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November 28, 2022

VIA EMAIL

President Millman, and Honorable Members of the City
Planning Commission
City of Los Angeles, Department of City Planning
200 N Spring Street
Los Angeles, CA 90012
E-Mail: CPC@lacity.org

Re: **Expert Report Regarding Biology and Scientific Methodology of the
Proposed Wildlife Pilot Study Zone Change Ordinance**
Case No(s). CPC-2022-3413-CA and CPC-2022-3712-ZC
Env. Case No. ENV-2022-3414-CE
City Council File No. 14-0518

President Millman and Honorable Members of the City Planning Commission:

This office represents *Neighbors for Hillside Safety*, an unincorporated association of homeowners, residents, and stakeholders, who live and work within the proposed Wildlife Ordinance District being considered as part of the City's Wildlife Pilot Study and the associated Wildlife Ordinance District (the "Ordinance").¹ This follows our previous letters dated August 22, 2022 (providing comprehensive comments to the Ordinance), November 10, 2022 (focusing on CEQA and Housing Crisis Act issues), and November 14, 2022 (focusing on biological, methodological, and scientific issues).

Our November 14 letter attached a summary analysis from ECORP Consulting, Inc, who conducted a detailed analysis of the Ordinance and the cited source materials. Following up on this summary, ECORP Consulting, Inc.'s completed full report is attached to this letter as Exhibit 1 for your review and consideration. Significantly, this report confirms our suspicions that (i) the City did not rely on peer-reviewed science in preparing the Ordinance; (ii) the Ordinance is designed primarily to regulate development instead of actually improving habitat; and (iii) the Ordinance would likely harm more wildlife that it would help, by drawing wildlife into hazardous urbanized areas that wildlife should be encouraged to avoid.

Notably, the ECORP Report concludes that "the City proposes to micromanage the small, constrained, and fragmented habitat areas for the benefit of wildlife and wildlife movement but they provide **no**

¹ We also represent 9922 LLC, a resident/homeowner in the proposed district, and Ardie Tavangarian, an architect/homeowner with 40+ years of experience building homes in the affected communities.

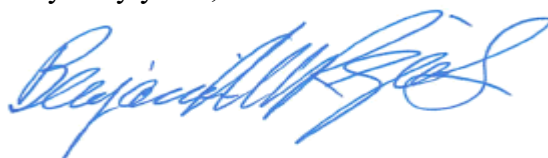
scientific evidence that there would be a direct benefit to wildlife in an area dominated by human influences. The City has not accurately mapped wildlife resources or conducted scientific studies to determine the use of proposed Wildlife Movement Pathways (WMP) by wildlife. Without scientific studies to determine the most viable WMPs in the Wildlife District that are critical to wildlife passage, the City is just speculating about areas that should be preserved based on a human perspective. The City intends to subject homeowners who plan development projects on properties where the City speculates these wildlife resource might occur to rigorous regulations without the scientific backup that proves the Ordinance regulations will be effective."

The ECORP Report also provides some recommendations regarding source materials that the City can review, analyze, and use, in order to improve the efficacy of the proposed Ordinance. It specifically notes that the development standards proposed in the Ordinance "appear to be more of an infringement on landowners' rights to develop their properties than beneficial measures designed to protect wildlife habitat and movement. The City does not provide any scientific evidence supporting the inclusion of the development standards and regulations related to lot coverage, floor area, grading, and building height limitations in the Ordinance and how those standards and regulations would benefit wildlife habitat and wildlife movement."

Finally, the report concluded that this Ordinance may in fact be more detrimental to wildlife, than beneficial. For instance, the report explains that this Ordinance could result in an increase in "mortalities and injuries of wildlife on freeways and roads and a much higher probability of interactions between wildlife, humans, domestic pets, and livestock." Considering how populated this region is, the "result will most likely be complaints about nuisance wildlife species and the ultimate removal or killing of wildlife species from residential areas, which is counter to the City's goal..." Furthermore, if the Ordinance passes, the City will need to devote hundreds of hours of additional planning staff time to implement the regulations – hours that can be better spent implementing regulations that would actually achieve the purpose of promoting wildlife movement and preservation of wildlife habitats, which this Ordinance does not do.

We urge the City to take this report and its recommendations seriously, and to analyze the recommended scientific studies identified therein, and re-evaluate the legitimacy, feasibility, and effectiveness of the proposed Ordinance from a biological and scientific perspective.

Very truly yours,



BENJAMIN M. REZNIK of
Jeffer Mangels Butler & Mitchell LLP

BMR:ki
Attachment

EXHIBIT 1



November 28, 2022
(2022-259)

Mr. Seena Max Samimi
Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

Subject: Biological Review of the City of Los Angeles' Proposed Revised Wildlife Ordinance

Dear Mr. Samimi:

ECORP Consulting, Inc. (ECORP) is pleased to provide a biological review of the proposed City of Los Angeles (City) Revised Wildlife Ordinance (Ordinance). The focus of the review includes the identification of potential impacts to landowners within the area affected by the Ordinance that are associated with facilitating wildlife movement through or adjacent to their properties and the potential for the measures included in the Ordinance to facilitate wildlife movement. In addition, the review also identifies issues where the revised Ordinance may fail to meet the objectives of facilitating wildlife movement and issues where the science used to develop the Ordinance may be lacking or where it may not be substantiated by the references used to develop the Ordinance, ultimately putting wildlife in harm's way.

Executive Summary

The Department of City Planning Recommendation Report dated November 17, 2022, states the City is proposing a code amendment to multiple sections of the Los Angeles Municipal Code (LAMC) to create a new "Wildlife District," or "WLD" Supplemental Use District and a zone change to apply the Wildlife District and its regulations to properties within the Wildlife District. The Wildlife District covered by the Ordinance would include properties within the Santa Monica Mountains bounded by Ventura Boulevard to the north, Sunset Boulevard to the south, the 101 Freeway to the east, and the 405 freeway to the west. The proposed Wildlife District Ordinance aims to reduce cumulative development impacts on plants, animals, and natural resources while providing co-benefits related to climate resilience and public health. The Ordinance proposes development standards for lot coverage, floor area, grading and height limitations as well as native landscaping/trees, fence, trash enclosure, window, and lighting requirements. The Ordinance includes regulations that apply to private properties within the Wildlife District, including additional discretionary review where lots contain or are adjacent to natural resources, such as waterways and open space. The Ordinance would apply to single-family development projects and includes detailed regulations and procedures for project review and includes a map identifying lots subject to natural resource provisions. According to the City's Recommendation Report, the goal of the Ordinance is to protect habitat and

wildlife connectivity in the hillsides with supporting goals for open space management, disaster safety, fire protection, and maintenance of the overall quality of life for both people and wildlife.

