

EXHIBIT E:
Environmental Clearance (ENV-2022-3414-CE)

CPC-2022-3413-CA, CPC-2022-3712-ZC, ENV-2022-3414-CE
For consideration by the City Planning Commission

November 17, 2022

COUNTY CLERK'S USE

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK

200 NORTH SPRING STREET, ROOM 395

LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT**NOTICE OF EXEMPTION**

(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

CPC-2022-3413-CA, CPC-2022-3712-ZC

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2022-3414-CE

PROJECT TITLE

Wildlife Ordinance Code Amendment

COUNCIL DISTRICT

All

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

☐ Map attached.**Citywide enabling ordinance, see map for zone change application**

PROJECT DESCRIPTION:

☐ Additional page(s) attached.

An ordinance amending Sections 12.03, 12.04, 12.32, 13.21, 13.22, and 16.05 of the Los Angeles Municipal Code (LAMC) in order to create a "WLD" Wildlife supplemental use district that establishes regulations that aim to maintain and protect existing wildlife and their ecosystems and provide co-benefits including climate change resilience, resource management, and public health.

NAME OF APPLICANT / OWNER:

City of Los Angeles (Department of City Planning)

CONTACT PERSON (If different from Applicant/Owner above)

Patrick Whalen

(AREA CODE) TELEPHONE NUMBER

EXT.

(213) 978-1370

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) 7 and 8☒ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))Common Sense Exemption

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

Please see attached narrative.

☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Patrick Whalen

STAFF TITLE

City Planner

ENTITLEMENTS APPROVED

DISTRIBUTION: County Clerk, Agency Record

Rev. 6-22-2021

Wildlife Ordinance Categorical Exemption Narrative

Project Description: In response to Council Motion 14-0518, which instructed the Department of City Planning to prepare an ordinance with a set of land use regulations that would maintain wildlife connectivity in the city, the City of Los Angeles has developed and released the proposed Wildlife Ordinance (Project). The Wildlife Ordinance establishes a new supplemental use district (SUD) containing a series of development regulations and procedures for enhanced review of development projects where the SUD is applied. These regulations and procedures, which will be discussed in greater detail below, aim to better protect the City's most important and vulnerable ecosystems, wildlife habitats, and natural resources. The goal of the Wildlife Ordinance is intended to minimize the impact that development will have on the environment and wildlife connectivity.

The Project proposes to apply the new SUD to a geographic area largely consisting of the section of the Santa Monica Mountains between the 405 and 101 freeways. See the map attached below for the exact Project area boundaries. This area represents roughly 28,000 parcels. The Wildlife Ordinance will establish development regulations, discussed in the section below, to all properties within the boundaries of the SUD (Wildlife District). Additionally, the Wildlife Ordinance identifies specific resources that are known to be important features for sustaining ecosystems and wildlife habitats— namely water resources, and designated open spaces. In order to better protect these resources, additional regulations and review processes have been established to further regulate development so as to minimize potential impacts. Together, the district-wide and resource-specific regulations work to create a regulatory framework that ensures the City's natural resources and critical environmental areas are better preserved and protected.

Additionally, by creating the new SUD and adding it to the City's Zoning Code, it is available for future application to other areas of the City that are identified in the Protection Areas for Wildlife (PAWs). At this time, the application of the SUD to other areas in the City is unknown. While expanding its use has been discussed and is contemplated, no official action has been taken to apply the SUD to any other area and its application to any other area of the City as the Wildlife Ordinance regulations are proposed would be speculative.

