



Wildlife Ordinance

CPC-2022-3413-CA, CPC-2022-3712-ZC | ENV-2022-3414-CE

City Planning Commission | December 8, 2022



In This Presentation

Ecological Background

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Summary of Feedback and Subsequent Changes

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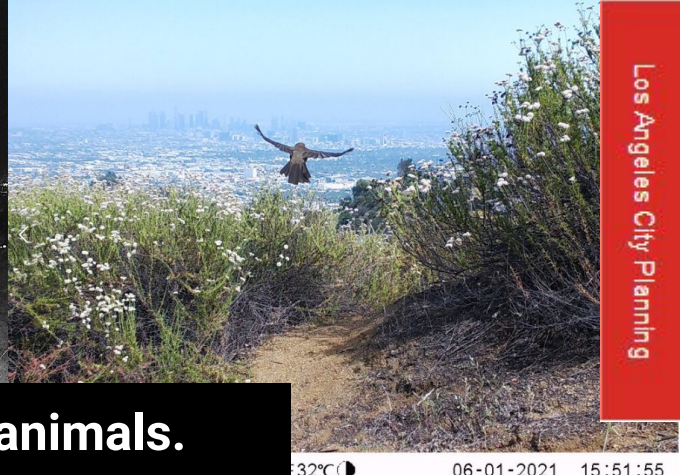


Ecological Background



NATURE CAM

57F14G



Los Angeles City Planning

Los Angeles is full of plants and animals.

32°C

06-01-2021 15:51:55



NATURE CAM

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NATURE CAM

45°F 7°C

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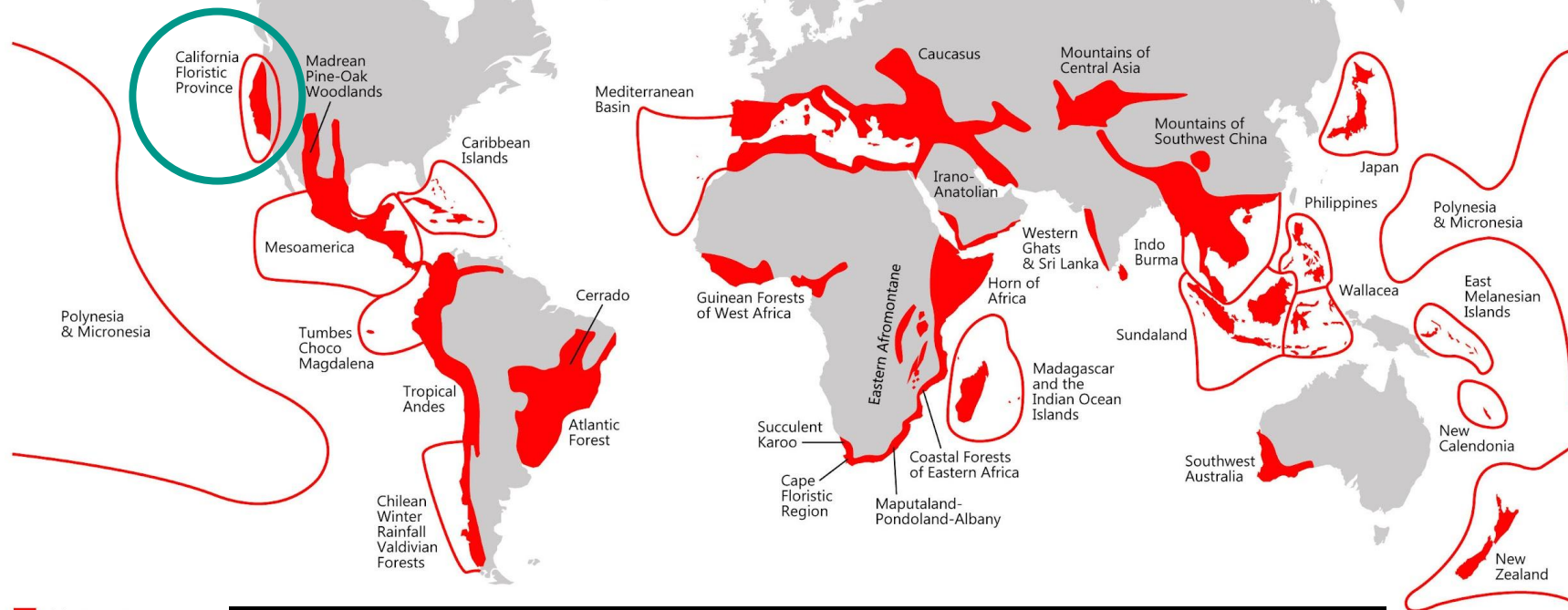


NATURE CAM

44°F 6°C

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Los Angeles is located in a Global Biodiversity Hotspot!



■ Hotspots

The biodiversity in Los Angeles is globally significant.

We have an increase in development pressure in ecologically significant areas, such as the Wildlife District.