ECORP reviewed the City's Recommendation Report, which includes the Ordinance and the supporting documentation used to develop the Ordinance, and references used to develop the supporting documentation to gain an understanding of the intent of the Ordinance and the potential for the Ordinance to achieve its overarching goal of protecting habitat and wildlife connectivity. ECORP's review identified issues that bring into question the scientific validity of the studies conducted as the basis for the Ordinance, the potential underlying intent of the City with adopting the Ordinance, and the negative impacts to both homeowners and wildlife.

The proposed Wildlife District is an area dominated by urban development with a dense human population, highly trafficked roads and freeways, anthropogenic disturbances, and wildlife habitats that are fragmented and limited in distribution. With the Ordinance, the City proposes to micromanage the small, constrained, and fragmented habitat areas for the benefit of wildlife and wildlife movement but they provide no scientific evidence that there would be a direct benefit to wildlife in an area dominated by human influences. The City has not accurately mapped wildlife resources or conducted scientific studies to determine the use of proposed Wildlife Movement Pathways (WMP) by wildlife. Without scientific studies to determine the most viable WMPs in the Wildlife District that are critical to wildlife passage, the City is just speculating about areas that should be preserved based on a human perspective. The City intends to subject homeowners who plan development projects on properties where the City speculates these wildlife resource might occur to rigorous regulations without the scientific backup that proves the Ordinance regulations will be effective.

The Ordinance contains development standards for lot coverage, floor area, grading, and building height limitations that are primarily related to restricting development in the Wildlife District while claiming these development standards will achieve the goal of protecting habitat and wildlife connectivity. These development standards appear to be more of an infringement on landowners' rights to develop their properties than beneficial measures designed to protect wildlife habitat and movement. The City does not provide any scientific evidence supporting the inclusion of the development standards and regulations related to lot coverage, floor area, grading, and building height limitations in the Ordinance and how those standards and regulations would benefit wildlife habitat and wildlife movement.

The intent of the Ordinance is to promote wildlife movement and the preservation of wildlife habitat in the fragmented, residential areas in the Wildlife District. While the intent may be honorable, the location chosen by the City to implement this Ordinance will likely result in negative impacts to wildlife and the people who reside within the Wildlife District. The Wildlife District is heavily populated, surrounded by freeways, and crossed by busy roadways, which are all detrimental to wildlife movement. If the Ordinance is successful in promoting more wildlife immigration into the

Wildlife District from surrounding areas, there is a much higher probability of mortalities and injuries of wildlife on freeways and roads and a much higher probability of interactions between wildlife, humans, domestic pets, and livestock. If wildlife becomes more numerous in residential areas, particularly medium to large mammals such as coyotes, bobcats, and mountain lions, the incidents of mortalities of domestic pets and livestock and potentially injuries to children will undoubtedly increase. In addition, increases in the wildlife population will most likely result in not only wildlife mortalities on roads but also the need to remove nuisance wildlife that have been involved in interactions with humans, domestic pets, livestock, or children. Removal of nuisance wildlife would be counter to the goal of improving wildlife habitat and connectivity within the Wildlife District.

Some version of the Ordinance would be a valuable tool in areas where the City can preserve and restore large blocks of habitat for the sole purpose of preserving wildlife habitat and in areas where passage for the safe passage of wildlife can be facilitated. Implementation of the Ordinance in the Wildlife District will likely not achieve the desired goals and will more than likely put wildlife, humans, domestic pets, and children at risk.

A detailed review of the Ordinance and the issues related to implementing the Ordinance is included in the following sections of this report.

Summary of Measures Required by the Ordinance

The Ordinance states that it will create a "WLD" Wildlife supplemental use district that establishes regulations that aim to maintain and protect existing wildlife, connectivity and ecosystems and to provide co-benefits including climate resilience, resource management, and public health. The stated purpose of the Ordinance is to maintain and enhance wildlife habitat and connectivity by providing standards and regulations applicable to development in ecologically important areas. The overall intent stated in the Ordinance is to achieve protection of natural resources, plants, animals, and open space and thereby advance sustainability, wildlife connectivity, biodiversity, watershed health, wildfire safety, and climate resilience goals for the City. The Ordinance aims to create a Wildlife Corridor in the eastern area of the Santa Monica Mountains with the goal of protecting wildlife and maintaining wildlife connectivity with the Santa Monica Mountains with the following goals and actions:

- ensure that hillside development accommodates wildlife habitat connectivity,
- require that easements and deed restrictions be applied to achieve connectivity,
- designate a zone in the Los Angeles Municipal Code (LAMC) for wildlife connectivity, and
- require a biological constraints checklist for every project in the Wildlife Corridor zone and as such a code amendment ordinance and zone change ordinance, collectively referred to as the proposed Ordinance.

In support of the Ordinance, the Santa Monica Mountains Conservancy (SMMC) prepared and adopted an Eastern Santa Monica Mountains Natural Resource Protection Plan with the goal of preventing further injuries and deaths to wildlife and protecting the remaining open spaces and wildlife linkages that exist. The Ordinance states that California Government Code Sections 65302(g) requires cities to prepare a safety element, which establishes policies for the protection of the community from any unreasonable risks associated with the effects of various issues relating to seismic and geologic hazards, flooding, and wildland and urban fires, and to implement such policies through local ordinances and regulations. The City prepared such regulations in the proposed Ordinance and states that it will achieve the co-benefits of safety and natural resource protections. In addition, the Ordinance states that municipalities are being called upon by several California legislative actions and initiatives to develop strategies to combat climate change, build in resiliency and protect biodiversity. The language in the Ordinance states the proposed Ordinance is consistent with the goals and objectives of various General Plan elements to protect the City's natural resources and biodiversity and implements those policies in the following manner:

- establishing new development standards, removes exemptions, and requires development to plan for wildlife connectivity,
- addresses lot coverage, floor area, grading and height and as well as native landscaping/trees, fence, trash enclosure, window and lighting requirements, and
- includes regulations that apply to private properties, helping to reduce environmental impacts through standards that limit land and vegetation disturbance, limit impervious development, limit injury to wildlife and wildlife movement corridors, and requiring discretionary review of projects in or proximate to wildlife resources.

