WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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May 23, 2014

Connie Chung
County of Los Angeles
Department of Regional Planning
General Plan Development Section
320 West Temple Street
Los Angeles, California 90012

Comments on Draft General Plan, Significant Ecological Areas Ordinance, Hillside Management Area Ordinance, and Related Documents

Dear Ms. Chung:

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. Our agency has been following closely changes to the proposed General Plan, Significant Ecological Area (SEA) Ordinance, SEA boundaries, and Hillside Management Area (HMA) Ordinance. Our agency has provided numerous comment letters to Los Angeles County (County) on these topics over the years.

We emphasize that projects should demonstrate compatibility with biological resources (primarily through design) rather than just avoiding the most severe impacts or mitigating for those impacts. We appreciate your consideration of the following specific comments on the draft General Plan (January 2014), SEA Ordinance (Draft 5-March 25, 2014), HMA Ordinance (March 24, 2014), and related documents.

General Plan Land Use Designation

The General Plan proposes to change the land use designation of a key property located in the Missing Middle of the Puente-Chino Hills wildlife corridor to Rural Land 10 and Mineral Resources, from Open Space and Significant Ecological Area (in the 1980 General Plan, with revisions). (The 1980 General Plan also identifies this area as Non-Urban Open Space and Significant Ecological Area on the General Development Policy map.) These new proposed land use designations are shown on the land owned by City of Industry (to our knowledge) and Aera on Figure A.23, South Diamond Bar Land Use Policy, part of the proposed General Plan. We firmly believe these new designations are not warranted.

This land is also identified as SEA on the current draft of the General Plan. The Industry-owned property supports Tonner Canyon and is located in the "Missing Middle" of the Puente Hills wildlife corridor. The Puente Hills Missing Middle report (Conservation Biology Institute 2005) is recognized in the County's 2013 Preliminary Draft Significant Ecological Area Program Guide (p. 17). We cannot overemphasize the importance of protecting Tonner Canyon. The Missing Middle report recommends protecting at least the middle and lower portions of Tonner Canyon. (Of note, the County depicted this area as predominantly Open Space-Parks and Recreation on the 2013 Draft.)

Regarding the Aera property, which is proposed to be changed to Mineral Resources, this area has not been shown to contain oilfield facilities in Aera's previous biological document (PCR 2002). In fact, it supports sensitive plant communities such as extensive California walnut woodlands and coast live oak woodlands, as well as southern willow scrub. It supports, or is directly adjacent to Brea Canyon which supports, the sensitive species, southwestern pond turtle (it is difficult to determine the exact location on the proposed land use policy map). This property is in a key location surrounded by critical open space.

This area (both the City of Industry and Aera properties) has long been recognized as containing significant ecological resources, and this higher intensity land use designation is inappropriate in this key location of the Puente-Chino Hills wildlife corridor.

General Plan - General Comment

We support the March 12, 2014 letter (attached) by Puente Hills Habitat Preservation Authority commenting on the Revised Draft Los Angeles County General Plan 2035 (rev. 1/2014). We incorporate those comments by reference.

SEA Ordinance - General Comment

We support the April 14, 2014 letter (attached) by Puente Hills Habitat Preservation Authority commenting on the Draft Significant Ecological Area Ordinance dated March 25, 2014. We incorporate those comments by reference.

SEA Ordinance - Connectivity & Constriction Map

Our agency supports the County's efforts to recognize, map, and protect through the SEA Ordinance habitat linkages and wildlife movement areas. We support the use of the SEA Connectivity & Constriction Map, specifically for the Puente Hills SEA.

SEA Ordinance - Permit Process for Single-Family Residences

According the draft SEA Ordinance and 2013 Preliminary Draft Significant Ecological Area Program Guide (Program Guide, p. 4), a single-family home is a permitted use in SEAs

and require a site plan review. The applicant is not required to prepare a SEA Site Impacts Report, there is no Significant Ecological Area Technical Advisory Committee (SEATAC) review, and there is no Planning Commission hearing. The County biologist(s) would review the project. Since single-family homes could result in notable impacts to SEAs and since there would be not be a rigorous review of the project, WCCA suggests critical changes to strengthen the process.

It is critical that the maximum development footprint of the residence be agreed upon by the applicant and County staff prior to the completion of the house design. This is necessary both to assure adequate onsite open space that can be protected to meet mitigation requirements, and to save the applicant re-design costs. This extra step must be clearly identified in Section 22.52.2920 Permitted Uses-Review Procedures, perhaps as a pre-application meeting with the County biologist and planner prior to the submittal of the application for Ministerial Site Plan Review.