**CONTEMPORARY
DEVELOPMENT**

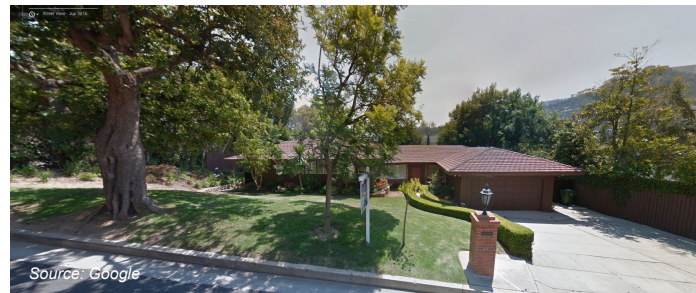
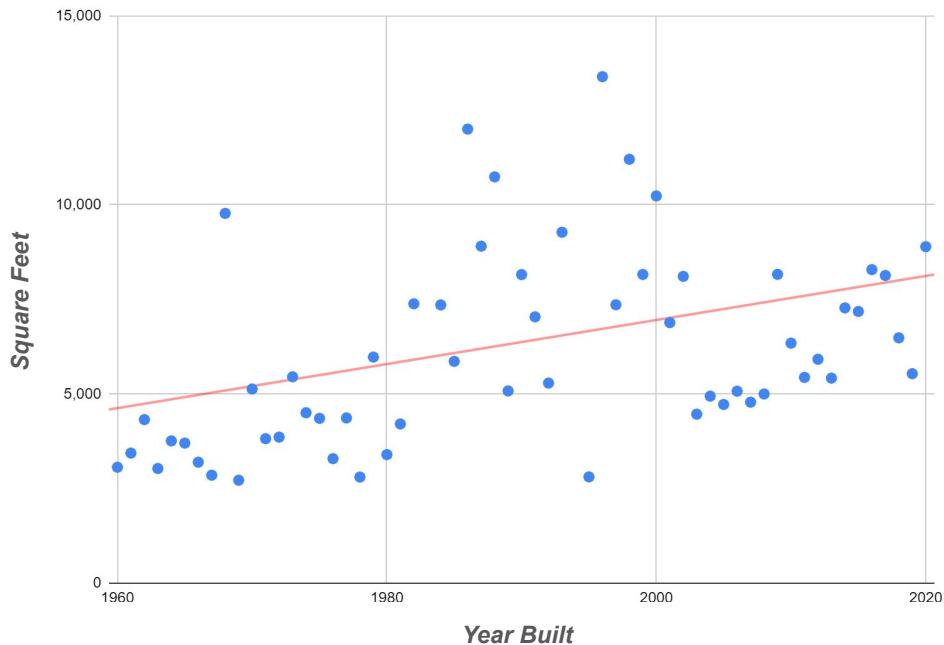
**HISTORIC
DEVELOPMENT**

**We have altered our
development patterns
in ecologically significant
areas, such as the
Wildlife District.**

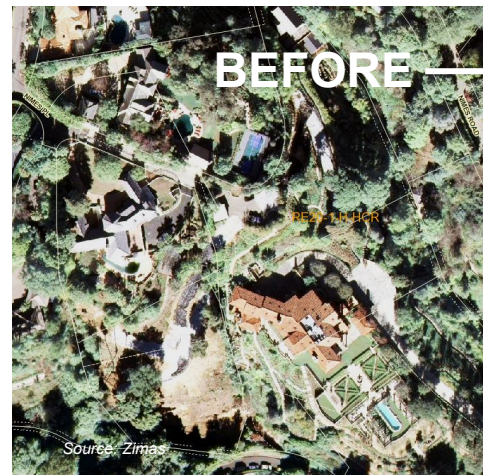
Development Trends

Median Structure Size in Wildlife District

Source: LA City Permit Data, LUPAMS, and LA County Assessor Data



We have altered our development patterns in ecologically significant areas, such as the Wildlife District.



Maintaining & enhancing connectivity in the City and region is essential.



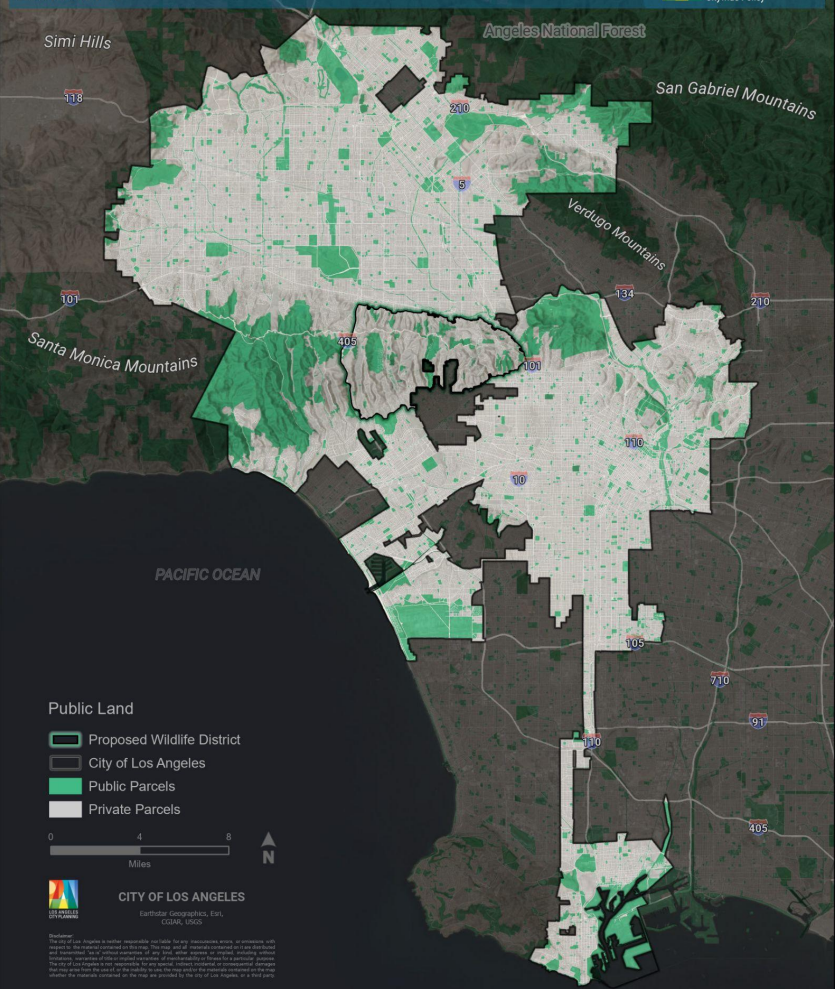
**PROPOSED WILDLIFE
ORDINANCE DISTRICT**



