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Mr. James Hartl
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

County of Los Angeles General Plan Update

Dear Mr. Hartl:

The Wildlife Corridor Conservation Authority (WCCA) offers the following comments on Los Angeles County's proposed General Plan Update, entitled Shaping the Future 2025, and related documents, including the Draft Significant Ecological Areas Proposed Regulatory Changes (from the County Department of Regional Planning website). WCCA provided related comments in a December 20, 2002 letter on the Notice of Preparation for Comprehensive Update and Amendment to the Los Angeles County General Plan, and in April 30, 2001 and May 2, 2001 letters on the Los Angeles County Significant Ecological Areas (SEAs) Update Study (enclosed). Of those comments listed below, WCCA is most interested in assuring that the SEA Regulatory Review Procedures continue to provide adequate review opportunities for developments in SEAs and that they provide adequate protection for SEAs. Many of the following comments are based on comments provided by the Santa Monica Mountains Conservancy in a June 14, 2004 letter to the County. (Throughout this letter, underlined means to add, ~~strike-out~~ means to delete, and repeated periods means the text should remain unchanged.)

Significant Ecological Areas Proposed Regulatory Changes

The comments in this section refer to the draft document from the Los Angeles County Department of Regional Planning website, entitled Significant Ecological Areas Proposed Regulatory Changes (dated March 11, 2004), proposed as part of the General Plan Update. As stated in previous letters, WCCA commends the County and its consultants on the excellent work done for the update of the SEAs. Specifically WCCA compliments the County's efforts to propose more inclusive and biologically sound boundaries to ensure sustainability of the SEAs. This is evident in the proposed Puente Hills SEA.

However, WCCA is concerned that the proposed changes to the SEA Regulatory Review Procedures (Section II of the Significant Ecological Areas Proposed Regulatory Changes) will not provide the needed protections for either the existing or the new expanded SEAs. Notably, additional exemptions to the SEA review process have been added, and many activities would not be required to be reviewed by Significant Ecological Areas Technical Advisory Committee (SEATAC), nor would they require a public hearing. The proposed regulations would result in four categories of SEA review: (1) exemptions from SEA review process (no SEATAC review, no public hearing), (2) Director's Review (no SEATAC review, no public hearing), (3) Minor Conditional Use Permit (CUP) (no SEATAC review, sometimes a public hearing is required), and (4) CUP (with SEATAC review and public hearing).

WCCA concurs with the comments made by the Santa Monica Mountains Conservancy in a June 14, 2004 letter, that a community-level Biological Constraints Analysis must be required for all development projects requiring grading of more than 5,000 square feet (sq. ft.) within SEAs. This is more consistent with current requirements (as stated in County of Los Angeles Department of Regional Planning Biological Constraints Analysis Guidelines, p. 1, from the County website). This is a key step as part of a proactive approach to adequately protect SEAs. This should be required for all projects grading over 5,000 sq. ft. of surface area within SEAs, even those proposed to be exempt from SEA review (see below).

WCCA also concurs with the comments made by the Santa Monica Mountains Conservancy that additional types of projects in SEAs should undergo SEATAC review, and should be available for public comment, than those currently proposed in the SEA Regulatory Review Procedures. Alternately, the thresholds for exemptions and related categories should be made more rigorous, as described in more detail below.

SEA exemptions (no SEATAC review, no public hearing): Under the SEAs Proposed Regulatory Changes, some exemptions would include new individual single-family homes, grazing, vegetation removal less than one acre (provided that no more than one acre is removed within a single calendar year), and grading of slopes less than 8 percent (provided that no more than 2,500 cubic yards of earth is moved).

