply:

a. To the extent feasible, ecologically important areas should be kept in a natural state.
b. In the event a project is proposed within an ecologically important area, an environmental-impact report shall be prepared.
c. The construction of roads through ecologically important areas should be closely controlled in order to protect these areas.

Alteration of drainage patterns shall be minimized in the development of any land in mountain areas.

Stream and wash areas should be conserved except where improvements are necessary to protect life and property.

The amount of earth moved in grading operations within desirable open space areas should be limited and closely controlled. Aesthetic consideration should be incorporated into the City's approval of grading plans in these areas.

Subdivision and zoning regulations should provide standards emphasizing natural and topographic values and constraints through: density and/or intensity limitations, establishment of access standards, availability of public services, consideration of

> natural hazards, employment of aesthetic as well as safety aspects of grading practices and environmental preservation. This is especially important with respect to preservation of vegetative cover and minimization of sheet erosion.
>
> Where development is allowed in ecologically important areas, the intensity of development should be kept at a minimum consistent with reasonable uses of the land. All measures should be taken to protect these areas including buffering ecologically important areas from conflicting or detrimental uses.

As described earlier in this Staff Report, the Ordinance represents the first concerted effort on the part of the City to designate an area containing ecologically important habitat areas, including constrained wildlife corridors as a supplemental use district, furthermore proposing development regulations for that District. The Open Space Element clearly lays out a vision for this type of project, with policies that include specific direction on regulating grading, subdivisions, drainage, zoning and development intensity. The policies additionally direct the City to buffer ecological areas, a key strategy employed by the Ordinances' introduction of Resource Buffers to trigger biological assessments.

Safety Element

The Safety Element addresses risks associated with hazards. State law requires local jurisdictions to map areas that are more vulnerable to specific categories of hazards, such as flood zones, earthquake faults, and Very High Fire Hazard Severity Zones. In Los Angelesthese hazard areas are mapped through the Local Hazard Mitigation Plan (also displayed in ZIMAS). The Safety Element references these maps and details policy direction to minimize risk and mitigate hazards. As of 2021 the Safety Element additionally includes policy guidance on climate change mitigation. Some of the policies most relevant to the Ordinance are highlighted below:

> Policy 1.1.8 Consider hazard information and available mitigations when making decisions about future land use. Maintain existing low density and open space designations in Very High Fire Hazard Severity Zones. Ensure mitigations are incorporated for new development in hazard areas such as VHFHSZs, landslide areas, flood zones and in other areas with limited adaptive capacity.
>
> Policy 1.2.11 In keeping with the Conservation and Open Space Elements, create a more temperate biodiverse city with more green space for people and habitats.
>
> Policy 3.1.5 Look to the future and rebuild based on the lessons of the past. Prior to a disaster, develop and establish procedures for securing assistance and expediting inspection and permitting activities to facilitate the rapid repair and rebuilding of those parts of the private and public sectors which were damaged or disrupted as a result of the disaster with an added consideration of future safety. Develop and establish procedures to enhance the resilience of buildings and infrastructure that are rebuilt

following a disaster. Develop tools to ensure that vulnerable residents and business owners are included in community rebuilding efforts.

The geography proposed for the Wildlife District overlaps with several low density residential land use designations, as well as hazard areas including Very High Fire Hazard Severity Zone. Therefore, interventions such as 1) minimizing land disturbance, particularly to steep slopes prone to landslide, 2) avoiding development in waterways and areas prone to flooding, as well as 3) maintaining native trees for biodiversity and tree canopy benefits, all support the goals of hazard minimization, maintaining sensitive areas for habitat, as well as the co-benefits of disaster planning, and climate mitigation listed above.

