WILDLIFE CORRIDOR CONSERVATION AUTHORITY

570 WEST AVENUE 26, SUITE 100, LOS ANGELES, CALIFORNIA 90065
TELEPHONE: (310) 589-3230
FAX: (310) 589-2408

GLENN PARKER
CHAIR
PUBLIC MEMBER
ORANGE COUNTY

MICHAEL HUGHES
VICE-CHAIR
PUBLIC MEMBER
LOS ANGELES COUNTY

BOB HENDERSON
CITY OF WHITTIER

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CITY OF LA HABRA HEIGHTS

November 18, 2013

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

2013 Hillside Management Area Ordinance
(Released October 17, 2013)

Dear Ms. Menke:

The Wildlife Corridor Conservation Authority (WCCA) was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains. WCCA has been following closely the changes to the proposed Hillside Management Area (HMA) Ordinance, General Plan, Significant Ecological Area (SEA) boundaries, and SEA regulations. WCCA has provided numerous comment letters to Los Angeles County (County) on these topics over the years. In letters dated January 31, 2013 and February 10, 2012 (attached), WCCA provided comments on earlier versions of the HMA Ordinance.

The County is in a unique and timely position to develop a HMA Ordinance with enduring public benefits, including the protection of scenic views, native habitat, and watershed integrity. Since many of our comments in our previous letters were not incorporated, we request that you reconsider our attached comments.

We look forward to continued collaboration with the County as this HMA Ordinance and General Plan process moves forward. Please continue to maintain our agency on your email/mailing lists for the HMA Ordinance, General Plan, SEA Ordinance, and related documents. If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at judi.tamasi@mrca.ca.gov.

Sincerely,

Glenn Parker
Chairperson

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CITY OF DIAMOND BAR

JANE L. WILLIAMS
CITY OF LA HABRA HEIGHTS

January 31, 2013

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

Draft Hillside Management Area Ordinance
(December 6, 2012 Version)

Dear Ms. Menke:

The Wildlife Corridor Conservation Authority (WCCA) provides the following comments on the Draft Hillside Management Area (HMA) Ordinance (December 6, 2012 version). WCCA was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains.

WCCA has been following closely the changes to the proposed General Plan, Significant Ecological Area (SEA) boundaries, SEA regulations, and HMA Ordinance. WCCA has provided numerous comment letters to Los Angeles County (County) on these topics over the years. In a February 10, 2012 letter, WCCA provided comments on the Preliminary Draft Significant Ecological Area and Hillside Management Area Ordinance (November 10, 2011 version).

The County is in a unique and timely position to develop a HMA Ordinance with enduring public benefits, including the protection of scenic views, native habitat, and watershed integrity. In fact, according to one of the proposed purposes in the HMA Ordinance, the Ordinance appears to strive for meaningful goals:

> 22.56.215.A.1. Protect scenic hillside views, consisting of slopes, hilltop summits, and ridgelines, and conserve natural hillside character and significant geological features through sensitive hillside site design and provision of open space;...

Unfortunately, the County has taken several sizable steps backwards in the proposed December 2012 version of the HMA Ordinance, compared with the November 2011 version. *WCCA strongly recommends a major rewrite of the current version of the HMA, including adding back in*

several provisions that were deleted from the November 2011 version.

Applicability of the Ordinance Has Been Reduced

It appears that the Applicability section (22.56.215.B.) in the December 2012 version of the HMA Ordinance now covers far fewer types of projects, and therefore provides significantly less protection for the County's hillsides, compared with the November 2011 version. The November 2011 version (22.56.216.C.) lists a couple of cases where the Ordinance would not apply (such as for projects with permits issued prior to the Ordinance). The November 2011 version also lists exceptions to the requirement for conditional use permits (CUPs) for parcels within Hillside Management Areas (for example, single-family homes with less than 5,000 cubic yards of earthwork). The November 2011 version defines development within Hillside Management Area (22.56.216.B.1. and 2.). It takes a more inclusive approach, while specifically identifying exceptions to the Ordinance.