There are uncountable scenarios in which these proposed exempt activities could result in significant, adverse environmental impacts, either individually , or cumulatively, without adequate avoidance, mitigation, or public review. There are cases where a new single-family home may be proposed in a visually sensitive area (e.g., visible from scenic roads, trails, parkland, etc.), resulting in significant adverse project-related impacts, or resulting in significant, adverse cumulative impacts from several single-family homes being built in the area. Also, extensive grazing over a large area, can result in significant degradation to native plant communities and sensitive species. Vegetation removal of one acre per

year over several years, can also result in significant loss of native habitat and watershed protection. These types of activities can be particularly problematic if the development and vegetation removal occur in sensitive habitat areas near water sources used by wildlife (such as mammals), or near a habitat linkage chokepoint. The proposed new regulations would let such projects through like a super-coarse sieve.

These procedures also state that projects on parcels located partially within an SEA (provided the development area is outside of the SEA) are exempt. It appears this may allow fuel modification and other harmful indirect effects on the SEA without consideration of simple avoidance alternatives that would be obvious from a constraints report.

The SEAs Proposed Regulatory Changes document states that several of these activities are not subject to a building or grading permit, thus are not under the scrutiny of zoning review. WCCA recommends that the County require SEATAC review for these activities. However, if the County proceeds with considering these activities exempt, then at the very least, the following changes should be made to the SEA exemption procedure. As stated above, a biological constraints analysis should be prepared for all of these aforementioned activities resulting in grading of over 5,000 sq. ft. of surface area within SEAs. The proposed exemptions should be modified as follows:

- New single-family residences, that will result in less than 5,000 square feet of surface area grading....
- Projects on parcels partially within a SEA, provided the development area (including the fuel modification areas) is outside of the SEA, the applicant proposes and commits to implement measures to minimize indirect effects to the SEA, and the County biologist has approved these measures.
- Grazing of horses...provided that the grazing and corrals occupy less than ½ acre.
- Vegetation removal less than ~~one~~ ½ acre total, ~~provided that no more than one acre is removed within a single calendar year~~ (in all years combined on a single property)...
- Grading of land with a slope of less than 8 percent provided that no more than ~~2,500~~ 1,000 cubic yards of earth is moved.

WCCA recommends that at the very least the County biologist review these projects to ensure compliance with the exemption requirements.

SEA Director's Review (no SEATAC review, no public hearing): According to the SEAs Proposed Regulatory Changes, a "Director's review" would consist of a site visit by the County biologist, review of a checklist, and the possibility for recommended changes by the biologist, and/or recommendation to the Minor CUP process (which also does not

require SEATAC review). These types of activities would have greater impacts than those proposed under the exemption category, and they have the potential for significant, adverse environmental impacts, individually and cumulatively. WCCA recommends that these activities listed in this paragraph be subject to SEATAC review and that the public be afforded the opportunity to comment. If the County elects to maintain these activities in this SEA Director's Review category (with no SEATAC review and no public hearing), at the very least, the following changes should be made:

- Grading of land with a slope of less than 8 percent and over ~~2,500~~ 1,000 cubic yards but less than ~~5,000~~ 2,500 cubic years of earth of moved.
- Vegetation removal of ~~1.0 to 2.5~~ ½ to 1.0 acre...

Also, on the checklist for those projects in the SEA Director's Review category, all streams, not just United States Geological Survey (USGS) blue-line streams, should be considered.

Minor CUP (no SEATAC review, sometimes a public hearing is required): The Minor CUP process would require certain Development Standards Applicable to Small Subdivisions and a Burden of Proof to be met, with no SEATAC review required. WCCA concurs with the Santa Monica Mountains Conservancy and *strongly* recommends that all small subdivisions (4 units or less) within SEAs be required to be subject to SEATAC review, and that the public be afforded the opportunity to comment. The other activities proposed in this category should also be subject to SEATAC review, including relocation of two or more property lines between three or more contiguous parcels; grading under certain conditions, and vegetation removal under certain conditions. However, if the County proceeds with considering these activities under the proposed Minor CUP process, at the very least, the following changes should be made to the thresholds for this category, to the Development Standards Applicable to Small Subdivisions, and to the Burden of Proof.