The Ordinance states that development on properties within the Wildlife District are subject to the development regulations, as applicable in Subsection F of the Ordinance but development initiated by the City is exempt from all regulations contained in the Section.

We were asked to review the Ordinance and the ESA report that supports the creation of the Ordinance in order to comment on various aspects of the documents from a scientific and biological perspective. Our professional opinion and questions on relevant matters are stated below.

1. The Ordinance Does Not Achieve its Stated Purpose

The Protected Areas for Wildlife and Wildlife Movement Pathways document (ESA 2021) states the areas within the Santa Monica Mountains East PAW have a variety of constraints to wildlife movement including fragmentation of habitat, impermeable ridgelines and canyons in some areas where development and associated structures (e.g., tennis courts, pools), fencing, and walls impede free movement through an area. It also states that urban lighting, noise, and window glare from residences in addition to lighting and noise associated with roadways may deter wildlife from

moving through an area. In addition, the document states the presence of residential development includes a moderate amount of human activity and traffic along windy roads following ridgelines and canyons may be a hazard for wildlife, or may deter them from moving through, particularly during times of the day when there is more traffic and noise. **Because the proposed Santa Monica Mountains East PAW has so many existing restrictions to wildlife movement, the City should not impose an Ordinance on the private landowners that requires them to implement measures to improve wildlife movement through the area.**

The ESA document also acknowledges that because large, undisturbed expanses of natural habitat areas are limited and many habitat areas remaining within the City are fragmented or isolated by dense urbanization, many traditional "wildlife corridors" do not occur within the City. It also states that, "*within the City's limits, movement between adjacent PAWs, or between fragmented areas of a single PAW, is constricted by the surrounding development of an urbanized environment.*" The document also acknowledges that, "*true wildlife corridors consist of pieces of habitat connecting larger extensive core habitat patches,*" and "*the majority of wildlife movement opportunities throughout the City consist of smaller constrained movement pathways many of which contain limited marginal (i.e., low quality) habitat or even some developed areas (e.g., road crossings) connecting PAWs or fragments of PAWs.*" The ESA document defines a new term called "Wildlife Movement Pathways (WMPs)" that are "*used to characterize likely pathways that are not traditional wildlife corridors, rather they are constrained urban wildlife passage opportunities.*" The purpose of the WMPs is described as "*to help facilitate connectivity between PAWs within the City and to adjacent undeveloped natural areas*" and "*the focus of the WMPs identified are on medium and large mammals...*" **The City has provided no science to substantiate the idea that WMPs would be functional wildlife movement corridors when large patches of high to medium quality habitat are not available to support the wildlife the City says would use these WMPs.** A peer-reviewed scientific article on identifying habitat linkages to maintain wildlife connectivity (Barrows et al. 2011) concluded that "*Linkages for corridor dwellers must include habitat for sustaining multi-generational populations. This requires evaluating whether continuous suitable habitat exists within proposed corridors.*" **The City has not provided the research that supports the idea that the Wildlife District even has appropriate habitat to protect the wildlife species intended to be protected in the Ordinance.** Without appropriate research and scientific studies on wildlife occupation and use of the Wildlife District (e.g., do wildlife in these areas attempt to move into other areas, have the wildlife in the Wildlife District habituated to not moving between areas of habitats and simply occupy the space they are able to), the Ordinance would be an unnecessary regulation that has little to no benefit on the intended species identified as needing protection.

The ESA document and the associated Ordinance developed to implement the ideas in the ESA document are focused on preserving and enhancing areas that do not fit the definition of wildlife movement corridors, particularly for medium and large mammals. Beier (1995) found that where housing occurred, cougars (i.e., mountain lions) readily moved through low density areas (about 1

dwelling/16 hectares [39.54 acres]) and found dense areas (>20 dwellings/hectare [2.47 acres]) impassable. Beier (1995) also suggested that a corridor designed for use by cougars should be >100 m (328 feet) wide if the total distance to be spanned is <800 m (0.50 mile), and >400 m (0.25 mile) wide for distances of 1 – 7 km (0.62 – 4.35 miles). In addition, he stated that some native woody vegetation should be present to provide visual cover. He also stated he observed cougars move less than or equal to 400 meters across unlit open terrain when the surrounding areas were in native woody vegetation, but they did not cross this span of open terrain with urban areas nearby on either side. The WMPs proposed in the ESA document don't even come close to meeting the corridor widths and lengths required for mountain lions to move through areas as stated by Beier. The existence of residential areas and roadways within the Wildlife District and the fact that the area is surrounded by expansive development and heavily used, multi-lane freeways isn't consistent with the corridor requirements of mountain lions and other medium and large mammals. **The City's proposed Ordinance would not result in facilitating the safe movement of mountain lions because the Ordinance would not establish wildlife movement corridors that are wide enough and long enough, are vegetated with native, woody vegetation, and are located away from residential areas and multi-lane freeways.**

The County of Ventura recently proposed a Ventura County Landscape Linkage Ordinance that is intended to improve countywide habitat connectivity between protected resource areas such as the Santa Monica Mountains National Recreation Area and the Los Padres National Forest. The County of Ventura's Ordinance includes many of the same strategies the City is proposing to enhance wildlife movement and to reduce impediments to wildlife movement. The significant difference with the County of Ventura's Ordinance is that they are considering an expansive area that includes large patches of natural habitat, agricultural lands, mining areas, and other large open areas that are conducive to wildlife movement from the Santa Monica Mountains to the Los Padres National Forest. The County of Ventura is attempting to implement their Ordinance in a way that is consistent with the Missing Linkages documents that identified a wildlife movement corridor that would connect large expanses of conserved habitat areas in the Santa Monica Mountains Recreation Area and the Los Padres National Forest. The area covered by the City's Ordinance is not consistent with the principles for establishing wildlife movement corridors that were identified in the Missing Linkages documents. Management of wildlife movement areas is best done on a landscape scale, not a drainage-by-drainage or patch-by-patch scale. **The City has provided no scientific evidence that supports the notion that wildlife movement managed on a microhabitat level in small and constrained areas of habitat actually benefits the health, genetic diversity, and population of local wildlife.**