According to the SEA Ordinance (22.52.2915.A.) and Program Guide (p. 4), it is our understanding that permitted uses, such as a single-family home, are required to follow the development standards. The development standards in the SEA Ordinance (22.52.2925.H.) include Habitat Preservation Areas calculated in accordance with the SEA Habitat Preservation ratios in the Appendix. The SEA Ordinance (22.52.2925.H.3.) specifies that a covenant and agreement shall be recorded in the office of the County Registrar-Recorder/County Clerk, agreeing to set aside the Habitat Preservation Areas as Natural Open Space in perpetuity. The covenant and agreement language must explicitly prohibit any fencing that impedes wildlife movement, lighting, animal keeping, storage of materials, structures, grading, solar panels, planting of non-native vegetation, and granting of easements to adjoining properties.

This required recordation of a covenant and agreement is a crucial component of the SEA Ordinance. It is critical that this requirement of the existing draft text not be weakened in any way or form. In fact, it should be made absolutely clear for single-family homes that the development standards must be followed, including the requirement to protect the Habitat Preservation Areas through recordation of a covenant and agreement. Under the current SEA Ordinance, it is unclear who would verify, and what the process is to verify, whether the development standards are being met for single-family homes. In Section 22.52.2920.B., Staff Biologist Site Review, the following underlined text should be added:

> <u>3. During the Staff Biologist review, the Staff Biologist shall prepare a written memorandum to the file addressing each of development standards in Section 22.52.2925 and whether the project meets those standards, if applicable. If an applicable development standard is not met, then the applicant shall be required to file a SEA conditional use permit.</u>

However, we note that the process is further complicated because if no biological report is required for single-family homes in SEAs, how would a determination be made that the SEA Habitat Preservation Areas Ratio Requirements (in the Appendix) are met? As currently written, it appears that the County biologist would need to conduct the mapping and calculations of impact areas and mitigation areas, as well as make the determination as to whether the ratio requirements have been met. Although it appears that the intent of the SEA Ordinance is to focus County resources on the projects with greater impacts, as currently written, reviews of single-family homes will require sufficient additional permit application fees for the County biologist to adequately implement the ordinance. An applicant-supplied plot plan with the vegetation communities overlain would be a valuable resource for the County biologist to conduct his/her review. Ideally this would be available for the pre-application meeting (suggested above), but at the very least included in the information required for SEA site plan review (22.52.2920.A.). This would also help in the design of a project, including shifting project location and reducing structure size, in order to avoid impacts to SEAs and to reduce mitigation requirements (and mitigation costs for the applicant). Requiring anything less than a vegetation communities map with the proposed development footprint prior to a staff site visit would be a waste of County staff and applicant time.

We note that there may be some other flaws in the process for review of single-family homes. A single-family home with 200-feet of brush clearance could result in 2.8 acres of brush clearance area if the entire surrounding area is vegetated. If the lot is small, such as ½ acre, then the brush clearance would cover the entire lot and beyond. Unless a lot that includes and abuts natural vegetation is at least 275 feet deep, the entire lot would have to be cleared to meet fire department fuel modification requirements. That assumes a 25 foot front yard setback and a 50-foot-deep house protected by a 200-foot-wide clearance zone. There would be no room on the subject lot to set aside any Habitat Preservation Areas as required by the development standards (22.52.2925.H.) and Appendix specifying the ratios of Habitat Preservation Area to be provided to acres of SEA habitat to be developed. This development standard would not work for lots less than 275-feet-deep. The SEA Ordinance *must* specify how the impacts to the SEA habitat would be mitigated in that case. The only obvious solution is that the applicant pay an in-lieu fee to the County to allow the County to fund open space protection in the subject sea. Such an in-lieu fee should only be allowed on lots where there is no mathematical way to site a house without brush clearance affecting every square foot of the property. The in-lieu fee must be large enough to pay for the approximate per square-foot cost of parcels in the immediate vicinity. The amount of square feet protected either by the required covenant and restriction or in-lieu fees must be commensurate with the requirements in the development standards.

SEA Ordinance - Development Standards

We appreciate the text limiting brush clearance to areas outside of dedicated open space areas (22.52.2925.E.2.). We recommend the following underlined text be added to clarify an important point, that developments should be designed to also protect *proposed* open space areas.

> New structures and infrastructure requiring areas of brush clearance shall not be located in such a way that any portion of the required areas includes <u>existing or proposed</u> dedicated open space areas on the lot or parcel of land or on adjoining or adjacent lots or parcels of land. In addition, such structures or infrastructure shall not be located in a way that any portion of the required areas of brush clearance will include undisturbed natural areas on adjoining or adjacent lots or parcels of land.

