Puente Hills
Habitat Preservation Authority
Endowment Provided by the Puente Hills Landfill

May 22, 2014

David McDonald
Department of Regional Planning
320 W. Temple Street, Room 1354
Los Angeles, CA 90012
dmcdonald@planning.lacounty.gov

Re: Draft Hillside Management Area (HMA) Ordinance

Dear Mr. McDonald:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the Draft Hillside Management Area (HMA) Ordinance for the unincorporated areas of Los Angeles County dated March 24, 2014 and the associated Hillside Design Guidelines (2014 Draft for Public Review). The Habitat Authority previously submitted comment letters for the October 17, 2013 and December 6, 2012 HMA Ordinance drafts.

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq*. with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated areas of the Puente Hills known as Hacienda Heights and Rowland Heights.

The following comments are related to the Ordinance and are submitted for your consideration:

1. Section 1.2, page 4 – Please consider changing the requirement to locate development on the flattest portions of the site *only* if that area does not contain with rare, sensitive, or State or federally listed species.

2. Section 22.56.215 D.1., page 5 – To be consistent with four other Los Angeles County communities, please consider requiring a Conditional Use Permit for a single lot or parcel if grading exceeds 5,000 cubic yards of total cut plus total fill material. Please make this requirement consistent with the Santa Monica Mountains North Area Community Standards District Section 22.44.133 G4 which states that any grading on a lot or parcel of land, or in connection with a project or any subsequent project, which is undertaken at any time after the effective date of the ordinance shall be counted cumulatively toward the grading thresholds in perpetuity for the property. The current draft Ordinance states a Conditional Use Permit is not required for a single lot or parcel if grading does not exceed 15,000 cubic yards of total cut plus total fill material. Due to unique topography and environmental features of hillsides such as sensitivity to soil erodibility, drainage and sedimentation, grading can have impacts which affect the environmental and aesthetic features of a hillside. Increased sedimentation in streams and other drainage courses can eliminate habitat conditions and areas essential for the continued viability of gastropods and reptiles. Excessive grading can threaten existing vegetation and tree cover, increase soil erosion and have potential visual impacts to scenic hillsides.

3. Section 22.56.215 D., pages 5-7 – Please reinsert language exempting mitigation-related habitat restoration from requiring a Conditional Use Permit. The October 17, 2013 draft (22.56.215 D.2.h.), included the following exemption language: "Any activity undertaken as on-site or off-site mitigation measure for another development, such as restoration of natural habitat or planting of oak trees." Since the goal of habitat restoration is to improve natural open space and is consistent with the goal of the HMA to preserve the physical integrity and scenic value of HMAs, please list these activities as being exempt from obtaining a CUP.

4. Section 22.56.215 D.8.a., page 7 – Please reinsert language exempting removal or thinning of vegetation for fire safety (as in October 17, 2013 draft section D.2.i.), not just in response to an emergency as current language states. Fuel modification activities are required in many areas per the LA County Fire Department and are critical activities in the prevention of fires and reduction of fire-related emergency situations.

5. Section 22.56.215 D.8.c., page 7 – Please consider amending this language to include other public safety concerns that may be encountered in natural open space such as trail restoration, soil erosion, etc. since these are also hazard management activities in response to public safety. The Habitat Authority recommends reverting back to the language in the previous October 17, 2013 draft section 22.56.215D.2.i.ii.

6. Section 22.56.215 F.1.a.ii. and F.1.b.ii, page 10-11 – On land with any land use designation where development adjoins the Puente Hills Preserve, and other properties managed as natural open space, please consider decreasing the amount of open space that may be provided as improved open space. Currently, in rural areas up to 33% of total required open space and in other land use designations up to 100% of total required open space, may be improved. By requiring that most open space be natural open space, habitat fragmentation, whereby animals lose their ability to move between areas that have resources they need to survive, could be reduced. This is especially critical in areas being developed that are adjacent to existing natural open space such as the Puente Hills Preserve.

7. Section 22.56.215 F.2.c, page 11 – The Habitat Authority recommends deleting the following sentences: "A street may be placed within the contiguous natural open space area if the Hearing Officer finds that such a street is necessary to ensure adequate circulation or access. Such a street shall not be counted as a portion of the total required open space." If the Hearing Officer finds that a street is necessary then the small isolated patches of natural open space should not be counted as a portion of the total required natural open space.

