



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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San Diego, CA 92123  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



January 10, 2013

Ms. Brianna Menke  
Department of Regional Planning – Los Angeles County  
320 W. Temple Street, Room 1354  
Los Angeles, CA 90012  
[bmenke@planning.lacounty.gov](mailto:bmenke@planning.lacounty.gov)

**Subject: Draft Hillside Management Area Ordinance for Unincorporated  
Los Angeles County**

Dear Ms. Menke:

The Department of Fish and Wildlife (Department) has reviewed the Draft Hillside Management Area (HMA) Ordinance which is designed to regulate development within designated HMAs in unincorporated Los Angeles County. The HMA Ordinance will be a component of the Los Angeles County General Plan 2035 Update. It is the Department's understanding that after the formal comment period closes, the Draft HMA Ordinance will be revised and then be released again for additional review and comment in Spring 2013. Public hearings regarding General Plan 2035 and all of its components, including the Draft HMA Ordinance, will begin in 2013.

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. Please let Department staff know if you would like a copy of the California Wildlife Action Plan to review.

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & G. Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 *et seq.*, the Department also submits these comments likely as a Responsible Agency for the project under CEQA. (*Id.*, § 21069.)

The Department recommends consideration of the following comments and recommendations when finalizing the HMA Ordinance. The cited section of the HMA Ordinance is followed by the Department's comments for each section.

#### **Section 2, Section 22.56.215 - Hillside Management Areas -- Additional Regulations**

1. Page 1 of 12, Section A, Purpose, Section 1 – This section states, "This Section is established to regulate development in Hillside Management Areas (HMAs) with the following two objectives: 1. Protect scenic hillside views, consisting of slopes, hilltop summits, and ridgelines, and conserve natural hillside character ..."

- a. It is unclear if “conserve natural hillside character” includes the conservation of the biological diversity of the hillside; please clarify the intent of that statement.
2. Page 2 of 13, Part B, Applicability, Section 1 – This section states, “The provisions of this Section shall apply to the following projects, including related on-site and off-site improvements such as grading...”
    - a. Clearing vegetation on hillsides utilizing methods other than grading should also be included in the HMA provisions. Removal of vegetation promotes erosion and loss of natural biological and botanical attributes of the hillsides.

### **Section 3. 22.56.215 Design Standards, Section D (1) Open Space Requirement**

1. Page 7 of 12, Section (c)(iv) – This section describes that natural watercourses with a minimum 50 foot buffer from the edge of the banks shall be mapped on the site plan and prioritized for inclusion in the required open space.
  - a. Some anthropogenic water courses exhibit important biological resource value and should be mapped for planning purposes in order to avoid oversight during subsequent plan review that may result in loss of resources or unauthorized impacts to state and/or federal jurisdictional streams. Further analysis should be utilized to determine resource value of each water course and inclusion within designated open space.
2. Page 8 of 12, Section (f)(iii) - This section describes that open space may be dedication to a Home Owners’ Association.
  - a. As per Government Code Section 65965, if the open space dedicated to the HOA is considered mitigation for a project permitted by the County of Los Angeles as a local public agency, the County shall exercise due diligence in reviewing the qualifications of the HOA to effectively manage and steward natural land or resources. This is especially important for screening purposes since HOAs may not have the expertise or resources to perform land steward duties in compliance with intended mitigation measures to protect the biological attributes of open space in perpetuity.

### **Section 5(b). Storm Water Runoff Design Standard**

1. Page 11 of 12 - This section states “Drainage infrastructure, such as concrete culverts and detention basins, shall be built to blend into the topography and surrounding landscape, and shall be designed with earth-toned materials.”
  - a. The design standard for engineered storm water runoff control infrastructure should strive to avoid fragmenting or otherwise adversely impacting biological resources associated with the drainages and associated watershed.

The Department recommends that the lead agency address the Department’s concerns within subsequent iterations of the HMA Ordinance.

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Thank you for this opportunity to provide comments. Please contact Mr. Scott Harris, Environmental Scientist at (626) 797-3170 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Betty Courtney  
Environmental Program Manager  
South Coast Region

cc: Department of Fish and Wildlife  
Ms. Jamie Jackson, Ventura  
Mr. Scott Harris, Pasadena