District-Wide Regulations

The Wildlife Ordinance development regulations would apply to any of the following development activities in a Wildlife District:

- **New Construction:** the construction of a new, standalone building
- **Additions:** Additions exceeding 500 square feet to any building or structure
- **Major Remodel- Hillside:** Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building
- **Grading:** Cumulative grading on a lot exceeding 500 cubic yards
- **Tree Removal:** Removal of any Protected Tree, Significant Tree, or tree within the public right of way

When an applicable development project is proposed in a Wildlife District, it will be reviewed for compliance with the Wildlife Ordinance development standards. If a development project is proposed within a resource or its buffer, or if it meets additional criteria, as provided in the Wildlife Ordinance regulations, it will be subject to additional development standards and review procedures, which are outlined in greater detail below. The proposed district-wide development standards are intended to ensure development is sensitive to the environment and ecosystems of properties in a Wildlife District, and that natural resources and native wildlife are better protected and preserved. The following contains a list of topics addressed by the Wildlife Ordinance, and a brief description of the proposed regulations for each.

- **Fences and Walls:** The intent of regulating fences and walls is to minimize potential for wildlife injury, and facilitating wildlife movement minimizing obstacles to food and water, shelter, and breeding access by prohibiting materials and design features that present threats to wildlife. To achieve this goal, fences will not be permitted to use plastic mesh or barbed, woven, concertina, or razor wire in their construction. Additionally, features such as spikes, sharp glass, and uncapped fence posts will also be prohibited. These regulations will help protect wildlife by minimizing harm to animals that may interact or come in contact with fencing.
- **Grading:** The intent of introducing additional grading standards in the Wildlife District is to preserve natural landform, topography, and vegetation; retain watershed function; and reduce surface erosion, soil instability, landslides, and/or site disturbance by limiting grading on steep slopes. In order to limit the amount of grading that can take place in the Wildlife District, development on portions of lots with slopes in excess of 100% grade- which would require large amounts of grading- is proposed to be prohibited. Additionally, the Wildlife Ordinance proposes to remove grading exemptions currently included in other sections of the Los Angeles Municipal Code, including those for driveways and cut and fill for under building footprints. The effect of removing exemptions will be to allow more of the impact of grading to be reviewed. With the Wildlife Ordinance, grading for both of these activities will be counted toward the overall maximum allowable grading for a site. Together, these grading regulations will help to preserve existing landforms and reduce development impacts on the environment.
- **Residential Floor Area:** The Wildlife Ordinance proposes regulations to limit Residential Floor Area (RFA) in order to minimize the disturbance to and alteration of Wildlife Resources, slopes, vegetation, and undeveloped areas that provide wildlife habitat and connectivity by retaining existing vegetation and natural landforms in hillside areas. All residentially zoned properties have limits on the total allowable RFA permitted on the lot. Current regulations exempt basements in the calculation of RFA. Recognizing that basements require grading and landform alteration, and thus contribute to environmental impact, and that their exclusion from the calculation of RFA results in larger homes than would otherwise be permitted, the Wildlife Ordinance proposes to count basements in the calculation of RFA, for projects in a Wildlife District. This revision to how RFA will be

calculated in a Wildlife District will help to more fully review the total Project and potentially reduce the scale of new construction, which will, in turn, reduce impacts on the environment.

- **Lot Coverage:** Lot Coverage refers to the area of a parcel covered by:
 - Any structures extending more than six feet above grade;
 - Pools;
 - Planters;
 - Sport courts;
 - Pavement
 - Patios and decks

The Wildlife Ordinance proposes to regulate lot coverage in order to minimize the alteration of existing landforms and vegetation; improve stormwater management and watershed health; limit soil erosion and slope instability, and maintain hillside ecosystems by limiting the amount of impermeable surfaces in the Wildlife District. To achieve this goal, the ordinance establishes a cap of 50% of the total Lot area, or 100,000 square feet, whichever is less, for lot coverage within the Wildlife District. Additionally, expanding what qualifies for inclusion in the calculation of lot coverage within Wildlife Districts will further serve to limit the impacts related to lot coverage. This proposed modification of lot coverage standards will help to reduce the amount of paving and hardscape in the Wildlife District, which will benefit stormwater management, limit erosion, and generally better protect and preserve natural landscapes and the environment in a Wildlife District.