SEA Ordinance - Fatal Flaws Regarding Threshold Between Type A and Type B SEA CUPs

The provisions for SEATAC review, Planning Commission review, and the requirement for possible additional open space are key tools in the SEA development review process. These are required for Type B SEA Conditional Use Permit (CUP) projects. (According to the SEA Ordinance, the Habitat Preservation Areas used to mitigate for SEA impacts can be used to satisfy the requirements for Natural Open Space.) We understand that the County is trying to focus its resources on more intense projects. However, as the SEA Ordinance is currently written, some projects might slip through and be considered Type A SEA CUP projects, when in fact the potential impacts to SEA resources warrant the extra scrutiny under the Type B SEA CUP process. (It is our understanding that in any case, Habitat Preservation Areas are required for all Permitted Uses, Type A SEA CUP projects, and Type B SEA CUP projects, per Section 22.52.2925.H.) However, the thresholds for Type B SEA CUPs are too high (22.52.2935.D.). For example, it appears that a substantial project with many acres of permanent impact to sensitive SEA habitat such as coastal sage scrub or oak and walnut woodlands (but which do not support habitat of a sensitive species, and which do not reduce the Connectivity Area or Constriction Area below the minimum widths), could qualify for a Type A SEA CUP. Although Habitat Preservation Areas would be preserved through a covenant, there would be no SEATAC review or Planning Commission hearing.

We also note that land divisions that could significantly increase development density and result in substantially increased impacts to SEA habitat and resources could also slip through as a Type A SEA CUP. Once the homes are proposed on the newly created lots, those single-family homes would go through an even less rigorous review (Permitted Uses; Section 22.52.2915 and 22.52.2920).

To remedy these flaws, we recommend that additional thresholds be added to Section 22.52.2935.D. (add underlined text):

> ...the Director shall determine that a Type B SEA CUP is required if:...
>
> f. The development would result in 15 acres of more of impact to SEA habitat, including fuel modification; or
>
> g. The land division would result in the creation of two more new parcels.

SEA Ordinance - Open Space Recordation

With respect to open space protection, WCCA recommends that the process of recording a covenant and agreement for Habitat Preservation Areas in the Development Standards be solidified and clarified. The following underlined text must be added to Section 22.52.2925.H. Habitat Preservation Areas, as there is no other way to permanently and definitively memorialize the boundaries of the covenant.

> 3. Prior to the approval of the Site Plan Review, a covenant and agreement shall be recorded in the office of the County Registrar-Recorder/County Clerk, agreeing to set aside the Habitat Preservation Areas as Natural Open Space in perpetuity. The applicant shall provide an engineer-stamped recordable metes and bounds legal description and plot map of the Natural Open Space, which shall be recorded with the covenant and agreement. The covenant and agreement language must explicitly prohibit any fencing that impedes wildlife movement, lighting, animal keeping, storage of materials, structures, grading, solar panels, planting of non-native vegetation, and granting of easements to adjoining properties. Habitat Preservation Areas shall also be depicted on the SEA Development Map.

Similarly in the Section 22.52.2945. Uses Subject to Permits – Conditions of Approval or Issuance, any recordation of a covenant and agreement for Natural Open Space should include an engineer-stamped legal description and plot map showing the open space. The following underlined text should be add to the end of the following two sections: A. SEA CUP. 2. Open Space. c. Open Space Recordation. I. for land divisions, and ii. for other projects: "The applicant shall provide an engineer-stamped metes and bounds legal description and plot map of the Natural Open Space, which shall be recorded with the covenant and agreement. The covenant and agreement language must explicitly prohibit any fencing that impedes wildlife movement, lighting, animal keeping, storage of materials, structures, grading, solar panels, planting of non-native vegetation, and granting of easements to adjoining properties."

SEA Ordinance - SEA Findings

We concur with Habitat Authority's comments (April 14, 2014 letter) that the findings regarding preserving SEA viability (22.52.2950.A.3.) in the SEA Ordinance are too dire. The County should consider adding the SEA CUP compatibility criteria from the Program Guide (p. 17, SEA Site Impacts Report, 3.F. i.-v.) to the findings in the SEA:

> i. That the requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas;
> ii. That the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state;
> iii. That the requested development is designed so that wildlife movement corridors (migratory paths) are left in an undisturbed and natural state;
> iv. That the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resources, habitat areas, or migratory paths; and
> v. That the roads and utilities serving the proposed development are located and designed so as not to conflict with critical resources, habitat areas, or migratory paths.

HMA Ordinance - Conditional Use Permit (CUP) Requirements

Per Section 22.56.215.D., a CUP shall be required for any development located wholly or partially in an HMA, except for: "1. Development on a single lot or parcel of land, provided that grading in connection with the development does not exceed 15,000 cubic yards of cut plus total fill material..."

