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Attachment 9(b)

SMMC

May 23, 2011



December 23, 2008

OLD SMMC
LETTER

Mr. Mark Herwick
County of Los Angeles
Department of Regional Planning
General Plan Development Section
320 West Temple Street
Los Angeles, California 90012

**Comments on Los Angeles County Draft General Plan:
Planning Tomorrow's Great Places 2008**

Dear Mr. Herwick:

Santa Monica Mountains Conservancy (Conservancy) staff offers the following comments on Los Angeles County Draft General Plan: Planning Tomorrow's Great Places 2008. We understand that the County is currently preparing the Draft Environmental Impact Report for the Plan. (Throughout this letter, underlined means to add, ~~strike-out~~ means to delete, and repeated periods means the text should remain unchanged.)

Open Space Dedications

Conservancy staff concurs with many of the goals, policies, and implementation actions in the Conservation and Open Space element such as Policy C/OS 2.1, "Develop and expand regional and local parkland in the County," and Implementation Action C/OS 1.1, "Coordinate with Local, State, and Federal park agencies and conservancies to acquire open space for recreation and biotic preservation throughout the County." However, implementation actions should be added at the beginning of the plan's life to encourage or require open space dedications as part of the development process. For example, Implementation Action C/OS 2.2 could be added, which states:

Within six months of approval of the General Plan by the County, finalize guidelines with a fully operable framework to encourage or require permanent open space dedications and protection as part of the development process to mitigate adverse environmental impacts. Open space dedications must be offered to open space park agencies or another entity acceptable to the County. Guidelines must clearly and precisely outline a clear pathway of how and when dedications are accomplished and recorded in the development process.

In addition, under the Design Guidelines for Significant Ecological Areas (SEAs; p. 135), we recommend adding the following underlined language:

2. At a minimum, Rretain a contiguous area of undisturbed open space over the most sensitive natural resources to maintain regional connectivity within the undeveloped area, and preserve this area in perpetuity through a recorded fee simple dedication to an open space park agency prior to the issuance of any permits.

We strongly support Policy C/OS 5.7, and we recommend the following underlined language be added:

Require that development mitigate “in-kind” for unavoidable impacts to biologically sensitive areas and permanently preserve mitigation sites, via recorded fee simple dedications or permanent deed restrictions prior to the issuance of any permits.

To acknowledge the role that public conservation agencies have in the acceptance of open space dedications, the following underlined text should be added (p. 124, Section II. Open Space, Parks, and Recreation):

For the purposes of the General Plan, open space dedications are defined as privately owned lands that have been set aside for permanent open space space, or dedicated in fee simple or protected in some other manner by a conservation agency, as part of a larger land development proposal. Commitment of such lands to open space use in perpetuity is typically assured through deed restrictions or dedication of construction rights secured at the time of concurrent with, but not later than, development permit approval, or by protection by a conservation agency.

It is critical when County planners are reviewing development proposals, that they are aware of the locations of not only publicly-owned parks and open space, but also privately-owned land protected by conservation easements or deed restrictions. This is an important tool when planning the locations of developments and where future open space should be set aside. It is preferable that contiguous blocks of open space be protected, rather than ending up with disjointed patches. The following implementation action should be added:

Implementation Action C/OS 2.3. Within six months of approval of the General Plan by the County, create, and update periodically, a GIS layer of protected open space owned by Federal, State, County, or other local agencies or non-profits to assist staff in the project review process and aid applicants in their project design. As the following information becomes available, the layer must include other protected lands, such as conservation easements and permanent open space deed restrictions

Trail Dedications

Conservancy staff supports many of the trail measures in the General Plan, including Policy C/OS 4.1, "Expand multi-purpose trail networks for all users." As with open space dedications, we suggest that implementation actions be added to encourage or require trail dedications as part of the development process. Implementation Action C/OS 4.2 could be added, which states:

Within six months of approval of the General Plan by the County, finalize guidelines with a fully operable framework to encourage or require trail easement dedications as part of the development process to mitigate adverse recreational impacts. Trail easement dedications must be offered to open space park agencies or another entity acceptable to the County. Guidelines should clearly and precisely outline a clear pathway of how and when dedications are accomplished and recorded in the development process.

We support Implementation Action C/OS 4.1, as a GIS layer of proposed trails is a valuable tool for County planners to have when reviewing development applications. Knowing the locations of nearby existing trail easements is also highly valuable in order to successfully site a trail easement on a particular property so that it connects to any trail easements on adjacent properties, or so that it will eventually connect to easements on nearby properties. We recommend that the following underlined language be added:

Within six months of approval of the General Plan by the County, ~~create,~~ and update periodically, a GIS layer of proposed federal, state, county and adjacent city trailways and railway segments, and existing and proposed trail easements and offers to dedicate trail easements, to assist staff in the project review process and aid applicants in their project design. Field verification should be conducted to determine the legitimacy of trail locations.