The December 2012 version, on the other hand, provides a limited list of projects for which the Ordinance would apply (22.56.215.B.): land division projects, development of two or more lots, relocation of property lines to create three or more contiguous lots, and private infrastructure projects unrelated to a development project. With this approach the Ordinance would not apply to many of the projects which would apply under the November 2011 version. Also, under the December 2012 version, conditional use permits would not be required for certain projects in HMAs (as they would under the November 2011 version). For example, in the November 2011 version, a CUP would be required for single-family homes that hit a grading threshold (5,000 cubic yards) or floor area threshold (4,000 square feet), and for grading projects over 5,000 cubic yards of earthwork.

There is no public policy justification offered as to why the draft Ordinance was gutted to remove 90 percent of projects it was intended to address. If the County intends to provide meaningful protection to hillsides, the Ordinance needs to apply to projects that reasonably could adversely impact the hillsides. A massive single-family home with amenities can result in more adverse impacts than a tiny two-lot subdivision. Not including any single-family homes for a CUP requirement in the Ordinance certainly does not accomplish the purposes of the Ordinance. WCCA recommends that the County choose a more inclusive application of the Ordinance, similar to the November 2011 version.

Please note that in WCCA's comments on the SEA Ordinance (February 10, 2012), WCCA recommended that the threshold for a SEA CUP be decreased to those single-family homes involving more than 1,000 cubic yards of earthwork, as well as to those single-family homes involving more than 5,000 square feet of surface area grading. Similar thresholds should be applied to the HMA Ordinance.

Weakened Protections for Open Space

In several sections of the December 2012 version of the HMA, the protections for permanent open space have been substantially watered down, compared with the November 2011 version. WCCA recommends the County generally utilize the provisions in the November 2011 version (with some recommended modifications), which afford greater protection to open space.

The Ownership and Management section explains to which type of entity the open space would be dedicated. Under the December 2012 version (22.56.215.D.1.f.), this dedication provision is now limited only to land division projects. (The November 2011 version [22.56.216.F.1.e.] does not limit the open space dedication requirement to only land divisions.) The approach in the December 2012 version leaves open a wide array of projects that could have significant negative impacts on environmentally-sensitive hillside resources (one example is a multi-home residential development), without the necessary legal protections to assure permanent protection of the open space. WCCA recommends the November 2011 language in this case (with the following recommendation modifications).

The following underlined language (included the November 2011 version, Section 22.56.216.F.1.e.) was deleted in the December 2012 version. Even though the language was added to section f., WCCA recommends reinserting the underlined language to avoid any misunderstandings.

> 22.56.215.D.1.f. Ownership and Management...i. Dedication to a government entity such as a county, city, state, federal or joint powers authority, <u>which will hold and manage the land or easement under a mandate to protect the natural resources in perpetuity</u>;...

In addition, to make sure that the open space is appropriately managed if a non-profit organization accepts the dedication, we recommend the following underlined language be added:

> 22.56.215.D.1.f. Ownership and Management...ii. Dedication to a non-profit land conservation organization that meets the Statement of Qualifications of Non-Profits Requesting to Hold Mitigation Land according to Government Code Section 65965, <u>and which has the proven capabilities and relevant experience to manage the land</u>;...

The following text regarding Home Owners' Associations was added to the December 2012 version. We strongly recommend deletion of this new text (shown in strike-out): "22.56.215.D.1.f. Ownership and Management. ~~iii. Dedication to a Home Owners'~~

~~Association.~~" We have seen cases where a development is approved with an understanding that the open space would be protected in perpetuity, but when the Home Owners' Association (HOA) gets involved years later they have questioned the need for the original open space management provisions. Often HOAs have goals and missions that conflict with the primary goal to protect the open space in perpetuity.

As we stated in WCCA's February 10, 2012 letter, the following improvements in the open space (Section 22.56.215.D.1.b.i.) should be deleted: "~~(a) Parks, playgrounds and other recreational facilities:~~" These are typically built environments and would be more appropriately as counted within the developed portion of the project. In addition, community gardens have been added as allowed within the open space in the December 2012 version. We recommend the deletion of the following text in strike-out: 22.56.215.D.1.b.i.~~(b). Community gardens, as defined in Section 22.08.030~~. Non-native landscaped areas, including irrigation, as in community gardens, have no habitat value to a majority of native wildlife within open space hillside areas. Native habitat restoration is appropriate within the open space. Native plants, trails, and manufactured slopes are appropriate uses of open space dedications.

