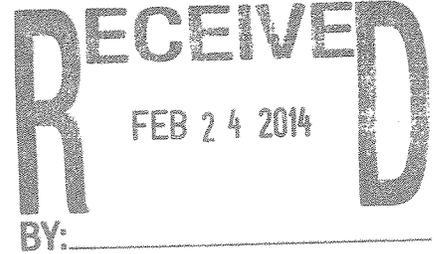


MOUNTAINS RECREATION & CONSERVATION AUTHORITY
 Ramirez Canyon Park
 5810 Ramirez Canyon Road
 Malibu, CA 90265
 Phone (310) 589-3230 Fax (310) 589-2408

February 18, 2014



Brianna Menke
 Department of Regional Planning
 County of Los Angeles
 320 W. Temple Street, Room 1354
 Los Angeles, California 90012

Comments on the Draft 2013 Hillside Management Area Ordinance

Dear Ms. Menke:

The Mountains Recreation and Conservation Authority (MRCA) provides the following comments regarding the draft Hillside Management Area (HMA) Ordinance, released on October 17, 2013. The purpose of the HMA Ordinance states, "This Section is established to ensure that development preserves the physical integrity and scenic value of Hillside Management Areas (HMA's), provides open space, and enhances community character." The provisions of the HMA Ordinance described below do not adequately achieve its purpose, and these provisions must be revised to better reflect the objectives the HMA Ordinance is set out to accomplish.

Conditional Use Permit (CUP) Requirements

Per subsection D.2.a, a CUP shall be required for any development located wholly or partially in an HMA, except for:

Development on a single lot or parcel of land, provided that grading does not exceed 20,000 cubic yards of total cut plus total fill material.

This draft Ordinance escalates the minimum grading threshold by 400 percent from the draft in 2011. The 2011 draft HMA Ordinance required a CUP for single-family homes that hit a grading threshold of 5,000 cubic yards and for grading projects over 5,000 cubic yards of earthwork. The 2012 draft HMA Ordinance removed this provision in its entirety. The current draft HMA Ordinance should reincorporate this provision for single-family homes and identify appropriate thresholds for other types of development. A high overarching threshold would miss smaller development projects, which will undoubtedly result in significant adverse cumulative effects over time.

Open Space Ownership and Management

Although Section F.5 includes provisions to permanently protect open space with conservation easements, it does not offer enough protection for any developments other than subdivisions. Section F.5 states:

Open Space Ownership and Management. If the development is a subdivision and open space lots are required by subsection F.3.c, prior to tentative map approval, a condition shall be established regarding ownership and management of the open space lots.

Projects other than subdivisions often contain critical habitat lands that must be permanently protected. The HMA Ordinance must provide a clear cut mechanism to provide such protection on projects less involved than subdivisions by ensuring such projects are subject to conservation easement requirements pursuant to the Ordinance.

Conservation Easement Provisions

Most importantly, the MRCA strongly opposes subsection F.5.d, which allows the following condition for open space ownership and management:

A maintenance agreement with a Home Owner's Association if the applicant can demonstrate, to the satisfaction of the Reviewing Authority, that dedication to the entities above or a conservation easement is not feasible.

Subsection F.5.d is problematic in that the applicant for a proposed development could not possibly demonstrate that a dedication to a government entity or a non-profit organization (as defined in subsections F.5.a and F.5.b) is not feasible.

The applicant must have substantial evidence to demonstrate that the dedication of a conservation easement is not feasible. Letters must be obtained from each contacted public agency stating reasons why that particular agency cannot accept the conservation easement. Efforts should be made to ensure that all public agencies capable of accepting conservation easements are contacted, including the MRCA.

The MRCA has the flexibility to accept any conservation easement throughout Los Angeles County. Furthermore, there are several other joint powers entities that are also willing to accept conservation easements, such as the Wildlife Corridor Conservation Authority, Desert and Mountain Conservation Authority, and the Santa Clarita Watershed Recreation and Conservation Authority.

These public agencies and the MRCA are dedicated to the preservation and management of open space, parklands, watershed lands, trails, and wildlife habitat. It is in our interest to fulfill the purpose of the HMA Ordinance by accepting all conservation easements the applicant is willing to dedicate pursuant to this Ordinance.

Another condition allowed for open space ownership and management is stated in subsection F.5.c:

A conservation easement that requires the open space to remain in perpetuity and extinguishes all future development rights.

This provision, at the minimum, must require conservation easements to be recorded in an Irrevocable Offer to Dedicate, where the offer shall be irrevocable for a period of 21 years from the date of recording. In addition, the applicant shall provide a current title report with hyperlinks to the County for its file and the use of potential easement holders. It must be encumbant on the landowner (and all future owners) not to affect the title in any way that will degrade the easement. The applicant shall also provide a recordable engineer-stamped metes and bounds, and plotted legal descriptions of both the easement and the servient estate. The Offer to Dedicate defines a time period for which the applicant can make appropriate efforts to find a public agency willing to accept the offer. The applicant shall not declare that dedication of a conservation easement is not feasible before the expiration of the offer.

We appreciate your consideration in our comments. We look forward to continued collaboration with the County as this General Plan and HMA Ordinance process moves forward. Please retain our agency on your email/ mailing lists for the General Plan, HMA Ordinance, SEA Ordinance, and related documents. If you have any questions, please contact Paul Edelman of our staff by phone at (31) 589-3230, ext. 128, or by email at paul.edelman@mrca.ca.gov.

Sincerely,



Pau Edelman
Chief of Natural Resources and Planning