SEAs and Biological Protections

We support the County's identification of the linkages, from the South Coast Wildlands Missing Linkages project, on Figure 6.3, Proposed SEAs map. However, depicting the linkages as simple lines is misleading and grossly inadequate. The General Plan must include a figure replicating the precise boundaries of the least cost unions, and potential crossing structures, for the linkages. There is no better science than this study to define the linkages. This work was done at the parcel level (although that parcel data was not publicly released) and the County may wish to obtain the parcel level data from South Coast Wildlands.

We also compliment the County on the inclusion of several important policies to protect SEAs. However, we do recommend some modifications such as adding the following underlined text to Policy C/OS 5.6:

Require that developments within an SEA be designed to meet the Significant Ecological Area Technical Advisory Committee recommendations, to the greatest extent possible, even it that means some substantive diminution of the property's economic value, and to...Preserve wildlife movement corridors; Site roads to avoid sensitive habitat areas or migratory paths;...Provide open or permeable fencing.

Conservancy staff supports the Design Guidelines for a Model Subdivision Project in an SEA (p. 135) to locate development away from wildlife corridors... (5), avoid impermeable fencing outside the development... (6), and direct outdoor lighting downward, away from adjacent open space areas (7). We recommend adding the following design guideline: "Site and design roads to avoid significant adverse impacts to wildlife movement." We recommend that all of these design guidelines apply to any development, not just subdivisions within an SEA.

In general, we strongly support the more inclusive SEA boundaries as proposed in the Draft General Plan and we commend the County on applying this approach. At the scale of the SEA map online, we are unable to definitively provide more specific comments. According to County staff, maps at a better scale, that can be overlain on other layers such as aerials, will be provided online by the County in December. We look forward to reviewing those maps online, or other maps with staff, and providing more specific comments on the SEA boundaries at that time.

We continue to strongly recommend against making all single-family homes in SEAs exempt from Significant Ecological Area Technical Advisory Committee review (see the Conservancy's June 14, 2004 letter). Single family estates with vineyards, accessory structures, and other uses can often be much more damaging than a cluster of three moderate-sized homes. The exemption should be amended to state:

Individual single-family residences that will result in less than 5,000 square feet of surface area grading, where only one residence is proposed to be built on a legal lot or parcel of land, including project-related grading impacts.

Per the General Plan, additional information on the regulatory provisions of SEAs is included in the Technical Appendix; per the website the technical appendices will come later. We would appreciate the opportunity to comment on that technical appendix when it becomes available.

We strongly support the Implementation Action C/OS 5.3 (p. 139), although we recommend modifying the text (see also Schlotterbeck 2003¹):

~~Consider adding~~ Add a new section to the Initial Study Checklist to create a review procedure for open space connectivity. ~~Habitat~~ Connectivity reviews shall consider the physical linkages on the project site and how it will maintain both local and regional habitat connectivity, ~~particularly with regard to wildlife corridors.~~

We also support Implementation Action C/OS 5.2 (p. 139) to create a formal Mitigation Land Banking Program. However, it is not clear why this would only be mitigation for development in areas outside of SEAs, and why it could not include mitigation for development inside SEAs.

The County's Draft General Plan recognizes the challenges at the urban-wildland interface (p. 138). We recommend that another implementation action be added:

¹Schlotterbeck, J. 2003. Preserving Biological Diversity with Wildlife Corridors: Amending the Guidelines to the California Environmental Quality Act. *Ecology Law Quarterly* 30(4).

Implementation Action C/OS 4.6. Create guidelines for developments to minimize edge effects at the urban-wildland interface, which may include options for specific actions to manage pets, restrict lighting in open space, create compatible landscaping, etc.

Because of the cumulative impacts to native habitat from the conversion to vineyards, we recommend that the General Plan include the following policy (in Section IV. Agricultural Resources): “Policy C/OS 6.9. In remaining native habitat open space areas, discourage the extensive conversion of sensitive native habitat to agricultural land.”

Scenic Resources

We support the Scenic Resources measures including Policy C/OS 11.1, to “Identify and protect scenic resources,” and Implementation Action C/OS 11.1, “Create a scenic corridor and scenic viewshed program and/or ordinance to protect the County’s remaining scenic resources.”

We recommend that a portion of State Route 14 be given a scenic designation, from its intersection with Escondido Canyon Road, west to the edge of the unincorporated Los Angeles County boundary. This area is included in the Soledad Canyon-Angeles Linkage Conceptual Area Protection Plan (CAPP). Some properties in the CAPP are actively being acquired for permanent protection, involving multiple partners and using several funding sources, including County funds. This area contains an absolutely unique viewshed and it includes the Pacific Crest Trail.

We look forward to reviewing the Technical Appendix (once it becomes available), which pertains to the selection of scenic resources, scenic corridors, and provides practices for their continued protection and preservation (p. 149).

