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- **“Initial Submissions”**: Compliant submissions received no later than by end of day Monday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report, will be appended at the end of the Staff Report. The Staff Report is linked to the case number on the specific meeting agenda.
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting are contained in this file and bookmarked by the case number.
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# **SECONDARY SUBMISSIONS**





## Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

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December 7, 2022

TO: City Planning Commission

FROM: Patrick Whalen, City Planner

### TECHNICAL MODIFICATION/CORRECTION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2022-3413-CA and CPC-2022-3712-ZC; Citywide

The following technical corrections are to be incorporated into the Proposed Ordinance accompanying the staff recommendation report to be considered at the City Planning Commission meeting of December 8, 2022, related to Item Nos. 6 and 7 on the meeting agenda.

1. On page 4 of the Ordinance, the reference to “Map B Draft Resources Map” in the Wildlife Resource definition should be corrected to read “Wildlife Resources Map”
  - a. **“Wildlife Resource.** Features which provide wildlife benefits, ecosystem services, and contribute to the overall quality of the natural and built environment. Wildlife Resources are identified in ~~Map B: Draft Resource Areas~~ the Wildlife Resources Map, and include:
    - water features, such as lakes, reservoirs, ponds, wetlands, rivers, streams, creeks, and riparian areas;
    - open space, including zoned open space conservation easements, and protected areas;
    - open channels;”
2. On page 8 of the Ordinance, reference to utility easements should be deleted from the Open Space definition.
  - a. **“Open Space.** 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.”



3. On page 8 of the Ordinance, the sentence regarding development initiated by the City being exempt from the Ordinance regulations should be removed.
  - a. **"C. District Identification.** The provisions of this Section apply to any lot designated as WLD as a part of its zone designation. Development on properties within the Wildlife District are subject to the development regulations, as applicable, in Subsection F of this Section. ~~Development initiated by the City is exempt from all regulations contained in this Section."~~
4. On page 11 of the Ordinance, "woven wire" should be removed from the list of prohibited fencing materials in order to be consistent with the previous removal of chain link fencing as a prohibited fencing material.
  - a. "a. Wall and Fence Design Materials
    - i. The following materials and design features are prohibited on any fencing:
      1. Prohibited Materials
        - a. Barbed Wire
        - b. Plastic Mesh
        - c. ~~Woven Wire~~
        - d. Concertina Wire
        - e. Razor Wire"
5. On page 20 of the Ordinance, the reference to Map X should be corrected to reference the Wildlife Resource Map.
  - a. "(1) A Biological Assessment is required for any Project proposed within a Wildlife Resource or its buffer, as shown on ~~Map X~~ the Wildlife Resources Map."
6. On page 22 of the Ordinance, the reference to the Department of Building and Safety issuing permits should be removed.
  - a. **"G. Issuance of Building Permits.** For any Project within a WLD District, ~~no the Department of Building and Safety shall not issue any permits~~ shall be issued, including, but not limited to, grading, shoring, or building permits unless an Administrative Review, WLD Adjustment, WLD Exception, or Site Plan Review approval has been obtained pursuant to the applicable procedures in Section 13.21.H of this Code."





## Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

December 7, 2022

TO: City Planning Commission

FROM: Correy Kitchens, City Planner

### **ADDITIONAL TECHNICAL MODIFICATION TO THE STAFF RECOMMENDATION REPORT FOR CASE NO. CPC-2018-2223-CU; 3477 North Laurelvale Drive**

The following technical modifications are to be incorporated into the staff recommendation report to be considered at the City Planning Commission meeting of December 8, 2022, related to Item No. 9 on the meeting agenda.

As a global staff report modification, the following table revises the operational hours during the Spring/Fall Schedule.

<b>Swim to Bill Spring/Fall Schedule (February 1 to May 31, September 1 to October 15) [2PM–5:45PM] [12:45PM – 5:00PM]</b>							
<b>Session</b>	<b>Times</b>	<b>Kids</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
Session 1 9 Classes	<u>2:00pm to 2:30pm</u> <u>12.45pm to 1:15pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Session 2 9 Classes	<u>2:45pm to 3:15pm</u> <u>1:30pm to 2:00pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Session 3 9 Classes	<u>3:30pm to 4:00pm</u> <u>2:15pm to 2:45pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Session 4 9 Classes	<u>4:15 pm to 4:45pm</u> <u>3:00pm to 3:30pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Session 5 9 Classes	<u>5:00pm to 5:30pm</u> <u>3:45pm to 4:15pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Session 6 9 Classes	<u>5:45pm to 6:15pm</u> <u>4:30pm to 5:00pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Total = 6 Sessions	Total Hours of Instruction: 3	Total = 18 Kids					



### **Conditions of Approval**

3. **Parking.** A minimum of four parking spaces (two-car tandem) shall be provided. Participants shall be ~~encouraged~~ required to utilize on-site spaces in lieu of parking on the street.

### **7. Operational Limitations.**

- a. Instruction shall be limited to the following hours: 8:00 a.m. to ~~6:15~~ 5:00 p.m., Monday through Friday. No instruction shall be permitted on Saturday and Sunday.
- b. There shall be a limit of a maximum of six classes per day. Classes shall be limited to a maximum of three students per class.
- c. Sessions/Class Schedule shall be permitted as follows:

<b>Swim to Bill Summer Schedule (June 1 – August 31) 8AM – 11:45AM</b>							
<b>Session</b>	<b>Times</b>	<b>Kids</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
Session 1 9 Classes	8:00am to 8:30am	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 2 9 Classes	8:45am to 9:15am	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 3 9 Classes	9:30am to 10:00am	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 4 9 Classes	10:15am to 10:45am	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 5 9 Classes	11:00am to 11:30am	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 6 9 Classes	11:45am to 12:15pm	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Total = 6 Sessions	Total Hours of Instruction: 3	Total = 18 Kids					

<b>Swim to Bill Spring/Fall Schedule (February 1 to May 31, September 1 to October 15) [2PM – 5:45PM] [12:45PM – 5:00PM]</b>							
<b>Session</b>	<b>Times</b>	<b>Kids</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
Session 1 9 Classes	<u>2:00pm to 2:30pm</u> <u>12:45pm to 1:15pm</u>	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 2 9 Classes	<u>2:45pm to 3:15pm</u> <u>1:30pm to 2:00pm</u>	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 3 9 Classes	<u>3:30pm to 4:00pm</u> <u>2:15pm to 2:45pm</u>	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5
Session 4 9 Classes	<u>4:15pm to 4:45pm</u> <u>3:00pm to 3:30pm</u>	3	Day 1/ Day 6	Day 2/ Day 7	Day 3/ Day 8	Day 4/ Day 9	Day 5



Session 5 9 Classes	<del>5:00pm to 5:30pm</del> <u>3:45pm to 4:15pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Session 6 9 Classes	<del>5:45pm to 6:15pm</del> <u>4:30pm to 5:00pm</u>	3	<b>Day 1/ Day 6</b>	<b>Day 2/ Day 7</b>	<b>Day 3/ Day8</b>	<b>Day 4/ Day 9</b>	<b>Day 5</b>
Total = 6 Sessions	Total Hours of Instruction: 3	Total = 18 Kids					

### **Public Hearing and Communications**

Transmitted herewith, are additional opposition Public Response Letters (Exhibit C) to be considered at the City Planning Commission meeting of December 8, 2022, related to Item No. 9 on the meeting agenda.

In addition, 229 in-support letters, dated 2018, were inadvertently omitted from the staff report, although they were considered and are part of the record, and shall be considered at the City Planning Commission meeting on December 8, 2022, related to Item No. 9 on the meeting agenda.

Below is a summary of the key points from the in-support letters dated 2018.

- Many in support of the project described how beneficial the swim lessons have been in their own personal lives
- Provides a high-quality service





## Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

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December 6, 2022

TO: City Planning Commission

FROM: Marie Pichay, Planning Assistant

### **TECHNICAL MODIFICATION FOR CASE NO. DIR-2021-643-TOC-HCA-1A 1537, 1539, 1541, 1543 W. Cambria Street**

The following technical modification to Condition of Approval No. 5 of the Planning Director's determination dated September 20, 2022 is recommended for consideration by the City Planning Commission at its meeting on December 8, 2022, related to Item No. 11 on the meeting agenda (additions in underline):

5. **Rent Stabilization Ordinance.** One (1) existing unit shall be replaced in compliance with the City's Rent Stabilization Ordinance (RSO) in addition to replacing five (5) existing units with affordable housing pursuant to LAHD's SB330 Determination Letter dated January 14, 2021.

Prior to the issuance of a Certificate of Occupancy, the owner shall obtain approval from the LAHD regarding replacement of affordable units, provision of RSO Units, and qualification for the Exemption from the RSO with Replacement Affordable Units in compliance with Ordinance No. 184,873. In order for all the new units to be exempt from the RSO, the applicant will need to either replace all withdrawn RSO units with affordable units on a one-for-one basis or provide at least 20% of the total number of newly constructed rental units as affordable, whichever results in the greater number. The executed and recorded covenant and agreement submitted and approved by LAHD shall be provided.



**RE: RECONSIDERATION OF CPC 2021-10278-CU / ENV 2021-10280-MND – 9201 Winnetka Ave.**

Dear Planning Commissioners,

I had sent a letter to you in advance of the last CPC Meeting of 11/17/22 on the above project which was on the agenda as a consent item (see attached). In short, there was no discussion of the concerns/request expressed in the letter. I knew I could not be there in person and had believed that written or oral testimony is given the same weight/consideration so I am not sure what happened.

In short, I am respectfully requesting reconsideration of the above item to include the following Conditions of Approval:

1. TREE/SHRUB PRESERVATION:

- a. TREE PRESERVATION – The following significant trees shall be preserved as identified in the Tree Report dated November 8, 2021 (Carlberg Associates) : Tree # 6, 18, 19, 21, 22, 167, 168, 173, 174, 175, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, and 189.
- b. SHRUB PRESERVATION - The shrubs along the south property line (approximately 1,200 feet long) shall be preserved except for specified areas where tree replacement is proposed.
- c. The project shall also include the planting of native trees, such as Coastal Live Oak and Valley Oak, where possible/suitable.
- d. EXHIBIT “A” Site Plan, Grading Plan, and Landscape Plan shall be revised to clearly show the above trees (as identified on the tree report) and *clearly noted* to be preserved and protected during construction.

Please know that the project originally proposed removing all 195 trees from the site. The preservation of healthy mature “significant” trees was discussed and agreed upon through a series of meetings with the Chatsworth NC. This Condition of Approval and with Revised Plans will help to ensure and enforce such preservation and protection. Lastly, the MND “mentions” the project will preserve 22 trees. That’s it. There is no documentation that clearly shows this (i.e. this is just a sentence buried in a MND that no one will look at), that is why the above Condition of Approval is so important and necessary.

Thank you for your time and hopefully this can be corrected,

Sincerely,

*Marianne King*

Marianne King

Chatsworth NC Board Member *speaking on behalf of herself* as a Chatsworth Resident and Tree Preservation Advocate



Dear Planning Commissioners,

November 12, 2022

The Chatsworth Neighborhood Council had submitted a letter of support (dated April 27, 2022) for the warehouse project with the condition that a greater effort is made to preserve the existing mature significant size shade trees along the Oso and Prairie Street frontages (mainly Camphor's), including the four tall Aleppo Pines at the rear of the site, and to plant native trees, such as Coastal Live Oak and Valley Oak along the south property line (see attached letter). There is no mention of this letter in the staff report nor is it attached to Exhibit "C".

The project proposed to remove all of the 195 trees on site with no justification. Concerns were raised regarding the excessive tree removal of mature shade trees, such as those already along the site perimeter in existing landscape buffers. The proposed landscape plan showed that the trees would be replaced with the same type trees in the same location, which makes no sense. The applicant was asked to return with a tree preservation plan and revised landscape plan for the next meeting but never provided such documents. A marked up tree inventory report was presented and said they can preserve approximately 22 trees however further detail revealed most of the trees to be preserved were not even significant trees on the tree report- meaning they were existing non-significant trees less than 8-inches in trunk diameter .

This presentation to you is disingenuous and it is disturbing that there is NO effort to preserve existing mature trees that are on the site perimeter. Just because these are not "protected trees" does not mean they are trees to be disregarded. The environmental impact of the loss of mature trees has to be considered when conducting environmental review on projects. The clear cutting of trees, especially on multi-acres sites, is shockingly unjustifiable, not to mention harmful given our conditions of drought and excessive heat.

As Planning Commissioners you have the authority to review such oversights and/or insufficiencies on projects presented before you and to make modifications to ensure the best outcome for all of us and our wildlife.

Can you please request that a **Condition of Approval** be added requiring the preservation of the following trees (from the Tree Report dated November 8, 2021 submitted by Carlberg Associates) :

Tree# 6, 18, 19, 21, 22, 167, 168, 173, 174, 175, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, and 189.

This is a total of 21 mature significant trees not in the way of development. This is not an exhaustive list, meaning more trees could be preserved.

Lastly, there is an approximately 1,200 feet of contiguous shrubs along the south property line. It does exactly what is often required (i.e. a parking lot landscape buffer). There is also no reason for these beautiful healthy shrubs to be removed. If those can be maintained in place that would be a win-win for the songs birds that live in them and using less water as well.

Thank you for your time and consideration,

Marianne King

Chatsworth Neighborhood Council Board Member *speaking on behalf of herself* as a Chatsworth resident and a tree preservation advocate

Attachments:

CNC Letter dated 4/27/22

Tree Report dated 11/8/21 (excerpt of highlighted trees that should be preserved)

Landscape Plan to date (original submittal)

Tree inventory site plan highlighted with trees that should be preserved

Application Tree Report requirement excerpt highlighted





**CHATSWORTH  
NEIGHBORHOOD COUNCIL**  
P.O. Box 3395, Chatsworth, CA 91313-  
3395



**Voice: (818) 464-3511 Fax: (818)  
464-3585**

<http://chatsworthcouncil.org>

**Jeff Hammond, President - Andre van der Valk, Vice President –**

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Rob Glucksman, Marianne King, Jeff Mackie, Marina Mackie, Nick Montano, Shawn Shawmlou,  
Patricia Thorington Carey Tri, Linda van der Valk, Jim Van Gundy Geoffrey Williams, Deb Zumerling

April 27, 2022

Case No: CPC-2021-10278-CU  
ENV: 2021-10280-EAF  
9201 Winnetka Avenue  
Chatsworth 91311  
Council District 12  
Councilmember John Lee

Dear Mr. Netburn,

The Chatsworth Neighborhood Council voted at their General Board meeting on April 6, 2022, to support the request for the CUP that is being requested. The motion passed with 16 ayes and 2 nos.

The applicant presented the proposed project at two Land Use Committee meetings and the General Board meeting. There was a great deal of discussion on traffic issues and the applicant was encouraged to preserve some of the existing trees. The applicant initially proposed the removal of all existing trees on the subject property and then revised the plans to preserve 22 trees along the Oso and Prairie frontages.

The motion recommending approval of the proposed project reads as follows: The Chatsworth Neighborhood Council supports CPC-2021-10278-CU, ENV 2021-10280 EAF, 9201 Winnetka Avenue for the demolition of a movie theater building and construction of three industrial buildings with a total of 273,5000 square feet, with code required parking, driveways, and landscaping with a condition that the applicant make greater effort is made to preserve the existing mature significant size shade trees (Camphors and four tall Aleppo Pines) along



the north and west property lines and to consider the planting of native trees such as Coastal Live Oak or Valley Oak along the southern boundary of the site.

Sincerely,

Jeff Hammond  
CNC President



TABLE 2 – TREE INVENTORY DATA

Tree #	Common Name	Botanical Name	Trunk Diameter (*DBH) at 4.5 feet in inches	Height (~Ft.)	Canopy Spread (~Ft.) (N/E/S/W)	Health	Structure	"Protected," "ROW," or "Significant" tree	Comments
1	Mexican fan palm	<i>Washingtonia robusta</i>	**BT40	46	6/6/6/6	A	A	Significant	
2	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
3	Mexican fan palm	<i>Washingtonia robusta</i>	BT35	41	6/6/6/6	A	A	Significant	
4	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
5	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
6	camphor	<i>Cinnamomum camphora</i>	9.4	18	12/13/12/15	A-	A-	Significant	epicormic growth
7	Mexican fan palm	<i>Washingtonia robusta</i>	BT45	51	6/6/6/6	A	A	Significant	
8	Mexican fan palm	<i>Washingtonia robusta</i>	BT45	51	6/6/6/6	A	A	Significant	
9	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
10	Mexican fan palm	<i>Washingtonia robusta</i>	BT45	51	6/6/6/6	A	A	Significant	
11	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	





Tree #	Common Name	Botanical Name	Trunk Diameter (*DBH) at 4.5 feet in inches	Height (~Ft.)	Canopy Spread (~Ft.) (N/E/S/W)	Health	Structure	"Protected," "ROW," or "Significant" tree	Comments
12	Mexican fan palm	<i>Washingtonia robusta</i>	BT45	46	6/6/6/6	A	A	Significant	
13	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
14	Mexican fan palm	<i>Washingtonia robusta</i>	BT45	51	6/6/6/6	A	A	Significant	
15	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
16	Mexican fan palm	<i>Washingtonia robusta</i>	BT45	51	6/6/6/6	A	A	Significant	
17	camphor	<i>Cinnamomum camphora</i>	10.9	18	15/17/15/13	A-	A-	Significant	epicormic growth; minimum dieback
18	camphor	<i>Cinnamomum camphora</i>	8.1	18	13/13/12/13	A-	A-	Significant	
19	camphor	<i>Cinnamomum camphora</i>	15.7	18	15/17/18/14	B	A-	Significant	moderate dieback
20	camphor	<i>Cinnamomum camphora</i>	9.8	16	5/8/10/9	D	D	Significant	only minor epicormic growth; dying
21	camphor	<i>Cinnamomum camphora</i>	8.4	18	13/9/14/8	A-	A-	Significant	
22	camphor	<i>Cinnamomum camphora</i>	18.3	20	20/20/25/20	A-	B	Significant	diameter @ 4'; minimum dieback





Tree #	Common Name	Botanical Name	Trunk Diameter (*DBH) at 4.5 feet in inches	Height (~Ft.)	Canopy Spread (~Ft.) (N/E/S/W)	Health	Structure	"Protected," "ROW," or "Significant" tree	Comments
163	Canary Island date palm	<i>Phoenix canariensis</i>	BT30	40	12/12/12/12	A	A	Significant	
164	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
165	Mexican fan palm	<i>Washingtonia robusta</i>	BT35	41	6/6/6/6	A	A	Significant	
166	Mexican fan palm	<i>Washingtonia robusta</i>	BT30	35	6/6/6/6	A	A	Significant	
167	camphor	<i>Cinnamomum camphora</i>	8	18	12/12/12/10	B+	B+	Significant	moderate dieback; some dead branches
168	camphor	<i>Cinnamomum camphora</i>	8.6	18	12/8/14/12	B+	B+	Significant	moderate dieback; some dead branches
169	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
170	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
171	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
172	Mexican fan palm	<i>Washingtonia robusta</i>	BT40	46	6/6/6/6	A	A	Significant	
173	camphor	<i>Cinnamomum camphora</i>	11	18	15/10/12/15	A-	A-	Significant	
174	camphor	<i>Cinnamomum camphora</i>	8.2	18	10/12/12/8	B+	B+	Significant	slightly sparse; some deadwood
175	camphor	<i>Cinnamomum camphora</i>	10.2	18	14/15/15/12	A-	A-	Significant	
176	Mexican fan palm	<i>Washingtonia robusta</i>	BT35	41	6/6/6/6	A	A	Significant	



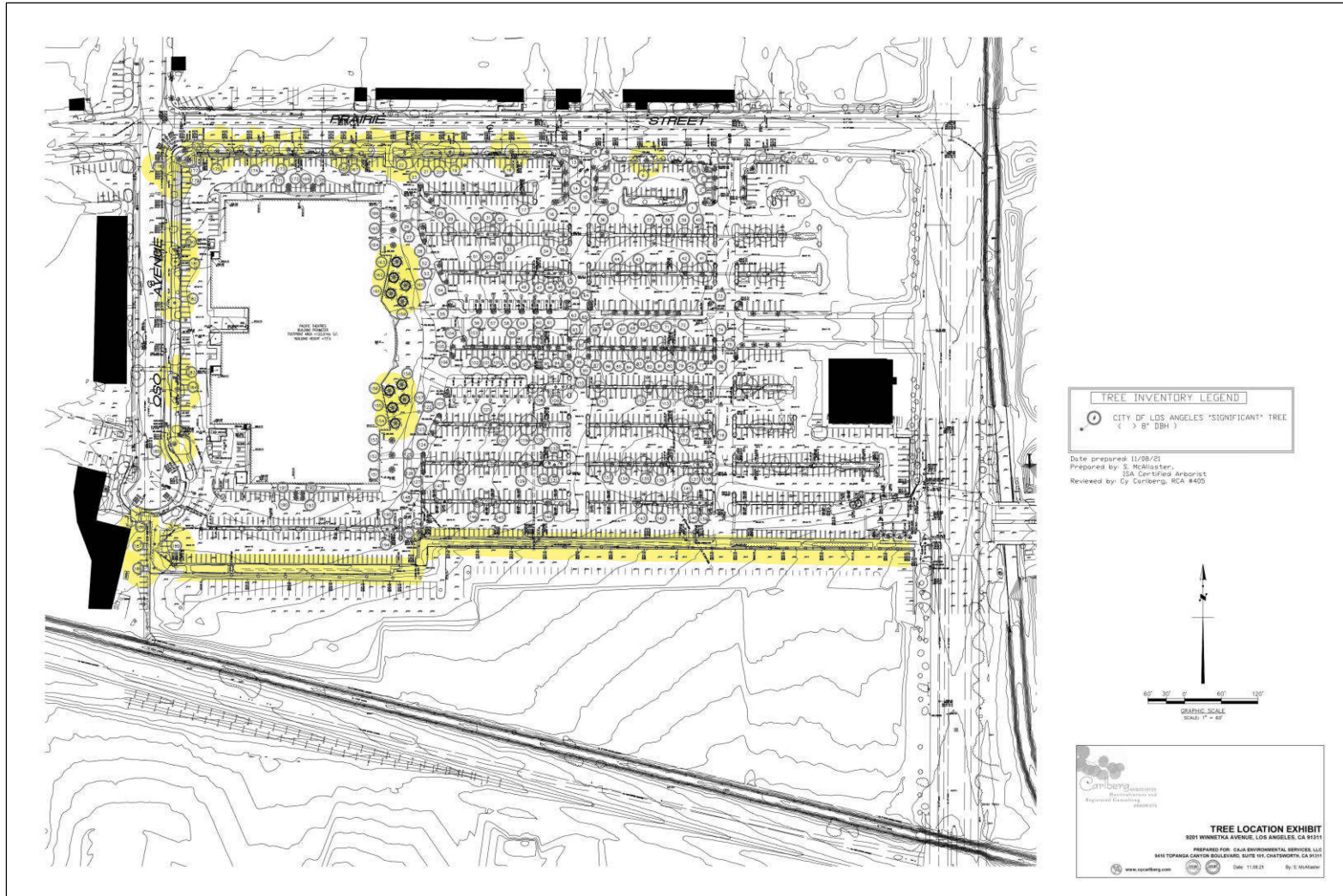


Tree #	Common Name	Botanical Name	Trunk Diameter (*DBH) at 4.5 feet in inches	Height (~Ft.)	Canopy Spread (~Ft.) (N/E/S/W)	Health	Structure	"Protected," "ROW," or "Significant" tree	Comments
177	Mexican fan palm	<i>Washingtonia robusta</i>	BT35	41	6/6/6/6	A	A	Significant	
178	Mexican fan palm	<i>Washingtonia robusta</i>	BT35	41	6/6/6/6	A	A	Significant	
179	camphor	<i>Cinnamomum camphora</i>	8.7, 8.3	18	10/15/12/15	A-	A-	Significant	diameter @ 3.5'; good new growth
180	camphor	<i>Cinnamomum camphora</i>	9.5	16		C+	C	Significant	all epicormic growth
181	camphor	<i>Cinnamomum camphora</i>	8	16	8/10/10/10	C+	C	Significant	all epicormic growth
182	camphor	<i>Cinnamomum camphora</i>	8.9	18		B	B	Significant	moderate dieback; sparse; epicormic growth
183	camphor	<i>Cinnamomum camphora</i>	8.3	16		B-	B-	Significant	moderate dieback; sparse; epicormic growth
184	camphor	<i>Cinnamomum camphora</i>	9.7	18	10/12/15/14	B-	B-	Significant	moderate dieback; sparse; epicormic growth
185	camphor	<i>Cinnamomum camphora</i>	10	18		B-	B-	Significant	moderate dieback; sparse; epicormic growth
186	Aleppo pine	<i>Pinus halepensis</i>	28.1	30	15/17/15/15	A-	B+	Significant	multiple pruning events; some dieback
187	Aleppo pine	<i>Pinus halepensis</i>	21.9	25	10/20/15/13	C-	C-	Significant	shaded out; many needles browning; epicormic growth; sparse
188	Aleppo pine	<i>Pinus halepensis</i>	23.2	30	20/16/14/22	C-	C	Significant	shaded out; many needles browning; epicormic growth; sparse
189	Aleppo pine	<i>Pinus halepensis</i>	18.5	28	10/14/15/10	B	B	Significant	HOB; sparse





**EXHIBIT B – REDUCED COPY OF TREE LOCATION EXHIBIT (Not to Scale)**









- Provide minimum dimensions for common and typical private open spaces areas.
- Demonstrate compliance with the minimum 25% landscaping requirement for common open space are planted with ground cover, shrubs, or trees.
- **Open Space Summary Table.** Indicate required and proposed square footage for usable open space areas, including private open space, common open space, and recreation rooms (if proposed), and landscaping of common open space areas.

## Area Calculations

Provide area calculations for individual and total landscaped, and landscaped open space areas, for the entire project site.

## Trees and Shrubs

Identify the approximate location of all protected trees and shrubs which measure 4 inches or more in cumulative diameter, consistent with LAMC Section 46.00, and non-protected trees 8 inches or more in diameter, located onsite or within the adjacent right-of-way. Include the common name and size, and delineate which are existing to be removed, existing to be retained, or new and/or replacement trees or shrubs. All protected trees and shrubs shall be replaced at a 4:1 ratio.

Protected Southern California native tree species include:

- Oak trees including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California, but excluding the Scrub Oak (*Quercus dumosa*)
- Southern California Black Walnut (*Juglans californica*)
- Western Sycamore (*Platanus racemosa*)
- California Bay (*Umbellularia californica*)

Protected Southern California native shrub species include:

- Toyon (*Heteromeles arbutifolia*)
- Mexican Elderberry (*Sambucus mexicana*)

## 4. Additional Requirements

### Tree Report

For discretionary projects with existing trees and shrubs located on the project site and/or within the adjacent public right-of-way, provide a Tree Report prepared by a Tree Expert, as defined by LAMC Section 46.00, evaluating the preservation, removal, replacement, or relocation of protected trees and/or shrubs which measure 4 inches or more in diameter, and non-protected trees 8 inches or more in diameter. The Report shall contain recommendations by the Tree Expert for preservation of as many trees and shrubs as possible, and desirable trees and shrubs that require removal.





Planning CPC &lt;cpc@lacity.org&gt;

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**FW: CPC-2021-10278-CU**

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**Marianne King** <making@socal.rr.com>  
To: cpc@lacity.org

Tue, Nov 29, 2022 at 5:51 PM

Hi, I see the agenda has just been posted for 12/8 CPC. Can someone please advise how I can request a reconsideration on a CPC decision from the last meeting?

Much appreciated,

Marianne

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**From:** Marianne King [mailto:[making@socal.rr.com](mailto:making@socal.rr.com)]  
**Sent:** Tuesday, November 22, 2022 9:49 AM  
**To:** [cpc@lacity.org](mailto:cpc@lacity.org)  
**Subject:** CPC-2021-10278-CU

Hi,

I'd would like to be added to the interested parties list to receive a copy of the final determination for CPC 2021-10278-CU at [making@socal.rr.com](mailto:making@socal.rr.com) Please confirm.

Also, how does a member from the public go about requesting a "reconsideration" for the next CPC meeting?

Please advise,

Thanks,

Marianne King

818-298-2026



RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



<https://www.facebook.com/EvictCoyotes/>.                      Huntington                      Beach:  
(<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are



supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. **The purpose of the SMMC is to manage parkland, not neighborhoods.** "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps **as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas."** If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**



The City has stated “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” (Page p-4). Homeowners take issue with the statement that “all due consideration” has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states “it is envisioned that it could be applied to identified PAWS throughout the city.” There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman’s office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Alison MacCracken

2008 Linda Flora Dr, Los Angeles, CA 90077

310-600-8590





**VIA EMAIL ([patrick.whalen@lacity.org](mailto:patrick.whalen@lacity.org), [cpc@lacity.org](mailto:cpc@lacity.org))**

November 14, 2022

City Planning Commission  
City of Los Angeles

**Re: November 17, 2022, Items 9 & 10. CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE**

Dear President Millman and Commissioners:

The Bel Air-Beverly Crest Neighborhood Council was established in 2002 and has for 20 years served as the venue for coordination and cooperation across the community of interest that it serves. We are organized to represent the hillside communities stretching from Laurel Canyon to Sepulveda Boulevard, and from Sunset Boulevard to Mulholland Drive.

With the release of this new draft, the Bel Air-Beverly Crest Neighborhood Council (“Council”) continued our thorough process of reviewing the proposed Wildlife District Ordinance (“Ordinance”), meeting on the new draft for ten hours over five meetings, on the previous draft for well over twenty hours in fifteen meetings and hearing many hours of public comments. Further, many previous meetings were held by committees on the previous draft of the wildlife ordinance as well as on the previous draft of the ridgeline ordinance. The Council continued to receive both comments in support of and opposition to the Ordinance after its revision. Minutes of meetings contain all comments and completed minutes are attached will be posted to the Council’s website.

**OFFICERS**

President  
**Travis Longcore, Ph.D.**  
Vice President – Operations  
**Robin Greenberg**  
Vice President – Leg. Affairs  
**Jamie Hall**  
Secretary  
**Nicole Miner**  
Treasurer  
**Vadim Levotman**

**COMMITTEES/CHAIRS**

Executive – **Travis Longcore, Ph.D.**  
Planning and Land Use – **Robert Schlesinger**  
Bylaws, Rules and Elections – **Cathy Wayne**  
Emergency Preparedness – **Vadim Levotman**  
Outreach – **Andre Stojka**  
Traffic Committee – **Irene Sandler**  
Public Works and Telecommunications –  
**Timothy Steele, Ph.D.**  
Budget and Finance – **Nicole Miner**

**STAKEHOLDER GROUPS**

Bel Air Association  
Bel-Air Crest Master Association  
Bel Air Hills Association  
Bel Air Ridge Association  
Benedict Canyon Association  
Casiano Estates Association  
Doheny-Sunset Plaza Neighborhood Assn.  
Holmby Hills Homeowners Association  
Laurel Canyon Association  
Residents of Beverly Glen

**RESIDENTIAL DISTRICTS**

Bel Air District  
Bel Air Glen District  
Franklin-Coldwater District  
North of Sunset District

**NON-RESIDENTIAL REPRESENTATION**

At-Large Members  
Commercial or Office Enterprise Districts  
Custodians of Open Space  
Faith-Based Institutions  
Public Schools & Private Schools



Our aim in reviewing the ordinance has once again been to ensure that the focus of the ordinance is on protecting the most valuable resources, and on balancing that protection with legitimate desires to safeguard property interests. The current draft greatly reduces disparities present in the previous draft. The Council appreciates Planning staff's responsiveness to the comments of the community, and the Council applauds many of the changes in the ordinance - the application of site plan review to projects resulting in 7,500 square feet of residential floor area, the addition of "overall height" for the entire district and the reduction in number of small projects subject to site plan review. The Council also appreciates the clarifications regarding which district-wide regulations are triggered and when, and the ability to rebuild after a disaster.

### **Addition of "Habitat Triggers" for Site Plan Review**

Changes in the new draft have succeeded in lessening the potential burden on owners of smaller lots. What the new draft has not successfully achieved is ensuring that the development projects that are most likely to result in substantial loss to wildlife habitat are subjected to Site Plan Review — where a more focused, site-specific analysis can be undertaken to ensure that landform alteration is minimized, impacts to biotic resources reduced and project modifications considered. The Council is therefore requesting the addition of "habitat triggers" for Site Plan Review.

Currently, there are only three triggers for Site Plan Review in the Ordinance, which include the following: (1) 1,000 cubic yards or more of remedial grading, (2) homes of 7500 square feet or larger and (3) building within a Wildlife Resource or buffer. Unfortunately, Site Plan Review will not be triggered for most development projects that result in habitat loss. This is because the City has too narrowly defined "Wildlife Resource" to include only zoned or protected open space and water resources. See Table 7.2. Development can occur via this Ordinance that will result in significant habitat loss to protected species and native woodlands without ever triggering Site Plan Review. This is a problem. Substantial swaths of high-value habitat exist on large, undeveloped lots in the Pilot Study Area and the Council strongly contends that the development of these lots should be subject to Site Plan Review. Preventing habitat loss is a critical function of any wildlife ordinance and inclusion of a habitat trigger for Site Plan Review makes perfect sense.

The Council suggests four potential "habitat triggers" (which would only apply to *undeveloped* lots). They could include the following:

- Placement of lot in a Santa Monica Mountains Conservancy ("SMMC") mapped "habitat block"
- Presence of National Park Service (NPS") mapped native woodlands
- Presence of "habitat for protected species" per Govt Code. Section 65913.4(a)(6)(J)



- Proposed removal of 3 or more protected or significant trees

The necessary mapping that would allow the application of these rules is already available and adding these triggers would ensure that the development on lots with high value habitat value be done with sensitivity towards the preservation of that habitat. Site Plan Review captured by this habitat trigger will be targeted to those types of development projects that truly warrant the site-specific analysis warranted by Site Plan Review. Again, the Council suggests that this be limited to undeveloped lots based on the comments received from the public. We further request that a *de minimus* exception be incorporated that allows exemption for projects that clearly have no impact on the sensitive resources.

### ***De Minimus* Review Process for Site Plan Review**

While the removal of site plan review for all lots with biological resources or resource buffers on the lot has lessened the possibility that a homeowner will be required to undergo site plan review when resources are not going to be affected, there are still lots where a resources may be mapped but may not really exist as well as instances where a resource takes up the majority of a very small lot that has already been developed. Small lots on Beverly Glen, where there is a mapped but theoretical stream running along the street, come to mind, as well as lots where a water resource is mapped as running through an existing building.

Because currently available mapping is fallible, it is critical that a *de minimus* review process be made available, particularly for lots where the cost and burden of undergoing site plan review is substantial compared to the value of the structure being proposed.

### **Definitions**

The previous definition of open space should be restored. Staff has removed a key sentence in the definition of Open Space, which stated as follows: “*Open Space shall also include City owned vacant land that, while not zoned as Open Space, meets the criteria above.*” See page 7. The City owns remnant vacant parcels in the Pilot Study Area that are not being used and currently exist as open space and contain important habitat for wildlife. There is no legitimate reason for City-owned land that meets the criteria for being considered open space from being exempted from the definition of “open space” and therefore exempted from Site Plan Review and protective buffers.

### **Fencing**

While the Council appreciates that the community had a number of concerns about the Wildlife-Friendly Fencing standards in the previous draft of the ordinance, removal seems to significantly



Re: Proposed Wildlife District Ordinance

lessen the potential impact of the ordinance on wildlife movement and connectivity. BABNCNC would like to see the following added to the ordinance for undeveloped lots *only*:

- For new single-family dwellings proposed for lots greater than ½ an acre, perimeter fencing must be appropriately set back and permeable to allow wildlife to pass through. Interior fencing may be impermeable.

### **Height**

Again, the Council appreciates the application of an overall height standard district-wide. The Council notes that 45 feet is extremely generous, therefore all roof structures should be included in this measurement.

### **Residential Floor Area**

This rule should apply to Additions as well. Covered parking over the required amount should not be exempt from this calculation.

### **Lot Coverage**

Changes in lot coverage requirements show a much-appreciated sensitivity to burdens for owners of smaller lots. The Council continues to recommend that lot coverage percent be adjusted according to lot size.

The maximum lot coverage amount should be 25,000 square feet, not 100,000 which far exceeds what might be necessary for residential purposes.

### **Trees**

These regulations should apply to all project types. Staff should be able to exempt projects from this regulation should there not be room to plant required additional trees on the lot. The entity responsible for determining the health of a tree should be the Urban Forestry Division. Furthermore, these regulations should not apply where homeowner's insurance companies are requiring the removal of trees as a condition of coverage.

### **Lighting**

Multi-colored LED lights illuminating structures should not be permitted.



Re: Proposed Wildlife District Ordinance

Further, it is critical that the limits on lighting be per unit of area not per fixture. Light effects are cumulative and a lumen limit per fixture would potentially just result in a greater number of fixtures to achieve a lighting level that continues to be harmful for wildlife.

The following previous recommendations should be looked at for inclusion in any subsequent draft of the ordinance:

- That all lights be fully shielded to eliminate upward emissions.
- That security lighting be motion activated and not be constantly illuminated.
- That a curfew be set for both recreational and landscape lighting
- That the definition for “recreational lighting” be provided in the definition section.

### **Trash Enclosures**

BABCNC would like clarification on the definition of “enclosure.” Further, the enclosure should be allowed to encroach on the front or side yard setback to the extent that it does not interfere with access necessary for firefighting. Trash enclosures should be constructed of any non-flammable material.

### **Site Plan Review**

Projects requesting 500 cubic yards or more of remedial grading should be subject to site plan review.

Clearly articulated *objective* criteria should be added to the subjective criteria currently articulated for site plan review.

The following comments from our previous letter should be closely considered for any further revisions in the draft ordinance:

### **Grading**

Grading permits shall *not* be issued prior to building permit issuance for a structure, and proposed structures must be sited on the lot such that grading is minimized.

### **Windows**

Strike the current standards and use the following instead:



Re: Proposed Wildlife District Ordinance

- Windows shall conform to the standards set forth in California Code of Regulations, Title 24.
- Treatments should not have a threat factor exceeding 30 in the American Bird Conservancy Products and Solutions database for Glass Collisions.

### **Slope Development Restrictions**

An exemption to the limit on development on slopes greater than 100% should be made for stairs.

### **Rebuilding After Loss**

The ordinance should explicitly allow rebuilding for non-disaster related complete losses (e.g., house fire) by stating that “Reconstruction of a building or structure damaged or destroyed in a natural disaster or casualty loss shall not be considered new construction nor major remodel”.

### **Public Input**

We strongly recommend that the City Planning Commission provide adequate opportunity and time for all members of the public to comment on the proposed ordinance during its meeting.

### **Conclusion**

While the new draft of the Wildlife Ordinance greatly reduces undesirable consequences resulting from the ordinance, critical measures still need to be taken to ensure habitat protection. We urge the Planning Department, the City Planning Commission, and our elected decision makers to carefully consider our recommendations. We look forward to working with you as this legislative process continues.

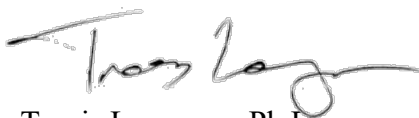
Sincerely,



Ellen Evans  
Chair, Ad Hoc Subcommittee on Wildlife District



Jamie Hall  
Vice President – Legislative Affairs



Travis Longcore, Ph.D.  
President





Planning CPC &lt;cpc@lacity.org&gt;

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**Item #6 (CPC-2022-3413-CA)**

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**Diane Berliner** <berliner.dg@gmail.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 11:41 AM

Dear Committee Members,

I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on Nov. 14.

Specifically, I support significantly expanding the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.

Life on earth is experiencing a sixth mass extinction driven primarily by habitat loss and fragmentation. Combating this crisis requires bold action to protect our remaining natural resources. This not only helps wildlife like imperiled mountain lions, but is essential to building a healthy, climate-resilient future for all Angelenos. Native landscapes help regulate the climate, purify air and water, pollinate crops and create healthy soil. Continued preservation and increased access will help ensure all Angelenos experience the physical and mental health benefits of nature.

The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas.

I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas.

Thank you for your thoughtful consideration of this matter.

Sincerely,

Diane Berliner



December 5, 2022

From Jennifer & Don Hardison- Homeowners on Linda Flora Drive 90077

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply



trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
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- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
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neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing “development capacity” in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today’s existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated “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” (Page p-4). Homeowners take issue with the statement that “all due consideration” has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

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**Recommendation: Suggest the Councilman’s office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Jennifer & Don Hardison- Homeowners on Linda Flora Drive 90077



December 5, 2022

[CPC@LACity.org](mailto:CPC@LACity.org)  
[OurLA2040@LACity.org](mailto:OurLA2040@LACity.org)  
[contactCD4@lacity.org](mailto:contactCD4@lacity.org)  
[transition@katyforla.com](mailto:transition@katyforla.com)

RE: Opposition to Proposed Wildlife Ordinance (WO) –  
CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

I am a 25-year owner/resident of a single-story, 3,000 sq. ft house on a flat 16,000 sq. ft. lot located in both the Wildlife Zone. The Wildlife Ordinance (WO) will affect me and my neighbors in many ways.

First, the WO needs to be re-written to, at a minimum, correct inconsistent and ambiguous language throughout.

- + To start, the WO should be structured and written as **every** Ordinance and Resolution brought before the City Council. With a Definition section, following the Whereas' clauses, with Defined Terms that are used throughout the WO. Currently these are scattered throughout the WO making it almost incomprehensible for the public to review.
  - By the staff's own admission, the WO was stitched together from ordinances around the country (including Seattle, Portland and Pittsburg) and even Canada. A reverse google search shows just where sections of the City of Los Angeles' WO came from.
  - The fact that they folded in the Ridgeline Ordinance in such a ridiculous way only to remove it in the current iteration demonstrates how haphazardly the WO evolved
  - The staff failed to follow the City Charter, Administrative Code and Municipal Code provisions relating to proposing and adopting ordinances of this magnitude.
- + Important information for the public that needs information on is the Resource Map. In its current state it is incomplete and inaccurate from what they mapped in clear view of my property. There are also no procedures on how this can be changed in the future, so the public is left completely in the dark.

Second, in light of the many recent highly publicized attacks by wildlife on pets and children , along with LA Animal Services well known deficiencies, including "wildlife conflict management", the public is very skeptical that the City of Los Angeles can manage the increase of wildlife flowing through the hills that this WO purports to do.



Third, by Los Angeles City Planning's own admission in their Ordinance Background and Information videos, they cite as a reason for the WO (with graphs and photos of oversized developments) the fact that the Baseline Hillside Ordinance (BHO) and Hillside Construction Ordinance (HCR) did not have the intended effect of reducing the size of homes built in the hills. Why is that a basis for the wildlife ordinance? If it is, include that statement in the WO findings in the Whereas section.

Fourth, many residents believe that the proposed WO will not have the desired effect for wildlife and its clear intent to limit the size of single-family hillside homes? The WO contains many of the same provisions for exceptions and does not address some of the real reasons that the BHO and HCR did not have the desired effect of reducing home sizes.

Fifth, City Planning purposely left out coastal areas that have a significantly larger amount of wildlife just to avoid having these regulations going through the California Coastal Commission. Why? Because it is a certainty that the California Coastal Commission would have a different take on many of the provisions of this WO.

Sixth, the additional costs imposed on specific property owners (e.g., levying additional fees for plan review) for a **general benefit** to the public and not for the **specific benefit** to the property owners, the imposed fees and costs, are "property-related fees" requiring additional steps under Proposition 218.

With respect to some of the elements in the WO, I have the following comments:

Why are the "bird friendly" window requirements only for the homes in the hills. A bird does not know if it is flying in a wildlife corridor or along Wilshire Boulevard. Hawks, owls and all sizes of birds fly daily around my home. The times that one has struck one of my sliding glass doors/windows have either flown immediately away or, the smaller birds, get a little stunned and about fifteen minutes later they fly off. I can recall only 3 fatalities in the 25 years I have lived here, those could hold in the palm of my hand. What studies are there on this problem?

Requiring trash enclosures with a roof will produce a concrete monstrosity. Closing trash bins seems to do the trick, as I have never had one opened by an animal that I know of.

Regards,

David Johnson  
9197 Crescent Dr  
Los Angeles, CA 90046





Planning CPC &lt;cpc@lacity.org&gt;

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**Item #6 (CPC-2022-3413-CA)**

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**adthdfyr@aol.com** <adthdfyr@aol.com>

Mon, Dec 5, 2022 at 3:34 PM

Reply-To: adthdfyr@aol.com

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

Hello,

Concerning Item #6 (CPC-2022-3413-CA),

- I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on Nov. 14.
- Specifically, I support significantly expanding the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.
- Life on Earth is experiencing a sixth mass extinction driven primarily by habitat loss and fragmentation. Combating this crisis requires bold action to protect our remaining natural resources. This not only helps wildlife like imperiled mountain lions, but is essential to building a healthy, climate-resilient future for all Angelenos.
- Native landscapes help regulate the climate, purify air and water, pollinate crops and create healthy soil. Continued preservation and increased access will help ensure all Angelenos experience the physical and mental health benefits of nature.
- The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas.
- I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas

Thank you,

D.S.

Los Angeles





Planning CPC &lt;cpc@lacity.org&gt;

---

**Item #6 (CPC-2022-3413-CA)**

---

**Eric Ericson** <e.ericson2@icloud.com>

Mon, Dec 5, 2022 at 10:33 AM

To: cpc@lacity.org

Hello,

- I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on Nov. 14.
- Specifically, I support significantly expanding the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.
- Life on Earth is experiencing a sixth mass extinction driven primarily by habitat loss and fragmentation. Combating this crisis requires bold action to protect our remaining natural resources. This not only helps wildlife like imperiled mountain lions, but is essential to building a healthy, climate-resilient future for all Angelenos.
- Native landscapes help regulate the climate, purify air and water, pollinate crops and create healthy soil. Continued preservation and increased access will help ensure all Angelenos experience the physical and mental health benefits of nature.
- The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas.
- I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas.

Sincerely,  
Eric Ericson OD





Planning CPC &lt;cpc@lacity.org&gt;

---

**Item #6 (CPC-2022-3413-CA)**

---

**frances alet** <fmalet@sbcglobal.net>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 8:18 AM

Dear L.A. Planning Commission:

Thank you for the opportunity to comment on the proposed wildlife ordinance.

I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on November 14th. I support expansion of the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.

Many cities in our area can see signs of habitat loss with coyotes and other wildlife coming into our communities. It's important to avoid habitat loss and fragmentation for wildlife. Our mountain lions are already at a critical juncture. Maintaining sufficient habitat not only helps wildlife, it helps all Angelenos by building a healthy, climate-resilient future.

I urge you to approve the ordinance and its proposed amendments.

Thank you for your consideration .  
Frances Alet  
Calabasas, CA.