WCCA reiterates from its February 10, 2012 letter the importance of recording conservation easements over open space areas. We have seen a case in the County where open space was identified on a map, but years later, under different elected officials/ leadership of the jurisdiction, there was an effort to remove that notation. It is important to learn from the past, and to avoid any loopholes or confusion, which would not protect the land in perpetuity. Otherwise, this is misleading and a disservice to the public if the so-called protected open space, is not actually protected. There is no substitute for third party enforcement, i.e., by the public open space agency that accepts the conservation easement. Conservation easements also provide a mechanism to clearly identify permitted uses and non-permitted uses within the open space. The existing language in the December 2012 version is too limited and too open-ended. (It states that for land divisions, the recorded open space shall be shown on the tentative map and the final map and shall be subsequently recorded on the final map and/or as an easement.) We recommend that the language from the November 2011 version be added back into this current version, with our February 10, 2012 recommendations incorporated (see below). This would address important timing issues and would emphasize the use of voluntary conservation easements, over other instruments.

REINSERT THIS TEXT FROM NOVEMBER 2011 VERSION, WITH THE FOLLOWING EDITS (add underlined text; delete strike-out text):

> 22.56.216.F.1.d. Dedication of Open Space. A dedication of open space shall be recorded at the time of final map recordation, or prior to the effective date of the permit, that requires the open space to remain as permanent

open space in perpetuity and extinguishes all future development rights. All dedicated open space shall be recorded as Open Space-Restricted Use Area in the preservation instrument and on all maps. Dedication of open space shall be established through one of the following preservation instruments:

i. Recordation of a voluntary conservation easement;
ii. Recordation of an open space deed restriction ~~on a final map~~;
iii. ~~ii.~~ Recordation of an open space covenant; or
iv. ~~iii.~~ Any other preservation instrument the Director deems appropriate.

Need for Funding for Open Space Monitoring

WCCA recommends that the HMA Ordinance include a provision for funding for monitoring, and in some cases maintenance and/or management of the open space. It does not make sense for public agency or non-profit entity to take on that expense, in essence subsidizing the development.

A funding mechanism should be provided for management of dedications (including for conservation easements) over a certain size, for example 20 acres, subject to waiver by the Director for special circumstances. Depending on the specific resources in the open space to be protected, the funding could be minimal, for example, to fund periodic biologist or ranger site visits, or more involved, such as plant and wildlife annual monitoring and management. The HMA Ordinance should identify the specific, pre-permit issuance timing of the establishment of the open space funding (e.g., by placing the funding in an escrow account) – such as – prior to the issuance of a grading or other permit, map recordation, vegetation removal, or issuance of a certificate of occupancy.

Reduction in Open Space

WCCA is concerned that the current version of the HMA Ordinance would protect less open space resources within valuable hillside areas, compared with the November 2011 version. For example, the November 2011 version of the Ordinance (22.56.216.F.1.a.) stated:

> At least 70 percent of the gross area of the *lot(s)* within a Non-Urban or Rural Land use designation shall be permanent dedicated open space. At least 25 percent of the net area of the *lot(s)* within any other land use designation shall be permanently dedicate open space. (Italics added.)

The December 2012 version of the HMA (22.56.215.D.1.a.) states:

> At least 70 percent of the gross area of the *project site* within a Non-Urban, Rural, or Open Space land use designation shall be open space. At least 25 percent of the net area of the *project site* within any other land use designation shall be open space. (Italics added.)

"Project site" is not clearly defined. Changing the word "lot" to "project site" could eviscerate the protections that would have been provided in the November 2011 version. The percentage of open space to be retained should be based more on lot size, minus easements. It is evident that this requirement may not be possible on small lots, for example, where the development encompasses the majority of the lot. Perhaps the Ordinance could allow the Director to make exceptions for small lots.

WCCA recommends retaining the November 2011 language for this section. This allows for meaningful analysis of the whole lot and meaningful protection of open space in light of the proposed development.

Need to Retain Findings

The proposed findings for CUPs are appropriate in the December 2012 version. For example, the finding in Section 22.56.215.E.1. states:

> The proposed development protects scenic hillside views, consisting of slopes, hilltop summits, and ridgelines, and conserves natural hillside character and significant geological features through sensitive hillside site design and provision of open space;...

However, it is unclear why the six findings for a CUP in the November 2011 version (22.56.216.G.) have been deleted. WCCA recommends reincorporating those findings into the Ordinance, including the following text:

> 3. The proposed development activity is compatible with the natural, biotic, cultural, scenic, and open space resources of the area; and
>
> 4. The proposed development activity is designed to protect hillsides and retain large contiguous blocks of natural habitat or open space as specific in this Section; and...

