

# WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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Agenda Item X  
WCCA  
9/5/14

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December 5, 2011

Donald Kress  
Los Angeles County  
Department of Regional Planning  
Land Divisions Section  
320 West Temple Street  
Los Angeles, California 90012

## Comments on Tentative Tract Map No. 060973, 2342 Via Cielo, Hacienda Heights

Dear Mr. Kress:

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. Thank you for sending us the Notice of Consultation/Initial Study (Study) for Tentative Tract Map (TTM) No. 060973, 2342 Via Cielo, Hacienda Heights. According to the Study, the TTM depicts 10 single-family lots on 12.3 gross acres. The lot is currently developed with two single-family residences, which will remain.

The 12-acre project in this part of the wildlife corridor represents a potentially significant loss of biological capacity. Because of the biological sensitivity, the 10-lot tract map and associated conditional use permit warrant the inclusion of mitigation measures and conditions that permanently protect an adequate proportion of these resources, thereby avoiding potentially significant ecological impacts. The only method of guaranteeing perpetual protection of said resources in this part of the wildlife corridor is the granting of conservation easement(s).

WCCA does not recommend approval of the project as proposed without the conservation easement(s). However, Government Code requires that the applicant agree to such a condition. If the applicant does not agree to a condition to grant the subject conservation easement(s) that represent the same area that is being described as permanent open space in the project description, WCCA urges the County to require a less intense development proposal on the property. It is important in this approval process to know whether or not the applicant is willing to voluntarily agree to a condition to grant a conservation easement. We offer the following additional comments on the subject project.

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The Study (p. 1) describes the importance of the site for wildlife movement. It states in part: "[t]here are natural drainages along the northerly and southerly property boundaries associated with the Puente Hills wildlife movement area." The Study (p. 12) further states:

The Via Cielo drainage areas are some of the remaining natural peripheral pockets that enable the Puente Hills wildlife movement area...These peripheral areas widen the movement area to the extent that keystone species can use the corridor. Peripheral areas of natural habitat are necessary to support a sufficient number of plant and animal individuals to maintain populations...Peripheral areas like those of Via Cielo are peninsulas of natural habitat that aerial species use as a landing and resting area to move between the San Jose Hills and San Gabriel Mountains on the north into the Puente Hills wildlife movement area...

Although residential development partially diminishes the on-the-ground connectedness of the subject property from the wildlife corridor proper, the property still retains important biological values due to the expansive open space with only limited development, retention of some native plant communities, juxtaposition between drainages, and proximity to larger contiguous open space in the wildlife corridor proper. The Study (p. 1) states that the riparian areas have dense forest on the steep slopes. Sensitive vegetation habitats observed include California Walnut woodland or forest remnant; Southern Coast Live Oak riparian forest (including willows); cherry woodland remnant; and Coast Live Oak woodland (Study, p. 1). Several sensitive native wildlife and plant species potentially occur onsite (Study, p. 10). The site has a substantial variety of birds and it probably harbors owls, amphibians, and bats including migrators (Study, p. 13). Mammals and raptors that use the site likely also use the wildlife corridor proper. The site also currently provides watershed protection, due to the low level of development (two residences on 12.3 acs.).

According to the Study (p. 23), the project was deemed complete in 2004; therefore the project is subject to the policies of the 1978 Community Plan. It is our understanding per our communications with you that the 2011 Hacienda Heights Community Plan adopted more restrictive land use designations. Clearly, by virtue of the new more restrictive land use designations, the intent of the County was to limit any subdivision in this area.

### **WCCA Recommendations for Conservation Easements and Monitoring Funding**

Due to the biological values of the site (as described in the Study) and the proposed substantial increase in residential density, additional mitigation beyond that identified in the Study is warranted. We recommend that both the conditions of approval, and the mitigation measures in the California Environmental Quality Act (CEQA) document, include the requirement for one or more conservation easements over the future undeveloped portions of the property. (The applicant may prefer to record a separate conservation

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easement over each future lot, or one conservation easement for the open space for the 12.3-acre property.) The Study (p. 23) states that the proposed lots each provide a minimum of 70 percent open space as required by Hillside Management Ordinance; the conservation easements should cover this area. For the two proposed lots that currently contain homes (Lot 6 and Lot 10), the open space easement should cover the remaining open space without structures, paving, or lawn. (We note that some development [perhaps a structure and lawn] was added to Lot 6 within the last approximately five years, based on aerial photography. The conservation easement should likely take this into account.)

For the remaining eight proposed lots (that do not currently support a house), the conservation easements should be configured such that the open space in each proposed lot is contiguous to the open space on adjacent proposed lots. The conservation easement (or easements) should also be configured such that it is contiguous with offsite open space, including the open space associated with the adjacent offsite drainages. (This would not apply to Lot 4, which is internal [i.e., it is not adjacent to offsite properties].) This condition should specify that the conservation easement should be as wide as possible. At no point should the open space in the conservation easement be less than 20-feet wide. Any areas of the conservation easement that are as narrow as 20 feet to 30 feet should be no longer than 40-feet-long. In particular, clusters of native trees (e.g., 22 oak trees according to the Study, p. 1) should be included in the conservation easement.

The conditions of approval should specify that the conservation easement(s) shall be accepted by a public conservation or park agency. Appropriate entities to accept such conservation easement could include WCCA, Puente Hills Habitat Preservation Authority, or Mountains Recreation and Conservation Authority. Homeowners' associations (HOAs) are not appropriate entities to monitor such conservation easements as HOAs often have management goals conflicting with habitat preservation.

In addition, an endowment or annual homeowners' fee should be required to fund conservation easement monitoring and unknown contingencies. A one-time non-wasting endowment of \$100,000, or an annual homeowners' fee of \$1,000/year (adjusted annually for inflation), would be likely be adequate.

The 70 percent open space area on each lot must be both available to wildlife and have some limited biological function. To achieve that permanent function, the following easement restrictions are imperative. No development, fencing, vineyards, planting of non-native vegetation, and lighting must be allowed. The only exception to this is that roads, as shown on the proposed tract map, would be permitted to cross the conservation easement(s). Habitat restoration, Fire Department-required fuel modification, and trails should be permitted uses within the conservation easements.

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These above-described requirements for a conservation easement (or easements) and associated monitoring funding should be included in the conditions of approval and in the mitigation measures for any future CEQA document (e.g., Mitigated Negative Declaration). It is critical that this condition specify that the conservation easement recordation and monitoring funding deposit be pre-conditions to tract map recordation.

#### Other Comments

The project will introduce new lighting sources into an area that provides habitat, including movement areas for wildlife. We recommend that lighting be restricted so as to avoid and minimize light spill-over into the conservation easement areas and adjacent properties, and to minimize cumulative night sky glow. We concur with the proposal that exterior night lighting be required to be configured to direct light downward only (Study, p. 6). We also recommend minimizing the number and intensity of lights for each lot. These lighting requirements should be incorporated into the conditions of approval and mitigation measures.

WCCA agrees with the Study (p. 11) to include mitigation measures requiring removal of invasive plants. This would help preserve the integrity and aesthetics of the open space in the proposed conservation easement areas and adjacent properties.

We appreciate your consideration of these comments. We would appreciate if you would provide us a copy of the results of the biological study when it is completed. Please continue to retain our agency on the mailing list for this project. 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](mailto:judi.tamasi@mrca.ca.gov).

Sincerely,



Glenn Parker  
Chairperson