If the County elects to maintain these activities in this category, the following changes should be made to the thresholds for this category:

- Grading of land with a slope of 8 percent or greater, but less than ~~25~~ 15 percent in an amount between ~~5,000~~ 2,500 cubic yards and ~~10,000~~ 5,000 cubic yards.
- Vegetation removal greater than ~~2.5~~ 1 acre~~s~~ but less than 20 percent of gross project area, or vegetation removal greater than 1 acre, but less than 2.5 acres....

Additional specificity is warranted for the phrases: "...maintain the remaining portions of the site in a natural undisturbed site..." (in 1.a. Development Standards Applicable to Small Subdivisions, p.8), and "...setting aside appropriate and sufficient undisturbed areas..." (in

2.a. Burden of Proof, p. 9). The following language should be added to these two sections:

> This shall be accomplished by dedicating the land in fee simple to an appropriate public entity capable of managing open space for resource protection and recreational use, or by granting conservation easements, or recording a offer to dedicate conservation easements, to the County and to an appropriate public entity capable of managing open space for resource protection and recreational use, prior to vegetation removal or grading.

In 1.c. Development Standards Applicable to Small Subdivisions, the language appears to allow development of a majority of the floodplain or stream, as long as a small portion is not altered. This language should be clarified so as to emphasize avoidance of the majority of the floodplain or stream. From a financial investment standpoint, it seems illogical to build in the floodplain. Also, avoidance of streams is preferred to protect the biological functions and values of the stream. This language should be changed as follows:

> Not alter, grade, fill or build within the ~~entire extent of the~~ hydrological floodplain or biological margins of a river corridor, a blue line stream, or other perennial or intermittent watercourse to reduce the need for bank stabilization, unless no other alternative is feasible, the floodplain and watercourse have been avoided to the maximum extent, and appropriate mitigation measures will be implemented.

The proposed 100 foot buffer around wetland areas is not sufficient (1.d. Development Standards Applicable to Small Subdivisions, p. 8) to protect functions and values of the wetland. A buffer of 200-300 feet is more appropriate given the sensitivity of wetlands and the typical buffer recommended by the California Department of Fish and Game.

CUP (with SEATAC review and public hearing): The SEA Regulatory Review Procedures for CUPs (including SEATAC review), should provide the highest level of protection because presumably these activities could potentially result in the greatest impacts to the SEAs. Key protections should be added to Section 2. Burden of Proof (p. 11). Additional specificity regarding land dedications and conservation easements should be added to the language in Section 2.a., "...setting aside appropriate and sufficient undisturbed areas..." The language regarding land dedications and conservation easements proposed above for the Burden of Proof for Minor CUPs should be added to the requirements for CUPs.

Specific development standards and conditions to lessen potential biotic impacts to the site in the CUP process for SEAs are not proposed in the SEAs Proposed Regulatory Changes because they are proposed to be developed through the SEATAC process (see p. 11 of the SEAs Proposed Regulatory Changes). These standards and conditions for the CUP process should be more protective than those proposed for the Minor CUP process. For example, the proposed protections relating to wildlife-permeable fencing (1.e., f. of

Development Standards Applicable to Small Subdivisions, p. 9) from the minor CUP process should be incorporated into the CUP process.

Also, several changes should be incorporated into the Burden of Proof for the CUP process in SEAs. A requirement should be added to the Burden of Proof for CUPs (Section 2.a., p. 11) so that access roads are designed to minimize disturbance and avoid and minimize impacts to sensitive resources. Also, "..., protect habitat linkages and protect movement corridors" should be added to end of Section 2.e., Burden of Proof for CUPs, regarding preserving habitat connectivity. In addition, buffers of 200-300 feet to wetlands and streams should be a requirement in Section 2.d. Burden of Proof for CUPs.