WCCA also recommends reincorporating Finding 6 from the November 2011 version (22.56.216.G.), with the following additional underlined text:

6. Where a conflict exists between a provision in this Section and such other ordinance, statute, regulation, or requirement, the provision that would be most protective of hillside resources, biological resources, and/or Significant Ecological Areas applies to the extent permitted by law.

We appreciate your consideration of these comments. We look forward to continued collaboration with the County as this General Plan and HMA Ordinance process moves forward. Please continue to maintain our agency on your email/mailing lists for the General Plan, SEA Ordinance, HMA Ordinance, and related documents. If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at judi.tamasi@mrca.ca.gov.

Sincerely,

Glenn Parker
Chairperson

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570 WEST AVENUE 26, SUITE 100, LOS ANGELES, CALIFORNIA 90065
TELEPHONE: (310) 589-3230
FAX: (310) 589-2408

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GLENN PARKER
CHAIR
PUBLIC MEMBER
ORANGE COUNTY

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VICE-CHAIR
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LOS ANGELES COUNTY

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JACK TANAKA
CITY OF DIAMOND BAR

HOWARD VIPPERMAN
CITY OF LA HABRA HEIGHTS

February 10, 2012

Ms. Emma Howard
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1354
Los Angeles, California 90012

Comments on Preliminary Draft Significant Ecological Area and Hillside Management Area Ordinance

Dear Ms. Howard:

The Wildlife Corridor Conservation Authority (WCCA) provides the following comments on the Preliminary Draft Significant Ecological Area (SEA) and Hillside Management Area (HMA) Ordinance. WCCA was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains.

As you know, WCCA has been following closely the changes to the proposed General Plan, SEA boundaries, and SEA regulations[1]. WCCA provided numerous comment letters over the years, including a July 4, 2004 letter commenting on the General Plan Update and SEA Proposed Regulatory Changes.

WCCA greatly appreciates your efforts and finds that the proposed ordinance is generally well-drafted and should improve protections for the County's biological resources. The specific comments and suggestions that follow reinforce the County's and WCCA's shared aims. Page numbers refer to the preliminary draft ordinance published on November 10, 2011. WCCA's proposed additions to the text are <u>underlined</u>; proposed deletions are shown in ~~strike-out~~.

Purpose of SEA Ordinance

The purpose of the SEA Ordinance as written is "to ensure that development activities in these areas do not unduly compromise the underlying ecological systems of the County in such a manner that would

[1]WCCA prepared comments on the Los Angeles County General Plan, SEA boundaries, and/or SEA regulations in comment letters dated July 20, 2011; December 17, 2008; September 27, 2007; July 7, 2004; December 20, 2002; May 2, 2001; and April 30, 2001.

threaten the future existence of these systems" (22.56.215.A., p. 1, emphasis added). WCCA believes that this is an unnecessarily dire program objective that does not reflect the high quality of the ordinance that follows. The objective of the program should be to preserve ecosystem health, not just avert fatal impacts. WCCA recommends the following revision as a statement of overarching program goals: "to ensure that development activities in these areas respect their ecological context and do not unduly compromise the health and vitality of the County's diverse ecosystems."

As WCCA stated in its May 2, 2001 comment letter on the SEA Update Study, WCCA concurs with limiting development to no more than 20 percent of the SEA per the recommendation on the SEA Update Study Background Report (PCR Services Corporation et al., 2000[2], p. 29). It would be appropriate to include this as a policy in the General Plan or to include it in the purpose section of the SEA Ordinance, along with a procedure for monitoring impacts to the SEAs.

Need to Accommodate Open Space Park Agency Management Activities and Facilities in SEAs

The SEA Ordinance should clearly accommodate open space park agency management activities and facilities in the exceptions section. In the draft SEA Ordinance, several development activities are proposed as exceptions to the SEA conditional use permit (SEA CUP) requirement (22.56.215.D., pp. 4-6). The SEA CUP requires the submission of an initial project appraisal, including biological information (22.56.215.F., pp. 6-9). The SEA CUP requires development activities be reviewed by the Significant Ecological Area Technical Advisory Committee (SEATAC) (per the County's website).