- **Vegetation and Landscaping:** The Wildlife Ordinance proposes to establish additional regulations on vegetation and landscaping so as to maintain habitat, manage stormwater and sequester carbon by retaining Native and Significant Trees, and by incorporating native vegetation that supports wildlife. The proposed ordinance establishes additional regulations for native tree planting and preservation of existing protected and significant trees. Additionally, the ordinance establishes lists of preferred and prohibited plants, as well as planting zones which regulate the type and number of plants that may be planted on lots in the Wildlife District. These regulations work to protect the environment and the City's natural resources by fostering healthy ecosystems through preserving native plants and preventing the planting of new invasive species.
- **Lighting:** Lighting, and light pollution, can have significant negative impacts on wildlife, such as disorientation of nocturnal species, and disruption of mating, feeding, migrating, and predator-prey balance. To minimize the impacts to wildlife created by outdoor lighting, the Wildlife Ordinance proposes additional lighting regulations including regulating the height and design of outdoor lighting to direct lighting away from resource areas, as well as establishing new lighting maximums for security lighting and outdoor recreational lighting. These lighting standards will result in better nocturnal habitats for wildlife, minimizing impediments to wildlife nighttime activities, including movement,

which will lead to healthier ecosystems and a better, healthier environment within a Wildlife District.

- **Windows:** Windows, doors, and large expanses of uninterrupted glass can be harmful, or even lethal, for birds. To improve avian safety and reduce avian injuries and death, the Wildlife Ordinance proposes to restrict reflective and transparent windows. Windows, or expanses of glass exceeding 40 square feet, are required to incorporate at least one of five features to promote avian safety. By requiring windows to have these bird-safe treatments, the Wildlife Ordinance will better protect birds, minimizing injury and ensuring a safer environment for birds within Wildlife Districts.
- **Trash Enclosures:** Trash and waste management can present significant issues for wildlife and ecosystem maintenance. Improperly secured or poorly designed trash enclosures can present hazards for wildlife, and can lead to polluted and damaged environments. To prevent these issues, and minimize occurrences of human-wildlife interaction, the Wildlife Ordinance proposes regulations to introduce design standards and to restrict access to trash enclosures. The ordinance proposes design standards for trash enclosures and acceptable and prohibited materials that will help minimize wildlife and human interactions thus avoiding injury to wildlife.

Wildlife Resource Regulations

In addition to the district-wide standards described above, the Wildlife Ordinance also contains a set of regulations oriented around protecting natural resources that are known for being critical components of local wildlife habitats and ecosystems. The ordinance identifies the following as Wildlife Resources:

- Open space resources (designated conservation areas, publicly owned land, and designated conservation easements).
- Water resources (lakes, reservoirs, rivers, streams, wetlands, riparian areas, and open channels,)

The Wildlife Ordinance proposes a buffer around all resources, wherever they are present in Wildlife Districts. A buffer of 50 feet is required for water resources except for open channels, where a buffer of 15 feet is required. A buffer of 25 feet is proposed around all identified open space resources. Recognizing the critical importance of these natural resources to local ecosystems, any Project proposed within a Wildlife Resource or its buffer must prepare a biological assessment, and be reviewed and approved through the site plan review process. Because development activity near Wildlife Resources can still lead to their degradation, it is important to be able to take a closer look at development proposals within identified Wildlife Resource buffers to ensure that these natural resources are preserved and protected.

Site Plan Review

The final component of the proposed Wildlife Ordinance that serves as a mechanism for better protecting natural resources and the environment is Site Plan Review. Site Plan Review, established in 16.05 of the LAMC, exists to “promote orderly development, evaluate and

mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements" (LAMC Sec. 16.05). A series of findings stating that the project complies with all applicable regulations must be made for a development project to receive Site Plan Review approval. The Wildlife Ordinance, with its proposed supplemental findings, requires development projects to be designed to ensure less of an environmental impact through the Site Plan Review process.

