



June 16, 2023

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**PLUM COMMITTEE CONSIDERATION ITEMS FOR THE PROPOSED WILDLIFE DISTRICT ORDINANCE; CF 14-0518; CASE NO. CPC-2022-3413-CA; CPC-2022-3712-ZC**

This memorandum has been prepared in response to a letter from Council Districts 4 and 5 dated June 13, 2023, and includes three sections: a discussion of potential modifications to the proposed ordinance for consideration by the PLUM Committee, responses to additional topics raised in the letter from the Council offices, and potential additional actions for consideration.

**A. Modification for Consideration**

This report includes for City Council consideration optional modifications (Council Modifications) to the City Planning Commission's (CPC) recommendations on the proposed Wildlife Ordinance that were transmitted to the City Council on January 18, 2023. Additions to the proposed ordinance are proposed in response to the letter dated June 13, 2023 from Council Districts 4 and 5 and indicated by underlined text and deletions to a proposed ordinance are indicated by strikethrough.

1. Amend the definition of Open Space in Sec. 13.21 D to read as follows:

**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, trails, scenic highway corridors; and/or (4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement. Open Space shall also include City-owned property that is vacant as of the effective date of this ordinance

2. Modify the Residential Floor Area provisions contained in Section 13.21F.1(d)(2) to read as follows:

(i) ~~Within Wildlife Districts, no more than 1,000 square feet of Basement area, where the height from the finished floor of the Basement to the finished ceiling of the Basement does not exceed ten (10) feet, may be exempted from Residential Floor Area calculations. Any portion of a Basement area which exceeds 1,000 square feet or ten feet (10) in height from the finished floor of the Basement to the finished ceiling of the Basement shall count toward maximum allowable floor area.~~ Within Wildlife Districts, the Basement exemption contained within the Residential Floor Area definition in Section 12.03 shall not apply.

(ii) Allocation of Residential Floor Area for Slopes in Excess of 60%. Notwithstanding Section 12.21.C.10(b) Table 12.21 C.10-2a, Residential Floor Area (RFA) contained in all Buildings and Accessory Buildings shall not be allocated for slope bands greater than 60%.

3. Amend the requirement for a Biological Assessment in Sec. 13.21 F.2(b)(1) to read as follows:

**(1)** A Biological Assessment, which must be prepared by a Qualified Biologist, is required for any Project proposed within a Wildlife Resource or its buffer, as shown on the Wildlife Resources Map.

4. Amend Sec. 13.21 F.2(b)(3)(i), for consistency, to read as follows:

(i) A Biological Assessment, which must be prepared by a Qualified Biologist, is required for any Project within a Wildlife Resource or its Buffer.

5. Amend the Review Procedures for Projects in Wildlife Districts in Section 13.21.H.1 to provide examples of required application materials, as follows:

#### **H. Review Procedures for Projects in Wildlife Districts.**

**1. Application.** All Projects proposed within a WLD District shall be submitted for approval with a WLD application and form available at the Planning Department's Development Services Counter. Prior to deeming the application complete, the Director shall determine and advise the applicant, if necessary, of the processes to be followed, materials to be submitted, and fees to be paid. Applications filed must include all of the information required by the Department, including any information required by the instructions on an application form and any applicable adopted guidelines. All applications shall be made on forms prepared by and available from the Department. The granting of the WLD approval shall not imply or be deemed to constitute compliance within any other applicable provisions of this Code.

## **B. Discussion of Additional Topics**

This report also includes Discussion of Additional Topics including:

### *1. Modifications to the definition of Open Space*

The Wildlife Ordinance has two broad categories of Wildlife Resources— water sources and open space. Open Space is defined in the ordinance as “Any parcel or area of land or water that is zoned or designated for Open Space, essentially unimproved and devoted to an open-space use, including: (1) protected areas for preservation of natural resources, e.g., preservation of flora and fauna, animal habitats, bird flyways, ecologic and other scientific study areas, watershed; (2) managed production of resources, e.g., recharge of ground water basins or containing mineral deposits that are in short supply; (3) outdoor recreation, e.g., beaches, waterways, trails, scenic highway corridors; and/or (4) public health and safety, e.g., flood, seismic, geologic or fire hazard zones, air quality enhancement.” The June 13th letter from Council Districts 4 and 5 requests an additional provision be added to include City-owned vacant property to this definition. This change would ensure that these properties also trigger buffer thresholds since they are often undeveloped properties with vegetation and trees providing important habitat potential. Amending this definition will add approximately 300 parcels to the Open Space mapped parcels of the Wildlife District Wildlife Resources Map, with the result of adding resource buffers to about 1,000 additional parcels. If this change is included in the Council’s action, Department of City Planning (DCP) staff will work to prepare the updated map along with the final ordinance.

### *2. Biological Resource Assessments*

DCP currently requires various levels of biological review for certain discretionary projects subject to environmental analysis under the California Environmental Quality Act (CEQA), such as selected hillside and coastal projects proposing removal of native vegetation and/or trees. Forms, templates, and instructions have been created by DCP and are provided to applicants.