Some of the proposed WMPs in the ESA report are complex and do not appear conducive to wildlife movement because of their complexity and proximity to anthropogenic hazards and disturbances like heavily trafficked roadways and fencing. Like humans, wildlife utilize least-cost pathways when traveling and do not often use complex routes to get from point A to point B to save energy

expenditure and to avoid potentially deadly interactions with hazards. For example, WMP 10 – Tujunga-Verdugo in the ESA report proposes a pathway connecting two natural areas via a 0.7-mile-long proposed route that crosses busy freeways, relies on (yet) undeveloped parcels, and lack of fence maintenance to be successful. Text describing the route proposed for WMP 10 is as follows: *"From its north end, this WMP follows Tujunga Wash west and crosses W. Foothill Boulevard and Interstate 210 via bridge underpasses. From the Tujunga Wash, this WMP turns south into an upland area of coastal sage scrub along the western side of Interstate 210, then crosses Wentworth Street [a heavily traveled road] to another steep hillside of coastal sage scrub that parallels the freeway and its off-ramp to Sunland Boulevard. Wildlife would then have to navigate across Sunland Boulevard [another heavily traveled road], through an undeveloped lot, and across a paved Water and Power Road to get to the undeveloped chaparral, coastal sage scrub, oak woodland, and riparian oak forest habitat within the Verdugo Mountains PAW."* It further describes the proposed WMP route: *"There is a lot of fencing (mostly chain link fencing) along the river and in the neighborhoods surrounding this WMP, but the slopes make it easy for animals to find ways under the fencing, and even where solid fencing is found, there are gaps that allow for movement of large mammals."* As described, wildlife would have to know this fairly complex route and travel it each time they wanted to go between the two blocks of undeveloped habitat, traveling across two busy roads and through neighborhoods, relying on holes in existing fencing, and undeveloped lots as they stand today (but could be developed in the future). Prior to the City adopting WMPs proposed in the ESA report, the City should conduct scientific studies that provide evidence that the WMPs are actually conducive to wildlife travel and movement and are used by wildlife. **The City's Ordinance would require landowners to implement measures to promote wildlife movement through potential routes identified from the human perspective and the City has provided no scientific evidence that wildlife use these routes or that the routes are even conducive to the safe passage of wildlife.**

Consistency with the South Coast Missing Linkages Planning Documents

The Missing Linkages: Restoring Connectivity to the California Landscape report (Penrod et. al 2001) does not identify a corridor from the portion of the Santa Monica Mountains within the boundaries of the Wildlife District to areas located to the west, north, or east. The linkages proposed in the Missing Linkages documents seek to connect expansive core areas of medium to highly suitable habitat areas that are largely protected through conservation easements or other conservation planning efforts undertaken by a variety of public agencies and private or non-profit conservation organizations. In fact, the area within the Ordinance-designated Wildlife District was not even mapped as a missing linkage in that document nor was it mapped as a "Patch" suitable for mountain lions. Rather, it was mapped as "<Patch" because it is smaller than what is required for a mountain lion to survive. The small patch size designation in the Wildlife District area is due to the preponderance of private land ownership and the existence of residential and developed areas. The Missing Linkages documents do not focus on connecting blocks of habitat that are primarily in private landownership or are dominated by residential areas.

The South Coast Missing Linkages Project: A Linkage Design for the Santa Monica – Sierra Madre Connection (Penrod et. al 2006) also does not evaluate a linkage that includes the portion of the Santa Monica Mountains within the Wildlife District. Direct linkages between the Wildlife District across the 405 Freeway that creates the western boundary of the Wildlife District and across Highway 101 that lies just north of the northern border of the Wildlife District and essentially creates the eastern boundary of the Wildlife District were not even evaluated in any of the Missing Linkages documents. In addition, the Missing Linkage document for the Santa Monica – Sierra Madre Connection acknowledges that Highway 101 is one of the most obvious barriers for most species between core reserves in the Santa Monica and Sierra Madre mountains. In addition, the document states Highway 101, along with other major transportation routes, poses a substantial barrier to wildlife movement. The document didn't consider any areas near the 405 Freeway, but one can assume it also creates a substantial barrier to wildlife movement along the eastern boundary of the Wildlife District. According to the Santa Monica – Sierra Madre Linkages document, the mountain lion "requires expansive roadless areas to survive." The document also states that research has shown genetic isolation of bobcats and coyotes in subpopulations separated by Highway 101. **The Wildlife District does not represent a large patch of high to moderate quality habitat, it is not protected primarily by conservation easements or other conserved lands, and it is surrounded by multi-lane freeways, including Highway 101 and the 405 Freeway, which have been shown to represent substantial barriers to wildlife movement. The City provides no scientific evidence that would justify promoting wildlife movement of large mammals in an area when the attributes of the area are not consistent with the principles of the Missing Linkages documents.**

2. Bringing More Wildlife to Residential Areas Causes Problems for Both Humans and Wildlife

The conflicts between wildlife and humans, domestic pets, and livestock will certainly increase if medium and large mammals are given an enhanced opportunity to reside in and travel through existing residential areas. In addition, encouraging more medium and large mammals and other mobile wildlife to immigrate into the Wildlife District defined by the Ordinance will certainly result in higher mortality rates of wildlife that attempt to cross Highway 101, the 405 Freeway, and other busy roadways surrounding the area. Figure 2 in the ESA document, which depicts reported road kills of wildlife species in the region, clearly shows that Highway 101 and the 405 Freeway are large impediments to wildlife species, and they result in large numbers of wildlife mortalities. **The City's Ordinance will encourage large mammals to cross busy highways and roads and the result will likely be more wildlife being killed by vehicles on roads with the added potential for human injuries.**