The proposed Wildlife Ordinance adds requirements for three types of development projects subject to Site Plan Review:

- Projects that propose remedial grading in excess of 1,000 cubic yards
- Projects that propose creating or adding at least 7,500 square feet of residential floor area
- Any Project proposed within a Wildlife Resource or its Buffer is present.

Development projects that are proposing large quantities of remedial grading, or that are adding new, large residential structures, have the potential to have a greater impact on the environment than other, smaller projects. Utilizing site plan review to analyze these types of projects allows for heightened levels of scrutiny to be applied, and for projects to be reconfigured and conditioned so as to have less of an impact on the environment.

Lots containing Wildlife Resource Buffers are proximate to known wildlife resources, and therefore are lots with greater environmental significance for connectivity than others within Wildlife Districts. Projects proposed within these areas will require a biological assessment to ensure that the resource is not being disturbed or altered, and that habitats and connectivity are maintained and preserved as much as possible. The Wildlife Ordinance utilizes Site Plan Review to better protect the environment and identified resources within Wildlife Districts.

JUSTIFICATION OF EXEMPTION

CEQA Section 15307 - Class 7 Categorical Exemption

"Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the California Department of Fish and Game. Construction activities are not included in this exemption."

The use of a Class 7 exemption is appropriate for the proposed Wildlife Ordinance because the ordinance consists of actions to assure the maintenance, restoration and enhancement of a natural resource and the ordinance includes procedures for the protection of the environment. As stated in the ordinance, the purpose of creation of Wildlife Districts is to:

“maintain and enhance wildlife habitat and connectivity by providing standards and regulations applicable to development in ecologically important areas. The overall intent of 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.”

As such, the regulations in the ordinance are focused on protecting the environment and natural resources and introduce additional review for projects than required today. The ordinance provides special attention to identified resources, such as open spaces, water sources, and riparian areas, by establishing development regulations aimed at their protection and preservation. Regulations such as restricting the amount of grading that can occur on a lot and prohibiting grading and development on the steepest slopes within the district help to protect resources by better protecting existing landforms, reducing potential for erosion, and facilitating more effective stormwater management. Regulations tied to vegetation and landscaping help to ensure more native, significant, and protected trees will be retained within a Wildlife District, which supports retention and enhancement of tree canopies which serve as habitats for many native species. Additionally, these vegetation regulations ensure that native plants, which support native animal species, will be planted alongside new development, thus helping to restore and even enhance the ecosystems where these regulations are applied. Regulations related to restricting lot coverage help to protect resources by maintaining permeable land cover, facilitating greater amounts of ground water recharge and minimizing erosion and storm water management issues by limiting the amount of paving and hardscape that will be allowed on lots. Lighting and window regulations help to minimize impacts on wildlife such as birds by reducing light pollution and making glass more visible to birds, which makes it less susceptible to bird strikes. Collectively, the Wildlife Ordinance regulations that apply to all properties within the district help to maintain, restore, and enhance natural resources and ecosystems, and create an environment that is more hospitable to native wildlife and conducive to maintaining connectivity within the District.

While the Wildlife Ordinance’s district-wide regulations provide benefits for maintaining and enhancing the environment and natural resources, a key provision in the ordinance for protection of natural resources, as outlined in the narrative above, is the Wildlife Resource Buffer. A buffer of 50 feet is required for water resources, while 25 feet is required for identified open space resources, and 15 feet is required for open channels. Development projects proposed within identified Wildlife Resources or their buffers must first submit a biological assessment to identify the exact location of resources on the site. In addition to preparing and submitting a biological assessment, development projects within wildlife resources and their buffers must be reviewed and approved through the site plan review process. The site plan review process allows the City to more holistically and comprehensively review projects on lots where resources are present to ensure their impact on the environment and natural resources is minimal. In addition to the usual findings required for site plan review, additional Wildlife District

findings are proposed for projects within a Wildlife District. These findings, listed below, ensure that projects are sited and designed in a way to minimize the impact to identified resources.