Planning CPC <cpc@lacity.org>

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## Item #6 (CPC-2022-3413-CA)

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**Frank Eichenberg** <franksb2006@yahoo.com>  
To: "cpc@lacity.org" <cpc@lacity.org>

Mon, Dec 5, 2022 at 8:43 AM

Our assault on wildlife continues to be catastrophic. Please, follow the guidelines of the Center for Biological  
Diversity's science.





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**CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE**

---

Helene Desruisseaux <helene.desruisseaux@gmail.com>  
To: CPC@lacity.org

December 5, 2022

From Helene DesRuisseaux and Marcus Horwitz, Affected Homeowners  
RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance. From November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera.

"Coyote Attacks Toddler On Front Lawn"

<https://enewspaper.latimes.com/infinity/latimes/default.aspx?pubid=50435180-e58e-48b5-8e0c-236bf740270e&edid=adf27f39-8b40-4292-bfed-e6>

In particular I would like to draw your attention to the last few paragraphs of the above article where authorities recommend erecting 8 foot fence Ordinance purports to recommend as a solution to address the "wildlife" issue in the subject area. Clearly there is not a consensus among of conducted with objective results to warrant such a disruptive proposed ordinance as the one referenced above.

See also:

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



Home surveillance shows coy

Shira and Ariel Eliyahuo - Google

foxnews.com/video/6316559469112



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Taskbar icons: Edge, File Explorer, Mail (99+), Chrome, and File Explorer.





Home surveillance shows



Shira and Ariel Eliyahuo



Family of two-year-old girl



euthanization

[←](#) [→](#) [↻](#) [🔒](#) deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-12

## DEADLINE

≡ MENU

READ NEXT: Peter Bart: Pre-Woke Royals Rev

By [Bruce Haring](#) 📧

November 19, 2022 11:08am

## DEADLINE

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A mountain lion that frequents residential areas in the Griffith I Hollywood area is apparently growing more aggressive.



Type here to search



Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems. [com/EvictCoyotes/](#).

Huntington Beach: <https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I support this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to protect your pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy, outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the ordinance. From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures for additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but are not limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the map resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the ordinance.
  - **Site Plan Review** – The residents have not been provided the key components in the site plan review process. Will this be a standard part of the review process?



- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a 1 SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mount neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specific actions need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders and remove fire hazards.**

The City has stated "DCP acted with urgency to develop the proposed ordinance with all due consideration of stakeholder input and existing goals and policies" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholders in opportunities for response have been limited to a few short weeks to assess its impact. While City Planning has an extensive bench of staff, further, our questions have not been responded to in order for us to assess the impact on our property.

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed by Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identify expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, please

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements**  
 Thank you for your time and consideration,  
 Helene DesRuisseaux and Marcus Horwitz  
 Residents of Affected Area

Sent from my iPhone



## HOWARD A. KROM

December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112>

Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.



- **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- 
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
  - The ordinance violates the state’s Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
  - The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. “BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas.” If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.
  - The proposed ordinance will have a significant impact on the environment in several respects including, without limitation, impairing and limiting the maintenance and preservation of residential land now in existence and the ability of homeowners to repair, reconstruct and replace properties damaged by fire or natural disasters and increasing the dangers to humans and domestic animals posed by feral animals in unprotected residential areas. For these reasons, the proposed ordinance does not qualify for a negative declaration and requires a full environmental impact report be prepared and considered.

**Recommendation:** Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing “development capacity” in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today’s existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.



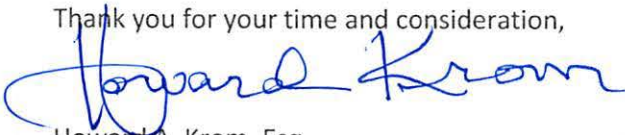
The City has stated "DCP acted with urgency to develop the proposed ordinance with all due consideration of stakeholder input and expert consultation to put forward standards consistent with city, county, state and federal environmental goals and policies" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,



Howard A. Krom, Esq.  
Resident  
8812 Hollywood Hills Road  
Los Angeles, CA 90046



HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL  
Post Office Box 50791 Los Angeles, CA 90050  
<http://www.highlandparknc.com>  
Certified as NC #33 May 28, 2002

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT  
200 N. Spring St. Ste. 2005 Los Angeles, CA 90012  
Telephone: (213) 978-1551

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**First Vice President** Emily Spokes  
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**HHPNC Ad Hoc Committee on the Northeast Los Angeles Community Plan** Clara Solis, Rick Marquez

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**YOUTH DIRECTOR**

Roger Mora

# HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL

December 1, 2022

City Planning Commission  
City of LA Planning Department  
200 North Spring Street  
Los Angeles, CA 90012  
[cpc@lacity.org](mailto:cpc@lacity.org)

## COMMUNITY IMPACT STATEMENT

Re: Agenda Item 1, December 8<sup>th</sup> 2022, DCP Processes related to the Tree Protection Ordinance

In Support of Black Walnut Day, the Southern California Black Walnut and the Los Angeles Tree and Shrub Protection Ordinance (LATPO)

Dear City Planning Commissioners:

The Historic Highland Park Neighborhood Council wholeheartedly supports Black Walnut Day and the protection of the Southern California Black Walnut. Many in our community have come together to advocate for this wonderful tree. This tree is important to our wildlife and to our environment. These trees that provide so much to us are being lost to development throughout Los Angeles, with tree removal permits granted at a rate of one tree every 7.2 days. We stand in solidarity in demanding that the extermination of this tree stop so that they will still be present for wildlife and future generations.

We are concerned that the planning department is applying the Los Angeles Tree and Shrub Protection LATPO inconsistently. In the project known as Eastern and Lombardy development (case no. APCE-2015-2048-ZC-ZADZAA), the California Department of Fish and Wildlife, CDFW and LATPO regulations were bypassed during the planning process and approval was recommended by planning staff. Nearly a mile away, in the same community of El Sereno (case no. ENV-2014-3179-MND), another project known as Onyx Street, a similar hillside development, was NOT recommended by planning staff because it violated CDFW rules among others. These inconsistent interpretations of the LATPO are unfair and contradictory. The LATPO must be applied to all projects equitably. It should be noted that in the



Eastern/Lombardy development case, community members were forced to file a CEQA lawsuit and were vindicated when Los Angeles Superior Court **Judge Leiter on November 18, 2022 found that there was inadequate mitigation for Southern California Black Walnuts and ruled that a full CEQA Environmental Impact Report was required for the project.** Judge Leiter specifically opines that the replacement requirements in the LA Tree Protection Ordinance are inadequate when he states **"The dangers posed by the project to Southern California Black Walnut Trees may not be properly eliminated by the requirement to plant trees of any protected variety."**

We are also concerned that the Director of Planning did not approve of the LATPO. We urge Bertoni to change his position. The Southern California Black Walnut (SCBW) has been a cultural resource for the Tongva, Kizh Nation and other Indigenous People of Los Angeles long before colonization. To the communities of Northeast Los Angeles, the SCBW also represents a similar and significant natural resource. The California black walnut is a foundation species that can establish wildlife habitats. It has been known to attract more than 30 species of birds. As a native species it is well suited for hillsides prone to seasonal fires, regenerating quickly even after it has been burned to the ground and thereby stabilizing the environment quickly. Urbanization has encroached on more than 30% of the SCBW's habitat and as a result it has been designated a rare and protected tree.

We support the following ten points that if implemented will move the City of Los Angeles' planning department and the Los Angeles Fire Department (LAFD) brush clearance into alignment with our community of Highland Park and our visions for responsible land stewardship.

*01) Lead other Southern California municipalities in environmental protection of community resources by prioritizing native species and recognizing historical and cultural precedents.*

*02) Support the Los Angeles Tree and Shrub Protection Ordinance.*

*03) Recognize existing protections including CEQA, California Environmental Quality Act (Section 15380 of the CEQA Guidelines (14 CCR § 15380 (b)(2))), CDFW, California Department of Fish and Wildlife recognition of all *Juglans californica* Alliances as a Sensitive Natural Communities.*

*04) Start the exploration of developing robust city processes and staffing that review, comment and enforce existing protections named above.*

*05) Start the process to end CEQA categorical exemption "class 32" infill developments as this was the policy in the past.*

*06) Adopt a higher standard for mitigation with developments that have no other options but to remove SCBW.*

*07) "on/off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio as recommended by CDFW be 5:1 (in area/acreage)."*

*08) "If impacts are unavoidable, an area-based mitigation scheme is required, with permanent protection, performance criteria, and enforceability, as part of CEQA compliance."*



*09) Understanding that the city is currently making updates to the LATPO, strongly consider collaborating with our coalition and community supporters to review and incorporate these proposed changes in the next update to strengthen the LATPO.*

*10) The first step is to develop a training curriculum for LA City Planning Department planners, LAFD Brush Clearance and additional appropriate staff in order to educate them on how the city can recognize, protect and enforce the protections of the LATPO, specifically the CBW.*

Establishing these principles for equity and consistency can limit future liabilities. More importantly it moves us in the right direction towards responsible land stewardship and away from exploitation. We reiterate that it is crucial for you to support these points to protect our communities. Should you desire to collaborate on accomplishing these points, anyone of our coalition members would gladly offer assistance.

Thank You.

Sincerely,



Charles "Harry" Blumsack  
President, Historic Highland Park Neighborhood Council

Community support petition from across Northeast Los Angeles as of this date is nearing 400 community members.

[https://drive.google.com/drive/folders/1hhBPYdhuzs43G2B2DBYHrs7\\_Ok\\_ytK3N?usp=sharing](https://drive.google.com/drive/folders/1hhBPYdhuzs43G2B2DBYHrs7_Ok_ytK3N?usp=sharing)

cc:

Vince Bertoni, AICP, [vince.bertoni@lacity.org](mailto:vince.bertoni@lacity.org)

East Los Angeles Planning Commission, [apceastla@lacity.org](mailto:apceastla@lacity.org)

Aura Garcia, President, Board of Public Works  
[aura.garcia@lacity.org](mailto:aura.garcia@lacity.org) c/o [fernando.campos@lacity.org](mailto:fernando.campos@lacity.org)

Rachel Malarich, City Forest Officer, [rachel.malarich@lacity.org](mailto:rachel.malarich@lacity.org)

Jimmie Woods-Gray\*\*  
LAFD Fire Commission, President, c/o [LAFDrequest@lacity.org](mailto:LAFDrequest@lacity.org)

Diana Kitching, City of Los Angeles, City Planner, [diana.kitching@lacity.org](mailto:diana.kitching@lacity.org)

Kat Superfisky, City of Los Angeles, Urban Ecologist, [kat.superfisky@lacity.org](mailto:kat.superfisky@lacity.org)



[councilmember.kevindeleon@lacity.org](mailto:councilmember.kevindeleon@lacity.org), [emma.howard@lacity.org](mailto:emma.howard@lacity.org)

NELA Black Walnut Day Committee, [northeastla.alliance@gmail.com](mailto:northeastla.alliance@gmail.com)

Councilmember Elect Eunisses Hernandez [eunisses@eunissesforthepeople.org](mailto:eunisses@eunissesforthepeople.org)





Planning CPC &lt;cpc@lacity.org&gt;

---

**Item #6 (CPC-2022-3413-CA)**

---

**Ted Hume** <baseliner2010@hotmail.com>

Mon, Dec 5, 2022 at 5:43 PM

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

- I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on Nov. 14.
- Specifically, I support significantly expanding the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.
- Life on Earth is experiencing a sixth mass extinction driven primarily by habitat loss and fragmentation. Combating this crisis requires bold action to protect our remaining natural resources. This not only helps wildlife like imperiled mountain lions, but is essential to building a healthy, climate-resilient future for all Angelenos.
- Native landscapes help regulate the climate, purify air and water, pollinate crops and create healthy soil. Continued preservation and increased access will help ensure all Angelenos experience the physical and mental health benefits of nature.
- The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas.
- I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas.

The Hume family.

LA.





Planning CPC &lt;cpc@lacity.org&gt;

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**Item #6 (CPC-2022-3413-CA)**

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**Ingrid Escajeda** <ingrid@escajeda.com>

Mon, Dec 5, 2022 at 8:15 AM

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

Cc: "ereidwainscoat@biologicaldiversity.org" <ereidwainscoat@biologicaldiversity.org>"  
<ereidwainscoat@biologicaldiversity.org>

To the Los Angeles Planning Commission:

I'm writing today to urge you to please support the LA Wildlife Ordinance. I live on Multiview Drive in the Hollywood Hills across from Universal Studios. I've been here for over six years now and have personally seen the wildlife corridors here ruined by developers who have built/are building mega-mansions on the remaining open lots on this road. I know this as fact for two reasons--

1) I've physically seen confused deer blocked by the fence and development put up on the lot next door to 3587 Multiview. They now have to travel up my neighbor's long driveway to go around 3587 to get to the open space behind it. If ever my neighbor (or anyone who owns that house in the future) were to put up a fence, the deer will be cut off entirely.

2) More importantly, the large property below me is being developed *correctly* and had a wildlife study done to ensure that they wouldn't block any corridors. Sure enough, that study showed that wildlife was using the lot at [3608 Multiview Drive](#) as a pass which was cut off when an enormous house was built there in 2019. Tragically, that passage is now cut off to larger mammals completely. And the only way they can get through now? By coming through my property.

Yes, my property is also part of the wildlife passage here -- deer, bobcats, coyotes, I even had a mountain lion come through last year which was the thrill of a lifetime. And at this point, I've become a last bastion for passage for these magnificent critters so I wouldn't dream of putting up a fence. Sure, I could use one, I've had many a human intruder come wandering, but I could never in good conscience do that to the animals. Thus it infuriates me to feel like I'm "holding down the fort" for wildlife around here while these ridiculous too-big houses go up one after another around me. I've watched the frequency at which wildlife comes through here dwindle, which breaks my heart and worries me as to where they now may be stuck.

So I beg you, **please, please, pass the LA Wildlife Ordinance**, if not for the sake of these animals' lives alone, then for all the human benefit that wildlife brings to our community. It may be almost too late for my area, but you can protect other LA neighborhoods from falling to the same fate as mine. Thank you.

Sincerely,

Ingrid Escajeda





Planning CPC <cpc@lacity.org>

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## Item #6 (CPC-2022-3413-CA)

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janet heinle <janetheinle@yahoo.com>

Mon, Dec 5, 2022 at 6:52 AM

To: "cpc@lacity.org" <cpc@lacity.org>

- I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on Nov. 14.
- Specifically, I support significantly expanding the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.

Janet Heinle  
Santa Monica , Ca 90403



**JOHN A. HENNING, JR.**  
ATTORNEY AT LAW  
125 N. SWEETZER AVENUE  
LOS ANGELES, CALIFORNIA 90048  
  
TELEPHONE: (323) 655-6171  
E-MAIL: jhenning@planninglawgroup.com

December 6, 2022

## **COMMENT RESPONDING TO PROPOSED REVISIONS TO DEFINITION OF “WILDLIFE RESOURCES”**

### **VIA ELECTRONIC MAIL**

Los Angeles City Planning Commission  
c/o Cecilia Lamas  
Commission Executive Assistant  
Department of Planning  
200 N. Spring St.  
Los Angeles, CA 90012

Re: Proposed Wildlife Ordinance (Case No. CPC-2022-3413-CA and CPC-2022-3712-ZC (hearing date Dec. 8, 2022, Agenda Item No. 6))

Honorable Commissioners:

We wrote to you on November 14, 2022, with our comments on the map of “Wildlife Resources” incorporated into the proposed Wildlife Ordinance, and the procedure for revisions to this map. Our letter criticized the draft ordinance for not including a parcel-level map of Wildlife Resources, and for apparently allowing Planning Department staff to freely revise the map in the future without securing a formal amendment of the Wildlife Ordinance by the City Council. We also noted a reference in the draft ordinance to a “Map X” that does not exist.

On the same date, the Commission received a comment letter from the Center for Biological Diversity, Sierra Club California, Friends of Griffith Park, the Brentwood Alliance of Canyons & Hillsides and Citizens for Los Angeles Wildlife. This letter urged the Commission to move in the opposite direction, by revising the ordinance to more broadly define “Open Space” to include (1) some 96 “habitat blocks” mapped by the Santa Monica Mountains Conservancy; (2) dozens of additional swaths of land which have apparently been mapped as “native woodlands” by the National Park Service; and (3) an unknown number of additional parcels which may be habitat for “protected species.” Many other commenters supported these requests.



The referenced maps would vastly increase – with little justification – the amount of land defined as a “Wildlife Resource.” Further, the maps can easily be modified in the future by the action of bodies entirely independent from the City and its residents. Accordingly, the Commission should decline the request of the environmental groups to revise the ordinance to more broadly define “Open Space” for purposes of delineating Wildlife Resources.

Further, as requested in our November 14 letter, the Commission should modify the ordinance to (1) include complete and detailed parcel-level maps showing all Wildlife Resources and buffers as an exhibit to the ordinance; (2) expressly remove a reference to a Wildlife Resources map “adopted” by the Department of City Planning, so that a formal amendment by the City Council is required to modify the Wildlife Resources map; and (3) correct a typographical error referring to “Map X” rather than the Wildlife Resources map.

**A. The Ordinance Would Impose Significant Additional Restrictions on Development Touching a “Wildlife Resource” or Associated Buffer Area.**

The Wildlife Ordinance would impose significant new limitations on development throughout the proposed Wildlife District. However, within areas designated as a “Wildlife Resource,” the restrictions are especially onerous. When development would encroach on a Wildlife Resource or its buffer, Site Plan Review would be required categorically, except for interior remodeling. Further, unlike elsewhere in the district, all development touching a Wildlife Resource or its buffer would require the preparation of a Biological Assessment by a qualified biologist.

Finally, and most significantly, the ordinance would apparently require the City to make special – and unusually onerous – findings for any project touching a Wildlife Resource or its buffer.<sup>1</sup> As the environmental groups explained in their letter:

Moreover, for a project to be approved pursuant to the Site Plan Review process, the Planning Department and/or Hearing Officer must make discretionary findings based on the record that the project—with the inclusion of project modifications and/or mitigation measures—meets each of the criteria set forth on pages 21-22. These goals set forth in the October 2022 Draft include that the project is *[1] highly compatible with and will have minimal impact on any natural features or resources, [2] will avoid substantial landform alteration, and [3] is highly compatible with biotic resources, among other criteria.* (Letter by Center for Biological Diversity, et al., at pg. 2 (emphasis and numbering supplied).)

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<sup>1</sup> As the environmental groups point out in their letter, in the current draft “it is ambiguous whether the decisionmaker is required to make these findings, or whether an applicant can simply submit materials that merely support such findings. Those are profoundly different thresholds.” (Letter by Center for Biological Diversity, et al., at pg. 2 (emphasis supplied).) In any event, the ordinance is certainly susceptible to an interpretation that the findings must be made, and if the City follows that interpretation the owners of the affected properties will be subjected – to use the commenters’ term – to “profound” limitations on their development rights.



**B. The Present Definition of “Wildlife Resource” is Remarkably Ambiguous.**

Surely owners of property within the Wildlife District deserve to know, before the Wildlife Ordinance is adopted, whether it will subject all future development of their property to a discretionary proceeding requiring extremely stringent mandatory findings, which could dramatically affect the size, location and scope of such development – in some cases possibly limiting development on a very large property to a very small structure on a small part of the property. Yet the draft ordinance is remarkably vague about which properties will be deemed to contain a “Wildlife Resource” or associated buffer.

The phrase “Wildlife Resource” is defined in Section 1 of the draft ordinance, which would amend LAMC section 12.03 (Definitions). (Staff Report, pg. 482 of PDF.) The language is quite broad, and it could potentially encompass many parcels within the Wildlife District. The definition of the phrase includes the following three categories:

- water features, such as lakes, reservoirs, ponds, wetlands, rivers, streams, creeks, and riparian areas;
- open space, including zoned open space conservation easements, and protected areas;
- open channels

“Water features” and “open channels” are relatively easily identified, both by the City and by the affected property owners. However, the use of the phrase “protected areas” as a subcategory of the phrase “Open Space” – an addition that was made to Section 1 in the most recent draft of the ordinance – is an invitation to mischief. The draft ordinance does not define “protected areas,” and there is presently no definition of this phrase in the code.

Given the absence of a clear definition in the code to the contrary, an area could arguably be deemed to be a “protected area” for purposes of the Wildlife Ordinance simply because the City – or even another public agency – decides at some point in the future to “protect” the area in question by way of an ordinance, resolution or staff-level policy. Further confusing the matter is that the fact that the staff report here includes a report that identified the vast majority of the land in the proposed Wildlife District as “Potential Protection Areas for Wildlife (PAWs).” (See Staff Report, Exhibit F-7 (Proposed Protection Areas for Wildlife), at pg. 590 of PDF.) From this map alone, an argument could be made that almost any property deserves to be treated as a “protected area” and thus as “Open Space.”

The lack of specificity in the ordinance as to what is – and is not – a “protected area” will merely generate disputes later on. Neighbors, developers, environmental groups, City staff and politicians will each have their own notion of what should qualify. Unless those disputes are resolved now, by clarifying the definition before the ordinance is passed, the eventual result will be a patchwork of inconsistent designations by various members of the Planning Department staff, dictated sometimes by reason and science, and sometimes by political influence and who yells the loudest.



**C. “Open Space” Should Remain Limited to Land Already Devoted to Such Use By Its Owner.**

“Open space” has a lengthy definition in the draft ordinance, but the most relevant limiting language is “Any parcel 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 . . . .” (Staff Report at pg. 486 of PDF.) Elsewhere in the ordinance, “conservation easements” and “protected areas” are called out as types of Open Space. (See, e.g., Staff Report at pg. 498 of PDF, Table 4.1.)

Reading this language together, property that is zoned by the City specifically as “open space” (OS) would clearly qualify as Open Space. Also qualifying would be land that is formally “designated” as “open space” by a public agency such as the Mountains Conservation and Recreation Authority (MCRA) and actually devoted to an open-space use by the landowner, each of which would presumably occur only with the consent and cooperation of the owner. Some of this land would also be subject to conservation easements.<sup>2</sup>

However, as the draft ordinance is now written, it does not appear that a public agency other than the City itself can “designate” private property for the protection of a natural resource and deem it “open space” without the consent or cooperation of the property owner, and thereby create “Open Space” that is in turn deemed to be a “Wildlife Resource” subject to stricter scrutiny and findings under the Wildlife Ordinance. Among other things, in the absence of landowner consent such land would presumably not be “devoted to an open-space use” in the first place, as is required by the definition.

This is a sensible limitation, and it should remain in the ordinance for the protection of private property owners who have no intention to have their land designated as “open space”.

**D. Environmental Groups Want to Vastly Expand the Definition of “Open Space” to Include Large Swaths of Additional Property.**

The environmental groups penning the November 14 letter are aware of the ambiguity in the present definition of a “Wildlife Resource.” Instead of arguing for overbroad interpretations that would surprise landowners after the ordinance is adopted, they would solve the problem by broadly – and irrationally – redefining the phrase “Open Space” now, and thereby sweeping large swaths of additional property into the “Wildlife Resource” bucket. The Commission should not oblige them.

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<sup>2</sup> Not all conservation easements would qualify as “Open Space,” nor should they. A private landowner may grant a conservation easement to a private land trust for purely self-serving reasons having nothing to do with the wildlife values of the property. If neither the land trust nor the owner can persuade any public agency to designate the land “open space,” there would appear to be no justification to subject the land (and land adjacent to it when within the requisite 25-foot buffer) to the stringent restrictions attendant to a Wildlife Resource.



Specifically, the authors would categorically include in the definition of “Open Space” three different categories of private property designated by public agencies other than the City as having natural resource values deserving of protection, and apparently without regard to whether the landowner consents, or is even aware of the designation. (See Letter by Center for Biological Diversity, et al., at pg. 2.) These include:

1. 96 “habitat blocks” (i.e., chains of continuous habitat, generally consisting of multiple adjoining properties), as mapped by the Santa Monica Mountains Conservancy (SMMC) in a recent “Eastern Santa Monica Mountains Habitat Linkage Planning Map” linked to the letter (see pg. 2, footnote 1);
2. Dozens of additional swaths of land which have allegedly been mapped as “native woodlands” by the National Park Service;<sup>3</sup> and
3. An unknown quantity of additional land identified, now or in the future, as “habitat for protected species” under state or federal law, per Government Code Section 65913.4(a)(6)(J).<sup>4</sup>

There is virtually no justification offered for the inclusion of any of these three categories of land, much less all of them. Yet their inclusion would dramatically change the ordinance. Landowners who have no intention to devote their land to open-space use would nonetheless find their land deemed as “Open Space,” and thereby subject to an onerous and uncertain development process. Further, it would be a constantly moving target; the SMMC and the National Park Service can remap the resources at any time, and federal and state agencies can find new habitat for protected species (and designate new protected species) at any time.

The original intent of the Wildlife Ordinance was patently to give special protection to water features, open channels and zoned open space land, by defining them as “Wildlife Resources.” All of these are relatively easy for affected landowners to identify in advance, by consulting authoritative sources or experts. However, the authors of the November 14 letter are not satisfied with this; they want multiple local, state and federal agencies to define – and then continually redefine – what is a “Wildlife Resource” and where it is located. The Commission should decline this invitation to mayhem. If the presence of natural resources on a property is sufficient to justify the designation of a Wildlife Resource on that property, the resource and the property should be identified now, in an open and transparent process, and the proponents should be required to make their case now.

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<sup>3</sup> The groups’ letter includes a link to a map on the ArcGIS website (see pg. 2, footnote 2 of letter). The map contains blue areas that may reflect mapping of woodlands, but it bears no indicia of the National Park Service. Thus, it is impossible to determine whether this is a National Park Service map.

<sup>4</sup> Government Code Section 65913.4(a)(6)(J) reads: “(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).”



**E. Open Space Should Not Have a Buffer Area.**

In the draft ordinance, a Wildlife Resource consisting of Open Space is subject to a 25-foot buffer area, in which the same restrictions applying to the Wildlife Resource itself apply. While there may be a justification for a buffer in the case of water features and open channels, the same cannot be said categorically for Open Space.

As discussed above, the definition of Open Space encompasses (1) open space zoned OS by the City; (2) conservation easements; and (3) other areas designated as open space by another public agency, and devoted to an open-space use with the owner's cooperation. Presumably, the process public agencies follow in zoning, designation and the creation of conservation easements affords ample opportunity to ensure that buffer areas are created to protect the resources present.

In addition, unlike a water feature or an open channel, an Open Space area will most often consist of an entire parcel (whether zoned, designated and/or subjected to a conservation easement). This means that the buffer will necessarily fall entirely on neighboring property (and along the entire property line), rather than on the property where the Wildlife Resource exists. This is a significant burden for neighboring properties, which may very well be unnecessary.

**F. "Wildlife Resources" and Buffers Should Be Specifically Delineated on a Map Prepared Before Adoption of the Ordinance.**

Despite the use of ambiguous phrases like "protected area" and "open space" in the draft ordinance, it appears as though the drafters originally intended to identify Wildlife Resources quite narrowly, and in accordance with a map prepared by staff. Section 1 states: "Wildlife Resources are identified in Map B: Draft Resource Areas," and further notes that the areas on Map B "include" resources of various types, including water features, open space and open channels. (Staff Report, pg. 482 of PDF.)

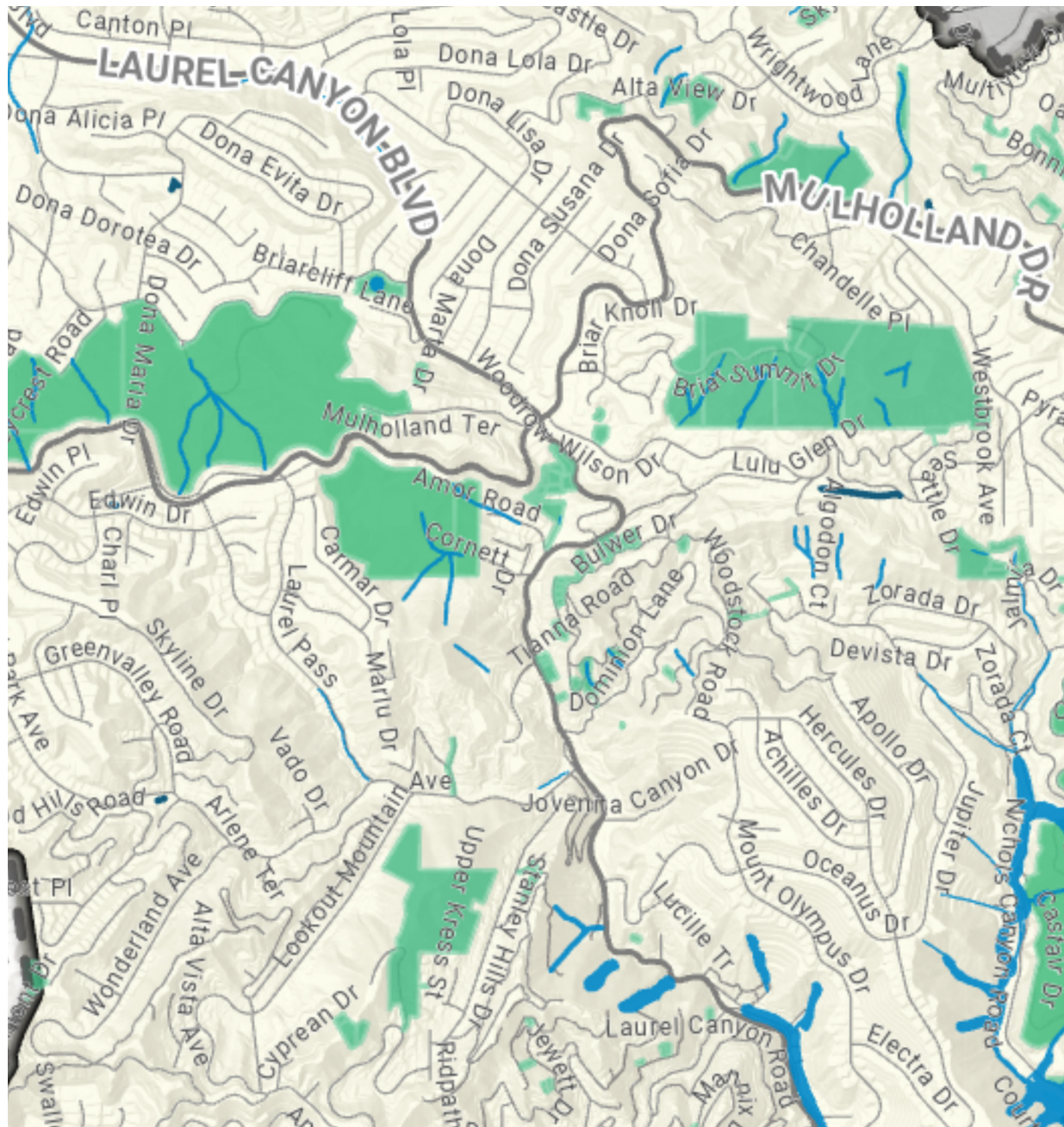
The use of a map is appropriate, as it is the only way for property owners, neighbors and members of the public to determine, before the proposed ordinance is considered further, whether particular property is subject to the heightened restrictions applicable to Wildlife Resources. Unfortunately, a sufficiently detailed map (or series of maps) is not included with the draft Wildlife Ordinance, which is Exhibit A to the staff report. (Staff Report, pg. 478 of PDF.)

It appears that staff intended to have the so-called "Map B" be Exhibit A3 to the staff report. (See Staff Report, pg. 517 of PDF.) Exhibit A3 is labeled "Proposed Wildlife Resources" and labels "Open Space Resources," "Water Resources" and "Water Resources – Open Channels" as green, blue and dark blue respectively. Assuming that was staff's intent, however, Exhibit A3 is far too low-resolution to accurately identify at a parcel level where Wildlife Resources and their surrounding buffers are located. The single-page map spans an area approximately 10 miles by 10 miles. Unlike some PDF maps, Exhibit A3 is not capable of being blown up electronically so as to depict parcel-by-parcel data. Further, it appears as though



“buffers” identified in the draft ordinance (as much as 50 feet around the identified Wildlife Resources) are not mapped at all in Exhibit A3, as they are not called out in the legend.

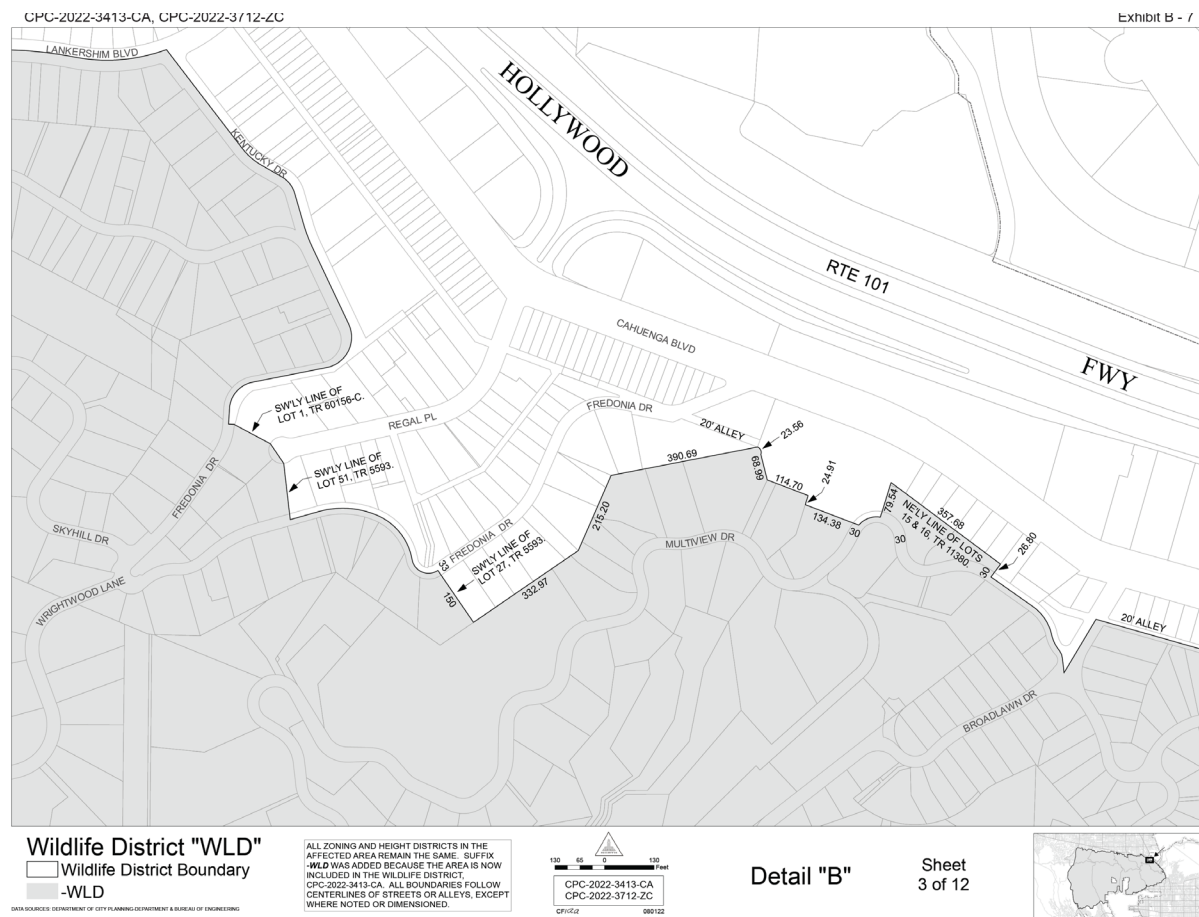
A portion of Exhibit A3 (Proposed Wildlife Resources) is depicted below, in its original resolution as depicted in the staff report. Many small areas are shown in green and blue, and it is impossible to tell which parcels are affected. Buffers are not shown at all.



**Excerpt from staff report Exhibit A-3: Proposed Wildlife Resources**



The staff report does make several references to an “interactive online map,” which can be accessed through a hyperlink to ArcGIS, a private software company, and which can be blown up to show individual parcels.<sup>5</sup> However, such a hyperlink cannot be, and will not be, in the ordinance itself. Instead, before the ordinance is considered further, staff should prepare a parcel-by-parcel series of maps depicting all proposed Wildlife Resources. Such a map was prepared for the draft Zone Change Ordinance, which accompanies the Wildlife Ordinance and is Exhibit B to the staff report. That ordinance is accompanied by 12 detailed maps, 11 of which are parcel-level, showing the boundary of the Wildlife District and which parcels are within the district. An excerpt from Exhibit B is depicted below. (See Staff Report, pg. 525 of PDF.)



### Excerpt from staff report Exhibit B: Wildlife District “WLD”

The ordinance’s “Map B” should be modified to consist of a similar series of parcel-level maps, which would identify “Wildlife Resources” and corresponding buffers for purposes of the Wildlife Ordinance. “Map B” should also be revised to be entitled “Wildlife Resources and Buffers.” Finally, the text of Section 1 of the draft ordinance should be modified to read “Wildlife Resources are identified in Map B: Wildlife Resources and Buffers.”

<sup>5</sup> See, e.g., staff report at pg. A-1: <https://experience.arcgis.com/experience/8e9afdbf5bce4d2a9b5f0458cd89a574/>



**G. Future Revisions to the “Wildlife Resources” Map Should Be Only by a Formal Amendment to the Ordinance Itself.**

The Wildlife Ordinance identifies “Wildlife Resources” with reference to Map B. As with any part of the ordinance, Map B could certainly be revised or replaced by way of a subsequent action of the City Council to amend the ordinance. However, there is language elsewhere in the draft ordinance which implies that Map B could also be revised or replaced by City Planning Department staff, without a formal amendment to the ordinance. This language appears for the first time in the most recent revision to the draft ordinance.

The language at issue appears in Section 6 of the draft Wildlife Ordinance, which adds section 13.21 (“WLD” Wildlife District) to the LAMC. Subsection F (Development Regulations) includes a subsection 2 (Wildlife Resources). (See Staff Report, pg. 498 of PDF.) That subsection states:

- 2. Wildlife Resources.** In addition to the District-Wide regulations contained in Paragraph 1 of Subsection F of this Section, the following regulations apply to all lots in a Wildlife District where a Wildlife Resource has been identified on a map created, maintained, and adopted by the Department of City Planning in conjunction with the application of a Wildlife District.

The above-referenced language refers to “a map created, maintained and adopted by the Department of City Planning in conjunction with the application of a Wildlife District.” In the last version of the draft ordinance circulated in April 2022, the map to be “created, maintained and adopted” by the Department was of a “Ridgeline”. (See Staff Report, pg. 560 of PDF (revisions to April 2022 draft ordinance).) This reflects the fact that, as part of the earlier iteration of the ordinance (and as part of the “Ridgeline Protection Ordinance” which preceded that effort), staff had mapped ridgelines within the proposed Wildlife District. In the most recent draft of the Wildlife Ordinance, staff decided to de-emphasize ridgelines as a basis for the regulations. In accordance with that, staff apparently decided to delete the reference to “Ridgeline” in proposed section 13.21.F.2.

However, by making the foregoing deletion, staff has – perhaps inadvertently – injected significant ambiguity into the draft ordinance regarding the proper procedure for amending the map of “Wildlife Resources”. As discussed above, the Definitions section of the ordinance states that “Wildlife Resources are identified in Map B: Draft Resource Areas”. Map B is clearly intended to be an exhibit or appendix to the ordinance itself, and therefore any modification to it should require a formal amendment to the ordinance, requiring action by the City Council. Yet the language in section 13.21.F.2 would arguably allow for Map B to be “created, maintained and adopted by the Department of City Planning.” This implies that the Department could, without further amending the Wildlife Ordinance, simply modify Map B to include additional parcels and then “adopt” it through some sort of internal department procedure.



Any change to Map B, especially one that includes additional parcels, would significantly alter the regulations applicable to such parcels. Therefore, in order to protect the due process rights of the affected property owners and the public, and to preserve the City Council's jurisdiction over the underlying regulations, the draft ordinance should be modified to delete the reference to a map "created, maintained and adopted" by the Department, and substitute a simple reference to Map B. Specifically, the language of section 13.21.F.2 should be revised as follows:

**PROPOSED REVISION:**

**2. Wildlife Resources.** In addition to the District-Wide regulations contained in Paragraph 1 of Subsection F of this Section, the following regulations apply to all lots in a Wildlife District where a Wildlife Resource has been identified on ~~a map created, maintained and adopted by the Department of City Planning in conjunction with the application of a Wildlife District.~~ Map B: Wildlife Resources and Buffers.

**H. The Errant Reference to "Map X" Should Be Corrected.**

There is an apparent typographical error in proposed section 13.21.F.2.(b).1. (See Staff Report, pg. 498 of PDF.) It states:

(b) Regulations.

(1) A Biological Assessment is required for any project proposed within a Wildlife Resource or its Buffer as shown on Map X.

Exhibit A to the staff report contains the proposed Wildlife Ordinance and the other maps which appear to be referenced in the draft ordinance. There is no "Map X" anywhere in Exhibit A, or elsewhere in the staff report. Evidently, then, the reference to "Map X" is a typographical error and was intended to refer to "Map B," which is discussed at length above. Provided that Map B is modified to include buffer areas, as recommended above, it should suffice as the map defining whether a project is "within a Wildlife Resource or its Buffer," and therefore whether the project is subject to the requirement of a Biological Assessment.

Thank you for the opportunity to comment on this proposed Wildlife Ordinance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized, cursive script.

John A. Henning, Jr.

cc: Patrick Whalen





Planning CPC <cpc@lacity.org>

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## SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

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info@clawonline.org <noreply@123formbuilder.com>  
Reply-To: noreply@123formbuilder.com  
To: CPC@lacity.org

Tue, Nov 29, 2022 at 10:55 PM

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Julie Klabin

3127 Ettrick St.  
Los Angeles CA  
90027-2501  
United States

jklabin@aol.com





Planning CPC &lt;cpc@lacity.org&gt;

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**AGAINST WILDLIFE ORDINANCE**

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jeffsix@att.net <jeffsix@att.net>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 11:11 AM

December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

I am adamantly opposed to the ordinance as proposed. I will not repeat all the other comments and reasons for my opposition but share a quick thought and copy and paste the most recent template letter which I agree with.

Specifically, I have discovered that this ordinance was motivated at its inception as an antidevelopment play and to prevent homeowners in the areas from remodeling or enlarging their homes. There is no scientific basis or reason, let alone reasonable and rational one, to create these restrictions on a small set of homeowners. A prime example of this is banning or limiting basements. There is no rational basis and honest connection to saving wildlife if a property has a basement or not. The ordinance smacks of the frequently misguided attempts to institute measures in the name of the environment and habitat but is merely a drop in the bucket on the backs of an extremely small set of the citizens. By including such nonsensical restrictions, and there are plenty more, the real intention is manifest. That does not mean there may be well intentioned people trying to help the wildlife, but the good intention is obviously manipulated for a different agenda. It is phenomenal that the city is not required to provide a counter study that takes a counter position so that the members can have a fair and balanced perspective. Likewise, such a study would educate the public and the people most impacted. The ordinance should be drastically modified and limited. It should not categorically limit any remodel, development etc. beyond what currently exists. The burden should be on the city to demonstrate on a PER PROJECT basis how a proposed project significantly impacts wildlife. There should not be any categorical plan for prohibiting this. I support litigation with the city should this ordinance pass and will likewise rethink and align my political views, affiliations, and contributions accordingly in opposition.

As to the following, I agree with it as well.

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112><https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>





Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
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- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

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We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident

Jeff Schuller

12307 Ventura Blvd., #200

Studio City, CA 91604

[jeffsix@att.net](mailto:jeffsix@att.net)





Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

Leslie Gallin <missfashion@cs.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 9:56 AM

December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.



From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
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**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

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**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident

Leslie Gallin



12/6/22, 9:49 AM

City of Los Angeles Mail - Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

E: [missfashion@cs.com](mailto:missfashion@cs.com)

C: +1-818-398-1336





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**info@clawonline.org** <noreply@123formbuilder.com>

Tue, Nov 29, 2022 at 5:35 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

Hello, my name is LIONEL MARES

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Lionel Mares

12032 Neenach St  
Sun Valley California  
91352  
United States

[lionelm85@outlook.com](mailto:lionelm85@outlook.com)



December 5, 2022

From Lenny & Lisa Wohl

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

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Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

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Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

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- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
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Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

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**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Lenny & Lisa Wohl  
3711 Beverly Ridge Dr.  
Sherman Oaks, CA 91423





Planning CPC <cpc@lacity.org>

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## DRAFT Wildlife Ordinance SUPPORT

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**Mary Sager McFadden** <msagermcfadden@gmail.com>  
To: cpc@lacity.org

Sun, Dec 4, 2022 at 12:00 PM

Dear City Planning Commission,

As a homeowner in the Santa Monica Mountains area affected by the Draft Wildlife Ordinance, I am writing to indicate my FULL SUPPORT.

We value the wildlife we see around us every day and marvel at living in such beautiful native habitat within the City limits.

Please pass this very important Ordinance to protect the mature trees, native plants and wild animals that are crucial to a healthy city and planet in this age of Climate Crisis.

Sincerely,

Mary Sager McFadden  
3809 Rhodes Avenue  
Studio City, CA 91604





## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

**Michael Phillips** <buddhaheadmp@gmail.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 3:31 PM

The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:

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neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

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reject this ordinance.

Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife

Thank you

Michael Phillips

1501 Gilcrest Drive

Beverly Hills, CA 90210





Planning CPC &lt;cpc@lacity.org&gt;

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## Wildlife Ordinance

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**Mary Proteau** <proteaum@aol.com>  
Reply-To: Mary Proteau <proteaum@aol.com>  
To: "CPC@lacity.org" <CPC@lacity.org>

Thu, Dec 1, 2022 at 11:52 AM

I strongly support the Wildlife Ordinance and believe it is key to protecting wildlife and biodiversity in Los Angeles. The Ordinance respects and protects both the interests of property owners and wildlife.

The City Planning Commission should step up to the plate and approve the Ordinance and also consider amendments in light of the fact that the latest version was severely diluted. It is important that the Commission amend the provisions suggested by science-based non-profits, including Friends of Griffith Park, Citizens for LA Wildlife, and Center for Biological Diversity. We stand together with these and many other informed advocates for wildlife.

We must act now with provisions such as this if we are to protect the wildlife we are privileged to share our environment with, and one of the most important ways to do that is by providing wildlife connectivity. here and now in LA, and into the future. The time is now!

Sincerely,  
Mary Proteau  
[147 1/2 So. Sycamore Avenue](#)  
[Los Angeles 90036](#)

*There are no passengers on Spaceship Earth, we are all crew.*  
-----Marshall McLuhan



December 2, 2022

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE

*If CPC members have not had sufficient time to read and understand the full, 600-page Planning Department Staff report, including appendices, and to read all the comments submitted by the public, the CPC should postpone consideration of Wildlife Ordinance, as the CPC cannot make an informed decision without having read and understood the full staff report and all public comments.*

Dear CPC Members,

I am an affected property owner within the proposed Wildlife Supplemental Use District ("WLD"). The original City Council motion directed the Planning Department to develop an ordinance that would preserve and protect existing wildlife corridors and remaining undeveloped wildlife habitats. It would seem that the proposed Wildlife Ordinance, does not accomplish those goals. Instead it burdens homeowners with unnecessary development regulations.