Furthermore, interactions between wildlife and humans or their domestic pets rarely ever end well for all parties involved. Beier et al. 2008, a source frequently cited in the ESA report, even states that

wildlife interactions in urbanized and developed areas result in *"increased numbers of wild predators removed for killing pets or hobby animals...Thus, although residential development may bring little or increase in the number of the depredation incidents per unit area, each incident is more likely to lead to death of predators, and eventual elimination of the population."* Later on in the document, Beier et al. 2008 further states *"it is unrealistic to think that local government will stop a homeowner from clearing fire-prone vegetation, force a landowner to remove overly bright artificial night lighting, or require a homeowner's association to kill crows and raccoons. Avoidance is the best way to manage urban impacts in a wildlife linkage. Although some lizards and small mammals occupy residential areas, most large carnivores, small mammals, and reptiles cannot occupy or even move through urban areas."* Even this document, frequently cited in the ESA report, suggests that avoidance (i.e., avoiding wildlife-human/domestic pet interactions) is the best way to support wildlife movement in urbanized areas. **The City has provided no evidence that supports the idea that attracting wildlife in and through residential properties would not result in deleterious wildlife-human/domestic pet interactions.**

It is well documented that interactions between wildlife and domesticated animals promote transmission of disease and parasites, which can decimate both wild and domesticated animals in an area. Examples of just a handful of these communicable diseases transmitted between wildlife and domestic animals include rabies, sarcoptic mange, canine distemper, Avian Influenza, and Feline Leukemia Virus. Attracting wildlife to private residences increases the potential for these interactions and actually could contribute to decreased health and fitness of wildlife occupying the area that the Ordinance is intending to protect and promote. It is also important to note that some zoonotic diseases carried and transmitted by wildlife are communicable to humans as well, potentially resulting in a human safety aspect to the proposed Ordinance that does not appear to be well studied or substantiated. **The City has provided no scientific analysis addressing the Ordinance's potential disease and parasite transmission between wildlife attracted to the Wildlife District and domestic animals and between wildlife and humans.**

The area encompassed by the proposed Wildlife District is bounded by Ventura Boulevard and Highway 101 to the north, Sunset Boulevard and highly developed urban areas to the south, Highway 101 to the east, and the 405 Freeway to the west. All of these present significant barriers to not only wildlife movement in the area, but wildlife use of potentially available habitat in and around these barriers. The Wildlife District's proximity to heavily used, multi-lane freeways poses a huge concern for wildlife mortality. The Ordinance does not address the fact that the area in which wildlife movement is promoted is surrounded by freeways where wildlife are regularly killed while trying to cross. If there are no functional crossings of the freeway, the Ordinance could result in more wildlife being killed because they are drawn into the Wildlife District and may cross the freeways more frequently than if the Ordinance isn't implemented. **If the Ordinance is successful in increasing wildlife movement throughout the Wildlife District, there is a high likelihood that the level of wildlife mortality and injury on the nearby freeways and busy roadways will significantly**

increase because the City's Ordinance contains no measures to provide safe passage for wildlife.

The Ordinance Deviates Substantially from the Recommendations Listed in the ESA Report

The ESA report contains extensive recommendations to inform the City's policy and planning for the development of wildlife movement protected areas in the following categories:

- Setback and Buffers
- Fencing and Physical Barriers
- Vegetation, Landscaping
- Lighting
- Windows
- Noise
- Poison
- Traffic
- Education

These recommendations are reasonable and written in such a way that does not restrict or prohibit development within the proposed PAWs and WMPs. These recommendations are proposed as management practices that, in most cases, can be implemented without restricting development on a private parcel. The proposed Ordinance has clearly taken some of these recommendations and incorporated associated text into the Ordinance; however, there are several restrictive measures in the Ordinance that are not addressed in the ESA report, nor are scientifically founded in their origin. The categories included in the Development Regulations of the Ordinance that do not have any apparent scientific basis are discussed below.

- Height – the only references to height in the ESA report are related to vegetation growth and measurement of trees; there are no proposed building height restrictions in the ESA report. **The City has provided no scientific justification for restricting development to less than 45 feet and how that would be a benefit to wildlife or wildlife movement, particularly for medium and large mammals.**
- Grading – We understand there is already guidance related to grading found in the City's General Plan and some Community Plans (Appendix H of the ESA report); however, this guidance is policy-related and is not substantiated by scientifically-backed information suggesting benefit to wildlife or wildlife travel. In the ESA report, grading restriction is only mentioned in association with fuel modification and native planting recommendations. **The City appears to be restricting grading to minimize land disturbance, but they provide no scientific analysis supporting their claim that imposing grading restrictions on private landowners in residential areas will benefit wildlife movement.**

- Residential Floor Area (RFA) – The Ordinance proposes to include basements in the calculation of RFA and the City’s intent is to restrict grading to minimize land disturbance associated with the construction of basements. **As stated in the comment about grading restrictions, above, the City appears to be restricting grading to minimize land disturbance, but they provide no scientific analysis supporting their claim that imposing grading restrictions on private landowners in residential areas will benefit wildlife movement.**
- Lot Coverage – The Ordinance requires that accessory structures be included in the overall calculation of Lot Coverage and proposes a cap of 100,000 square feet of Lot Coverage for properties within the Wildlife District. The City concludes this will help to limit future paving and hardscape, which will benefit stormwater management, limit erosion, and preserve natural landscapes and vegetation in the Wildlife District. The City’s justification for limiting Lot coverage and including accessory structures in the calculation of Lot Coverage appears to be strictly related to limiting development. **The City provides no scientific evidence that limiting Lot Coverage to 100,000 square feet will be beneficial for wildlife movement.**
- Trash Enclosures – The Ordinance states that improperly secured or poorly designed trash enclosures can present hazards for wildlife and can lead to unwanted occurrences of human-wildlife interaction. The Ordinance requires landowners to enclose trash and recycling receptacles inside a building or within an enclosed structure and requires design standards for trash enclosures to restrict wildlife access to unsecured trash. **The irony of requiring homeowner to build trash enclosures to limit human-wildlife interactions is that the City’s Ordinance is designed to encourage wildlife to move through the neighborhoods, which will lead to additional unwanted human-wildlife interactions regardless of the presence of trash enclosures.**

The proposed Ordinance does include and address some of the recommendations from the ESA report, which are discussed below.