The various drafts of the HMA Ordinance have included different thresholds and different types of development for this exception. The current draft should reincorporate this provision for single-family homes and identify appropriate thresholds for single-family homes and for other types of development, such as 5,000 cubic yards. A high overarching threshold would miss many smaller development projects, which will undoubtedly result in significant adverse cumulative biological and visual effects over time.

HMA Ordinance - Open Space Ownership and Management

With respect to open space protection, WCCA recommends that the process of recording a covenant and agreement for required open space be solidified and clarified. The following underlined text must be added to Section 22.56.215.F.4. Open Space Recordation. There is no other way to permanently and definitively memorialize the boundaries of the open space.

> a. If the development is a land division, required open space areas shall be shown on the tentative map and the final map or parcel map waiver, and shall be subsequently recorded on the final map or parcel map waiver as a fee lot or as an Open Space – Restricted Use Area in the office of the County Registrar-Recorder/County Clerk. <u>The applicant shall provide an engineer-stamped metes and bounds legal description and plot map of the Open Space, which shall also be recorded.</u>

The above underlined text should also be added to subsection b., which refers to development that is not a land division.

HMA Ordinance - Infeasibility of a Dedication of Conservation Easement

It is important to clarify and strengthen the process of conservation easements and land dedications. The HMA Ordinance includes another scenario for open space ownership and management for land divisions, as stated in Section 22.56.215.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 incumbent on the landowner (and all future owners) to not 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.

More importantly, WCCA continues to oppose the ownership and management of open space lots by a homeowners' association (HOA) – particularly if there not a conservation easement. We have seen cases where after a development is built and a HOA becomes involved in the management of the open space, it becomes evident that the HOA goals are contrary to the primary mandate of protecting the biological resources in perpetuity. There is also precedence of HOAs allowing open space lots go to tax default. Conservation easements however do survive through a tax default sale by the County.

The infeasibility of a dedication of a conservation easement, as stated in Section 22.56.215. F.5.d must be better defined to ensure that all applicants have demonstrated satisfactory effort in finding a willing non-profit organization or public entity to accept a conservation easement. This section refers to land divisions where open space lots would be provided. We recommend removing the following strikeout text and adding the following underlined text to this section to provide this clarification:

> ...ownership and management of the open space lots. This may be established through one or more of the following...
>
> d. A maintenance agreement with a Home Owners' Association or Property Owner's Association where demonstrated that dedication to the entities above or a conservation easement is infeasible, <u>only when it is demonstrated that there are no conservation-oriented non-profit organizations and government entities, such as a county, city, state, federal, or joint powers authority willing to accept the dedication of conservation easement or dedication of open space lots.</u>

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 or land. Efforts should be made to ensure that all public agencies capable of accepting conservation easements are contacted, including the Mountains Recreation and Conservation Authority (MRCA).

The MRCA is among one of the many public agencies in the County that is dedicated to the preservation and management of open space, parklands, watershed lands, trails, and wildlife habitat. The MRCA has the flexibility to accept any conservation easement throughout Los Angeles County. Furthermore, there are other joint powers entities such as WCCA that are also willing to accept conservation easements, in order to help implement the intent of the HMA Ordinance.

We appreciate your consideration of these comments. 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

Attachments

April 14, 2014 letter by Puente Hills Habitat Preservation Authority, Comments on the Draft Significant Ecological Area Ordinance dated March 25, 2014.

March 12, 2014 letter by Puente Hills Habitat Preservation Authority, Comments on Revised Draft Los Angeles County General plan 2035 (rev. 1/2014).

References

Conservation Biology Institute. 2005. Maintaining Ecological Connectivity Across the "Missing Middle" of the Puente-Chino Hills Wildlife Corridor. Final Report. July.

PCR Services Corporation. 2002. Biological Constraints Analysis Aera Master Planned Community. Significant Ecological Area 15, Tonner Canyon/Chino Hills, Los Angeles/Orange, County, California. Prepared for Los Angeles County Regional Planning Significant Ecological Areas Technical Advisory Committee. April.

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

HABITAT AUTHORITY CELEBRATING 20 Years Preservation, Restoration, and Education

April 14, 2014

Agenda Item VIII
WCCA
5/23/14

County of Los Angeles
Department of Regional Planning
Attn: Emma Howard
Regional Planning Department
Room 1354
320 W. Temple Street
Los Angeles, CA 90012

Comments on the Draft Significant Ecological Area Ordinance dated March 25, 2014

Dear Ms. Howard:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the Draft Significant Ecological Area (SEA) Ordinance (dated march 25, 2014). 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 Habitat Authority thanks and acknowledges the Department of Regional Planning for the incorporation of certain comments on the previous SEA Ordinance Summary Draft dated June 2012, December 20, 2012 and December 5, 2013. These comments included suggested language for development standards within SEAs, such as exclusion of invasive plants, fencing to promote wildlife movement, and avoidance of habitat impacts from fuel modification. However, certain comments were not addressed in the current Draft Ordinance and are included below for reference, along with additional comments.