   By allowing a street to be placed within the contiguous natural open space, habitats that were once contiguous become divided into separate fragments. Small habitats can only support small populations which are more vulnerable to extinction; this is, therefore, a threat to biodiversity. Habitat fragmentation can cause animals to lose the ability to move between areas that have the resources they need to survive. This can lead to populations becoming isolated and losing the important exchange of genetic material necessary for healthy populations. Habitat fragmentation also leads to edge effects where the influence of factors in the surrounding areas, such as light, noise, pollution, temperature, non-native plants, etc. are enhanced.

8. Section 22.56.215 F.5.b, page 13 – Please consider requiring that dedication of open space to a nonprofit land conservation organization not only meet the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to CA Government Code Section 65965, but that they also have proven capabilities and relevant experience to manage the land.

9. Section 22.56.215 F.5.c, page 13 – Please consider revising the statement with the addition of the following italicized word. "A *recorded* conservation easement that requires open space to remain in perpetuity and extinguishes all future development rights; or". It is important that the conservation easement gets recorded with the County, because only then will it apply to all future landowners.

10. Section 22.56.215 G.2. page 14 - Please consider adding the text in italics to the following existing sentence: "……as well as views of other unique, site-specific aesthetic *or significant natural* features of the hillside, by:" It is important to include the preservation of the biological values since they contribute to a complete, functioning ecosystem within the HMAs as well as enhance community character.

11. Section 22.56.215 G.4., page 15 – Consider adding the text in italics to the following existing sentence: "That the proposed development *provides open space and preserves the biological values that enhance community character* and is in substantial compliance with the Hillside Design Guidelines." Again, it is important to include the preservation of the biological values since they contribute to a complete, functioning ecosystem within the HMAs as well as enhance community character.

The following comments are related to the Hillside Design Guidelines (2013 Draft for Public Review) and are submitted for your consideration:

12. Page 3, Substantial Compliance, 2nd paragraph –Please require minimum design standards for projects occurring adjacent to natural open space.

13. Section 1.2, page 4 – Please consider changing the requirement to locate development on the flattest portions of the site *only* if that area does not contain rare, sensitive, or State or federally listed species.

14. Section 1.14, page 5 – Consider clarifying that the 50-foot open space buffer does not include fuel modification zones. Fuel modification zones should be included as part of the project footprint so as to not encroach onto other properties and/or natural open space.

15. Section 1.16, page 5 – Please add the italicized text to this design measure: "Provide private (connector) trails that link together all of the project's open spaces areas (1 acre or larger) and connect to any onsite or offsite public trails, *where appropriate.*" This would require coordination with the public agency managing the offsite trails to determine if connecting the trails would be beneficial.

16. Section 3.11, page 8 – Please consider adding the following sentence: "When designing bridges or underpasses, incorporate into the designs features that maximize the preservation of wildlife migration in areas in or near open space."

17. Section 4.12, page 9 – The Habitat Authority recommends the following additional language: "All point lighting sources shall be screened and directed to prevent offsite spillover lighting effects. Spillover lighting shall be limited to 0.1 foot-candle within 30 feet of structures. Where determined to be necessary by the Director or Public Works Director for public safety , street lighting, pedestrian walkway lighting,

and parking lot lighting shall use light fixtures that shield and direct light with a backlight shield or other equivalent type of shielding to minimize light spill-over effects into adjacent areas."

It is important for the natural cycles of animals to experience natural daylight and nighttime as these cycles regulate the hormonal systems in animals relating to activities such as mating, migration, hibernation, etc. Therefore it is important to shield exterior night lighting and contain spill-over lighting from fixed point lighting sources.

18. Section 4, page 9 – Consider adding a new section 4.14 for recommended design features that states: "Use fire-safe materials"
19. Section 4, page 9 – Consider adding a new section 4.15 that states: "Eliminate all potential entrances for wildlife into the home/structure with the use of 1/8 inch wire mesh to cover vents and open pipes."
20. Appendix A, Landscape Plan bullet, page 11 – Please clarify if walkways include trails.
21. Appendix B, page 12 – Regarding the "Located in HMA?" item, is there a map that can be referred to for the areas in which the HMA ordinance applies or how do you know if it applies?

Thank you for your consideration of our comments. Feel free to contact me or Lizette Longacre, Ecologist, at (562) 945-9003 for further discussion.

Sincerely,

Bob Henderson
Chairman

C: Board of Directors
Citizens Technical Advisory Committee