

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV



May 23, 2011

Gretchen Siemers, Planner, AICP
Housing Section
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Comments on Los Angeles County Draft 2035 General Plan

Dear Ms. Siemers:

The Santa Monica Mountains Conservancy (Conservancy) offers the following initial comments on the Draft 2035 General Plan. We anticipate providing additional comments on the Plan later. From 2001 to 2008, the Conservancy has submitted five comment letters on the General Plan, Significant Ecological Areas (SEAs) and SEA Update Study, SEA Proposed Regulatory Changes, and Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Comprehensive Update and Amendment to the Los Angeles County General Plan.

In this current letter, we emphasize several key comments. It is our understanding that an Environmental Impact Report (EIR) will be prepared by the County for the Draft 2035 General Plan. We understand the County will soon release a new NOP for the Draft General Plan. The General Plan and EIR will be deficient if they do not incorporate the following provisions.

Significant Ecological Area Boundaries

In previous comment letters, the Conservancy expressed its support for the more inclusive SEA boundaries (compared with current SEA boundaries) and the Conservancy commended the County on applying this approach. We compliment the County's efforts to propose more inclusive and biologically sound boundaries to ensure the long term ecological sustainability of the SEAs.

The Conservancy's letters, as well those of local agencies, have explicitly defined ecologically justified SEA boundary expansions. Those boundary expansion requests are

each accompanied by a rationale supported by at least one basic principle of conservation biology related to SEA ecological sustainability.

To our knowledge the County has not gone on record with opposing arguments rooted in the principles of conservation biology that justify the exclusion of areas recommend for SEA inclusion by the both the Conservancy and other government entities. The onus is at least equally upon the lead agency to justify the exclusion of such recommended inclusion areas as it is for the recommending agencies to provide detailed studies to justify what are plainly visible macro-landscape level spatial relationships shown on Google Earth aerial photographs. Both the General Plan and its EIR will be more evolved and defensible documents if they include rationale for the exclusion of those SEA expansion areas recommended by government agencies with conservation biology staffs. Likewise such rationale is equally applicable to supporting the inclusion of areas within the County staff's proposed SEA boundary expansion areas.

The EIR must include a feasible alternative with larger SEA boundaries for the SEAs identified in the Conservancy's and other government agencies' previous comment letters (for example, see December 23, 2002 Conservancy letter, enclosed).

Dedications of Land and Conservation Easements

The Conservancy concurs with many policies and implementation actions in the General Plan including Policy C/OS 1.3, which states:

Create an established network of open space areas that provide regional connectivity, between the southwestern extent of the Tehachapi Mountains to the Santa Monica Mountains, and from the southwestern extent of the Mojave Desert to the Puente Chino Hills.

However, the Draft General Plan is lacking in addressing key issues with respect to open space dedications. As indicated in our December 23, 2008 letter (enclosed), an implementation action should 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.

Furthermore, the General Plan should include a policy or implementation action specifying the timing of any open space dedications. The General Plan should specify that if a conservation easement, conservation easement offer to dedicate (OTD), or fee title dedication is offered in conjunction with County-issued permit or approval, then that conservation easement, OTD, or transfer of deed is required to be recorded prior to the issuance of any permits or recordation of parcel or tract maps. The General Plan should also specify that appropriate entities to accept land transfers or conservation easements include open space park agencies, conservation agencies, or another entity acceptable to the County. Homeowners associations (HOAs) are not appropriate entities to accept such offers, as HOAs sometimes have missions and goals that conflict with the primary purpose of protecting natural land. (Ownership and/or management by HOAs of landscaped or modified areas is appropriate.) The General Plan should also emphasize fee simple dedications and conservation easements over deed restrictions, as they provide the only permanent vehicles for long-term protection of land.

In addition, the General Plan should specify that long-term maintenance funding must accompany any land transfer for the mitigation measure to be complete and sustainable. Open space protection and management requires a permanent funding source that can only be provided by development applicants or the occupiers of their developments. Under all other scenarios the public is shouldered with permanent funding liability. This funding can consist of one of the following options: (1) Community Facilities (Mello-Roos) District, (2) Landscape Maintenance District, or (3) an up front endowment obligation.

Trail Dedications

The General Plan should include a policy or implementation action outlining the conditions under which a trail dedication could be required as part of the development approval process. As we indicated in a previous letter (December 23, 2008, enclosed), an implementation action should 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 must clearly and precisely outline a clear pathway of how and when dedications are accomplished and recorded in the development process.

The General Plan should also specify that if a trail easement or trail easement OTD is offered in conjunction with County-issued permit or approval, then that trail easement or OTD must be required to be recorded prior to the issuance of any permits or recordation of the tract map.

Thank you for your consideration of these initial comments. We anticipate submitting additional comments on the Draft 2035 General Plan later. Should you have any questions, please contact Paul Edelman, Deputy Director for Natural Resources and Planning, by phone at (310) 589-3200 ext. 128.

Sincerely,

ANTONIO GONZALEZ
Chairperson

Encs. December 23, 2002 letter from Santa Monica Mountains Conservancy to County of Los Angeles, Department of Regional Planning, re: Comments on Notice of Preparation for Comprehensive Update and Amendment to the Los Angeles County General Plan

December 23, 2008 letter from Santa Monica Mountains Conservancy to County of Los Angeles, Department of Regional Planning, re: Comments on Los Angeles County Draft General Plan: Planning Tomorrow's Great Places 2008