Specific comments on Puente Hills SEA: WCCA supports the specific considerations for the Puente Hills SEA (p. 15, Draft SEA Regulatory Framework). County staff will refer to those considerations when reviewing applications for minor CUPs and CUPs in SEAs.

In the Draft Significant Ecological Area Puente Hills document provided on the County's website, the following language should be added to the end of the section entitled Wildlife Movement (p. 4):

> Two wildlife movement chokepoints exist within the corridor, at Harbor Boulevard and at the Tonner Canyon at State Route 57. If one of these chokepoints is compromised, the ecological viability of the remaining corridor may be compromised.

Also, these two chokepoints should be mentioned in the second bullet under Puente Hills SEA, in Section III. Specific Considerations for Individual SEAs (p. 15, Draft SEAs Regulatory Framework).

WCCA reiterates those comments in WCCA's previous letters regarding modifications to the SEA boundaries. Notably, areas 5 (southeast of Shea Homes) and 6 (oil field east of Harbor Boulevard) identified in WCCA's April 30, 2001 letter should be added to the Puente Hills SEA. These areas support coastal sage scrub, a very threatened plant community, and coastal California gnatcatcher, a bird species listed as threatened by the United States Fish and Wildlife Service.

Conservation/Open Space Element

It is critical to add the following policy to the Conservation/Open Space Element (e.g., after Policy O-6.3) to ensure adequate protection of SEAs, given the potential for significant adverse environmental impacts from developments in SEAs.

> Proposed developments in SEAs shall include mitigation for unavoidable

> impacts to SEAs from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance. Mitigation measures include permanent preservation of existing habitats, habitat restoration, and habitat enhancement. Mitigation areas shall be protected in perpetuity by fee simple dedications and/or conservation easements.

Similar to proposed policies O-10.8 and O-12.1, which address recreational opportunities and watershed protection, the following policy should be added after Policy O-5.4 to promote proactive conservation efforts to protect sensitive biological resources:

> Pursue and encourage public and/or private funding for the purchase of parcels and/or conservation easements within SEAs to preserve significant ecological resources.

The County is not in the position of advocating development; rather the County responds to and regulates development proposals. Policy O-5.1 should be amended to read: "~~Advocate~~ Restrict development that ~~is highly compatible with~~ compromises biotic resources."

Policy O-5.3 addresses maintaining the integrity of the County's diverse plant communities. Other sensitive and declining plant communities, including coastal sage scrub and native grasslands, should be considered in this policy, in addition to those already listed. Coastal sage scrub is recognized as very threatened in southern California by the California Department of Fish and Game.[1] It has been estimated that about 70-90 percent of the presettlement coastal sage scrub in southern California has been destroyed mostly by residential development.[2] Coastal sage scrub also supports a suite of sensitive wildlife and plant species. With respect to native grassland, it has been estimated that there has been about 99 percent loss of native grassland in California.[3]

Policy O-6.3 for SEAs should be amended as follows: "Site roads and utilities to avoid sensitive ~~critical~~ habitat areas or migratory paths." If "critical" habitat is retained, this may appear to limit the analysis to only habitat designated by the United States Fish and Wildlife Service as "critical habitat," when other areas also provide significant habitat values.

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[1] See sensitivity rankings, "Sensitivity of Top Priority Rare Natural Communities in Southern California," determined by the California Department of Fish and Game.

[2] As cited in Noss et al. 1995

[3] Kreissman 1991, as cited in Noss et al. 1995

The following language should be added to Policy O-6.3 for SEAs, and this policy should also be added to the Circulation Element:

> Site roads to avoid significant adverse impacts to wildlife movement. Mitigate adverse impacts to wildlife (such as roadkill) during continued operation of existing roadways and construction of new and expanded roadways.

The following policy should be added after Policy O-5.4: "Develop and maintain a detailed database of mitigation sites, conservation easements, and publicly-owned open space, etc." This effort would help provide accurate land use and zoning categories. Also, this information would help County planners when analyzing potential impacts of future developments on existing protected open space.