SEA ORDINANCE

Those comments with an asterisk (*) are reiterated from a previous Habitat Authority comment letter on an earlier draft but still apply.

22.52.2910 - Applicability

1. * Subsection C.6. Please broaden the exemptions. The exemption from the SEA Ordinance noted in Subsection C.7. is for "any of the following activities required, requested, authorized or permitted by a governmental agency: (a) Removal or thinning of vegetation for fire safety or in response to an emergency; and (b) Hazard management activities in response to an emergency or other public safety concerns." We suggest that activities involving removal of non-native vegetation (including by herbicide) and habitat restoration (including, but not limited to, seeding, planting of container plants, and irrigation) also be exempted activities by open space management government agencies. We also suggest exemption of government agency activities such as scientific studies, erosion control, and construction, maintenance or demolition of trails, structures or facilities necessary for open space management activities.

22.52.2915–Permitted Uses

2. *Subsection B. Please remove all development areas on Habitat Authority property from the maps. This subsection allows for uses or projects located within developed areas identified in the SEA Development Map. However, based upon a review of the Proposed Developed Areas available through the Department's GIS-NET3, many of these mapped areas in the proposed Puente Hills SEA appear to be incorrect. Some existing fuel modification zones are mapped, and others are missing. Since fuel modification practices are exempt activities, please remove from the map all fuel modification areas that are identified as developed that are on Habitat Authority properties. Since the Habitat Authority will not be allowing expansion of development activities within fuel modification zones on lands managed/owned, this layer on the map needs to be adjusted.

3. *Subsection F. Please broaden the exemptions so public funds are not spent unnecessarily. This allows for activities conducted by governmental agencies to improve the quality of biological resources in an SEA, including non-native vegetation removal programs, native habitat restoration programs, and construction of wildlife under and overpasses for habitat linkages and wildlife corridors. It was requested earlier in this letter and in previous letters that such activities be exempt and we still make that recommendation, as they are conducted for the sole benefit of habitat improvement and generally have very minor impacts. However, if they remain as Permitted Uses requiring Site Plan Review, it is our understanding that such review would only apply to new or existing programs, and would not be required for every individual project, some of which are quite small and isolated. For example, the Habitat Authority has an existing Resource Management Plan (RMP) which includes non-native vegetation removal and habitat restoration programs; it is our understanding that the RMP could be submitted for Site Plan Review and approval, and that any subsequent activities consistent with that RMP would be permitted without individual site plan review. This would include , that activities such as scientific studies, erosion control, and construction, maintenance or demolition of trails, structures or facilities

necessary for open space management activities be exempt as requested earlier in this letter and in previous letters; If these activities are not exempt then the intent of the Ordinance may be defeated by the abundance of County staff resources necessary to follow up and make site visits that would be required per this proposed Ordinance due to the many activities of governmental land management agencies county-wide. These activities described above are integral to the management of biological resources, and often have minor impacts compared to other permitted uses such as single-family residences. The requirement for open space management activities (such as non-native vegetation removal or demolition of trails) to undergo a Site Review or Conditional Use Permit process would needlessly cost the County, and land management agencies (which are already struggling with limited resources) additional unanticipated funds which could be used for actual improvement of biological resources and would unnecessarily delay safety, maintenance, and educational management actions on properties enjoyed daily by the public. Please also consider indicating in the ordinance that the Site Plan approval has no term limits.

22.52.2925 - Development Standards This section lists the development standards non-exempt activities would need to adhere to when conducted within SEAs.

4. Subsection F. This subsection notes that new development may not narrow Connectivity Areas to a width of less than 1,000 feet at any point. Given that the spatial scale of corridors required to maintain viable populations can be partially determined by the species using that corridor, we suggest language that guides the width **and length** of Connectivity Areas to be appropriate for the suite of species, or focal species, at specific sites.

5. Subsection G. According to the development standards, new development may not narrow Constriction Areas to a width of less than 200 feet at any point. Given that the spatial scale of corridors required to maintain viable populations can be partially determined by the species using that corridor, we suggest language that guides the width **and length** of Constriction Areas to be appropriate for the suite of species, or focal species, at specific sites. For example, long corridors may not provide suitable conditions for the safe passage of animals, especially if predators are present.