“Without **CONNECTIVITY**, landscapes may be reduced to pathetic remnants that sustain few **SPECIES** and provide little **ECOLOGICAL VALUE**.”
- E.O. Wilson

NATIONAL WILDLIFE FEDERATION CONNECTIVITY ANALYSIS

P-22s ROUTE TO GRIFFITH PARK

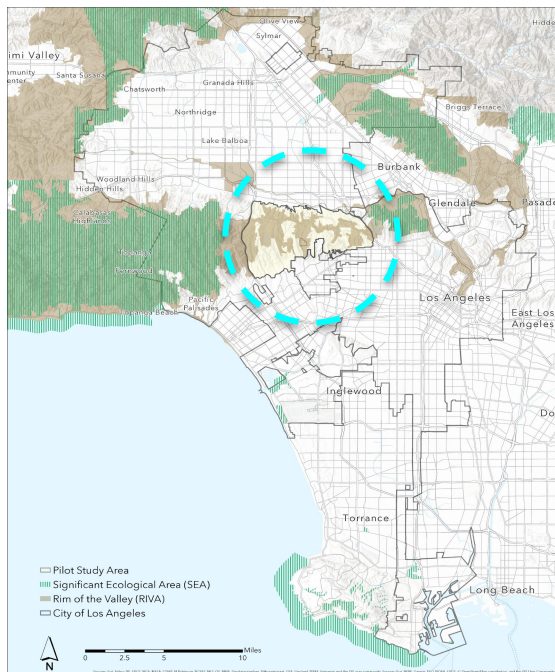


Images Source: Getty Images

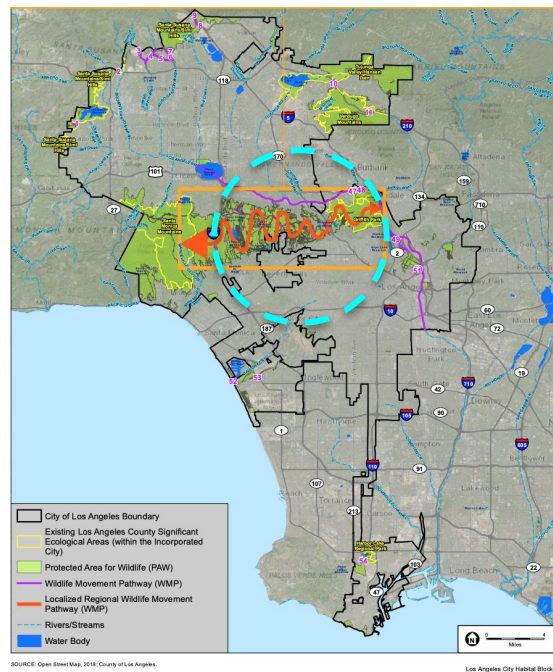
**Most of
LA's land
area is
privately
owned.**



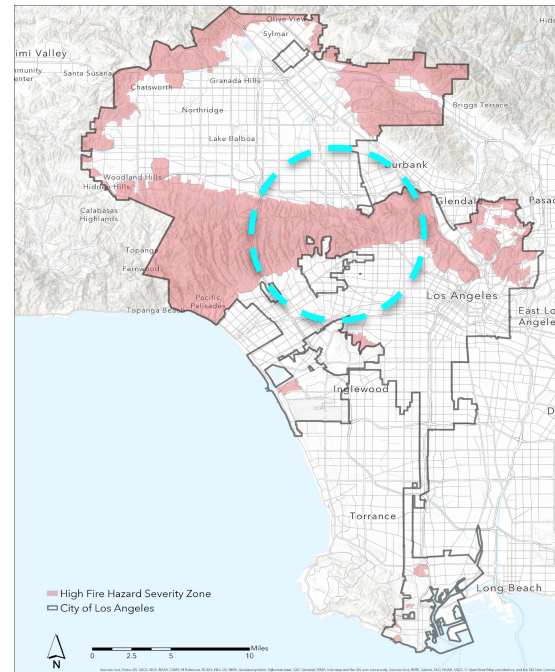
Proposed Wildlife Ordinance District Context