- Fencing Regulations

The regulations prohibiting certain fencing materials (e.g., barbed wire, plastic mesh, woven wire, concertina wire, and razor wire) and design features (e.g., spikes, sharp glass, and uncapped hollow fence posts) may decrease the risk of wildlife species becoming entrapped or being injured while attempting to navigate through, around, or over fences. However, the City has provided no scientific study indicating that wildlife entrapment and injuries related to fencing materials is a problem in the Wildlife District. In addition, if the Ordinance is going to promote the movement of medium to large mammals through residential areas, the occurrences of domestic pets and livestock being taken from backyards or livestock enclosures by predators or even incidents where predators injure children in backyards will likely increase. The downside of increased wildlife-domestic pet/livestock interactions or human-wildlife interactions will undoubtedly be the removal of nuisance wildlife, which is counter to the City’s desire to increase

wildlife movement and populations in the Wildlife District. **The City will have to take the responsibility associated with limiting a homeowner's ability to protect their animals and children from interactions with medium to large predators by restricting the use of some fencing materials.**

- Tree Regulations

The regulations in the Ordinance require that one native tree must be planted for every 1,000 square feet of new floor area introduced to the lot with a minimum of one native tree required. In addition, if a significant tree is removed then two new native trees must be installed to replace the removed tree. The regulations in the Ordinance also restrict impacts within the dripline of significant and protected trees and shrubs, requires the replacement of dead or fallen protected trees or shrubs at the Significant Tree replacement ratios, and requires the dead or fallen tree be retained on site in some fashion (e.g., mulch, compost, soil amendment, or left in place). Several issues will likely arise from the tree regulations, including the absence of knowledge of the typical landowner about selecting a tree species appropriate for their location, the determination of a suitable planting site, and the required care for native trees. More importantly, a few native trees planted in a residential yard does not constitute high quality habitat that would support a high diversity of wildlife species. Woodlands containing many trees plus the associated native shrub and grass understory would represent high quality habitat that would retain biodiversity in an area. **The City should be focusing their efforts on creating woodlands containing many trees in conserved areas that would support a high diversity of wildlife rather than requiring homeowners to plant isolated native trees in their yards that potentially would not survive and would not create high quality habitat retaining biodiversity.**

- Vegetation and Landscape Regulations

We agree with the restriction on the use of invasive plant species for ornamental landscaping purposes, as outlined in the Ordinance. Invasive plant species, even when planted in highly urbanized areas, have great potential to spread and degrade natural areas even miles away from the original planting. Restricting the planting of invasive plant species in the Wildlife District will have a benefit on natural areas in the region by minimizing the spread of seed materials.

The intent of the vegetation and landscape regulations, which are identified as "Wildlife Friendly Landscaping Requirements," as stated in the Ordinance is *"To maintain habitat and biodiversity, manage stormwater and sequester carbon by retaining Native and Significant Trees, and by incorporating native vegetation that supports wildlife."* The regulations require any newly planted or landscaped areas to comply with Planting Zones specifications for the purpose of increasing habitat value and resisting the spread of fire. In Planting Zone 1, which extends thirty feet in a straight perpendicular line form the edge of any structure larger than 200 square feet, a minimum of 50% of the total area of any new landscaping shall be planted with native species. In Planting Zone 2, which extends from the edge of Zone 1 to the property line, a minimum of 75%

of the total area of any new landscaping shall be planted with native species. All native plant species must be from the Preferred Plant List included with the Ordinance.

The idea of planting native plants to create habitat for native wildlife species is great when it is implemented in the right location. Requiring homeowners in residential areas to plant a substantial portion of their yards with native plants is wrought with problems. First, the presence of the native habitat would encourage wildlife to inhabit the yards, which understandably is the goal of the Ordinance, but drawing in wildlife species that can become nuisance species that may prey upon domestic pets and livestock, create structural and property damage (e.g., California ground squirrel burrow complexes established under structure foundations), and transmit parasites and communicable diseases, is a large drawback of this regulation. The areas planted with native plants could potentially support small mammals, reptiles, and amphibians that are considered prey items for medium and large sized mammals, such as raccoons, bobcat, coyote, and potentially mountain lion, and undesirable reptiles, such as rattlesnakes. The ultimate outcome from wildlife interactions with humans, domestic pets, and livestock will be the removal or killing of nuisance wildlife, which is exactly the opposite of the goals of the Ordinance. **Instead of creating small patches of native vegetation in homeowner's yards that would likely result in increased interactions between humans, domestic pets, and livestock with wildlife, the City should focus their efforts at improving wildlife habitat in areas where large patches of native vegetation can be planted or restored, particularly in conserved areas that would be able to support a higher diversity of wildlife species.**

Another major issue with requiring homeowners to plant a substantial part of their properties with native plants is that specialty native landscape contractors and potentially landscape architects who are familiar with native plants would have to be hired by the landowners at a substantial cost. Installing and successfully caring for native plants is much different than ornamental landscaping plants because the water requirements and soil conditions vary, and a specialist would likely be required to successfully install and maintain a landscape with native plants. If native plants are not grown properly, the risk for fire could increase due to dead or diseased plant matter that does not retain the natural fire-resistant properties that healthy native plants retain. A related issue is the availability of native plants as there are not very many nurseries that grow native plant species. In addition, most of the native plant nurseries grow the plants primarily for native habitat restoration projects typically required as mitigation for development projects. Increased residential demand on native plants from these specialized nurseries would reduce the plant availability for restoration projects in the region that were designed, implemented, and approved by regulatory agencies as having a substantial and scientifically backed benefit to local plant and wildlife species, including to promote biodiversity. An additional issue is the presence of a water mold (*Phytophthora* spp.) in native plants grown at some native plant nurseries in California. The Los Angeles County Public Works (LACPW) recently had an issue with *Phytophthora* spp. in some nursery grown plants that were going to be