Land Use Element (Community Plans)

Community Plans represent the Land Use Element of the General Plan, the City's main policy document guiding development. For decades the City has recognized the importance of conserving local natural resources, adopting policies and regulations to further resource protection in its General Plan. Policies in the Framework, Open Space and Conservation Elements, as well as those in various Community Plans, including areas identified as Environmentally Sensitive Areas, articulate the City's recognition and commitment to conserving open spaces and environmentally sensitive resources within its jurisdiction. Considerable attention has been given to protecting resources within the portions of the Santa Monica Mountains and San Gabriel Mountains within Los Angeles. Various regulations have been adopted to implement these policies such as specific plans, overlays and supplemental use districts.

Existing Community Plans

The Ordinance intersects three Community Plan Areas: Bel Air - Beverly Crest, Hollywood, and Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass. Many of these plans are undergoing a current update, with proposed changes discussed below. However, the current adopted plans have considerable policy language that supports the adoption of the Wildlife District Ordinance:

Bel Air - Beverly Crest

The open and natural character of single-family development of the Bel Air Beverly Crest Community is desirable and deserving of public protection. Changes in this area should be fully justified as being in the public interest before the City grants a different or more intensive land use which would alter this character.

All areas within Bel Air-Beverly Crest should be subject to improved design standards to ensure compatibility of new development with the scenic character of the Community.

The intensity of land use in the mountain and hillside areas and the density of the population which can be accommodated thereon, should be limited in accordance with the following:

- The adequacy of the existing and assured street circulation system, both within the area and in peripheral areas, to accommodate traffic.
- The availability of sewers, drainage facilities, fire protection services and facilities, and other public facilities.
- The requirements of the City's Hillside Ordinance.
- The suitability of the area for development, and the steepness of the natural topography. In areas designated for Minimum Density Housing, the dwelling unit density shall not exceed that allowed by the following formula, but in any case shall not be greater than one dwelling unit per acre nor less than 0.05 dwelling units per acre:

  D = (50-S)/35 Where D = The maximum number of dwelling units per gross acre allowable, and
  S = The average natural slope of the land in percent.

- The use of landform grading techniques on prominent slopes, or slopes which are visible from scenic corridors and major public ways, according to the Landform Grading Manual adopted by the City Council.
- The compatibility of proposed developments with existing adjacent development.
- The adequacy of existing and assured school and park facilities.

Open Space Lands and areas designated as Desirable Open Space are identified on the Plan Map. The former include both publicly and privately owned lands and the latter privately owned lands considered desirable as open space.

The Bel Air-Beverly Crest Community is deemed to be an area of very beautiful and attractive residences and of a high quality environment worthy of public protection. Devices to protect these qualities, such as scenic districts, should be developed and utilized.

Hollywood

Objective 3: To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice. To encourage the preservation and enhancement of the varied and distinctive residential character of the Community, and to protect lower density housing from the scattered intrusion of apartments. In hillside residential areas to:

a. Minimize grading so as to retain the natural terrain and ecological balance.
b. Provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City.

Objective 7: To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and

topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass

Policy 1-1.2 Protect existing single-family residential neighborhoods from new, out of scale development.

Policy 1-1.4 Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.

Objective 1-5 To limit the intensity and density in hillside areas.

Goal 5: A community with sufficient open space in balance with development to serve the recreational, environmental, and health needs of the community and to protect environmental and aesthetic resources.

The existing policies listed above give explicit direction to preserve existing community character, combating out of scale development, and in keeping with the objectives of the Wildlife District Ordinance. They also direct the City to reduce development intensity and grading in hillside areas. Many of the policies acknowledge that much of the desirable open space land is privately held, and direct the City to work to restrict development intensity while respecting property rights, a balance that has been a major focus of this Ordinance through cycles of public outreach and revisions.