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

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

Site Plan Review is also proposed to be utilized for large, potentially impactful projects that are within a Wildlife District, but not proximate to identified resources. Projects proposing at least 1,000 cubic yards of remedial grading, as well as those proposing to add 7,500 square feet or more of Residential Floor Area (RFA), will be routed through Site Plan Review. The same findings that are listed above will also need to be made for these projects. Recognizing that the largest projects often have the largest impacts on the environment and resources, requiring a discretionary review process represents another effort to maintain and enhance natural resources and the environment. For example, if a single family home is proposed to be constructed on a lot where a water resource and protected trees are present, the site plan review process could help to minimize impacts to those resources by requiring the project be redesigned to be sited away from the water resource and protected trees, which would maintain, and even enhance, these resources over time.

When combined with the district-wide development standards, which also focused on minimizing disturbance to natural resources and protecting the natural environment of Wildlife Districts, the standards to protect natural resources in the Wildlife Ordinance serve to further protect the environment and natural resources within the City than are available today. Thus, the use of the Class 7 exemption is appropriate.

Scientific Support for Wildlife Ordinance

The Wildlife Ordinance's approach to better protecting the City's environment and natural resources is supported by scientific study and best practices from other jurisdictions. Additionally, numerous biological and ecological experts were consulted throughout the development of the proposed ordinance, and numerous field experts and environmental organizations have expressed support for the proposed regulations as a mechanism to better protect the environment.

Consultation with experts in the fields of ecology and biology started with the the first step in developing the Ordinance, which was the preparation of the Wildlife Pilot Study, which helped to identify ecologically sensitive areas within the City and the types of land use regulations that might be applied within those areas to create a "wildlife corridor" by protecting and connecting plants, animals and other natural resources. As part of the Study, DCP staff worked with a team of biological/ecological consultants from Environmental Science Associates (ESA) to prepare the Protected Areas for Wildlife and Wildlife Movement Pathways Report (2021 ESA Report), which helped to inform the basis of the Ordinance. The proposed Wildlife Ordinance regulations are informed by the work of the biologists and ecologists who not only identified ecologically sensitive areas worthy of additional protection, but also strategies for how these areas could be better protected. Following the recommendations of field experts, such as the authors of the ESA Report, helps to ensure confidence in claims that the Wildlife Ordinance will better protect the environment and natural resources.

Aside from working closely with this consultant firm of biological experts, the City also conducted additional research, such as literature reviews and interviews with local and national experts on subject matter related to the Ordinance regulations. Not only were peer-reviewed literature and other written sources consulted by DCP staff, but staff also conducted meetings with key researchers in the topic areas being considered, such as wildlife connectivity, as well as avian safe windows and lighting best practices. A specific example of such an effort entailed the development of the Plant Lists. Both the Prohibited and Preferred Plant Lists are synthesized from existing vetted plant lists within the region—including lists of plants from the California Native Plant Society (CNPS), the City of Malibu, the City of Santa Monica, and the California Invasive Plant Council (Cal-IPC), as well as plant lists currently being used by the City, such as the Mulholland Specific Plan, which is in the same geographic area as the District (the Santa Monica Mountains). Following the synthesis of these aforementioned lists, both lists were then reviewed by City landscape architects from various departments and LASAN's biodiversity team, as well as external experts including botanists, horticulturalists, and landscape architects. Together, the research and consultations with experts provided the evidence-based approach for the recommendations in the proposed Ordinance, which helps to ensure that the Ordinance will better protect the environment and natural resources.

