August 9, 2021

Re: Draft Wildlife Ordinance

Lena Mik
Alexander Linz
City of Los Angeles
Department of City Planning
221 N. Figueroa Street, Room 1350
Los Angeles, California, 90012
ourla2040@lacity.org

Dear Department of City Planning:

We greatly appreciate the efforts of the Department of City Planning and the City Council in prioritizing the development of the Wildlife Pilot Study and Wildlife Ordinance. We have reviewed the May 2021 draft of the Wildlife Ordinance (the “Draft Ordinance”) and view it as a positive step in protecting the City’s biodiversity and open space for both people and wildlife. We offer the following six recommendations to improve the Draft Ordinance and ensure that it fulfills its stated goals of maintaining and protecting wildlife and ecosystems, and providing co-benefits including climate resilience, resource management, and public health.

**Recommendation #1: Increase the required buffer from the resources set forth in Table 4.1 to 300 feet.**

We strongly recommend that the buffer width from the resources described in Table 4.1 be increased to 300 feet. This recommendation is consistent with the Sustainable LA Grand Challenge Sustainability Report Card for Los Angeles County\(^1\) which recommends protecting 100% of natural area and critical habitat corridors and restricting development within 100 feet of a channelized river/stream and 300 feet of a soft bed river/stream. Increased buffer widths are consistent with other scientific literature, which indicates that recommended buffers often far exceed 100 meters (~325 feet), well beyond the largest buffers implemented in practice (Robins, 2002). For example, Kilgo et al. (1998) recommend more than 1,600 feet of riparian buffer to sustain bird diversity. In addition,

\(^1\) Elizabeth Reid-Wainscoat, et al, *Sustainable LA Grand Challenge Sustainability Report Card for Los Angeles County* (July 2021), available at [https://escholarship.org/content/qt117326k1/qt117326k1.pdf?t=qw5j09&v=lg](https://escholarship.org/content/qt117326k1/qt117326k1.pdf?t=qw5j09&v=lg).
amphibians, which are considered environmental health indicators, have been found to migrate over 1,000 feet between aquatic and terrestrial habitats through multiple life stages (Cushman, 2006; Fellers & Kleeman, 2007; Semlitsch & Bodie, 2003; Trenham & Shaffer, 2005). Accommodating the more long-range dispersers is vital for continued survival of species populations and/or recolonization following a local extinction (Cushman, 2006; Semlitsch & Bodie, 2003). In addition, more extensive buffers provide resiliency in the face of climate change-driven alterations to these habitats, which has been shown to already be causing shifts in species ranges and distributions (Cushman et al., 2013; Heller & Zavaleta, 2009; Pacifici et al., 2017; Warren et al., 2010).

Increased buffer widths are consistent with land use policies adopted in other jurisdictions in California. For instance, in the San Francisco Bay Area, stream setbacks range between 30 – 200 feet, depending on the type of land use (i.e., urban versus rural), or the quality or type of existing habitat. Sonoma County requires a 200-foot buffer in the Russian River Riparian Corridor, a 100-foot buffer for flatland riparian stream corridors, and a 50-foot buffer for other riparian stream corridors.² Although smaller buffers may be locally adequate to alleviate water quality concerns in the short-term, they are often insufficient for wildlife (Kilgo et al., 1998). Streams (perennial and intermittent), wetlands (including vernal pools), and reservoirs throughout the City support numerous special-status flora and fauna. Many species that rely on these aquatic habitats also rely on the adjacent upland habitats (e.g., riparian areas along streams, and grassland habitat adjacent to wetlands).

Adequate buffers and sufficient open space are also important for the City’s mountain lions, which are provisionally listed under the state endangered species act. Although mountain lions are top carnivores, they are fearful of people and modify their behavior to avoid us as much as possible. In studies conducted in the Santa Cruz Mountains, scientists found fewer pumas in areas with higher density development, (Smith et al., 2019; Wilmers et al., 2013) fled the area at the sound of human voices, (Suraci et al., 2019) and even became more nocturnal to avoid humans hiking and biking in open space (Nickel et al., 2020). Mountain lions were also found to eat less of their kills and expend more energy when closer to human development, which could affect reproductive success and food chain dynamics (Smith et al., 2015; Wang et al., 2017).

Even open channels—for which the Draft Ordinance only proposes a 15-foot buffer—can still be important travel corridors for wide-ranging species, but species will be less likely to use such channels if there is encroaching development. Traffic, light and noise pollution, pesticide use, domestic pets, and other edge effects of human infrastructure have been shown to affect species’ movement patterns and behaviors.