Community Plan Updates - Southwest Valley, Southeast Valley and Hollywood

The Southwest Valley Community Plans Update project area includes portions of the Santa Monica Mountain range, which runs along the southern boundary of the communities of Encino, Tarzana, and Woodland Hills. The Southeast Valley Community Plans Update project area includes portions of the Santa Monica Mountain Range, which runs along the southern boundary of the communities of Sherman Oaks, Studio City, and Cahuenga Pass. The goals and policies of both the Southwest and Southeast Valley Community Plans would encourage a balanced approach between allowing for appropriate scale and development in the hillsides and the conservation of valuable natural resources to protect the local ecosystem and encourage biodiversity. Areas currently under the jurisdiction and authority of the Mountains, Recreation & Conservation Authority and the Santa Monica Mountains Conservancy that are currently designated as Very Low I Residential and Minimum Residential would be proposed to be redesignated as Open Space through the Community Plans Update program to acknowledge that these areas should be preserved and conserved as natural resources.

The Proposed Hollywood Community Plan, which is pending adoption by City Council, is redesignating more than 300 acres of land in the hillsides from Very Low I Residential and Minimum Residential to Open Space, some of which is owned by the City, the SMMC, and the Laurel Canyon Land Trust. Further, the Southwest and Southeast Valley Community Plans Update teams will be working with the New Zoning Code team to implement development

regulations in the hillside, consistent with the draft land use regulations and policies of the Ordinance.

The Ordinance therefore works to implement existing, recent and proposed policy guidance across all relevant Elements of the General Plan.

CEQA Findings

Pursuant to the requirements of the California Environmental Quality Act (Public Resources Code, Division 13 §21000-21178, "CEQA"), and State CEQA Guidelines (Title 14, California Code of Regulations, §15000-15387), the proposed project was evaluated for compliance with CEQA. City Planning staff has determined, and recommends that the City Planning Commission find, that the proposed Wildlife Ordinance is exempt from CEQA review pursuant to the following CEQA Guidelines: (1) the project is exempt under the 'Common Sense Exemption" in Section 15061(b)(3), because it can be seen with certainty that there is no possibility the proposed amendments may cause a significant effect on the environment, (2) the project is categorically exempt under Sections 15307 and 15308 because the proposed Ordinance consists of regulations intended to benefit the environment and (3) there is no reasonable possibility that the proposed amendments will have a significant effect on the environment due to unusual circumstances pursuant to CEQA Guidelines section 15300.2, so as to preclude the application of the CEQA categorical exemptions set forth above.

To the extent that the project affects the environment, the effect is expected to be beneficial since the proposed project includes changes that facilitate the protection of biological and other natural environmental resources through development standards for lot coverage, floor area, grading and height limitations and as well as native landscaping/trees, fence, trash enclosure, window and lighting requirements thereby minimizing land disturbance, improving watershed health and protecting native species, wildlife habitat, and plant diversity.

PUBLIC HEARING AND COMMUNICATIONS

Summary of Outreach

Throughout the Ordinance development process, community members, tribal government representatives, nonprofits and other stakeholders and subject matter experts were consulted to gain additional insight into desired goals, outcomes, and feasibility of the standards being proposed. This section describes the public outreach and engagement efforts undertaken since the project inception. The Public Hearing process and comments are also summarized below.

Public Workshops, Presentations, Informational Sessions, and Hearing

Prior to the release of the initial 2021 draft Ordinance, DCP held a series of public workshops, presentations and informational meetings and sessions, including the following:

- The first open house and workshop was held on November 7, 2018 at the American Jewish University to share early concepts for wildlife regulations, where approximately 80 people attended. Feedback received from public participants at the workshop helped to inform the development of the Ordinance regulations.
- DCP staff presented on the Wildlife Pilot Study and preliminary concepts of the proposed Ordinance during the International Urban Wildlife Conference Presentation, which was held at Portland State University in Portland, Oregon from June 2-5, 2019. The scientific and academic communities are embracing the growing trend to involve the greater public and particularly disadvantaged communities in planning for and studying urban wildlife. Many instances of how communities are being engaged in learning about and elevating the role of wildlife in urban settings were shared. Research shared during the conference further corroborated the variables with the greatest impact on wildlife movement to include impervious surfaces, vegetation and riparian habitat.
- DCP staff held the second public workshop on November 16, 2019 at Franklin Canyon, where approximately 60 people attended.
- Prior to the release of the first draft of the Wildlife Ordinance in April 2021, City staff held a virtual workshop/informational session on June 10, 2021 to collect public feedback.
- Throughout the latter half of 2021, DCP incorporated feedback received from public comment. In early 2022, ridgeline protections were also incorporated. The feedback was used to inform revisions that were incorporated into the second draft of the ordinance, which was released in April of 2022. Informational videos and FAQs were posted online to help explain the ordinance and the modifications that had been made to that point.
- Additional events and public presentations include: the Sustainable LA Grand Challenge Symposium held at UCLA (February 25, 2019), a presentation at the California Native Plant Society meeting (October 13, 2020), UCLA Wildlife corridors panel discussion (September 21, 2021), and Community Forestry Advisory Council (October 1, 2020).
- A public informational session with 435 attendees was held on June 28, 2022 in advance of the Public Hearing.

- A notice of the Public Hearing was published in the DailyJournal newspaper on June 30, 2022.
- A virtual Public Hearing was held via Zoom on July 13, 2022. A summary of the Public Hearing is found below. Approximately 62,500 notices were mailed to property owners and occupants within and adjacent to the proposed Wildlife District in advance of the public hearing.
- Ongoing meetings and consultations occurred throughout the Ordinance development process with various Neighborhood Councils (NC) and Associations that represent parts of the proposed Wildlife District, including: Bel Air Beverly Crest NC, Doheny Sunset Plaza Neighborhood Association, Hillside Federation, Hollywood Hills West NC, Neighborhood Council Sustainability Alliance, Sherman Oaks NC, and Studio City NC.

Project Website

- DCP created a website devoted to the Wildlife Pilot Study and associated Ordinance to better synthesize important information related to the efforts, and provide it publicly. The website contains information on the Wildlife Pilot Study; an overview of the regulations are being considered; informational videos explaining the Ordinance and its importance; links to all versions of the proposed Ordinance; fact sheets; and other related resources. Updates to the website were made throughout the Ordinance development process, with new information and revised versions of the Ordinance being posted as they became available.

Eblasts and Other Electronic Communications

- The public was updated throughout the Ordinance development process via numerous eblasts and electronic communications. DCP maintained an interested parties email list with 2,931 individuals and organizations and included additional relevant DCP contact lists with 32,576 distributions ultimately sent out informing the public of ways to learn more, get involved and provide feedback. Between November 1, 2019 and September 19, 2022 DCP External Affairs released 17 different direct e-blasts to these recipients including project updates, Ordinance drafts, and announcements for upcoming outreach events, workshops and hearings.
- The DCP Newsletter also highlighted workshops and hearing dates along with the release of Ordinance drafts and hearings. Staff also notified Council District representatives of workshops and hearings for additional inclusion in Council Office outreach communications.

California State Polytechnic University (Cal Poly) Pomona Landscape Architecture Urban Ecology Studio

- DCP staff collaborated with landscape architecture students in a 2019 Urban Ecology Studio to profile wildlife species and develop design concepts and graphics that illustrated how the potential land use regulations being considered by the City could be applied to residential properties within the hillsides to effectively integrate wildlife areas and support species resilience. Keeping in mind the protection of

biological resources that are vital to promoting wildlife in the Santa Monica Mountains, as well as the various types of properties within the hillsides, students were asked to explore and recommend design opportunities for hillside development that would enhance habitat, ecosystems, and connectivity through a multi-beneficial approach, while simultaneously taking into account biodiversity, climate change, and future resilience.