When the revised proposed Wildlife Ordinance is applied to fully developed and well-established neighborhoods such as those found in the WLD, **it simply does not work. I oppose this ordinance due to existing fire safety issues, public safety issues, and violations of State law. Given the massive area this ordinance will be applied to, and regulations possibly resulting in increased animal deaths, this ordinance is not exempt from CEQA.**

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, I suggest the following:

**A. Proper Due Process:**

**New Resource Buffer Categories**

City Planning Department should not be given the ability to add new Wildlife Resource Categories and new Resource Buffer Categories without treating them as amendments to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance. The CPC should not vote on the Wildlife Ordinance until details of the procedure have been available to the public for 30 days prior to the CPC consideration and vote.

**Administrative Clearance application form**

The CPC should not vote on the Wildlife Ordinance until the Administrative Application form has been available to the public for 30 days prior to the CPC consideration and vote.

**Biological Assessment** –Details of the Biological Assessment requirements have not yet been formulated by the Planning Department - these must be disclosed to the public at least 30 days prior to a CPC vote.

**B. Exemption of City from WO Regulation**

That Development by the City NOT be exempt from the WO regulations



**C. Open Space Definition**

Clarification is needed for “utility easements”. The land under distribution lines on residential streets, for example, must not be included in this definition

**D. Applicability: New Construction, Major Remodels, Additions**

The Wildlife Ordinance should not apply to already developed lots. Smaller, older homes, like many of those in our neighborhood, will be unduly burdened.

**E. Regulations:**

**Overall height, Grading, RFA and Lot Coverage**

Altering existing building code will result in a violation of State Law. The City needs to properly analyze loss of “development capacity” in the proposed WLD and concurrently up-zones elsewhere. This has not been done.

**Tree removal, replacement and dripline prohibitions**

Non-native Significant Trees should be removed from this Section. A 2-for-1 replacement scheme is a potential fire hazard and runs counter to CalFire recommendations and the Planning Department’s own PAWs Report.

Additionally, the Planning Department’s own staff report admits that trees contribute to bird/window collisions. **Note: Both the increased fire danger and the increased bird strikes disallow a CEQA exemption.**

**Trash Enclosures**

This section must be removed. There is no evidence that wildlife is accessing the existing Bureau of Sanitation supplied trash cans. Planning Department confirms these mandated structures would not be permitted in the front or side setbacks. Many homes have small rear yards and requiring the trash cans to be housed in these back yard is unsightly, smelly, unreasonably interferes with homeowners’ use of their property, and can be extremely difficult for people to navigate side yard steps.

**Site Plan Review**

7,500sf is too small to trigger this process. Specific Site Plan Review criteria should be substituted for, or added to, the subjective ones in the Wildlife Ordinance. Otherwise the amorphous and subjective guidelines may result in unequal application and potential graft. Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect, so as to ensure that reviewers have the requisite expertise for the task. Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines.

Thank you,

Mark Speare  
3869 Deervale Drive  
Sherman Oaks, CA 91403





Planning CPC &lt;cpc@lacity.org&gt;

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## Protecting wildlife

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**Nora Coyle** <lcs89@yahoo.com>  
To: "cpc@lacity.org" <cpc@lacity.org>

Mon, Dec 5, 2022 at 4:10 PM

- I strongly support approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on Nov. 14.
- Specifically, I support significantly expanding the number of properties for which Site Plan Review applies and strengthening Site Plan Review to ensure it is a public and transparent process.
- Life on Earth is experiencing a sixth mass extinction driven primarily by habitat loss and fragmentation. Combating this crisis requires bold action to protect our remaining natural resources. This not only helps wildlife like imperiled mountain lions, but is essential to building a healthy, climate-resilient future for all Angelenos.
- Native landscapes help regulate the climate, purify air and water, pollinate crops and create healthy soil. Continued preservation and increased access will help ensure all Angelenos experience the physical and mental health benefits of nature.
- The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas.
- I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas.

Nora Coyle  
Anaheim, CA





Planning CPC &lt;cpc@lacity.org&gt;

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## Los Angeles Wildlife Ordinance Expansion

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neil kelley <neil\_kelley@yahoo.com>

Mon, Dec 5, 2022 at 10:19 AM

To: "cpc@lacity.org" <cpc@lacity.org>

Dear Council Members, Being aware of the upcoming Dec.8th meeting to consider expanding the wildlife ordinance, I wanted to voice my support for this very important, and enlightened decision. Angelinos caring for our surrounding wilderness areas realize how blessed we are, and the necessity of enabling movement by the wildlife therein.

Consider me a solid supporter in this effort. Sincerely, Dennis N. Kelley, Pacific Palisades





Planning CPC &lt;cpc@lacity.org&gt;

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**Item #6 (CPC-2022-3413-CA)**

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**n1mxmom@aol.com** <n1mxmom@aol.com>

Mon, Dec 5, 2022 at 7:19 PM

Reply-To: n1mxmom@aol.com

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

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- Life on Earth is experiencing a sixth mass extinction driven primarily by habitat loss and fragmentation. Combating this crisis requires bold action to protect our remaining natural resources. This not only helps wildlife like imperiled mountain lions, but is essential to building a healthy, climate-resilient future for all Angelenos.
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- The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas.
- I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas.

thank you





Planning CPC &lt;cpc@lacity.org&gt;

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**RE: Wild life ordinance CPC-2022-3413-CA**

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**Nadia H, M.S.** <persiancat001@aol.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 12:29 PM

December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

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<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>

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Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
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  - **Site Plan Review** – The residents have not been provide the key components in the site plan reviewprocess. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
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at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes.**

**If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

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Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion.

Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,  
Resident



Nadia Sas


4 attachments




0B932D17-B33B-46D8-A0C0-2BA4D38D6D94.png  
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Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

oberfeldf@gmail.com <oberfeldf@gmail.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 3:24 PM

December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

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- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
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protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

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We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

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**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident



December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

[While the most recently revised draft of the Ordinance shows significant progress, and is a step in the right direction, there remain numerous issues and concerns with the draft that have not yet been fully vetted, harmonized with other equally important ordinances and regulations, or modified to avoid undue burdens on homeowners. We appreciated the modifications that have been made and look forward to continuing to work with the city to develop a balanced and fair ordinance. We are not there yet ....](#)

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

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Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

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In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

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- **Biological Assessment** – The residents have not been given this form to review and consider.
- **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?  
Moreover, the maps provided so far continue to include water resources that simply do not exist and have not existed for at least 25 years. The maps also do not clearly indicate Open Space Resources which in one version seem to include all unbuilt portions of all lots other than where current structures are. These issues have huge ramifications for homeowners and need to be clearly defined prior to adoption.
- **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- **Lot Coverage Limitation to 50% of the lot** – This seems very arbitrary and a “one size fits all” approach and amounts to a taking. There is no basis provided for the determination that 50% is the maximum amount of coverage. There is also no consideration provided to extant site conditions, or, more appropriately, whether or not there are particular site conditions that may require a large coverage (single story versus secondary story).
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted. **For example removal of current trees over 35 feet but which would newly be prohibited, would not be permitted simply because of the height of the trees, even though the trees may be significant fire hazards.**
- The ordinance violates the state’s Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The **Project Type** definitions have several problems that have not been thought through:
  - For New Construction and Additions, these apply if the project is in excess of 500 square feet – this is arbitrary and should be revised to at least 1200 square feet. Among other reasons, the city and county permit the construction of Accessory Dwelling Units up to 1200 square feet. With the current housing crisis, these types of structures should be encouraged and should not be subject to the additional and expensive reviews and approvals required by the Ordinance.
  - For Major Remodel –Hillside projects, the determining criteria are all solely financial, being based on replacement cost, which is baffling and inappropriate, particularly for an ordinance purporting to be concerned about wildlife – financial cost of a structure should not determine whether these more stringent requirements apply.
- **Reconstruction of Buildings** – throughout the Ordinance, some improvements have been made to exempt the reconstruction of a building or structure damaged or destroyed in a natural disaster. While this is a step in the right direction, the exemption should apply to the reconstruction of any building within its same footprint, regardless of the reason for the reconstruction, and should not apply only in the case of destruction or damage due to a natural disaster. There may be many valid reasons for this – structural damage due to aging, termites, etc., or accidental household fires (kitchen fires, etc.) or due to criminal activity such as arson. Please expand this exemption accordingly.
- The Ordinance states that all development initiated by the City is exempt from all regulations. While this is often a common exemption, it should be carefully considered in the context of this Ordinance. While the stated purpose and background of this Ordinance focuses on the environmental sensitivity of this area and importance of preservation of the land and wildlife as is, this exemption would leave open the pathway for the proposed Metro project would be routed directly through this area. One can understand the restrictions of the ordinance not applying in cases of utility (gas, water, electricity) projects, but not for other projects. So, which is it? Is this



an environmental hotspot that necessitates an effective “taking” of property from homeowners, while on the other hand being ok to run Metro through it?

- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. **The purpose of the SMMC is to manage parkland, not neighborhoods.** “BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps **as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas.**” If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

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**Recommendation: Suggest the Councilman’s office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

*Renee E. Becnel* Renee Becnel, Resident

1052 Somera Road





Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

Rick Schuller <hrslaw@gmail.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 4:16 PM

December 5, 2022

From Schuller – Dona Raquel – Studio City

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

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Thank you for your time and consideration,

Resident





Planning CPC &lt;cpc@lacity.org&gt;

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**Item #6 (CPC-2022-3413-CA)**

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**Samuel Butler** <samjbutler@sbcglobal.net>

Mon, Dec 5, 2022 at 11:47 AM

Reply-To: Samuel Butler &lt;samjbutler@sbcglobal.net&gt;

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

Please add the following comments to the Los Angeles Planning Commission Meeting on December 8:

I wish to state my 100% support for the approval of a wildlife ordinance with the amendments proposed in the coalition letter submitted by the Center for Biological Diversity on November 14. This proposes a significant expansion in the number of properties requiring Site Plan Review and strengthens Site Plan Review to ensure a public and transparent process.

It is clear that we, as citizens and as a community, must do more to protect wildlife within Los Angeles. The rapid decline in numbers and population areas of wildlife should be an alarm call that tells us action is required urgently. This means ending the rampant development and bringing in more balance in how we treat our environment. There needs to be space left for wildlife and connectivity that allows it to thrive.

The ordinance also helps tackle the issue of wildfires. Most recent fires have been started by human ignition and spread quickly through heavily disturbed and developed areas

I urge you to lead on biodiversity and community health by supporting these policies so that future generations can benefit from the preservation of wildlife and natural areas.

Thank you.

Sam Butler  
Los Angeles, CA 90045





Planning CPC &lt;cpc@lacity.org&gt;

---

## SUPPORT for the Wildlife Ordinance

---

**Sherrell Cuneo** <sherrell@nevernevermusic.com>  
To: cpc@lacity.org

Mon, Dec 5, 2022 at 10:20 AM

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park

Thank you,

Sherrell Cuneo

Sent from my iPhone





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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info@clawonline.org &lt;noreply@123formbuilder.com&gt;

Fri, Dec 2, 2022 at 11:32 AM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Tracy James

553 N.GRIFFITH PARK DR.  
BURBANK CA  
91506  
United States

jamestanen@gmail.com





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**info@clawonline.org** <noreply@123formbuilder.com>

Mon, Dec 5, 2022 at 4:22 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Terry Saucier

6175 Melvin Ave.

Tarzana CA

91356

United States

[terrysaucier@gmail.com](mailto:terrysaucier@gmail.com)





## A few comments on the proposed Wildlife Ordinance

Will Wright <will@aialosangeles.org>

Fri, Dec 2, 2022 at 4:11 PM

To: Planning CPC <cpc@lacity.org>

Dear Los Angeles City Planning Commission,

We just wanted to quickly share some of the comments we've received about the Wildlife Ordinance to help amplify some of the concerns we've heard. When and if possible, we'd like to further connect with LACP staff and help fine-tune some of these concerns as the initiative moves forward.

1. The removal of the grading exemption for fill resulting from cut under the building seems to make no sense. This is a good way to limit the impact of projects on surrounding properties by keeping soil on site.
2. The removal of the basement exemption also seems to have a very tenuous connection, at best, to wildlife health.
3. The ordinance seems to have started with a clear set of goals (ie, create/maintain wildlife corridors), but it seems to have gotten lost in the bucket list of code limitations that will impact hillside construction more than a real response to wildlife issues.

### Grading-

- *No grading or structures on natural slopes in excess of 100%:*

Steep sites have been a place of architectural innovation throughout LA's modern history. What's the environmental justification other than to limit hillside buildings? Keep in mind that buildings on steep sites tend to have more compact footprints and thus leave more open space.

- *Remedial Grading on slopes > 60% is non-exempt:*

To require Remedial Grading while simultaneously limiting it is Orwellian.

### Wildlife Resources-

- "vague set of regulations that will make it hard for homeowners to proceed with the development of their sites with confidence"

- Page 11, Height, 13.21.F.1(b)
  - o Overall height of 45' measured from the high point of the building to the low point within 5' - this is actually very restrictive when building on sloping parcels. The current regulation allows for a 30' height envelope for flat roofs or 36' for sloped roofs. The height envelope allows buildings to "step" down the slope, but this Overall Height regulation would not allow that.
- Page 13, Grading, 13.21.F.1(c)(2)
  - o No grading or structures on natural slopes in excess of 100% - this regulation could significantly limit ability to develop certain parcels, and would deny certain projects the right to remediate geotechnical instability issues for slopes in excess of 100%.
  - o Removal of Grading Exemptions - these grading exemptions are critical to development on hillside properties, as grading allowances were already significantly reduced in the 2017 BHO update. The exemption for Fill resulting from Cut underneath the footprint of the main Building enables projects to keep more dirt on site and therefore limit export (aka trucks on the road), which has always been a major concern of the community.
  - o Remedial Grading on slopes > 60% is non-exempt: This is extremely punitive to projects which are required by the Building Code to remediate these slopes as part of their project. By simply following the law with their required remedial grading, these projects would lose the ability to do other on-site Grading that nearby projects would be allowed to do.
- Page 14, Residential Floor Area, 13.21.F.1.d
  - o Basements are no longer exempt. **This results in a significant reduction in allowable floor area for hillside properties. Exempted basements often make up roughly 1/3rd of what is built for hillside homes.**
- Page 15, Significant Tree and Protected Tree or Shrub Dripline, 13.21.F.1(f)(2)(iii)
  - o This code states that no grading or other construction shall occur within the dripline of a Significant Tree or Protected Tree. This conflicts with the code section immediately before, which provides allowances for the removal and replacement of these trees.
- Page 19, Site Plan Review, 13.21.F.1.k



o SPR is required for any project with > 1,000 cy of Remedial Grading or > 7,500 sf of RFA. This requires an additional discretionary entitlement for projects above 7,500 sf, which I expect is not in line with SB-8. The SPR process is extremely cumbersome and lengthy, without guarantee of approval. There should be no need for an SPR entitlement as long as a project follows the rest of the regulations in the ordinance.

· Page 20, Wildlife Resources, 13.21.F.2

o These regulations remain problematic given that there is simply no way to know whether or not a property has a Wildlife Resource present without going through an expensive and lengthy review process, including engaging a biologist and possibly other consultants, and these determinations will be contestable, resulting in an unclear, vague set of regulations that will make it hard for homeowners to proceed with development of their sites in confidence.

Very truly yours,

Will Wright, Hon. AIA|LA  
Director, Government & Public Affairs  
American Institute of Architects, Los Angeles Chapter (AIA|LA)  
Architecture for Communities Los Angeles (ACLA)  
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**Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**WIN** <win4sports@aol.com>

Mon, Dec 5, 2022 at 11:08 AM

Reply-To: WIN &lt;win4sports@aol.com&gt;

To: WIN &lt;win4sports@aol.com&gt;

**Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC**

**I have sent several emails with newspaper articles that describe attacks on people and pets by wildlife coyotes and cougars. Since I have not received a single comment specifically referring to the emails I sent, I sadly question whether anyone fully reads the emails and that they have any effect on the problems.**

**The article below describes an attack on a toddler by a coyote. This further illustrates the misdirected good intentions of trying to encourage wildlife to co-mingle with residents. If you want to protect and aid wildlife, they should be relocated to wildlife refuges. There is absolutely no reason that residents should be required to try to protect their children and pets on or near their own property. Further, Los Angeles may face paying damages for injuries, and worse, caused by the foolish notion that wild animals should be encouraged to exist in residential neighborhoods. I hope that reason will prevail and the Wildlife Ordinance will fail.**

**We own a 3-acre unimproved parcel of land located at 1740 Summitridge Drive, a little north of Ferrari Drive. The lot has been in the family for more than 50 years. Unfortunately, our property is located barely within the parameters of the proposed ordinance. We wholeheartedly oppose the ordinance inasmuch as it will restrict development of our property and greatly reduce the value of our lot, and make it more accessible to dangerous animals (see article below) and criminals. The ordinance will achieve little worthwhile, but will significantly adversely affect our property.**

**THOSE AFFECTED SHOULD VOTE: Almost everyone supporting the ordinances seems to reside outside the designated boundaries. Their families are not in danger. Why should an arbitrarily selected group of property owners, within an arbitrarily drawn area, be required to pay for a project that supposedly benefits the entire city? I doubt if more than one percent of the people with property in the designated area would be in favor of the proposed ordinances. Before any more time is wasted on this, the people directly affected by the ordinances**



**should voice their preferences. If there is less than 50% approval, use your time and effort in more constructive ways.**

**Win Holtzman, 12/5/22**

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[https://enewspaper.ocregister.com/infinity/article\\_popover\\_share.aspx?guid=fda014f8-5061-4ef3-bd39-ca0ca3ffce02](https://enewspaper.ocregister.com/infinity/article_popover_share.aspx?guid=fda014f8-5061-4ef3-bd39-ca0ca3ffce02)

## **Coyote attacks toddler in front of her Woodland Hills home**

**By Hanna Lykke 12/4/22**  
[hlykke@scng.com](mailto:hlykke@scng.com)

**A toddler was injured Friday when a coyote attacked her outside her home in Woodland Hills, as captured on a home surveillance video.**

**The video shows a father packing up a large black SUV in front of the house on Martha Street when suddenly a coyote begins dragging the toddler by her legs. Alerted by her screams, the father rushes over, picking up the little girl and shouting at the animal. But the coyote doesn't run away until the man throws something in its direction.**

**"I heard her screaming and crying and I thought she fell down and I saw the coyote was there," the toddler's father, Ariel Eliyahu, told NBC Los Angeles. Shira Eliyahu also told NBC her daughter's pants were stained with blood from the coyote's scratches.**

**Seven coyote attacks on humans had been reported in Los Angeles County before Friday's incident, according to California Department of Fish and Wildlife spokesperson Patrick Foy.**

**Leading up to the attack, several coyote sightings in the Martha Street neighborhood had been reported to the department, he said.**

**"There has been a noted coyote problem in that area, and local residents have been reporting an aggressive-acting coyote that had no fear of people," Foy said.**

**Due to those reports, Foy said, department personnel were assigned to Martha Street for door-to-door coyote safety outreach Friday around 1:00 p.m. — just a few hours before the animal grabbed the girl.**

**Following the attack, the department collected saliva samples from her clothing in an effort to build a "DNA profile" of the coyote so it can be located and euthanized, Foy said. Additionally, personnel with tranquilizer guns were assigned to the neighborhood in case the offending coyote, or others, return.**





Planning CPC <cpc@lacity.org>

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## 1848 Grammercy - oppose so many incentives/waivers for so few affordable units (CPC-2020-2115-DB )

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**Jay Ross** <ross\_jay@hotmail.com>  
To: "cpc@lacity.org" <cpc@lacity.org>

Wed, Nov 30, 2022 at 1:18 PM

To the City,

I oppose your proposal for 9 incentives/waivers for a project that provides the minimum amount of affordable housing.

3 units in a 33 unit building is only 11%.

You should grant that many incentives only for 100% affordable projects.

Jay Ross  
Los Angeles 90064



December 5, 2022

**VIA EMAIL: cpc@lacity.org**

Los Angeles Department of City Planning  
Commission Office  
P.O. Box 6069  
Sherman Oaks, CA 91413

**Re:               CPC-2018-2223-CU**  
**3477 N. Laurelvale Drive**

To Members of the City Planning Commission:

What started as a simple application to permit a commercial, home-based enterprise in this quiet hillside residential street under the home occupation ordinance has, under the Staff Recommendation Report, morphed into an unrecognizable – and mistaken – examination of whether a school is allowed to function in the neighborhood. The Staff Report turns the analysis on its head entirely, removes any discussion of the home occupation rules, and instead mischaracterizes the applicant’s backyard swim lessons as a “school” that serves a salutary societal purpose.

The Commission must refocus the analysis and return to the question of the propriety of permitting a bustling, commercial, for-profit, home-based business in the applicant’s backyard, that fails to comply with most of the home occupation ordinance relating to parking, number of clients, and outdoor activities. If the Commission instead continues with the wholly inappropriate “school” analysis, it sets the extremely dangerous precedent of allowing any commercial operation that offers “classes” – yoga, karate, cheerleading, fitness, music, tap dancing – or that offers a service like doggie day care, hair salons, fitness, even Buddhist sound baths – to simply declare itself a “school,” evade the home occupation rules and turn even the quietest neighborhood into a humming business district. This is plainly not what the General Plan and the zoning laws contemplate.

If the Staff had properly analyzed the application pursuant to the home occupation rules, they would have been compelled to recommend denying the application both because the business necessarily violates the rules and because the significant neighbor opposition, noise, parking, traffic and fire safety hazards make any variance from those ordinances (to the extent the application can be considered seeking such a variance) unwise and unwarranted.

**Executive Summary**

- The Staff Report ignores the Home Occupation ordinance, LAMC §12.05A(16)
- The Staff Report mischaracterizes backyard swim lessons as a “school.” The Los Angeles Municipal Code defines “school” as “An institution of learning and study required to be taught in the public schools by the Education Code of the State of California.” LAMC §12.03. Plainly backyard swim lessons are not included in this definition.



- The Commission lacks jurisdiction over this application, which should be before the Zoning Administrator, because LAMC §12.24-U,24 does not apply.
- The Staff Report repeatedly relies on the alleged “continued use” of the backyard pool for swim lessons as a basis for granting the application, while ignoring that the use was *unlawful* for the duration of its existence. An applicant’s history of illegal activity should not be used as a justification for granting his application. This is distinguishable from the Herrick application, where there was a history of permitted use. The Staff Report notes only one “relevant case” in which the applicant was Ordered to Comply in 2018, but fails to address the previous investigations, complaints to LADBS, violations, citations, lawsuit and resulting injunction.
- For the same reason, the CEQA Class 1 “existing use” and Class 23 “normal operations” exemptions do not apply here.
- The Staff Report fails to take into account the fire safety hazard posed by the constant additional traffic and extra parking on this quiet cul-de-sac substandard hillside street. The Report acknowledges the street is “substandard,” but Staff failed to refer the issue to the LAFD to see if having a commercial operation and the extra cars in this Very High Fire Severity Zone was acceptable and whether any special plans, such as for evacuation in case of fire, would be required.
- The Staff Report drastically understates neighborhood opposition based on noise, safety, parking and traffic issues, and instead is seemingly dazzled by letters in support of the applicant’s wonderful teaching skills – *nearly all from people who do not live in the neighborhood*. The issue is not whether Bill is a good swim teacher. It is notable that none of the supporters stated they would be happy to have an outdoor commercial operation running next door to their own home; they just think it’s fine to do in someone else’s neighborhood. The finding that this purely financial arrangement somehow benefits the neighborhood is inconsistent with the significant neighborhood opposition.
- The so-called “conditions” placed on operation of applicant’s commercial enterprise are illusory. Enforcement is the burden of the neighbors, there is no way to verify whether the applicant complies, there are no substantive conditions regarding noise (i.e., no wall or fencing is required, no requirement that students remain quiet), and the “Traffic Management Program” does not actually impose any conditions. Rather, it merely requires that clients be notified of the option of parking in the driveway “if possible,” and simply “encourages” them to do so. It also lacks enforcement mechanisms and fails to take into account that most clients neither drop-off nor pick-up students, because they are extremely young children who must be accompanied by adults who park and walk in. The 15-minute stagger of classes and the 18-child daily limit do not adequately address the parking, safety and noise problems and are left entirely to the discretion of the applicant to ensure compliance.
- The noise test conducted has little evidentiary value because it was not conducted on site and does not take into account any site-specific conditions such as the



canyon effect, proximity to adjacent neighbors, lack of buffers, lack of other ambient noises, etc. Nor does the report indicate how many students were present or the point in the class cycle (Marsh has stated the crying and screaming tends to be far worse during the first half of the 9-day cycle).

- Despite his history of refusing to abide by regulations, conditions, and orders from the City, the Staff Report blithely accepts the applicant's assertion that his intent "is to ensure code compliance." He has repeatedly shown he has little regard for ensuring code compliance – not only because he ran this business in violation of the home occupation rules for 7 years, and not only because he simply ignored orders of the LADBS, but also because it took a court order to finally get him to stop. Indeed, he even removed the signage required in front of his house in connection with the public hearing! The applicant has established his inability or unwillingness to comply with the code or any conditions placed on him and has given no reason to believe he will behave any differently now.

**1. The Staff Recommendation Report ignores the Home Occupation ordinance, LAMC §12.05(16), which governs here.**

At the most basic level, the Staff Report is faulty for its failure to examine this application in light of the Home Occupation ordinance, LAMC §12.05A(16). The applicant seeks permission for a home-based commercial enterprise, no different from any other business. Though the applicant's representative asserted this was not a commercial operation, Marsh has claimed that he earns approximately \$100,000.00 per year from his swim lessons and argued in court that an injunction would cause damage to his livelihood. The proposed use here is just a business that can occur anywhere (as evidenced by the Applicant's ability to run his business elsewhere while the injunction has been in place). The applicant only wants it at his house to save money on renting a facility or driving to client's homes. He is externalizing the costs onto the neighbors so he can reap the profits. The Staff's failure even to analyze this application under §12.05 is a major error that renders the entire process defective.

In any event, as set forth more fully in my letter of October 24, 2022, to the Staff, applicant's backyard swim lessons *cannot be made compatible with the home occupation statute, no matter what conditions are placed on it*. The Los Angeles Municipal Code sets the following requirements for a home occupation, in relevant part:

- Activities may not be visible from outside of the dwelling unit;
- "The use shall be conducted within the main dwelling unit, except for truck gardening, and only by persons residing within the dwelling unit;"
- Visitors' parked cars cannot displace the use of required parking spaces;
- "The home occupation shall not generate greater vehicular or pedestrian traffic that is normal for the district in which the home occupation is located;"
- The use cannot cause a "public nuisance or disruption to the residential character of the neighborhood;"



- “No more than one client visit, or one client vehicle, per hour, shall be permitted.”

Los Angeles Municipal Code §12.05A(16). As evidenced by the CUP application itself, there is no way for the proposed use to comply with these. Applicant would have to seek a number of variances from the rules, which he has not done here. Accordingly, the Staff should have recommended denial of the application.

## **2. The Staff Report improperly characterizes backyard swim lessons as a “school”**

To avoid the home occupation analysis, the Staff Report instead focuses on characterizing the applicant’s business as a “school.” Backyard swim lessons, however, are not included in LAMC’s definition of school: “**An institution of learning and study required to be taught in the public schools by the Education Code of the State of California.**” LAMC §12.03. Obviously, Marsh’s backyard swim lessons do not meet this definition.

- **Single Discipline:** The applicant does not provide instruction in “several branches of learning,” but rather offers only basic swim instruction to young children just learning to swim.
- **Not Required by Code:** Swim lessons are not “required to be taught by the Education Code of the State of California.” The swim lessons are plainly more akin to other fitness or art instruction where the teacher offers instruction in a single branch of learning.
- **For Profit Purpose:** Perhaps more importantly, like other fitness and music classes, the swim lessons are a commercial, for-profit enterprise.

Section 12.24-U,24, the section pursuant to which the Staff chose to analyze the application, applies to the following:

- (a) Public schools, elementary and high (kindergarten through 12<sup>th</sup> grade);
- (b) Private schools, elementary and high (kindergarten through 12<sup>th</sup> grade) in the A, RE, RS, RI, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, or M Zones;
- (c) Private schools [other than elementary or high (kindergarten through 12<sup>th</sup> grade) or nursery school] in the A, R, CR, C1, or C1.5 zones.

Backyard swim lessons are not public or private schools and are not kindergarten through grade twelve. They are like instruction in such things as yoga, karate, cheerleading, kickboxing, basketball, pickleball, crossfit, ballet, gymnastics, pilates, horseback riding, tap dancing, tennis, tai chi, aerial silks and the like. It would frankly be absurd to consider all of these commercial operations as “schools,” and backyard swim lessons are no different. Simply calling it a school is not enough. Miss Renee’s School of Dance or the School of Rock would hardly qualify as a “school” under the LAMC; there is no reason Swim to Bill should either.

## **3. Because the backyard swim lessons are not a school, the Commission lacks jurisdiction over this application.**



The Staff Report's mischaracterization of the home-based business as a school also means the Commission lacks jurisdiction to consider this application, which should properly be before the Zoning Administrator. Under §12.24-U,24, the City Planning Commission is only the initial decision-maker where an applicant seeks a conditional use permit for a "school." Because backyard swim lessons are not a school as defined by the LAMC, but rather are a simple commercial enterprise, subsection 24 is inapplicable and the City Planning Commission is not the proper initial decision-maker.

Pursuant to Los Angeles Municipal Code §12.05A(16), as made applicable by §12.07.01-A-8, residences located in Zone RE are permitted to conduct home-based occupations, provided they comply with the regulations. Thus, Marsh is allowed to conduct his swim lessons from his backyard pool so long as he has only one client per hour, does not conduct classes outside of 8 am to 8 pm, his business is not conducted outside of his dwelling and other regulations set forth in §12.06.

Because he seeks permission to vary some of those zoning rules – in particular, his classes have 3 students per half hour lesson, his two required parking spaces would be used by his swim clients and obviously swim lessons are in the pool outside of his residence – he should have proceeded under LAMC §12.27 and sought a variance. Such decisions are made by the Zoning Administrator, with an appeal to the Area Planning Commission and then to the City Council.

**4. Relying on the applicant's long history of unlawful use is not a proper baseline for assessing the propriety of granting the application.**

The Staff Report reaches the shocking – and frankly insulting – conclusion that Marsh's long history of illegally operating a non-conforming home business from his backyard entitles him to obtain permission now. The Commission should reject the Staff's recommendation on this point.

The Report is littered with references to the "continued use" of the property as a swim school. As an initial matter, as discussed in detail above, these backyard, for-profit swim lessons are not properly classified as a school, so the application cannot be based on any "continued use" of the property as a school.

More importantly, however, Marsh's use of the property for his swim lessons has been in violation of the home occupation ordinance since 2011. The Staff Report notes only one "relevant case" in which the applicant was Ordered to Comply in 2018, but fails to address the previous investigations, complaints to LADBS, violations and citations, or the Los Angeles Superior Court case and resulting injunction. It defies common sense to credit Marsh for his time running an unlawful business from his home and sets a dangerous precedent that would allow anyone to set up shop illegally and then claim a right to have that unlawful use receive the Commission's blessing. The Commission obviously should not reward residents for violating the law by granting their applications.



The “continued use” approach plainly comes from the Herrick application, on which Marsh relies heavily. The differences between that application and the one at issue here are significant and render the Herrick application a poor template:

- Herrick had prior approvals and then added conditions, so calling it “continued use” was accurate and based on previous lawful use;
- Herrick had full support of neighbors, the HOA, the Valley Village Neighborhood Council and Council District 2 office;
- Herrick is located on a larger, standard street with more than one ingress and egress point;
- Herrick’s pools are covered by enclosures that limited noise;
- Herrick’s customers are required to park on-site; there is no off-site parking permitted.

**5. CEQA Class 1 “existing use” and Class 23 “normal operations” exemptions do not apply here.**

For the same reason, the Staff Report erroneously concludes both Class 1 and Class 23 exemptions apply in this instance. Though Marsh initially sought the Class 23 exemption, the Class 1 exemption was not part of his original application but apparently was added after consultation with the Staff. For either exemption, Marsh’s history of illegal use should not provide the basis for applying those exemptions.

The Staff recommends finding that “The continued use of an existing swim school at a private residence qualifies for a Class 1 and Class 23 Categorical Exemption. The use is an existing facility, and its operation occurs within the site’s swimming pool. The school was formerly cited for operating without permits.” This recommendation requires assuming first that the use is properly categorized as a school, and then that the past use was lawful. Both are wrong.

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” 14 Cal Codes Reg. §15301. The examples include such things as maintaining existing landscape, altering on/off signs, minor additions to existing structures, restoring damaged structures.

Granting this exemption would require accepting the fiction that Marsh’s personal single-family residence is in fact a “school” that existed for this very use in the past. In fact, however, granting this exemption would require more than a minor or negligible expansion; it would entail transformation of his home to a commercial operation. In addition, granting this exemption fails to take into consideration the changes that should be required, such as building sound barriers to ensure the “school” noise does not continue to disrupt the peaceful residential nature of the neighborhood.



Granting this exemption also, again, requires assuming that the past use was lawful. It cannot be the position of this Commission that a project is simply exempt from environmental regulations where the applicant had been using the property unlawfully.

Similarly, Class 23 is intended for the normal operations of existing public facilities, using those facilities for the purpose for which they were designed. Examples are racetracks, stadiums, and public pools. *See* 14 Cal. Code Regs. §15323. A pool in someone's back yard is not public, nor was a backyard pool designed for the purpose of running a commercial enterprise.

In addition, though the applicant repeatedly refers to the “past use” of his backyard pool for a commercial operation as support for granting the CUP under this exemption, again *his past use was illegal*. It would be improper to exempt him from regulations based on an illegal past use, which would incentivize applicants to use properties for unlawful purposes and then rely on that past history to obtain permits. The Applicant plainly should not get any credit for his past unlawful use.

In any event, even if Class 23 did apply, there are exceptions to the categorical exemptions. Under §15300.2(a), for example, the exemption might not apply if the project is to be placed in a “particularly sensitive environment.” As discussed in detail below, the Laurrelva neighborhood is considered a “Very High Fire Hazard Severity Zone,” which would be categorized as particularly sensitive. Similarly, §15300.2(c) is an exception for the “reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Again, the operation of a commercial enterprise with increased traffic on a substandard street in a high fire zone may well qualify as an unusual circumstance.

Thus, the Staff mistakenly recommended that the project should be exempt under both Class 1 and Class 23.

**6. The Staff Report fails even to consider the extreme fire safety risk the proposed use poses in this “Very High Fire Severity” zone.**

Next, the Report is entirely devoid of consideration of the fire risk posed by the additional cars on this substandard cul-de-sac hillside street.

The Staff Report acknowledges the street is “substandard,” despite the applicant's repeated insistence it is a standard local street. As such, and because the street is located in a “Very High Fire Severity” zone, the Staff should have referred the project to the Los Angeles Fire Department for a review, to ascertain whether having a commercial operation of this magnitude, with its approximately 18 additional cars every single weekday for 9 months of the year parking on the narrow substandard hillside street, would be acceptable, and whether any fire safety plans, such as for evacuation, would be required.

The neighborhood opposition was quite clear that the street is already difficult to navigate when there are cars parked on both sides, especially on days when trash cans are also out and especially

*Attorneys & Counselors at Law*

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**SladeLaw**



for those houses north of the applicant's property, closer to the cul-de sac. There is only one point of ingress and egress at the bottom of the street, often requiring the garbage and safety vehicles on the street to back down once they have entered because they do not have space to turn around. The Staff Report dismisses parking and traffic concerns based on the so-called conditions placed on parking, but as will be discussed below, those conditions are ineffectual and do nothing to address safety concerns.

Given the high fire risk on this street, the extreme drought in Los Angeles, and the sad history of fire damage to entire communities in Southern California, it would be irresponsible to grant this application where the proposed use necessitates significant additional traffic, parking and the concomitant fire safety risk they bring.

**7. The Staff Report drastically understates the neighborhood opposition, opting instead to credit the opinion of customers of the business who do not live on the street and would be unaffected by the noise, increased traffic and parking issues.**

A significant majority of the immediate neighbors oppose granting the application. As their letters state, those neighbors to the north of the subject property have borne the brunt of the problems – the shrieking, crying children, the blocked driveways, the kids darting out, the trash and emergency vehicles unable to turn around. Not surprisingly, of the 14 homes to the north of the Marsh property, 9 have written letters in opposition and the only one that previously supported the project has withdrawn her support. The three houses to the south that support the proposed use are separated from the Marsh home by wooded hillside and by Marsh's immediate neighbor to the south, so the noise does not travel toward their homes. In addition, for homes to the south, the pool is partially blocked by the Marsh house itself. Cars tend to park to the north of Marsh's home because the trail to the back of the house is along the north side of his property, directly abutting the immediately adjacent property.

The letters in support of Marsh as a swim teacher are admittedly a bit overwhelming; plainly Marsh is very good at his job and has high profile Hollywood celebs praising him. But most of these supporters are nothing more than satisfied customers who are not affected by the ongoing issues the neighbors must deal with. Of the numerous letters in support, only 3 come from someone who lives even close to the backyard swim lessons.<sup>1</sup> It is unlikely the applicant's supporters would be so enthusiastic if the swim lessons were being taught next door to their home in their own quiet, residential, private neighborhood, turning their peaceful street into a commercial center. In any event, their opinion of Marsh as a swim teacher should not be the guiding factor. (Indeed, this factor only takes on such primacy in the Staff Report because of the mistaken conclusion that this business is a "school.") The question must be, who will be directly impacted by the proposed use? As evidenced by the sold-out lessons even when Marsh had set up shop elsewhere, the customers will not be affected by the location of the business but the neighbors – especially those to the north

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<sup>1</sup> There are four actual letters in support from Laurelvale neighbors. Two of those letters come from the same household, so we count them as one for purposes of assessing neighborhood numbers.



– will continue to suffer. The proposed finding that this purely commercial use somehow benefits the neighborhood is inconsistent with the actual neighbors’ significant opposition.

**8. The “conditions” recommended by the Staff Report are illusory and unenforceable and fail to ameliorate the problems raised by the affected neighbors.**

Even if conditions could appropriately be imposed on this proposed use – and for all the reasons already discussed, they cannot – the conditions set forth by the Staff Report would have no effect.

First, the Staff Report suggests a “Traffic Management Program” that is not based on fact and that is not enforceable. It is merely a suggestion. The Report suggests Marsh be required to tell his customers that they may park in his driveway “if possible,” and “encourages” them to do so. They are still free to park on the street wherever and whenever they please. There is no penalty for failure to park in the driveway and no way to police who parks where. Indeed, enforcement would be entirely the burden of the neighbors, who would have to complain to Marsh himself.

The traffic program also suggests that customers drop-off and pick-up in the driveway, but the reality is that these are very young children – starting at the age of about 2 years – who do not get dropped off. Instead, typically the parent or nanny must park the car, accompany the child to the pool and wait for the half-hour lesson to conclude. This is not like the drop-off and pick-up line at a typical school. In any event, drop-off at a school happens once a day; here, it is every half hour.

Next, the only noise condition is that Marsh is prohibited from playing amplified music. There are no conditions required for maintaining the quiet and peaceful nature of the neighborhood, such as building a wall or fence or planting trees that would deaden the noise emanating from the pool. Nor is Marsh even required to remind his customers to be quiet; they may shriek and cry and scream as much as they wish.

Finally, the 15-minute buffer and the 18 customer per day limitation do not adequately address the problems. Like the parking issue, enforcement of these rules is left to Marsh’s discretion or the neighbor’s policing. There is no way to ensure Marsh does not simply add customers or additional time slots. In any event, 18 kids a day in the pool, day in and day out every weekday for 9 months a year, is still a lot of crying, screaming kids. And a lot of extra cars on the street every day for 9 months a year.

**9. The noise test at a different location is not substantive evidence of noise conditions at the subject site.**

The Staff Report relies on a noise assessment conducted off-site as support for the conclusion that the 18 children per day in the pool produce little to no perceptible noise. This report must be given no evidentiary value for the following reasons:

- It was not conducted at the applicant’s property;

*Attorneys & Counselors at Law*

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**SladeLaw**



- It does not take into account the orientation of the pool to the neighbors' homes;
- It does not take into account the "canyon effect" of Laurelvale;
- It does not take into account the proximity of the neighbors;
- It does not take into account what types of buffers exist at the assessment site as compared to the subject site;
- It does not address differences in ambient noises between the subject and assessment sites and the likelihood those noises would mask the swim lesson noise;
- It does not indicate how many children were in the pool at the time;
- It does not indicate on what day of the swim lesson cycle the recording was made – which is significant because Marsh has explained that the children tend to scream louder and longer during the first half of the class cycle as they become accustomed to the water;
- It improperly compares the swim lesson noise to neighborhood landscaping noises, without addressing that those noises occur for a few minutes here and there, while the swim lessons take place for hours in a row, every weekday for 9 months.

The Commission should therefore reject the Staff Report's recommendation to give this noise test any weight.

**10. The applicant has a long history of violating the home occupation law and has shown he cannot be trusted to comply with any conditions placed on his backyard commercial enterprise.**

Finally, even if conditions could properly be placed on this use to permit a home-based commercial swim business in his backyard, the applicant has firmly established that he is unable (or unwilling) to comply. Though the Staff Report posits that Marsh's intent is "to ensure code compliance," he has repeatedly shown otherwise.

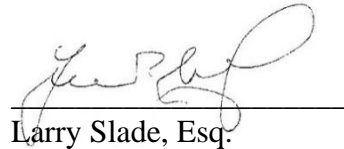
First, of course, he ignored the rules for 7 or 8 years. The applicant simply conducted his commercial operation from his home in open and obvious violation of the ordinance. Next, when he *was* cited, he continued to refuse to comply. Indeed, even after receiving an Order to Comply and paying a fine, and temporarily ceasing his business operations, he resumed his business because he believed no one would enforce the law and he could get away with it. It was only once the court entered an injunction against the applicant that he finally complied. Even then – when Marsh was required to post a sign in his yard with information about the CUP hearing, he removed the sign and the city had to force him to reinstall it.

Given the loose nature of the conditions recommended by the Staff Report and the lack of enforcement mechanisms, and the fact that Marsh will simply be trusted to comply, his history of failure to comply is overwhelming evidence that he will be unable or unwilling to comply with any conditions the Commission places on him.



For all the foregoing reasons, as well as those set forth in my October 24, 2022, letter with exhibits that is made a part of the record, on behalf of my clients Jed and Marisa Kubrin, I therefore respectfully request that the Commission reject the Staff Recommendation and vote to deny the application.

Very truly yours,

  
Larry Slade, Esq.

Cc: Andrea Conant [andrea.conant@lacity.org](mailto:andrea.conant@lacity.org)  
Mike Feuer [mike.feuer@lacity.org](mailto:mike.feuer@lacity.org)  
Correy Kitchens [correy.kitchens@lacity.org](mailto:correy.kitchens@lacity.org)  
Blake Lamb [blake.lamb@lacity.org](mailto:blake.lamb@lacity.org)  
Mashael Majid [mashael.majid@lacity.org](mailto:mashael.majid@lacity.org)  
Jojo Pewsawang [jojo.pewsawang@lacity.org](mailto:jojo.pewsawang@lacity.org)  
Jorge Plascencia [jorge.plascencia@lacity.org](mailto:jorge.plascencia@lacity.org)  
Donna Wong [donna.wong@lacity.org](mailto:donna.wong@lacity.org)





Cecilia Lamas &lt;cecilia.lamas@lacity.org&gt;

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**Fwd: Case Number: CPC-2018-2223-CU**

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**Blake Lamb** <blake.lamb@lacity.org>

Mon, Dec 5, 2022 at 3:19 PM

To: Cecilia Lamas &lt;cecilia.lamas@lacity.org&gt;

Cc: Jojo Pewsawang &lt;jojo.pewsawang@lacity.org&gt;, Correy Kitchens &lt;correy.kitchens@lacity.org&gt;

Here is an item for 48 hour correspondence for item #9

----- Forwarded message -----

From: **Rachel Specter Levy** <rachelspecter@gmail.com>

Date: Mon, Dec 5, 2022 at 12:24 PM

Subject: Case Number: CPC-2018-2223-CU

To: &lt;correy.kitchens@lacity.org&gt;, &lt;jojo.pewsawang@lacity.org&gt;, &lt;blake.lamb@lacity.org&gt;

Cc: jed@walkingmaninc.com &lt;jed@walkingmaninc.com&gt;, Dan Levy &lt;Danlevy3@gmail.com&gt;

Hi there,

I'm reaching out because I previously sent a letter of support for Bill Marsh's Swim to Bill business to Correy. I wanted to follow up because after speaking with my former neighbors on Laurelvale, it's been brought to my attention that the traffic on the street was having a negative impact on their daily lives. I fully support Bill and appreciate what he does but I no longer feel that his backyard on Laurelvale is the appropriate venue for it. I feel badly that I have gotten involved as I can see this issue from both sides but I do wish to retract my letter and remain neutral. I'm happy to see that Bill's operation has thrived elsewhere and that his value is still being realized.

Thank you,

Rachel Levy

**Blake Lamb**

Pronouns: She/Her

Principal City Planner

**Los Angeles City Planning**

6262 Van Nuys Boulevard, Room 430

Los Angeles, CA 91401

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**CALIFORNIA  
RENTERS LEGAL  
ADVOCACY AND  
EDUCATION FUND**

**December 2, 2022**

**City of Los Angeles  
City Planning Commission**

**Re: 2323 South Scarff Avenue Housing Development.**

Dear Commissioners,

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to inform the City Planning Commission that they have an obligation to abide by all relevant state housing laws when evaluating the proposal to develop housing at 2323 South Scarff Street. The Housing Accountability Act requires approval of zoning and general plan compliant projects unless findings can be made regarding specific, objective, written health and safety hazards.<sup>1</sup> (Cal. Gov. Code § 65589.5). These findings must be unmitigable, based on written health and safety standards, and supported by a preponderance of evidence in the record. If a court reviews a local denial of housing, it will not defer to local judgment on these questions but instead “afford the fullest possible weight to the interest of, and the approval and provision of, housing.”<sup>2</sup>

In this case, none of the grounds for the appeal identifies impacts associated with this project that could justify a denial of housing. The environmental analysis of the project is complete and more than sufficient under the law. The City Planning Commission should therefore deny the appeals and approve the project as proposed.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit; it will bring increased tax revenue, new customers to local businesses, decarbonization in the face of the climate crisis, but most importantly it will reduce displacement of existing residents into homelessness or carbon-heavy car commutes. The appeal in this instance does not identify any health or safety impacts caused by the project, therefore the City Planning Commission is under a legal obligation to approve of the project, and not attach any conditions that would result in a reduction of density. We ask that the Commission deny the appeal and allow for the creation of these new homes.

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<sup>1</sup> Cal. Gov. Code § 65589.5.

<sup>2</sup> § 65589.5(a)(1)(L), *see, e.g., California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820.