Open space park agencies primarily target their land acquisitions within open space areas often supporting sensitive plant communities and other sensitive environmental resources. SEAs are identified based on the presence of these sensitive resources. Open space park agencies often have uses and facilities within SEAs, and it is critical that the proposed SEA Ordinance does not unduly burden open space park agencies in achieving their missions of protecting open space and providing interpretation and access for the public. WCCA recommends that the following activities be included as exceptions to the SEA CUP (22.56.215.D., pp. 5-6):

> [Exception to SEA CUP:] 9. Any of the following activities undertaken by a governmental agency of requested by a governmental agency:...

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[2]PCR Services Corporation, Frank Havore & Associates, and FORMA Systems. 2000. Los Angeles County Significant Ecological Areas Update Study 2000 Background Report. Prepared for: Los Angeles County Department of Regional Planning. November.

> e. passive recreational and open space park uses (e.g., construction or demolition of trails, scientific studies, interpretation activities, and other temporary park events hosted by park agencies [camps, trail maintenance days for volunteers, nature education activities, festivals, weddings, etc.]).
>
> [Exception to SEA CUP:] 10. Public facilities and infrastructure. This includes passive recreational and open space park support facilities (e.g., trails, facilities, and existing structures necessary for open space management activities; nature centers and camps; offices and ranger stations in existing structures; park staff residences in mobile homes and existing structures; native plant nurseries; restrooms; parking; fencing; signage; etc.).

In addition, WCCA recommends that all native habitat restoration programs be excepted from the CUP requirement, not just those for fire prevention, in order to avoid a redundant and unnecessary permit review process for activities that are necessary to improve ecological function. We recommend the following change (22.56.215.D., pp. 6-7).

> [Exception to SEA CUP:] 9. Any of the following activities undertaken by a governmental agency...
>
> c. Native habitat restoration programs ~~for fire prevention~~...

Need for Other Modifications to SEA Conditional Use Permit (CUP) Exceptions

The draft SEA Ordinance provides an application process and CUP requirement for projects within an SEA, as long as they do not fall within the exception categories. In addition, the draft SEA Ordinance (22.56.215.E., p. 6) states that if a development requires a CUP and is located only within an Ecological Transition Area (ETA)[3], the applicant may request that the Director consider the application in accordance with the Minor Conditional Use Permit provisions. (Under the Minor CUP process, a public hearing may or may not be held [existing County code 22.56.085].) Under the preliminary draft SEA Ordinance, some exceptions would include new individual single-family homes (involving grading of less than 5,000 cubic yards, or cumulative floor area of less than 4,000 square feet), vegetation clearance of less than 2.5 cumulative acres, and managed grazing as an accessory use. Monitoring the impacts on SEAs is important to understand the cumulative impacts on the SEA. As such, thresholds for exceptions much be carefully chosen because impacts to SEAs from excepted projects may not be documented. We are

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[3]The draft SEA Ordinance (22.56.215.B., p. 2) states that an Ecological Transition Area is a subset of a Significant Ecological Area where the natural ecological features or systems have been degraded as a result of past of on-going land use activities but are deemed functionally integral to the SEA or support important plant or animal populations.

concerned that the proposed exceptions for the draft SEA Ordinance regulations would let projects through like a super-coarse sieve.

More specifically, WCCA seeks clarification as to why grading projects of less than 5,000 cubic yards are excepted from the ordinance (22.56.215.D.3., p. 5). (We assume that the County intended to state that grading projects of *less* than 5,000 cubic yards of earthwork would be excepted, rather than *more* than, as stated.) If it is because there is a separate process that takes effect at that threshold, then the ordinance should explicitly state that the SEA standards, guidelines, and mandatory findings still apply for discretionary actions taken under a different ordinance. Alternatively, these projects should also have to apply for a SEA CUP. If the 5,000-cubic yard threshold was intended to be an upper limit, then it is much too high. This comment also applies to the proposed HMA provisions (22.56.216.D.5., p. 20). (Again, we assume the County intended that grading projects less than, not more than, 5,000 cubic yards would be excepted from the HMA CUP.) We also are concerned with cumulative impacts to SEAs from exceptions for projects that result in large areas of surface grading. At the very least, we recommend the following changes:

> [Exception to SEA CUP:] 3. Grading projects of ~~more~~ less than ~~5,000~~ 1,000 cubic yards
>
> [Exception to SEA CUP:] 2. Individual single family residences...This exception shall not apply if:
> c. Grading of more than ~~5,000~~ 1,000 cubic yards of earthwork or more than 5,000 square feet of surface area grading...
> d. The cumulative floor area of the single-family and all accessory structures exceeds 4,000 square feet.