Public Hearing

A virtual Public Hearing was held from 5 to 9:30 PM on July 13, 2022 and had 1,119 participants in total, with 146 public comments made on record. In total, 1,855 written comments were received during the comment period beginning on April 22, 2022 when the draft Ordinance was released through the end of the comment period August 22, 2022. Notices were mailed to 27,796 property owners and 34,774 occupants within the proposed District in June 2022, prior to the public hearing in July 2022.

Summary of Comments Received during Comment Period

During the comment period corresponding to the release of the revised draft Ordinance in April 2022 through the official comment period following the Public Hearing and ending August 22, 2022, the City received more than 1,800 comments, questions, and other public input. These comments ranged from strong support to strong opposition and represented private individuals, stakeholder groups, and technical experts. Comments took the form of individual messages; form letters; repeated communications from several groups and individuals; official letters of support or statements of opposition from stakeholder groups including residents, neighborhood councils, and environmental groups.

The Ordinance received detailed letters of support from various neighborhood councils, nonprofits, and leading environmental agencies and organizations, including: Arroyos and Foothills Conservancy, Arroyo Seco Neighborhood Council, Ballona Creek Renaissance, Benedict Canyon Association, Brentwood Alliance of Canyons and Hillsides, California Department of Fish and Wildlife (CDFW), the City's Community Forest Advisory Committee (CFAC), Center for Biological Diversity, Doheny Sunset Plaza Neighborhood Association, Citizens for Los Angeles Wildlife (CLAW), Endangered Habitats League, Friends of Griffith Park, Grassroots Coalition, Hillside Federation, Historic Highland Park Neighborhood Council, Laurel Canyon Association, Laurel Canyon Trust, National Wildlife Foundation, Natural Resources Defense Council: Southern California Ecosystems Project, Neighborhood Council Sustainability Alliance, Rampart Village Neighborhood Council, Studio City for Quiet Skies, San Pascual Arroyo Seco Wildlife Preservation, SMMC, and Sunshine Hill Resident Association.

Comments, questions and concerns were also received from various stakeholder groups, including: Bel Air Association, Bel Air Beverly Crest Neighborhood Council, Bel Air Crest Homeowners Association, Bel Air Hills Association, Benedict Canyon Association, Benedict Hills Ridge Homeowners Association, Cahuenga Pass Property Owners Association, Lake Hollywood Homeowners Association, Mount Olympus Property Owners Association, and Studio City Neighborhood Council. Additionally, a fundraising and communications effort by an

organization called Save Our Hills! / Neighbors for Hillside Safety was created to build opposition to the proposed standards.

The sections below provide summaries of the support, concerns, and opposition received by the public during the comment period.

Urgency to Address Environmental Challenges

Many comments from residents in the District, Los Angeles residents living outside of the District, and environmental professionals and advocates expressed concern that the global state of the environment and quality of Los Angeles' urban ecosystem is declining precipitously and perceptably and/or that the surrounding environment has effects on, and is affected by, local, regional and global environmental quality issues, including climate change. Commenters emphasized the urgency to protect remaining natural resources and address wildlife habitat and connectivity, and to act on the issues of biodiversity loss and habitat fragmentation, consistent with direction given by the City Council and within DCP's purview over zoning matters. Many commenters expressed a desire for stricter development restrictions to address environmental challenges, and to do so immediately. DCP acted with urgency to develop the proposed Ordinance with all due consideration of stakeholder input and expert consultation to put forward standards consistent with city, county, state, and federal environmental goals and policies. Wildlife benefits and environmental quality are central to each of the proposed standards in the Ordinance and have been developed with holistic considerations related to the health of the environment at site, city-wide, regional, and global scales.