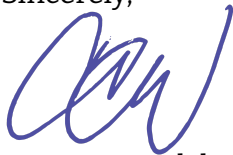
CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. While no one project will solve the regional housing crisis, the 2323 South Scarff Street development is the kind of housing Los Angeles needs to mitigate displacement, provide shelter for its growing population, and arrest unsustainable housing price appreciation. You may learn more about CaRLA at [www.carlaef.org](http://www.carlaef.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal stroke extending to the right.

Dylan Casey  
CaRLA Executive Director

Sincerely,

A handwritten signature in blue ink, appearing to read 'Courtney Welch', with a stylized, cursive script.

Courtney Welch  
CaRLA Director of Planning and Investigation



## David Raposa

2515 4th Avenue  
Los Angeles, CA 90018

December 4, 2022

City Planning Commission

RE: ZA-2021-6672-DB-CU-CCMP-HCA, and ENV-2021-6673-CE  
2323 S. Scarff Street, Los Angeles CA 90007

Dear Commissioners:

I am writing today to address the “Staff’s” rebuttal of the Appeal Points relative to the proposed project at 2323 Scarff Street. The University Park HPOZ Board made a unanimous decision to DENY approval of the CCMP. Although I am the Chair of the University Park HPOZ Board, this is not an official letter from the Board. Rather, I am writing as an individual, community stakeholder, and property owner within the University Park HPOZ. In reading the Staff report, I feel it undervalues the careful decisions and comments of the community and the Board, and may not correctly represent the facts.

I am very concerned that this project (and decision making process) may establish a reckless, dangerous and destabilizing precedent affecting all historically-designated neighborhoods in the City, negatively impacting neighbors’ quality of life. There will also be negative effects for those property owners who purposely purchased their homes in a historic community with the protections of a historic overlay and historic district designation.

The Staff Report is dismissive of the then-current and prior Board members’ experience, knowledge, and professional qualifications. However, each Board member has significant expertise in historic preservation and is required to be familiar with the Preservation Plan. The citywide HPOZ ordinance requires this expertise of Board members.

After dismissing the proficiency of the HPOZ Board members, the Staff Report then makes unsupported and unjustifiable claims that this project is consistent with the University Park HPOZ Preservation Plan. It is NOT. At the public meetings and hearing regarding this project, every prior Chairperson, every prior and then-current Architect, and community members representing 40 years of experience with first the CRA “Urban Design” standards and the later-implemented HPOZ Preservation Plan all weighed in with facts demonstrating how the project is NOT consistent with the Plan.



Please note that University Park has a Preservation “Plan.” The Plan includes adopted objective standards. These objective standards are prescriptive, contrary to the appealed Determination and Staff Report.

The HPOZ Board’s decision was to recommend that the Office of Historic Resources (OHR) and the Director of Planning NOT APPROVE the project, because it does NOT conform to the adopted University Park HPOZ Preservation Plan. Again, the Plan has objective standards and the Board applied those standards in, first, the consulting meetings with the Applicant, and then at the HPOZ Board public hearing itself.

To be specific, the Board reviewed this project several times during Brown Act-compliant public meetings during the project’s consulting stage, and then the matter was agendized for a vote at a public hearing held on November 16, 2021. At that time, the Board voted to not approve the Project because it does NOT meet the criteria for the University Park HPOZ Preservation Plan, and because it would have severe adverse effects on the Historic District.

In reviewing the Staff Rebuttal to the Appeal Points, I was dismayed by the way the author(s) were inaccurate and wrote statements without basis in fact, seemingly to support a pre-conceived goal of approving the project.

Some specific examples:

- **Appeal Point 1:** Staff wrote (page A-5) that the project is “consistent” with University Park Preservation Plan. This is incorrect. The project objectively does not meet the requirements for setbacks and height; and the design does not have the required articulations.
- **Appeal Point 2:** According to Staff (page A-5), the proposed project, due to its being “only 10 units,” is “not considered overscale” (*not considered by whom?* The HPOZ Board did consider it over scale, based on the size of the building compared to the lot and the immediate neighborhood.) To justify this assessment, Staff pointed to a so-called “relatively recent” building constructed in 1979 – long before the adoption of the HPOZ and before the designation of the National Register District, and when much of South Los Angeles along with this block was still zoned R-4. That building is not a comparable property for the Subject parcel. It is on a different street, the lot is twice the size, and there are different circumstances. The second referenced building is not even within the HPOZ.



- **Appeal Point 3:** Staff claims (on page A-7) that this project “has been designed to comply with the guidelines of the University Park Preservation Plan.” It was NOT designed to comply with the Infill section of the Preservation Plan. Every Board architect, and every present and past Chair, said it was not compliant, and past Board members provided their reasoning in writing, citing sections of the Preservation Plan.
- **Appeal Point 5:** Staff acknowledges that the Zoning Administrator “receives input from the HPOZ Board” (page A-9) but the recommendations are advisory. But since the HPOZ Board meetings were not recorded and the Office of Historic Resources did not prepare a written recommendation report, I am not sure exactly how the Zoning Administrator received the HPOZ Board’s input. He stated only that he had *spoken* to the Office of Historic Resources. It appears there is something missing from the record. The Zoning Administrator also dismisses the University Park HPOZ Preservation Plan as merely guidelines; however, the Plan has objective standards which do not require interpretation and are not mere guidelines. It was the Zoning Administrator, not the HPOZ Board, who interpreted the Plan to permit a project that the Board found impermissible in its present state.
- **Appeal Point 6:** Much has been said about the prevailing setback (page A-12). The HPOZ Board and Staff previously established that the prevailing setback in this section of Scarff Street is 46 feet. This setback was imposed by the Director of Planning on the development next door at 2317 Scarff. (That project approval is far more relevant and comparable than the multi-family developments on Adams and Portland.) Here it is the Zoning Administrator utilizing interpretive judgement by recalculating “average” setback as being 37 feet, imposing the word “average” when the Preservation Plan defines “prevailing,” and then further stating that “the proposed 35-foot setback is substantially consistent.” None of this is objective. The Board’s decision, conversely, was completely objective and relied on actual measurements.

I would like to emphasize again that after careful consideration and after listening to a great deal of testimony, the Board’s unanimous recommendation in this case was AGAINST APPROVAL.

You have been provided the approved minutes from the University Park HPOZ Board’s initial consultation with the Applicant on May 4, 2021, where the Board recommended numerous changes that were not in the end incorporated into the project.



You also have the minutes for the November 16, 2021 hearing, where after much discussion the Board passed the following motion:

*Motion to recommend against this project:*

*“Move that the recommendation of the University Park HPOZ be to deny this project on the basis that it does not comply with the Preservation Plan, generally all of section 8 for residential infill, specifically in the area of 8.10 Location and Site Design and 8.11 Massing and Orientation and does not follow the previously established prevailing setback and heights as stated by the Director of Planning in their 2008 ruling on DIR 2008-3375-COA. Specifically, we find the proposed structure to be out of scale with the adjacent properties and the larger context of the historic district in the issues of height, massing, setback, and design articulation. This project as presented presents a significant adverse impact to the historic resources of the district: The HPOZ, The National Registered District, and the Landmark Properties along Scarff Street.”*

*The motion to recommend against this project passes unanimously.*

I would like to make the following additional observations:

In my nearly 20 years of being on the HPOZ board, the response to this project was unprecedented. The public comments on this project exceeded all other comments on any other project the Board has reviewed over the years. And all of the comments were strongly negative.

Every past Chair of the HPOZ Board attended the meetings, and every past Architect of the Board attended – and they uniformly spoke against the project, and said it did not meet the Preservation Plan requirements.

There are letters and communications in the HPOZ case file from three former University Park HPOZ Board architects: **Thomas C. Michali** (partner in M2A Architects), **John Arnold** (partner in KFA Architects whose specialty is multi-family housing), and **John Kaliski** (award-winning architect and urban designer who also wrote the former Community Redevelopment Agency’s Urban Design Guidelines, which served as the basis for the University Park HPOZ Preservation Plan).

I hope the letters that these three architects wrote to the Board have been provided to you (both OHR staff and the Zoning Administrator do have them, and should have included the letters in the package presented to the Commission). Each of these gentlemen specifically and objectively stated why the proposed project at 2323 S. Scarff Street does NOT meet the requirements of the Preservation Plan.



It is important to note that, first, all of these individuals are recognized experts.

And, second, it is extremely unusual that former HPOZ Board architects would take such a strong interest in a project, except that they recognize that an approval of this project against the backdrop of its being so out of line with the Preservation Plan would create an exceptional precedent that likely would harm not just the University Park HPOZ historic district, but all of the City's historic districts.

Thank you very much for your consideration in this matter.

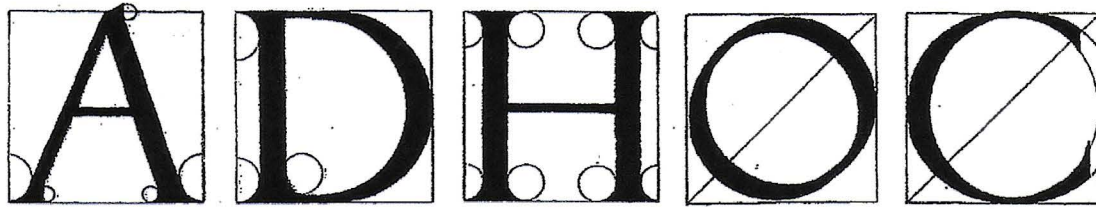
Cordially,

David Raposa

323-573-4202

daveraposa@aol.com





ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE

CITY PLANNING COMMISSION

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007

Council District: CD-1

Certified NC: NANDC South Los Angeles Empowerment Congress North Area North

Honorable Commissioners

In 2008 the Director of Planning Gail Goldberg declares the prevailing “47-foot historic front yard setback” for Scarff Street. (see DIR-2008-3375-COA /2317 Scarff St.)



In 2022 the Director of Planning Ken Bernstein cedes decision to ZA Irving who ignores, confirms, rejects prevailing issue.

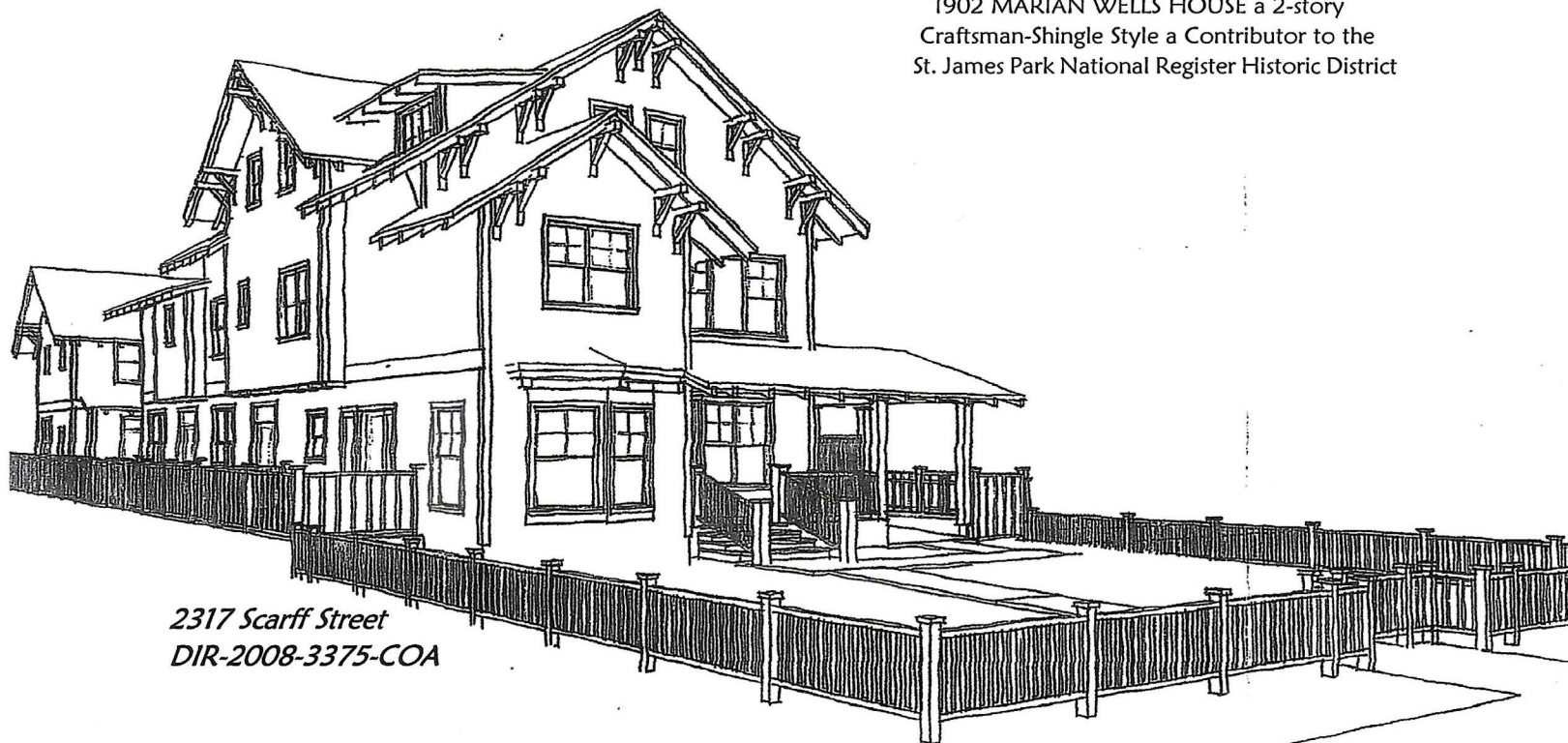


As the Chair of ADHOC I have made extensive comments to the continuing public record about the failure of this Project to conform to the University Park HPOZ Preservation Plan. As a former UP-Board member I was part of the team that spent two years and had 14 public hearings to create the Preservation Plan's Draft, which was approved on July 14, 2005 by City Council.

A key element in the approval-review process for "Infill" development is the requirement that the "PREVAILING" conditions on each separate block-face be examined for compatibility with the historic context and patterns of development.

The Prevailing, oft debated, front-yard setback and building height for the west side of the 2300 block of Scarff Street was firmly settled on December 31, 2008 by then Director of Planning S. Gail Goldberg. Her Letter of Determination (Case No. DIR 2008-3375-COA) granted an approval for a COA on a 4-unit Infill residential apartment at 2317 Scarff Street. She affirmed the historic "47 foot front setback" and the "prevailing height of 30 feet". Those numbers are the "Objective" and "Codifiable".

This lot was only available for development after an arson-fire Christmas 2006 demo. It replaced the 1902 MARIAN WELLS HOUSE a 2-story Craftsman-Shingle Style a Contributor to the St. James Park National Register Historic District



As a former UP-HPOZ Chair-Secretary, when reviewing a proposed Infill project the Board will begin with a look at the 1922 Sanborn Insurance Map. It is a fundamental: In order to determine what can be compatible with the historic context it is important to know what was historically there. That Sanborn Map provides a detailed in-scale rendering of the footprint of the building and its location on the lot. When there is a most commonly occurring that frontage is Prevailing.



18  
'21

1922  
SANBORN  
MAP

LOS ANGELES, CAL., VOL. 5  
534

5150  
(2486)

UNIVERSITY  
DISTRICT

W. 23RD ST.

1" W. PIPE 4" 6" W. PIPE  
COPY

5 CARE

2336-A-15-C-D

2926

5151  
V1201

2 Apartm'ts

7



ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE  
ST. JAMES PARK NATIONAL REGISTER HISTORIC DISTRICT (1991)

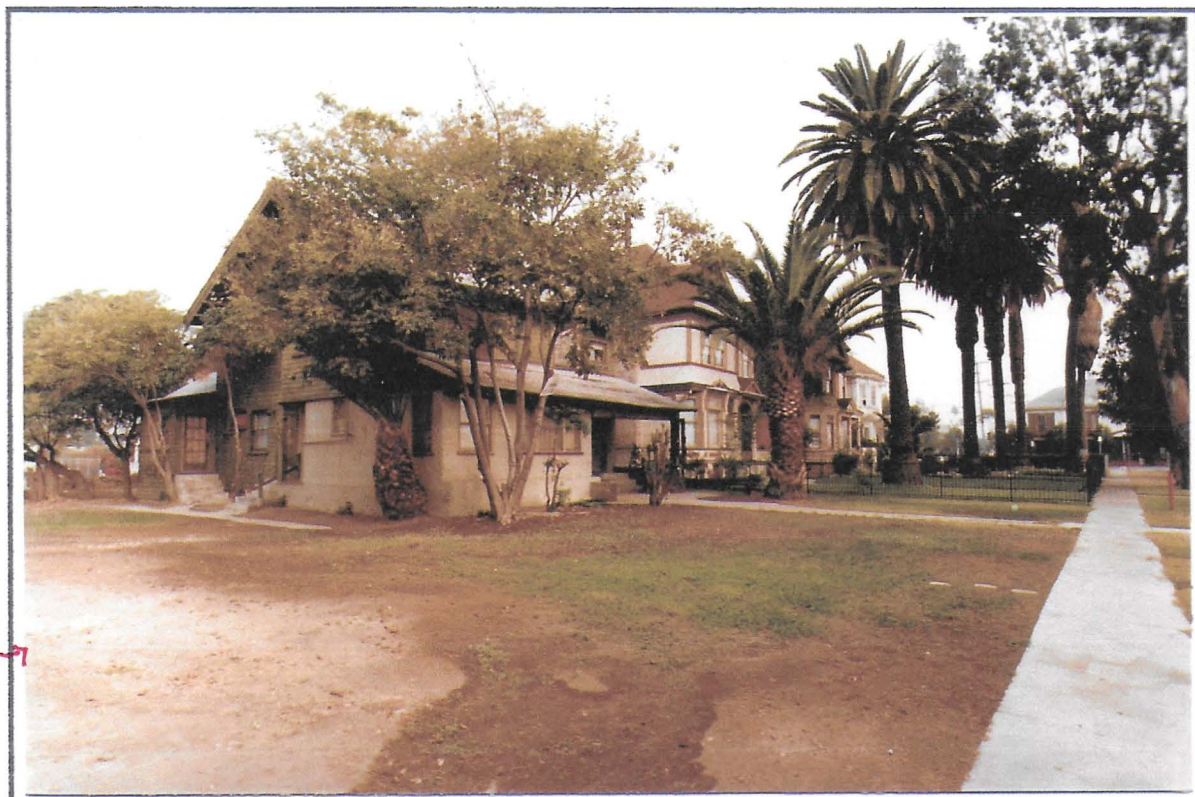


03). VIEW LOOKING NORTH-WEST

HISTORIC STREETScape SETBACK

04). VIEW LOOKING NORTH-WEST

HISTORIC STREETScape SETBACK



JIM CHILDS, PHOTOGRAPHER, 1995

PAGE 02



The University Park HPOZ is located near the south-western boundary of the original 1781 Spanish-Pueblo land-grant of "four square leagues". This has created an unusual situation of our streets running diagonally with the USA's compass baselines' rectangular grid. This is observable at the junction of Hoover Street and Union Avenue and with the many the off-set intersections along 23<sup>rd</sup> Street.

When as the eventual subdivisions of the varied rancho-estates into residential lots happened, the results were a collection of irregularly assorted street blocks that vary in size. Those variations coupled with the then economic conditions for development, resulted in the varying subdivision layouts found throughout the eastern side of the UPHPOZ. These irregularly sized lots obviously would each have a different and independent result for a front setback that is; most commonly occurring setback – "Prevailing".

There is not any way that the existing City Code for a 15' front yard setback requirement has any universal application in the UP-HPOZ. Unless of course the historic front yard setback had a "most commonly occurring 15-feet" setback, then that would be "Prevailing". In the HPOZ therefore the applicable front-yard setback may be greater or lesser than City Code. The properties in the University Park HPOZ have an "OBJECTIVE" and "CODIFIABLE" number for their front yard set-back based on the relevant and quantifiable historic pattern of development for their unique block face.

2300 BLK. PORTLAND STREET

6/88 CHIDS







2300 SCARFF STREET  
1900 BLK. PARK GROVE

6/08-CHIDS  
6/08 CHIDS







1901 BLK. PARK GROVE  
 900 BLK. 20TH STREET

6/88 CHILDS  
 6/88 CHILDS





The vacant subject property, located on the west side of Scarff Street, has, under the University Park Preservation Plan's compatibility requirements an established Prevailing 47-foot front yard for any Infill project. The Orion Developers were well aware of UP-PP requirements before planning this proposal. Several years ago they purchased the historic 1894 2-story RANDOLPH MINER HOUSE at 2301 Scarff Street. They appeared several times before the HPOZ Board for changes to that building as well as previous meetings regarding other properties. Their choice has been to ignore the UP-PP limitations and exploit the superseding requirements of new legislation at the expense of integrity of the Historic District.

In one of my ADHOC comment letters to the Zoning Administrator (04/27/22-12pages) I reported:

*"The applicant's hired consulting agents have used inaccurate data and self serving subjective interpretations of the facts relevant to the UP-PP to extol the Project's non-impact status. By obfuscating Non-Contributing lots with Non-Contributing Housing they strive to equate the potential negative impacts of the two as benign. The Non-Contributing vacant lot is a Non-Contributor because it is vacant. The empty space may not be eligible to contribute but it cannot visually impact an historic structure. The narrative it tells is that of loss.*

*The new Infill Non-Contributing structure however can have significant negative impacts to historic resources. The applicant's proposed 4-story 10-unit building certainly will with only a 33' front setback. Their project converts the passive existence of a vacant lot into a 4-story towering intrusion that erodes the historic narrative and undermines the integrity of the historic context.*

*The historic pattern of development narrative along historic Scarff Street with its gracious 47' setback has suffered with several intrusions into that setback. However the historic narrative is fortunately still viable and still visible from 23<sup>rd</sup> Street since the 6-lots comprise almost 40% of the block. The proposed project would intrude into the setback and limit the view to only 4-lots and reduce it to only a 25% viewing experience."*

The ZA's Determination-Approval is devoid of any relevant comments about the application of the Prevailing conditions required by the UP-PP. Although The Determination-Approval devotes 10 page (25-34) from the UP-PP, containing 74 individual line-items (8.10.1 - 8.14.15) that offer directions for Infill compatibility there is only one reference to the "Prevailing" application (pg.30):

*8.11.12 Respect the prevailing setback i.e. the most commonly occurring setback and lot coverage of historic properties on the block face on which the building will be sited.*

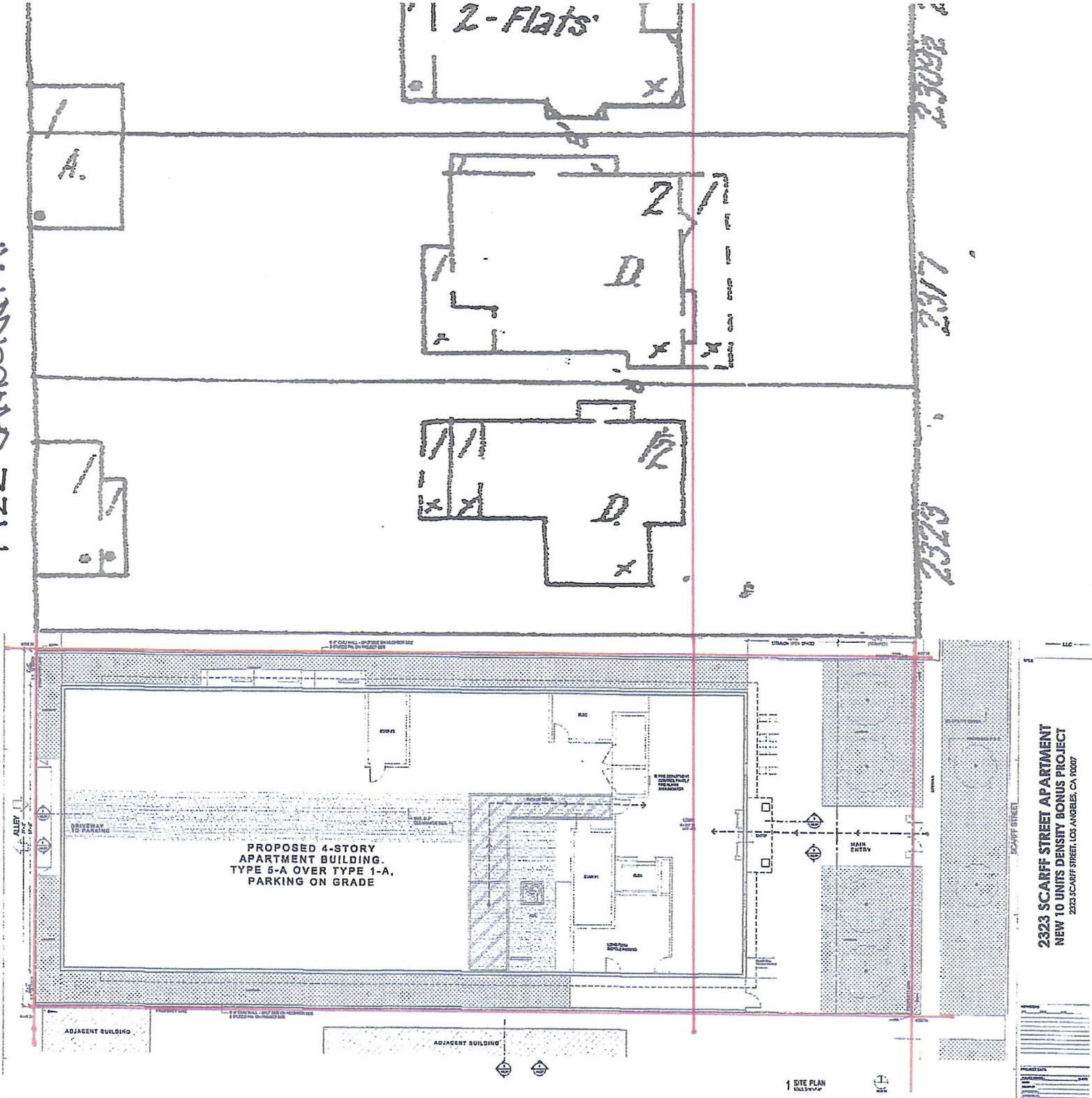
The ZA comments to this line-item ignores the facts of the most common setback (46-feet) and offers instead his conclusion that:

*"Placing the structure at 35 feet behind the front property line is compatible with the variety of building types and setbacks on the block."*

Although having effectively narrowed any comment-debate about the Prevailing 47' front- yard setback from his Determination, the AZA does make comment( along with City Planner Sergio Ibawa and City Planning Assistant Rafael Fontez) in the "LADCP Appeal Report". On page 16, under "Staff Response 9", the authors offer these comments about the historic patterns of development:



1922 SANBORN MAP



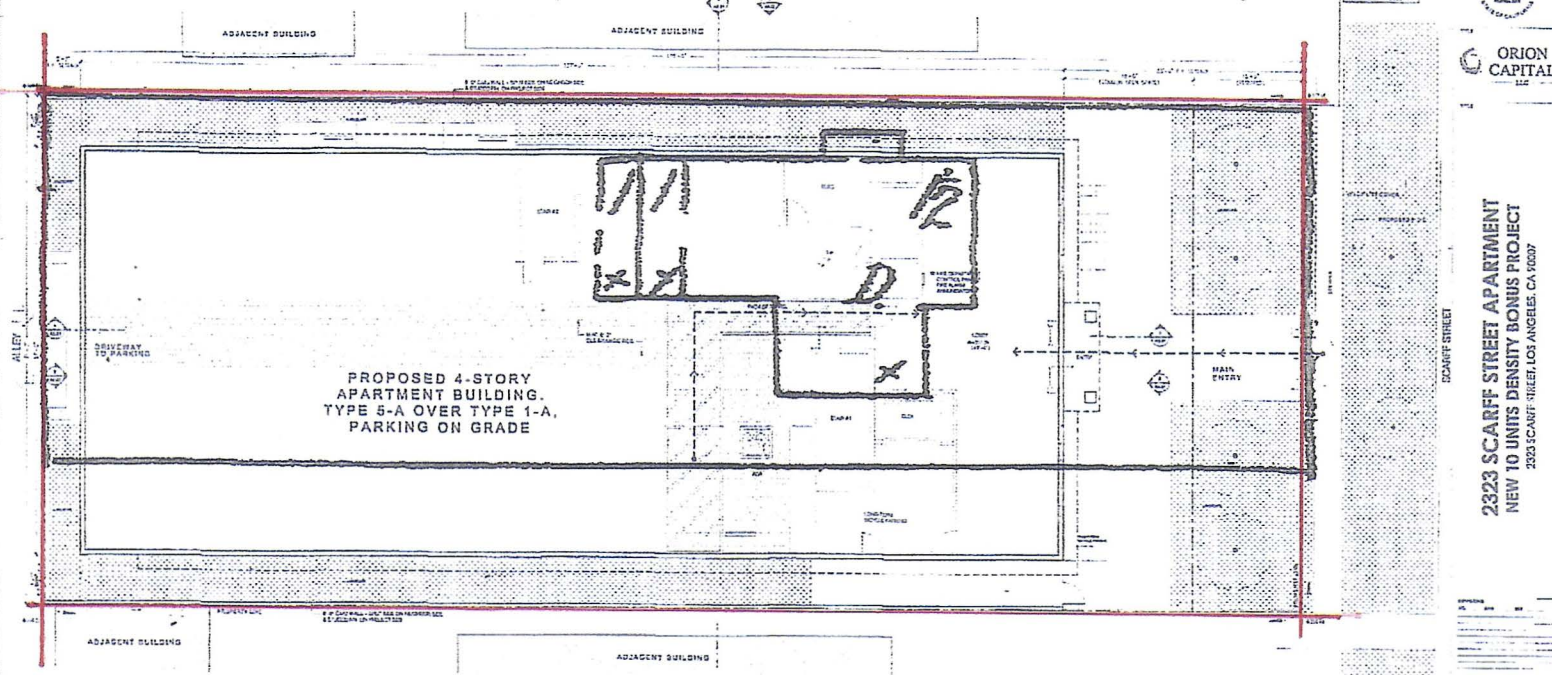
"Historic documentation and a Sanborn Fire Insurance Map indicate that a single family residence had previously been located on the site, and that it was redeveloped early on and replaced by a men's dormitory. The dormitory had a rectangular form and its front yard setback was substantially similar to the proposed project (). The Project will consist of multifamily housing, which is compatible with the men's dormitory previously on site. As such, the project proposal takes the historic development pattern and complies with the guideline 8.11.13. As detailed in Staff Response 6-7, the project is also in line with the historic development pattern in terms of massing, height, and scale and complies with the applicable guidelines for these elements."

2323 SCARFF STREET APARTMENT  
NEW 10 UNITS DENSITY BONUS PROJECT  
2323 SCARFF STREET, LOS ANGELES, CA 90027

PROJECT DATA	
PROJECT NAME	2323 SCARFF STREET APARTMENT
PROJECT ADDRESS	2323 SCARFF STREET, LOS ANGELES, CA 90027
PROJECT TYPE	NEW 10 UNITS DENSITY BONUS PROJECT
PROJECT DATE	
PROJECT SCALE	1" = 10' - 0"
PROJECT SHEET	A1.10
PROJECT DRAWN BY	
PROJECT CHECKED BY	
PROJECT APPROVED BY	



The University Park HPOZ Preservation Plan has nothing to do with a project's usage; whether it is going to be used as a multifamily, SFD, or was used as a men's dormitory. IT has no relevance in a CCMP review process.



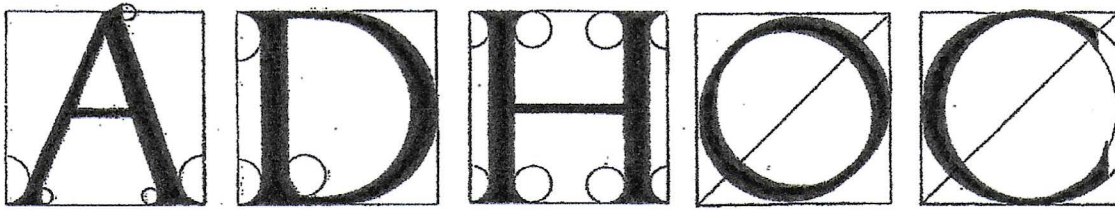
Usage is not a reviewable issue by any Historic Preservation Overlay Zone Board or the Office of Historic Resources staff. Usage issues are generally found under the purview of the Zoning Administration and his comments here expose the underlying limitations of having an OHR decision ceded to the ZA. Clearly the thinking, understanding and analysis needed to resolve issues about compatibility with the Preservation Plan and the Secretary of the Interior's Standards is absent in this Determination. AZA Irving speaks about the importance of a consensus, an "average" and ignores the "Prevailing" requirements of the UP-Preservation Plan. He is too quick in diminishing the importance of the UP-PP by referring to it as "only guidelines".

AZA Irving has taken public comment at a Hearing, accepted written public comment, held private "conversations" with OHR, the CHC, and others unknown. I have been unable to find any documentation, in the available administrative record, about what additional informational materials may have been made available in his decision making. Except for the UP-HPOZ Board There has been a total lack of transparency throughout this Project's processing by Planning.

I find it hard to believe that AZA Irving only had a "conversation" as reported to the UP-HPOZ Board by planner Katie Knudson. OHR never made some written remarks in their process including why they rejected the UP-Board's "recommendation" to Deny the Project. Even the bureaucratic shenanigans in the required change of the administrative decision maker from the head of OHR to the ZA served only to obfuscate. The ZA Determination is wrong and should not be supported.

Jim Childs, Chait A.D.H.O.C.   
213-748-1656 / [jeanjim2341@att.net](mailto:jeanjim2341@att.net) / 2341 Scarff Street University Park LA. CA. 90007





## ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE

JANUARY/FEBRUARY 1992

**LOS ANGELES  
CONSERVANCY**  
*News*

Awareness • Assistance • Action

Volume 14 / Number 1

### COMMUNITY SPIRIT FORGES NEW NATIONAL REGISTER DISTRICTS

After years of painstaking research, fundraising events and countless community meetings, the Adams Dockweiler Heritage Organizing Committee (ADHOC) and the home owners in West Adams have cause for celebration.

As a result of their efforts, Los Angeles has two new National Register Districts, Saint James Park and Twentieth Street. But that is not the tangible consequence of their work. Equally important, according to Jean Frost, member of ADHOC and the West Adams Heritage Association (WAHA), is that "the designation process has rekindled neighborhood pride and strengthened our sense of community identity."

Both districts lie in the ethnically-mixed neighborhood between downtown and the University of Southern California. Diverse in ethnicity, label, support for the districts was equally diverse. Said Frost, "Many of the long-term residents are of different cultural and ethnic backgrounds. They responded to preservation as a way to save their neighborhood."

This point was further illustrated by an April community meeting held to discuss possible demolition of a modest house with in the district to make way for a parking lot. Of those appearing in opposition, 75% were Hispanic. It was noted that additional parking could not be considered necessary to the business as the house remains intact.

While the residents of the neighborhood banded together to further the designation, opposition came from off-site property owners who hoped to continue development in the area.

"It was unfortunate that the off-site owners were so misunderstanding about the requirements of designation," said David Raposo, Conservancy Board Member and West Adams resident. "In one way of thinking, association with a Historic District can only add to the value of a property. I think the response from the resident-owners supports that."

On May 3, 1991, just the Saint James Historic District and the Twentieth Street Historic District "received unanimous approval from the State Historic Resources Commission. The keeper of the National Register recognized the designation August 27, 1991.

The Conservancy would like to commend the citizens and property owners who support made these districts possible. Acknowledged as well the recognition of the American Association of Architects, American Institute of Architects, American Planning Council, and the State Office of Historic Preservation for their guidance and assistance in preparing the nomination forms and the State Office of Historic Preservation for their guidance and assistance in preparing the nomination forms.

Right: Victorian from the Twentieth Street National Register District. The house is in the district west of East between 1920 and 1930 in a single-story color. W.W. Wall.

Saint James Park (light gray area) is the larger of the two new National Register Districts, embracing 101 properties within its boundaries. Twentieth Street (dark gray) covers ten properties.

The districts contain some of the largest intact groupings of Victorian architecture in Los Angeles. Many of the well-known in the Saint James Park National Register District were constructed in the City's first suburbs (the Hoover Tract subdivision of 1875 and the Ella Tract of 1886).

### CITY PLANNING COMMISSON

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-

CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007

### Honorable Commissioners

It was with great pride that the University Park Community banded together to seek recognition of this historic neighborhood. On May 3, 1991, the State Historic Resources Commission voted unanimously to approve the National Register of Historic Places designation of the St. James Park and Twentieth Street National Register Districts. The designation was a grass roots effort

by a diverse coalition of residents, business owners and homeowners led by ADHOC. The listing was met with celebration and pride.

Attached are a selection of 9 pages of the National Register National Park Service forms featuring the west side of Scarff Street. Please note you may compare the analysis of the number of stories in the National Register forms with the applicants' and City's data on the number of stories. National Register recognition takes a stringent look at the character defining elements and does not award such designation lightly. The progress achieved by the efforts to acknowledge this historic area should not be dashed by incompatible infill.

Respectfully submitted

Jean Frost



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brace strut-supported eaves). The facade is asymmetrically organized, with entrance occurring from a low shed-roofed porch (brick sidewalls) extending across less than half the facade. The varied window treatments heighten the picturesque character of the design, and include solitary, paired, and tripartite casement sash; as well as prow-shaped bay windows (front wall, second floor and first floor, north wall). There is a deck above a rectangular bay projection (north wall) and an inset porch (second floor, front facade).

The Wells House is a fine, largely intact example of Swiss Chalet-influenced Craftsman design. The prow-shaped windows, bold roofline, and abundant kneebrace strutwork along the eaves are especially evocative architectural components of the design.

Although built for R. H. Davidson, who apparently built the house as a speculative venture, the first actual owner/resident of the property was Mrs. Charles C. (Marian) Wells.

16. Powers Double-House  
2325 Scarff Street  
George H. Wyman, Architect  
John Zeller, Builder  
1908

Contributing

This is a two story brick Prairie Style apartment house with a widely-overhanging low-pitched hip roof, and a wide terrace across the front (a low brick wall encloses it). The design is symmetrical in organization, being three-bays wide, and having a centrally-placed entrance. The large distinctive square-shaped windows, stringcourses (window sill level, both floors) and dramatic arched opening (corbelled brickwork) are key defining features. A double-tier deck (frame) of inappropriate design has been added along the building's north wall.

This is one of three brick apartment houses built in the neighborhood known to have been commissioned by Adams-Dockweiler resident John R. Powers (12 St. James Park). The Prairie Style design of this building makes it rare within its neighborhood setting as well as within a larger citywide context. It is the work of George Wyman, an obscure Dayton, Ohio native who rose to prominence through his design of the Bradbury Building (304 South Broadway, 1893) -- a Los Angeles Cultural Heritage as well as National Register Landmark.

The design integrity of the building is currently threatened by the inappropriate remodeling activities of its owners.



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11. Bettie Creighton House  
2342 Scarff Street  
Dennis & Farwell, Architects  
Dean & Whiting, Contractors  
1896

Contributing

2342 handsome two-story frame/clapboarded Colonial Revival Style building is surmounted by a low-pitched hip roof. The design is symmetrically organized (three bays across, front facade), with entrance occurring through a centrally-placed deeply-recessed doorway from an L-shaped partially inset porch (wood). A beautifully detailed portico supported by paired Ionic columns marks the entrance (there is a balustraded deck above). The doorway has a semi-circular-headed window above it and flanking half-length side-lights which together form the Palladian motif. The corners of front facade are marked by Ionic pilasters that run the full two-story height of the building, as are the edges of the house's center bay. Fenestration is varied and includes tripartite and four-part double-hung (wood) sash, semicircular-headed, and polygonal bay windows of remarkable elegance.

The Creighton House is among the finest Colonial Revival homes in Los Angeles, and also the best example within the context of its Adams-Dockweiler neighborhood. The Creighton family, numbered among the City's social elite, was among the first to build stately homes along the perimeter of St. James Park (1895-96). The land on which the building sits today was purchased from realtor/developer William May Garland, a prominent Adams-Dockweiler resident and businessman who had a major role in the development of St. James Park.

The building appears to be individually eligible for the National Register.

12. Randolph Miner House  
2301 Scarff Street  
Bradbeer & Ferris, Architects  
H. Parsons, Contractor  
1894

Contributing

This is a two story Colonial Revival Style frame house with both clapboard (second floor) and novelty siding (first floor). The design



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is asymmetrically organized: Two bays across on the front facade with a large partially inset/partially projecting columned portico (balustraded deck above) serving as the key architectural feature. The building is surmounted by a low-pitched hip roof (projecting modillion-blocked eaves). Other identifying features include a polygonal bay (second floor) set above a corbelled base (wood); a tripartite arrangement of the entrance (centrally-placed door flanked by half-length sidelights on panelled dados); and side entrance (north wall) with console bracket supported balcony (balustraded) above. There are many unusual ornamental carpentry details, including panelled corner boards, pilasters, and a frieze, and faux quoinwork (first floor, front and north walls). Window treatments consist of solitary and banded fixed and double-hung sash.

This marvellous design was authored by the firm of Bradbeer and Ferris, the talented collaboration of James Bradbeer and Walter Ferris (1893 - Ca. 1897). Bradbeer and Ferris designed a substantial number of the residences in the Adams-Dockweiler neighborhood, and did schools, residences and commercial buildings throughout Southern California during this period. The prominence of the firm is suggested by their biographical/professional profiles in the March 7, 1894 issue of the Contractor and Builder.

The house was built as a speculative endeavor for Frederick W. Thompson, Travel Passenger Agent for the Chicago, Rhode Island and Pacific Railroad, for he never appears to have occupied the house. The first owner/occupant was Randolph Huntington Miner, partner with Alfred H. Wilcox and J. C. Drake of the Wilcox Building Agency in 1897, and later, Vice-President and Secretary of the City Gas Company of Los Angeles and the Los Angeles Water Department. Among his many business ventures were involvements in developing San Pedro harbor. Miner is profiled in depth in Who's Who in the Pacific Southwest (1913).

This house appears to be individually eligible for the National Register of Historic Places.

13. Charles Seyler House  
2305 Scarff Street  
Abraham M. Edelman, Architect  
H. Parsons, Contractor  
1894

Contributing

This is a two story frame/clapboard Queen Anne Style house with a



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moderately-pitched gable roof (moderately projecting eaves). The facade is asymmetrically organized, with entrance occurring through a centrally-placed door from a high asymmetrically-placed wood porch extending across roughly half the facade. The porch has an elaborate shed roof that includes a pediment (above porch entrance) and a rounded corner (north end). It is supported by a group of three square columns (wood). Other identifying features include several polygonal bay projections (including one with a small tent roof), and distinctive wood decoration (panelling, elaborate floral decoration covering the gable surface, corbel brackets (under eaves).

The first owner/occupant of this house was Charles Seyler, Freight and Ticket Agent for Southern Pacific Railroad; Director, and later (1895), President of the Metropolitan Loan Association. According to biographer James Guinn, this loan association was one of the most successful in Los Angeles, and was responsible for constructing more than 200 dwellings during the period between 1890 and 1901. Charles Seyler's son, Charles, also resided at 2305. The younger Seyler was a distinguished member of the insurance profession, and is profiled in Who's Who in the Pacific Southwest (1913).

The Seyler House is a Los Angeles Cultural Heritage Landmark, and appears to be individually eligible for the National Register.



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14. Dennis Burkhalter House  
2309 Scarff Street  
1895

Contributing

The Burkhalter House is a two story frame/clapboard Queen Anne building surmounted by a steeply-pitched hip roof (moderately projecting eaves). The facade is asymmetrically organized. Entrance is from a high shed-roofed porch that extends around the north wall of the house and through a recessed panelled doorway (off-center) (panelled reveals). The porch roof is pedimented above the porch entrance, and has a rounded corner. Turned wood posts support the porch roof, and a low balustrade encloses the porch. Other identifying features include several polygonal and rectangular bay projections. Window treatments consist of large paired and tripartite double-hung sash. The unusual transomed parlor window with its diminutive square-shaped side panels and bracketed hood, and the attic window surround (fan and quarter-fan panels) are especially noteworthy elements of the design.

The original owner/occupant of this home was Dennis Burkhalter, Division Superintendent for the Southern Pacific Railroad. Mrs. Burkhalter and their children continued to live at this address up through the early 1940's, and are listed at this address in the 1939 Blue Book.

The Burkhalter House is a Los Angeles Cultural Heritage Landmark, and appears to be individually eligible for the National Register.

15. Marian Wells House  
2317 Scarff Street  
John Zeller, Builder  
1902

Contributing

This is a two story (with Attic) frame/shingled Craftsman house with a bold steeply-pitched side-gabled roofline (widely overhanging knee-



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17. 2335 Scarff Street  
Ca. 1965 Non-Contributing  
This is an intrusive two story frame/stucco 1960's apartment building.

18. Russell-Foshay-Seaman House  
2341 Scarff Street  
1887 Contributing

This two story frame Queen Anne house, with clapboard (second floor), novelty board (first floor), and shingle cladding (gables), has a steeply-pitched multi-gabled roof. The design is asymmetri- cally organized, entrance occurring from a high and rather sumptuous L-shaped wrap-around porch (wood) that extends across three-quarters of the facade, and through paired panel doors with large single-pane lights. The porch is detailed with a pedimented entry, turned columns, a molded frieze, a sunburst pattern (pediment), curved brackets, and a spindle and stickwork balustrade. On the first floor, a polygonal bay with an unusual stepped cornice above adjoins the porch on the left (south). Another unusual feature is the second floor balcony on the south wall in which large brackets and spindle- work outline a keyhole arch opening. The house's picturesque char- acter is further enhanced by the richly profiled roofline and the varied window treatments (solitary and paired tall double-hung sash) -- some in which the upper sash has a border of small lights).

This handsome home was one of the earliest homes built in Adams-Dock- weiler, and probably the first constructed in the Ellis Tract (subdivided September, 1886). The first resident and probable owner was W. H. H. Russell, an attorney (Russell, Poor & Raney, 1887), and President, starting in 1888, of the Security Title Insurance and Abstract Company, one of the oldest title insurance companies oper- ating in Los Angeles. In June, 1892, William W. Seaman purchased this property and resided here during the 1892-95 period, and again from approximately 1909-10 through at least the early 1940's. In the interim period between 1895 and 1904, James Foshay lived here. Seaman was Los Angeles County Superintendent of Schools (1893-95), and later, served as Deputy Superintendent of Instruction for the State of California. His sister Josephine Seaman, who resided with him, was a faculty member at the State Normal School (which was later reorganized into the University of California at Los Angeles). James A. Foshay (1856-1914) was first Deputy (1893-94), and then Superin- tendent of the Los Angeles City School District. This eminent educator is profiled in Guinn's Historical and Biographical Re-



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cord (1901) and in Who's Who in America (1912). Guinn writes that "at no time in the history of the schools of Los Angeles has such progress been made and such efficiency maintained in all departments, as under the wise and judicious management of the man who now directs them." Foshay was also Vice-President of the National Education Association, a member of the California Council of Education, and one of the directors of the Southern California Academy of Sciences.