6. Subsection J.2 table. Please consider adding language for the setback to clarify that when measuring the setback distance, measurements begin at the ordinary high water mark or watershed boundary.

Section 22.52.2935 –Uses Subject to Permits– Application Procedures

7. Subsection C. Please the following fourth **bold** item to identify and delineate during site review: **Special status species**

22.52.2945 –Uses Subject to Permits – Conditions of Approval or Issuance

8. *Subsection A.2.a.iii. More emphasis should be given to setting aside land that is contiguous with other preserved lands. This section prioritizes land to be provided as Natural Open

Space and gives preference to open space preserved on the same lot or parcel as the impact. This preference may not always result in the highest conservation value, especially if the resulting open space is small or isolated. Rather, preference should be given to preserving open space that is contiguous with other preserved lands, or to areas that will create or strengthen a habitat linkage or wildlife corridor. This type of strategic conservation will promote the viability of SEAs more than a piecemeal approach.

9. Subsection A.2.a.iii. (3) and (4). In addition, the Habitat Authority recommends switching priorities for numbers 3 and 4 so that Connectivity and Constriction Areas are given a higher priority for preservation as Natural Open Space. As it is important that those Connectivity and Constriction Areas have suitable habitat, restoration in those Areas should also be encouraged as part of maintaining the land in perpetuity.

22.52.2950 - Uses Subject to Permits – Findings

10. *Subsection A.3. SEA viability thresholds should be revised to better protect SEAs. This subsection lists the Findings required for the Hearing Officer or Regional Planning Commission to issue an SEA CUP. Subsection H.3 requires that a project cannot result in the loss of SEA viability, which is defined as (a) bisecting the SEA, (b) closing of a connectivity or constriction, (c) removing habitat characteristic of the SEA, (d) removing the only known location of an SEA species, or (e) removing the only known location of a new or rediscovered species. Items b, d and e provide a very high threshold for determining the loss of SEA viability. For example, the substantial narrowing of a connectivity area, not just the closing of the constriction, could result in SEA viability loss. Or the removal of key habitats or populations of certain species, not just the removal of the only known locations of that species, could also result in SEA viability loss. These SEA viability thresholds should be revised to be less limiting.

Thank you for your consideration of our comments. We look forward to reviewing the still to come sections of the Program Guide as soon as they are made available. Feel free to contact me or Lizette Longacre, Ecologist, at (562) 945-9003 for further discussion.

Sincerely,

Bob Henderson
Chairman

cc: Board of Directors
Citizens Technical Advisory Committee
Connie Chung, Los Angeles County Department of Regional Planning

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

HABITAT AUTHORITY

March 12, 2014

Agenda Item VIII
WCCA
5/23/12

County of Los Angeles
Department of Regional Planning
General Plan Development Section
Attn: Connie Chung, Supervising Regional Planner
Attn: Susan Tae, Supervising Regional Planner
320 West Temple Street
Los Angeles, CA 90012

Comments on Revised Draft Los Angeles County General Plan 2035 (rev. 1/2014)

Dear Ms. Chung and Ms. Tae:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the revised draft General Plan dated January 2014. On previous General Plan drafts, we provided comment letters dated 08/29/2007, 01/22/2009, 09/08/2011, 07/26/2012, and 11/7/2013. Comments that were not incorporated but that the Habitat Authority believes still apply are reiterated here.

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.

Part II. Planning Areas Framework

Chapter 5. II. Planning Areas Descriptions

1. In Table 5.1 on page 27, various Opportunity Area Types are listed as areas to be considered when preparing community-based plans. Please consider adding a type for Open Space .

2. It is assumed that on page 35 under Geography, "The San Gabriel River runs along the Interstate-610…." should be "The San Gabriel River runs along the Interstate-605….".

Part III: General Plan Elements

Chapter 7: Mobility Element

3. On page 102, Section 5. Impacts of Transportation on Natural and Community Resources -The Habitat Authority recommends a discussion on how changes in transportation can influence accessibility of open spaces (i.e. greater access) leading to an increase in the number of visitors and potentially affecting biological resources.

Chapter 9: Conservation and Natural Resources Element

4. Policy C/NR 1.2 states "Protect and conserve natural resources, natural areas, and open spaces on park properties." It is unclear why this would only pertain to "…park properties." We believe it is the intent of the Policy to cover all natural resources, natural areas, open space, and potential park properties in unincorporated LA County. Therefore, please consider adding following in italics and deleting the strikethrough: "*Protect and conserve natural resources, natural areas, and open spaces* ~~on park properties~~."

5. Regarding Policy C/NR 1.5: "Increase and improve access to dedicated open space and natural areas for all users." The County works with numerous land owners (see Appendix E) who own/manage open space within the jurisdiction of this General Plan. Since the County cannot control access to land that they don't own/manage, please clarify by adding the following italicized language. "Increase and improve access to dedicated open space and natural areas for all users *as determined appropriate by each land management agency*."