To the extent the Planning Department is concerned that increasing buffer widths would prohibit any development on smaller lots in the study area, we recommend that increased buffer widths be tiered to the size of the parcel as outlined in Table 1. In other words, smaller buffers could be required on smaller lots, while significantly larger buffers would be required on larger lots. The Draft Ordinance already implements a similar tiering system for Minimum Undisturbed or Plant Coverage depending on the size of the lot, as illustrated in Table 5.2. (See Draft Ordinance at p. 14.) The Draft Ordinance should also clarify that lots may not be split.

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Table 1. Minimum Resource Buffer by Parcel Size

<table>
<thead>
<tr>
<th>Lot Size (sq. ft.)</th>
<th>Resource Buffer (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5,000</td>
<td>50</td>
</tr>
<tr>
<td>&gt;5,000-10,000</td>
<td>100</td>
</tr>
<tr>
<td>&gt;10,000-15,000</td>
<td>150</td>
</tr>
<tr>
<td>&gt;15,000-20,000</td>
<td>200</td>
</tr>
<tr>
<td>&gt;20,000-25,000</td>
<td>250</td>
</tr>
<tr>
<td>&gt;25,000</td>
<td>300</td>
</tr>
</tbody>
</table>

**Recommendation #2: Ensure that the replacement of significant trees includes permanent protection of suitable lands to accommodate the new trees.**

We strongly support the goal of the Draft Ordinance to retain significant trees, native trees, and native vegetation. (Draft Ordinance at p. 12.) In order to further support this goal, we urge requiring full avoidance of Protected Trees and Significant Trees to the greatest extent feasible. Other jurisdictions have adopted similarly strong protections. For instance, San Luis Obispo County’s Oak Woodland Ordinance\(^3\) prohibits the clear-cutting of more than 5 percent of a lot’s Oak Woodland Canopy without an approved land use permit and Oak Woodland Management Plan. Likewise, the Santa Barbara Oak Tree Protection Ordinance requires that protected oak trees that are removed be compensated at a ratio of 15:1 by replacement planting or protection of naturally occurring oak trees.\(^4\) Consistent with the City’s land use authority and in furtherance of the goals of the Draft Ordinance, the Draft Ordinance should include similar guidelines prohibiting the destruction of Protected Trees and Significant Trees.

In instances where avoidance of any Protected Trees or Significant Trees is not feasible, then the Draft Ordinance should clarify that when replacement is implemented at the ratios set forth in Table 5.1, the replacement of trees shall also require the permanent protection of suitable lands to accommodate the new trees. We also urge adoption of the 15:1 replacement ratios consistent with the Santa Barbara Oak Tree Protection Ordinance. This is particularly important because native oak woodlands support biodiversity and provide ecological services far beyond that provided by planted trees (McPherson et al., 2002; Pulido et al., 2013). Likewise, consistent with the recommendations of the Santa Monica Mountains Conservancy (“SMMC”) in their letter of June 21, 2021, every planted replacement tree should be submitted with GPS coordinates on a plot plan and accompany all permit documents and be part of the public record.

**Recommendation #3 Incorporate SMMC’s Map of Habitat and Resource Blocks into the Ordinance.**

As outlined in their June 21, 2021 letter, SMMC—a state agency with deep expertise and knowledge of the Santa Monica Mountains—has engaged in extensive mapping of resource areas and has prepared an Eastern Santa Monica Mountains Habitat Linkage Planning Map. The Department of Planning should either incorporate this existing map into the Ordinance or coordinate with SMMC to revise the map if the Department of Planning has differing information regarding resource areas. While

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\(^3\) See San Luis Obispo County Code, Title 22, Article 5, Chapter 22.58, available at https://library.municode.com/ca/san_luis_obispo_county/codes/county_code?nodeId=TIT22LAUSOR_ART5SIDEST_CH22.58OAWOOR.

\(^4\) Santa Barbara County Code, Chapter 35, Article IX, Sec. 35-911, available at https://library.municode.com/ca/santa_barbara_county/codes/code_of_ordinances?nodeId=CH35ZO_ARTIXDEOATRPR.
we understand that no data set or map is perfect, the City should not let “perfect be the enemy of good” by refusing to incorporate SMMC’s mapping into the Ordinance. This is particularly true when significant portions of resource areas and habitat blocks are on private lands and there is simply no way to fully study each parcel/lot. If a landowner believes that the mapping is incorrect or inaccurate, they can avail themselves of the relief procedures in Section J. In the meantime, the City can (and must) use the best available science to clearly define resource areas.