installed at one of their project sites. The LACPW consulted with Maxmillian Regis, the Deputy Director of the County of Los Angeles Department of Agricultural Commissioner/ Weights and Measures (Pest Exclusion/Produce Quality) about *Phytophthora* spp. and he stated the County recommends against installing infected plants. He suggested only purchasing native plants from nurseries that implement Best Management Practices (BMPs) to avoid *Phytophthora* spp. infections in the plants. In southern California, there is only one native plant nursery who has implemented the required BMPs and they would not have the capacity to supply the numbers of *Phytophthora* spp. free plants needed for the native plantings required by the Ordinance. Additionally, homeowners required to comply with native species planting requirements would not be aware of this water mold and may unknowingly propagate this mold into natural areas that the Ordinance is intending to protect. Finally, requiring native species plantings may promote homeowners seeking to save money on landscaping to poach and illegally harvest native plants in protected areas or in areas that are conducive to wildlife occupation and movement. **The City has not fully considered the ramifications associated with requiring homeowners to install native plants, the limited availability of healthy native plants, the costs associated with hiring native landscape contractor/architect to plan, install, and maintain the landscaping, or the potential for impacts to native habitats if illegal poaching and harvesting of native plant species is conducted by individuals who are trying to save money and/or plant a desired species not otherwise available at native plant nurseries in the area.**

- Lighting Regulations

The regulations proposed in the Ordinance for lighting would be effective in protecting wildlife species, particularly birds who are sensitive to illumination during the breeding season and during migration. Nighttime lighting requirements would also be effective in protecting nocturnal wildlife species as well as encouraging the wildlife to occupy darker areas not likely associated with residential properties.

- Window Regulations

The regulations related to bird-safe windows would be effective in limiting bird-strikes and potential death when birds don't recognize the difference between a reflection in a window and an actual place where it is safe to fly.

3. No Nexus Between Floor Area Restrictions and Wildlife Protection

Height, Grading, Residential Floor Area, and Lot Coverage Regulations in Ordinance

The height, grading, residential floor area, and lot coverage regulations appear to be associated with minimizing the development footprint and disturbance envelope associated with hillside

development. The underlying justification stated in the Ordinance is preserving natural landform, topography, and vegetation, retaining watershed function, and reducing surface erosion, soil instability, landslides, and/or site disturbance by limiting grading on steep slopes and limiting the area associated with impermeable surfaces. In our opinion, the Ordinance is unjustified in associating these regulations with improving wildlife movement and connectivity of wildlife habitat. Limiting the development envelope to encourage wildlife to move between homes, particularly for small lots or in areas where homes are relatively close together will put wildlife in harm's way and will increase the probability of interactions between wildlife and humans, domestic pets, and livestock. In addition, requiring landscaping with native plants will most likely draw additional wildlife species into areas near homes that would not typically utilize yards landscaped with ornamental plants. If the population of small prey animals, such as small mammals, reptiles, amphibians, and birds, increases near or between homes, the number of predators will also increase, which will also raise the probability of undesirable interactions between humans and domestic pets with wildlife. The result will most likely be complaints about nuisance wildlife species and the ultimate removal or killing of wildlife species from residential areas, which is counter to the City's goal of preserving wildlife and increasing wildlife populations in the Wildlife District. **The City has provided no scientific justification that reducing building height, grading, residential floor area, and lot coverage will improve wildlife habitat and connectivity. The ultimate outcome will more than likely be the removal or killing of nuisance wildlife who have impacted humans or domestic pets while traveling through or foraging in the residential areas.**

4. No Nexus Between Height and Wildlife Protection

Building height is likely more of an impact to bird species in urbanized city areas, where skyscrapers are regularly constructed, not in residential areas. **The City has provided no scientific evidence that concludes residential homes higher than 45 feet negatively impact wildlife species or wildlife movement.**

5. Disproportionate Impacts on Smaller Lots

The regulations required by the Ordinance will have a disproportionate impact on smaller lots by unfairly limiting the allowed development and increasing the potential for wildlife interactions with humans, domestic pets, and potentially livestock. High density development (which is present in the Wildlife District areas) affects wildlife and wildlife movement and requiring homeowners to make adjustments to landscaping on a microhabitat level to benefit wildlife occupation or movement will not provide a significant benefit to regional wildlife or the health of wildlife populations. **The City has not fully evaluated the negative impacts of the Ordinance on homeowners with smaller lots and the corresponding lack of benefit for wildlife and wildlife movement in high density residential areas.**

6. Resource Maps Have Not Been Appropriately Studied and Are Not Based on a Proper Scientific Foundation

Before implementing the any sort of Ordinance designed to promote wildlife movement through developed areas, rigorous and scientifically based research and data collection in the Wildlife Districts is necessary to appropriately identify the resources, threat levels to their existence, and how existing and future residential development would specifically affect these resources. Necessary studies to fill these information gaps may require surveys and data collection over various seasons and multiple years to gain an understanding of how resources are using the Wildlife Districts and understanding what the exact threats to these resources are, instead of supposing that all development and human activity is bad for wildlife.

Wildlife Resources Regulations

The Wildlife Resource regulations in the Ordinance 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 Future Considerations section of the City Staff Report states that the City is to develop procedures to ensure future mapping of resources so existing datasets can be regularly updated and information can be shared between City departments to support implementation and enforcement of regulations. The City Staff Report also states that additional personnel will need to be hired to implement the Ordinance. It would be beneficial to all parties involved if the mapping is completed up front, prior to implementation of the Ordinance, to accurately apply any sort of Ordinance regulations to landowners so the requirements and processes are clear. It appears that the lack of accurate mapping of sensitive resources (e.g., stream channels, riparian areas) will give the City broad authority with few boundaries in how the Ordinance is implemented and how it will affect landowners. The Ordinance's regulation requires the submittal of a Biological Assessment and a Site Plan Review for any Project proposed within a Wildlife Resource. If the Wildlife Resources are not accurately mapped, how will landowners determine if their projects need a Biological Assessment or Site Plan Review? **The City has not fully evaluated or mapped the locations of Wildlife Resources within the Wildlife District, has not developed procedures to ensure accurate mapping of Wildlife Resources, and does not have the personnel to implement the Ordinance.**