This 1,000 cubic yards recommended amount is approximately equivalent to 100 full-sized end dump trucks. Similar changes should be made to the HMA Ordinance (22.56.216.D.2.c., and 22.56.216.D.5.).

Also, the 2.5-acre threshold for vegetation clearance (22.56.215.D.5., p. 5) is too high as a general rule. By definition, vegetation within a SEA is critical to continued ecological function. The amount of habitat that can be cleared without a significant impact is context-sensitive, depending on both the vegetation type to be cleared and the surrounding land cover. The location can also define the significance of the impact (e.g., if it is in a sensitive habitat area near water sources used by wildlife [such as mammals], or near a habitat linkage chokepoint, versus if the habitat is abutting an existing residential development). In some locations, the loss of 2.5 acres of vegetation may be below a level of significance. However, in sensitive areas, even the loss of a critical 0.5 acre could significantly impact the surrounding SEA function.

Also, the lack of documentation of a cumulative habitat loss of up to 2.5 acres at a time would be contrary to the desired goals of protecting the integrity of the SEAs. For example, the presettlement extent of the sensitive plant community coastal sage scrub has been destroyed by 70-90 percent in southern California[4]. This plant community is sensitive because it has sustained such great losses and it supports numerous sensitive and declining wildlife species. Numerous projects resulting in just less than 2.5 acres of this plant community loss could potentially result in a significant cumulative impact on this plant community, without adequate documentation, avoidance, and mitigation. Such a threshold should be set in the context of a location-specific biological study, rather than a general County-wide rule.

Furthermore, woodlands and riparian resources are particularly sensitive to disturbances smaller than 2.5 acres. Even a fraction of an acre that interrupts the continuity of a riparian corridor would significantly harm resources. To address this issue in a comprehensive way, WCCA recommends that clearance of native vegetation occur only after an initial project appraisal that identifies sensitive vegetation, as required by 22.56.215.F.1.iii. (pp. 7-8). Only once sensitive vegetation and habitat, including woodlands and riparian resources, are identified can clearance be designed to prevent, avoid, minimize, or mitigate impacts as intended by the ordinance. It is unworkable to allow a substantial amount of clearance without first knowing what resources will be lost.

In any case, 2.5 acres is much too high of an allowance without specificity to sensitive habitat types. Furthermore, there is no acreage limit in the proposed SEA Ordinance for grazing and corrals in SEAs. In particular, if the County chooses not to proceed with a context-specific basis, we recommend that the thresholds for sensitive plant communities and habitats be set lower than the thresholds for other vegetation types. At the very least, we recommend the following changes (22.56.215.D.5., p. 5):

> [Exception to SEA CUP:] 5. Vegetation clearance of less than ~~2.5~~ ½ cumulative acre~~s~~.
>
> [Exception to SEA CUP:] 7. Managed grazing lands of horses, cattle, or sheep, and the construction of corrals as an accessory use, resulting in less than ½ acre, as allowed by Title 22 and other applicable County regulations, including but not limited to regulations related to time of year, County wildlife preserves, and hazardous dust conditions.

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[4]Multiple citations in: Noss, R.F., E.T. LaRoe III, and J. M. Scott. 1995. Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation. Biological Report 28. U.S. Department of the Interior, National Biological Service. February

SEA Development Standards and Guidelines

Regarding the configuration of open space to be preserved on a project site, we recommend the following change (22.56.215.H.1., p. 10);

> a. Preserved Habitat. Preserved habitat and water resources areas designated open space shall be contiguous within the project site and with dedicated open space on adjacent parcels. The location of preserved habitat areas should align with regional, local and site specific habitat and wildlife linkages and limit the creation of isolated islands of habitat. <u>The preserved habitat should be clustered, rather than long and skinny, in order to minimize edge effects on the preserved habitat.</u>

The lighting guidelines should include a firm standard like the noise guidelines. In addition to requiring that lighting be directed and shielded (22.56.216.H.1.i., p. 11), projects should be held to preventing ambient light from illuminating natural areas. For example, a standard in lumens could be set at 200 feet from the perimeter of developed areas. Furthermore, in and adjacent to SEAs, lighting intensity and extent (e.g., numbers of lights and/or locations) should be limited to reduce the overall glow of night lighting. This would be consistent with the recommended management practice from the SEA Background Report (PCR et al., 2000), which states that lighting for public health and safety should represent the minimum required to conform to applicable ordinances (p. 29).