**Recommendation #4: Require security lighting adjacent to resource areas be motion activated.**

We support robust lighting standards in the Draft Ordinance as there is strong evidence that artificial night lighting can harm numerous species: “[t]he cumulative effects of behavioral changes induced by artificial night lighting on competition and predation have the potential to disrupt key ecosystem functions” (Longcore et al., 2013). Species known to be impacted include mammals, birds (both migrating and non-migrating), reptiles, amphibians, invertebrates, fishes and plants. The impacts are wide ranging. Impacts include utilization of artificial lights, such as streetlights to forage underneath for food, which increases predation risk (Longcore et al., 2013). Bird species can also become “entrapped” within lighted areas, refusing to move for the night, and thus increasing their risk of predation. (Id.) Furthermore, light pollution need not be highly extensive to have a major impact on nearby plants and wildlife. For instance, one study found that desert rodents reduced foraging activity when exposed to the light of a single camp lantern (Longcore et al., 2013).

We recommend that the Draft Ordinance include standards consistent with the Ventura County Wildlife Connectivity Ordinance (“Ventura Ordinance”). Like the Draft Ordinance, the Ventura Ordinance limits security lighting to 2,600 lumens per luminaire. However (as with the Ventura Ordinance) in instances where the light output exceeds 850 lumens, the Draft Ordinance should require that security lighting shall be operated by motion sensor or a timer switch and shall be programmed to turn off no more than 10 minutes after activation.

**Recommendation #5: Clarify Definitions for Key Terms.**

We appreciate that the Draft Ordinance includes clear definitions for many of the terms used. However, there are a few terms that could benefit from clearer definitions. First, the definition of “Stream, Hillside” should simply be the definition for “Stream.” Such a revision would clarify that a “Riparian Area” includes lands that border both permanent and perennial or intermittent streams. Second, the description for the term “wildlife-friendly fencing” should include a prohibition on wrought iron, plastic mesh, and woven wire. These terms are also used in the Ventura Ordinance in defining wildlife-friendly fencing.

**Recommendation #6: Clarify that the Draft Ordinance does not supersede any other applicable laws.**

In order to clarify the scope of the Draft Ordinance, we recommend a short paragraph confirming that none of the provisions in the ordinance should be construed as exempting a project applicant from compliance with any other applicable state or local laws or regulations, including the California Environmental Quality Act and California Endangered Species Act. And as recommended by SMMC, any requests for relief from any of the standards pursuant to section J should require a public hearing unless the applicant provides permanently deed restricted open space that the Department of Planning and SMMC determine clearly benefits the ecosystem and the project demonstrates no harm to wildlife movement and habitat connectivity.
**Conclusion**

Thank you for the opportunity to submit comments on the Draft Ordinance. We strongly support the objectives of the Draft Ordinance and appreciate the City’s effort to use its local land use authority to develop an ordinance that promotes regional wildlife connectivity. We look forward to working with the Department and the City Council to advance the ordinance and ensure it aids in safeguarding the City’s irreplaceable wildlife and ecosystems.

Sincerely,

J.P. Rose  
Senior Attorney  
Center for Biological Diversity

Tony Tucci  
Chair  
Citizens for Los Angeles Wildlife

Damon Nagami  
Senior Attorney, Nature Program  
Director, Southern California Ecosystems Project  
Natural Resource Defense Council

Jim Hines  
Team Leader, California Wildlife Team  
Sierra Club

Beth Pratt  
California Executive Director  
National Wildlife Federation

Kelsey Jessup  
Urban Conservation Program Manager  
The Nature Conservancy

Gerry Hans  
President  
Friends of Griffith Park

Wendy-Sue Rosen  
Co-founder  
Brentwood Alliance of Canyons and Hillsides
cc:
Conni Pallini-Tipton, conni.pallini-tipton@lacity.org
Joe Buscaino, councilmember.buscaino@lacity.org
Bob Blumenfield, councilmember.blumenfield@lacity.org
Mike Bonin, councilmember.bonin@lacity.org
Gil Cedillo, gilbert.cedillo@lacity.org
Marqueece Harris-Dawson, councilmember.harris-dawson@lacity.org
Paul Krekorian, councilmember.krekorian@lacity.org
Paul Koretz, paul.koretz@lacity.org
John Lee, councilmember.lee@lacity.org
Nury Martinez, councilmember.martinez@lacity.org
Mitch O’Farrell, councilmember.ofarrell@lacity.org
Mark Ridley-Thomas, councilmember.ridley-thomas@lacity.org
Kevin de León, councilmember.kevindeleon@lacity.org
Curren D. Price, Jr.; councilmember.price@lacity.org
Monica Rodriguez, councilmember.rodriguez@lacity.org
Nithya Raman, nithya.raman@lacity.org
Herb Wesson, councilmember.wesson@lacity.org
References