Increased habitat connectivity will be achieved and supported by the Ordinance by way of the Lot Coverage, RFA and grading provisions in the proposed regulations, which are intended to limit the size of new development therefore resulting in more open space between structures. It was expressed by environmental experts and advocates that in its most basic function, this Ordinance will ensure wildlife survives and thrives as it balances development opportunities. Suggested additions to regulations by several stakeholder organizations addressed the desire to identify "paper streets" as additional habitat linkages to further increase connectivity for wildlife through the hillsides. Biodiversity is being prioritized and addressed in the Ordinance through mechanisms such as tree removal and replacement standards, as well as enhancing habitat by requiring native, non-invasive, climate-adaptive and firewise plants in new landscaping. Various stakeholder organizations encouraged the need to preserve native woodlands and other important habitat areas to further support and protect the existing ecosystems that are necessary to sustain California's unique biodiversity. Additionally, watershed health is being prioritized and addressed through the proposed regulations that promote infiltration and the reduction of stormwater runoff. The proposed Ordinance helps to holistically address environmental challenges by preserving the plants, animals and natural resources of the Santa Monica Mountains, which is a public benefit in Los Angeles that is irreplaceable.

Public Outreach and Noticing

Some residents of the proposed District expressed concerns about not being properly notified or made aware of the proposed Ordinance drafts or opportunities to provide feedback. Numerous comments were received that expressed dissatisfaction with the timeframe for noticing, indicating that residents should have been given more time to review the Ordinance. Several homeowners and associations expressed there was not sufficient education or public engagement conducted and that DCP did not capitalize upon the opportunities that the various Neighborhood Councils present for this kind of engagement.

DCP's public outreach and engagement efforts began with participation October 27, 2018 in the City's official P-22 Day, and has since included holding numerous in person and virtual information sessions; and providing presentations to local neighborhood and environmental organizations, as well as workshops and hearings. Even during the global pandemic when meeting in-person was not an option, presentations, workshops and a hearing were held in virtual formats when in-person meetings were unavailable. A web page with project and contact information was created; informational videos were created and posted online for reference; email updates and e-blasts were sent to more than 2,900 interested persons on the Wildlife interest list and more than 32,000 contacts on additional DCP interest lists at key milestones on 50 separate dates between Fall of 2018 and Fall of 2022 (these numbers do not reflect additional communications sent by Council Districts to their constituents); presentations and informational materials were provided to neighborhood councils and associations within the District for further distribution to residents; a newspaper notice in advance of the public hearing was published on June 30, 2022; and formal hearing notices were mailed to 60,500 residents and property owners in the proposed District culminating in a staff held Public Hearing that lasted more than five hours to collect feedback from the public.

Environmental Justice and Equity

Environmental justice and equity were also concerns that were raised by community members. Residents who live outside of the District, such as those in Northeast Los Angeles (NELA) and along the coast, expressed interest in extending the proposed regulations beyond the District and to other ecologically sensitive geographic areas. Commenters in support of applying the standards to additional parts of the city not only justified their recommendations based on other ecological significant areas needing protections, but also reasoned that expanding protections to other communities aside from the Hollywood Hills, such as the Environmental Protection Agency's (EPA) designated "Disadvantaged Communities (DACs)" like NELA, would help the City achieve environmental justice and equity goals, as well, by connecting more communities to nature. Specifically, the Arroyo Seco Neighborhood Council and Historic Highland Park Neighborhood Councils both expressed support for the Ordinance and its expansion to areas in Council District 14 such as Boyle Heights, City Terrace, Glassell Park, El Sereno, Lincoln Heights, Montecito Heights, Monterey Hills, and Mount Washington. CFAC also showed strong support for the Ordinance and its expansion to other ecologically sensitive areas in Los Angeles, including those previously mentioned along with the hillsides and canyons of the entire Rim of the Valley. The intended trajectory of the Ordinance is aligned with these comments, as the proposed land use regulations are meant to be piloted in a smaller geographic area within

the city (i.e., the District) and then expanded to other ecologically sensitive areas in the future, once adopted. This expansion effort would consider geographic areas such as NELA, Sunland-Tujunga, areas represented by tribal organizations, and communities located along the coast, river, and within the Rim of the Valley.

