

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

570 WEST AVENUE 26, SUITE 100, LOS ANGELES, CALIFORNIA 90065

TELEPHONE: (310) 589-3230

FAX: (310) 589-2408

MEMORANDUM

Date: September 5, 2014

To: The Governing Board Members

From: 
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

Subject: **Agenda Item X: Discussion and possible action on proposed subdivision at 2342 Via Cielo (Tentative Tract Map No. 060973), Hacienda Heights, San Jose Creek and Turnbull Canyon watersheds.**

Background: The Wildlife Corridor Conservation Authority (WCCA) last commented on the subject project in December of 2011. The project calls for ten houses (two existing) on a 12.3-acre site. A copy of the comment letter and aerial photographs of the site with existing lots lines are attached. WCCA's position was to oppose the project as proposed unless the applicant voluntarily agreed to a conservation easement(s) that protected all remaining valuable habitat and buffer land. Furthermore, the applicant should provide an upfront \$100,000 endowment to the public agency holding the conservation easement. Because the site would be so disturbed from grading and permanent fuel modification, the only way to assure the permanent habitat value of the undisturbed land would be through a conservation easement with funding both for monitoring and follow up actions.

Staff met with the applicant, the applicant's legal and architectural consultants, and the Department of Regional Planning staff on August 7th. The County staff supported WCCA's assertion that a fully inclusive conservation easement with an endowment represented a minimum level of biological mitigation. The applicant is requesting the absolute maximum density allowed on the site.

At the meeting, staff was requested to draw the boundaries of an adequately inclusive conservation easement boundary. An attached figure shows the minimum sized conservation easement configuration. This figure has not yet been presented to the applicant or the County. The base map for this figure is the applicant's tract map that conveniently shows the maximum potential project footprint for grading on each of the lots. In many sections, staff abutted the proposed conservation easement line directly next to this maximum grading footprint boundary. The advantage of a higher density project with a conservation easement versus a lower density project without any permanent land protection is the guarantee that every square foot of the open space will be available to wildlife and for rainfall infiltration. It will not be subject to a gradual expansion of uses and hindrances. The applicant

embraced the idea that the houses could be sold with the guarantee that all of the affected neighboring lots would have defined, protected open space in perpetuity.

WCCA's 2011 letter asks for either a \$100,000 endowment or a guaranteed mechanism to provide a minimum of \$1,000 annually to support the conservation easement. Even if a project applicant submits the blueprint for a Homeowners Association (HOA) with Covenants, Codes, and Restrictions (CC & Rs) that require \$1,000 annually to the public agency easement holder, there is no guarantee that the HOA must be formed or that the CC & Rs cannot be changed. Because the applicant is asking for the maximum density, the clear cut funding source of \$100,000 upfront is really the only viable mechanism to put an easement and a funding source in place as part of map recordation.

The applicant hopes to go back to the Regional Planning Commission well before the end of the year. If the County is further inclined to reduce the density, the most ecologically damaging lots are numbers 1 and 2 in the northwest corner. In rough proportionality, for each lot removed the endowment should shrink \$10,000 because the complexity of the conservation easement interface diminishes. If lots are removed, the space occupied by those lots should not be filled by readjusting the configuration of the remaining lots. That freed up space must remain open and protected to provide adequate ecological benefit.

The Governing Board might want to discuss efficacy of the easement(s) and endowment going to the Mountains Recreation and Conservation Authority (MRCA) as opposed to WCCA.