



July 7, 2014

Connie Chung, AICP, Supervising Regional Planner
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1356
Los Angeles, CA 90012
Email: genplan@planning.lacounty.gov

RE: 2014 Draft General Plan 2035 and Draft Environmental Impact Report for the Los Angeles County General Plan Update (SCH#2011081042)

Dear Ms. Chung:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this project. For your reference, EHL is Southern California's only regional conservation group. We will focus on the environmental impacts of new development, and planning and mitigation strategies to reduce those impacts. General comments and recommendations will be provided first, followed by specific comments and recommendations.

GENERAL COMMENTS

EHL first wishes to voice its strong support for the expanded Significant Ecological Areas (SEAs) that are proposed¹. These are a foundation for the future of the County and are the repository of the citizens' natural heritage.

Next, EHL supports "smart growth" planning that reduces the land consumed for development, reduces GHG emissions, builds around transit corridors, and protects natural resources while accommodating population and job growth. But due to a long history of large lot parcelization in the County, the goal of environmental protection is challenging. And even where lands are rezoned to 1 unit per 20 acres, this will be insufficient to protect the most important biological values, that is, the SEAs. Such densities, on top of existing parcelization, create habitat fragmentation and edge effects incompatible with maintaining existing biological values. (See enclosure, documenting adverse impacts beginning roughly at 1:40.)

¹ When determining the compatibility of the proposed AVAP with an affected SEA, it would make sense to consider the unique and exceptional circumstance of the Tejon Ranch Land-Use and Conservation Agreement, which in effect clusters development on a larger scale, albeit with some of the resulting ecological benefit occurring on the other side of a jurisdictional boundary.

We therefore request that the General Plan 2035 and its EIR contain four measures to address the adverse impacts of development and to achieve the goal of resource protection. Where possible, these should be included in the General Plan and its EIR as feasible *mitigation measures* for the reduction of biological and other impacts, allowing for subsequent, expeditious tiering by future development during CEQA review.

Reduced densities in environmentally constrained land

As you consider the framework for land use, we urge that land use designations—and the densities therein—fully reflect infrastructure, public safety, and environmental constraints. It costs the taxpayer to provide services, utilities, roads, and police and fire protection to more remote locations. Often, such areas have high wildlife values, including but not limited to Significant Ecological Areas (SEAs). These same areas typically are high fire hazard. Reducing density automatically puts less life and property at risk of fire and, during a fire event, ensures that limited fire-fighting resources are spent stopped the fire’s spread rather than defending dispersed home sites that should not have been built in the first place. As noted below, the draft land use map does not sufficiently take into account fire hazard and should be improved.

Therefore, outside of urban centers and Economic Opportunity Areas, densities should be Rural, preferably at the RL40 category but at RL20 or RL10 where existing patterns of parcelization preclude the lowest density category². *This is particularly vital within SEAs.* Estate and ranchette designations (H2, R1, R2, and R5) rarely support agricultural uses and are the epitome of unwise, inefficient, auto and GHG-intensive, and land-consumptive land use. Such categories should only be used when existing parcelization has already converted an area to “rural sprawl.”

By down-planning estate densities to rural categories, the County of San Diego found billions of dollars in taxpayer savings³ and will avoid putting life and property at risk of wildfire. Los Angeles County should follow suit, and instead focus growth at higher densities in appropriate locations. Recommendations regarding locations where the current draft land use map does not follow these principles will follow under specific comments.

Transfer of development rights (TDR)

In order to protect the natural resource value of SEAs, Los Angeles County needs an effective strategy in addition to traditional acquisition and to the mechanisms (e.g., set asides, mitigation) in the SEA Ordinance.

² The unique circumstance of the Tejon Ranch Land-Use and Conservation Agreement may justify an exception to an RL designation because the Agreement effectively concentrates urban development on a small portion of its holdings, facilitating conservation over vast areas.

³ The San Diego County General Plan Update EIR found savings of \$1.6 billion in road construction costs alone, irrespective of ongoing maintenance. Also see http://www.sdcounty.ca.gov/pds/docs/bos_may03_report.pdf at page 21, Public Costs, for comparison of municipal vs unincorporated service costs.

TDR is a proven mechanism to preserve open space and one that creates positive outcomes for property owners who sell development rights and those who acquire them. It gives economic value to the open space that the public desires. TDR may be of the classic variety⁴ or streamlined as a fee program. The latter would require payment of an open space fee as a condition of obtaining density and would allow the agency receiving the fees to effectively prioritize conservation properties. TDR should always use the post-Update, rezoned density as baseline for sending areas and should require participation by receiving sites not only to increase density above a baseline (bonus density) but also to attain plan density (at least beyond the lower end of the density range). Coordination with nearby cities would be ideal.

Because it shifts growth from more remote and habitat-rich areas to locations closer to jobs and services, TDR could be incorporated into the General Plan and its EIR as mitigation for impacts to biological resources, traffic, GHG, aesthetics, etc. We recommend retaining an experienced consultant to explore options and fashion a program, and that a work plan be advanced as soon as possible, so as to meet the target of implementation 1-2 years post Plan adoption.