This house is a Los Angeles Cultural Heritage Landmark and is individually listed on the National Register (1988). It is one of the finest intact examples of the Queen Anne/Eastlake Style within both the context of the district and within the larger West Adams neighborhood(s).

19. The Albemarle Apartments  
2343 Scarff Street  
A. Dudley, Architect  
F.O. Engstrum Construction Co., Contractors (prob.)  
1903 Contributing

This is a three story (with basement) frame/stucco Mission Style apartment building with two matching mission-tiled hip-roof belvederes jutting up above the (flat and parapeted) roof. The facade is symmetrically organized, the building being three bays wide, and having a centrally-placed entrance. Entrance is from a high concrete dais porch with brick sidewalls (stuccoed). A three-story high arched portico with a deck above at the third floor-level (hip-roofed) occupies the center of the porch. A bowed cantilevered balcony (atop notched beams) projects out under the portico.

The Albemarle is the earliest and largest of the first group of luxury apartment buildings built on Scarff Street, as well as within the larger district, between 1903 and 1910. Its construction is a manifestation of this neighborhood's transition from a sparsely-settled suburban enclave before 1900 to a more urban densely developed character. The building, although altered, is the best remaining example of the Mission Revival within the district.

Because of its exclusive setting on Scarff adjoining St. James Park Tract the Albemarle Apartments were a prestigious place in which to reside. Among the more distinguished residents was Horace Marvin Russell, a mining and oil executive who played a major facilitating role in



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22. Tolhurst House  
2361 Scarff Street  
Ca. 1891

Contributing

This is a one-and-a-half story frame Victorian with replacement aluminum siding and a dramatically-pitched hip roof. The facade is asymmetrically organized: It is three bays across, with the right (north) bay having a polygonal configuration and projecting forward slightly. This bay has a moderately-pitched gable-front roof. Entrance to the house is from a very high porch (aluminum-sided foundations) with replacement stairs (Ca. 1970) and stock aluminum railings, and through a panelled door with a large single-pane light (there is a metal security door). Surviving original wood Ionic columns and their panelled pedestals on the porch indicate the Colonial Revival character of the original design.

The first owner/occupants of this house were Dr. & Mrs. (Mary C.) G. W. Tolhurst. Tolhurst, a dentist, died shortly after he and his wife moved to their new home.

23. Freeman G. Teed House  
2365 Scarff Street  
Ca. 1893; 1905

Contributing

The Teed House is a two-and-a-half story frame Craftsman with overlap board (first and second floors) and shingle siding (gable walls), and a steeply-pitched gable-front-on-hip roof (wide overhangs, with notched rafter tails). The design, which is asymmetrically organized, has an additive appearance suggesting that remodeling occurred perhaps

a decade after the building was built reflecting newer Craftsman design sensibilities (viz., attic level: Paired 16/1 double-hung sash, paired kneebrace strut supports for the wide overhang). A deep shed-roofed L-shaped porch atop a medium-height concrete dais extends across the entire facade. Large square piers (brick) support the porch roof. Fenestration is varied, including paired casement, replacement aluminum sliding, and paired double-hung sash. Other identifying features include a tall exterior brick chimney (north wall) and an inset verandah at the attic level with an arched opening.

This was the home of Freeman G. Teed between 1894 and 1902, City Clerk for the City of Los Angeles, 1887-88 and 1889+, and City Councilman, mid 1890's. In 1896, Teed served as President of the City Council.



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Teed and his wife are listed at this address in the 1894-95 Blue Book, an early Los Angeles social directory containing only 480 listings. This fact indicates the privileged social standing of the Teeds.

The biographical associations and the reversible nature of the building alterations were thought to qualify this house as a contributing resource.

24. The Chalet Apartments  
2375 Scarff Street  
Frank M. Tyler, Architect  
R. F. Bowden, Contractor  
1913

Contributing

This is a two story frame/shake-sided Craftsman apartment complex with a dramatic offset gabled roof (moderate kneebrace strut-supported overhangs), and a huge gable-front porch at the front. The facade is symmetrically organized, with entrance occurring at the center of the facade from a porch with a broad, moderately-pitched and widely-overhanging trussed roof. The porch has elaborate brown and clinker brick sidewalls and massive square piers of the same construction. Thick concaved wingwalls (in elevation) extend off both the south and north ends of the porch to further integrate the building with its site visually. The second-floor level of the front facade consists of matching gable-front bays of identical roof slope as that of the main roofline. The vertically-slatted attic vents and kneebrace strutwork along the eaves further articulate the dramatic roofline and convey the design's Swiss chalet theme.

This building was designed as a 19-unit (43-room) apartment complex. The work was commissioned by Mrs. Jennie Doak, an Adams-Dockweiler resident, for \$17,000 in May, 1913. This is one of a small number of large (i.e., more than 8 units) Craftsman apartment complexes in Los Angeles designed to look like a large bungalow (rather than apartments). The design is unusually sophisticated and elegant although some alterations have occurred (viz., replacement aluminum sliding windows). The building is pictured in Robert Winter's The California Bungalow (p. 81) as a rare example of the bungalow apartment.



# · N · U · P · C · A ·

NORTH UNIVERSITY PARK COMMUNITY ASSOCIATION

December 4, 2022

Los Angeles City Planning Commission

RE: Case No. ZA-2021-6672-DB-CU-CCMP-HCA  
Related Case No. ENV-2021-6673-EAF  
2323 Scarff Street, Los Angeles CA 90007

Dear Commissioners:

I am writing today regarding the proposal to build a large student housing project set down in the middle of University Park, in the center of a designated local historic district (University Park HPOZ) and a National Register Historic District (St. James Park) – which are both also listed on the California Register of Historic Places.

I addressed some of these matters below in a previous letter I wrote on behalf of the North University Park Community Association (NUPCA) to the Associate Zoning Administrator in this case, Theodore Irving. Since I do not know which prior communications have been forwarded to Commission members, my earlier letter is appended to this one. (There is some overlap; apologies.)

As designed and presented, this project does not meeting the HPOZ Preservation Plan's specific objective standard requiring a 46-foot (prevailing) setback – the same setback as was imposed by the Director of Planning on the developer of the immediately-adjacent multi-family infill building.

If constructed as proposed, the building will jut out by 13 feet beyond the plane of the adjacent built structures – one of the things to be avoided by infill projects within historic districts.

While that is the most egregious element, and perhaps the easiest to measure (in fact, on ZIMAS utilizing its digital measuring tool), it is not the only design element that departs from the Preservation Plan requirements. The Appellant has presented many more details regarding this.

In any case, because this project does have adverse effects and negative impacts on these two designated historic districts, you are well within your decision making rights under current law to uphold the Appeal, and not support the project as currently designed.

I have other concerns as well.



I am very concerned about the Planning Department staff's complete lack of transparency in processing this case. By staff's refusal to record its virtual public (Zoom) meetings at either the HPOZ or the Zoning Administrator's hearing, it thus renders the public, and YOU, unable to separate fact from fiction, and truthful reporting from he said-she said.

I was one of numerous members of the public who requested that the (virtual) meetings be recorded. We know it is easy to do. OHR outright refused, even though literally the Zoom host could have just clicked on the record button in the Zoom software. What exactly was the reason to keep the HPOZ proceedings secret from the decision maker and others?

At the April 2022 ZA hearing, Mr. Irving similarly refused to record the public hearing session. Yet within a few days of that hearing, Associate Zoning Administrator Charles Rausch at a different ZA hearing in another matter did exactly the opposite, noting for those present and testifying that he was recording the proceedings for two reasons: the public record was important, and, he said, he wanted to be sure to have recordings of the public testimony. My point is: It is NOT a Zoning Administrator standard that public hearings not be recorded.

So that leaves us with a perception that, in this matter, staff chose not to record public sessions in order to more easily leave out information.

I do believe there are minutes from the HPOZ meetings in your record; but clearly there are no minutes from the Zoning Administration hearing. It is, at best, unfortunate.

Regarding the CCMP portion of the case in particular: I do understand that, under the Multiple Approvals Ordinance, that the Zoning Administrator is the initial decision maker in a case such as this.

However, I am concerned that the staff of the Office of Historic Resources (OHR) reportedly failed to draft a written recommendation and proposed findings relative to the University Park HPOZ Preservation Plan – even though the LAMC does not prevent and even encourages staff to do so. That is, Sec. 13A.2.10.D, “Findings,” suggests that “the initial decision maker may make findings by reference to findings made for another application involving the same project.”

What that means, in plainer English, is that the HPOZ Board normally makes a decision and recommendation to OHR and the Director, and in turn, OHR and the Director – instead of making the usual “Determination” – would be making a “Staff Recommendation” to the Zoning Administrator. It should not have been just a conversation.

Instead, what happened here is that after months of public requests to see what OHR's recommended findings and proposed determination would be in the CCMP case, following the public hearing in November 2021, OHR staff claimed (and still claims) that it never put anything in writing to the Zoning Administrator.

The AZA, in turn, indicated that he had “spoken with” OHR staff. Is that all? A casual conversation?

The problem with this purported scenario is that: given that the HPOZ public hearing was not recorded; and that OHR staff claims to have not prepared anything in writing for the Associate Zoning



Administrator; somehow the Associate Zoning Administrator – who is not a trained expert in the Preservation Plan – nonetheless made findings that contrast with the public and transparent findings (with minutes) of an experienced HPOZ Board which has dealt with the nuances (both objective and subjective) of the Preservation Plan every two weeks for many, many years.

Next:

The designated historic resource(s) are the Districts themselves, and not just an individual property, even a vacant lot. Infill construction impacts the entirety of a Historic District as well as the immediate adjacent properties – that is, the impacts go beyond whether or not a resource is being demolished, and beyond the boundaries of the single parcel. The new building, if constructed as proposed, would jut out in front of all the other historical properties as well as the newer infill property constructed in compliance with the University Park HPOZ Preservation Plan.

(Where is the equity and parity in that?)

The City Planning Commission must operate within the narrow confines of State law when deciding whether or not to uphold this appeal. However, in this case – a student housing project with just one proposed affordable unit, located within two designated historic districts, and designed with podium parking rather than below-grade parking which would allow compliant setbacks and other design elements that are more compatible with the districts – the Commission actually has several options to NOT SUPPORT the project as presented and, instead, to UPHOLD the Appeal.

First, I quote the attorney Mitchell Tsai, who wrote a letter regarding another over-bulked, incompatible West Adams District project:

*“The City can deny incentives or concessions under Govt. Code 65915(d), if it makes written findings supported with substantial evidence that the requested incentives ‘do not result in identifiable cost reductions .... to provide for affordable housing costs.’”*

There was no substantial evidence presented by the Applicant at the previous public hearings that asking for a concession to avoid building with a setback matching the prevailing 46-foot setback in the historic district(s) would result in cost reductions. These are 5-bedroom units that resemble dorm suites, not “regular” apartments. Simply reducing the number of bedrooms in each apartment would go a long way to both reduce construction costs and eliminate the need to project the building forward such that it breaks the plane of the immediately adjacent historical (and infill) residential buildings.

Additionally, this is a student housing project. I am under the impression that for student housing projects to be eligible for the granting of incentives or concessions related to the density bonus itself there needs to be 20% of the units set aside for affordable housing, not just 10 or 11% -- per Govt. Code 65915-65918. Was this even analyzed?

Along with the sheer number of bedrooms creating over-sized apartments, the present design also includes several large interior spaces labeled as “recreation” or similar. This project does not actually have a need for those spaces, given the open space in the front yard (while setting back the building, the renderings and plans do show that the front yard includes active recreational space). If these interior



spaces are reduced or eliminated, and if the parking “migrates” underground, then the front setback issue can be potentially designed away – as was discussed by the HPOZ board and suggested by members of the community at the HPOZ consulting meeting and at both public hearings.

Of course, the Commission can and should simply overturn approval of this project by finding that waiving the required prevailing setback requirements of the University Park HPOZ Preservation Plan (an objective standard) would be a concession that need not be granted because:

*“The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources...”*

Regarding CEQA, I know you will have a great deal of input from many other community stakeholders about the impacts on the historic districts.

But I am also concerned about the cumulative impacts of building student housing within our neighborhoods (versus on the commercial corridors), and in fact it is a matter of adopted City policy that new student housing be placed on the Figueroa Corridor (and similar) and not within character neighborhoods. I recognize this is difficult to implement, much less enforce.

However, the Commission may also be aware of a recent set of findings by the City Council’s PLUM Committee relative to another nearby (albeit unrelated) proposed student housing project, where PLUM adopted the following Finding:

*“...the City has failed to analyze the cumulative impacts of the proliferation of student housing in the area, [even though] the City has recognized the negative impacts of multi-habitable room projects in the adjacent area through the establishment of the Neighborhood Stabilization Ordinance.”*

That statement should also be applied to this case. And for this reason, along with others brought forth by the Appellant, the Commission should not adopt or approve a Categorical Exemption for this project.

In general, I would like to think that we as a community and as a City can encourage new housing opportunities without damaging the historic context and character of this neighborhood. We should build upon existing policies (including adopted policy to discourage new student housing within this neighborhood) while embracing well-designed new multi-family housing developments that are in compliance with the existing Preservation Plan. We should not dismiss the requirement that the City is a steward of our historic places, most especially this exceptional National Register Historic District.

I thank you for your consideration, and for your community service.

Laura Meyers  
NUPCA  
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· N · U · P · C · A ·  
NORTH UNIVERSITY PARK COMMUNITY ASSOCIATION

April 27, 2022

Theodore Irving  
Associate Zoning Administration, Department of City Planning

RE: 2323 Scarff Street, Los Angeles CA 90007  
Case No. ZA-2021-6672-DB-CU-CCMP  
Related Case No. ENV-2021-6673-EAF

CC: Rafael Fontes

Dear Mr. Irving:

Thank you for keeping the case file open in this matter. As you know, I did testify at the public hearing and I had also previously submitted comments in writing. Given that those written comments had been transmitted to the Office of Historic Resources (OHR), I am not positive they reached you, so I am appending that letter to this letter – I hope you don't mind if it proves redundant.

Many people have already communicated to you their concerns that this project is completely non-compliant with the HPOZ Preservation Plan, in terms of mass, setbacks, height, and overall design – this is a modern infill project but it does have an impact on the historic resource, which is the HPOZ historic district and additionally the National Register historic district.

There are also additional, serious concerns about the complete lack of transparency on the part of OHR relative to community requests (multiple requests that I am aware of) for information regarding the Director's Determination OR Recommendation Report – or anything in writing at all in terms of recommendations given to the Zoning Administrator. Additionally, there have been references now in the record of perhaps face to face meetings (or Zoom/virtual meetings) that potentially were meant to communicate those recommendations without creating a record of the recommendations. Applicant seems to have stated in the hearing that he and the Applicant team participated in 11 meetings, yet only three were public meetings – two HPOZ meetings, one of which was a Brown Act compliant public hearing; and one ZA hearing, which of course you helmed.



My concern about all of this is this: The ordinance that governs HPOZ case processing gives to an HPOZ board the decision-making authority for certain categories of cases (e.g., “Conforming Work” cases). The HPOZ board is also given the responsibility to conduct a public hearing for Certificate Cases, and to within that body decide whether or not – in the Board’s professional opinion – a proposed project meets the Standards of the Preservation Plan (this is a generic statement). At that point, the Board’s “decision” is a recommendation to the Director of Planning, who renders a final decision and issues a Determination Letter. In general, the Director (again, generic, not a comment about any particular Director) takes an HPOZ Board’s decision and moves forward with it. It takes an exceptional circumstance for a Director to reject an HPOZ Board decision and recommendation in a certificate case.

This is NOT an exceptional circumstance.

For this proposed project at 2323 Scarff Street, I attended both the first HPOZ consulting meeting and the second meeting, which again was a Brown Act-compliant public hearing. Almost all the testimony was knowledgeable, and made specific reference to elements in the Preservation Plan. I want to point out that this Preservation Plan has objective standards defining, for example, setbacks.

As a result, the HPOZ Board voted that this proposed project does not meet the requirements of the Preservation Plan, and voted to recommend to the Director of Planning that the Director, essentially, reject the project as presented.

There was discussion about possible “fixes” to both the setback and height issues, including reducing the amount of parking to that which is required (I believe a reduction from 18 to 6 spaces) to allow the use of some of the parking space to accommodate housing instead; reducing the number of bedrooms in each unit (as designed, this project is what architects call “over bulked” – with fewer bedrooms the apartment square footages could be reduced); and also questioning the need for what I believe the plans showed as two large interior recreation room spaces – seemingly unnecessary as an Open Space substitute if a front yard setback meeting the Preservation Plan was provided.

I have come to understand, due to the separate ordinance establishing guidelines for how Multiple Approval cases are handled, that the Zoning Administrator will act as the Director of Planning decision maker for the decision regarding compliance with the Preservation Plan. Given that that is the case, were you provided with a transcript and/or minutes of the HPOZ Board hearing? Because I do not understand the reason why OHR would be playing an interpretive role between the HPOZ Board and you, given that you are acting as the Director in this matter.

The Applicant made a reference to “amateur” architects and historians weighing in on this matter. Each and every HPOZ Board architect would not be allowed to serve (per the LAMC) if they did not have the requisite licenses and professional experience. When the current Board architect and the full complement of prior University Park HPOZ Board architects state that the project does NOT meet the Preservation Plan requirements, they are rendering professional, not amateur, recommendations to you.



I am not sure why there was a reference to “historians” (amateur or otherwise) in this case.

Regarding the overall land use portion of this case: We need to implement the City’s policy intentions, and not look for loopholes to avoid those policy intentions.

Quite specifically, the City’s intention when adopting a zone change in 2017 on this 2300 block of Scarff Street to become RD2-1XL-HPOZ actually was to say “the height is not to exceed two stories or 30 feet,” AND “projects need to meet the HPOZ requirements.” The RD2 zone does provide for a density bonus, but state law does not automatically require “waivers” from the rest of the adopted zoning – and frankly I do not understand why the “1XL” is considered a “development standard” from which you can apply for a waiver, versus that it is zoning for which you need to apply for a variance from.

The City’s intention as well, in downzoning this block in 2017, was to implement previously-approved policies and to transfer as best it could via zoning and land use decisions higher-density and student housing to the Figueroa Corridor (outlined more specifically in my appended letter) as was voted on some years earlier when the Figueroa GPA was adopted.

It is also the City’s intention that it has an adopted HPOZ with a quite clear Preservation Plan with objective standards, the City Policy intention being that new, infill projects shall be respectful of and meet the criteria of the adopted Preservation Plan.

The parcel sits within the designated National Register District. Although the City is not the entity that adopted or designated the District, the City does have stated policies and intentions for how it interacts with such Districts. Opting to not consider that at all is against City Policy.

In addition, the City’s policy when adopting the South Los Angeles Community Plan Update in 2017, and the associated EIR (which includes a historic preservation section) , was to honor the included mitigations so as to avoid Significant Impacts. We do understand that the EIR acknowledged that not all historical properties could be saved, but it also made clear that that language related to *non-designated* resources. This parcel is within two designated historic resources, e.g. two historic districts.

In order to approve this proposed project, you would need to make some sort of Finding that despite the pretty obvious violation of that EIR’s mitigations, this project can be approved and does not need either an MND or a site-specific EIR for a specified reason or line of reasoning you would need to develop to justify that Finding.

Thank you,

Laura Meyers

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Honorable Commissioners

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007



Approval of the matter before you will cause severe and irreparable harm to the National Register (and California Register) Historic District, as the record shows. It is inconceivable that the City, the ZA, and OHR have brought this project before you in its current form. Yet here it is. It goes against four decades of planning and all the efforts of this community to instill community pride and provide a legacy to those that follow us, both architecturally and culturally. The Staff Report and Appeal Response is inadequate and misleading.

The project before you is completely incompatible and fails to meet the requirements of the University Park Preservation Plan, adopted by the City on July 16, 2005, after a year of public hearings. The Plan was intended to give all parties, homeowners, tenants, landlords, developers and the city concrete and specific terms for development in the University Park HPOZ area. It is objective, definite and specific. It is proscriptive. This project fails to comply, as the record shows.

There are times when you, as Commissioners, have projects come before you that are without the land use tools to make the project better. That is not the case here.

The Preservation Plan ought to have prevented the current project at 2323 Scarff Street from even coming forward, with its revisionist benchmarks to review compatibility and context. The project as proposed, and the attendant compatibility analysis and purported conformance to the Preservation Plan creates false, misleading and inaccurate criteria in an attempt to push this project through.

**Decisions need to be fact based; this decision is replete with inaccuracies and misrepresentations.**

The misleading journey begins with the applicant's Environmental Assessment Form submitted to the City and embraced by the City.

I. **Historic, Cultural and/or Architecturally Significant Site or Structure.** Does the project involve any structures, buildings, street lighting systems, spaces, sites or components thereof which are designated or may be eligible for designation in any of the following? If YES, please check and describe:

☐ National Register of Historic Places: \_\_\_\_\_

☐ California Register of Historic Resources: \_\_\_\_\_

☐ City of Los Angeles Cultural Historic Monument: \_\_\_\_\_

☒ Located within a City of Los Angeles Historic Preservation Overlay Zone (HPOZ): University Park HPOZ

☐ Identified on SurveyLA: \_\_\_\_\_

☐ Identified in HistoricPlacesLA: \_\_\_\_\_



The project clearly **does** involve buildings which are National Register designated even though the subject site itself is vacant. The City's own instructions direct the developer to include:

3. *Evaluation of a proposed project's impacts to designated or eligible historical resource(s) **on the project site or in the vicinity.***

- ☐ *For projects within a historic district, impacts **to the district as a whole must be considered.***
- ☐ *Projects impacting district contributors **must also consider impacts to the contributor as well as to the district as a whole.***

4. *Recommendation of mitigation measures where potential adverse impacts have been identified.<sup>1</sup>*

The ZA determination and the Staff Recommendation Report continue to ignore the City's own stated policy direction that impacts to the district as a whole must be analyzed. Once staff adopted theirs and the applicant's view, like blinders on a horse, they could only see a vacant lot; they based their analysis on false assumptions leading to flawed conclusions. It is part of a district and, like beads on a necklace, each single part effects the other. That there exist secondary impacts is an accepted and well-defined category in making impact evaluations within historic districts.

The record supports this appeal. Key is that the City's basic premise because it is a vacant lot there are no impacts is a fundamental error. The building projects 13 feet in front of the buildings on each side. That impacts its neighbors.

*The proposed structure would substantially break by approximately 13' the plane of the historic setbacks of the contributing buildings on the block face between W. Adams Blvd. and Oak St. In particular this pushing forward into the historic pattern of the front yard setback would break the uniform front yard setback pattern and integrity of the five contributing structures along the west and north side of the block face.<sup>2</sup>*

The districts (both the NR and the HPOZ) are themselves a historic resource. To place a gigantic box with excessive height and lot coverage in the middle of a historic street introduces blight. As Board architect Steven Fader explained: **"All of [the board and the public's] comments from the last go around remain relevant. It is too high. It towers over adjacent buildings. There is no articulation in the façade. It presents as a huge rectangle. The design of it as Prairie Style – it just isn't. This project looks like a Suburban Motel plopped down on this site. It is too big. It is inarticulate. It is most inappropriate for this street. What we have here is a rectangular box that is sitting on the street and is put so far forward. Nothing has changed.... The parking needs to be underground; the height needs to be reduced one story, the façade needs to be pushed back [to the Prevailing 47']. This project as presented is totally inappropriate for this district."**<sup>3</sup>

It effects the integrity of the district, particularly of the adjacent historic buildings and how they relate to each other and relate to the streetscape. The National Park Services memos expressly treat "infill" as additions. Their own "white paper" instructs:

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<sup>1</sup> REQUIREMENTS FOR HISTORICAL RESOURCES ASSESSMENT REPORTS, OFFICE OF HISTORIC RESOURCES, City of Los Angeles

<sup>2</sup> Architect John Kaliski letter to HPOZ Planner, November 16, 2021

<sup>3</sup> Architect Steven Fader, University Park HPOZ Board Minutes (approved), November 16, 2021 Board meeting



## Visibility

*-- Has the addition obscured, covered, or altered the principal facades, historic entrances, or character-defining (significant) features of the property? How conspicuous is the addition in views of the principal elevations? How conspicuous is it in views of (secondary) minor elevations? How does the addition interrupt, interfere with, or dominate any historically significant views of the building or important views seen from the building (including the orientation of the building to the street, scenic vistas, views of an inner courtyard or surrounding campus, or the principal facades as viewed from various approaches)?*

*An addition should not overwhelm or dominate the historic character of the property as a whole or alter the property's character-defining features (including significant open space). Out-of-scale additions, rooftop additions, and additions that obscure principal elevations are particularly problematic (unless they are stepped back and appear small in scale) and may be difficult to justify as contributing.*

*and*

*"New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." (Standard 9)<sup>4</sup>*

As Preservation consultant Mitzi March Mogul explained, *The parcel is vacant, but this does not remove it from the St. James Park National Register District. The EAF submitted by the applicant states that this is not in any National Register District, which is simply not true. Even though the parcels are vacant, this parcel is located in the St. James Park National Register District as well as within the HPOZ. The area is rich in historic resources which is why the infill demands of the Preservation Plan are so crucial. The secondary impacts to those resources have been completely ignored. A 4-story "faux" prairie style contemporary building protruding and looming over 2-story historic buildings is a major impact. The established setback is 46 feet, based on the prevailing setback on the west side of Scarff Street, as the Preservation Plan requires. A 33-foot setback (as they propose) will be a protuberance that effects the setting for the historic buildings and how they are experienced. Issues of traffic, noise, and other human-induced actions and effects will alter the quality of life for those occupying the historic structures as well as the way that others will experience the historic resources.*<sup>5</sup>

Vacant lots are indeed within the Historic District and how they are filled is extremely critical to the character of the district. That is why we have the very specific directions in the University Park Preservation Plan Infill guidelines to which this project does not conform.

## The Preservation Plan

The interpretation promulgated by the City that this project conforms to the Preservation Plan is disingenuous at best. The record shows it does not comply.

The applicant has stated that he met with the City 11 times and was no longer going to make any further changes. Whoever he was meeting with (and there is no documentation in the record to suggest with

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<sup>4</sup>Letter, Roland Souza May 27, 2022, to ZA, citing "Evaluating the Significance of Additions and Accretions," A National Register White Paper, Linda McClelland, 4-20-2008

<sup>5</sup> Letter, Mitzi March Mogul, November 15, 2021, to HPOZ Board and Project Planner



whom), he was NOT meeting with the HPOZ Board whose meetings are a matter of record documented by minutes. Had he been willing to meet with the Board, and made further adjustments pursuant to the Plan, this project could have received a positive, supportable outcome. The Board architect Steven Fader hints at the potential solutions going forward had the applicant been a willing participant in finding a solution that met the Preservation Plan.

The Board experience was that the applicant made no substantive changes in the project other than going from 15' to a 33' foot setback. As the Board architect explained at the Nov 16 meeting, **“Nothing has changed...The parking needs to be underground, the height needs to be reduced one story, the facade needs to be pushed back to the prevailing 47.”**

Height and setback are two of the most egregious violations of the Preservation Plan. The developer essentially said take it or leave it when, in time, real dialogue with the Board would have resulted in a building and project that met the Guidelines and was not severely detrimental.

That this design could have been achieved in further Board good faith consultation is illustrated by two successful HPOZ approved projects, one adjacent at 2317 Scarff Street (It is so compatible that the City's report mistakenly calls it a contributor) and a second at 2003 Oak Street.

As architect John Arnold wrote **“I was on the board when the adjacent property to the north (2317) was being developed. Note the care and detail shown for that project and compare with the proposed project. The differences are extreme, regardless of the style the developer chose.”**<sup>7</sup>

For the second project at 2003 Oak Street, the Board was also able to work with the affordable housing developer Thomas Safran on the Norwood Learning Center project and approve 29 units of affordable housing with underground parking that met the requirements of the Preservation Plan.

The 2323 Scarff Street developer was intransigent to change, and the result is a project that does not conform to the Preservation Plan and therefore does severe and irreparable damage.

The CPC has the option to condition this project: require a 46-foot setback; reduce the building by one story. (This can be done by eliminating the one story of parking and the lounge– the parking is not required by state law.) Support the appeal and send the project back for Board review.

Any suggestions by the HPOZ Board for improvement in meeting the Preservation Plan requirements met with utter resistance by the applicant. It appeared that the developer was confident that the City would approve what the HPOZ Board would not. It is the HPOZ Board that has the expertise in implementing the University Park Preservation Plan which is unique to this HPOZ. The comments made by experts and stakeholders are specific and data driven. The record supports this appeal.

Another goal of further Board review would have created an articulated façade (as shown in “Prairie examples”), not this box; that is a more nuanced suggestion than applying the “prevailing” setback, massing, height, location and site design requirements of the Preservation Plan.

## **Height**

As the Preservation Plan states: The height of a building or structure is defined by the Los Angeles Planning and Zoning Code, height of Building Structures. **Height is measured from grade to the**

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<sup>6</sup> University Park HPOZ Board Minutes (approved), November 16, 2021 Board meeting

<sup>7</sup> Letter from Architect John Arnold, November 16, 2021, to HPOZ Planner Katie Knudson and HPOZ Board



**highest point on the main roof. The prevailing height is the most commonly occurring height on a block face on which a project is proposed.**<sup>8</sup>

So much in the ZA decision and staff response to the appeal says that the height is justified by the existence of a 50' high building on Scarff Street. This is simply not true. There are no 50- foot- high buildings on Scarff street. It is an attempt by the applicant and the City to justify what it cannot on a truthful basis. Height is not measured to a turret (as the developer has done and the ZA has condoned) but to the main roof line. The developer has made a practice of providing confusing numbers: in another case in West Adams the developer used the height of a church steeple to justify the height of a development. But the definitions how to measure height are clearly articulated here.

As the ADHOC letter to the ZA explained regarding 2343 Scarff Street which the ZA and applicant claim as 50 feet high: **“the Main Height of the roof is 35-feet, 4 inches. I have had a historic preservation architect add a new redline to the plans (A210) for the additional Parapet Wall height of 3-feet, 10 inches. Taken together the corrected Code required measurement for the Albemarle Apartment's height is now 39 feet, 2 inches.”**<sup>9</sup>

Using the height of the turrets at 2343 Scarff Street (as this applicant does) is simply an attempt to justify the unjustifiable. The ZA, the applicant and the City have lost their credibility supporting what cannot be supported by the data. It is arbitrary, capricious, and not in keeping with the facts. Indeed, the Myra Frank Survey establishing the HPOZ shows there are NO FOUR- STORY BUILDINGS in the HPOZ.<sup>10</sup>

Again, the staff recommendation report states **“The residential infill guidelines are not stringent objective standards that prescribe the scale and massing of a new structure.”** They are indeed. This misguided premise is at the core of a ZA decision that is askew in its presumption that the Plan is a suggestion, not a directive embedded in a land use Ordinance overlay.

**8.11.7 If the prevailing height is less than prescribed by code, then a new project should adopt a height similar to the prevailing.**<sup>11</sup> Prevailing is quantifiable and specific.

The ZA is capricious here at the expense of the neighborhood, the Preservation Plan and its goals. This kind of intellectually minimalizing impacts is replete throughout the ZA decision as well as the staff report. Staff in its Department of City Planning Appeal Report cites a 1979 building on Portland as 4 stories to justify the massing of this project (page A-5.)<sup>12</sup> It is actually a 2- story building with subterranean parking with recently added ADUs in some of the parking area. It is not 4 story. Parking is not at grade.

The staff references a four-story building at Scarff and Adams. **There are no 4 story buildings at Scarff and Adams.** There is the ONE Institute (2 stories, described in the Myra Frank Survey as a 2 story late modern club now housing USC Gay and Lesbian Archives) and the Ezra Stimson Residence (HCM# described in the Myra Frank Survey as a 2 ½ story Craftsman Tudor Revival). In the record there are numerous misstatements such as these made by the ZA and City staff in an attempt to justify this approval

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<sup>88</sup> University Park Preservation Plan, Residential Infill, Section 8.10, Location and Site Design

<sup>9</sup> May 25 Letter from Jim Childs, ADHOC to the Office of Zoning Administration, Rafael Fontes. Data obtained by the City's CHC architect on ADU permits for 2343 Scarff Street.

<sup>10</sup> Myra Frank "Historic Resources Survey" prepared for the City of Los Angeles, January 10, 1999

<sup>11</sup> University Park Preservation Plan

<sup>12</sup> Department of City Planning Appeal Report Staff Report, Staff Response 2, page A-5



and they simply are not borne out by the data. And the staff report urges you to use a criterion that is not that established by the Preservation Plan:

**The prevailing height is the most commonly occurring height on a block face on which a project is proposed.**

The residential infill guidelines **are** stringent objective standards that prescribe the massing and scale of a new structure and not as the Report on page A-13 says they are not.<sup>13</sup>

The staff response also confuses or muddles the Secretary of the Interior's Standards and the Preservation Plan. The staff response states:

**The Preservation Plan is composed of guidelines that are derived from the Secretary of the Interior's Standards for Rehabilitation. They are not prescriptive standards, but rather guidelines used to mold and shape a project to be compatible with its historic setting. The Certificate of Compatibility process therefore provides an element of interpretation when seeking conformance with the guidelines. The findings in the Zoning Administrator's Determination serve as the evidentiary support for how the project conforms with the applicable preservation plan guidelines of Chapter 8: Residential Infill.**<sup>14</sup>

In the staff response (page A-10) the writer muddles the Secretary of the Interior's Standards and the Preservation Plan and defines both as not prescriptive. This may be applied to the Secretary of the Interiors' Standards, but while the Plan derives from these standards, it exceeds them: the Plan is prescriptive and was so intended. The Plan was designed to bring clarity, specificity, and quantifiable barometers to assist the HPOZ Board and Director in decision making. They are specific standards that are prescriptive. Perhaps that is the primrose path that has led to such an unsupportable ZA decision: He did not understand that the guidelines are specific requirements and not general suggestions. Indeed, the entire reason the City created the Preservation Plan was to eliminate second guessing and evaluations that are interpretative. An entire year of public meetings was dedicated to creating the University Park Preservation Plan. It's directives regarding prevailing are precise and clear.

The entire preservation plan purpose and intent was to provide certainty: not as the staff report opines: **The Certificate of Compatibility process therefore provides an element of interpretation when seeking conformance with the guidelines.**<sup>15</sup>

The whole point of a Plan is to minimize "interpretation." The Plan is clear; the City is waffling and bases its decision on "interpretation." The whole point of having a Plan is to eliminate "interpretation." While his may not be true for aesthetics and defining what is "prairie," prevailing height, massing, scale, and lot coverage IS clearly defined.

As a member of the drafting Committee for the Preservation Plan, meeting for over a year, I offer my expert opinion as a drafter and participant: the Plan provides clarity. **It is prescriptive.** The dictionary definition of "Prescriptive: Merriam Webster defines as: Rigid, strict, authoritarian, regulatory." It is intended to provide a regulatory framework.

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<sup>13</sup> Department of City Planning Appeal Report dates December 8, 2022

<sup>14</sup> Department of City Planning Appeal Report Staff Report page A-10

<sup>15</sup> Department of City Planning Appeal Report Staff Report page A-10



## Setback

There is concurrence by the City that the Preservation Plan defines the prevailing setback as **“the most commonly occurring setback and lot coverage of the historic properties on the block face on which the building will be sited... The most commonly occurring front yard setback along the west side of Scarff Street is 46 feet.”**<sup>16</sup>

Done. That is the required setback. Quantifiable. Objective. Why is staff allowing 33 feet? That is one of the key reasons we have had to appeal and are before you today. Two previous UP HPOZ Boards and Director of Planning CCMP approvals required and codified the 47-foot setback. These approvals are in the record. Indeed, Planner Katie Knudson suggested to this applicant that they look at the prior 2323 Scarff Street Board and Director approval (2007) for guidance.

Staff continues to attempt to substitute average for prevailing regarding height: **“Though the projects’ proposed height is taller than the average height of 34 feet, the projects’ height is substantially similar to the heights of existing residential structures on Scarff Street.”**<sup>17</sup> Again, that is not the standard for review. And the record shows the applicant data (which includes claiming a building on Scarff is 50 feet high) is fundamentally flawed.

## Lot Coverage

The illustration on A-12 clearly shows a proposed project that takes up most of the lot except for the 33-foot front yard setback part of which the developer is also using as open space. The proposed project exceeds the prevailing lot coverage.

**“The objective issues that concern me are related to the bulk of the building that is squeezing the lot coverage to the maximum. This has obviously been a self-inflicted creation by the developer who is trying to maximize the project rents with large 5-bedroom/5-bath units, as well as creating space for 2 future ADUs in the large "recreation" and "lounge" spaces. Despite all of the above being allowed by the LAMC and/or state law, the envelope of the building has made the structure's mass non-compliant with prevailing setback and lot coverage prescriptions outlined in the Preservation Plan. This could be mitigated not by reducing density, but by lowering the average unit size.”**<sup>18</sup>

## The Preservation Plan: Purpose

**“The purpose of the CCMP to ensure that new construction on vacant Non-Contributing lots does not impair the essential form and integrity of the overall historic district. In order to grant a CCMP the Director must find that the project conforms to the Preservation Plan for the historic District.”**<sup>19</sup>

This project as the record shows does not. The arguments made on behalf of the CCMP by the ZA simply cannot be supported by the facts. The ZA has erred.

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<sup>16</sup> Department of City Planning Appeal Report Staff Report page A-10

<sup>17</sup> Department of City Planning Appeal Report Staff Report page A-14

<sup>18</sup> Letter from Architect John Arnold, November 16, 2021, to HPOZ Planner Katie Knudson and HPOZ Board

<sup>19</sup> Staff Report, A-3



## Substantial Evidence in the Record and Impacts

In appealing, we had hoped that the City would shine a light on some of the numerous errors. Instead, the City has issued a report that compounds the error. A lie stated often enough can sometimes be construed as fact. It is unsettling that corrections are not made, and that staff has listened only to its own voice, rather than crediting the very specific comments by experts and stakeholders. This does not support a democratic process. Facts are the facts. There are no 50' story buildings on Scarff Street. There are no 4 story buildings on the corner of Scarff and Adams. Prevailing is well defined in the Preservation Plan: it is not an average no matter how the applicant or staff wishes it were so.

The ZA also references the CHC designee: the form that demonstrates CHC support is a form letter that states that this project meets the requirements of the Garvanza Preservation Plan and has someone's initials. Hardly an illustration that the Cultural Heritage Commission considered and reviewed this project; the designee simply checked a form that it complied with the Garvanza Preservation Plan which does not apply. Please send this project for review by the CHC. Ask that the applicant provide time for the CHC (not a designee) to review the project because it is a National Register District property which lies within the purview of the CHC. Do not allow an overworked staff checkoff that this complies with the Garvanza Preservation Plan.

Substantial evidence in the record shows that the project does **not** conform to the University Park Preservation Plan and will have severe and irreparable impact.

The HPOZ Board moved: **“that it does not comply with the Preservation Plan, generally all of section 8 for residential infill, specifically in the area of 8.10 Location and Site Design and 8.11 Massing and Orientation and does not follow the previously established prevailing setback and heights as stated by the Director of Planning in their 2008 ruling on DIR 2008-3375-COA. Specifically, we find the proposed structure to be out of scale with the adjacent properties and the larger context of the historic district in the issues of height, massing, setback, and design articulation. This project as presented presents a significant adverse impact to the historic resources of the district: The HPOZ, The National Registered District, and the Landmark Properties along Scarff Street.”**<sup>20</sup>

Concurring with this: The Los Angeles Conservancy, West Adams Heritage Association, Ward Economic Development Corporation, the Empowerment Congress North Area Neighborhood Development Council (NANDC), NUPCA, ADHOC, UPAC, Preservation Consultant Laura Meyers, City Living Realty, Jim and Janice Robinson (Robinson Residences), Roland Souza (WAHA President) John Arnold (KFA), John Kaliski, Tom Michali, Steven Fader, Developer Arran Torkian, Gary and Karen Kousnetz, Amy Minter, Sara Velas, Andrea Mauk, David Bottjer, Gary and Karen Kousnetz, John Jones, Lindsey Apatow, Tom Florio, Ed Conery, Jennifer Still, Aurora Becerra and numerous others who have provided factual comment that the project will have serious impacts.

How this ZA and the City Staff can conclude this is **NOT substantial evidence** in the record is mind boggling. The record shows we as appellants have met the definition of a fair argument and have satisfied that statutory requirement.

## Substantial Evidence

Substantial evidence, which is defined in the CEQA statute to mean “facts, reasonable assumptions predicated on facts, and expert opinion supported by facts” (14 CCR Section 15064.7(b)).

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<sup>20</sup> University Park HPOZ Board Minutes (approved), November 16, 2021 Board meeting



- “Substantial evidence” as used in these (CEQA) guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.<sup>21</sup>

Also completely ignored by the City is the demonstrable cumulative impacts.

### **The Project Would Result in Cumulatively Considerable Impacts**

A categorical exemption is “**inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**” (CEQA Guidelines § 15300.2(b).) The City adopted the NSO for this area to address the negative impacts multi-habitable room projects cause, including traffic impacts due to lack of parking, incompatible character of multi-habitable room projects, impacts to the quality of life for existing residents from noise and traffic. Thus, the NSO acknowledges an existing cumulative impact caused by the type of student housing provided by the Project.

The documented loss of family housing, cumulative demolitions, and the replacement of family housing with student housing monetized by selling beds, has impacts that need to be assessed.

Developer met 11 times but not with the HPOZ Board. Where is the record of those meetings? Is this where the City struck a deal to support the project which made the developer unwilling to consider HPOZ Board suggestions

### **SB1818**

**SB1818 gives special consideration to historic properties. You are NOT REQUIRED TO GRANT THE DENSITY BONUS in present form. ≥**

Gov’t Code §65915, subdivision (d)(3) reconfirms that the City is not required to approve a specific incentive for a project under SB1818 if that incentive (for example, height increase) would have an adverse impact on historic resources:

“Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.” (Gov’t Code §65915, subdivision (d)(3).)

Gov’t Code §65915, subdivision (e)(1) also allows the City to impose development standards that mitigate adverse impacts to historic resources. The Preservation Plan was adopted to provide development standards that prevent adverse impacts to the historic district, thus the City is allowed to impose these standards on development under SB1818.

“Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.” (Gov’t Code §65915, subdivision (e)(1).)

We continue to raise concerns that the applicant and the City may be unaware that SB1818 cited by the developer for his density bonus has what is called a “carve out” for resources that are listed on the National or California Register. The California Preservation Foundation, the statewide preservation organization of which WAHA is a member, worked very hard to see that historic resources were given consideration. The developer has chosen to ignore this and push forward a project that will have severe

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<sup>21</sup> 14 CCR § 15384, § 15384. Substantial Evidence.



and irreparable impacts on the HPOZ and the National Register District. There is widespread evidence to this fact provided by the HPOZ Board, all four HPOZ architects past and present and numerous other affected parties

## CEQA

The project will have a demonstrable significant effect on the environment and does not qualify under Article III, Class 32 exemption A categorical exemption is not the appropriate level of environmental review for a project that is highly discretionary, is in a historically sensitive environmental, and meets no established standards.

The Class 32 “Infill” Categorical Exemption (CEQA Guideline Section 15332 exempts infill development within urbanized areas if it meets certain criteria. The class consists of environmentally benign infill projects that are consistent with the General Plan and Zoning requirements. This class is not intended for projects that would result in any significant traffic, noise, air quality, or water quality impacts.

There are unusual circumstances creating the reasonable possibility of significant effects which prohibits the City from using a CE. The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources; a CE ignores its unique place in the history of Los Angeles as an area so significant that the State after intense scrutiny confirmed its place on the National Register of Historic Places.

Health and Safety in a Victorian alley lacking any engineering is just one health and safety issue that has a response from the city “that is has asphalt” completely ignores the safety issues that led the City in the 2007 project approval decision for 2323 Scarff Street the City required as a condition of approval a set aside of monies for alley improvements.

## Conclusion and Recommendation:

In light of the whole of the record and serious demonstrated inadequacies in the Zoning Administrator decision and Department of City Planning Appeal Report Staff Report, the City Planning Commission should sustain the appeal by:

- Denying the Categorical Exemption as the project qualifies for an Exception and send the project to Planning for Environmental Review.
- Denying the Density bonus as the project in its current form would have an adverse impact on real property that is listed in the California Register of Historical Resources.
- Deny the conditional use under the NSO because based on the record, the City cannot make the findings required by 12.24.A.25.
- Find that the project fails to meet the requirements of the University Park Preservation Plan and therefore deny a Certificate of Compatibility (CCMP).

If the CPC should approve the project (which we do not recommend) we would ask that the CPC condition their approval to require a 46-foot setback and a three story limit eliminating the first story parking.

Sincerely.

Jean Frost, Vice President, Preservation, West Adams Heritage Association (WAHA)  
c/o 2341 Scarff Street, LA, CA 90007





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12/4/2022

Los Angeles Planning Commission  
201 N Figueroa St  
Los Angeles, CA 90012

cpc@lacity.org  
Via Email

Re: 2323 South Scarff Street  
5124012030

Dear Los Angeles Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project consists of the construction of a 4-story, 10-unit residential building on a presently vacant lot. One unit will be affordable at the Very Low Income level.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



A handwritten signature in black ink, reading "Sonja Trauss". The script is elegant and cursive, with the first name "Sonja" and last name "Trauss" clearly distinguishable.

Sonja Trauss  
Executive Director  
YIMBY Law

YIMBY Law, 57 Post Street, Suite 908, San Francisco, CA 94104





12/4/2022

Los Angeles Planning Commission  
201 N Figueroa St  
Los Angeles, CA 90012

[cpc@lacity.org](mailto:cpc@lacity.org)  
Via Email

Re: 1537, 1539, 1541, 1543 West Cambria Street  
5142024010

Dear Los Angeles Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project will replace an existing six-unit, multifamily residence with a 43-unit residential apartment building. Five units will be reserved for families at the Extremely Low Income level.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced; this support is, of course, conditional on the developer following SB-330 and granting any existing tenants relocation assistance and a right of return.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



A handwritten signature in black ink, reading "Sonja Trauss". The signature is fluid and cursive, with a large, stylized 'S' and 'T'.

Sonja Trauss  
Executive Director  
YIMBY Law



# **DAY OF HEARING SUBMISSIONS**



HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL  
Post Office Box 50791 Los Angeles, CA 90050  
<http://www.highlandparknc.com>  
Certified as NC #33 May 28, 2002

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT  
200 N. Spring St. Ste. 2005 Los Angeles, CA 90012  
Telephone: (213) 978-1551

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**First Vice President** Emily Spokes  
**Second Vice President** Jens Jonason  
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**Elections Ad Hoc** Theresa Saso  
**Housing, Renters & Homelessness** Homelessness Ad Hoc Theresa Saso  
**Arts Ad Hoc** Ramona Joy Mikelson  
**HHPNC Ad Hoc Committee on the Northeast Los Angeles Community Plan** Clara Solis, Rick Marquez

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CALIFORNIA



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Vacant, Vacant, Vacant

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**YOUTH DIRECTOR**

Roger Mora

# HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL

December 1, 2022

City Planning Commission  
City of LA Planning Department  
200 North Spring Street  
Los Angeles, CA 90012  
[cpc@lacity.org](mailto:cpc@lacity.org)

## COMMUNITY IMPACT STATEMENT

Re: Agenda Item 1, December 8<sup>th</sup> 2022, DCP Processes related to the Tree Protection Ordinance

In Support of Black Walnut Day, the Southern California Black Walnut and the Los Angeles Tree and Shrub Protection Ordinance (LATPO)

Dear City Planning Commissioners:

The Historic Highland Park Neighborhood Council wholeheartedly supports Black Walnut Day and the protection of the Southern California Black Walnut. Many in our community have come together to advocate for this wonderful tree. This tree is important to our wildlife and to our environment. These trees that provide so much to us are being lost to development throughout Los Angeles, with tree removal permits granted at a rate of one tree every 7.2 days. We stand in solidarity in demanding that the extermination of this tree stop so that they will still be present for wildlife and future generations.