We concur with the comment of the Puente Hills Habitat Preservation Authority (January 26, 2012 letter) regarding setbacks from dedicated natural open space. The draft ordinance requires that structures and infrastructure in high fire areas be set back at least 200 feet from dedicated natural open space within the site or on adjacent parcels (22.5.215.H.1.b., p. 10). This requirement should be applied to all areas, not just within high fire areas, as fuel modification requirements could possibly by expanded to up to 200 feet in other areas.

The draft ordinance's treatment of roadways through SEAs (22.56.215.H.2., p. 12) is comprehensive. Will these standards apply to County road projects as well? WCCA also notes that while wildlife passages are more effective when free from human activity, shared hiking-wildlife crossings have been successful in some locations.

Need for Solid Permanent Protection of Open Space in SEAs

The legal protections proposed for open space areas (22.56.215.H.3., pp. 12-13) are appropriate. However, as a preservation instrument, conservation easements are a preferred mechanism over deed restrictions. Conservation easements are enforced by a third party, which improves accountability for compliance with open space restrictions.

WCCA requests that voluntary conservation easements be listed before deed restrictions on page 13 to denote this preference.

While the draft ordinance does provide dedication of open space to a land management entity, it does not provide the funding necessary for an agency to take on additional management burdens, nor does it specify when the dedication would occur. A funding mechanism should be provided for management of dedications (including for conservation easements) over a certain size, for example 40 acres, subject to waiver by the Director for special circumstances. Depending on the specific resources in the open space to be protected, the funding could be minimal, for example, to fund periodic biologist or ranger site visits, or more involved, such as plant and wildlife annual monitoring and management. The SEA Ordinance should identify the specific, pre-permit issuance timing of the open space dedication – such as – prior to the issuance of a grading or other permit, map recordation, vegetation removal, or issuance of a certificate of occupancy.

Other Comments on SEA Ordinance

It is our understanding from the County website and from conversations with Department of Regional Planning staff that SEATAC review is mandatory for all of the activities within a SEA requiring a CUP or minor CUP. WCCA recommends that the County specify that requirement in the SEA Ordinance. The SEA Ordinance should also specify that not only regular CUPs, but also minor CUPs, require preparation of an initial project appraisal and a biota report/biological constraints analysis.

We appreciate the requirement for key biological information in the initial project appraisal for projects subject to the SEA CUP (22.56.215.F.1., pp. 6-8). Consistent with comments provided by the Puente Hills Habitat Preservation Authority (January 26, 2012), please consider including the requirement for an assessment of regional habitat linkages, wildlife corridor, and wildlife movement chokepoints present within the SEA, which may be impacted by the proposed development, as well as potential avoidance and mitigation measures.

Hillside Management Area Ordinance

Unlike passive recreation facilities like trails, "[p]arks, playgrounds, and other recreational facilities" are built environments and do not meet the definition of protected open space (22.56.216.F., p. 24). These uses should not be allowed in the required open space. Native plants, trails, and manufactured slopes are appropriate uses of open space dedications. WCCA recommends deleting 22.56.216.F.1.c.ii. "~~(a) Parks, playgrounds and other recreational facilities;~~" accordingly (p. 24).

Consistent with previous comments, conservation easements are the preferred preservation instrument for open space areas. Recordation of a voluntary conservation easement should be included in the list of acceptable instruments on page 25 (22.56.216.F.d.). We recommend this be listed as the first option. Recordation on a final map (i.) should be changed to recordation of a deed restriction to maintain consistency with the SEA section. (Section d. already references recordation on all maps.)

We appreciate your consideration of these comments. We look forward to continued collaboration with the County as this General Plan and SEA process moves forward. Please continue to maintain our agency on your email/mailing lists for the General Plan, SEA Ordinance, and related documents. If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at judi.tamasi@mrca.ca.gov.

Sincerely,

Glenn Parker
Chairperson