**NPS RIM OF THE VALLEY CORRIDOR +
LA COUNTY SEAS**

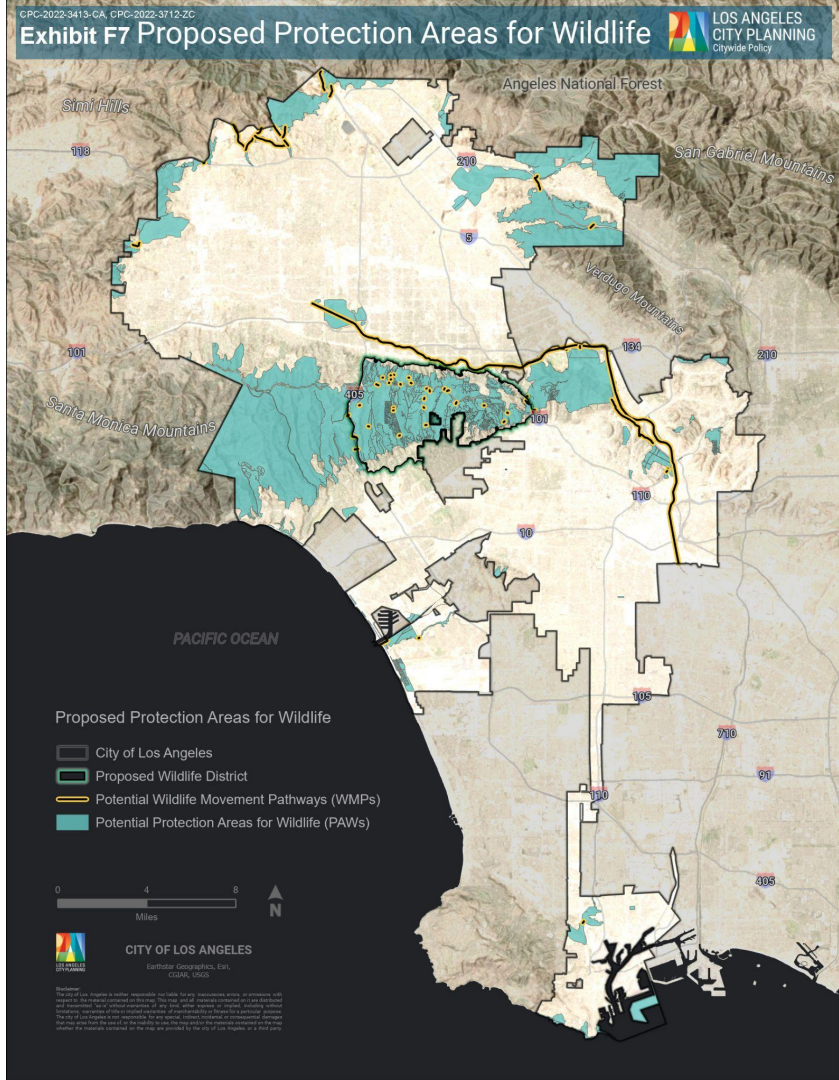


**PROTECTION AREAS FOR WILDLIFE +
WILDLIFE MOVEMENT PATHWAYS**



HIGH FIRE HAZARD SEVERITY ZONES

Plants & Animals in the Wildlife Ordinance District:



Interrelated City Goals

The Wildlife Ordinance aims to achieve more sustainable outcomes in hillside developments by retaining habitat and promoting biodiversity and wildlife connectivity.



Wildlife Ordinance Overarching Goals

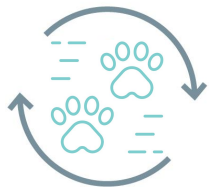
How can we protect wildlife in Los Angeles?



Minimizing Land Disturbance



Promoting Habitat & Biodiversity



Improving Wildlife Health & Movement





Wildlife Ordinance Overview

Policy Directives

- LA's Green New Deal / Sustainability pLAN
- Resilient Los Angeles Plan
- Biodiversity and Healthy Soils initiatives
- One Water LA 2040 Plan
- General Plan
 - Open Space Element
 - Conservation Element
 - Safety Element
 - Land Use Element / Community Plans:
 - Bel Air - Beverly Crest, Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass, Hollywood



Proposed Wildlife Ordinance Regulations



The Wildlife Ordinance...

Does:

Require more review of development in hillsides
Apply to new construction projects
Apply to certain additions and remodels
Review grading to minimize land disturbance
Prohibit harmful fencing materials
Retains trees, plants and spaces for wildlife

Does NOT:

Prohibit development or remodels
Require existing homes to comply retroactively
Prevent repairing or rebuilding after a disaster
Eliminate remedial grading
Change permitted fencing dimensions or location
Change setback requirements

What is a Project

Project Types

- **New Construction**
 - > 500 sq ft
- **Additions**
 - > 500 sq ft
- **Major Remodel, Hillside**
 - > 50% replacement cost
- **Grading**
 - > 500 cubic yards
- **Tree Removal**
 - Protected, Significant, and public ROW
- Projects are to be “reviewed for compliance with those regulations that are applicable to the proposed scope of construction”
- **Applicability specified by regulation type**
 - **Example:**
 - **Height.** (Applies to project types: New Construction, Major Remodels-Hillside, and Additions)



Minimizing Land Disturbance

Grading

Residential Floor Area

Lot Coverage

Height

- Landform (including topography and soils) is the **foundation of ecosystems**.
- Soil alteration via site disturbance (such as grading) **changes the physical, chemical and biological characteristics of soils**
 - Impacts the plants that can grow in those soils and the the animals that will be attracted to those places.





Minimizing Land Disturbance

Grading

Residential Floor Area

Lot Coverage

Height

- Site disturbance **removes native plants and seeds**, and creates conditions that invite non-native and/or invasive species.
- Increased lot coverage and impermeable surfaces **reduce wildlife habitat** and can impede wildlife movement.
- Unlimited cascading heights add to topographic and **soil alteration and habitat loss**.



Grading



Why Regulate?

- **Irreversible impacts** on landform, hydrology, and established vegetation
- Impacts on site as well as animals on adjacent sites with **soil disturbance, construction noise and vehicle pollution**
- Removes native soil and biota and **disrupts ecological function of soils** leading to more invasives species
- **Allows grading activity to be reviewed** for impacts to habitat, vegetation and trees



Source: Google, CNES/Airbus, Maxar Technologies, U.S Geological Survey, USDA/FPAC/GEO 2022

Grading



Proposed Regulations:

- **Grading prohibited on slopes exceeding 100% slope (*extreme slope*)**
 - BHO guaranteed minimum allowed
- **Remedial Grading on slopes exceeding 60% slope (*severe slope*) to be counted toward by-right grading maximums**
- **Counting certain grading activities that are currently exempt**
 - Driveways
 - Cut and fill under building footprint