We are concerned that the planning department is applying the Los Angeles Tree and Shrub Protection LATPO inconsistently. In the project known as Eastern and Lombardy development (case no. APCE-2015-2048-ZC-ZADZAA), the California Department of Fish and Wildlife, CDFW and LATPO regulations were bypassed during the planning process and approval was recommended by planning staff. Nearly a mile away, in the same community of El Sereno (case no. ENV-2014-3179-MND), another project known as Onyx Street, a similar hillside development, was NOT recommended by planning staff because it violated CDFW rules among others. These inconsistent interpretations of the LATPO are unfair and contradictory. The LATPO must be applied to all projects equitably. It should be noted that in the



Eastern/Lombardy development case, community members were forced to file a CEQA lawsuit and were vindicated when Los Angeles Superior Court **Judge Leiter on November 18, 2022 found that there was inadequate mitigation for Southern California Black Walnuts and ruled that a full CEQA Environmental Impact Report was required for the project.** Judge Leiter specifically opines that the replacement requirements in the LA Tree Protection Ordinance are inadequate when he states **"The dangers posed by the project to Southern California Black Walnut Trees may not be properly eliminated by the requirement to plant trees of any protected variety."**

We are also concerned that the Director of Planning did not approve of the LATPO. We urge Bertoni to change his position. The Southern California Black Walnut (SCBW) has been a cultural resource for the Tongva, Kizh Nation and other Indigenous People of Los Angeles long before colonization. To the communities of Northeast Los Angeles, the SCBW also represents a similar and significant natural resource. The California black walnut is a foundation species that can establish wildlife habitats. It has been known to attract more than 30 species of birds. As a native species it is well suited for hillsides prone to seasonal fires, regenerating quickly even after it has been burned to the ground and thereby stabilizing the environment quickly. Urbanization has encroached on more than 30% of the SCBW's habitat and as a result it has been designated a rare and protected tree.

We support the following ten points that if implemented will move the City of Los Angeles' planning department and the Los Angeles Fire Department (LAFD) brush clearance into alignment with our community of Highland Park and our visions for responsible land stewardship.

*01) Lead other Southern California municipalities in environmental protection of community resources by prioritizing native species and recognizing historical and cultural precedents.*

*02) Support the Los Angeles Tree and Shrub Protection Ordinance.*

*03) Recognize existing protections including CEQA, California Environmental Quality Act (Section 15380 of the CEQA Guidelines (14 CCR § 15380 (b)(2))), CDFW, California Department of Fish and Wildlife recognition of all *Juglans californica* Alliances as a Sensitive Natural Communities.*

*04) Start the exploration of developing robust city processes and staffing that review, comment and enforce existing protections named above.*

*05) Start the process to end CEQA categorical exemption "class 32" infill developments as this was the policy in the past.*

*06) Adopt a higher standard for mitigation with developments that have no other options but to remove SCBW.*

*07) "on/off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio as recommended by CDFW be 5:1 (in area/acreage)."*

*08) "If impacts are unavoidable, an area-based mitigation scheme is required, with permanent protection, performance criteria, and enforceability, as part of CEQA compliance."*



*09) Understanding that the city is currently making updates to the LATPO, strongly consider collaborating with our coalition and community supporters to review and incorporate these proposed changes in the next update to strengthen the LATPO.*

*10) The first step is to develop a training curriculum for LA City Planning Department planners, LAFD Brush Clearance and additional appropriate staff in order to educate them on how the city can recognize, protect and enforce the protections of the LATPO, specifically the CBW.*

Establishing these principles for equity and consistency can limit future liabilities. More importantly it moves us in the right direction towards responsible land stewardship and away from exploitation. We reiterate that it is crucial for you to support these points to protect our communities. Should you desire to collaborate on accomplishing these points, anyone of our coalition members would gladly offer assistance.

Thank You.

Sincerely,



Charles "Harry" Blumsack  
President, Historic Highland Park Neighborhood Council

Community support petition from across Northeast Los Angeles as of this date is nearing 400 community members.

[https://drive.google.com/drive/folders/1hhBPYdhuzs43G2B2DBYHrs7\\_Ok\\_ytK3N?usp=sharing](https://drive.google.com/drive/folders/1hhBPYdhuzs43G2B2DBYHrs7_Ok_ytK3N?usp=sharing)

cc:

Vince Bertoni, AICP, [vince.bertoni@lacity.org](mailto:vince.bertoni@lacity.org)

East Los Angeles Planning Commission, [apceastla@lacity.org](mailto:apceastla@lacity.org)

Aura Garcia, President, Board of Public Works  
[aura.garcia@lacity.org](mailto:aura.garcia@lacity.org) c/o [fernando.campos@lacity.org](mailto:fernando.campos@lacity.org)

Rachel Malarich, City Forest Officer, [rachel.malarich@lacity.org](mailto:rachel.malarich@lacity.org)

Jimmie Woods-Gray\*\*  
LAFD Fire Commission, President, c/o [LAFDrequest@lacity.org](mailto:LAFDrequest@lacity.org)

Diana Kitching, City of Los Angeles, City Planner, [diana.kitching@lacity.org](mailto:diana.kitching@lacity.org)

Kat Superfisky, City of Los Angeles, Urban Ecologist, [kat.superfisky@lacity.org](mailto:kat.superfisky@lacity.org)



[councilmember.kevindeleon@lacity.org](mailto:councilmember.kevindeleon@lacity.org), [emma.howard@lacity.org](mailto:emma.howard@lacity.org)

NELA Black Walnut Day Committee, [northeastla.alliance@gmail.com](mailto:northeastla.alliance@gmail.com)

Councilmember Elect Eunisses Hernandez [eunisses@eunissesforthepeople.org](mailto:eunisses@eunissesforthepeople.org)





Planning CPC &lt;cpc@lacity.org&gt;

## The California Black Walnut and the Los Angeles Tree and Shrub Protection Ordinance (LATPO)

**Khayra Mentado** <kmentado@indigenouslyouth.org>

Wed, Dec 7, 2022 at 11:38 AM

To: vince.bertoni@lacity.org, LAFDrequest@lacity.org, diana.kitching@lacity.org

Cc: apceastla@lacity.org, cpc@lacity.org, aura.garcia@lacity.org, fernando.campos@lacity.org, rachel.malarich@lacity.org, northeastla.alliance@gmail.com, emma.howard@lacity.org, councilmember.kevindeleon@lacity.org, kat.superfisky@lacity.org

Dear Mr. Bertoni

It has come to the attention of the International Indigenous Youth Council of Los Angeles that the planning department is applying the Los Angeles Tree and Shrub Protection LATPO inconsistently. In the project known as Eastern and Lombardy development (case no. APCE-2015-2048-ZC-ZADZAA), the California Department of Fish and Wildlife, CDFW and

LATPO regulations were bypassed during the planning process and approval was recommended by planning staff. As a result this project is currently being challenged by a CEQA lawsuit. Nearly a mile away, in the same community of El Sereno (case no. ENV-2014-3179-MND), another project known as Onyx Street, A similar hillside development, was NOT recommended by planning staff because it violated CDFW rules among others. These inconsistent interpretations of the LATPO are unfair and contradictory. The LATPO must be applied to all projects equitably.

(final v.5.3)

We also call attention to your opposition of the LATPO(1)

We are urging you to change your position on the LATPO. The California Black Walnut (CBW) has been a cultural resource for the Tongva, Kizh and other Indigenous People of Los Angeles long before colonization. To the communities of Northeast Los Angeles the CBW also represents a similar and significant natural resource. The

California black walnut is a foundation species that can establish wildlife habitats. It has been known to attract more than 30 species of birds. As a native species it is well suited for hillsides prone to seasonal fires, regenerating quickly even after it has been burned to the ground and thereby stabilizing the environment quickly. Urbanization has encroached on more than 30% of the CBW's habitat and as a result it has been designated a rare and protected tree. Here is a one-sheet info page on more benefits of the CBW(2)

.

We have developed the following ten points that if implemented will move the City of Los Angeles' planning department and the Los Angeles Fire Department (LAFD) brush clearance into alignment with our community of (neighborhood or NC) and our visions for responsible land stewardship.

01) Lead other Southern California municipalities in environmental protection of community resources by prioritizing native species and recognizing historical and



cultural precedents.

02) Support the Los Angeles Tree and Shrub Protection Ordinance.

03) Recognize existing protections including CEQA, California Environmental Quality Act (Section 15380 of the CEQA Guidelines (14 CCR § 15380 (b)(2))), CDFW, California Department of Fish and Wildlife recognition of all Juglans californica Alliances as a Sensitive Natural Communities(3)

04) Start the exploration of developing robust city processes and staffing that review, comment and enforce existing protections named above.

05) Start the process to end CEQA categorical exemption “class 32” infill developments.

06) Adopt a higher standard for mitigation with developments that have no other options but to remove CBW:

07) “on/off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio as recommended by CDFW be 5:1 (in area/acreage).”

08) “If impacts are unavoidable, an area-based mitigation scheme is required, with permanent protection, performance criteria, and enforceability, as part of CEQA compliance.”(4)

(1) [https://www.asnc.us/2021TreeOrdinance\\_13-1339\\_ORD\\_186873\\_02-04-2021\\_FINAL.pdf](https://www.asnc.us/2021TreeOrdinance_13-1339_ORD_186873_02-04-2021_FINAL.pdf)

(2) [https://drive.google.com/file/d/17vQpvvwvXi0S\\_FIDpzq5Jq5CvXMVLikJ/view?usp=sharing](https://drive.google.com/file/d/17vQpvvwvXi0S_FIDpzq5Jq5CvXMVLikJ/view?usp=sharing) (

(3)<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#senstive%20natural%20communities> (4) <https://www.urbanwildlands.org/Resources/ConservationCaliforniaWalnutUWG.pdf>

(final v.5.3)

09) Understanding that the city is currently making updates to the LATPO, strongly consider collaborating with our coalition and community supporters to review and incorporate these proposed changes in the next update to strengthen the LATPO.

10) \*\*The first step is to develop a training curriculum for LA City Planning Department planners, LAFD Brush Clearance and additional appropriate staff in order to educate them on how the city can recognize, protect and enforce the protections of the LATPO, specifically the CBW.

The International Indigenous Youth Council of Los Angeles is committed to standing in radical solidarity with the Tongva, Kizh, Tataviam, Chumash, and Acjachemen peoples. The peoples of these ancestral lands have been land stewards maintaining the very soil we live and walk on. In order to be able to resolve the very urgent climate crisis we need to have the original peoples of these lands at the forefront of these conversations. The Indigenous peoples of these lands are directly tied to the betterment of California Native plants and wildlife. The destruction made by developers has created immense devastations for the environment, people, and culture. California Native plants have deep roots which help maintain the moisture



and nutrients. Indigenous land stewards have sacred traditional environmental knowledge that helps maintain plants like Black Walnuts that have medicinal properties, cultural value, and are vital for biodiversity. Tongva people need to be uplifted through this process as we figure out how we can protect the earth and more towards sustainable living.

Establishing these principles for equity and consistency can limit future liabilities.

More importantly it moves us in the right direction towards responsible land stewardship and away from exploitation. We reiterate that it is crucial for you to support these points to protect our communities. Should you desire to collaborate on accomplishing these points, any of our coalition members would gladly offer assistance.

Thank You.

Sincerely,  
Khayra Mentado



**Khayra Mentado** (they/them)

Program and Membership Coordinator, International Indigenous Youth Council LA

kmentado@indigenouslyouth.org | (562)208-4287 [indigenouslyouth.org](https://indigenouslyouth.org)

[IIYCLA Newsletter](#)

*Sent from unceded Gabrieleño Kizh & Tongva land*







Planning CPC <cpc@lacity.org>

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## Los Angeles Tree and Shrub Protection Ordinance (LATPO)

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**NorthEast LosAngeles** <northeastla.alliance@gmail.com>

Wed, Dec 7, 2022 at 8:00 AM

To: vince.bertoni@lacity.org

Cc: cpc@lacity.org, cecilia.lamas@lacity.org, aura.garcia@lacity.org, fernando.campos@lacity.org, rachel.malarich@lacity.org, LAFDrequest@lacity.org, diana.kitching@lacity.org, kat.superfisky@lacity.org

A petition update to our letter demanding enforcement and protection of the California Black Walnut from September 6, 2022 can be found at the link below.

546 signatures collected from community events.

Please click on link and 2 PDF files will be uncompressed.

[https://drive.google.com/file/d/1S70VnAJD0FJsAATQ9LjUXCaMEnb8VEIW/view?usp=share\\_link](https://drive.google.com/file/d/1S70VnAJD0FJsAATQ9LjUXCaMEnb8VEIW/view?usp=share_link)

Thank You

Members of the Northeast Alliance





Planning CPC &lt;cpc@lacity.org&gt;

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## December 8th Hearing, General Public Comments Submission

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claramsolis@earthlink.net <claramsolis@earthlink.net>  
To: cpc@lacity.org

Wed, Dec 7, 2022 at 10:57 PM

Dear City Planning Commissioners:

I encourage you to read this New York Times article.

### **“As Gen X and Boomers Age, They Confront Living Alone**

More older Americans are living by themselves than ever before. That shift presents issues on housing, health care and personal finance.

[https://www.nytimes.com/2022/11/27/us/living-alone-aging.html?unlocked\\_article\\_code=Uwlt7tr6vu1Rlu7KJaawAmlxn8s5CFCiDR\\_x4jY2ryrGboBPG6KIKAkMpZ\\_hC3j1QzeGE0gBNYZveJS7--81Z\\_2CIARE8wj-8bMr2GLrMCR2xTobr9u5mSYzaMPfq1t\\_KuTqIDV-0KSpZXZjW3nsazMknhanwmwjDS3wZKTb303-VOFJcZhsOg40cxsmAY2stAyX6jpLhSn4Gj4FIRriKD7rpfrsYpdLlohUMCCw\\_wPKmdf4HP\\_3QE4YNvu0C8YeDcpUUmEmrQNgJan-mlqju66PCey1n9IFDa4FyCeB2cpEfP4ZapKeAR7mrrRabFHnfyyzbw&smid=share-url](https://www.nytimes.com/2022/11/27/us/living-alone-aging.html?unlocked_article_code=Uwlt7tr6vu1Rlu7KJaawAmlxn8s5CFCiDR_x4jY2ryrGboBPG6KIKAkMpZ_hC3j1QzeGE0gBNYZveJS7--81Z_2CIARE8wj-8bMr2GLrMCR2xTobr9u5mSYzaMPfq1t_KuTqIDV-0KSpZXZjW3nsazMknhanwmwjDS3wZKTb303-VOFJcZhsOg40cxsmAY2stAyX6jpLhSn4Gj4FIRriKD7rpfrsYpdLlohUMCCw_wPKmdf4HP_3QE4YNvu0C8YeDcpUUmEmrQNgJan-mlqju66PCey1n9IFDa4FyCeB2cpEfP4ZapKeAR7mrrRabFHnfyyzbw&smid=share-url)

Mary Felder, 65, raised her children, now grown, in her rowhouse in Philadelphia. Her home has plenty of space for one person, but upkeep is expensive on the century-old house.

Ms. Felder, Mr. Miles and Ms. Selman are members of one of the country's fastest-growing demographic groups: people 50 and older who live alone.

In 1960, just 13 percent of American households had a single occupant. But that figure has risen steadily, and today it is approaching **30 percent**. For households headed by someone 50 or older, that figure is 36 percent.

Nearly 26 million Americans 50 or older now live alone, up from 15 million in 2000. Older people have always been more likely than others to live by themselves, and now that age group — baby boomers and Gen Xers — makes up a bigger share of the population than at any time in the nation's history.

....In many ways, the nation's housing stock has grown out of sync with these shifting demographics. Many solo adults live in homes with at least three bedrooms, census data shows, but find that downsizing is not easy because of a shortage of smaller homes in their towns and neighborhoods."





Planning CPC &lt;cpc@lacity.org&gt;

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**RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE OPPOSITION**

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voxxpop@aol.com <voxxpop@aol.com>  
Reply-To: voxxpop@aol.com  
To: "CPC@lacity.org" <CPC@lacity.org>

Tue, Dec 6, 2022 at 2:47 PM

CITY PLANNING COMMISSION MEMBERS

[CPC@lacity.org](mailto:CPC@lacity.org)

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE

Dear CPC Members,

I am an affected property owner within the proposed Wildlife Supplemental Use District ("WLD"). The original City Council motion directed the Planning Department to develop an ordinance that would preserve and protect existing wildlife corridors and remaining undeveloped wildlife habitats. It would seem that the proposed Wildlife Ordinance, does not accomplish those goals. Instead it burdens homeowners with unnecessary development regulations.

When the revised proposed Wildlife Ordinance is applied to fully developed and well-established neighborhoods such as those found in the WLD, **it simply does not work**. **I oppose this ordinance due to existing fire safety issues, public safety issues, and violations of State law. Given the massive area this ordinance will be applied to, and regulations possibly resulting in increased animal deaths, this ordinance is not exempt from CEQA.**

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, I suggest the following:

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, The Bel Air Ridge Homeowners Association suggests the following:

**A. Proper Due Process:****New Resource Buffer Categories**

City Planning Department should not be given the ability to add new Wildlife Resource Categories and new Resource Buffer Categories without treating them as amendments to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance. The City Planning Commission should not vote on the Wildlife Ordinance until details of the procedure have been available to the public for 30 days prior to the City Planning Commission consideration and vote.

**Administrative Clearance application form**

The City Planning Commission should not vote on the Wildlife Ordinance until the Administrative Application form has been available to the public for 30 days prior to the City Planning Commission consideration and vote.



**Biological Assessment** –Details of the Biological Assessment requirements have not yet been formulated by the Planning Department - these must be disclosed to the public at least 30 days prior to a City Planning Commission vote.

**B. Exemption of City from Wildlife Ordinance Regulation**

That Development by the City should NOT be exempt from the Wildlife Ordinance regulations

**C. Open Space Definition**

Clarification is needed for “utility easements”. The land under distribution lines on residential streets, for example, must not be included in this definition

**D. Applicability: New Construction, Major Remodels, Additions**

The Wildlife Ordinance should not apply to already developed lots. Smaller, older homes, like many of those in our neighborhood, will be unduly burdened.

**E. Regulations:**

**Overall height, Grading, Residential Floor Area and Lot Coverage**

Altering existing building code will result in a violation of State Law. The City needs to properly analyze loss of “development capacity” in the proposed Wildlife Supplemental Use District and concurrently up-zones elsewhere. This has not been done.

**Tree removal, replacement and dripline prohibitions**

Non-native Significant Trees should be removed from this Section. A 2-for-1 replacement scheme is a potential fire hazard and runs counter to CalFire recommendations and the Planning Department’s own Protection Areas For Wildlife Report.

Additionally, the Planning Department’s own staff report admits that trees contribute to bird/window collisions. **Note: Both the increased fire danger and the increased bird strikes disallow a California Environmental Quality Act exemption.**

**Trash Enclosures**

This section must be removed. There is no evidence that wildlife is accessing the existing Bureau of Sanitation supplied trash cans. Planning Department confirms these mandated structures would not be permitted in the front or side setbacks. Many homes have small rear yards and requiring the trash cans to be housed in these back yard is unsightly, smelly, unreasonably interferes with homeowners’ use of their property, and can be extremely difficult for people to navigate side yard steps.

**Site Plan Review**

7,500sf is too small to trigger this process. Specific Site Plan Review criteria should be substituted for, or added to, the subjective ones in the Wildlife Ordinance. Otherwise the amorphous and subjective guidelines may result in unequal application and potential graft.

Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect, so as to ensure that reviewers have the requisite expertise for the task. **Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines.**

Thank you,



Resident: Andre and Leslie Stojka  
2655 Basil Lane  
Los Angeles, CA 90077





Planning CPC &lt;cpc@lacity.org&gt;

## Fwd: Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

**AML Lombo** <amlombo@gmail.com>

Wed, Dec 7, 2022 at 5:41 PM

To: cpc@lacity.org

December 7, 2022

From Harald and Ana Maria Kloser Affected Homeowner

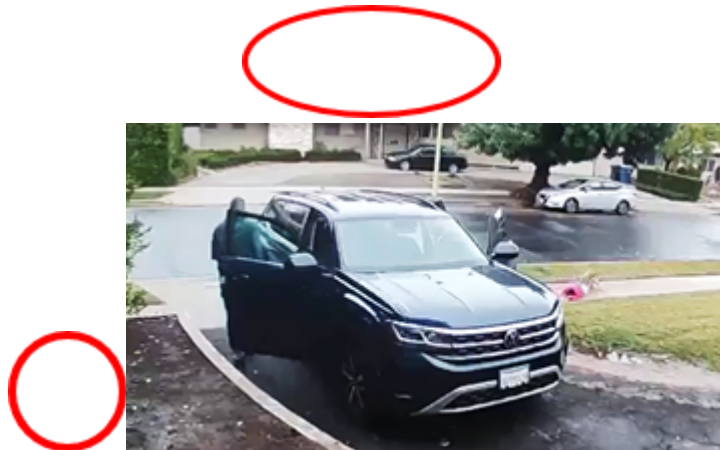
RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

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Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)



Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
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- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.



Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Residents,

Harald and Ana Maria Kloser  
2270 Maravilla Dr  
Los Angeles, CA 90068



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4 attachments



image001.png  
2K



image002.png  
1K



image003.png  
101K





**image004.jpg**  
6K





Planning CPC &lt;cpc@lacity.org&gt;

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## Public Comment 12/8/22 Wildlife Ordinance - Comment in strong support

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**Westside NC Land Use/Mobility Committee** <wncluc@gmail.com>

Thu, Dec 8, 2022 at 12:43 PM

To: cpc@lacity.org

I am unable to stay on the Zoom any longer and would like to submit the following comment:

I fully support the proposed Ordinance which acknowledges the unique character of LA City -- a city that is divided by a mountain range; the need to preserve its natural resources is critical.

While there is no doubt that those opposed have heartfelt concerns, this measure has been in the crafting process for 8 years with significant public participation. Input on both sides of the issue have had many opportunities to make comments. Those comments have resulted in what many (including myself) believe is a significant weakening of the measure. While a stronger Ordinance is desired (and the return of provisions for setbacks, walls, and wildlife-friendly fencing are important), it is important that the measure as currently before the Commission be approved to move it forward.

Those of us who remember the debate around consideration of the Baseline Mansionization Ordinance (BMO) will remember many of the same negative comments being made -- those that claimed that the adoption of the BMO would result in the loss of their retirement nest eggs. did NOT come to pass after the BMO's passage.

Unique areas of the City such as the Santa Monica Mountains habitat, are special and must be protected -- not only for the wildlife living in the area, but for the health of our own human population.

The nature of comments on both sides of this issue shows that the City has balanced the input from both sides of the issue in today's measure. It will hopefully be strengthened in the future -- improving and returning removed provisions to the measure and adding the recommendations of the Laurel Canyon Land Trust.

Thank you for your consideration,

Barbara Broide

Board Member, Coalition for a Beautiful (formerly Scenic) Los Angeles



December 5, 2022

From Affected Homeowner

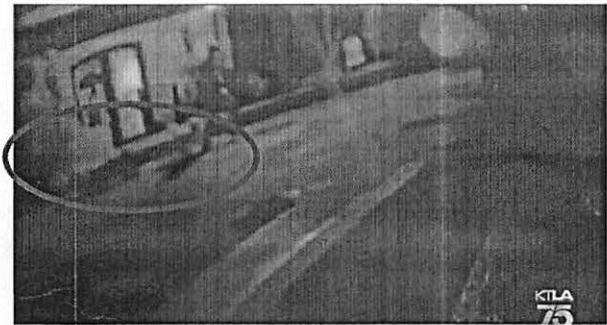
RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

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Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep



pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

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**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident

A handwritten signature in black ink, appearing to read 'Bradley Ross', with a stylized 'R' and a horizontal line extending to the right.

Bradley Ross

9460 Sierra Mar Place

Los Angeles, CA 90024



December 8, 2022

Los Angeles City Planning Commission  
200 N. Spring Street, Suite 525  
Los Angeles, CA 90012

Revised on 12/8/22,  
11:22 a.m.

Via Email: [cpc@lacity.org](mailto:cpc@lacity.org)

**SUPPORT for Wildlife District Ordinance (CPC-2022-3413-CA and CPC-2022-3712-ZC) with Amendments**

Dear City Planning Commissioners:

Though I'm a hillside stakeholder in the City of Los Angeles and do not live in the affected pilot area of the proposed Wildlife Ordinance. I support the recommendations given, in the letter of November 14, 2022 by the Center for Biological Diversity, Sierra Club California Wildlife Team, Friends of Griffith Park, Brentwood Alliance of Canyons and Hillside and Citizens for Los Angeles Wildlife (CLAW), "... a wildlife ordinance that will foster climate resiliency. Climate change is worsening ecosystem stress and increasing variability in temperature, leaving plants and wildlife struggling to adapt." I support the implementation of permeable landscapes in new constructions for species to adjust to shifts in resource availability.

From my experience and steady observation, the unthoughtful and unplanned sprawling of development in the Santa Monica Mountains and other hillsides in Los Angeles seem to interfere with the connectivity of plants and animals, putting them at risk of being extinct. The removal of mature trees that have existed for over 60 to 100 + years in a "plot of land" impact the biodiversity of the area at large by drastically increasing or decreasing the vicinity's (weather) temperature. This depletion of natural resources disorients the fauna that depend on nature to orient and protect themselves from other animal species and the weather.

In addition, do not exempt R1 and R2 lots in the ordinance. Though some proposed homes may not appear massive at first sight because of their height, however developers have been known to dig deep into the earth to build concrete basements for extra living spaces and/or garages. This deep digging below grade level and cementing break the natural aqueducts that run deep below grade, at that spot, provide water to mature trees. Unimpaired aqueducts' streams flow in various paths along rocks far below grade, resulting in distant wetlands in some cases or show up as surface streams in other cases that support biodiversity. The deep set concrete walls below grade of small developments interrupt the aqueducts of immediate and distant water passages.

Connie Acosta member of the Neighborhood Council Sustainability Alliance  
Submitting as an individual





Planning CPC &lt;cpc@lacity.org&gt;

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**Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**maginnistel@aol.com** <maginnistel@aol.com>

Thu, Dec 8, 2022 at 7:36 AM

Reply-To: maginnistel@aol.com

To: cpc@lacity.org

Dear CPC,

Here are some reasons I oppose the ordinance:

- The ordinance is not complete and the residents have not had proper due process to review all components of the ordinance.
- The ordinance has a flawed map, without established procedures for updating the map, which puts everyone at risk.
- The ordinance still contains fire risks.
- The ordinance does nothing to address, minimize, or prevent the recent and increased attacks on humans and pets.
- There is no proof that the proposed regulations will have any benefit to biodiversity or wildlife, but it will have a negative affect on property owners.
- Not one wildlife corridor has been created in this ordinance.
- Not one conservation easement has been created in this ordinance.
  - There is no educational component in this ordinance to help residents deal with life threatening wildlife interactions.

Sincerely,  
Chuck Maginnis  
[1440 Bel Air Rd](#)





Planning CPC &lt;cpc@lacity.org&gt;

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**Case #CPC-2022-3413-CA, CPC-2022-3712-ZC**

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**Cheryce Poon** <cmpoon1@yahoo.com>  
To: "cpc@lacity.org" <cpc@lacity.org>

Thu, Dec 8, 2022 at 6:56 AM

December 8, 2022: 6:56AM

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

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- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes.**

**If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**



The City has stated “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” (Page p-4). Homeowners take issue with the statement that “all due consideration” has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states “it is envisioned that it could be applied to identified PAWS throughout the city.” There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion.

Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman’s office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Drs. Cheryce and Michael Fischer  
[1059 Somera Road](#)  
[Los Angeles, CA 90077](#)





December 2, 2022

REVISED LETTER

To: City Planning Commission

Re: [SUPPORT](#) for the revised Wildlife District Ordinance, CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE.

**We at CFAC strongly support the revised Wildlife District Ordinance, and request six amendments listed on the next page of this letter.**

We are keenly aware of the loud and organized lobbying and misinformation campaign that has been peddled by the opposition who feel that the ordinance is “onerous.” And while we listen to the opinions of others, the goals of the Ordinance are far too important for ALL and too urgent to be stalled or diminished. **The past and ongoing destruction of native habitats that can never be replaced or restored has been very “onerous” to wildlife, biodiversity and the well-being of our entire city.** And it will continue with all of the projects already underway until the ordinance becomes effective. Furthermore, with the Federal directive and State goals of protecting 30% of open lands by 2030, as well as the scientific evidence that the threats to nature are upon us now, it is critical that everyone participates in protecting our ecosystems that provide PUBLIC benefits, even on private land. Living in a natural hillside community comes with a certain degree of responsibility and the WLD Ordinance presents reasonable restrictions in order to ensure that the natural life of the hillside endures into the future. It is the City’s responsibility and moral obligation to enact policies which strike a balance between personal gain and the greater good of Los Angeles, and the planet. **We feel that the Wildlife District Ordinance staff have done an excellent job of striking that balance, which for far too long has been favoring destructive development interests at the expense of natural resources, biodiversity, open space, and climate-resilience.** The current and continued threats of climate change and biodiversity loss show that we do not have the luxury of compromising when our last-remaining natural refuges and resources are at risk. We live in 1 of 36 global biological hotspots – equally rich in biodiversity and equally threatened. It is everyone’s duty to protect it.

The DCP staff report says it best: “Habitat connectivity between intact patches of habitat, and particularly with larger expanses of natural areas, plays a vital role for the maintenance of the wealth of species to allow natural ecological and evolutionary processes to continue. Habitat connectivity 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 (i.e., in response to a significant natural disaster, or global climate change). **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' for natural species populations. The value of the ecosystem to daily life is found in the contributions toward soil erosion control, air pollution protection, crop and fruit production through pollination (via insects and birds), water quality purification, and other environmental stress reducers."

**We support and commend the following elements of the Wildlife District Ordinance:**

- We support and applaud the inclusion of **Significant Trees** of all species. There are many native and non-native species that provide critical food and habitat, yet have had no protections from destruction. And we heartily support the fact that tree removal is considered a project, which requires permits and review. For too long we have seen rampant destruction of trees as if they were simply outdoor furniture or an aesthetic feature that has little value.
- Closing the remedial grading loophole in the BHO by including it and setting a trigger for site plan review. Soils hold microorganisms and stored carbon and should be left undisturbed as much as possible.
- Including accessory structures, pools, sports courts, driveways and other hardscapes in lot coverage, in order to reduce impermeability and site disturbance.
- Including requirements for native landscaping, and
- Including requirements for native trees & shrubs

**We ask the commission to include several amendments in order to make the WLD Ordinance more robust:**

- 1) A proposed removal of 3 or more significant and/or protected trees to trigger a Site Plan Review.
- 2) Require 5 year maintenance/irrigation to accompany any tree planting, and ensure adequate planting space before approving removals (not more than one tree per planting hole).
- 3) On emergency removals require that LAFD must confer with UFD. The LAFD and their contractors don't have the background or expertise to assess tree health or pests.
- 4) Not to exempt R1 & R2 parcels from lot coverage. Small lots are often critical to habitat connectivity.
- 5) Revert to previous draft: exclude significant slopes from FAR calculations, especially since Ridgeline Protections were removed.
- 6) Revert to previous draft: development must be a minimum of 50 ft. from open space Resource Buffers, as 25 ft. is too narrow.

The Community Forest Advisory Committee (CFAC) was formed many years ago to improve the state of our City's urban forest by convening community representatives from the 15 council districts and a Mayor's representative. **We applaud the Planning Department team that has been working on this painstakingly** since the early efforts on Council File #14-0518 for Wildlife Corridors, through the first draft Wildlife Pilot Project, and now. We have been following this effort for more than 8 years! Please don't let the voices that are fueled by greed, fear and self-interest to slow this down. The time to pass this ordinance and begin implementation, with an eye towards expanding it to the rest of the city, is long overdue!

Respectfully,

Shelley

Cc: Conni Pallini-Tipton, et al





Planning CPC &lt;cpc@lacity.org&gt;

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## Councilmember Koretz Announces Rare Testimony Before Planning Commission Tomorrow

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David Dv &lt;dvdjohnsonla@aol.com&gt;

Wed, Dec 7, 2022 at 11:25 PM

To: cd4.issues@lacity.org, Planning Cpc &lt;cpc@lacity.org&gt;

Let's hope our CD4 leader will be a better example of public service than this....

This from a guy who (I) has lived on the public dollar for decades before being termed out and looking to jump to cushy Controller job, (ii) lost by more than 23 percentage points to someone almost 30 years his junior, (iii) met with and followed the advice of countless lobbyists for environmental groups who are paid a lot more than two lobbyist firms of homeowners, not developers. He should be limited to the same 60 seconds that we the residents and homeowners are!!! Brown Act anybody?

### **Councilmember Koretz Announces Rare Testimony Before Planning Commission to Correct Lies and Misinformation Being Spread About Wildlife Ordinance**

**December 7, 2022 - Los Angeles, CA** - Los Angeles City Councilmember Paul Koretz will make a rare appearance to testify before the City Planning Commission tomorrow (Thursday, December 8) on behalf of his wildlife ordinance, in order to correct months of "lies and misinformation" being spread by developer lobbyists and a "rogue realtor." Despite nearly a decade of support from established biologists, ecologists, land conservationists, watershed ecosystem scientists, arborists, botanists and climate experts from a range of local and internationally acclaimed institutions, a handful of wealthy Bel Air hillside developers have hired lobbyists to mislead and scare existing hillside homeowners...".



December 8, 2022

From David Haynes

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply



trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. **The purpose of the SMMC is to manage parkland, not neighborhoods.** "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps **as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas."** If the City wants to treat our



neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing “development capacity” in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today’s existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated “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” (Page p-4). Homeowners take issue with the statement that “all due consideration” has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states “it is envisioned that it could be applied to identified PAWS throughout the city.” There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman’s office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident:

David Haynes

1856 Laurel Canyon Rd

Los Angeles,

CA 90046





Planning CPC &lt;cpc@lacity.org&gt;

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**Item #6 (CPC-2022-3413-CA)**

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**Dan Silver** <dsilverla@me.com>

Tue, Dec 6, 2022 at 12:40 PM

To: Los Angeles Planning Commission &lt;cpc@lacity.org&gt;

**RE: City of Los Angeles Wildlife Ordinance**

Honorable Chair and Members of the Commission:

Endangered Habitats League (EHL) supports but calls for strengthening of this ordinance. For your reference, EHL is a Southern California organization dedicated to ecosystem conservation and sustainable land use.

The last iteration of the ordinance substantially weakens it by, for example, excluding far too many large homes. Large homes are a major cause of habitat destruction and connectivity loss. The site plan, watercourse buffer, and other provisions should be modified as recommended by the Center for Biological Diversity and other groups in their letter of Nov. 14, 2022.

Thank you for your consideration.

Sincerely,  
Dan Silver

Dan Silver, Executive Director  
Endangered Habitats League  
[8424 Santa Monica Blvd., Suite A 592](#)  
Los Angeles, CA 90069-4267

213-804-2750  
[dsilverla@me.com](mailto:dsilverla@me.com)  
<https://ehleague.org>



December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

I'm a long time resident in Laurel Canyon. Me and my family are opposed to this Wildlife Ordinance in its Current form. These restrictions negatively affect the value of my property.

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

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Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

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Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful,



safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

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**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

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Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident

Kevin Tompkins

8441 Grand View Dr.

Los Angeles, CA 90046





Planning CPC &lt;cpc@lacity.org&gt;

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## Councilmember Koretz Announces Rare Testimony Before Planning Commission Tomorrow

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David <dvdjohnsonla@aol.com>  
To: Planning CPC <cpc@lacity.org>  
Cc: cd4.issues@lacity.org

Thu, Dec 8, 2022 at 8:13 AM

Thank you. If possible please add the following comment

There have been recent highly publicized attacks by wildlife on pets and children, including a lockdown of a school for a mountain lion wandering through a neighborhood of commercial and residential properties. LA Animal services is responsible for wildlife conflict management and their main tool, according to their website, is educating the public about wildlife encounters. I have yet to see any outreach by LA Animal Services. How can LA Animal Services that cannot even properly care for the animals in their care have this responsibility for protecting the public when one of the goals of the Wildlife Ordinance is freedom of movement of all wildlife? I ask for this Ordinance hearing be continued until input for LA Animal Services and appropriate financial resources be dedicated by the City for this big responsibility of protecting our safety. The goals of the Wildlife Ordinance will fail, just like the Baseline Hillside Ordinance, Hillside Construction Regulation and Short Term Rental Ordinance have woefully failed to have the effect because of lack of enforcement resources

Sent from my iPad

On Dec 8, 2022, at 7:30 AM, Planning CPC <cpc@lacity.org> wrote:

[Quoted text hidden]





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT for the LA Wildlife Ordinance, AMENDED. CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE**

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**E V** <ezmerv@yahoo.com>

Wed, Dec 7, 2022 at 6:27 PM

To: cpc@lacity.org, patrick.whalen@lacity.org

Cc: info@coyotl.macehualli.org

Dear City Planning Commissioners:

This email is to voice my support of the proposed LA Wildlife Ordinance. Please amend with the following to create a more equitable ordinance:

- Due to the urgency of climate change and the assault on our environmental resources, the ordinance should be expanded to all areas of Los Angeles as a matter of urgency. The City Council has already passed a motion that provides the funds and staff positions needed for the expansion to occur.
- Remove the exemption for lot coverage on R1 and R2 zoned parcels. This exemption is an environmental and land use injustice. Communities of color in Northeast Los Angeles (NELA) have been marginalized with redlining in the recent past and now the exemptions will deprive our communities the ability to preserve wildlife. The average home and parcel size in NELA is much smaller than the more affluent West LA pilot district. Exempting parcels based on zoning destabilizes equity and the environmental sustainability of Los Angeles.
- The narrowly defined "Wildlife Resource" trigger is weak and not inclusive. Site Plan Review will NOT be triggered for a substantial amount of development projects resulting in significant habitat loss. The following additional "habitat triggers" will strengthen and include the protection of more habitat:
  - Presence of "habitat for protected species" per Govt Code Section 65913.4(a)(6)(J) 5
  - Proposed removal of 3 or more protected or significant trees

Please approve this historic ordinance with the above amendments. Your approval will be crucial in order for the city and state to achieve its environmental goals and protect its natural life, ecology, and citizens alike for generations to come.

Respectfully,

Esmeralda Vasquez (90032)



CITY PLANNING COMMISSION MEMBERS

[CPC@lacity.org](mailto:CPC@lacity.org)

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE

Dear CPC Members,

I am an affected property owner within the proposed Wildlife Supplemental Use District ("WLD"). The original City Council motion directed the Planning Department to develop an ordinance that would preserve and protect existing wildlife corridors and remaining undeveloped wildlife habitats. It would seem that the proposed Wildlife Ordinance, does not accomplish those goals. Instead it burdens homeowners with unnecessary development regulations.

When the revised proposed Wildlife Ordinance is applied to fully developed and well-established neighborhoods such as those found in the WLD, **it simply does not work**. **I oppose this ordinance due to existing fire safety issues, public safety issues, and violations of State law. Given the massive area this ordinance will be applied to, and regulations possibly resulting in increased animal deaths, this ordinance is not exempt from CEQA.**

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, I suggest the following:

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, The Bel Air Ridge Homeowners Association suggests the following:

**A. Proper Due Process:**

**New Resource Buffer Categories**

City Planning Department should not be given the ability to add new Wildlife Resource Categories and new Resource Buffer Categories without treating them as amendments to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance. The City Planning Commission should not vote on the Wildlife Ordinance until details of the procedure have been available to the public for 30 days prior to the City Planning Commission consideration and vote.

**Administrative Clearance application form**

The City Planning Commission should not vote on the Wildlife Ordinance until the Administrative Application form has been available to the public for 30 days prior to the City Planning Commission consideration and vote.



**Biological Assessment** –Details of the Biological Assessment requirements have not yet been formulated by the Planning Department - these must be disclosed to the public at least 30 days prior to a City Planning Commission vote.

**B. Exemption of City from Wildlife Ordinance Regulation**

That Development by the City should NOT be exempt from the Wildlife Ordinance regulations

**C. Open Space Definition**

Clarification is needed for “utility easements”. The land under distribution lines on residential streets, for example, must not be included in this definition

**D. Applicability: New Construction, Major Remodels, Additions**

The Wildlife Ordinance should not apply to already developed lots. Smaller, older homes, like many of those in our neighborhood, will be unduly burdened.

**E. Regulations:**

**Overall height, Grading, Residential Floor Area and Lot Coverage**

Altering existing building code will result in a violation of State Law. The City needs to properly analyze loss of “development capacity” in the proposed Wildlife Supplemental Use District and concurrently up-zones elsewhere. This has not been done.

**Tree removal, replacement and dripline prohibitions**

Non-native Significant Trees should be removed from this Section. A 2-for-1 replacement scheme is a potential fire hazard and runs counter to CalFire recommendations and the Planning Department’s own Protection Areas For Wildlife Report.

Additionally, the Planning Department’s own staff report admits that trees contribute to bird/window collisions. **Note: Both the increased fire danger and the increased bird strikes disallow a California Environmental Quality Act exemption.**

**Trash Enclosures**

This section must be removed. There is no evidence that wildlife is accessing the existing Bureau of Sanitation supplied trash cans. Planning Department confirms these mandated structures would not be permitted in the front or side setbacks. Many homes have small rear yards and requiring the trash cans to be housed in these back yard is unsightly, smelly, unreasonably interferes with homeowners’ use of their property, and can be extremely difficult for people to navigate side yard steps.

**Site Plan Review**



7,500sf is too small to trigger this process. Specific Site Plan Review criteria should be substituted for, or added to, the subjective ones in the Wildlife Ordinance. Otherwise the amorphous and subjective guidelines may result in unequal application and potential graft.

Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect, so as to ensure that reviewers have the requisite expertise for the task. **Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines.**

Thank you,

Resident: FRED J. MARCUS  
Fred J. Marcus  
2540 Angelo Drive  
Los Angeles, CA 90077





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT for the LA Wildlife Ordinance, AMENDED. CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE**

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Gina Jebbia <ggnaner68@gmail.com>  
To: cpc@lacity.org, patrick.whalen@lacity.org  
Cc: info@coyotl.macehualli.org

Wed, Dec 7, 2022 at 9:10 AM

Dear City Planning Commissioners,

**I support the proposed LA Wildlife Ordinance, please amend with the following to create a more equitable ordinance:**

- Due to the urgency of climate change and the assault on our environmental resources, the ordinance should be expanded to all areas of Los Angeles as a matter of urgency. The City Council has already passed a motion that provides the funds and staff positions needed for the expansion to occur.
- Remove the exemption for lot coverage on R1 and R2 zoned parcels. This exemption is an environmental and land use injustice. Communities of color in Northeast Los Angeles (NELA) have been marginalized with redlining in the recent past and now the exemptions will deprive our communities the ability to preserve wildlife. The average home and parcel size in NELA is much smaller than the more affluent West LA pilot district. Exempting parcels based on zoning destabilizes equity and the environmental sustainability of Los Angeles.
- The narrowly defined "Wildlife Resource" trigger is weak and not inclusive. Site Plan Review will NOT be triggered for a substantial amount of development projects resulting in significant habitat loss. The following additional "habitat triggers" will strengthen and include the protection of more habitat:
  - Presence of "habitat for protected species" per Govt Code Section 65913.4(a)(6)(J) 5
  - Proposed removal of 3 or more protected or significant trees

Please approve this historic ordinance with the above amendments. This approval will be crucial in order for the city and state to achieve its environmental goals and protect its natural life, ecology, and citizens alike for generations to come.

Sincerely,

Gina Jebbia

Los Angeles, 90042





Planning CPC &lt;cpc@lacity.org&gt;

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**Re: Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**Holiday Maginnis** <holidayish@aol.com>

Thu, Dec 8, 2022 at 7:40 AM

Reply-To: Holiday Maginnis &lt;holidayish@aol.com&gt;

To: cpc@lacity.org

Dear CPC,

Here are some reasons I oppose the ordinance:

- The ordinance is not complete and the residents have not had proper due process to review all components of the ordinance.
- The ordinance has a flawed map, without established procedures for updating the map, which puts everyone at risk.
- The ordinance still contains fire risks.
- The ordinance does nothing to address, minimize, or prevent the recent and increased attacks on humans and pets.
- There is no proof that the proposed regulations will have any benefit to biodiversity or wildlife, but it will have a negative affect on property owners.
- Not one wildlife corridor has been created in this ordinance.
- Not one conservation easement has been created in this ordinance.
  - There is no educational component in this ordinance to help residents deal with life threatening wildlife interactions.

Sincerely,  
Holiday Maginnis  
[1440 Bel Air Rd](#)





Planning CPC <cpc@lacity.org>

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## SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

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info@clawonline.org <noreply@123formbuilder.com>

Wed, Dec 7, 2022 at 3:59 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Jillian Ford

12955 Riverside Dr. 304

Sherman Oaks CA

91423

United States

[jillianmford@gmail.com](mailto:jillianmford@gmail.com)





## Same Day Submission -- Wildlife Ordinance

Jason McCoy <jasonbmccoy@gmail.com>  
To: cpc@lacity.org

Thu, Dec 8, 2022 at 9:30 AM

Cecilia, please add this to the Same Day submission folder. Thank you!

# Drake – McCoy submission

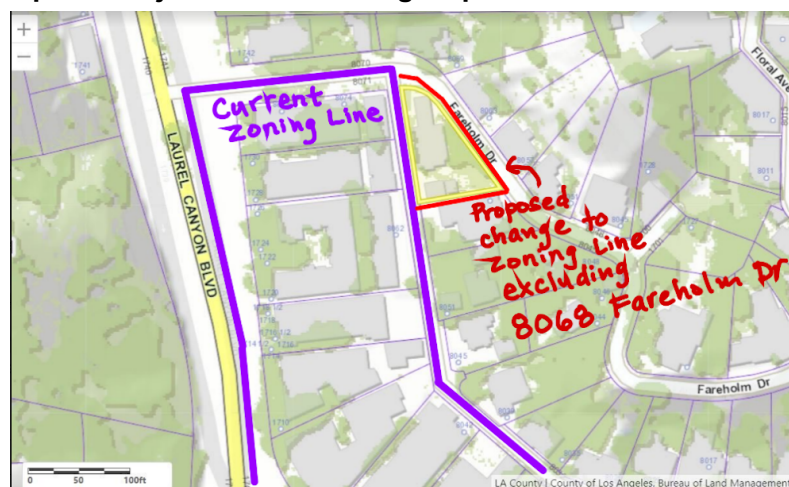
City Planning Council,

I am writing to **ask that you make a very minor change to the Wildlife zoning map to exclude my property at 8068 Fareholm Drive**. The front part of the property is on the zoning line (on Hemet Place) and the rear of the property is bordered by a giant cement retaining wall, which itself would prevent the movement of wildlife. This is a minor change that would still satisfy the intention of the ordinance.