Site design

In order to implement biologically sound site design during the land use process, the General Plan 2035 should “decouple” lot size from density. This allows development to be consolidated on smaller lots in the last sensitive portion of the site. To maintain community character in non-urban locations, a minimum lot size of ½-acre should be set, as it has in many rural San Diego communities. To obtain smaller lots via Density Controlled Development adds additional layers of time and money for project applicants, which discourages better planning and resource protection. Smaller lots should be available “by right” and routinely.

Such consolidation of development should be *mandatory* at the Rural designations of RL5 - RL40, and should be used in the EIR as a key *mitigation measure* for biological, public safety, agricultural, and other impacts. The land set aside through such a subdivision could serve habitat or agricultural purposes but could not be developed in the future. An “off the shelf” model that provides standards, guidelines, and allowable uses (including agriculture) in the resulting open space is San Diego County’s Conservation Subdivision Program⁵.

Growth policies

The County may designate Economic Opportunity Areas (EOAs) or other designations or overlays that concentrate jobs and housing and provide improvements in services and transportation and water and sewerage infrastructure. These are growth

⁴ For example, see the City of Livermore’s program at <<http://www.cityoflivermore.net/civicax/filebank/documents/3051/>>.

⁵ See <<http://www.sdcountry.ca.gov/pds/advance/conservationsubdivision.html>>.

inducing. As a mitigation measure, General Plan 2035 should include protections against the sprawl that would otherwise follow such development, particularly along highway corridors. The most worrisome case is Highway 138. EHL recommends an urban growth boundary around EOAs or at a minimum a land use policy that prohibits extension of urban services between the proposed West and Central EOAs absent another comprehensive update of the General Plan.

SPECIFIC COMMENTS

Land use maps

The Hazard, Environmental, and Resource Constraints Model and Map (Table C.1; Figure C.1) are good tools for assigning land use designations. Areas with constraints should receive the lower end of the density scale. *However, we recommend elevating Very High Fire Hazard Severity Zones to Class II.* In today's world, where the inevitability of wind-driven fire is recognized, it is wholly irresponsible to "dig the hole deeper" by approving more and more at-risk development. Along with the SEA designation, Very High Fire Hazard Severity Zones should result in RL40 (or RL20 or RL20 if existing parcelization predominates).

A review of the draft land use maps shows that several areas with SEA, other biological, or fire constraints have inappropriately high densities. These areas include West Chatsworth in the Santa Monica Mountains, around La Crescenta in the San Gabriel Mountains foothills, and Diamond Bar/Tonner Canyon in the Whittier-Chino-Puente Hills. These locations should be redesignated as RL40, or RL20 if existing parcelization precludes the lower category. It should be noted that parcel sizes in the Diamond Bar area are currently as large of 160 acres.

Site design

As noted, above, EHL recommends that minimum lot sizes in Rural and Estate categories be reduced to ½-acre. EHL recommends the following new Land Use Policy, modeled on a draft policy in Riverside County's GPA 960 update⁶.

In Very High Fire Hazard Zones and in locations where biological or agricultural resources are present, require consolidated development on lots smaller than the underlying land use designation would allow. The density yield of the underlying land use designation should be consolidated on one- half-acre lots; however, for sites located adjacent to existing, larger estate lots, 10,000 square foot minimum lots may be considered.

Draft goals and policies

⁶ See

http://planning.rctlma.org/Portals/0/genplan/general_plan_2014/GPA960/GPAVolume1/LandUseElement-%20GPA%20No%20960%20Volume%201%202014-02-20.pdf at page LU-56.

Conservation and Natural Resources Element

C/NR-1 SEA Preservation Program

EHL supports these mechanisms to achieve permanent protection of SEA resources, and urges quicker timelines and supporting work plan budgets.

C/NR-2 Mitigation Land Banking Program/Open Space Master Plan

EHL supports these mechanisms to achieve permanent protection of SEA resources while simultaneously streamlining development in less biologically important locations.

C/NR-4 Native Woodland Conservation Management Plan

EHL supports planning for the conservation of these important woodland communities but urges a 3-5 year timeline.

C/NR-5 Scenic Resources Ordinance

EHL supports preserving the scenic views that establish a sense of place.

Goals and Policies for Open Space Resources

EHL supports the proposed language for Goal C/NR 1 and Goal C/NR 2, and associated policies. *We note that all of this is predicated on securing expanded SEA boundaries.*

Goals and Policies for Biological Resources

EHL concurs with adding shrub habitats such as coastal sage scrub to the “including” list, as this community is very depleted yet still very biodiverse.

Policy C/NR 3.3 should not be limited to riparian resources, as upland communities are also badly in need of restoration. An example is returning non-native grassland to historic coastal sage scrub, which is an ongoing project in several Orange County locations.

Sensitive Site Design

Policy C/NR 3.8

We suggest that following improvement, as “discourage” is far too weak a word to comport with either CEQA or SEA policies.

~~Discourage~~ *Limit development in areas with identified significant biological resources, such as SEAs.*

Another option (from San Diego County's General Plan) is:

Habitat Protection through Site Design. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.