Privacy and Public Safety

Some residents of the District expressed concern that standards intended to benefit wildlife–including initially proposed fencing and setback standards–pose a threat to their personal safety and the safety and security of their homes, increasing the risk of trespassing, burglary and acts of violence or other illicit behavior. Similar concerns were raised about the impact of proposed fence, wall and vegetation and landscaping standards on privacy, and concerns were also raised related to houseless people inhabiting initially proposed setback areas that were intended for wildlife movement. Concerns related to human-wildlife interactions were also provided, where residents expressed that they did not want to accommodate or encourage wildlife on or near their property due to concerns for their personal safety and that of their children or pets, which may encounter wildlife. Initially proposed Wildlife-Friendly fence standards also raised concerns about the ability to keep pets safely inside properties. In response, District-wide locational requirements for Wildlife-Friendly fencing were removed and the review of fence placement was shifted to when in proximity to Wildlife Resources. This was aligned to reviewing fences when the fence is a component of a Project and not as a standalone project. For example, when a new development Project is proposed in proximity to a Wildlife Resource, any related fencing would be subject to the material restrictions and may be evaluated according to Site Plan Review applicable findings. Conversely, a homeowner repairing a fence would not be subject to a permit and would not be subject to the fence rules.

Property Values and Development Rights

Many residents expressed concern that implementation of the proposed Ordinance would negatively impact their property value by limiting their development rights and constituting an uncompensated taking, and questioned whether an economic analysis had been conducted to determine the potential economic impact of the proposed regulations. These concerns were largely based on interpretations of the proposed standards relating to fences, setbacks, heights, RFA, Lot Coverage, and Wildlife Resources. Feedback was received on regulation concepts and two drafts of the Ordinance, and revisions and clarifications were made to directly address these concerns. Proposed fence, setback and height standards were revised or significantly altered in response. Slight modifications and clarifications were made to RFA, Lot Coverage and Wildlife Resource limitations. Additionally, revisions were made to clarify what activity is considered a Project and which specific standards apply to certain Projects.

Rebuilding after a Disaster

Critics of the proposed Ordinance were concerned that in the event of a fire, earthquake, or other disaster in which their homes were partially or entirely destroyed, the application of the proposed standards would cause their homes to become non-conforming and therefore not able to be rebuilt exactly the same as the existing home. Changes to the non-conformity provisions

are not directly addressed by the Ordinance. Proposed height and setback standards were revised to minimize the potential of a Project to become non-conforming as to height or yards. In the event that a structure is damaged beyond the 75% replacement cost threshold to be rebuilt to existing specifications (rather than current standards), specific language has been added in the project definitions and applicability sections of the Ordinance to avoid a prohibition on rebuilding after a disaster.

Impacts of Large Developments

Supporters of the proposed Ordinance expressed concern over Projects or construction they considered overly large in size, and pointed to potential environmental impacts of development that increase with greater ground cover disturbance, volume of soil removed, truckloads of construction traffic, etc. Some commenters were also concerned that the proposed Ordinance does not sufficiently constrain the speculative development of mansion-size homes, while unfairly constraining smaller properties. To respond to these concerns, proposed standards for Residential Floor Area, Lot Coverage, and height have been revised to relate to the overall scale and impact of development and include applicability language to minimize disproportionate impacts on small lots.

Scientific Basis and Data

Questions were raised by the public about how the regulations were developed and the scientific basis behind them. Many comments were also received that expressed general confusion about how regulating certain aspects of development (such as lot coverage or RFA) would benefit wildlife. Questions and concerns related to the data that was used to identify Wildlife Resources within the District were also raised. Questions were received requesting the data sources and scientific evidence used to inform the Ordinance. Concerns were raised regarding the Wildlife Resources that were identified, as well as how the Resource Buffers will be recorded and maintained over time, particularly if there are changes needed. It was also recommended that Open Space mapping should be updated on an annual basis if not more frequently. Areas that are not clearly mapped or instances when an unmapped resource on a property is identified also raised questions regarding implementation of the proposed Wildlife Resource regulations. Several stakeholder organizations expressed support to expand what is deemed “Open Space” to include all undeveloped City owned properties, conservation easements, and open space deed restrictions. Additional datasets that were recommended by the public for incorporation into the Wildlife Resource map were also analyzed for inclusion. To better inform the public of the Ordinance development process and the science behind the recommendations, DCP staff compiled a list of resources consulted throughout the process and posted it on the project website (see Appendix 5) as well as including a detailed discussion in this staff report.