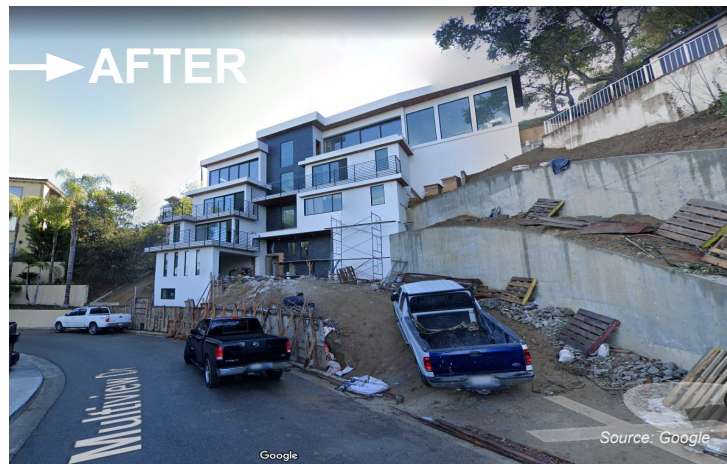




Residential Floor Area (RFA)

Why Regulate?

- Basements require significant amounts of **grading and soil removal**
- Because they are not counted in total RFA, it can result in very large structures
- Contributes to overall increase in size of structures, soil/slope disturbance and **habitat loss**





Residential Floor Area (RFA)

Proposed Regulations:

- Basements to be included in calculation of RFA



Images Source: Google, CNES / Airbus, Maxar Technologies, U.S Geological Survey 2022



Lot Coverage

Why Regulate?

- Lot Coverage **impacts watershed function, ground cover, and replaces spaces for vegetation and wildlife**
- Currently, **only primary structures are included in calculations of Lot Coverage**, even though impacts result from project elements beyond primary structures
- Expanding what counts in Lot Coverage calculations will **help to retain more trees and plants onsite**





Lot Coverage

Proposed Regulations:

- **Features that are not currently incorporated into the calculation of Lot Coverage**, such as hardscape areas and sport courts, to be included
 - *Lot coverage maximums raised to 50% (increase from 40% today, 45% for substandard lots)*
 - *Will not apply to R1 and R2 zoned lots*



Height

Why Regulate?

- **Currently structures ‘cascade’ up or down slopes** as long as they stay under maximum envelope heights
- **Contributes to landform alteration, soil, tree and vegetation removal, and results in greater areas of impervious cover which can increase erosion off site**



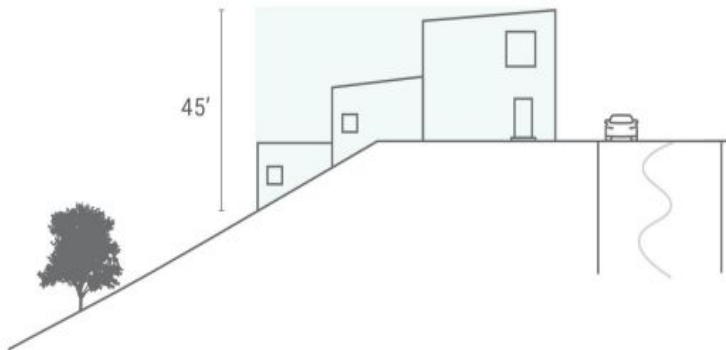


Height

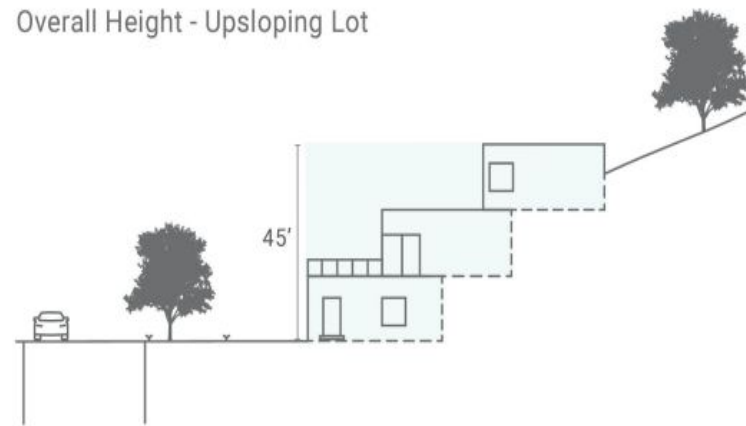
Proposed Regulations:

- Establishing an overall height limit of 45 feet throughout the Wildlife District

Overall Height - Downsloping Lot



Overall Height - Upsloping Lot





Promoting Habitat & Biodiversity

- **Plants, including trees, provide wildlife habitat and contribute to biodiversity by:**
 - providing shelter, food, and nesting sites,
 - helping to maintain healthy soils, and
 - helping to stabilize slopes.
- **Trees provide shade, reduce temperatures and sequester carbon.**





Promoting Habitat & Biodiversity

Vegetation & Landscaping



Trees





Vegetation & Landscaping

Why Regulate?

- **Native plants are primary components of ecosystems.** They provide habitat, food and shelter for wildlife that depend on them.
- **Native plants are better suited for local climate and precipitation patterns,** and can thrive with less human intervention than non-native plants.