6. Policy C/NR 1.6 states "Prioritize open space acquisitions for available lands that contain unique ecological features, streams, watersheds, woodlands, grasslands, and/or offer linkages that enhance wildlife movements and genetic diversity." However there are numerous other important habitat types besides woodlands and grasslands that support important natural resources. Therefore, please consider amending the sentence as noted in italics with deletions in strikethrough: "Prioritize open space acquisitions for available lands that contain unique ecological features, streams, watersheds, ~~woodlands, grasslands,~~ *habitat types* and/or offer linkages that enhance wildlife movements and genetic diversity."

7. Regarding Policy C/NR 2.4 to "Collaborate with public, non-profit, and private organizations to acquire and preserve available open space lands.", please consider adding the following language in italics to include the acquisition of land in different land use categories that could be converted to open space: "Collaborate with public, non-profit, and private organizations to acquire and preserve available open space lands *or other lands that could be converted to open space*."

8. On page 128, 2nd paragraph, the Habitat Authority recommends that language be added into the SEA Ordinance allowing public land preservation agencies with adopted management plans to carry out all activities that contribute to the management of the land for preservation, access and safety.

9. On page 130, Policy C/NR 3.9 outlines design considerations for projects proposed in SEAs. The Habitat Authority recommends inclusion of a requirement that such projects retain a contiguous area of undisturbed open space over the most sensitive natural resources to maintain regional connectivity within the undeveloped area, and to preserve these areas in perpetuity through a recorded fee simple dedication to an open space park agency currently operating and/or based in the project area prior to the issuance of any permits.

10. Regarding Policy C/NR 7.2 to "Support the preservation, restoration and strategic acquisition of open space to preserve natural streams, drainage paths, wetlands, and rivers, which are necessary for the healthy function of watersheds.", the acquisition of land types, other than open space, could converted to open space for the protection of those resources. Therefore, please consider adding the following language in italics: "Support the preservation, restoration and strategic acquisition of open space, *and other land types that could be converted to open space*, to preserve natural streams, drainage paths, wetlands, and rivers, which are necessary for the healthy function of watersheds."

11. In Section IV Goals and Policies, Policy P/R 1.9 is to "offer more lighted playing fields using energy efficient light fixtures where appropriate to extend playing time." Please consider implementing spill light limits on ballfields that are adjacent to open space. We suggest the following: "All lighting shall be designed and shielded with the intent of preventing spillage of light into adjacent open space areas. All lighting shall be constructed so that all light emitted by the fixture, either directly from the lamp or from a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected away from the open space as determined by photometric test or certified by the manufacturer."

<u>Appendix E: Conservation and Natural Resources Element Resources</u>

12. On page 40-41, regarding the summary of the Puente Hills SEA, it notes that "significant wildlife movement throughout the Puente Hills SEA has been documented in a two year carnivore study commissioned by the Santa Monica Mountains Conservancy as part of a multi-jurisdictional effort to establish a region wide wildlife movement linkage." Please

update this statement to acknowledge numerous additional wildlife movement studies that have been conducted in this SEA on the Puente Hills Preserve, including several studies of both the Harbor Boulevard Wildlife Underpass and the Colima Road Underpass, all of which are available on the Habitat Authority's website (www.habitatauthority.org/publications).

13. Due to an agency name change, on page 44 (and throughout document), change "California Department of Fish and Game (CDFG)" to "California Department of Fish and Wildlife (CDFW)".

14. The Regional Habitat Linkages section in Appendix E (Conservation and Natural Resources Element) states on page 40 that "critical biological resources are maintained through habitat connectivity, which sustains population genetic diversity, and provides refuge for migrant species". In addition, the Significant Ecological Areas section of Appendix E (page 44) states that one of the two primary conservation principles on which the SEAs are designated is that "isolated habitat areas have less opportunity to regain species by re-colonization from other areas" and that "The SEAs are designed to provide habitat linkages between related habitat types...by encompassing areas of sufficient width to function as wildlife movement routes between these open space areas".