### Screen capture from the current Zoning Map:



### Proposed adjustment to Zoning Map:





## Photos of retaining wall along rear of property



Although we understand the positive intent behind the project, **we are strongly opposed to the draconian restrictions homeowners would be subject to under the ordinance. Our property is in a neighborhood which is already highly developed, with very limited open space/wildlife. We strongly recommend that the committee re-draw the boundaries of the ordinance to exclude highly developed neighborhoods such as ours, and instead focus on less-developed areas, hillsides, and parks.** As written and drawn, the ordinance would create unacceptable restrictions on homeowners.

As property owners, we are entitled to the privacy and freedom to determine which type(s) of shrubs, privacy and security fencing, and home and property features are best for our family budget and lifestyle. We have serious concerns about our ability to rebuild in the event of a natural disaster, our ability to secure our property given the limitations on fencing and vegetation, and the impact these restrictions will have on our homeowner resell value.

We object to the influence of special interest groups seeking to impart restrictions outside-in onto property owners, when those groups will not actually be affected by the restrictions. If you would like to create restrictions for the area, **please limit those restrictions to currently open and/or undeveloped lands. Homeowners who already live in the area should be "grandfathered" in and not be subject to these new, unexpected restrictions.**

We would appreciate a response to this note, and updates to the plan.

Thank you,  
Jason McCoy & Sam Drake





## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

Jay Schuster <officebeachrentals@gmail.com>  
To: CPC@lacity.org

Wed, Dec 7, 2022 at 2:40 PM

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing “development capacity” in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today’s existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report “Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements” (A-29). These include, but are not limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provided the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state’s Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. “BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas.” If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing “development capacity” in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today’s existing code. Add in the necessary administrative materials/procedural**



**steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Jay R. Schuster

Resident

Bel Air Road, Los Angeles, CA 90077-3021





Planning CPC <cpc@lacity.org>

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## **SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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info@clawonline.org <noreply@123formbuilder.com>

Tue, Dec 6, 2022 at 3:30 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Jason Wise

1537 North Benton Way  
Los Angeles CA  
90026  
United States

[jasonwise@gmail.com](mailto:jasonwise@gmail.com)





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**info@clawonline.org** <noreply@123formbuilder.com>

Wed, Dec 7, 2022 at 6:21 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

**Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

As a long-time Sherman Oaks hillside resident, I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Katheryn Barton

4038 Stone Canyon Ave  
SHERMAN OAKS CA  
91403  
United States

[katheryn.barton@gmail.com](mailto:katheryn.barton@gmail.com)





Planning CPC <cpc@lacity.org>

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## Item #6 (CPC-2022-3413-CA) SUPPORT THE CITY'S WILDLIFE ORDINANCE

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**Karen Emanuel** <karenabbychalice@yahoo.com>

Thu, Dec 8, 2022 at 12:37 AM

To: "cpc@lacity.org" <cpc@lacity.org>

WILD ANIMALS LIVES MATTER!!





Planning CPC &lt;cpc@lacity.org&gt;

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**RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE**

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kathy kurschner &lt;kkursch7@gmail.com&gt;

Tue, Dec 6, 2022 at 4:03 PM

To: CPC@lacity.org

Dear CPC Members,

I am an affected property owner within the proposed Wildlife Supplemental Use District ("WLD"). The original City Council motion directed the Planning Department to develop an ordinance that would preserve and protect existing wildlife corridors and remaining undeveloped wildlife habitats. It would seem that the proposed Wildlife Ordinance, does not accomplish those goals. Instead it burdens homeowners with unnecessary development regulations.

When the revised proposed Wildlife Ordinance is applied to fully developed and well-established neighborhoods such as those found in the WLD, **it simply does not work**. **I oppose this ordinance due to existing fire safety issues, public safety issues, and violations of State law. Given the massive area this ordinance will be applied to, and regulations possibly resulting in increased animal deaths, this ordinance is not exempt from CEQA.**

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, I suggest the following:

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, The Bel Air Ridge Homeowners Association suggests the following:

**A. Proper Due Process:****New Resource Buffer Categories**

City Planning Department should not be given the ability to add new Wildlife Resource Categories and new Resource Buffer Categories without treating them as amendments to the Wildlife Ordinance,



requiring the same procedures as were followed with the Wildlife Ordinance. The City Planning Commission should not vote on the Wildlife Ordinance until details of the procedure have been available to the public for 30 days prior to the City Planning Commission consideration and vote.

#### **Administrative Clearance application form**

The City Planning Commission should not vote on the Wildlife Ordinance until the Administrative Application form has been available to the public for 30 days prior to the City Planning Commission consideration and vote.

**Biological Assessment** –Details of the Biological Assessment requirements have not yet been formulated by the Planning Department - these must be disclosed to the public at least 30 days prior to a City Planning Commission vote.

#### **B. Exemption of City from Wildlife Ordinance Regulation**

That Development by the City should NOT be exempt from the Wildlife Ordinance regulations

#### **C. Open Space Definition**

Clarification is needed for “utility easements”. The land under distribution lines on residential streets, for example, must not be included in this definition

#### **D. Applicability: New Construction, Major Remodels, Additions**

The Wildlife Ordinance should not apply to already developed lots. Smaller, older homes, like many of those in our neighborhood, will be unduly burdened.

#### **E. Regulations:**

##### **Overall height, Grading, Residential Floor Area and Lot Coverage**

Altering existing building code will result in a violation of State Law. The City needs to properly analyze loss of “development capacity” in the proposed Wildlife Supplemental Use District and concurrently up-zones elsewhere. This has not been done.

##### **Tree removal, replacement and dripline prohibitions**



Non-native Significant Trees should be removed from this Section. A 2-for-1 replacement scheme is a potential fire hazard and runs counter to CalFire recommendations and the Planning Department's own Protection Areas For Wildlife Report.

Additionally, the Planning Department's own staff report admits that trees contribute to bird/window collisions. **Note: Both the increased fire danger and the increased bird strikes disallow a California Environmental Quality Act exemption.**

### **Trash Enclosures**

This section must be removed. There is no evidence that wildlife is accessing the existing Bureau of Sanitation supplied trash cans. Planning Department confirms these mandated structures would not be permitted in the front or side setbacks. Many homes have small rear yards and requiring the trash cans to be housed in these back yard is unsightly, smelly, unreasonably interferes with homeowners' use of their property, and can be extremely difficult for people to navigate side yard steps.

### **Site Plan Review**

7,500sf is too small to trigger this process. Specific Site Plan Review criteria should be substituted for, or added to, the subjective ones in the Wildlife Ordinance. Otherwise the amorphous and subjective guidelines may result in unequal application and potential graft.

Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect, so as to ensure that reviewers have the requisite expertise for the task. **Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines.**

Thank you  
Katherine Kurschner

Resident: [2773 Claray Dr.](#)  
[Los Angeles, CA 90077](#)









Planning CPC &lt;cpc@lacity.org&gt;

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**RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE OPPOSE**

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**Linda Chaman** <lindachamanmph@gmail.com>  
To: CPC@lacity.org

Tue, Dec 6, 2022 at 11:22 PM

CITY PLANNING COMMISSION MEMBERS

[CPC@lacity.org](mailto:CPC@lacity.org)

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE

Dear CPC Members,

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When the revised proposed Wildlife Ordinance is applied to fully developed and well-established neighborhoods such as those found in the WLD, it simply does not work. I oppose this ordinance due to existing fire safety issues, public safety issues, and violations of State law. Given the massive area this ordinance will be applied to, and regulations possibly resulting in increased animal deaths, this ordinance is not exempt from CEQA.

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New Resource Buffer Categories

City Planning Department should not be given the ability to add new Wildlife Resource Categories and new Resource Buffer Categories without treating them as amendments to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance. The City Planning Commission should not vote on the Wildlife Ordinance until details of the procedure have been available to the public for 30 days prior to the City Planning Commission consideration and vote.



## Administrative Clearance application form

The City Planning Commission should not vote on the Wildlife Ordinance until the Administrative Application form has been available to the public for 30 days prior to the City Planning Commission consideration and vote.

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### 2. Exemption of City from Wildlife Ordinance Regulation

That Development by the City should NOT be exempt from the Wildlife Ordinance regulations

### 3. Open Space Definition

Clarification is needed for “utility easements”. The land under distribution lines on residential streets, for example, must not be included in this definition

### 4. Applicability: New Construction, Major Remodels, Additions

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### 5. Regulations:

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Thank you,

Linda Chaman Katiraei

[2483 Angelo Dr](#)  
90077

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### 2 attachments

 **WILDLIFE LETTER.docx**  
127K

 **WILDLIFE Dear Bel Air Ridge Neighbor.docx**  
51K





Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

**Linda Moore** <linda.moore@oracle.com>

Thu, Dec 8, 2022 at 9:08 AM

To: cpc@lacity.org

Cc: Linda Moore <linda.moore@oracle.com>, Imm4now@gmail.com

December 5, 2022

From Linda Moore

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)



Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - o **Biological Assessment** – The residents have not been given this form to review and consider.
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- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
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**R Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

**T** The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)



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Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Linda Moore, Resident

**Reco**





Planning CPC &lt;cpc@lacity.org&gt;

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## DRAFT Wildlife Ordinance

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**Cheryl Getuiza** <cheryl.getuiza@lacity.org>

Thu, Dec 8, 2022 at 10:29 AM

To: Planning CPC &lt;cpc@lacity.org&gt;

Cc: Conni Pallini &lt;conni.pallini-tipton@lacity.org&gt;, Graham Everett &lt;graham.everett@lacity.org&gt;

Good morning, Honorable City Planning Commissioners,

Please consider the following statement, from the Los Angeles Fire Department, in regard to the draft Wildlife Ordinance.

The Los Angeles Fire Department and City Planning have been collaborating on a draft Wildlife Ordinance. The LAFD has provided information, specific to the City's brush zones. As this Ordinance moves along, we are confident City Planning will continue to consider all aspects of the potential impacts on public safety.

Respectfully,  
Cheryl Getuiza

--



**Cheryl Getuiza**, *Government Affairs Director/Public Information Director*  
& *Community Liaison Officer*

**Los Angeles Fire Department**

213-978-3863 (desk) | 200 N. Main St., Rm.1800

Los Angeles CA 90012 | [cheryl.getuiza@lacity.org](mailto:cheryl.getuiza@lacity.org) | [www.lafd.org](http://www.lafd.org)**CONFIDENTIALITY NOTE:**

This email and any files attached here are meant solely for the use of the individual or entity to whom they are addressed.





Center for Urban Resilience  
Academic Affairs

Loyola Marymount University  
1 LMU Drive, Research Annex 120  
Los Angeles, CA 90045-2659

T 310.338.7337  
CUREs.lmu.edu

December 7, 2022

Department of City Planning  
City of Los Angeles  
221 North Figueroa Street, Suite 1350  
Los Angeles, CA 90012

To Conni Pallini-Tipton and Staff:

***Via Email***

**Re: Comments on Revised Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

Loyola Marymount University's (LMU) Center for Urban Resilience (CUREs) is a bridge-builder among stakeholders supporting positive urban ecology interventions in Los Angeles and beyond through courses, research, community science and public outreach. Urban ecology is more than the study and protection of nature in cities. It is the study of cities as ecological communities and the role of healthy cities in promoting human well-being. Urban ecology looks at cities both as complex social and ecological systems and places that are uniquely structured for human needs. Consequently, cities are indispensable laboratories of innovation for urban problems and Los Angeles is a global leader in urban transformations.

We support the efforts outlined in this ordinance to protect and keep connected open habitat that has yet to be disturbed by proposed new development. We understand that the ordinance is focused on areas in council district 5, however, we would recommend that this ordinance be used as a template for saving open space in other districts and across the county. With climate change and environmental threats impacting habitat for wildlife and people, we have an opportunity to shift future development away from open space, which needs protection and restoration, and towards weaving the wild mosaic more seamlessly into our existing urban and suburban communities. Our continued success as a City is contingent on, and leveraged by, the ecosystem services that intact natural communities provide. The amelioration of climate change, suppression of pandemics, retention of freshwater resources and human social quality of life are just a few of the values of interconnected and thriving open spaces.

Our Center provides a suite of research, education, and restorative justice services in support of our mission to: "empower communities to build resilient, vibrant, and just cities through meaningful interactions with their diverse ecosystems and each other." Please let us know what we can do to help and serve as a center for future innovation.

Sincerely,

A handwritten signature in black ink that reads "Eric G. Strauss".

Eric G. Strauss, PhD  
President's Professor of Biology  
Executive Director, LMU Center for Urban Resilience





Planning CPC &lt;cpc@lacity.org&gt;

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**Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC**

---

**Matthew Bruck** <mrmatt444@gmail.com>

Wed, Dec 7, 2022 at 1:41 PM

To: cpc@lacity.org

December 5, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8th, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112><https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>

Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:



- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Matthew Bruck



Resident of Laurel Canyon

8917 Appian Way

La, Ca 90046

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**5 attachments**



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3K



**clip\_image002.png**  
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**clip\_image004.png**  
63K



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46K



**CPC Hearing Letter 12.5.22.docx**  
3491K





Planning CPC <cpc@lacity.org>

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## **SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**info@clawonline.org** <noreply@123formbuilder.com>

Wed, Dec 7, 2022 at 3:28 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Marianne Davis

4633 Noeline avenue

Encino CA

91436

United States

M54wdavis@gmail.com





Planning CPC &lt;cpc@lacity.org&gt;

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**Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC WILD LIFE ORDINANCE**

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Mohammad Guivatchian <give2@pacbell.net>  
To: "cpc@lacity.org" <cpc@lacity.org>

Wed, Dec 7, 2022 at 1:30 PM

12-6-22

To the Los Angeles city planning

Regarding the

WILD LIFE ORDINANCE

RE:

**Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC**

1- One of the most important items is keeping the exemption of basement as it is in the base line hillside ordinance.

In a worst case ,

If it is chosen to limit the basement , then in that case , rather than eliminating the exemption for the basement completely, better to do the next;

limit the perimeter of the basement to stay within the footprint of its floor above.

This can add several thousand sq. feet to the living area of the building without having any impact on the exterior of the building.

only effect will be in grading quantity.

and that grading quantity is also dealt with in the grading quantity section of the code.

but losing that exemption , will hurt both the homeowner as well as then future revenue for the city , without any gain for any one. not even a gain for environmentalist and left leaning people since in absence of such revenues ( for years and years to come ) the public safety , fire dept , schools and others.

2- During the Beverly Hills/ Brentwood mini public hearing work , one was insisting on including the roof projections in the bldg height limitation of 45'. That is not good. it hurts everyone. including environmentalists.

let me explain. any roof access structure ( such as stair case ) is limited to only 25 sq ft and projection above bldg height of only 5'

any skylight is allowed to be 30" above roof height limitation.



any open guard rail or glass guard rail is allowed to exceed that height. all these ( except the sky light ) encourage a roof top garden . with having a roof top garden , the roof heat gain reduces , since flooring used on such a roof such as wood planks are very positive . and also many roof garden are placed on the roof. these all make roofs more environmentally friendly and also aesthetically appealing. compare such a nice roof with a flat roof .

These people who are imposing limitations are either planners and or lawyers and in one case a simple civil engineer with law degree. They never have designed any building. Their stances in some cases are bad for Environment , bad for revenue , bad for aesthetics.

instead they could impose additional requirements for encouraging or obligating roof top gardens or plans and such is and when roof access structures or guard rails are installed. in a roof that is a few thousand sq ft , a structure of 25 sq ft projecting only 5' above bldg height is not imposing at all. in some cases , there are already requirements for additional 3' set back for balcony railing or roof top railing. solutions such as this allows the home owner utilize the roof top garden and deck and yard . and also addresses the concerns of people . it will be a win win solution.

3- for staying away from tree drip line. They must allow at least one pad of a limited size such as 42" x 42" so that one can place a beam over it and completely avoid disturbing the ground for a continuous foundation within the drip line , while still have the building structure close to the tree trunk.

Otherwise the drip line issue will limit placing structures on a big part of the lot. This prohibition will cause people to fully remove a mature tree since they need the space to build. so as you see, it is a good intention in the beginning but with a negative environmental result.

but allowing such a single or couple pads ( which must be hand dug, not machine dug m, to save tree) , will help people to keep the mature tree and still have a structure close to the tree. ,meaning a kind of raised first floor within the tree drip lines avoiding a need for continuous foundation and its disturbance, all building loads will be supported on that one or two pads that fall within the drip line.

4- one of the gentlemen was consistently using a phrase " cascading over the hill , disturbing the environment and hill "

as a matter of fact one of the positive results of the hillside ordinance some 10 years ago was the way the code started measuring the bldg height. It produced stepped type structures in slopes rather than prior structures that looked like a simple cube match box type. the stepping type is called organic architecture that follows the slopes . it is much more appealing for the city.

stepping type structures in city skyline is much more beautiful. just study the European cities in the hills.

These people within their limited imagination actually are going to hurt the city and its aesthetics. with some of these impositions.

5- it will help if the planning involves people such as me to find ways to address their concerns while also produce beautiful and environmentally positive solutions.

Best of luck.



Mohammad Guivatchian

818 917 0025

B.S. Civil Engineer License # CE36510

M.S. Structural Engineering

M.A. Architecture





Planning CPC &lt;cpc@lacity.org&gt;

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**SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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info@clawonline.org <noreply@123formbuilder.com>  
Reply-To: noreply@123formbuilder.com  
To: CPC@lacity.org

Tue, Dec 6, 2022 at 3:32 PM

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park. Our City is special because diverse wildlife is living here with us. It is important that we have this ordinance set in motion now so that future generations have a guide to follow to preserve the right order in the world where man & nature live harmoniously together.

Sincerely,

Melora Harte

3600 Lankershim Blvd.  
Los Angeles Ca  
90068  
United States

m4harte@sbcglobal.net





Planning CPC &lt;cpc@lacity.org&gt;

## CD4 Comments on Items 6, 7, and 9 for 12/8/2022 CPC Meeting

**Mashaël Majid** <mashaël.majid@lacity.org>

Thu, Dec 8, 2022 at 12:01 PM

To: Planning CPC <cpc@lacity.org>, Cecilia Lamas <cecilia.lamas@lacity.org>

Cc: Andrea Conant <andrea.conant@lacity.org>

Dear Honorable City Planning Commissioners,

I hope this note finds you well. I am reaching out on behalf of Council District 4 to share our thoughts for Item 6 (CPC-2022-3413-CA), Item 7 (CPC-2022-3712-ZC), and Item 9 (CPC-2018-2223-CU), all being considered at the December 8, 2022 City Planning Commission meeting.

### **Item 6 (CPC-2022-3413-CA) and Item 7 (CPC-2022-3712-ZC)**

One of the most incredible things about Los Angeles is that, even as a major city, it is home to a wealth of wildlife, native plants, and environmentally significant land. We are proud to represent a district that features prevalent and unique hillside geographies, most notably along the Santa Monica Mountains range. As such, we deal with numerous development challenges— notably, projects that push for out-of-scale development requiring excessive grading, mature and protected tree removals, and wildlife habitat disruption. This overdevelopment not only directly negatively impacts our local ecology and wildlife, it also burdens our constituents to an untenable degree with larger projects requiring more grading, longer and more complicated construction, with the resulting mansions affordable to only the super-wealthy.

This is why having robust and effective hillside policies remains a key priority for Councilmember Raman. In the last two years, we have successfully:

- Applied Hillside Construction Regulations to three new neighborhoods;
- Co-sponsored motions and resolutions directing city departments to:
  - Develop a comprehensive regional wildlife habitat connectivity plan in partnership with neighboring jurisdictions and organizations,
  - Put together a detailed work plan and timeline for incorporating environmental justice values, metrics, and policy programs through updates to the General Plan or the creation of a standalone Environmental Justice Element,
  - Consult with the Santa Monica Mountains Conservancy on any draft negative declarations and environmental impact reports under CEQA for any project within the Santa Monica Mountains Zone
  - And supported state legislation notifying counties and cities to update their local Open Space Elements by 2026.
- Instructed city departments to direct growth away from hillside areas, supported policies for open space preservation and opportunities for rezoning city-owned surplus land in hillside areas for open space, and advocated for stronger safety regulations, especially in high risk fire hazard, earthquake, and landslide prone areas through the proposed Housing Element, Community Plans, and Safety Element updates;

At the ground level, we dissect and weigh in on numerous development projects in the hillsides to ensure that they have gone through comprehensive environmental reviews as required and are modified to fit the needs and suitability of sensitive topographies.

The Draft Wildlife Ordinance presents a critical opportunity to create sensible regulations that help us address hillside issues and climate resiliency goals on a more systemic level. While this effort predates our time in office by many years, we are incredibly encouraged at the high level of engagement by community stakeholders, various city departments, and local and regional elected officials on this topic in order to create a practical policy.

We want to especially express our gratitude to the Planning Department for all of their work on this process. Prior to today, we worked with the Planning Department to ensure that there were comprehensive public materials, including fact sheets and maps available for residents about this ordinance and its potential impacts, which they have updated to address substantive comments, questions, concerns, and suggestions as this draft ordinance continues to take shape.

The latest Draft Wildlife Ordinance helps address key concerns from local stakeholders regarding small lots, site plan review, project definition and applicability, fencing standards, and setbacks among other components. Of note, the Ordinance includes rigorous grading standards, an overall height standard throughout the pilot area, and calculating



basements as part of the total residential floor area, all of which are important levers in controlling the size and scale of development.

For Site Plan Review, we appreciate the addition of a required biological assessment and hope there can be a consideration to reduce the review threshold size to ensure that any oversized development project is adequately captured and reviewed. We would also like to see the definition of "Open Space" in the previous version restored to include City-owned vacant land.

We respectfully ask that you consider this feedback in your deliberative process and look forward to listening in and taking note of today's discussion and public comments.

**Item 9 (CPC-2018-2223-CU)**

As previously shared with Department of City Planning staff, the Council Office has received concerns from immediate neighbors regarding Swim to Bill, located at [3477 North Laurelvalle Drive](#) in Studio City in the RE15-1-H zone, and the Conditional Use Permit entitlement request. To our understanding, Swim to Bill has been in operation on and off since 2010 without proper city-approved permits or approvals, including after receiving orders to comply from the Department of Building and Safety.

Constituents have shared concerns regarding: excessive and amplified noise from the school in an otherwise quiet residential neighborhood, lack of available parking along an exceedingly narrow street in a very high fire severity hillside area that terminates in a cul-de-sac, a commercial business functioning for years without proper permits or use approvals, a lack of privacy for abutting neighbors, a lack of building permits required for accessibility and code compliance, and a lack of compatibility with residential uses in the area.

As a matter of land use approval, we want to ensure that the conditions of approval adequately address grievances and concerns raised by residents, and that the conditions are set out in a way that is able to be properly monitored and enforced by our city departments. We are also aware that a proposed use such as this in a single-family residential zone is being requested in a context where companies like Swingly are increasing operations in Los Angeles.

We respectfully ask that you consider this feedback in your deliberative process.

--

**Mashaal Majid**

Planning Director

[councildistrict4.lacity.org](http://councildistrict4.lacity.org)



**NITHYA  
RAMAN**

| Los Angeles  
★ City Councilmember  
| 4th District

\*\*\*\*\*

DISCLOSURE: All emails sent to or from this account (including any attachments) are subject to the California Public Records Act and may be released upon request.



# N. U. P. C. A. North University Park Community Association

## CITY PLANNING COMMISSION

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007

Honorable Commissioners,

I did make comment to the University Park HPOZ Board about my concerns regarding this Project, and I am in complete agreement with the University Park HPOZ Board's recommendation to Deny any approval for a CCMP. One of my comments was reported in the University Park HPOZ Board's Meeting Minutes of March 16, 2021: ***"Phone number 1928 is Gary Kousnetz has been in the neighborhood for 35 years. He is "a nuts-and-bolts guy." Gary further states that. "Looking at this building, you might as well just put a warehouse in a Victorian neighborhood."*** I stand by those words today.

It is mindboggling to me that anyone looking at this "warehouse" believes it conforms to our HPOZ Preservation Plan.



WHAT DO YOU THINK? DOES THIS BOX FIT HERE?

It is very unfortunate that AZA Theodore Irving failed to listen to the advice from our University Park HPOZ Board to Deny the Project's conformance with the Preservation Plan. Making a project fit into the HPOZ is a more difficult task for some rather than others. Every developer who got an HPOZ approval recommendation had at least several consultation meetings. In the end they all had a smaller project than when he started.

Our HPOZ is an L.A. City "Special-Overlay" neighborhood, and as such there are additional conditions for development approval. Some bottom-line developers refuse to accept these restrictions and fight against the process. This Orion development team is just another one of those. They have a new tool for exploitation with all these new State laws. But I think the result for this group will be failure. You have the power to stop this now and avoid the costly changes that will result with another senseless approval.



The developer who last sold the 2323 parcel had been HPOZ approved for a 7-unit Condo project since 2007 but had some hard luck. He had worked for some time with the Board to reduce his Project to fit into our historic HPOZ. A key to his approval was reducing the height to 2 ½ stories and for providing 23- subterranean parking spaces.

After the historic Wells House was burnt to the ground by an arson fire in 2006 a new development was approved that amazes everyone who sees it because it looks like it was always there. It has everything that we expect for our community and materials: prevailing height and setback, compatible massing and scale, architectural articulation and 10-subterranean parking spaces.

It is this developer's desire for a few extra parking spaces that bloats-up the building to 4-stories. If he put the parking underground like the other developers had to do, he would have a 3-story building and a new place to begin resolving other problems.

Orion should return to the HPOZ Board

Orion should comply with UP-PP

The height of a building or structure is defined by the Los Angeles Planning and Zoning Code, height of Building Structures. Height is measured from grade to the highest point on the main roof. The prevailing height is the most commonly occurring height on a block face on which a project is proposed. A new project should not dominate existing buildings and structures. In general the new project should look as though it belonged to an area. Height is generally used to create an accent and make an object "stand out". Because the existing conditions tend toward low profile buildings, new projects should replicate this character and look of the area.

Orion should read this summary .

Commissioners Please Help Us.

Find against the COA approval

Find against the Categorical Exception

Find For the Appeal

Thank You for your consideration

CO-APPELLANT Gary Kousnetz, N.U.P.C.A.

PS My historic home is across the alley from this project.





# N. U. P. C. A. North University Park Community Association

## CITY PLANNING COMMISSION

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007

Honorable Commissioners

I did make comment, to both the University Park HPOZ Board and the Zoning Administrator about my concerns regarding the proposed parking for this Project. I am in support of the University Park HPOZ Board's recommendation to Deny any approval for a CCMP until such time as the developer returns with a project design that complies with the University Park Preservation Plan.

This seems simple enough to me. The submitted Project's plans are wrong for this site, so either the applicant makes the design changes recommended to be compliant or he chooses not to collaborate. The past history for developers attempting to exploit this oversized lot hasn't been kind to them. Their conniving of the University Park Preservation Plan's requirements could not be coopted due to the oversight by University Park's HPOZ Board.

I am still perplexed as to why the Project's CCMP Determination could wind up having that decision made by a ZA instead of the Director of the Office of Historic Resources as is the normal processing. I wonder who in charge thought that a ZA with very little daily experience in historic preservation would be a more qualified decision maker than the Director of the Office of Historic Resources or the UP-HPOZ Board whose sole function is historic preservation decisions.

Whatever the tactical figuring was, it didn't work out. This ZA's Determination is wrong in just about everything he has concluded. He sure didn't listen to the UP-HPOZ Board and he sure didn't listen to me about parking. So I am asking for your help in correcting this grievance before more time and energy is wasted away.

Historically the greatest potential negative impacts to the existing historic context are from Infill development. The UP-Preservation Plan's guidelines established a protocol of evaluation questions that allow for a dialogue with clarity and transparency. The ability of having a dialogue that all stakeholders, the developer, the Planning staff, the UP-HPOZ Board and the community can engage in without a misunderstanding of the language of planning process.

For example, after an applicant has reviewed the UP-PP, and has the first Consultation meeting, there will of course be questions. On Scarff Street the questions are always about PREVAILING conditions, and the why and how it can supersede city code. The developers who listen to the Board may understand their property is unique in a collection of uniqueness. When they can accept the philosophy that the protection of the historic collective will require an adjustment of their expectations, they will succeed.

A case in point is the previous proposed development on 2323 Scarff Street. It was approved: "On May 8, 2007 Director of Planning issued a Certificate of Compatibility, (CCMP), **DIR-2006-9654-CCMP**, to approve with conditions the construction of two maximum 33-foot in height residential structures totaling 7-units including 23 subterranean parking spaces"...(LADCP modification decision 9/16/15). This developer agreed to underground parking for 23 underground parking spaces, a 3-story height and a 47' front set back. Unfortunately for this developer the financial crisis of 2008 imploded, but his plans were re-empowered by this modification determination.

Another example at 2317 Scarff Street, the abutting lot to the north; **DIR-2008-3375-COA** gained an approval for their proposed 4-unit development by forgoing at-grade parking to comply with the Prevailing height and set-back issues by placing their 10-parking spaces underground where they belong.



A third case just a block up the street at 2003 Oak (Scarff St. changes name to Oak St. at 23<sup>rd</sup> Street) .This complex development, involving the LAUSD Services Division, just one block north of Scarff St., involved the whole historic block face which had been demolished in the 1970's for the Norwood parking lot. The process took shape over several years as the applicants worked closely with the Board to resolve the interconnecting design of the historic six lots, and accepted the reality of underground parking.

The 2013 Director' Determination of Approval for a CCMP for Case No.: DIR-2012-1217 CCMP / 2003 S. Oak for: ***“The construction of a 29-unit two and three-story multi-family residential affordable housing development, with private amenities and 72 underground parking spaces for shared residential/LAUSD use for the Norwood Elementary School Work force Housing /Joint Parking Project.”***

These three Project developers agreed to invest in costly underground parking, which is NOT a requirement of the University Park Preservation Plan, in order to reduce their building height issues by forgoing at-grade parking and becoming UP-PP compliant. The Orion developers are myopically forcing a nonconforming 4-story building into the community in order to exploit a contrived parking scheme. Although developers' intentions are speculative some assumptions can be valid.

Why would a developer seek entitlements from the NSO for reduced parking that would set limits at 5-parking spaces, ½ for each unit, and then voluntarily decide to in add an additional 13 more spaces. Is 18 some magic number? Why only 18? Why add any at all? The ZA's job here was to deal with the parking under the NSO Ordinance. Normally, city code would require 2-parking spaces for units of 2-bedrooms or more. So, for this 10-unit Project, 20 parking spaces would be required.

However under the NSO additional parking is added per 1 parking space per each additional bedroom above the space 2 normal requirements. So, for the five-5 bedroom units an additional 3 parking spaces per unit would require 15 additional spaces. The same for the five-4 bedroom units which would require another 10 additional spaces. The total under the NSO would therefore be 45 parking spaces. That indeed would impact the Project.

So, 18 parking spaces would not satisfy the NSO and the 13 parking spaces added to the required 5 spaces would not make much of a difference to the tenants. At best there is little more than 1 parking space per unit. So, why create a whole floor for a minimal gain in parking? So, maybe after the Project is built that parking space could make a very profitable addition. The ADA program supersedes parking issues. Garages become units everywhere by right. So, maybe the developers can convert that inside open space parking space to a residential use. Maybe.

Any parking beyond the 5 spaces required should be underground.

The other Infill projects had to put their parking underground and there is no reason to allow the questionable parking scheme to push this building 15' into the Prevailing front yard setback of historic Scarff Street.

Respectfully

Tom Florio, Vice President , N.U.P.C.A.

PO Box 15881 Los Angeles Calif. 90015









Planning CPC <cpc@lacity.org>

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## **SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**info@clawonline.org** <noreply@123formbuilder.com>

Wed, Dec 7, 2022 at 3:48 PM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park. The city of Los Angeles prides itself as a biodiversity hot spot - it is time to treat our natural resources accordingly.

Sincerely,

Patricia Bates

16811 Weddington St  
Encino CA  
91436  
United States

[batesbird@gmail.com](mailto:batesbird@gmail.com)





Planning CPC <cpc@lacity.org>

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## Item #6 (CPC-2022-3413-CA)

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**Martin, Paul** <PMartin2@med.miami.edu>

Tue, Dec 6, 2022 at 7:14 PM

To: "cpc@lacity.org" <cpc@lacity.org>

I have owned a home in Pacific Palisades for 29 years.

I strongly support expanding the number of properties for which a Site Plan Review is necessary. It needs to be a transparent and public process.

I urge you to respect biological diversity and help preserve our natural environment for all Angelenos.

I live in an area at risk for wildfires, this ordinance will help mitigate the risk.

Paul Martin

[1309 Marinette Road](#)

[Pacific Palisades, CA 90272](#)





Planning CPC &lt;cpc@lacity.org&gt;

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## Support - Wildlife District Ordinance, CPC-2022-3413-CA

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**Randi Feilich** <rfeilich@yahoo.com>  
To: cpc@lacity.org, patrick.whalen@lacity.org

Wed, Dec 7, 2022 at 10:45 PM

December 7, 2022

Patrick Whalen, City Planner  
Los Angeles City Planning  
[221 North Figueroa Street, Suite 1350](#)  
[Los Angeles, California 90012](#)

RE: Support - Wildlife District Ordinance, CPC-2022-3413-CA

Dear Patrick :

As a Stakeholder in the Hollywood Hills West corridor, I strongly **support** the Los Angeles Wildlife District Ordinance, with the amendments requested by the multiple advocacy groups.

The Santa Monica Mountains are a natural resource and treasure for all of Los Angeles. This ordinance would aid in safeguarding Los Angeles City's irreplaceable wildlife and natural ecosystems. This is also imperative to preserving the natural habitat for our mountain lions, and wildlife. If we want our wildlife to thrive, we have to share our neighborhood with them.

Los Angeles has a real opportunity to continue to be an environmental steward and leader.

Thank you for the opportunity to submit comments in support of this Wildlife District Ordinance.

Sincerely,

Randi Feilich





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## I support the Wildlife Ordinance plus amendments

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robin fox <robinfox\_ca@yahoo.com>  
To: Planning CPC <cpc@lacity.org>

Thu, Dec 8, 2022 at 8:34 AM

Dear Commissioners,

This last Tuesday evening, I was thrilled to observe large a flock of Crows cavorting over Kite Hill, overlooking the City, during the fading light of a cold December day. They rose and turned, wheeling ever upward, circling as a group. Calling out! Maybe, I thought, they are here to warm up in the last rays of the sun as it went down.

I think, really, they were flying in their expression of pure Crow Joy. Such a sight to see and hear as city lights blinked on, sparkling in the distance. Beyond the freeway interchange, the railway and the River, city windows reflected sky colors. Fresh green grass glowed in the hillsides. Crisp air shivered us, running back to shelter in our car.

Home. Home is Local. These hills of Los Angeles, are part of our homescape. They are were we look to orient ourselves, They shape the direction of daily movement of airflow across our Homeground.

This land is not ours alone, all living creatures here must feel these rhythms to live here together with us.

Sylva Blackstone  
Retired Certified Arborist  
Los Angeles  
35 years a resident of 90042

### I support the proposed LA Wildlife Ordinance, please amend with the following to create a more equitable ordinance:

- Due to the urgency of climate change and the assault on our environmental resources, the ordinance should be expanded to all areas of Los Angeles as a matter of urgency. The City Council has already passed a motion that provides the funds and staff positions needed for the expansion to occur.
- Remove the exemption for lot coverage on R1 and R2 zoned parcels. This exemption is an environmental and land use injustice. Communities of color in Northeast Los Angeles (NELA) have been marginalized with redlining in the recent past and now the exemptions will deprive our communities the ability to preserve wildlife. The average home and parcel size in NELA is much smaller than the more affluent West LA pilot district. Exempting parcels based on zoning destabilizes equity and the environmentally sustainability of Los Angeles.
- The narrowly defined "Wildlife Resource" trigger is weak and not inclusive. Site Plan Review will NOT be triggered for a substantial amount of development projects resulting in significant habitat loss. The following additional "habitat triggers" will strengthen and include the protection of more habitat:
  - Presence of "habitat for protected species" per Govt Code Section 65913.4(a)(6)(J) 5
  - Proposed removal of 3 or more protected or significant trees





Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

**Ron Holliman** <rghbh@yahoo.com>

Wed, Dec 7, 2022 at 4:41 PM

Reply-To: Ron Holliman <rghbh@yahoo.com>

To: "cpc@lacity.org" <cpc@lacity.org>, Ron Holliman <ron@ronholliman.com>, David Rosen <david@davidrosen.com>, John Marshall <jmarshall@lewitthackman.com>

December 7, 2022

From Ron Holliman Affected Homeowner

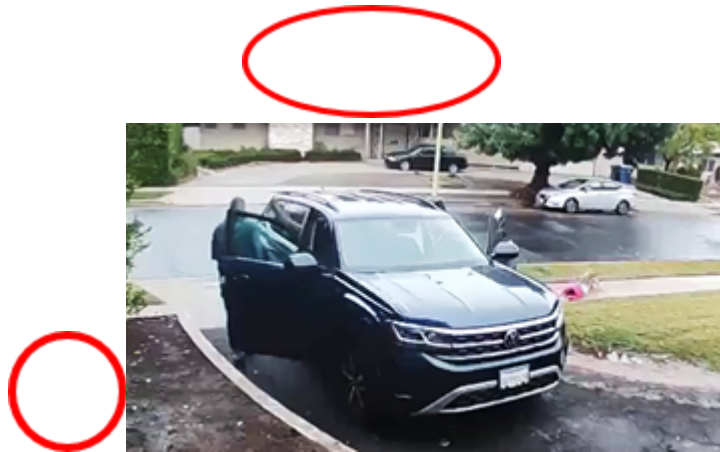
RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>



Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.



Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy,



Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Resident

Ron Hollilman  
[1835 N Crescent Heights Blvd](#)  
[Los Angeles CA 90069](#)





Planning CPC &lt;cpc@lacity.org&gt;

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## SUPPORT for the Wildlife Ordinance

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**Pam Ribbey** <piribbey@gmail.com>  
To: cpc@lacity.org

Thu, Dec 8, 2022 at 9:09 AM

For the CPC :

I strongly support the Wildlife Ordinance, with its immediate expansion throughout Los Angeles City and County. Displaced since the 2018 Woolsey Fire caused by the negligence of Southern California Edison, the CESA protected Mountain Lions and also Bobcats of the Santa Monica Mountains need native landscapes for their survival now...because the humans are living in the homes of all the wildlife that were here first.

Thank you,

Pam Ribbey

101 Wilshire Blvd.,  
Santa Monica, CA 90401

( Displaced to Santa Monica since evacuation, after my Agoura CA fire-resistant home and wildlife oasis gardens burned to the drip-irrigated with waterfalls, now dirt ground, in the 2018 Woolsey Fire of the Malibu Mountains. As shown by recent studies, the Mountain Lions are also avoiding that burn scar of 100,000 acres.)

Sent from my iPhone





Planning CPC &lt;cpc@lacity.org&gt;

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## WHEN COUNCILMAN ATTACKS Wildlife Ordinance - Koretz Intentionally Misleads the Public, Again. This time attacking us.

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Steven Borden <steven.borden@bordenmedia.com>

Thu, Dec 8, 2022 at 1:54 AM

To: CPC@lacity.org

To whom it may concern:

I am a small home owner (2450 sq ft house built 1952) living for the past 17 years in the hills impacted by this proposed ordinance. I strongly oppose the ordinance and vehemently object to the press release Councilman Koretz's office released at the very last minute this evening with intentionally false and misleading quotes from Koretz, as well as riddled with misinformation.

This in advance of making a rare appearance at CPC on December 8. Rare and unusual indeed.

The press release was intentionally released after close of business today so as to not allow any meaningful response before the CPC hear. It was sent by Koretz's Communication Director (Alison Simard) who is concurrently on the board of the activist special interest group (CLAW) that prompted Koretz to write the motion to initiate the Wildlife Ordinance in the first place.

She is the co founder of CLAW and was at the forefront of lobbying Koretz to write the motion to initiate the ordinance. At very best a perception of a conflict of interest. At worst ...

The thousands of regular small homeowners (a majority in fact, regardless of Koretz' baseless claims to the contrary) who strongly oppose this wrong minded and counter productive ordinance find it incredibly offense and below the dignity of his office, not to mention basic civil respect, to be erroneously maligned by Koretz in any fashion, and in this case in a baseless press release as he makes a last ditch effort, in his remaining couple of days in office, to try to advance and defend the non defensible facts about this deceiving ordinance.

The press release and his "rare" CPC attendance is a classic, though misguided, attempt to obscure the actual topic. Being used since he's loosing on the facts, practicality and what's best for LA fronts.

The councilman is on the wrong side of this special interest group inspired and driven ordinance. Very disturbing he admitted at a public BAHA gathering that he supported the ordinance though confessed to not reading it.

He's also on the wrong side of the City's own PAWS Report recommendations that run counter to the regulations in the ordinance. The PAWS report and wildlife experts call for wide big wildlife transit corridors to keep wildlife habitats connected. I agree as do most of the thousands I'm connected to.

Major wildlife transit corridors on yet to be developed land are the way to go. Just ask the true experts as we have.

Koretz' wildlife ordinance however inexplicably ignores the science and the PAWS report by instead advocating a Frankenstein approach to wildlife mobility that brings them directly into long established and fully developed neighborhoods. Brings wildlife into harms way and puts people and pets at needless at risk. Resulting in no real animal protection. Accomplishing nothing good.

It comes off as ideologically dogmatic and intransigent as opposed to good productive policy based on fact and science.

Koretz is also on the wrong side of the facts.

The fact being that most wildlife experts advise against any policies that bring wildlife and people together due to dangerous and possibly lethal encounters.

Today a publication sympathetic to Koretz and his so called Wildlife ordinance published an article tied to a recent rash of violent attacks by wildlife:



The killing of a dog by a mountain lion while the dog was being walked near the owners hose in the Hollywood Hills

A coyote snatching a toddler from a parents hands

School kids forced to locked down rooms in Brentwood while a mountain lion prowled the streets

Not to mention too many of our precious mountain lions being killed trying to cross roads in developed areas

The publication prominently points out that LA is the only city in the entire world , other then Mumbai, where big cats live in dense urban areas.

There's an obvious reasons for this.

The publication goes in to write that "co-existence, scientists say, puts wildlife at risk."

As we've seen with the recent attack of the dog on its leash in the hills and the snatching of a toddler from a fathers grasp ... co-existence also puts people and pets at risk.

So if the scientists and wildlife experts agree that it's dangerous and a bad thing to further co-mingle people and wildlife in developed populated areas, which is exactly what the Wildlife Ordinance would accelerate and mandate, why would anyone possibly support this?

Why is Koretz making such a massive push for this ordinance that science says puts wildlife at further risk? For a final parting press release trumpeting his success as he did in his most recent press release?

It makes no public policy sense so something else must be driving it.

We may never know what's actually behind Koretz' zealous pursuit of such a flawed ordinance and the amount of energy he's putting into the effort with about 100 hours left as an elected official.

What we do know is hundreds of thousands of Angelenos, as well as the city as a whole, will have to live with the counter productive to state goals (protect wildlife)fall out from this flawed and deceptive ordinance for many years to come if it becomes law.

Let's protect wildlife. Let's create meaningful large wildlife transit corridors. Let's protect our city's remaining open and undeveloped space.

Let's not protect KORETZ's seemingly desperate short term political power play as he tries to have a parting headline and save some face following his recent election defeat and as he leave public office.

Let's do what's right for LA.





Planning CPC &lt;cpc@lacity.org&gt;

## SAME DAY SUBMISSION for Wildlife Ordinance

**Samuel Drake** <samuel.p.drake@gmail.com>  
To: cpc@lacity.org

Thu, Dec 8, 2022 at 9:09 AM

This was originally submitted on Nov 14th but doesn't appear to be in today's submissions doc. Please add to same-day submission file.

Many thanks,  
Sam

----- Forwarded message -----

From: **Samuel Drake** <samuel.p.drake@gmail.com>  
Date: Mon, Nov 14, 2022 at 10:10 PM  
Subject: Wildlife District Ordinance feedback  
To: <cpc@lacity.org>  
Cc: Jason McCoy <jasonbmccoy@gmail.com>

City Planning Council,

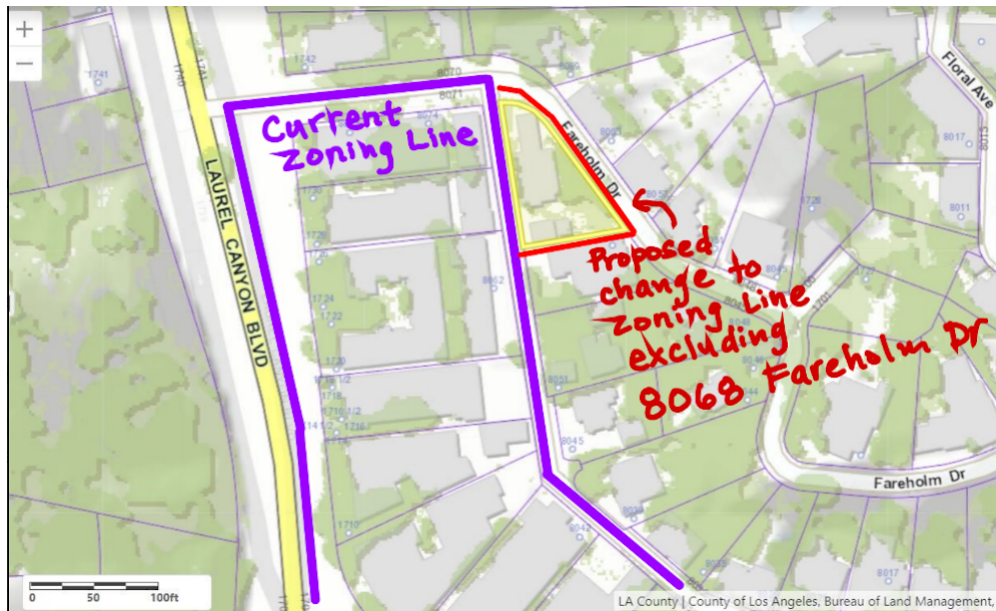
I am writing to **ask that you make a very minor change to the Wildlife zoning map to exclude my property at 8068 Fareholm Drive**. The front part of the property is on the zoning line (on Hemet Place) and the rear of the property is bordered by a giant cement retaining wall, which itself would prevent the movement of wildlife. This is a minor change that would still satisfy the intention of the ordinance.