Source: Google, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO 2022



Source: Google

Vegetation & Landscaping

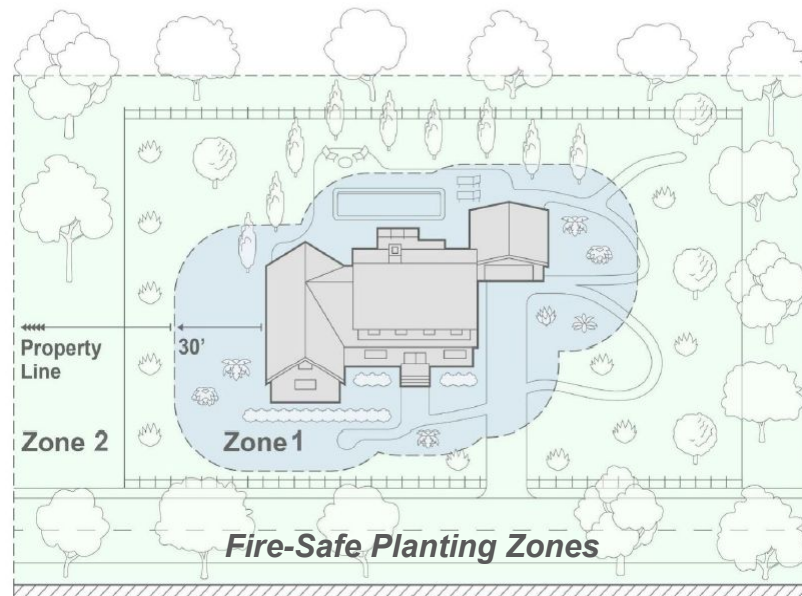


Proposed Regulations:

- **Zone 1:** 50% Minimum Native Plant Coverage
- **Zone 2:** 75% Minimum Native Plant Coverage
- Preferred and Prohibited Plant Lists



Credit: Melissa Berard (online)





Trees

Why Regulate?

- Trees provide shelter, food and nesting habitat for wildlife
- Incentivizes tree retention over removal or replacement
- Focuses on native and mature trees that provide habitat



Credit: Superfisky



Trees

Proposed Regulations:

- Tree Removal = Project
- Native Tree planting requirements
- Expands protections to Significant Trees

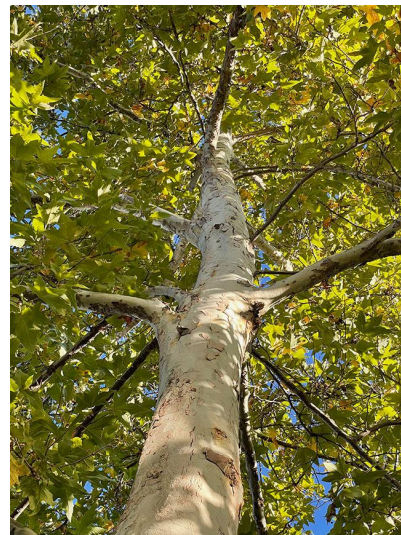
Images Source: SelecTree



Coast Live Oak



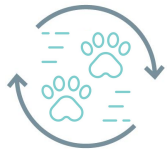
Southern CA Black Walnut



Western Sycamore

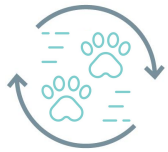


California Bay Laurel



Improving Wildlife Health & Mobility

- Fences, walls, windows, lighting and trash enclosures can **impede and impact wildlife health and movement.**
- Fencing materials can **injure and entrap wildlife.**
- Window collisions can **injure wildlife, such as birds.**
- Trash and recycling receptacles can **attract wildlife and impact their health by altering their diets.**



Improving Wildlife Health & Mobility

Fences & Walls*



Lighting



Windows



Trash Enclosures*



**Does not apply to Additions, applies only to New Construction and Major Remodels*

Fences & Walls



Proposed Regulations:

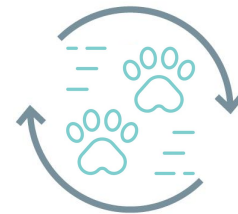
- **Prohibited Materials**
 - Barbed wire
 - Concertina wire
 - Razor wire
 - Plastic mesh
 - Spikes, Sharp glass, Uncapped posts

Why Regulate?

- Fencing materials and design features can cause wildlife to be injured or entrapped



Lighting

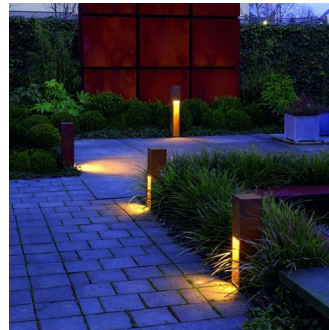


Proposed Regulations:

- Establish lighting maximums
- Limit height of fixtures
- Require lighting be directed away from open space and resources

Why Regulate?

- Minimizes disturbance to night time activities such as foraging and mating



Windows



Proposed Regulations:

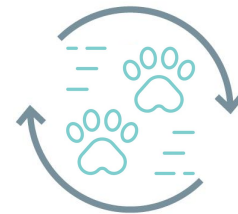
- **Bird-safe window treatments** (e.g. fritted, angled, UV reflective, frosted, stenciled, etched, sandblasted)

Why Regulate?

- Large expanses of windows create hazards to birds



Trash Enclosures



Proposed Regulations:

- **Locational Standards** - require trash and recycling receptacles to be enclosed
- **Design Standards** - constructed of non-combustible material with solid roof/doors, etc.

Why Regulate?