Since early 2020, DCP staff have worked to create standardized protocols and templates pertaining to Biological Resources, which were modeled after Los Angeles County and San Diego County biological assessments and California Department of Fish and Wildlife (CDFW) protocols. These forms and templates represent several levels of required documentation, ranging from an Owner’s Declaration of Biological Resources or a Biologist’s Statement, to a Biological Resources Report, depending on the proposed project and existing site conditions. These documents have been revised based on both feedback and consultation with Qualified

Biologists, City staff, the California Department of Fish and Wildlife, and the Santa Monica Mountains Conservancy (SMMC), and were subsequently published onto the Forms page of the DCP website in January 2023.

With the proposed Wildlife Ordinance, Biological Resource Assessments would be required if a proposed project is within a Wildlife Resource and/or a Wildlife Resource Buffer, as well as when Site Plan Review (SPR) is triggered. The requirement for a Biological Resource Assessment will assist in identifying resources on proposed project sites (e.g., identification of trees/woodlands, etc.). A Qualified Biologist is required to complete Biological Resource Assessments per current City Planning practice. The City is currently using LA County's Qualified Biologist List while working to develop a Qualified Biologist List for the City to provide applicants with contracting biologists that meet qualifications. This process will ensure that Biological Resource Assessments are performed in a standard manner by a qualified professional.

### *3. Tree reporting standards and tree removal review*

The Wildlife Ordinance proposes more review for projects that will affect existing trees. Tree Removal is one of the Project Types proposed under the Wildlife Ordinance that will require additional review for development projects located within the Proposed Wildlife District. As proposed, Tree Removal includes the removal of any Protected Tree, Significant Tree or tree within the public right-of-way (Street Tree). The City currently has procedures and some regulations in place for Protected Trees and Street Trees. Significant Trees, those that are mature (measuring more than 12 inches in diameter) that are located on privately-owned property are currently only regulated within the Mount Washington-Glassell Park Specific Plan area of the City.

Los Angeles Municipal Code (LAMC) Section 46.00 requires disclosure and protection of *certain trees* located on private and public property, and that the trees be shown on submitted and approved site plans. City Planning continues to coordinate with Urban Forestry and Building and Safety to ensure that existing trees are disclosed as early as possible and identified on permit and development applications so that projects may go through the appropriate tree review process. There is shared responsibility across City Planning, Urban Forestry, and Building and Safety to implement the tree review process and conduct environmental review for discretionary actions due to limited staff resources.

The effect of adding Tree Removal to the Project types will be to ensure that tree removals are identified early in the development review process, even for ministerial projects. Today, disclosure of trees on sites is not required of all development activity in the hillsides, such as grading and by-right development. This will provide an incentive to design projects to retain trees on site and will trigger City review of those projects that involve tree removals.

### *4. Application materials, forms and requirements for project applications*

As described in sections 3 and 4 above, many improvements have been integrated into project review in the hillsides with respect to Biological Assessments and tree review. DCP staff continue to work with the Department of Building and Safety and Bureau of Street Services' Urban Forestry Division to update procedures for project referrals and review and will follow up with the preparation of a Wildlife Application Instructions form to be made available on the DCP website. This application form will identify the information required by the Department for review.

In regards to additional details on application material requirements, as requested in the June 13th letter from Council Districts 4 and 5, DCP anticipates that application materials may include such items as site plans, landscape plans, tree disclosures and/or reports, and lighting and window schedules, and other items identified by the Director of Planning. In order to ensure consistency with future Code modifications with the implementation of the recently adopted Processes and Procedures Ordinance and to allow the Department to update and revise application forms and instructions as needed, an optional modification to the Ordinance has been provided for consideration in Section A of this report, as follows:

*Applications filed must include all of the information required by the Department, including any information required by the instructions on an application form and any applicable adopted guidelines. All applications shall be made on forms prepared by and available from the Department.*

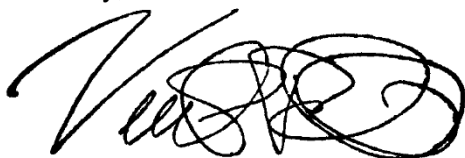
A detailed list of the application materials and documentation required will be made available on forms accessible on the Department website and at our City's Development Services Center locations. Examples of Application Filing Instructions and Application Checklist for Ministerial Review forms prepared by City Planning and currently in use can be viewed for the Mulholland Scenic Corridor Specific Plan and River Implementation Overlay (RIO).

### **C. Additional Actions for Consideration**

The PLUM Committee is requested to consider incorporating the following additional instructions to City Staff:

1. Direct City Planning to proactively create a vetted list of registered Qualified Biologists that applicants may select from and that is maintained and updated by the department.
2. Direct City Planning, the Department of Building and Safety, the Bureau of Street Services, the Urban Forestry Division of the Public Works Department, and any other relevant departments and units, to report back on resources needed, including the creation of a Hillside Development Review Unit, to implement the Ordinance upon its completion following the Form and Legality process.
3. Direct the City Attorney to prepare the Ordinance for form and legality.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vincent P. Bertoni', with a large, stylized flourish at the end.

VINCENT P. BERTONI, AICP  
Director of Planning