Policy C/NR 3.9

This policy and its component parts are *strongly* supported as they provide the necessary General Plan basis for on-the-ground implementation of SEA goals. Absent this policy, SEA protection would remain abstract and ineffectual. We particularly support the additional elements for contiguity and connectivity, both on- and off-site.

Policy C/NR 3.10

We agree that at the General Plan level, it is wisest to express mitigation requirements in terms of general goals rather than, for example, as “in kind” or “flexible,” reserving more specific delineation to the SEA Ordinance or to County biological guidelines for CEQA implementation.

Policy C/NR 3.11

The weak term “discourage” in relation to riparian and wetland habitats would undermine CEQA, Calif. Dept. of Fish and Wildlife, and federal Clean Water Act standards and regulations. A much better option is found in San Diego County's General Plan Conservation and Open Space Element⁷:

Wetland Protection. Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.

Minimize Impacts of Development. Require development projects to:

- *Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and*
- *Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.*

Woodland Preservation Policy C/NR 4.1

⁷ See <http://www.sdcounty.ca.gov/pds/gpupdate/docs/BOS_Aug2011/C.1-4_Conservation_and_Open_Space.pdf> at page 5-9.

We support this language and extending the policy to other native woodlands.

Land Use Element

Goal LU 3 Growth Management

Policy LU 3.1: Protect and conserve greenfield areas, natural resources, and SEAs.

EHL supports this policy.

Policy LU 3.2: Discourage development in areas with environmental resources and/or safety hazards.

Policy LU 3.3: Discourage development in greenfield areas where infrastructure and public services do not exist.

EHL concurs with the intent of these policies yet the term “discourage” is weak and ineffective. We suggest substitution of the term “limit” which is consistent with the SEA program.

Goal LU 4 Infill Development

EHL supports these policies.

LU-6 Transfer of Development Rights Program

EHL strongly supports this well-conceived policy and the work plan it outlines. We appreciate it being advanced to a Year 1-2 schedule and urge all appropriate budgeting.

LU-7 Adaptive Reuse Ordinance

As a vital and proven way to revitalize older communities, EHL support this item.

Safety Element

Goal S 2 Flood Hazards

Policy S 2.1: Discourage development in the County’s Flood Hazard Zones.

EHL concurs with the intent of this policy yet the term “discourage” is weak and ineffective. We suggest substitution of the term “limit.”

Goal S 3 Fire Hazard

Policy S 3.1: Discourage development in VHFHSZs, particularly in areas with significant biological resources.

Both the Safety and Land Use Elements should contain much stronger policies to reduce the life and property put at risk through ill-sited development. There is an enormous threat to public safety throughout the Very High Fire Hazard Zone and it is essential that decision-makers have an effective basis in the General Plan to limit development in these locations in response. It is not enough to improve site design and require defensible space. “Preventive medicine” on the land use planning front is needed, as well. Therefore, Policy S 3.1 should substitute the term “limit” for “discourage” to reflect the fact that we are living year-to-year in wildfire emergencies.

EHL also recommends the inclusion of a critically important new land use policy *to limit the expansion of the Wildland Urban Interface, or WUI*. The WUI is where homes are located near or among fire-prone lands. This interface is where wildfires ignite, where loss of life and property occurs, and where firefighters spend finite time and resources defending structures rather than stopping the spread of wind-driven fires. We recommend adding this Land Use policy to the appropriate section of that element:

Assign land uses and densities in a manner that minimizes development in Very High Fire Hazard Severity Zones.

Note that this policy is essential *verbatim* from San Diego County’s General Plan, adopted in 2011⁸. A discussion on the importance of reducing development intensity in Very High Fire Hazard Severity Zones should be added to the Land Use and Safety Elements to accompany this new policy.

Policy S 3.7: Consider siting and design for developments located within VHFHSZs, particularly in areas located near ridgelines and on hilltops, to reduce the wildfire risk.

EHL recommends strengthening this policy as follows. The question is whether Los Angeles County is serious about reducing fire hazard or merely wants to consider it.

Policy S 3.7: ~~Consider siting~~ Site and design for developments located within VHFHSZs, ~~particularly~~ such as in areas located near ridgelines and on hilltops, to reduce the wildfire risk.

In addition, the following policy should be added to the Safety Element to add another important dimension to the site design topic. Note that this is a modification of a draft policy in Riverside County’s current GPA 960 Update.

Require property owners to utilize consolidated site design within Very High Fire Hazard Severity Zones by siting development on a compact footprint.

Consolidated site design, as opposed to dispersed development, produces home sites easier to defend during a fire event and requires far less destruction of vegetation in order to produce defensible space.

⁸ See <<http://www.sdcountry.ca.gov/pds/gpupdate/docs/LUE.pdf>> at page 3-26.

EHL appreciates the progress being made in this historic General Plan 2035 update and looks forward to continuing to work with the Department of Regional Planning for successful protection of biological resources and sustainable patterns of land use.

Yours truly,

A rectangular box containing a handwritten signature in blue ink. The signature is cursive and appears to read "Dan Silver".

Dan Silver
Executive Director

Enclosure: Conservation Biology Institute, *Analysis of General Plan-2020 San Diego County*, December 2005