Park Uses

While the Conservancy, a State agency, is sovereign and not subject to local land use regulation, we have many partner agencies which may be affected by the General Plan. As many parks are located in the Open Space land use designation, it is important that necessary park facilities and operations are allowed in the Open Space land use designation. For example, in many cases, park agencies have acquired open space land and used existing buildings for staff residences or offices. We recommend that the following language be added to the open space land use designation (p. 39), under Open Space Conservation (OS-C), Open Space Parks and Recreation (OS-PR), and Water (OS-W):

“Includes passive recreation (e.g., trails) and open space parks and all associated support facilities/uses customarily found in conjunction therewith.”

If possible, we also recommend that the following specific language be included under these categories:

This includes, but is not limited to: park offices and staff residences, camp stores, parking, restrooms, camping, trails, habitat restoration, signage, park fencing/gates, and temporary uses typically allowed in the State Park system.

Also, park agencies will acquire land in the County in non-Open Space land use designations, such as Rural land use designations. It is important that park agencies can open and operate these parks right away for public use, for example, as required by some funding sources. It would be cumbersome to complete a General Plan amendment immediately to change the land use for every property that is acquired by a park agency in order to open and operate the park. We recommend that the following underlined language be added:

Purpose:...[T]he Rural designations:...Preserve areas of significant natural and scenic resources and allow for passive recreation and open space parks and all the associated support facilities/uses customarily found in conjunction therewith. (p. 27).

Under Intensity of Use (pp. 27-28), the underlined language should be added (and should be added to all Rural Land designations):

Rural Land 1. Rural land uses include single family homes, equestrian uses, agricultural and related activities, ~~and~~ other rural activities at one (1) dwelling unit per acre (1 du/ac) density, and passive recreation and open space parks and all associated support facilities/uses found in conjunction therewith.

Because park agencies may acquire land in other land use designations (other than Open Space or Rural), we recommend a blanket statement in the General Plan in the Conservation and Open Space Element (for example, under Goal C/OS-2, p. 132), such as the following:

Allow property in any land use designation to be used for passive recreation (e.g., trails) or open space parks and all associated support facilities/uses customarily found in conjunction therewith.

We recommend that Policy C/OS 4.2 be expanded to address other important park facilities to accommodate multiuse trail users (e.g., differently-abled individuals):

Promote strategically located staging areas, and trail heads, and other support facilities (e.g., parking, campsites, restrooms) to accommodate multiuse trail users.

Also, because many open space parks are established based on the presence of valuable biological resources, they are by definition likely to be included in the County's proposed SEAs. It is important that the SEA regulations proposed in the General Plan do not impede park uses and facilities. We recommend that language be added to the SEA regulations such as:

Passive recreation and open space park and associated support facilities and uses shall be allowed in SEAs. This includes, but is not limited to camping, parking, restrooms, signage, habitat restoration, park fencing/gates, and other uses typical of the State Parks system.

Open Space Maps and Categories

It appears that some parks are not included as open space on the Open Space figure (identified as Figure 5.1 and 6.1), or Figure 3.2, Distributions of Land Use for Unincorporated Areas. Some of these parks that were excluded are in the Santa Monica Mountains Coastal Zone. You may contact our GIS Project Manager Marc Shores (marc.shores@mrca.ca.gov) to obtain the latest GIS layer of the Conservancy's and Mountains Recreation and Conservation Authority's (MRCA's) ownerships.

For the open space designations, a category should include parkland owned by MRCA, a local agency. This might fit under the category: "Other Park and Conservancy Land," (p. 124, and on the Open Space figure) with the following underlined text added: "Private recreation areas, private deed restricted open space, ownership by cities, other local agencies, joint powers authorities, and non-profits, and beaches..." We also recommend adding the Conservancy and MRCA to other park agencies that share the goal of managing open space and natural areas in the County (p. 123). The following underlined text should

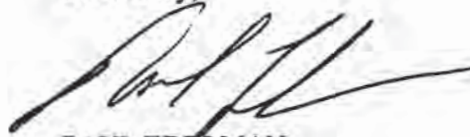
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also be added (p. 123): "Existing open spaces in the County include national forests, state, county, city, and other local parks, and nature preserves." The following underlined text should also be added (p. 130):

Many agencies and individuals own parcels within the 150,000-acre [Santa Monica Mountains National] Recreation Area. There are state, and federally, and locally owned parks, residential neighborhoods, and commercial developments.

Conservancy staff appreciates the opportunity to comment. Please direct any questions or future documents to Judi Tamasi of our staff by phone at (310) 589-3200 ext. 121, by email at judi.tamasi@mrca.ca.gov and at the above Ramirez Canyon Park address.

Sincerely,



PAUL EDELMAN
Deputy Director for
Natural Resources and Planning