Finally, the Wildlife Ordinance has the support of many subject matter experts and organizations devoted to protecting natural resources and the environment. As shown in the official case file

for the Ordinance, letters of support for the Wildlife Ordinance regulations have been received from numerous environmental advocacy organizations including but not limited to:

- Center for Biological Diversity
- Laurel Canyon Land Trust
- Mountains and Recreation Conservation Authority
- Santa Monica Mountains Conservancy
- San Pascual Arroyo Seco Wildlife Preservation
- Arroyos and Foothills Conservancy
- The Hillside Federation
- Friends of Griffith Park

Staff from the Rim of Valley project also submitted a letter of support for the Ordinance, which was signed off by representatives from organizations including the Southern California Ecosystems Project, Natural Resources Defense Council, the Endangered Habitats League, and more. Professor Eric Wood, from the Department of Biological Sciences at Cal State Los Angeles, stated in his letter of support for the Project that the Wildlife Ordinance will preserve resources, limit the removal of trees and habitat areas, enhance habitat, and foster climate resiliency. Further, a letter from the Center for Biological Diversity states that “the regulations in the Ordinance were created based on best practices defined by the most current scientific research and are a timely and essential step in protecting the City’s biodiversity and open space for both wildlife and people.” Receiving the support of environmental experts and organizations devoted to environmental protection helps to bolster claims that the Ordinance regulations will protect the environment and natural resources, and that the use of Class 7 and 8 Categorical Exemptions is appropriate.

CEQA Section 15308 - Class 8 Categorical Exemption

“Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”

The use of the Class 8 exemption for the Wildlife Ordinance is appropriate because the ordinance assures the maintenance, restoration, enhancement, or protection of the environment and the ordinance identifies additional procedures for protection of the environment. The intention of the ordinance is to minimize disturbance to natural areas, protect native flora and fauna, and lessen the impact of development on the environment. As listed in the narrative above, there are ten categories of district-wide regulations that will apply to all development projects located within a Wildlife District. These district-wide standards include regulations to minimize land disturbance and impermeable ground cover, enhanced protections for trees, design standards for development that reduce hazards for wildlife, and others as previously described. All of these standards are intended to protect remaining natural spaces, and help

restore areas that have already been developed by requiring new development be more sensitive and less damaging to the environment going forward.

In addition to the city-wide development standards, the Wildlife Ordinance also establishes regulations to better protect identified Wildlife Resources, such as water sources, riparian areas, and open spaces. Finally, the Wildlife Ordinance also proposes utilizing the site plan review process for projects over a certain size and scope, and for development projects proposed within identified wildlife resources and their buffers. Site plan review allows the City to take a more holistic and comprehensive review of development projects to minimize environmental impacts.

Given that the regulations and review procedures proposed by the Wildlife Ordinance are proposed in addition to existing regulations, require supplemental review and findings for certain projects as described in the narrative above and have been proposed to better protect or enhance the environment where the Wildlife SUD is applied, this Project represents an action taken by a regulatory agency to assure the protection of the environment, and use of the Class 8 exemption is appropriate.

CEQA Section 15300.2 - Exceptions to the Categorical Exemption

As described below, the Project does not satisfy the criteria for exceptions to the application of Section 15300, Class 8 of the State CEQA Guidelines:

Exceptions to Exemptions

The State of California Environmental Quality Act (CEQA) Guidelines Section 15300.2 outlines five exceptions to the use of a Categorical Exemption:

- 1) **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located— a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Classes 3, 4, 5, 6, and 11 are not being considered as exemptions for this Project.

- 2) **Cumulative Impact:** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time is significant*

The proposed Project does not propose or authorize any development or construction activities, or expand any new or existing land uses. The project does not make any changes to land use designations, and future development that would be allowed under the Wildlife Ordinance would be congruent with existing land uses. Therefore, there is no reasonable expectation that the Project would lead to successive projects that would cause cumulative impacts rising to a level of significance. In contrast, the proposed ordinance introduces additional regulations on development allowed today that will help to address the cumulative impacts of that development.

The Project also does not prohibit development. Though the proposed Wildlife Ordinance introduces additional development regulations and review procedures for projects within Wildlife Districts, it does not remove the ability for any parcel to be developed. Additionally, the proposed Wildlife District is largely developed, and does not have large tracts of land available for development. Therefore, it is not anticipated that the Project would cause an increase in development pressures outside of the Wildlife District to accommodate growth that would otherwise occur within it. There is no evidence to indicate that there would be cumulative impacts as a result of this Project, so the exception does not apply.