    Please consider revising the SEA selection criteria to directly acknowledge the importance of habitat connectivity and wildlife movement corridors on pages 44-46. It is clear from the language in the Draft General Plan Appendix E, that wildlife movement corridors and habitat connectivity are critical to the concept of SEAs. However, the SEA selection criteria do not mention wildlife movement, corridors, or habitat connectivity[1]. The only criterion that can be construed as being related is criterion D: "Habitat that at some point in the life cycle of a species or a group of species, serves as concentrated breeding, feeding, resting, or migratory grounds, and is limited in availability either regionally or in Los Angeles County". Please consider revising the SEA selection criteria to include lands that provide habitat connectivity and wildlife movement corridors and opportunities, as consistent with the Draft General Plan in Appendix E. The maintenance of wildlife populations in western portions of the Puente-Chino Hills, such as in the Habitat Authority's Preserve, are critically dependent on the movement of individuals from locations further east in the Corridor, and a reduction of this potential movement may pose a serious threat to the persistence of these populations in the future[2].

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[1] PCR. 2000. Los Angeles County Significant Ecological Area Update Study 2000: Background Report. Prepared for: Los Angeles County Department of Regional Planning. November 2000.
[2] Conservation Biology Institute. 2005. Maintaining Ecological Connectivity Across the "Missing Middle" of the Puente-Chino Hills Wildlife Corridor. July 2005.

The following comments are regarding the description of the Puente Hills SEA, beginning on page 136:

15. On page 138, fourth paragraph, please note in the text that Sycamore Canyon also supports coastal cactus wrens.

16. On page 139, first paragraph, please add language that describes the habitat in Arroyo San Miguel as coastal sage scrub, chaparral, grassland and riparian and supporting a population of federally-threatened coastal California gnatcatcher.

17. Please note that as of August 15, 2011, due to an amendment of the Habitat Authority's Joint Powers Authority Agreement, the official agency name changed to Puente Hills Habitat Preservation Authority (PHHPA). Please use this name when referring to the agency in future documents and correspondence. On page 139, the last paragraph still references the old agency name. Please check the document for other instances.

18. The open space of the Puente Hills between Harbor Blvd. and State Route 57 has been previously shown to be of great conservation concern to the entire Puente-Chino Hills corridor, both for its value in linking the west and east corridor as well as because of its intrinsic value in supporting significant populations of sensitive animal species.

Comments on Community Climate Action Plan

Based on review of the Community Climate Action Plan, the Habitat Authority respectfully submits the following comments:

1. Page 5-6. Table 5-1. Land Conservation and Tree Planting – Protect Conservation Areas: Please consider not only the evaluation of the Oak Woodland Conservation Management Plan for the preservation of existing oak woodlands but preserving all other native habitats as well. There are numerous native habitats within Los Angeles County that provide important habitat for a suite of species including those protected by law such as the federally threatened California Gnatcatcher, *Polioptila californica*, that depends on coastal sage scrub habitat and the California State Species of Special Concern Coastal Cactus Wren, *Campylorhynchus brunneicapillus*, that nests almost exclusively in prickly pear (*Opuntia littoralis* and *O. oricola*) and coastal cholla (*O. prolifera*), within coastal sage scrub habitat, to name a few. In addition, the California endemic Southern California black walnut (*Juglans californica* var. *californica*) is severely threatened by ubanization and is considered by The Nature Conservancy and the state of California to be one of California's "rare and imperiled natural communities" (http://www.fs.fed.us/database/feis/plants/tree/jugcal/all.html). The Chino-Puente Hills is a major center of distribution for this species and is one of the dominant woodland community tree species in the Puente Hills Preserve. Therefore, please consider revising the Initial Implementation Step in Protecting Conservation Areas to include a complete review of all native communities.

2. Page C-20 . LC-2 Create New Vegetated Open Space – Additional Information:
   This section currently states that "New vegetated open spaces should be designed and maintained to minimize the spread of invasive species." Please considering adding language to encourage the use of drought-tolerant native plantings in all revegetation projects since this can contribute to decreasing water consumption.

3. Page C-20, LC-4 Protect Conservation Areas – Action Status:
   The *Additional Information* (page C21) acknowledges that open spaces can sequester atmospheric CO_2 creating a sink of carbon and thus having Greenhouse Gas (GHG) benefits. However, the Plan currently states that "GHG emissions reductions have not been quantified or counted toward attainment of the County's CCAP target." Therefore to acknowledge the contribution of open spaces as carbon sinks, the Habitat Authority recommends conducting a quantifiable analysis of open space area contributions to atmospheric CO_2 sequestration.

4. Page C-21, LC-4 Protect Conservation Areas – Approaches:
   To support the Action Goal of "Encourage the protection of existing land conservation areas" please consider the preservation of other native habitats besides oak woodlands (see detailed info in comment 1).

We appreciate the opportunity to comment on the General Plan and CCAP documents. Please notify us when the Habitat Conservation Plan, Mitigation Land Banking Program, Trails Master Plan, Open Space Land Acquisition Strategy, and Oak Woodland Conservation Management Plan, documents are available for public review.

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

cc: Board of Directors
Citizens Technical Advisory Committee