The General Plan should show where potential habitat linkages remain to connect large regional open space areas. These areas must receive special wildlife corridor designation in the General Plan.

WCCA supports Policy O-10.9 which states in part "[a]dvocate development of... equestrian, biking and hiking trails..." The following policy should added after Policy O-10.9: "Where feasible and consistent with public safety and operational uses, encourage joint use for public access on infrastructure access roads, and under utility lines."

WCCA supports Policy O-8.1, which states:

> Protect the visual quality of scenic hillsides, including but not limited to ridgelines, hillside slopes and natural vegetation, to preserve the integrity of existing terrain–particularly areas located at key vantage points from public roads, trails and recreation areas.

Land Use Element

WCCA supports the intent of Policy L-2.2 and Policy L-3.1. Nothwithstanding, WCCA supports the recommendation by San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy to make the following wording changes in these policies:

> Policy L-2.2: Promote designs that preserve ~~significant~~ plant and animal habitats, natural scenery–including hillsides and ridgelines–cultural sites, public parklands and open space.
>
> Policy L-3.1: ~~Promote~~ Establish improved inter-jurisdictional coordination of land use and transportation policy matters between the county, cities,

adjacent counties, special districts, and regional and subregional agencies.

The following policy should be added to the Land Use Element after Policy L.2-11:

> Require that it be demonstrated in development applications that developments are consistent with existing adopted plans including trails plans, parks plans, watershed plans, and river master plans.

Housing Element

Similar to the policy proposed for the Santa Monica Mountains (Policy H-5.8.A), the following policy should be added: "Puente-Chino Hills: Limit housing due to the widespread presence of natural hazards, valuable natural resources."

Circulation Element

WCCA supports Goal C-6, and associated policies. This goal is a scenic highway system that preserves and enhances natural resources within its corridors while serving the public through various transportation modes and access to recreational opportunities.

Goal C-1 should be amended to read:

> A balanced, multi-modal transportation system, coordinated with established and projected land use patterns, to serve the mobility needs of residents and commerce ~~and~~ , improve air and water quality, and protect natural resources.

The following policy should be added to the Circulation Element, after Policy C-1.6:

> Site roads and utilities to avoid significant adverse impacts to wildlife movement. Mitigate adverse impacts to wildlife (such as roadkill) during continued operation of existing roadways and construction of new and expanded roadways.

WCCA notes that two major highways are proposed through existing parkland within the Whittier-Puente-Chino Hills in the main document, Shaping the Future 2025. One appears to connect 7th Avenue to Turnbull Canyon Road in the Whittier Hills, and the other appears to connect Asuza Avenue with Harbor Boulevard. In the County's Staff Proposed Changes as of June 17, 2004 from the County's website, these two are proposed to be deleted. WCCA supports the exclusion of these two proposed roads

Safety Element

Policy S-3.2 should be expanded to emphasize avoidance of fuel modification practices

within public parklands. The following underlined language should be added:

> Promote fuel modification practices that balance safety with natural habitat protection and that help reduce the risk of damaging runoff and erosion. For new developments adjacent to parklands, site and design developments to allow required fire-preventative brush clearance to be located outside park boundaries, unless no alternative feasible building site exists on the project site and the project applicant agrees to pay for required fuel modification within the parkland. Maintain a natural vegetation buffer of sufficient size between the necessary fuel modification area and public parkland.

WCCA appreciates the opportunity to comment. Please direct any questions or future documents to Judi Tamasi of our staff at (310) 589-3200 ext. 121 and at the above address.

Sincerely,

Steve Feld
Chairperson

Literature cited

Kreissman, B. 1991. California, an environmental atlas and guide. Bear Klaw Press, Davis, Calif.

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. U.S. Department of the Interior, National Biological Service, Biological Report 28. February

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