- 3) ***Significant Effect on the Environment:*** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances*

There are no unusual circumstances that would create the reasonable possibility that the activity would have a significant effect on the environment. The type and circumstances of the Project are not unusual. The City has other ordinances that establish standards protecting resources throughout the City, including in the Project Area, such as the Mulholland Specific Plan, the Baseline Hillside Ordinance, the Hillside Construction Regulations SUD, and others. These ordinances and supplemental use districts already regulate setbacks, grading, allowable building heights, removal of trees, and other topics that the Wildlife Ordinance is also proposing to regulate. Additionally, other agencies in the State have recently adopted regulations to protect wildlife and connectivity, including Ventura County, which passed two ordinances to safeguard wildlife connectivity. It is useful to note, Ventura County also successfully used Categorical Exemptions for the environmental clearance of these ordinances.

Moreover, there is no substantial evidence of even a fair argument that the Project would result in a significant effect. The Project does not authorize any new construction or development activities, but instead, places additional limitations on the size, scope, and design of new development so as to be more environmentally protective. The proposed Wildlife Ordinance SUD is written to address the predominant single-family residential zoning in the District, and the proposed ordinance does not change the underlying zoning nor the single family uses of the District..

- 4) ***Scenic Highways:*** *A categorical exemption shall not be used for any project which may result in damage to scenic resources, including but not limited to, trees, historic*

buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or a certified EIR.

The Project is not a development project and as such does not have an associated location. The regulations will apply to an area that contains the Mulholland Scenic Parkway Specific Plan which is a locally designated scenic highway. There is no designated State scenic highway in the District. Currently, the only portion of a scenic highway officially designated by the California Department of Transportation (CalTrans) within the City of Los Angeles is a six mile portion of the Pasadena Freeway (also known as the Arroyo Seco Historic Parkway). The project area is not located on or near the Arroyo Seco Historic Parkway, so it does not have the potential to result in damages to scenic resources. Therefore, this exception does not apply.

- 5) **Hazardous Waste Sites:** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The proposed Project does not propose or authorize any development or construction activities, or expand any new or existing allowed land uses on any site on any list compiled pursuant to Section 65962.5.

- 6) **Historical Resources:** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource*

The proposed Project does not authorize or propose any development or construction, and therefore should not impact designated historical resources. The Project establishes supplemental development regulations for projects in identified Wildlife Districts, and does not propose changes to land-use designations or density allowances within the Project Area.

While there are no Historic Preservation Overlay Zones (HPOZs) located in the Project area, there are numerous individual Historic Cultural Monuments (HCMs) present. The Project, however, will have no effect on existing HCMs, as properties that exist at the time of adoption of the ordinance will be granted non-conforming rights for elements of their property that does not comply with current regulations. Non-conforming properties may be maintained and repaired, which is necessary to ensure preservation of HCMs. All procedures related to preservation, restoration, alteration, addition to, or demolition of HCMs, as implemented by the Office of Historic Resources, would continue as is, following the adoption of the proposed Wildlife Ordinance. There is no evidence to suggest the Project would be likely to cause adverse changes to the significance of historical resources, so the exception does not apply.

Common Sense Exemption

To the extent that the Wildlife Ordinance will affect the environment, the effect is expected to be beneficial since the proposed Ordinance is intended to protect biological resources by limiting grading and soil removal, requiring site plan review for projects proximate to identified water and

open space resources, limiting the planting of invasive plants and promoting native plants for vegetation and landscape requirements, and limiting the environmental impacts of new development. The Ordinance also does not introduce any new land use or development activities that were not previously allowed, and introduces new regulations to help ensure new development is compatible and minimally disruptive to wildlife, natural resources, and the environment. Therefore, the Common Sense CEQA exemption is appropriate to be used for this Ordinance.