- Need to minimize human wildlife interaction
- Help maintain wildlife health via natural diets



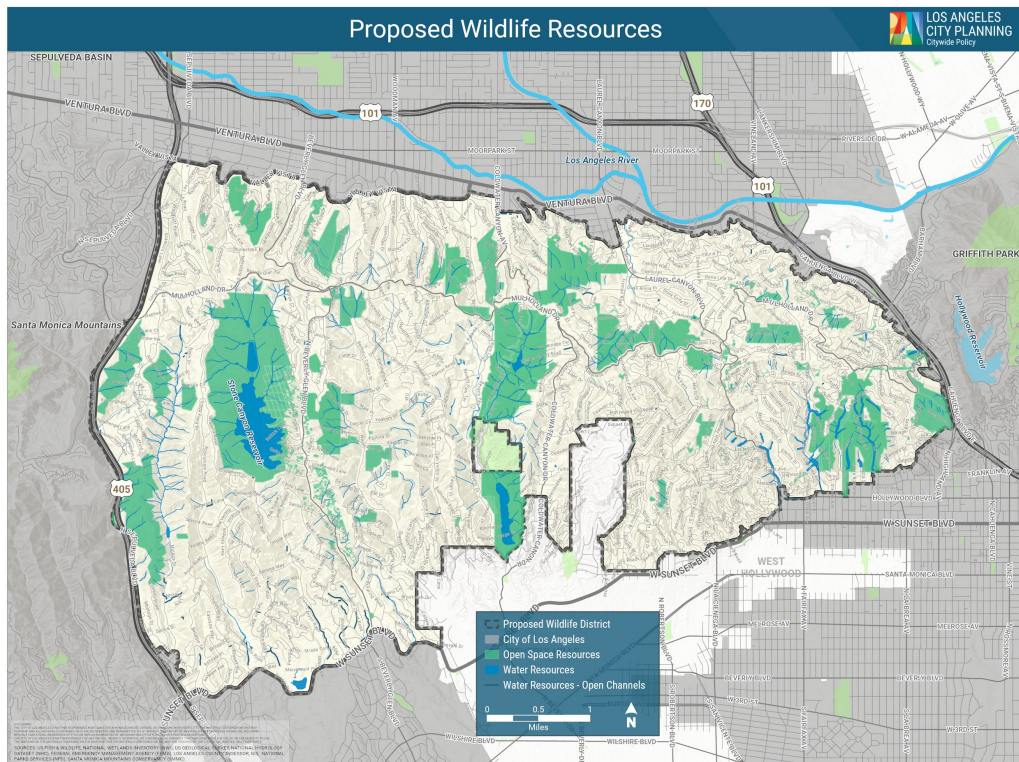
Wildlife Resources



To protect Wildlife Resources that provide habitat connectivity opportunities and limit disturbances near waterways, and sensitive vegetation and habitat areas.



Wildlife Resources Map



Water Resource Data Sources:

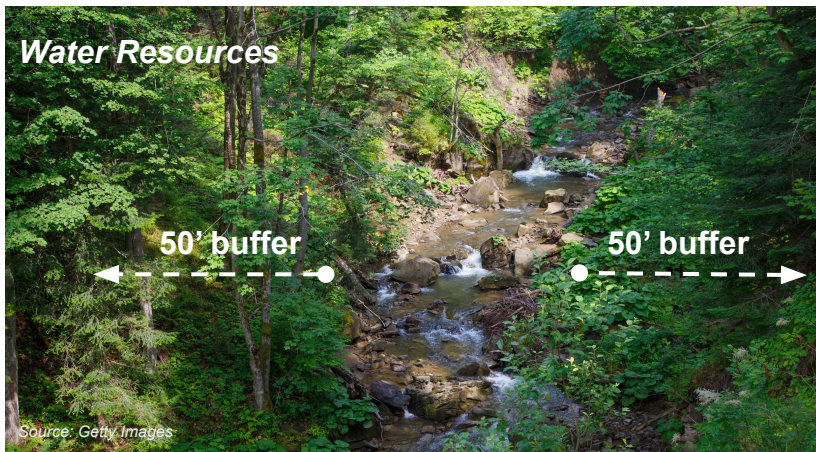
- **CDFW Streams and Lakes Dataset (2022)**
- **SMMC Streams Survey (2019)**
- **United States Geological Survey (USGS) National Hydrology Dataset (2022)** - “streams/rivers”, “intermittent”, “perennial”, “ephemeral” classifications
- **USFWS Wetlands Mapper, National Wetlands Inventory (2021)** - “riparian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

Open Space Data Sources:

- **California Conservation Easements Database (2021)**
- **California Protected Areas Database (2021)**
- **City of LA Zoning** - “open space” classification
- **Mountains, Recreation and Conservation Authority Conservation Easements (2022)**

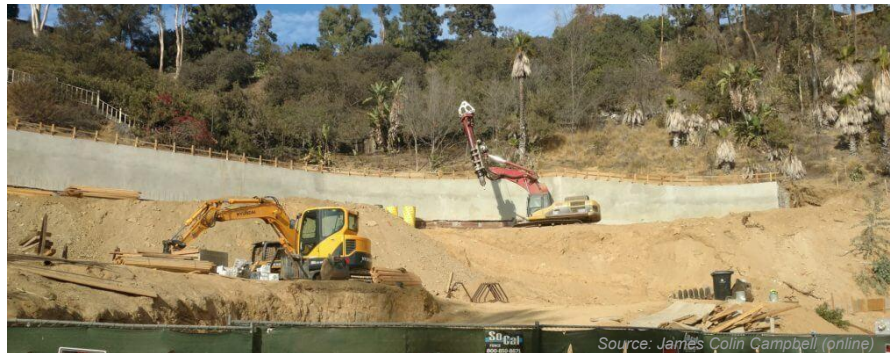
Wildlife Resource Buffers

- The Wildlife Ordinance establishes **Wildlife Resource Buffers**:
 - Open Space Resources - 25' buffer
 - Water Resources - 50' buffer
 - Water Resources (open channels) - 15' buffer
- New Projects within these buffers are discretionary and subject to Site Plan Review
- Biological Assessments will be required for a Project within these Buffers



Project Thresholds for Site Plan Review

- **1,000 cubic yards** or more of remedial grading
- **7,500 square feet** or more of cumulative RFA
- New Projects when located within identified **Wildlife Resources** or their **Buffers**