The City recommendation report on the Ordinance also states that additional discretionary review will be performed for development of lots that contain or are located adjacent to natural resources such as waterways and open space. **The City has not clarified what the parameters are for this review, what are the expected additional restrictions that will be imposed by the proposed Ordinance, and who will be conducting this discretionary review.**

The Proposed Wildlife Resources map that was included in the revised Ordinance and City Staff Report identified Water Resources and Water Resources – Open Channels. The City appears to have

done a high-level mapping of these resources but has not done jurisdictional delineations or accurate mapping of these resources or the habitats within these resources. **The City has not provided accurate information to fully identify whether the Water Resources and Water Resources-Open Channels are suitable as wildlife movement areas, which would include evaluating the width, length, vegetation, and proximity to residential development.**

7. Director's Need to Modify Resource Maps Can be Avoided with Appropriate Scientific Studies

Again, rigorous and scientifically based research and data collection in the Wildlife Districts is required to appropriately identify the resources and create accurate resource maps. Giving the authority of whether or not lots may be developed or how they can be developed in the Wildlife District to people who may be swayed by personal preference, political affiliation, or other factors not directly related to the intent of the Ordinance is not only an unfair practice, but the need for such modifications can be largely avoided if the appropriate scientific work is done in advance. If resource maps are in need of modifications, a scientific and rigorous process should be developed and implemented on a pre-determined and regular basis to modify resource maps as part of a standard adaptive management process. Resource specialists should be involved in the modification of resource maps, not just the Director, the Planning Commission, or City staff. **The City has not developed a process to accurately map resources within the Wildlife District or to modify the resource maps and this process should not be left to City personnel; rather, independent resource specialists should be involved in updating resource maps.**

8. More Effective, and Less Impactful Measures Are Readily Available

More effective and less impactful measures of protecting wildlife in areas where residential areas meet natural areas are readily available. Protecting wildlife in and around urbanized areas can largely be achieved by prohibiting or controlling the use of rodenticide and pesticide products and implementing road modifications, such as signage and speed bumps. The City can be more successful in promoting wildlife diversity, movement, and protection by allocating City resources in larger blocks of habitat that can be purchased and/or managed for conservation purposes. Relying on homeowners to implement the City's goals of protecting wildlife is not effective, creates undue resource and energy expenditure in implementing and enforcing the requirements, and may result in unnecessary conflict between the City and the homeowners. Instead, implementing an incentive program for homeowners with suggested wildlife protection measures that can be implemented easily and inexpensively, such as wildlife-friendly lighting and windows, would be far more effective for all parties involved, including the City.

Drainages were identified in the ESA report as being potential wildlife movement areas and some were included as proposed linkages. However, it is important to note that many of the small

drainages being proposed as part of the WMPs in the ESA report already have legal protections in place protecting them from urban and residential development as jurisdictional resources to California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (USACE), and/or Regional Water Quality Control Board (RWQCB) under the State and Federal Clean Water Acts. These protections have built in benefits to wildlife already utilizing these resources. We recommend adding the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Arid West Region Supplement USACE 2008) to the list of methodology guidance documents used to perform aquatic resources delineations.

9. Literature Cited in ESA Report Largely Consists of Non-Scientific Non-Peer-Reviewed Articles

It is important to note that most of the resources cited in the ESA report as influencing the proposed PAWs and WMPs are policy documents; very few scientific, peer-reviewed journal articles are cited in the ESA report, which has subsequently driven the recommendations in the Ordinance. While it is important to review policies that other entities have researched, developed, and implemented for their own study areas, it is crucial that the City perform targeted research that will support informed decisions based on scientific research for this particular area, and in this particular context. We recommend the City conduct a more rigorous review of scientific articles and studies specifically geared toward wildlife movement and crossings. We recommend that scientifically backed ideas and mitigation be incorporated into the Ordinance; it is hard to see where many of the requirements in the Ordinance have scientific backing or are substantiated by peer-reviewed scientific journal articles. The resources listed below are examples of studies that should be reviewed by the City and incorporated into the goals of an Ordinance that can be effective in promoting wildlife movement in areas that are not dominated by residential development. Note that the list is not exhaustive and we encourage the City to perform more research and scientific studies to guide the City's policy and decisions related to the Ordinance.

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10. Recent Wildlife Interaction in the Wildlife District

As reported by KTLA, a Los Angeles news station, on November 18, 2022, a mountain lion attacked a dog on a leash while it was being walked on a residential street in the Hollywood Hills. The attack was caught on video and shows the mountain lion emerging from some vegetation adjacent to a residence, crouching when it saw the person walking the dogs, and then attacking one of the two dogs being walked. KTLA speculates the mountain lion involved in the attack was the collared mountain lion called P-22, the mountain lion that is known to live around Griffith Park. The video can be viewed at this link: [Video shows mountain lion attack leashed dog in Los Angeles \(ktla.com\)](https://www.ktla.com/video/shows-mountain-lion-attack-leashed-dog-in-los-angeles). The fact that the person walking the dogs on a residential street in the Wildlife District was not intimidating to the mountain lion and resulted in an attack that killed one of the dogs attests to the fact that the City should not be promoting an increased presence of wildlife, particularly large mammals, in any areas dominated by residential development.

Conclusion

In summary, the intent of the Ordinance appears well-intended but upon further review, there are significant holes in the analysis, data and information gaps, and proposed restrictions on homeowners that are not scientifically backed as directly benefitting wildlife or wildlife movement. In addition, implementing an Ordinance that will promote more wildlife presence, particularly large, predatory mammals, in residential areas where humans, domestic pets, and wildlife could be negatively affected is a bad idea, as evidenced by the November 18, 2022 mountain lion attack on a dog on a residential street in the Hollywood Hills. We respectfully submit these comments and questions in our professional opinion and appreciate the consideration of them for future revision of the Ordinance and policy related to protection of wildlife and wildlife movement.

Thank you for the opportunity to submit this review of the Ordinance. If you have any questions regarding this summary letter, please contact me at mquillman@ecorpconsulting.com.

Sincerely,

ECORP Consulting, Inc.



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Mr. Seena Max Samimi

November 28, 2022

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