Environmental Analysis

Opponents of the proposed Ordinance asserted an Environmental Impact Report should be prepared. The proposed Ordinance was evaluated for compliance with CEQA and as an ordinance developed for the explicit protection of the environment, wildlife, and wildlife

resources/connectivity with procedures and regulations contained within the Ordinance for protection of the environment, the use of Class 7 and 8 Categorical Exemptions was deemed appropriate. The proposed Ordinance does not propose or authorize any development. Staff determined that the proposed Wildlife Ordinance is exempt from CEQA review pursuant to two Categorical Exemptions, as well as the "Common Sense" exemption described below:

- Class 7: Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
- Class 8: Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.
- Common Sense" Exemption: A project 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.

An extended narrative, as shown in Exhibit E, has been prepared to justify the use of these exemptions. Additionally, other similar regulations have been considered in a similar manner. Ventura County, which recently adopted a wildlife ordinance of its own, also relied on Categorical Exemptions to satisfy the CEQA requirements of that ordinance. The use of a Categorical Exemption was upheld through a court challenge, further bolstering this approach for the Los Angeles' proposed Wildlife Ordinance. LA County also used Categorical Exemptions for CEQA compliance with their most recent updates to the SEA ordinance. The HCR ordinance was also approved with categorical exemptions.

In this instance, the City found, similar to those other agencies, the evidence in the record supports that the Ordinance falls squarely within the Class 7 and 8 categorical exemptions and no exception to the exemptions in CEQA Guidelines Section 15300.2 were met, including on the basis that there is a reasonable possibility that the Ordinance will have a significant impact to the environment due to unusual circumstances. As discussed, the Ordinance is not unusual in the city, region, or state. Development restrictions to protect wildlife and natural resources have been adopted in the city, the region and the state. Additionally, there is no credible evidence that has been provided to the City nor has the City found that the Ordinance will result, or even has the possibility to result, in significant impacts to the environment. The Ordinance is not anticipated to result in any new development. It will place new standards and additional review on development that does occur. Comments that the new standards or processes will result in significant impacts are not supported with evidence. Therefore, the Class 7, 8, and 'Common Sense' exemptions apply, and are sufficient for the Wildlife Ordinance's environmental review.

Implementation Challenges and Costs

DCP received feedback that the proposed standards for certain Project scopes do not have an existing applicability trigger; do not have an existing application, review, or appeal process; require expertise that the applicant or reviewer may not possess; and/or are too burdensome or

costly for applicants or City staff to implement. Specific examples that were provided included walls and fences, which are currently not reviewed by DBS, as well as tree standards for which expert reporting or coordination with UFD and arborists may be necessary. Several commenters expressed opposition to the increase of monetary burden and economic hardship that this Ordinance would impose on those property owners within the boundary area due to the costliness of the extensive complex regulations in this Ordinance, particularly with the need for Site Plan Review. Additionally, the Site Plan Review triggers that were originally proposed were also raised as a concern, due to the potentially onerous and costly process for applicants. The current version of the proposed Ordinance includes specific Project definitions and applicability language covering different types of work to clarify the ministerial or discretionary review processes involved. The proposed Ordinance further incorporates this feedback by limiting the application of more rigorous discretionary review, such as Site Plan Review, to large, higher impact projects, as well as those that potentially impact a Wildlife Resource Area.