### Screen capture from the current Zoning Map:

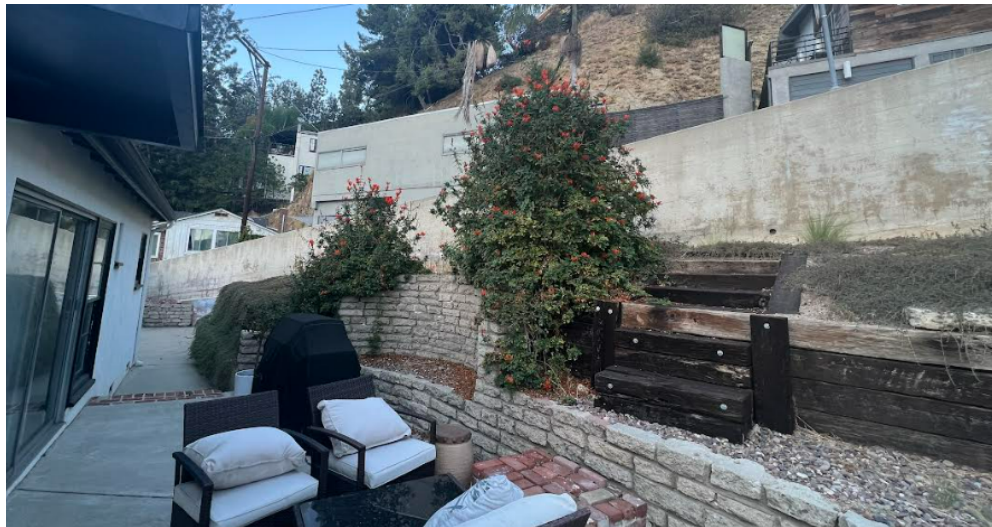


### Proposed adjustment to Zoning Map:





## Photos of retaining wall along rear of property





Although we understand the positive intent behind the project, **we are strongly opposed to the draconian restrictions homeowners would be subject to under the ordinance. Our property is in a neighborhood which is already highly developed, with very limited open space/wildlife. We strongly recommend that the committee re-draw the boundaries of the ordinance to exclude highly developed neighborhoods such as ours, and instead focus on less-developed areas, hillsides, and parks.** As written and drawn, the ordinance would create unacceptable restrictions on homeowners.

As property owners, we are entitled to the privacy and freedom to determine which type(s) of shrubs, privacy and security fencing, and home and property features are best for our family budget and lifestyle. We have serious concerns about our ability to rebuild in the event of a natural disaster, our ability to secure our property given the limitations on fencing and vegetation, and the impact these restrictions will have on our homeowner resell value.

We object to the influence of special interest groups seeking to impart restrictions outside-in onto property owners, when those groups will not actually be affected by the restrictions. If you would like to create restrictions for the area, **please limit those restrictions to currently open and/or undeveloped lands. Homeowners who already live in the area should be "grandfathered" in and not be subject to these new, unexpected restrictions.**

We would appreciate a response to this note, and updates to the plan.

Thank you,  
Jason McCoy & Sam Drake





Planning CPC &lt;cpc@lacity.org&gt;

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## **SUPPORT for the LA Wildlife Ordinance, AMENDED. CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE**

---

**Suzanne V. Gero** <suzgero@att.net>

Wed, Dec 7, 2022 at 7:20 PM

To: cpc@lacity.org, patrick.whalen@lacity.org

Cc: info@coyotl.macehualli.org

Dear City Planning Commissioners,

**I support the proposed LA Wildlife Ordinance, please amend with the following to create a more equitable ordinance:**

- Due to the urgency of climate change and the assault on our environmental resources, the ordinance should be expanded to all areas of Los Angeles as a matter of urgency. The City Council has already passed a motion that provides the funds and staff positions needed for the expansion to occur.
- Remove the exemption for lot coverage on R1 and R2 zoned parcels. This exemption is an environmental and land use injustice. Communities of color in Northeast Los Angeles (NELA) have been marginalized with redlining in the recent past and now the exemptions will deprive our communities the ability to preserve wildlife. The average home and parcel size in NELA is much smaller than the more affluent West LA pilot district. Exempting parcels based on zoning destabilizes equity and the environmental sustainability of Los Angeles.
- The narrowly defined "Wildlife Resource" trigger is weak and not inclusive. Site Plan Review will NOT be triggered for a substantial amount of development projects resulting in significant habitat loss. The following additional "habitat triggers" will strengthen and include the protection of more habitat:

- o Presence of "habitat for protected species" per Govt Code Section 65913.4(a)(6)(J) 5

- o Proposed removal of 3 or more protected or significant trees

Please approve this historic ordinance with the above amendments. This approval will be crucial in order for the city and state to achieve its environmental goals and protect its natural life, ecology, and citizens alike for generations to come.

Sincerely,

Suzanne Gero

90042





Planning CPC &lt;cpc@lacity.org&gt;

---

**SUPPORT: Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC**

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**info@clawonline.org** <noreply@123formbuilder.com>

Thu, Dec 8, 2022 at 8:58 AM

Reply-To: noreply@123formbuilder.com

To: CPC@lacity.org

Support - Wildlife District Ordinance, CPC-2022-3413-CA and CPC-2022-3712-ZC

I strongly support the Wildlife Ordinance. It will help wildlife survive in our Santa Monica Mountains through carefully crafted development standards that protect both wildlife and property interests. I encourage the swift adoption of this district ordinance so that it can be expanded to sensitive habitat throughout the entire City of Los Angeles.

Please adopt the Wildlife Ordinance with the amendments requested by Citizens for Los Angeles Wildlife, Center for Biological Diversity, Sierra Club, BACH, and Friends of Griffith Park.

Sincerely,

Sarah Hunt

3701 Fredonia Dr  
Los Angeles CA  
90068  
United States

[sarah@spincycle.tv](mailto:sarah@spincycle.tv)





Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

sz@schuster-zingheim.com <sz@schuster-zingheim.com>  
To: cpc@lacity.org

Wed, Dec 7, 2022 at 2:36 PM

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

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  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
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- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
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**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to



stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Patricia K. Zingheim

[1541 Bel Air Road, Los Angeles, CA 90077-3021](#)





Planning CPC &lt;cpc@lacity.org&gt;

## **SUPPORT for the LA Wildlife Ordinance, AMENDED. CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE**

**Tani Kaye** <tkayeric@yahoo.com>

Wed, Dec 7, 2022 at 6:25 PM

To: "cpc@lacity.org" <cpc@lacity.org>, "patrick.whalen@lacity.org" <patrick.whalen@lacity.org>

Cc: "info@coyotl.macehualli.org" <info@coyotl.macehualli.org>

Dear City Planning Commissioners -

I have lived in Northeast Los Angeles for the past 30 years (El Sereno for 22 years and Highland Park for 8 years) and I have watched as our precious open space is disappearing and along with it habitat for wildlife. Please vote in favor of the Wildlife Protection Ordinance and expand this protection to all of Los Angeles. I hope it can eventually be expanded to include all of Los Angeles County and eventually all of California.

I am fortunate to live in Arroyo View Estates where we share our green belt with our neighbors to the north in Pasadena. We have wildlife in our community - coyotes, bobcats, skunks, racoons, rabbits, owls - who deserve open space to live their lives. We need to preserve this domain for our local creatures who are part of our neighborhood. If we do not take care of our wild neighbors, we risk upsetting the delicate balance of nature.

**I support the proposed LA Wildlife Ordinance, please amend with the following to create a more equitable ordinance:**

- Due to the urgency of climate change and the assault on our environmental resources, the ordinance should be expanded to all areas of Los Angeles as a matter of urgency. The City Council has already passed a motion that provides the funds and staff positions needed for the expansion to occur.
- Remove the exemption for lot coverage on R1 and R2 zoned parcels. This exemption is an environmental and land use injustice. Communities of color in Northeast Los Angeles (NELA) have been marginalized with redlining in the recent past and now the exemptions will deprive our communities the ability to preserve wildlife. The average home and parcel size in NELA is much smaller than the more affluent West LA pilot district. Exempting parcels based on zoning destabilizes equity and the environmental sustainability of Los Angeles.
- The narrowly defined "Wildlife Resource" trigger is weak and not inclusive. Site Plan Review will NOT be triggered for a substantial amount of development projects resulting in significant habitat loss. The following additional "habitat triggers" will strengthen and include the protection of more habitat:
  - o Presence of "habitat for protected species" per Govt Code Section 65913.4(a)(6)(J) 5
  - o Proposed removal of 3 or more protected or significant trees

Please approve this historic ordinance with the above amendments. This approval will be crucial in order for the city and state to achieve its environmental goals and protect its natural life, ecology, and citizens alike for generations to come.

Thank you for caring about our open spaces and the creatures who inhabit these areas. They deserve our protection and we need to continue to co-exist with them.

Sincerely -



12/7/22, 8:24 PM

City of Los Angeles Mail - SUPPORT for the LA Wildlife Ordinance, AMENDED. CPC-2022-3413-CA, CPC-2022-3712-ZC, and E...

Tani Kaye  
6641 Church St  
Los Angeles, CA 90042  
[tkayeric@yahoo.com](mailto:tkayeric@yahoo.com)





Planning CPC &lt;cpc@lacity.org&gt;

## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC Wildlife Ordinance

Thomas Materna <thomas.e.materna@gmail.com>  
To: CPC@lacity.org  
Cc: contactCD4@lacity.org, Ryan Ahari <ryan.ahari@lacity.org>

Wed, Dec 7, 2022 at 11:18 AM

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

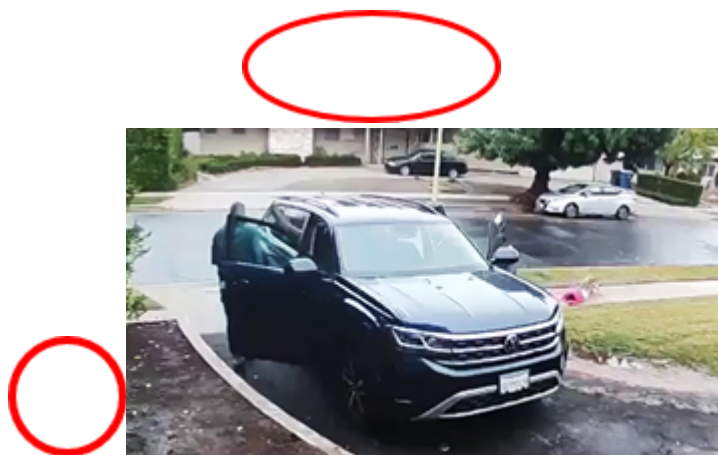
Dear Honorable Members of the CPC,

After the general public comments at the November 17<sup>th</sup> hearing, it is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. Since the continuation of CPC Hearing on the Wildlife Ordinance from November 17<sup>th</sup> to December 8<sup>th</sup>, there has been an attack on a two-year-old child and one fatality of a beloved pet, caught on camera. There have likely been more unreported losses.

There are already 3 Special different building code ordinances for our area. We do not need a 4<sup>th</sup> that conflicts with the other. Please do the correct and right decision for the community and combine all 4 into one complete ordinance so there is no confusion over which new ordinance is governing. There will be no conflicts with one complete ordinance update. This ordinance is not ready, Planning claims there is a pilot program on the **Biological Assessment** Report that is not ready, but they want it included. How can some rule that is NOT AVAILABLE TO THE PUBLIC BE INCLUDED? It should not be! This is a huge reason this should not move forward as there is not full transparency to the public. I am all for protecting the wildlife I live near in Sherman oaks. This ordinance does not state what animals are or how it is protecting them. It is a building ordinance masquerading as helping the animals we love but it does not help them.

<https://www.foxnews.com/video/6316559469112>

<https://deadline.com/2022/11/mountain-lion-confronts-dog-walker-in-hollywood-hills-kills-animal-1235176986/>







Sadly, these attacks are on the rise in many areas, resulting in trauma, death, injury, unwanted euthanasia of wildlife, and big problems for cities, including lawsuits and creation of groups such as Evict Coyotes, <https://www.facebook.com/EvictCoyotes/>.

Huntington Beach: (<https://www.cbsnews.com/losangeles/news/family-of-two-year-old-girl-attacked-by-coyote-sues-city-of-huntington-beach/>)

Recently, wild animals have become bolder, attacking in broad daylight, around adults, likely because they are very hungry and thirsty. I feel for these animals, and wish them no harm since they are simply trying to survive. However, passing this ordinance in an attempt to put more wild animals in close proximity with human residents will only lead to more attacks. I urge you to reject this ordinance, so a more thoughtful, safer ordinance can be created to properly protect humans, pets and wild animals. We ALL deserve safety and thoughtful policy.

In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

From a more technical perspective, the ordinance is significantly flawed and its supporters are conflicted:

- The ordinance is incomplete. It has left out key pieces of information for the public to review and has failed to outline procedures to update the Resource Map. DCP states in the staff report "Following adoption of the Ordinance, additional administrative materials would be created to assist Project applicants with submittal requirements" (A-29). These include, but may not be limited to:
  - **Biological Assessment** – The residents have not been given this form to review and consider.
  - **Resource Map** – Currently a map is proposed, but DCP stated it would be updated annually. How will it be updated? Will the public receive advance notice have the opportunity to provide input? Can the City simply add back resources (such as ridgelines) that were removed from the previous version of the ordinance due to public opposition by updating the maps? What is the process to qualify as a resource?
  - **Site Plan Review** – The residents have not been provide the key components in the site plan review process. Will this be a standard form? Will it be tailored and reviewed with an architect and biologist?
- The ordinance still maintains regulations that will increase fire risks. The tree policies are not properly vetted.
- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

**Recommendation: Reject this ordinance. A Wildlife and Biodiversity Ordinance should never have been directed to a department that regulates building codes. If DCP were to redraft the ordinance, it would need to do the following, at a minimum: Take out all regulations that reduce existing "development capacity" in violation of**



**SB330. Specifically, the basement exemption, height regulations, surface area coverage and grading regulations need to remain unaltered from today's existing code. Add in the necessary administrative materials/procedural steps so stakeholders know what they are voting on. Add an educational component on how to live with wildlife, and remove fire hazards.**

The City has stated "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" (Page p-4). Homeowners take issue with the statement that "all due consideration" has been given to stakeholder input. While City Planning has an extensive bench of attorneys and consultants, we do not. (And if we hire anybody, we are accused of being developers.)

We are heavily regulated by multiple development ordinances, including the current expansion of the HCR. This area is criss-crossed and surrounded by some of the most heavily trafficked freeways in the country. The 405 Fwy, 101 Fwy, Benedict Canyon, Coldwater Canyon, Beverly Glen, Roscomare Canyon, Laurel Canyon all act as major commuter routes. Managing private property is not the way state and local initiatives are approaching their conservation policies.

Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Please add this to my previous remarks and I may add more.

Warmest regards,

Tom Materna

Senior Energy Consultant

Cell: 818-585-2061





Planning CPC &lt;cpc@lacity.org&gt;

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**RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE**

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Tiffany Pitoun &lt;tiffany.pitoun@gmail.com&gt;

Tue, Dec 6, 2022 at 4:20 PM

To: CPC@lacity.org

Dear CPC Members,

I am an affected property owner within the proposed Wildlife Supplemental Use District ("WLD"). The original City Council motion directed the Planning Department to develop an ordinance that would preserve and protect existing wildlife corridors and remaining undeveloped wildlife habitats. It would seem that the proposed Wildlife Ordinance, does not accomplish those goals. Instead it burdens homeowners with unnecessary development regulations.

When the revised proposed Wildlife Ordinance is applied to fully developed and well-established neighborhoods such as those found in the WLD, **it simply does not work**. **I oppose this ordinance due to existing fire safety issues, public safety issues, and violations of State law. Given the massive area this ordinance will be applied to, and regulations possibly resulting in increased animal deaths, this ordinance is not exempt from CEQA.**

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, I suggest the following:

In order to make the proposed Wildlife Ordinance better, and provide due process to the stakeholders, The Bel Air Ridge Homeowners Association suggests the following:

**A. Proper Due Process:****New Resource Buffer Categories**

City Planning Department should not be given the ability to add new Wildlife Resource Categories and new Resource Buffer Categories without treating them as amendments to the Wildlife Ordinance, requiring the same procedures as were followed with the Wildlife Ordinance. The City Planning Commission should not vote on the Wildlife Ordinance until details of the procedure have been available to the public for 30 days prior to the City Planning Commission consideration and vote.

**Administrative Clearance application form**

The City Planning Commission should not vote on the Wildlife Ordinance until the Administrative Application form has been available to the public for 30 days prior to the City Planning Commission consideration and vote.

**Biological Assessment** -Details of the Biological Assessment requirements have not yet been formulated by the Planning Department - these must be disclosed to the public at least 30 days prior to a City Planning Commission vote.

**B. Exemption of City from Wildlife Ordinance Regulation**

That Development by the City should NOT be exempt from the Wildlife Ordinance regulations



**C. Open Space Definition**

Clarification is needed for “utility easements”. The land under distribution lines on residential streets, for example, must not be included in this definition

**D. Applicability: New Construction, Major Remodels, Additions**

The Wildlife Ordinance should not apply to already developed lots. Smaller, older homes, like many of those in our neighborhood, will be unduly burdened.

**E. Regulations:****Overall height, Grading, Residential Floor Area and Lot Coverage**

Altering existing building code will result in a violation of State Law. The City needs to properly analyze loss of “development capacity” in the proposed Wildlife Supplemental Use District and concurrently up-zones elsewhere. This has not been done.

**Tree removal, replacement and dripline prohibitions**

Non-native Significant Trees should be removed from this Section. A 2-for-1 replacement scheme is a potential fire hazard and runs counter to CalFire recommendations and the Planning Department’s own Protection Areas For Wildlife Report.

Additionally, the Planning Department’s own staff report admits that trees contribute to bird/window collisions. **Note: Both the increased fire danger and the increased bird strikes disallow a California Environmental Quality Act exemption.**

**Trash Enclosures**

This section must be removed. There is no evidence that wildlife is accessing the existing Bureau of Sanitation supplied trash cans. Planning Department confirms these mandated structures would not be permitted in the front or side setbacks. Many homes have small rear yards and requiring the trash cans to be housed in these back yard is unsightly, smelly, unreasonably interferes with homeowners’ use of their property, and can be extremely difficult for people to navigate side yard steps.

**Site Plan Review**

7,500sf is too small to trigger this process. Specific Site Plan Review criteria should be substituted for, or added to, the subjective ones in the Wildlife Ordinance. Otherwise the amorphous and subjective guidelines may result in unequal application and potential graft.

Site Plan Reviewers should include a biologist with graduate degree, and a licensed architect, so as to ensure that reviewers have the requisite expertise for the task. **Public Safety and minimization of wildlife-human interactions should be included in criteria/guidelines.**

Thank you,

Resident:  
Tiffany Pitoun  
[2606 Claray Drive](#)  
[Los Angeles, CA 90077](#)

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Tiffany Pitoun



12/7/22, 7:58 PM

City of Los Angeles Mail - RE: CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE

[tiffany.pitoun@gmail.com](mailto:tiffany.pitoun@gmail.com)





Planning CPC <cpc@lacity.org>

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## Case numbers CPC-2022-3413-CA and CPC-2022-3712-ZC

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**Tala Toufanian** <ttoufanian@gmail.com>  
To: cpc@lacity.org

Tue, Dec 6, 2022 at 10:01 PM



December 6, 2022

From Affected Homeowner

RE: CPC-2022-3413-CA, CPC-2022-3712-ZC and ENV-2022-3414-CE

Dear Honorable Members of the CPC,

It is clear the majority of affected residents in the area are opposed to the ordinance, and for very good reason. In response to the attacks made by various commenters that the opposition of homeowners to the ordinance is some type of conspiracy of real estate developers, please be advised that this is not the case. This is a grassroots, volunteer outreach effort. We learned that we could not compete with the deep pockets and extensive donor networks of environmental and anti-development groups that are supporting the ordinance (whose members and donors mostly do not live here) so we pooled homeowners' resources through small donations to hire a lobbyist and law firm. But we have done this solely for the purpose of preserving our homes and protecting our families.

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- The ordinance violates the state's Housing Accountability Act, and the HCD has notified City Planning of the specific violations. The current draft is still not in compliance with SB330/ SB8.
- The City passed a resolution on November 3, 2022 that, among other things, makes the Santa Monica Mountains Conservancy a trustee agency pursuant to CEQA. This would require the City of Los Angeles to notify and consult with SMMC at various points in the CEQA review process on projects that may affect natural resources within the Santa Monica Mountains Zone, as defined in the Conservancy Act. The purpose of the SMMC is to manage parkland, not neighborhoods. "BE IT FURTHER RESOLVED, that the City of Los Angeles hereby recognizes the Big Wild-Topanga State Park, Eastern Santa Monica Mountains, and Griffith Park Area Habitat Linkage Habitat Linkage Planning Maps as well as future spatial habitat protection maps prepared by SMMC to ensure the protection and conservation of sensitive habitat areas." If the City wants to treat our neighborhoods as a park, it should consider using eminent domain rather than undertaking what is in effect a taking through regulation.

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Please stop this ordinance from moving forward. On page A-33, the staff report states "it is envisioned that it could be applied to identified PAWS throughout the city." There has already been over \$500k allocated in the city budget for its expansion. This ordinance is not ready to be applied anywhere, let alone be considered for expansion. Save 100,000s of homeowners, pets and children who are not harming wildlife and trees, and please reject this ordinance.

**Recommendation: Suggest the Councilman's office ban poison/rodenticides and create/negotiate wildlife conservation easements.**

Thank you for your time and consideration,

Tala Jayadevan

[2108 Linda Flora Drive, Los Angeles, CA 90077](#)





Planning CPC &lt;cpc@lacity.org&gt;

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## **SUPPORT for the LA Wildlife Ordinance, AMENDED. CPC-2022-3413-CA, CPC-2022-3712-ZC, and ENV-2022-3414-CE**

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**Udy Epstein** <udy@7thart.com>

To: cpc@lacity.org

Cc: +info@coyotl.macehualli.org

Wed, Dec 7, 2022 at 6:58 AM

Dear City Planning Commissioners,

I support the proposed LA Wildlife Ordinance, please amend with the following to create a more equitable ordinance:

- Due to the urgency of climate change and the assault on our environmental resources, the ordinance should be expanded to all areas of Los Angeles as a matter of urgency. The City Council has already passed a motion that provides the funds and staff positions needed for the expansion to occur.

- Remove the exemption for lot coverage on R1 and R2 zoned parcels. This exemption is an environmental and land use injustice. Communities of color in Northeast Los Angeles (NELA) have been marginalized with redlining in the recent past and now the exemptions will deprive our communities the ability to preserve wildlife. The average home and parcel size in NELA is much smaller than the more affluent West LA pilot district. Exempting parcels based on zoning destabilizes equity and the environmental sustainability of Los Angeles.

- The narrowly defined "Wildlife Resource" trigger is weak and not inclusive. Site Plan Review will NOT be triggered for a substantial amount of development projects resulting in significant habitat loss. The following additional "habitat triggers" will strengthen and include the protection of more habitat:

- o Presence of "habitat for protected species" per Govt Code Section 65913.4(a)(6)(J) 5

- o Proposed removal of 3 or more protected or significant trees

Please approve this historic ordinance with the above amendments. This approval will be crucial in order for the city and state to achieve its environmental goals and protect its natural life, ecology, and citizens alike for generations to come.

Sincerely,

Udy Epstein  
LA resident 90042





Planning CPC &lt;cpc@lacity.org&gt;

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**CPC-2018-2223-CU**

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**Jeiran Lashai** <jeiran@jeiranlashai.com>  
To: correy.kitchens@lacity.org  
Cc: cpc@lacity.org

Thu, Dec 8, 2022 at 11:28 AM

**Good Morning,**

**I have been on the zoom this morning but unfortunately, I now have to go to a meeting. I am writing my comments regarding the case for William Marsh below.**

**Roxie Forbes died in 2019 in front of my son at summer camp in Pasadena. Almost 900 children drown every year in the US. Drowning is the #1 cause of unintentional death for children between the ages of 1-4 - with the most common cause within that being the lack of swimming ability**

**There are many people that teach swim lessons to children in the community, but there are not many that give the community access to true water safety classes. I was a nationally ranked competitive swimmer and used my skills to teach swimming while in college and I do not have the same set of skills that Bill Marsh has. As a result of his classes, my son survived an accidental fall into a pool at 18 months. He had opened a slider and landed himself in the pool and was able to swim to the edge. This is a priceless service. I wish families like Roxie's had had access to someone like Bill. I am forever grateful for his service in our community.**

**- Dr. Jeiran Lashai**





Planning CPC &lt;cpc@lacity.org&gt;

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## Hearing Submission for William Marsh/Swim to Bill

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**Megan Katz** <meganmusic11@yahoo.com>

Thu, Dec 8, 2022 at 10:59 AM

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

CITY PLANNING COMMISSION  
REGULAR MEETING AGENDA  
THURSDAY, DECEMBER 8, 2022 AFTER 8:30 A.M.  
(via TELECONFERENCE)

Hello, I am not able to attend the hearing listed above, but I would like to register my enthusiastic support of William Marsh (Swim to Bill) in his pursuit of a permit to teach swimming in his home pool. Bill taught my daughter to swim 7 years ago when she was 5 years old. We had an excellent experience with the swim lessons, but additionally, Bill was very conscientious about accommodating his neighbors.

I pulled this quote from an email he sent me on 6/28/2015: "please park on the same side of the street as my house and close to the curb if you have a SUV". He went on to explain that we should park carefully, keeping in mind the width of the street and leaving room for other cars to pass by.

Bill is also an extremely calming and serene presence, so no matter how a child (or parent) feels about the pool, he models tranquility and that trait spreads to his swimmers.

I feel that Bill provides a service that is of the utmost importance to our community. Swimming safety is important anywhere, but especially in southern California where both gated and ungated pools abound. Bill is literally helping to save lives.

Please grant Bill's request for a permit to teach swimming in his home pool and help him continue to teach children this life-saving skill.

Thank you.

-Megan Katz





Planning CPC &lt;cpc@lacity.org&gt;

## CD4 Comments on Items 6, 7, and 9 for 12/8/2022 CPC Meeting

**Mashaël Majid** <mashaël.majid@lacity.org>

Thu, Dec 8, 2022 at 12:01 PM

To: Planning CPC <cpc@lacity.org>, Cecilia Lamas <cecilia.lamas@lacity.org>

Cc: Andrea Conant <andrea.conant@lacity.org>

Dear Honorable City Planning Commissioners,

I hope this note finds you well. I am reaching out on behalf of Council District 4 to share our thoughts for Item 6 (CPC-2022-3413-CA), Item 7 (CPC-2022-3712-ZC), and Item 9 (CPC-2018-2223-CU), all being considered at the December 8, 2022 City Planning Commission meeting.

### **Item 6 (CPC-2022-3413-CA) and Item 7 (CPC-2022-3712-ZC)**

One of the most incredible things about Los Angeles is that, even as a major city, it is home to a wealth of wildlife, native plants, and environmentally significant land. We are proud to represent a district that features prevalent and unique hillside geographies, most notably along the Santa Monica Mountains range. As such, we deal with numerous development challenges— notably, projects that push for out-of-scale development requiring excessive grading, mature and protected tree removals, and wildlife habitat disruption. This overdevelopment not only directly negatively impacts our local ecology and wildlife, it also burdens our constituents to an untenable degree with larger projects requiring more grading, longer and more complicated construction, with the resulting mansions affordable to only the super-wealthy.

This is why having robust and effective hillside policies remains a key priority for Councilmember Raman. In the last two years, we have successfully:

- Applied Hillside Construction Regulations to three new neighborhoods;
- Co-sponsored motions and resolutions directing city departments to:
  - Develop a comprehensive regional wildlife habitat connectivity plan in partnership with neighboring jurisdictions and organizations,
  - Put together a detailed work plan and timeline for incorporating environmental justice values, metrics, and policy programs through updates to the General Plan or the creation of a standalone Environmental Justice Element,
  - Consult with the Santa Monica Mountains Conservancy on any draft negative declarations and environmental impact reports under CEQA for any project within the Santa Monica Mountains Zone
  - And supported state legislation notifying counties and cities to update their local Open Space Elements by 2026.
- Instructed city departments to direct growth away from hillside areas, supported policies for open space preservation and opportunities for rezoning city-owned surplus land in hillside areas for open space, and advocated for stronger safety regulations, especially in high risk fire hazard, earthquake, and landslide prone areas through the proposed Housing Element, Community Plans, and Safety Element updates;

At the ground level, we dissect and weigh in on numerous development projects in the hillsides to ensure that they have gone through comprehensive environmental reviews as required and are modified to fit the needs and suitability of sensitive topographies.

The Draft Wildlife Ordinance presents a critical opportunity to create sensible regulations that help us address hillside issues and climate resiliency goals on a more systemic level. While this effort predates our time in office by many years, we are incredibly encouraged at the high level of engagement by community stakeholders, various city departments, and local and regional elected officials on this topic in order to create a practical policy.

We want to especially express our gratitude to the Planning Department for all of their work on this process. Prior to today, we worked with the Planning Department to ensure that there were comprehensive public materials, including fact sheets and maps available for residents about this ordinance and its potential impacts, which they have updated to address substantive comments, questions, concerns, and suggestions as this draft ordinance continues to take shape.

The latest Draft Wildlife Ordinance helps address key concerns from local stakeholders regarding small lots, site plan review, project definition and applicability, fencing standards, and setbacks among other components. Of note, the Ordinance includes rigorous grading standards, an overall height standard throughout the pilot area, and calculating



basements as part of the total residential floor area, all of which are important levers in controlling the size and scale of development.

For Site Plan Review, we appreciate the addition of a required biological assessment and hope there can be a consideration to reduce the review threshold size to ensure that any oversized development project is adequately captured and reviewed. We would also like to see the definition of "Open Space" in the previous version restored to include City-owned vacant land.

We respectfully ask that you consider this feedback in your deliberative process and look forward to listening in and taking note of today's discussion and public comments.

**Item 9 (CPC-2018-2223-CU)**

As previously shared with Department of City Planning staff, the Council Office has received concerns from immediate neighbors regarding Swim to Bill, located at [3477 North Laurelvale Drive](#) in Studio City in the RE15-1-H zone, and the Conditional Use Permit entitlement request. To our understanding, Swim to Bill has been in operation on and off since 2010 without proper city-approved permits or approvals, including after receiving orders to comply from the Department of Building and Safety.

Constituents have shared concerns regarding: excessive and amplified noise from the school in an otherwise quiet residential neighborhood, lack of available parking along an exceedingly narrow street in a very high fire severity hillside area that terminates in a cul-de-sac, a commercial business functioning for years without proper permits or use approvals, a lack of privacy for abutting neighbors, a lack of building permits required for accessibility and code compliance, and a lack of compatibility with residential uses in the area.

As a matter of land use approval, we want to ensure that the conditions of approval adequately address grievances and concerns raised by residents, and that the conditions are set out in a way that is able to be properly monitored and enforced by our city departments. We are also aware that a proposed use such as this in a single-family residential zone is being requested in a context where companies like Swingly are increasing operations in Los Angeles.

We respectfully ask that you consider this feedback in your deliberative process.

--

**Mashaal Majid**

Planning Director

[councildistrict4.lacity.org](http://councildistrict4.lacity.org)



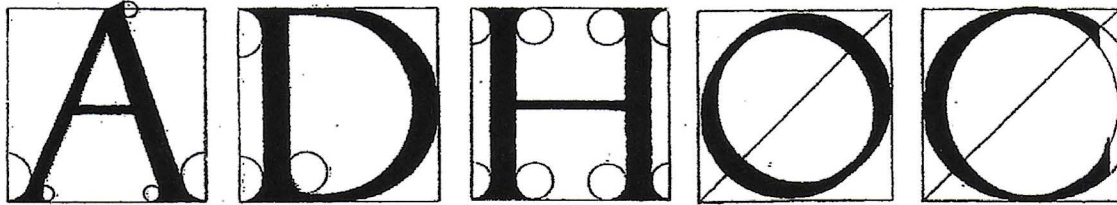
**NITHYA  
RAMAN**

| Los Angeles  
★ City Councilmember  
| 4th District

\*\*\*\*\*

DISCLOSURE: All emails sent to or from this account (including any attachments) are subject to the California Public Records Act and may be released upon request.





## ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE

### CITY PLANNING COMMISSION

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007

December 07, 2022

Honorable Commissioners

Unfortunately this afternoon I received an email "Planning CPC" informing me that my ADHOC comment letter (12/5/22) of 7-pages of photographs of the Los Angeles Historic Cultural Monuments that align the streetscape of historic Scarff Street had been rejected as "non-compliant". This was most distressing since I have spent some time creating the montage that will now only be available to you somewhere in the case-file. I have decided to omit my planned remarks and re-submit the pages in a condensed format.

The photo pages are from; "**LAND MARK L.A. Historic Cultural Monuments of Los Angeles**", a project of the Cultural Affairs Department of the City of Los Angeles. Nine of our City's HCMs, front along Scarff Street proper,

## ADHOC ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE

### CITY PLANNING COMMISSION

Public Hearing: December 08, 2022

Case No. ZA-2021-6672-DB-CU-CCMP-HCA

ENV Case No. ENV-2021-6671-6673

Address: 2323 Scarff Street, Los Angeles, 90007

Council District: CD-1

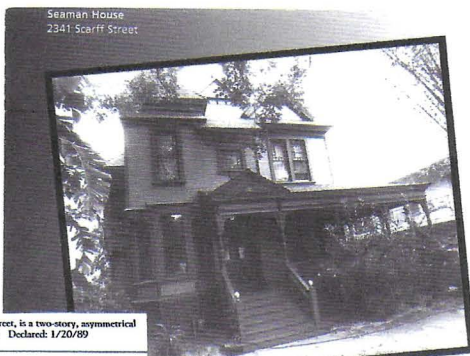
Certified NC: NANDC South Los Angeles Empowerment Congress North Area North

Honorable Commissioners

AS Chair of the ADAMS DOCKWEILER HERITAGE ORGANIZING COMMITTEE I have had the privilege to successfully nominate over three-dozen Los Angeles Historic Cultural Monument's. The majority are located throughout the historic West Adams Heritage neighborhoods. Eleven LA-HCM's are found along the historic Scarff Streetscape.

The following photo pages are from: "**LAND MARK L.A. Historic Cultural Monuments of Los Angeles**", a project of the Cultural Affairs Department of the City of Los Angeles. Nine of our City's HCMs, front along Scarff Street proper. Two however are sited on corners of the crossing streets: St. James Park, Adams Boulevard, and have abutting side yard along the east side of Scarff Street. (Please note that their description include number of stories, check with the submission.) Respectfully

Jim Childs



408. SEAMAN HOUSE, 2341 Scarff Street, is a two-story, asymmetrical Queen Anne residence built in 1888. Declared: 1/20/89

408

318

1.

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## CITY OF LOS ANGELES CALIFORNIA



TOM BRADLEY  
MAYOR

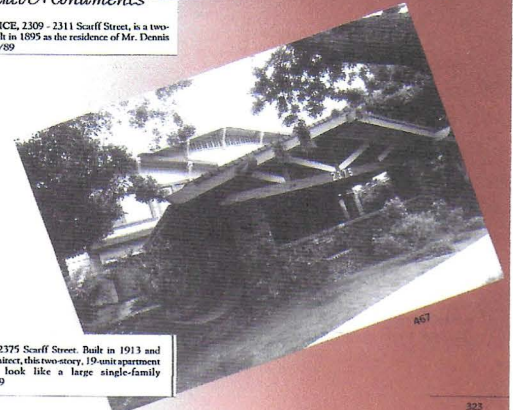
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DAVE KROH CITY MANAGER  
LOS ANGELES, CA 90012  
213-340-2433  
ADOLFO V. NODAL  
DEPUTY MANAGER  
RODNEY PUNT  
ASSISTANT GENERAL MANAGER



WEST ADAMS

### Historic Cultural Monuments

409. BURKHALTER RESIDENCE, 2309 - 2311 Scarff Street, is a two-story, Queen Anne house built in 1895 as the residence of Mr. Dennis Burkhalter. Declared: 1/20/89



467. CHALET APARTMENTS, 2375 Scarff Street. Built in 1913 and designed by Frank M. Tyler, architect, this two-story, 19-unit apartment complex was designed to look like a large single-family residence. Declared: 10/27/89

2.

323



# A D H O C

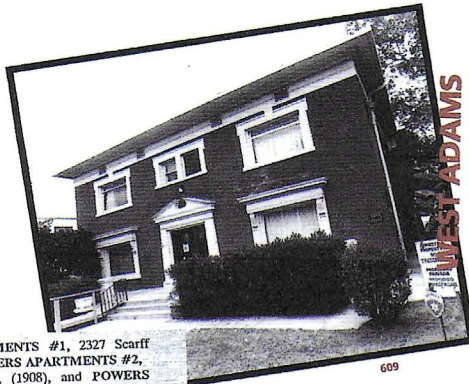
## CITY OF LOS ANGELES CALIFORNIA



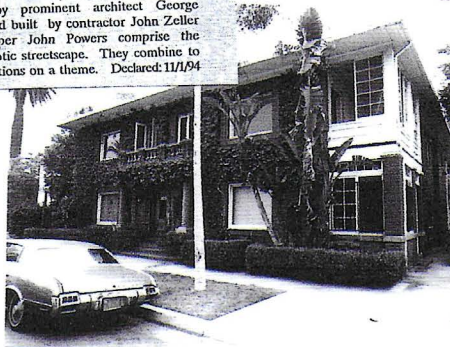
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MAYOR

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607. POWERS APARTMENTS #1, 2327 Scarff Street (1908), POWERS APARTMENTS #2, 2326 Scarff Street, (1908), and POWERS APARTMENTS #3, 2310 Scarff Street (1910). These three Prairie style apartment buildings designed by prominent architect George Wyman, and built by contractor John Zeller for developer John Powers comprise the Powers triptic streetscape. They combine to form variations on a theme. Declared: 11/1/94



3.

## CITY OF LOS ANGELES CALIFORNIA

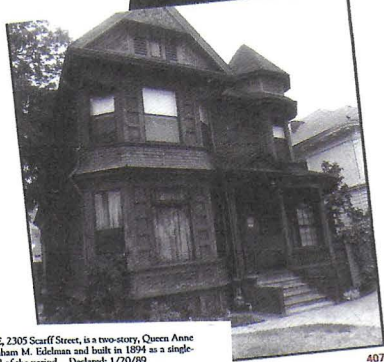
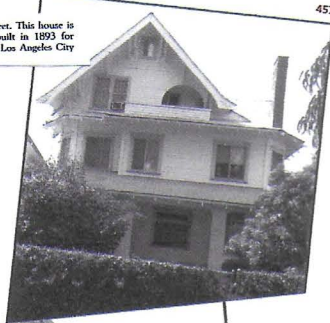


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457. FREEMAN G. TEED HOUSE, 2365 Scarff Street. This house is a two-and-one-half-story, Craftsman-style house built in 1893 for Freeman G. Teed, who held various offices in the Los Angeles City government. Declared: 10/24/89



407. SEYLER RESIDENCE, 2305 Scarff Street, is a two-story, Queen Anne house designed by Abraham M. Edelman and built in 1894 as a single-family home; it is typical of the period. Declared: 1/20/89

5.

## CITY OF LOS ANGELES CALIFORNIA

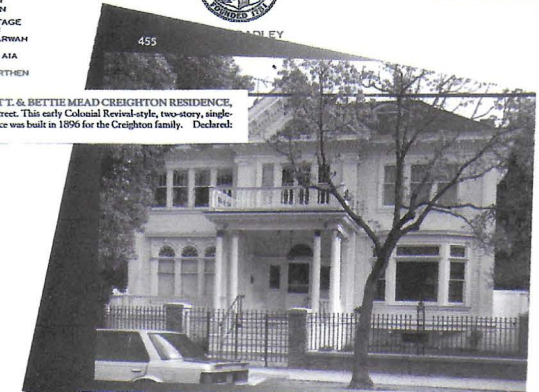


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MAYOR

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455. MARGARET T. & BETTIE MEAD CREIGHTON RESIDENCE, 2342 Scarff Street. This early Colonial Revival-style, two-story, single-family residence was built in 1896 for the Creighton family. Declared: 10/24/89



4.

## CITY OF LOS ANGELES CALIFORNIA

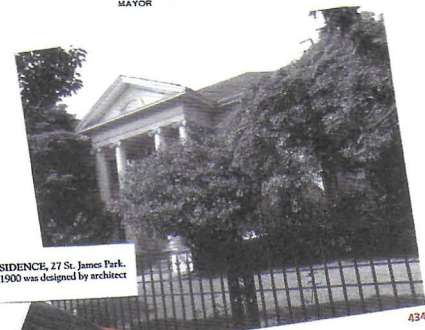


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434. COLONEL JOHN E. STEARNS RESIDENCE, 27 St. James Park. This Classical Revival residence built in 1900 was designed by architect John Parkinson. Declared: 5/16/89



456. EZRA T. STIMSON HOUSE, 839 West Adams Boulevard. This large Tudor Revival house was built in 1901 for Ezra T. Stimson and designed by architect Frederick Roehrig. Declared: 10/24/89

WEST ADAMS

6.





Planning CPC &lt;cpc@lacity.org&gt;

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**ZA-2021-6672-CU-CCMP-DB-HCA-1A**

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**catherine m estrada** <simpaticostudiola@gmail.com>

Thu, Dec 8, 2022 at 12:08 AM

To: "cpc@lacity.org" &lt;cpc@lacity.org&gt;

Cc: Rafael Fontes &lt;rafael.fontes@lacity.org&gt;

Public Hearing: December 8, 2022

Address: 2323 Scarf Street

Los Angeles, CA 90007

Honorable Commissioners,

The project in question may be consistent with the "General Plan" land use, however since it also resides in the Neighborhood Stabilization Overlay, the University Park Historic Preservation Overlay and the St. James Park National Register District. It in no way, shape or form belongs at 2323 Scarf St.

The West Adams Heritage Association (WAHA), the Adams Dockweiler Heritage Organizing Committee (ADHOC), Gary Kousnetz and many other historic experts in the area have written very specifically and clearly as to why this project fails to meet the area's historic fabric. I am in full agreement with them and support their arguments. The integrity of this historic district will be adversely affected due to the height, mass and density of this project as the University Park HPOZ Board has made clear in their statement regarding this project based on specific facts of the Preservation Plan.

As a stakeholder of University Park, as a sitting University Park Board member, I am in opposition of this project being built without significant changes in order to preserve and protect the historic fabric of my historic neighborhood.

Deny this project. It is not compatible with the National Register District nor does it comply with the University Park Preservation Plan. To say that it does can only be done by false statements and distorted interpretations.

Most Sincerely,

Cathy Estrada

University Park Stakeholder

University Park HPOZ Board member





**Thryeris Mason**  
President

**Julianne Burg**  
Vice President

**Samantha Burg**  
Secretary

**Julie Burg**  
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**Joe Vaca**  
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Representative

**Marco Flores**  
Area 1  
Representative

**David Greenman**  
Area 2  
Representative

**Mehul Patel**  
Area 2  
Representative

**Jean Frost**  
Area 3  
Representative

**Nicolas Creighton**  
Area 3  
Representative

**Cindy Gaete**  
At Large  
Representative

**Jon Tieu**  
At Large  
Representative

**Jim Childs**  
At Large  
Representative

**Vacant**  
USC Interest  
Representative

**Joe Ward-Wallace**  
Business Interest  
Representative

April 13, 2022

Via email: [Rafael.Fontes@lacity.org](mailto:Rafael.Fontes@lacity.org)

Rafael Fontes  
Zoning Administrator  
City Hall  
200 N. Spring Street  
LA, CA 90012

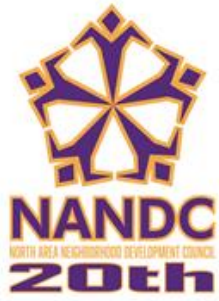
**RE: ZA-2021-6672-DB-CU-CCMP-HCA, CEQA No.: ENV-2021-6673-CE**

Dear Mr. Fontes:

On behalf of the Empowerment Congress North Area Neighborhood Development Council (NANDC), we submit the following comments in opposition to the development proposed for 2323 Scarff Street and its entitlements. The request is for the construction, maintenance, and use of a 10-unit (5-5 BR, 5-4 BR), four story apartment, with a density bonus, requesting 2 on menu incentives, (35% height increase and 20% open space reduction, a CUP to comply with the NSO, a CCMP to comply with the HPOZ. One unit, or 10% of the unit total, will be set aside for Very Low-Income households.

The NANDC Board met on April 7, 2022. By unanimous vote (14-0) the NANDC Board moved to support the University Park HPOZ Board recommendation and deny the DB, CU and CCMP for this project as the project does not conform to the HPOZ Preservation Plan, finds that the current project would have severe adverse effects on the historic district and the surrounding community, and finds that a categorical exemption is not adequate.





The NANDC Policy Committee met on March 22 to review the project and make a recommendation to the full Board. The developers, Henry Fan and Charles Kim, presented their project stating they are using SB1818 to build a 10 unit building with five 5-bedroom and four 4-bedroom units with the 35% height increase and a 20% open space reduction. One unit will be affordable to account for their density bonus.

Two HPOZ Board members, Chair David Raposa and Secretary Mark Malan, were present to answer questions about the University Park Preservation Plan and the HPOZ Board decision. Chair Raposa noted that for the first time in his 20 years on the board he has never had as much negative feedback to a project as he has with this one, and after many hours of deliberation and research, the HPOZ board voted unanimously against this project.

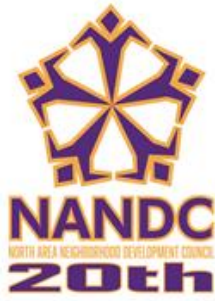
Numerous stakeholders via ZOOM and telephone raised issues of scale, massing, compatibility, volume, height, safety and failure to comply with the University Park Preservation Plan. Cathy Estrada reminded those in attendance that although the project may be in line with state bonuses, it is still required to conform with the preservation guidelines. Laura Meyers echoed this, pointing out that state legislation has carve outs for historic neighborhoods and that this project has not been given a waiver on that nor can they obtain such a waiver.

The Developer Charles Kim restated that he believes his project to be by right; he thinks he has made enough accommodations and does not intend to do more.

The Policy Committee by a vote of 8 ayes and 0 nays recommended that the NANDC Board oppose the project and its entitlements, that it does not conform to the HPOZ Preservation Plan, finds that the current project would have severe adverse effects on the historic district and the surrounding community, and finds that a categorical exemption is not adequate.

NANDC urges the ZA to deny the entitlements requested.





NANDC is a self-governed, self-directed, and independent organization empowered by the Los Angeles City Charter. This charter offers neighborhood councils a role in the City's decision-making process. NANDC was certified by the City of Los Angeles on April 27, 2002 and was the 24th neighborhood council formed under the guidelines of the City Charter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thryeris Mason".

Thryeris Mason, President  
Empowerment Congress North Area Development Council (NANDC)  
[www.NANDC.com](http://www.NANDC.com)