Site Plan Review (cont'd)

Supplemental Findings:

- That the proposed Project, roads, and utilities serving the proposed Project are located and **designed to be highly compatible with and have minimal impact** on any and all natural features and resources present, including landforms, vegetation, and existing natural and altered watercourses.
- That the Project is located to **avoid substantial landform alteration**, including by locating development away from steep slopes and/or that alternatives to substantial landform alteration including, but not limited to, deepened foundations, caissons and soldier piles have been utilized.
- That the proposed Project is designed to be **highly compatible with the biotic resources present**, including setting aside of appropriate and sufficient undisturbed areas; retaining native vegetation cover and/or open spaces to buffer critical resource areas from such Project;
- That any existing Wildlife Resources and Resource Buffers have been clearly identified on site plans and that Project designs, as well as all construction activities and staging, **are specifically and explicitly adapted to the preservation or enhancement of identified resources in their existing location**, and **do not substantially impede wildlife access to the resource**.

Project modifications could include: avoid locating the project in or near resource areas, additional setbacks from adjacent Wildlife Resource areas, permeable fencing abutting Resource areas, landscaping with Preferred Plant species, retaining existing Protected Trees, or other such modifications to protect or enhance-wildlife habitat or connectivity.

Process & Implementation

Applicability

- **Project Types:**
 - New Construction > 500 sq ft
 - Major Remodel, Hillside > 50% replacement cost
 - Additions > 500 sq ft
 - Grading > 500 cubic yards
 - Tree Removal
- Applicability established for each section of regulation
- Clarified non-conforming rules for rebuilding after a disaster

Process

- **Administrative Review must be obtained before permits can be issued**
- **Relief options include:**
 - Adjustment
 - Up to 10% deviation from quantifiable standards
 - Exception
 - Variance



Summary of Feedback and Subsequent Changes

Public Process

Public Workshops and Presentations

- 2018 American Jewish University
- 2019 International Urban Wildlife Conference
- 2019 Franklin Canyon Public Workshop
- 2019 LA Grand Challenge Symposium
- 2020 California Native Plant Society
- 2020 Community Forestry Advisory Council
- 2021 Virtual Workshop
- 2022 Virtual Workshop
- 2022 Information Session (435 attendees)
- Presentations to Bel Air Beverly Crest Neighborhood Council, Doheny Sunset Plaza Neighborhood Association, Hillside Federation, Hollywood Hills West Neighborhood Council, Neighborhood Council Sustainability Alliance, Sherman Oaks Neighborhood Council, and Studio City Neighborhood Council.

Project Website and Electronic Outreach

- planning4la.org/wildlife
- 2,931 individual Wildlife Interested Parties
- Distribution to 32,576 LACP list serve recipients
- 17+ informational E-Blasts, 64 other digital communications

Staff Public Hearing

- Mailed notices to 34,774 occupants and 27,796 owners
- Hearing held July 13, 2022 - 1,119 participants
- 1,855 written comments received

Comments and Revisions

- Public concerns and suggestions incorporated
- Drafts released in April 2021 and April 2022
- 3rd Draft Proposed for CPC Consideration

Summary of Feedback Received

- 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



Summary of 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.

Component / Standard	Change(s) Made
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.

Resolving Key Issues

- **Fencing and Setbacks**

- **Resolution:** Locational and opacity fencing standards removed, material and design prohibitions retained. District-wide Setback regulations removed. When triggered, Site Plan Review can be used to introduce modifications to fencing and setbacks to provide for animal mobility.

- **Lot Coverage and Residential Floor Area (RFA)**

- **Resolution:** Lot Coverage Maximums raised to 50%, and R1 and R2 lots exempted from Wildlife District Lot Coverage regulations. Removed limitation on floor area allocations to slope bands exceeding 60% grade, and reinstated the driveway exemption for floor area calculation.



Resolving Key Issues

- **Non-Conforming Buildings**

- **Resolution:**

- Language has been added stating that restoration or reconstruction of damaged or destroyed non-conforming structures will not count as Projects, and will not be subject to the Height regulations of the ordinance

- **Applicability**

- **Resolution:**

- Applicability has been specified by each regulation section
 - Applicability section updated to state that Projects are to be reviewed “for compliance with those regulations that are applicable to the proposed scope of construction”

Resolving Key Issues

- **Ridgelines**

- Ridgeline regulations viewed as too onerous
 - **Resolution:** Overall Height regulation became a District-Wide standard to address cascading house issue. Overall Height limit increased from 35 ft to 45 ft. Envelope height, setback limitations removed. Ridgelines removed from Resource Map.

- **Wildlife Resource Areas and Buffers**

- Prohibitions viewed as too onerous
- Open Space Buffers were too large, captured too many lots
 - **Resolution:** Removed Prohibition and instead required Site Plan Review. Open Space buffer reduced to 25 ft.



Proposed CPC Action

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).

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.

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).

Adopt the Staff Recommendation Report as the Commission Report on the subject; and

Adopt the Findings as recommended by Staff.

CEQA Considerations

Categorical Exemptions:

The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3)

- Class 7: Actions for the protection of natural resources
- Class 8: Actions for protection of the environment

No exceptions to a categorical exemption apply.

- The ordinance would not lead to a significant impact due to unusual circumstances.
- The ordinance would not result in a significant impact, either direct, indirect, or cumulative.

Thank you!

More information can be found at planning4la.org/wildlife

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Patrick Whalen
City Planner

Alex Linz
Planning Assistant

**Kat Superfisky, MLA, MS, ESA Certified
Ecologist**
Urban Ecologist

Lena Mik
City Planning Associate

